

# *City of Kingsville, Texas*

---

## **AGENDA CITY COMMISSION MONDAY, DECEMBER 10, 2018 REGULAR MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
6:00 P.M.**

### **I. Preliminary Proceedings.**

#### **OPEN MEETING**

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

#### **MINUTES OF PREVIOUS MEETING(S)**

Regular Meeting – November 26, 2018

APPROVED BY:

  
\_\_\_\_\_  
Jesus A. Garza  
City Manager

### **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 & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; **Streets Update**; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, Employee Recognition, Health Plan Update, Tax Increment Zone Presentation, **Main Street Downtown**, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, 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**

*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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Chapter XV, Article 5-Historical Districts and Landmarks and Article 6-Zoning, Sections 15-5-30 & 31 and 15-6-127, providing that the Historic Preservation Officer has the authority to review and approve signage in the historical district. (Director of Planning and Development Services).
2. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget for prior fiscal year (FY2017-2018) purchase orders that need to be rolled over to the current fiscal year. (Finance Director).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget for the purchase of Fire Prevention Educational supplies. (Fire Chief).
4. Motion to approve accepting donations for Park's recreational programs and pool. (Park Manager).

**REGULAR AGENDA**

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

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

5. Presentation and discussion on a venue tax, uses, and adoption process. (City Manager).
6. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget for the Park's recreation programs and pool. (Parks Manager).
7. Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 630.04 Separation Pay Policy. (Human Resources Director).
8. Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 740.01-Sick Leave Pool. (Human Resources Director).
9. Consider a resolution authorizing the Mayor to enter into the Second Amendment to Tower Attachment Lease Agreement with GTP Acquisition Partners II, LLC. (IT Manager).
10. Executive Session: Pursuant to Section 551.087, Texas Government Code, Deliberations Regarding Economic Development Negotiations Exception, the City Commission shall convene in executive session to deliberate the offer of a financial or other incentive to a business prospect that the governmental body seeks to have locate,

stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations. (City Manager).

## VII. Adjournment.

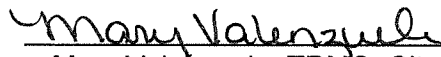
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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 Community Room 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 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 located at City Hall, 400 West King Ave, of the City of 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:

December 7, 2018 at 8:30 A.M. and remained so posted continuously for at least 72 hours proceeding the schedule time of said meeting.



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)**

NOVEMBER 26, 2018

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, NOVEMBER 26, 2018 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM, 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam R. Fugate, Mayor  
Edna Lopez, Commissioner  
Dianne Leubert, Commissioner  
Hector Hinojosa, Commissioner  
Arturo Pecos, Commissioner

**CITY STAFF PRESENT:**

Jesus Garza, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Bill Donnell, Public Works Director  
Rudy Mora, City Engineer  
Derek Williams, IT  
Susan Ivy, Parks Manager  
Cynthia Martin, Downtown Manager  
Charlie Sosa, Purchasing Manager  
Emilio Garcia, Health Director  
Israel Vasquez, Interim Golf Course Manger  
Adrian Garcia, Fire Chief  
Frank Garcia, Waste Water Supervisor  
Robert Rodriguez, Library Director  
Deborah Balli, Finance Director  
Pete Pina, Landfill Supervisor  
Janine Reyes, Tourism Director  
Baltimore Mejis, Parks Department

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with all five Commission members present.

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

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

**MINUTES OF PREVIOUS MEETING(S)**

**Regular Meeting – November 13, 2018**

**Motion made by Commissioner Pecos to approve the minutes of November 13, 2018 as presented, seconded by Commissioner Leubert. The motion was passed and approved by the following vote: Hinojosa, Leubert, Pecos, Fugate voting “FOR”. Lopez “ABSTAINED”.**

**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 & Investment Information, Investment Report, Quarterly Budget Report, Monthly Financial Reports, Utilities Billing Update; Police & Fire Department – Grant Update, Police & Fire Reports; Streets Update; Public Works; Landfill Update, Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Emergency Management, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, SEP, Legislative Update, Proclamations, **Employee Recognition**, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Wastewater Treatment Plant, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mr. Jesus Garza, City Manager presented the Employee of the Month to Mr. Balmore Mejia, Parks Department for the month of September and Mr. Charlie Sosa, Purchasing Manager for the month of October. Garza thanked Ms. Janine Reyes, Tourism Director and her staff for their hard working of the Ranch Hand Festival and other festivities that took place the weekend before Thanksgiving.

Performance Measure and Staff Reports were provided to the City Commission.

The Commission thanked Ms. Reyes and her staff for all their hard work during the Ranch Hand Festival.

Mrs. Courtney Alvarez, City Attorney reported that the next City Commission meeting is scheduled for December 10<sup>th</sup>. The deadline for staff to submit items for this meeting is Friday, November 30<sup>th</sup>. Alvarez commented that this is the last meeting of the year, unless a second meeting is needed for any reason. Alvarez further commented that agenda item #14 will be pulled from the agenda for further review by staff.

#### **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)*

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

1. Motion to approve final passage of an ordinance granting to AEP Texas Inc., its successors and assigns a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under and through the streets, avenues, alleys and public places of the City of Kingsville, Texas. (City Attorney).
2. Motion to approve final passage of an ordinance amending the City of Kingsville Code of Ordinance Chapter VII, Article 5, Traffic Schedule II, providing for a new school zone on N. 19<sup>th</sup> Street and E. Henrietta Avenue for the Jubilee Academies School and the installation of school zone signs and for the removal of a school zone on E. Ailsie Avenue for Christian Life Academy. (City Engineer).
3. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget for Park Recreation Programs due to donations received. (Parks Manager).
4. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to provide funds for TCEQ SEP for Wastewater effluent violation fees (from failure of blower and back-up blower in June). (Public Works Director).
5. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget to provide funds for Water Well #22 emergency repairs. (Public Works Director).
6. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget for the cash match for CDBG Grant #7218269 for manhole rehabilitation (sewer line system improvements). (Public Works Director).
7. Motion to approve final passage of an ordinance amending the Fiscal Year 2018-2019 budget for the purchase of additional Police Department software and equipment. (Police Chief).
8. Motion to approve a resolution authorizing the release of Chapter 59 Funds of the Kingsville Police Department for donation to the Kingsville Amateur Boxing Club, Inc., for drug and alcohol prevention programs. (Police Chief).
9. Motion to approve out-of-state travel for City Commission and City Staff to the ICSC RECon Global Retail Real Estate Conference in Las Vegas, Nevada on May 18-23, 2019. (City Manager).

## REGULAR AGENDA

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

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

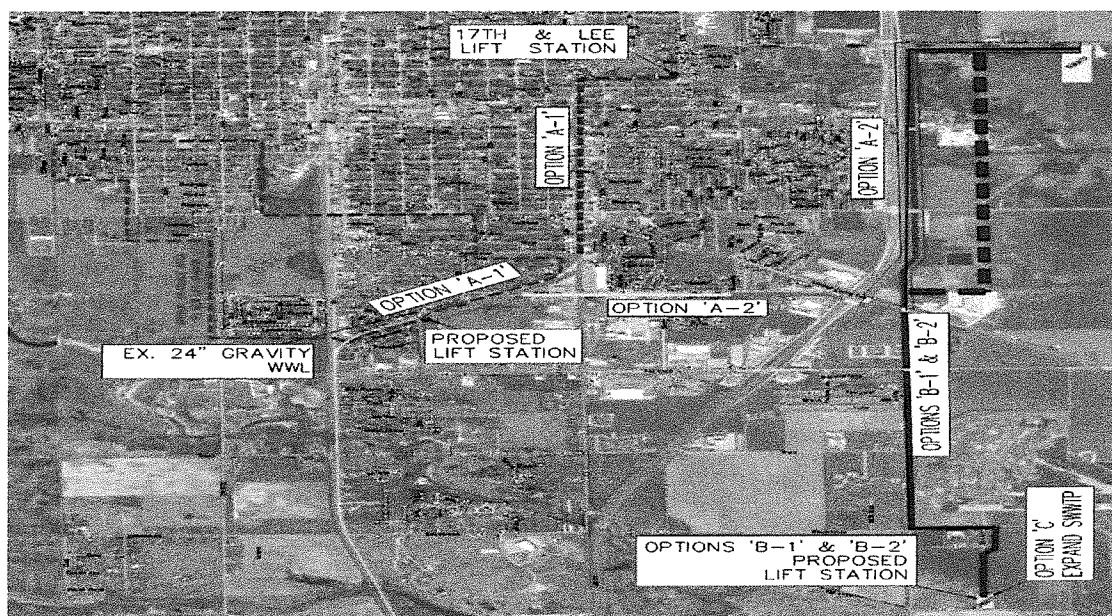
10. Presentation and discussion regarding Wastewater System analysis and suggested improvements by contract engineer, LNV Engineering, Inc. (City Engineer).

Mr. Rudy Mora, City Engineer reported that the purpose of this report is to inform the Commission of the options needed to address the South Wastewater Treatment Plant capacity. At 75% capacity, the City must begin the planning process for expansion. At 90% capacity construction of Wastewater Treatment Plant expansion must begin. The South Wastewater Treatment Plant is designed for 1.0 MGD. TCEQ enforces these rules

with in our Wastewater Treatment Plant Permit. Based on the estimated population projections provided by the Texas Water Development Board, the South Wastewater Treatment Plant would reach its 90% capacity near year 2025. If the City were to focus on future expansion on the south side it must begin planning as soon as possible.

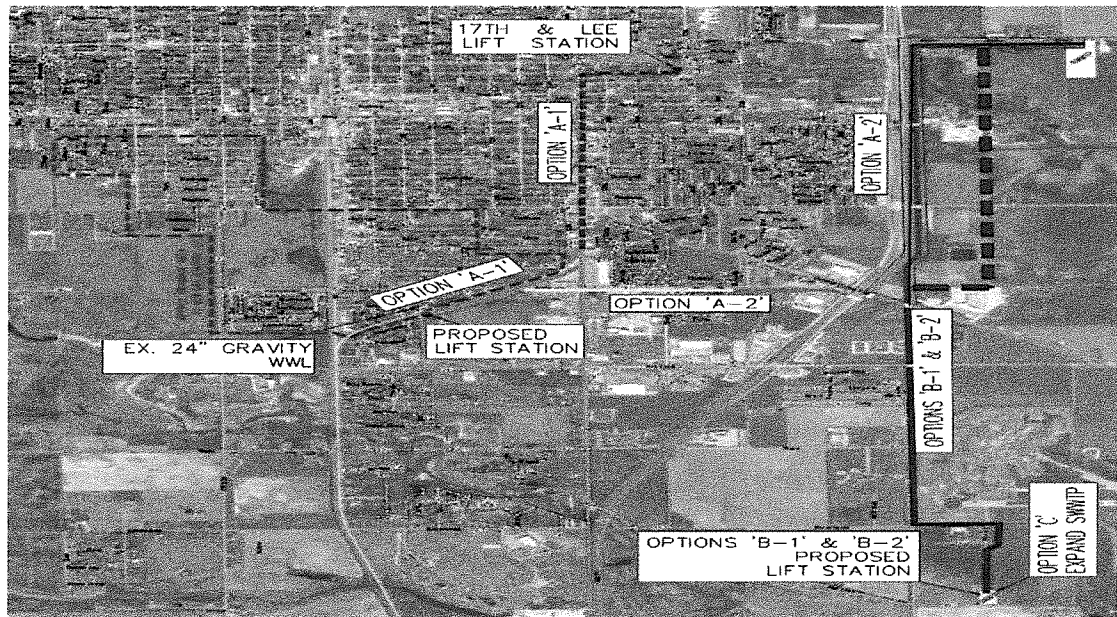
Mr. Scott Jones, Project Manager of LNV Engineering reported that back in March 26, 2018, the city approved Resolution #2018-22, LNV Master Services Agreement. In April 9, 2018, the City approved Resolution 2018-24, LNV Task Order No. 1. Task Order No. 1 was to re-route 200,000 gallons' wastewater flow from South Wastewater Plant to the North Wastewater Plant. The purpose of the project was to reduce existing wastewater flows to South Wastewater Plant and to provide capacity at the South Wastewater Plant for future development in the south part of town. The capacity at the Wastewater Treatment Plants are as followed: South Plant average rated capacity is 1.0 MGD with average daily flow of 0.78 MGD for a percentage of total capacity currently used of 78%. The North Wastewater Plant is at an average rated capacity of 3.0 MGD and an average daily flow of 1.50 MGD for a percentage of total capacity currently used at 50%. Jones commented that TCEQ requirements for Wastewater Treatment Plant capacity at 75% of permitted capacity, must begin the planning process for Wastewater Treatment Plant expansion and must meet the needs of the projected population. At 90% of permitted capacity; construction for the Wastewater Treatment Plant expansion must begin. Previous studies have shown that approximately 70% of the city's growth is expected to occur on the South side service area. Jones stated that as you look at the two plants as a whole, it has 4 million gallons of average daily capacity of which only 57% of existing treatment capacity is being used. Wastewater flows need to be allocated more appropriately. Benefits to reallocation approach, takes advantages of City's existing infrastructure; flow diversion and low cost capacity upgrades. Phased improvements provide ample time for decision making and identify and prioritize needs at each of the plants based on equipment condition and risk of failure, reliability, and operational impacts. Re-route options to research are Option A, redirect flow from existing lift station; Option B, transfer flow from SWWTP to NWWTP; and Option C, expand SWWTP.

Option A-1 would take flow from an existing lift station and using a force main and transfer that through the city's existing collection system to the North. Mr. Jones displayed a map showing the lift stations in the city and show where the flow would go through. Map for Option A-1 is pictured below.

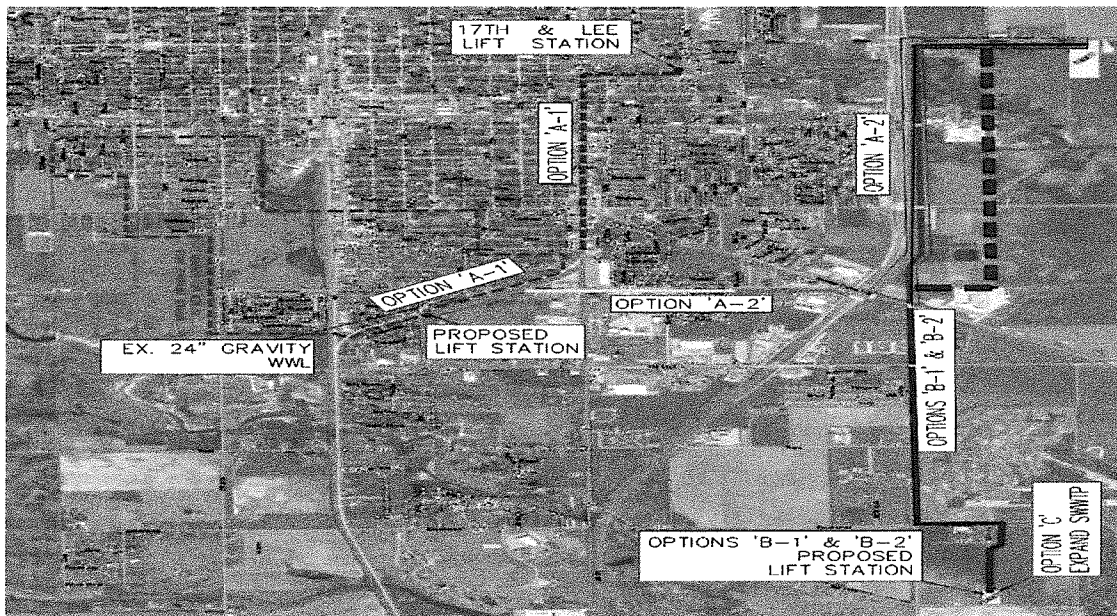




Option A-2 would build new lift station, possible land purchase required, long length to new 4" forcemain with many obstructions requiring installation to be performed by boring. Map of A-2 is pictured below.



Option B-1 is for a new lift station on city property; all new construction materials; new 4" forcemain from South Wastewater Plant to North Wastewater Plant with minimal obstructions with possible easement acquisition required. This would provide a limited backup to South Wastewater Plant. Map for Option B-1 is pictured below.

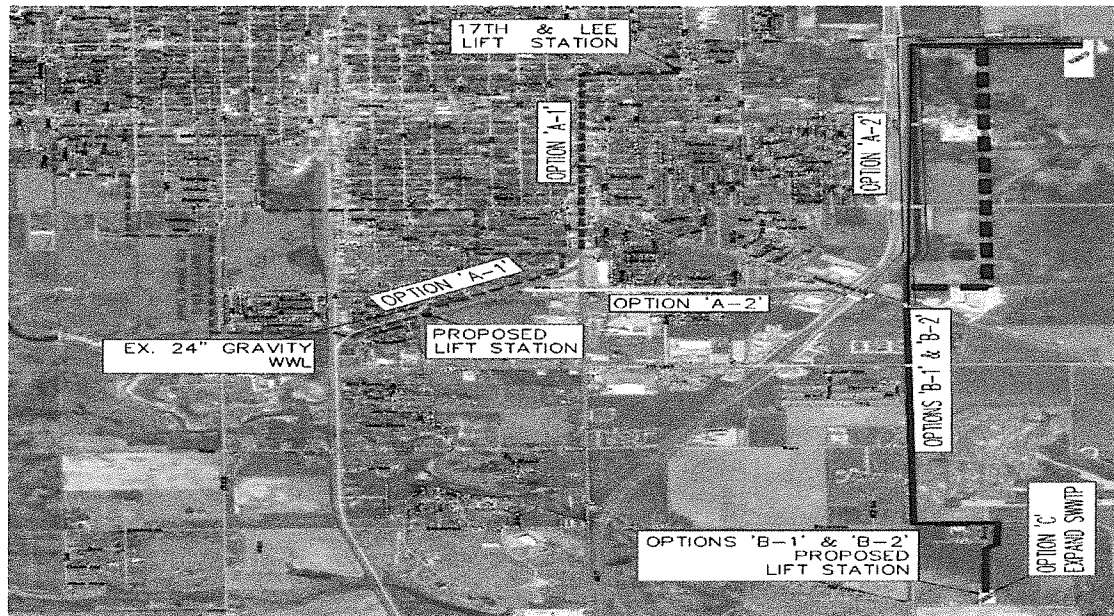


Mayor Fugate commented that the city services NAS Kingsville and asked which goes to the North Plant. He asked if this couldn't connect to that as it is a lot closer than going from the South Plant to the North Plant, if it was taken on with the base.

Mr. Jones asked if the Base was going into the North Plant? Mayor Fugate responded yes. Mr. Jones commented that they are working on making space in the South Plant. Mayor Fugate commented that NAS Kingsville is closer to the South Plant, which is a new line, if they can hook into that line there wouldn't be 23,000 feet. Fugate further asked for Mr. Bill Donnell, Public Works Director to speak on this.

Mr. Donnell commented that the effluent line coming from the Base is on the Northside of the Base, closer to Santa Gertudis. If it was on the Southside then it could be possible

Option B-2 is for a new lift station on city property; all new construction materials; new 8' forcemain from South Wastewater Plant to North Wastewater Plant with minimal obstructions (possible easement acquisition required). This provides a full back up to the South Wastewater Treatment Plant. Map of Option B-2 is pictured below.



Option C is the expansion of South Wastewater Treatment Plant. Requires extensive research and investigation of existing plant to determine how to expand plant. This is the most expensive option at \$5.9 million dollars.

Mr. Jones stated that city staff option preference to go with Option A-1. It is LNV's recommendation to go with option A-1 and if everything is ok with the 18" line, the city is looking at \$1.5 million dollars. Jones stated that LNV is in agreement with staff's recommendation, which is Option A-1, as the alternative in moving the 200,000 gallons from South to North. Some finance options are general obligation bond, which require voter approval and less red tape. Certificates of Obligation, non-voter approval and has a shorter timeline and less red tape. USDA Funding is a 40-year low interest debt, funds not available until closing and has red tape. Texas Water Development Board, low interest, loans available anytime, with a mid-January application (loan forgiveness) and has some red tape to go through. Jones further stated that there are grants available, but grants are typically up to \$300,000.

Mr. Garza commented that in the adopted budget, staff included a contribution to potentially go towards funding some of these projects. He further stated that working with the city's financial advisor and leading up to the proposal of the budget, staff educated the financial advisor and informed the Commission as to the debt capacity situation with the utility fund and that there isn't any capacity until 2026. One of the ideas that was suggested by the financial advisor was to explore a funding mechanism that would allow the city to do an interest only payment from the time the city gets it until 2026. In 2026, start paying down what the city actually owes. Garza stated that reason for bringing this to the Commission prior to the holidays, is that the city has some options, assuming that the Commission is in support of the recommendation from both staff and LNV. This would allow for staff to look at some of the efforts that have Spring deadlines. The intent is to make sure that there is synergy on how to approach the issue.

Commissioner Leubert asked how long and what timeframe and what is the cost to check that line and see if it is viable.

Mr. Jones commented that this is part of what they would do, which is third party work. LNV would hire companies that would come in and do the CCTV.

Commissioner Leubert asked if this service was already included in this or is it a separate cost.

Mr. Jones responded that it is included in the \$1.5 million.

Mr. Garza commented that timing wise, how long would it take.

Mr. Jones responded that the CCTV work would just need to be scheduled. It's 8,000 feet so it may take a couple of weeks up to a month. Jones further stated that the capacity analysis, they have that planned out for 3 months intentionally so that we could, not only get dry time flow, but also with rain and we can find out what infiltration is in the line and what the flow is when it rains. This process is by design which is about 3 to 4 months.

Mr. Garza commented that the basis of the question is, when does the city find out if the cost is \$1.5 million or \$3.1 million.

Commissioner Luebert commented that she was looking for the timeline on checking the lines.

Mr. Jones commented that if they did a separate contract to do this, they could do a contract for the assessment of that line.

Commissioner Leubert commented that this would need to be done either way, if the city goes that direction. Mr. Jones commented that this would be one of the prime things they would have to do, if the city pursues that option.

**11. Consider whether to authorize staff to seek an amendment to the professional engineering agreement with Kimley-Horn for drainage master plan for additional sites. (City Engineer).**

Mr. Mora stated that on September 24, 2018, during Kimley Horn's presentation to City; the Commission inquired if the drainage system surrounding HEB was included in the 9 locations of the Master Drainage Master Plan. This location was not included but can be amended into the contract along with others determined by the Commission or Staff. Another location that city staff would like to include in this amendment is Armstrong near the University. If given the approval to seek a contract amendment, the actual amendment to the contract would come back to the Commission for approval.

Mr. Garza commented that on Armstrong it would run from Santa Gertrudis to Corral. He further commented that this was taken from some strong feedback coming from the Texas A&M University-Kingsville, of them requesting that the city take a look at this area. He stated that most of this flow goes in the southeast direction and their particular case, it goes towards Santa Gertudis and Armstrong, which then takes the water north into the creek which causes some concerns of the capacity of that line. Garza stated that the University has some tunnels with utilities, and often time these tunnels with utilities get flooded, which is a concern for them. He further stated that on the King side, that general area runs from 6<sup>th</sup> to 14<sup>th</sup> Street. This particular area on King is the responsibility of TXDOT, as it is their road.

Mr. Mora commented that he received a preliminary cost of \$6,000 each. Commissioner Lopez asked how much was paid originally? Mr. Mora responded that originally was closer to \$100,000.

Commissioner Hinojosa asked that if the city moves forward with these two new locations, as there is already nine locations that have been identified, and now we are added two more, is staff going to have to rearrange the priorities of the nine locations.

Mr. Garza responded that assuming that the city was to amend the agreement and incorporate two sides, staff can ask Kimley Horn to take the same rationale that they used to produce the recommendation and incorporate these two new locations. Garza further stated that this would ultimately be up to the city to determine the priority level of these locations. Garza commented that in some of these project areas inclusive of the two new locations, do involve TXDOT and is the responsibility of TXDOT. He further stated that TXDOT does like to see cities initiate an effort to bring about infrastructure upgrades, as they won't do it. TXDOT's position will be that if the city has the concern and want to see this fixed, the city would need to take the first step; and by doing this plan, is a way of doing it.

Commissioner Hinojosa commented that TXDOT would have to assist in the funding of this project. Mr. Garza responded yes. Hinojosa further commented that he is aware that the city needs to improve its flooding situation that will cost a lot of money; but which ones get done first? Hinojosa also asked if the money for this would be coming from the Storm Water fees? He also commented that the problem is that with all these studies being done, things can easily change in five years. He stated that he isn't against the studies and doesn't have any problems right in front of HEB or the one by the University.

Mr. Garza commented that these aren't projects that are to be done tomorrow. If the Commission feels more comfortable tabling this discussion and having a more robust conversation about the financing piece in general, it can be done. Staff can always come back at a later time and have more discussion on the storm water fee, as it already pays for some debt service. Garza commented that today's conversation was to have a conversation, ultimately if the commission did not want to proceed in amending the contract, we would have to do that which will require a negotiation with Kimley Horn and would be brought back to the Commission.

Commissioner Lopez commented that the nine were heavy in price, why add more if the city can't afford it.

Mayor Fugate commented that all these projects are out of the reach from the city. Does the city spend more money and come back with more projects that the city can't do? He further commented that the main thing is to get TXDOT to commit, that if the city does the studies, they fix the problems on their roads.

Mr. Garza commented that the city can try and get some commitment from TXDOT. Staff has already been working on setting up a meeting with TXDOT out of the Corpus Christi Office. Garza further stated that the Commission can table the item until the meeting with TXDOT takes place and maybe staff will have better answers for the Commission.

Commissioner Lopez asked if the project across from HEB the only TXDOT project? Mayor Fugate that there is also one on 14<sup>th</sup> Street. Lopez asked if this was the one next to Pizza Hut.

Some discussion took place amongst the Commission and staff regarding 14<sup>th</sup> Street and the road behind Pizza Hut.

Commissioner Pecos commented that all the flooding that happens in these areas, were created by TXDOT. He further commented that when TXDOT did 14<sup>th</sup> Street to King Ave., the city didn't have this type of flooding. After they fixed those streets the city began to have problems with flooding. He further commented that he doesn't see why TXDOT wouldn't want to partner with the city as they created the problem. They are aware of the problem that they created but they keep telling the city that there is no funding but will look into it later.

Commissioner Hinojosa suggested that maybe staff can also get the University to partner with the city on this project as well.

No action taken on this item.

- 12. Consider introduction of an ordinance amending Chapter XV, Article 5-Historical Districts and Landmarks and Article 6-Zoning, Sections 15-5-30 & 31 and 15-6-127, providing that the Historic Preservation Officer has the authority to review and approve signage in the historical district. (Director of Planning and Development Services).**

Mrs. Cynthia Martin, Downtown Manager stated that at the last Historic Development Board meeting, the Board approved by a 6-0 vote to recommend these changes to the ordinance. The Board is recommending that these permit applications for new signage be added to the list of those allowed to be reviewed and approved administratively by the historic preservation office, without review by the Historic Development Board.

Introduction item.

- 13. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget for prior fiscal year (FY2017-2018) purchase orders that need to be rolled over to the current fiscal year. (Finance Director).**

Mrs. Deborah Balli, Finance Director stated that this item authorizes the approval of a budget amendment to fund purchase orders that need to be rolled over due to unfinished projects or items ordered that did not get received by September 30<sup>th</sup> and cannot be covered in the FY 18-19 adopted budget without this amendment.

Introduction item.

- 14. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget for the purchase of Lexipol Public Safety Policy Management Software. (Fire Chief).**

No discussion took place for this item, as item was pulled from the agenda.

- 15. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget for the purchase of Fire Prevention Educational supplies. (Fire Chief).**

Mr. Adrian Garcia, Fire Chief stated that the Fire Pup Safety Program through the National Fire Safety Council, develops fire safety educational materials targeted to reach children of elementary school age. A National Fire Safety Council representative collects the donations on our behalf and we then purchase the Fire Pup Safety Program educational material. This purchase will expend a total of \$3,000 budgeted in supplies.

Introduction item.

- 16. Consider authorizing the purchase of parks equipment and installation from Park & Play Structures via BuyBoard, as per staff recommendation. (Parks Manager).**

Mrs. Susan Ivy, Parks Manager stated that she is asking that a package of Playground Equipment and amenities be authorized for purchase through a Buy Board approved vendor, Park and Play Structures in San Antonio. This park equipment will be for Thompson Park, Flores Park, and Corral Park. The total expenditure for this project will be \$142,052.16 and will be funded from CO 2016 Funds.

**Motion made by Commissioner Hinojosa to authorize the purchase of parks equipment and installation from Park & Play Structures via BuyBoard, as per staff recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Lopez, Hinojosa, Leubert, Fugate voting "FOR".**

- 17. Executive Session: Pursuant to Section 551.072, Texas Government Code, Deliberations regarding Real Property Exception, the City Commission shall convene in Executive Session to discuss the purchase, exchange, lease, or value of real property as deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party. (City Manager).**

Mayor Fugate read and convened the meeting into Executive Session at 7:02 P.M.

Mayor Fugate reconvened the meeting into open session at 7:17 P.M.

#### **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:17 P.M.

---

Sam R. Fugate, Mayor

#### **ATTEST:**

---

Mary Valenzuela, TRMC, CMC, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**



**City of Kingsville  
Planning Department**

---

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Cynthia Martin, Downtown Manager

DATE: November 14, 2018

SUBJECT: Changes to Permit Procedures for Signage Review in the Historic District

---

**Summary:** Currently the Historic Development Board reviews all permit applications for new signage in the Historic District under Sec. 5-15-30 (A) (4). The Board is recommending that these permit applications for new signage be added to the list of those allowed to be reviewed and approved administratively by the historic preservation officer without review by the historic development board as outlined in Sec. 5-15-30 (A) (3).

**Background:** Permit applications for new signage in the Historic District come overwhelmingly from the commercial sector and primarily for new businesses. The Historic Development Board recognizes that it is a hardship for these new businesses to have to wait for up to a month for review of the sign permit. Out of a desire to be more business-friendly, the Historic Development Board voted at their Oct. 24, 2018 meeting to recommend City Commission change the ordinance to allow permit applications for new signage in the historic district to be reviewed and approved by the historic preservation officer without review by the historic development board.

Attached are the proposed changes to Sec. 5-15-30 and Sec. 5-15-31 under Permit Procedures, Historic Districts and Landmarks as recommended by the Historical Development Board. Staff recommends changing the verbiage of Sec. 5-6-127 Historical district under Sign Regulations for consistency's sake. New verbiage is highlighted and that to be deleted lined out.

**Financial Impact:** None

**Recommendation:** The Historical Development Board approved a motion for the changes and voted all in favor none opposed (6-0). It is recommended that City Commission approve the changes to Sec. 5-15-30, Sec. 5-15-31 and Sec. 15-6-127 as presented.



## PERMIT PROCEDURES

Sec. 15-5-30. - Permit applications; duties and responsibilities of board and staff of planning and urban development department.

(A) Construction, reconstruction, alteration, restoration, demolition, or relocation procedure.

- (1) It is recommended that the applicant review in its entirety, the application packet that is given to them by the Planning Department staff. This packet (City of Kingsville Historical Development Board Application for permit review) provides the applicant the information that they should need in deciding to move forward with their project.
- (2) Upon receipt of an application for a permit in a historic district or historic landmark, a staff member from the City Planning Department shall evaluate if the desired construction, reconstruction, alteration, restoration, demolition, or relocation of a building, structure, or appurtenance will destroy the historical or architectural integrity of the site per the Secretary of the Interior's "Standards for Rehabilitation" No. 1—No. 10.
- (3) Applications for signage, certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the historic preservation officer without review by the historic development board. If an application for a permit is denied or modified by the historic preservation officer, then the applicant shall have five days after receiving notice of the requested modification or denial to submit in writing a request for appeal to the historic development board. The request for appeal shall be submitted to the director of planning and development services.

For purposes of this article, those activities which constitute signage, minor alterations, additions, repairs or maintenance include but are not limited to:

- (a) Replacement of deteriorated features, materials, or finishes with the same
- (b) Foundation, driveway, patio and sidewalk repair using the same type and color of materials
- (c) HVAC out of public site
- (d) Replacement of synthetic sidings with original wood siding
- (e) Paint colors consistent with district
- (f) Demolition of non-historic accessory structures or additions
- (g) New signage, sign replacement or temporary banners
- (h) New or replacement fencing out of public sign
- (i) Minor landscaping or pool construction
- (j) Removal of burglar bars and doors
- (k) Reroofing, using the same type and color of material
- (l) Minor changes to the existing certificates of approval

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work and samples of replacement materials or paint for comparison with the existing building, object or structure must be furnished with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the historic preservation officer.

- (4) Applications that do not meet the criteria in § 15-5-30(3) shall be considered by the Board. The Board shall at the next regularly scheduled meeting consider the application for approval, approval with recommended changes, or disapproval. The person applying for the permit shall be advised of the time and place of the meeting and invited to appear to his/her reasons therefore. The Board may invite such other persons or groups as it desires to attend its meetings. The Board may hold any additional meetings it considers necessary to carry out its responsibilities as enumerated in this article.

- (5) The staff of the City Planning Department shall not take action upon a permit that destroys the historical integrity of a site unless such work has been approved by majority vote of the Historical Development Board as provided in § 15-5-19 of this article.
- (6) City staff shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:
  - (a) They shall forward to the office of the Board a copy of application for a building permit together with a copy of a plot plan and the building plans and specifications filed by the applicant.
  - (b) They shall maintain in the Planning Department Office a record of all such applications, actions, and final disposition of the same, which shall be in addition to and appropriately cross-referenced to his other records.
  - (c) They shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit in compliance with the foregoing.
- (7) Renewal of Permit, Administratively or Historical Development Board. The applicant has 12 months, to start construction from the approved date on the permit. If the applicant has not started in the 12 month time period, the applicant may request an extension before the 12 month time limit expires. The extension time period will be determined by the authorizing personnel. Depending upon who approved the permit will determine who approves the extension. Example, if the permit was approved administratively the staff will decide on the extension. If the permit was approved by the Historical Development Board then they will make that decision. In either case, the decision on the extension request will be done in writing and given to the applicant. Only one extension will be granted by either approving entity.
- (B) Standards to be applied. The same criteria considered by staff members of the City Planning Department as set forth in § 15-5-31 of this article shall be applied by the staff member in arriving at his determination as to issuance or denial of the permit.
- (C) Historic sites. Property tax relief for historic structure revitalization.
- (D) Application for historic designation as a subject, site, landmark, structure, district or area.
  - (1) Application process will entail a completed "city historical site register" form.
  - (2) The Texas Historical Commission rules will apply for designation as an historic site, area, district.
  - (3) The Historic Development Board will review each application and make a recommendation to the City Commission within 60 days of the application.

(1962 Code, § 2-10-10; Ord. 91034, passed 10-28-91; Ord. 97013, passed 5-28-97; Ord. 97044, passed 12-8-97; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-31. - Criteria to be used by board and historic preservation officer in determining its decisions on permits.

- (A) Historic districts.
  - (1) The effect of the proposed change upon the general historic, cultural and architectural nature of the district.
  - (2) The appropriateness of exterior architectural features which can be seen from a public street, alley, road, highway or walkway.
  - (3) The general design, arrangement, texture, material and color of the building, structure or appurtenances and the relation of such factors to similar features of buildings, structures or appurtenances in the district. The criterion shall not be the aesthetic appeal to the Board of the structure or the proposed remodeling, but rather its conformity to the general character of the particular historic area involved.

(4) Signs which are out of keeping with the character of the historic district in question shall not be permitted.

(5) The value of the historic district as an area of unique interest and character shall not be impaired.

(B) Historic landmark.

(1) The effect of the proposed change upon the historic, architectural, or cultural nature of the landmark.

(2) The appropriateness of exterior architectural features which can be seen from a public street, alley, road, highway or walkway.

(3) The general design, arrangement, texture, material and color of the building or structure site and the similarity, contrast, or other relation of such factors to other landmarks built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical, and cultural values.

(4) Signs which are out of keeping with the character of the historic landmark shall not be permitted.

(5) The value of the historic landmark as a place of unique interest or character shall not be impaired.

(1962 Code, § 2-10-12; Ord. 91034, passed 10-28-91; Ord. 97044, passed 12-8-97; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-32. - Findings of the board concerning permit applications.

(A) If the Board decides to recommend against the granting of a permit, it shall indicate to the applicant the changes in plans and specifications, if any, which in the opinion of the Board, would protect the distinctive historical character of the historic district or historic landmark. If the applicant determines that he will make the suggested changes, he shall so advise the Board within 5 days of receipt of Board's decision.

(B) An applicant who is dissatisfied with a decision of the Board shall have the right within 30 days of receipt of notification of the Board's decision to appeal said decision to the City Commission, by giving written notice of appeal to the Director of Planning & Development Services.

(1962 Code, § 2-10-13; Ord. 91034, passed 10-28-91; Ord. 97044, passed 12-8-97; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-33. - Action by city commission.

Upon receipt of the report from the Director of Planning & Development Services, the City Commission shall receive the appeal at the next available regularly scheduled meeting.

(1962 Code, § 2-10-14; Ord. 91034, passed 10-28-91; Ord. 2016-32, passed 6-13-16)

Sec. 15-5-34. - Reapplication for permit.

In the case of disapproval of an application by the City Commission, the application shall not be resubmitted for consideration until at least one year has elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions for protection the district or landmark have been incorporated into the reapplication.

(1962 Code, § 2-10-15; Ord. 91034, passed 10-28-91)

Secs. 15-5-35—15-5-97. - Reserved.

Sec. 15-5-98. - Violations.

It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, relocated, restore, demolish, raze or maintain any building, structure, accessory building, fence or other appurtenance in an historic district or historic landmark in violation of the provisions of this article; and proper city officials, or their duly authorized representatives, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, reconstruction, structural alteration, remodeling, renovation, restoration, relocation, demolition, razing, or maintenance, to restrain, correct or abate such violations, to prevent any illegal act, conduct business or maintenance in and about such premises. Each day such violation continues shall constitute a separate violation.

(1962 Code, § 2-10-17(A); Ord. 91034, passed 10-28-91)

**Cross reference**— Penalty, see § 15-5-99.

Sec. 15-5-99. - Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor, and each shall be deemed guilty of a separate offense for each day or portion thereof during which any violation hereof is committed, continued or permitted, and upon conviction any such violation shall be punishable by a fine not to exceed \$200.00.

(1962 Code, § 2-10-17(B); Ord. 91034, passed 10-28-91)

## SIGN REGULATIONS

Sec. 15-6-127. - Historical district.

Any sign or banner to be located within the Historical District shall be reviewed by the ~~Historical Development Board~~ historic preservation officer without review by the historic development board to determine if the sign or banner is in compliance with the Historical Ordinance.

(Ord. 91034, passed —; Ord. 97041, passed 12-8-97; Ord. 2013-32, § I, passed 7-22-2013)

**ORDINANCE NO.2018-\_\_\_\_\_**

**AMENDING THE CITY OF KINGSVILLE CODE OF ORDINANCES BY AMENDING CHAPTER XV, ARTICLE 5-HISTORICAL DISTRICTS AND LANDMARKS AND ARTICLE 6-ZONING, SECTIONS 15-5-30 & 31 AND 15-6-127, PROVIDING THAT THE HISTORIC PERSERVATION OFFICER HAS AUTHORITY TO REVIEW AND APPROVE SIGNAGE IN THE HISTORICAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, revisions are proposed for the approval of signage in the Historic District to improve timely review and approval of signage for businesses in that area; and

**WHEREAS**, with proper notice to the public a meeting of the City's Historic Development Board was held on Wednesday, October 24, 2018 during which all interested persons were allowed to appear and be heard; and

**WHEREAS**, the changes proposed herein were APPROVED with a 6-0 vote of the Historic Development Board with no abstentions; and

**WHEREAS**, this Ordinance is necessary to protect the public safety, health, and welfare of the City of Kingsville.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

I.

**THAT** Sections 15-5-30 and 15-5-31 of Article 5: Historical Districts and Landmarks and Section 15-6-127 of Article 6: Zoning of Chapter XV, Land Usage, of the Code of Ordinances of the City of Kingsville, Texas shall be amended to read as follows:

...

**PERMIT PROCEDURES**

**Sec. 15-5-30. - Permit Applications; Duties and Responsibilities of Board and Staff of Planning and Development Services.**

(A) Construction, reconstruction, alteration, restoration, demolition, or relocation procedure.

(1) It is recommended that the applicant review in its entirety, the application packet that is given to them by the Planning Department staff. This packet (City of Kingsville Historical Development Board Application for permit review) provides the applicant the information that they should need in deciding to move forward with their project.

(2) Upon receipt of an application for a permit in a historic district or historic landmark, a staff member from the City Planning Department shall evaluate if the desired construction, reconstruction, alteration, restoration, demolition, or relocation of a building, structure, or appurtenance will destroy the historical or architectural integrity of the site per the Secretary of the Interior's "Standards for Rehabilitation" No. 1—No. 10.

(3) Applications for signage, certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the historic preservation officer without review by the historic development board. If an application for a permit is denied or modified by the historic preservation officer, then the applicant shall have five days after receiving notice of the requested modification or denial to submit in writing a request for appeal to the historic development board. The request for appeal shall be submitted to the director of planning and development services.

For purposes of this article, those activities which constitute signage, minor alterations, additions, repairs or maintenance include but are not limited to:

- (a) Replacement of deteriorated features, materials, or finishes with the same
- (b) Foundation, driveway, patio and sidewalk repair using the same type and color of materials
- (c) HVAC out of public site
- (d) Replacement of synthetic sidings with original wood siding
- (e) Paint colors consistent with district
- (f) Demolition of non-historic accessory structures or additions
- (g) New signage, sign replacement or temporary banners
- (h) New or replacement fencing out of public sign
- (i) Minor landscaping or pool construction
- (j) Removal of burglar bars and doors
- (k) Reroofing, using the same type and color of material
- (l) Minor changes to the existing certificates of approval

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work and samples of replacement materials or paint



for comparison with the existing building, object or structure must be furnished with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the historic preservation officer.

(4) Applications that do not meet the criteria in § 15-5-30(3) shall be considered by the Board. The Board shall at the next regularly scheduled meeting consider the application for approval, approval with recommended changes, or disapproval. The person applying for the permit shall be advised of the time and place of the meeting and invited to appear to his/her reasons therefor. The Board may invite such other persons or groups as it desires to attend its meetings. The Board may hold any additional meetings it considers necessary to carry out its responsibilities as enumerated in this article.

(5) The staff of the City Planning Department shall not take action upon a permit that destroys the historical integrity of a site unless such work has been approved by majority vote of the Historical Development Board as provided in § 15-5-19 of this article.

(6) City staff shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:

- (a) They shall forward to the office of the Board a copy of application for a building permit together with a copy of a plot plan and the building plans and specifications filed by the applicant.
- (b) They shall maintain in the Planning Department Office a record of all such applications, actions, and final disposition of the same, which shall be in addition to and appropriately cross-referenced to his other records.
- (c) They shall require applicants to submit a sufficient number of additional copies of material required to be attached to an application for a building permit in compliance with the foregoing.

(7) Renewal of Permit, Administratively or Historical Development Board.

The applicant has 12 months, to start construction from the approved date on the permit. If the applicant has not started in the 12 month time period, the applicant may request an extension before the 12 month time limit expires. The extension time period will be determined by the authorizing personnel. Depending upon who approved the permit will determine who approves the extension. Example, if the permit was approved administratively the staff will decide on the extension. If the permit was approved by the Historical Development Board then they will make that decision. In either case, the decision on the extension request will be done in writing and given to the applicant. Only one extension will be granted by either approving entity.

(B) *Standards to be applied.* The same criteria considered by staff members of the City Planning Department as set forth in § 15-5-31 of this article shall be applied by the staff member in arriving at his determination as to issuance or denial of the permit.

(C) *Historic sites.* Property tax relief for historic structure revitalization.

(D) *Application for historic designation as a subject, site, landmark, structure, district or area.*

(1) Application process will entail a completed "city historical site register" form.

(2) The Texas Historical Commission rules will apply for designation as an historic site, area, district.

(3) The Historic Development Board will review each application and make a recommendation to the City Commission within 60 days of the application.

**Sec. 15-5-31. - Criteria to be Used by Board and Historic Preservation Officer in Determining its Decisions on Permits.**

(A) Historic districts.

(1) The effect of the proposed change upon the general historic, cultural and architectural nature of the district.

(2) The appropriateness of exterior architectural features which can be seen from a public street, alley, road, highway or walkway.

(3) The general design, arrangement, texture, material and color of the building, structure or appurtenances and the relation of such factors to similar features of buildings, structures or appurtenances in the district. The criterion shall not be the aesthetic appeal to the Board of the structure or the proposed remodeling, but rather its conformity to the general character of the particular historic area involved.

(4) Signs which are out of keeping with the character of the historic district in question shall not be permitted.

(5) The value of the historic district as an area of unique interest and character shall not be impaired.

(B) Historic landmark.

(1) The effect of the proposed change upon the historic, architectural, or cultural nature of the landmark.

(2) The appropriateness of exterior architectural features which can be seen from a public street, alley, road, highway or walkway.

- (3) The general design, arrangement, texture, material and color of the building or structure site and the similarity, contrast, or other relation of such factors to other landmarks built at or during the same period, as well as the uniqueness of such features, considering the remaining examples of architectural, historical, and cultural values.
- (4) Signs which are out of keeping with the character of the historic landmark shall not be permitted.
- (5) The value of the historic landmark as a place of unique interest or character shall not be impaired.

...

**Sec. 15-6-127. – Historical District.**

Any sign or banner to be located within the Historical District shall be reviewed by the historic preservation officer without review by the Historical Development Board to determine if the sign or banner is in compliance with the Historical Ordinance.

...

**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 be codified and become effective on and after adoption and publication as required by law.

**INTRODUCED** on this the 26th day of November, 2018.

**PASSED AND APPROVED** on this the 10th day of December, 2018.

**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  
Finance Department**

---

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Deborah Balli, Director of Finance

DATE: November 14, 2018

SUBJECT: Budget Amendments – Rollover Purchase Orders

---

**Summary:**

This item authorizes the approval of a budget amendment to fund purchase orders that need to be rolled over due to unfinished projects or items ordered that did not get received by September 30th and cannot be covered in the FY 18-19 adopted budget without this amendment.

**Background:**

At the end of every fiscal year, there are outstanding purchase orders that need to be rolled over to the next fiscal year due to projects started that are not complete or items that were ordered and not received by September 30. The following list are the purchase orders that need to be rolled over and are included in the requested budget amendment:

- Fund 002 – Tourism
  - PO 182122 – installation of windows in the Municipal Building. Due to the renovation at the Municipal Building, this work was not able to be completed by September 30, but still needs to be completed. Funds were originally budgeted in the Façade Grant line item 002-5-1071-34600 - \$25,956.72. Funds were not budgeted for the Façade Grant Program in FY 18-19. Unspent funds in FY 17-18 were \$34,550 and should be rolled over.
  - PO 182301 – window graphics for two doves location - \$240.00. This is a grant that did not get completed in FY 17-18 and is committed. Unspent funds remaining in FY 17-18 are \$480. The entire \$480 needs to be rolled over to cover the commitment.
- Fund 033 – CO 2016
  - PO 182084 – fence around pumps at Splash Pad – work was not completed at September 30 as expected. Funds were not included in FY 18-19 and needs to be there to pay the invoice once submitted of \$3,285.
  - PO 182060 – installation of Train Depot Canopy – work was not completed at September 30 as expected. Funds were not included in FY 18-19 and needs to be there to pay the invoice once submitted of \$17,500.



**City of Kingsville**  
**Finance Department**

- Cash reconciliation has been completed and based on what was budgeted for FY 18-19, there is \$41,231 of unallocated funds which will cover the above amounts of \$20,785. Also, there will be additional interest earned in FY 18-19 that will be available to be allocated in case of project over-runs.
- Fund 068 – CO Series 2013 Drainage
  - PO 181657 to AR Energy Services for concrete sidewalk, concrete payment and curb and gutter work in the amount of \$79,288.21.
  - PO 171934 to Kimley-Horn & Associates for the City Master Drainage Plan of \$2,526.55. The final invoice has not been received for the work on this plan.
  - In FY 18-19, \$1,309,200 has been budgeted for various drainage projects. If the budget amendment does not include the above purchases from FY 17-18, it will reduce the available budgeted funds for projects slated for FY 18-19.
- Fund 054 – Utility Fund Capital Projects
  - PO 181240 to Rusty Van Fleet for construction work on the Municipal Building for \$135,469. This project was expected to be completed by September 30 and was not included in the FY 18-19 budget.
  - PO 11887 to Solka Nava Torno for additional architectural services due to change orders for \$112.72. This project was expected to be completed by September 30 and was not included in the FY 18-19 budget.
  - PO 181122 to Tyler Technologies for the additional utility handheld meter maintenance and interface costs for \$4,250. Work was completed in March, but we have not received the invoice from the company for these items received. We have been in contact with Tyler and they are researching this issue. Funds need to be budgeted to cover the invoicing once received.
  - Cash reconciliation of this fund shows that there is available funding of \$145,197 which will cover the above purchase orders of \$139,831.72.
- Fund 001 – General Fund
  - PO 182128 to Killian Calderon Disposal for the trash off event that was cancelled due to weather on 9/15/2018. It was decided to reschedule this event to FY 2018-2019 which would increase the number of trash offs for the current fiscal year which is not budgeted. Unspent funds for this event was \$3,883.83
  - PO 181413 to Tyler Technologies for the implementation and installation of the Position Budgeting module in the amount of \$1,375. This implementation did not occur in FY 17-18, but HR and Finance would like to complete this in FY 18-19. Unspent funds in FY 17-18 was \$1,697.41.



## **City of Kingsville Finance Department**

- PO 181858 to Tyler Technologies for the API interface for PSN to process court payments and interface those payments to Incode for \$14,250. This effort has been a struggle, but we are getting closer to the ability to complete this work. When the FY 18-19 was approved, there was not a good sense that this would happen.
- PO 182268 to Sam Houston State University for the Crimes license fee for \$24,750. This new license fee was missed when developing the FY 18-19 because we thought it would be billed in FY 17-18. It was budgeted in FY 17-18 but unspent funds for this item was \$37,590.
- Fund 051 – Utility Fund
  - PO 180812 to HDR Engineering for work on the remaining rate studies for \$11,216.95. This work needs to be completed and when the FY 18-19 budget was developed, it was undetermined whether or not we would want the additional studies completed.
  - PO 181703 to LNV Engineering for the transfer of flow study for \$5,750. The study needs to be completed and was not budgeted in FY 18-19.
- Fund 092 – Street Maintenance Fund
  - PO 180812 to HDR Engineering for work on the Street User Fee study for \$12,205.37. This work needs to be completed and when the FY 18-19 budget was developed, it was undetermined whether or not we would want this study completed.

### **Financial Impact:**

The following funds will have the following increased expenditure budgets:

- Fund 002 – Tourism – increase of \$35,030
- Fund 033 – CO Series 2016 – increase of \$20,785
- Fund 068 – CO Series 2013 – increase of \$81,815
- Fund 054 – Utility Fund Capital Projects – increase of \$139,832
- Fund 001 – General Fund – increase of \$44,259
- Fund 051 – Utility Fund – increase of \$16,967
- Fund 092 – Street Maintenance Fund – increase of \$12,206

### **Recommendation:**

Staff recommends authorization of this budget amendment to fund the purchase orders that need to be rolled over to FY 18-19.





**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET FOR PRIOR FISCAL YEAR (FY 2017-2018) PURCHASE ORDERS THAT NEED TO BE ROLLED OVER TO THE CURRENT FISCAL YEAR.**

**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 2018-2019 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

<b>Dept No.</b>	<b>Dept Name</b>	<b>Account Name</b>	<b>Account Number</b>	<b>Budget Increase</b>	<b>Budget Decrease</b>
<b>Fund 002 Tourism Fund</b>					
<b>Expenditures</b>					
1071	Tourism	Façade Grants	34600	\$34,550	
1071	Tourism	Window Graphics Program	34603	\$480	
<b>Fund 033 – CO Series 2016 Fund</b>					
<b>Expenses</b>					
4503	Parks	Parks-Splash Pad	71224	\$3,285	
4503	Parks	Parks-Downtown Pavilion	71307	\$17,500	
<b>Fund 068 – CO Series 2013 Drainage</b>					
3050	Streets	Drainage	53100	\$81,815	
<b>Fund 054 – Utility Fund Capital Projects</b>					
6201	Util Billing	Building	71300	\$135,582	
6202	Meter Read	Water Meters	22800	\$4,250	
<b>Fund 001 – General Fund</b>					
1603	Comm Appear	Prof Svc-Event Cleanup	31439	\$3,884	
1902	Technology	Prof Svc-Software Maint	31410	\$1,375	
1902	Technology	Professional Services	31400	\$14,250	
2103	Dispatch	Professional Services	31400	\$24,750	

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051 – Utility Fund</b>					
6002	Water Prod	Professional Services	31400	\$11,217	
7003	Sewer Constr	Professional Services	31400	\$5,750	
<b>Fund 092 – Street Maintenance Fund</b>					
3050	Streets	Professional Services	31400	\$12,206	

[To amend the following City of Kingsville FY 18-19 Expenditure Budgets: Tourism - \$35,030, CO Series 2016 - \$20,785, CO Series 2013 - \$81,815, Utility Fund Capital Projects - \$139,832, General Fund - \$44,259, Utility Fund - \$16,967 and Street Maintenance Fund - \$12,206. These funds will come from the respective fund balances carried over from the prior fiscal year due to services not being completed or items not being received before the prior fiscal year's end.]

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 26th day of November, 2018.

**PASSED AND APPROVED** on this the \_\_\_ day of \_\_\_\_\_, 2018.

**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  
Department Name**

---

TO: Mayor and City Commissioners  
CC: Jesus A. Garza, City Manager  
FROM: Adrian Garcia, Fire Chief / EMC  
DATE: November 26, 2018  
SUBJECT: Budget Amendment – Fire Prevention Supplies Funding Reallocation

---

**Summary:**

The Kingsville Fire Department is requesting the reallocation of donated funds from 001-1-48005 Fire Donation Escrow Account to 001-5-220.0-21100 Supplies in the amount of \$3,000.00 for the purchase of Fire Prevention Educational supplies.

**Background:**

The Fire Pup Safety Program through the National Fire Safety Council, develops fire safety educational materials targeted to reach children of elementary school age.

A National Fire Safety Council representative collects the donations on our behalf and we then purchase the Fire Pup Safety Program educational material.

**Financial Impact:**

This purchase will expend a total of \$3,000.00 budgeted in 001-5-220.0-21100 Supplies.

**Recommendation:**

Staff recommends the reallocation of the funds and purchase of the Fire Prevention Educational supplies, which support KFD Fire Safety Education goals.



**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET FOR THE PURCHASE OF FIRE PREVENTION EDUCATIONAL SUPPLIES.**

**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 2018-2019 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT REVENUES & EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
Revenues					
2200	Fire	Donations	72030	\$3,000	
Expenditures					
2200	Fire	Supplies	21100	\$3,000	

[To amend the City of Kingsville FY 18-19 General Fund Revenues & Expenditures Budgets by \$3,000 each for the purchase of Fire Prevention Educational Supplies. The funds will come from donations received for the purchase of these items recorded in 001-1-48005.]

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 26th day of November, 2018.

**PASSED AND APPROVED** on this the \_\_ day of \_\_\_\_\_, 2018.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #4**



**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners

**CC:** Jesus A. Garza, City Manager

**FROM:** Susan Ivy, Parks Manager

**DATE:** November 30, 2018

**SUBJECT:** Agenda Request – Receipt of donations for Healthy Family Events & Brookshire Pool

---

**Summary:** We are requesting that Commission authorize the receipt of a \$1,000.00 donation from Kleberg County District Attorney John Hubert's Office for our Healthy Family Partners' Events and \$1,400.00 from Brookshire Foundation to be used for the ongoing improvements to the Brookshire Pool as directed by the Brookshire Foundation Board.

**Background:** In a previous meeting we have provided information regarding our fundraising campaign "Healthy Family Partners Events" to assist with our annual recreational programming. We have received a check for \$1,000.00 from Kleberg County District Attorney John Hubert to become a Partner. Additional donations from the Healthy Family Partners are still coming in.

A check in the amount of \$1,400.00 was received without solicitation from the Brookshire Foundation. They had an undedicated amount of funds that were needed to be appropriated before the end of the year and they voted to commit it to City Park for the ongoing improvements to the Brookshire Pool. This direction was given to me personally by Brookshire Board member Sylvia Woelfel.

**Financial Impact:** These donations will increase our funds available for recreational programming by \$1,000.00 and will increase our Grounds and Permanent Fixtures line item in the Park Budget by \$1,400.00.

**Recommendation:** We ask that Commission authorize the receipt of \$2,400.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line item for recreational programming 001-5-4513-31499 for \$1,000.00 and Brookshire Pool Grounds & Perm Fixtures 001-05-4503-59111 for \$1,400.00.



# **REGULAR AGENDA**

# **AGENDA ITEM #5**

# **AGENDA ITEM #6**

**City of Kingsville  
Parks & Recreation Department**

**TO:** Mayor and City Commissioners

**CC:** Jesus A. Garza, City Manager

**FROM:** Susan Ivy, Parks Manager

**DATE:** November 30, 2018

**SUBJECT:** Agenda Request – Receipt of donations for Healthy Family Events & Brookshire Pool

---

**Summary:** We are requesting that Commission authorize the receipt of a \$1,000.00 donation from Kleberg County District Attorney John Hubert's Office for our Healthy Family Partners' Events and \$1,400.00 from Brookshire Foundation to be used for the ongoing improvements to the Brookshire Pool as directed by the Brookshire Foundation Board.

**Background:** In a previous meeting we have provided information regarding our fundraising campaign "Healthy Family Partners Events" to assist with our annual recreational programming. We have received a check for \$1,000.00 from Kleberg County District Attorney John Hubert to become a Partner. Additional donations from the Healthy Family Partners are still coming in.

A check in the amount of \$1,400.00 was received without solicitation from the Brookshire Foundation. They had an undedicated amount of funds that were needed to be appropriated before the end of the year and they voted to commit it to City Park for the ongoing improvements to the Brookshire Pool. This direction was given to me personally by Brookshire Board member Sylvia Woelfel.

**Financial Impact:** These donations will increase our funds available for recreational programming by \$1,000.00 and will increase our Grounds and Permanent Fixtures line item in the Park Budget by \$1,400.00.

**Recommendation:** We ask that Commission authorize the receipt of \$2,400.00 in donations and approve the associated budget amendment needed to record the funds in the Parks Department line item for recreational programming 001-5-4513-31499 for \$1,000.00 and Brookshire Pool Grounds & Perm Fixtures 001-05-4503-59111 for \$1,400.00.



**ORDINANCE NO. 2018-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET FOR DONATIONS FOR THE PARK'S RECREATIONAL PROGRAMS AND POOL.**

**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 2018-2019 budget be amended as follows:

CITY OF KINGSVILLE  
DEPARTMENT REVENUES & EXPENSES  
BUDGET AMENDMENT

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 001 – General Fund					
<u>Revenues</u>					
4503	Parks	Donations	58003	\$1,400	
4513	Recreational	Donation	58003	\$1,000	
<u>Expenditures</u>					
4503	Parks	Brookshire Pool	59111	\$1,400	
4513	Recreational	Recreational Programs	31499	\$1,000	

[To amend the City of Kingsville FY 18-19 General Fund Revenues & Expenditures Budgets by \$2,400 each for the receipt of donations for the Brookshire Pool (\$1,400) and recreational programs (\$1,000) as stipulated by the donations. The funds will come from donations received for the purchase of these items.]

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 10th day of December, 2018.

**PASSED AND APPROVED** on this the \_\_ day of \_\_\_\_\_, 2018.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #7**



**City of Kingsville**  
**Human Resource Department**

---

TO: Mayor and City Commissioners

CC: Jesús A. Garza, City Manager

FROM: Diana Gonzales, Human Resource Director

DATE: December 3, 2018

SUBJECT: Revision to Policy 630.04 Separation Pay

---

**Summary:** Policy 630.04 Separation Pay pertains to non-civil service staff. These revisions address several areas as indicted below:

- Increase employment timeframe from 6 months to 9 months to be eligible to receive payouts of accrued vacation and sick leave upon separation
- Creation of tiers for vacation payouts. The more time an individual is employed the higher number of accrued vacation hours available at separation. New tiers range from 80 hours to 200 hours.
- Reduce the number of eligible vacation hours for persons separating with less than 2 years of continuous service from 120 hours to 80 hours.
- Eliminate the exclusion of exempt staff from regular Sick Leave payout

**Background:** Policy 630.04 was last updated on August 28, 2006.

**Financial Impact:** Absorbed within affected departments.

**Recommendation:** To consider revision to Policy 630.04 Separation Pay.



**RESOLUTION NO. 2018-\_\_\_\_\_**

**A RESOLUTION AMENDING THE CITY OF KINGSVILLE ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL, POLICY NO. 630.04-SEPARATION PAY.**

**WHEREAS**, the City Commission previously adopted an administrative policy handbook for employees on August 28, 2006 and it is now being proposed that Policy No. 630.04-Separation Pay be amended to provide for equal separation pay treatment for exempt and non-exempt regular full-time employees who have completed at least 9 months of continuous City service and separate from employment and to provide for a vacation leave separation pay chart to encourage employee retention; and

**WHEREAS**, the requested change does not significantly impact the City financially;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

I.

**THAT** Policy No. 630.04-Separation Pay, attached as Exhibit A, is hereby approved;

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 10<sup>th</sup> day of December, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**DRAFT – DRAFT – DRAFT**

**POLICY NO. 630.04 SEPARATION PAY**

Exempt and Non-Exempt Regular full-time Employees having completed ~~180~~ 9 months continuous days of City service who separate from employment for any reason, other than FMLA leave or military leave under USERRA, will be paid all wages due plus the following:

Vacation Leave – For maximum of 120 hours of accrued Vacation Leave accrued Vacation Leave available upon separation see chart below. All accrued vacation leave in excess of this amount is forfeited.

Continuous Employment From	To	Hours
9 months	2 years	80
2+ years	5 years	120
5+ years	10 years	140
10+ years	15 years	160
15+ years	20 years	180
20+ years		200

Pre-1984 Sick Leave: Maximum of 720 hours of Pre-1984 Sick leave shall be paid at separation. All Pre-1984 Sick Leave in excess of 720 hours shall be forfeited. Pre-1984 Sick Leave shall count on an hour per hour basis.

~~Non-Exempt Regular full-time Employees having completed 180 continuous days of City service and separate from employment are also eligible for the following:~~

Sick Leave –If the maximum of Pre-1984 Sick Leave is not reached then one-half (1/2) of accrued Sick Leave up to a maximum of 720 hours shall be paid at separation. All accrued Sick leave in excess of this amount is forfeited.

***Combination of Pre-1984 Sick Leave and Sick Leave shall not exceed 720 hours.***

- Employees having completed less than ~~180 continuous days~~ 9 months of City service, who separate from employment for any reason, other than for military leave under USERRA, shall forfeit all vacation and sick leave accruals.
- Civil Service Employees of the City's fire and police departments shall be paid according to current contract specifications.

*Approved: August 28, 2006*  
*Draft – Effective January 1, 2019*

# **AGENDA ITEM #8**

**City of Kingsville**  
**Human Resource Department**

---

TO: Mayor and City Commissioners

CC: Jesús A. Garza, City Manager

FROM: Diana Gonzales, Human Resource Director

DATE: December 4, 2018

SUBJECT: New Policy – Policy # 740.01 Sick Leave Pool

---

**Summary:** Policy 740.01 shall create a sick leave pool benefit available to all full-time employees.

Provides additional sick leave hours to full-time City employees in the event of a non-occupational catastrophic illness or disability preventing an employee from actively working. Employee may be eligible for Sick Leave Pool hours only after the employee has exhausted all accrued leave, including but not limited to, sick, vacation, holiday and flex leave.

The Human Resource Office shall establish procedures and forms through which eligible employees may voluntarily donate a portion of their accrued sick leave balances to a Sick Leave Pool.

**Background:** N/A

**Financial Impact:** At this time there is not additional financial impact anticipated.

**Recommendation:** Consider a Sick Leave Pool as a new employee benefit for full-time City of Kingsville employees.



**RESOLUTION NO. 2018-\_\_\_\_\_**

**A RESOLUTION AMENDING THE CITY OF KINGSVILLE ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL, POLICY NO. 740.01-SICK LEAVE POOL PAY.**

**WHEREAS**, the City Commission previously adopted an administrative policy handbook for employees on August 28, 2006 and it is now being proposed that Policy No. 740.01-Sick Leave Pool Policy be adopted to provide for a sick leave pool to assist eligible employees with leave for non-occupational catastrophic illness or disability that prevents the employee from actively working as set out in the attached policy; and

**WHEREAS**, the requested change does not impact the City financially;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KINGSVILLE, TEXAS:**

I.

**THAT** Policy No. 740.01-Sick Leave Pool Policy, attached as Exhibit A, is hereby approved;

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 and the Policy shall become effective on January 1, 2019.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 10<sup>th</sup> day of December, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **740.01 Sick Leave Pool Policy**

### **PURPOSE**

To provide additional sick leave days to full-time City employees in the event of a non-occupational catastrophic illness or disability preventing an employee from actively working. Employee may be eligible for Sick Leave Pool hours only after the employee has exhausted all accrued leave, including but not limited to, sick, vacation, holiday and flex leave.

The Human Resource Office shall establish procedures and forms through which eligible employees may voluntarily donate a portion of their accrued sick leave balances to a Sick Leave Pool.

### **DEFINITIONS**

Employee – fulltime employees with 12 or more months of continuous full-time service.

Member – eligible employee as described in “Employee” definition who has enrolled in the Sick Leave Pool by contributing 8, 16 or 24 hours of sick leave.

Catastrophic Injury/Illness/Impairment – severe condition or combination of conditions affecting the mental or physical health of the employee or the employee’s immediate family requiring services of a licensed practitioner for a prolonged time that forces the employee to exhaust all leave time earned by that employee.

Licensed practitioner – practitioner, as defined in the Texas Insurance Code, practicing within the scope of license.

Immediate family – individuals related by kinship, adoption, marriage or foster children who are certified by the Department of Family and Protective Services living in the same household, or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis.

Eligibility timeframe – employees inability to perform material and substantial duties of position for a period of not less than four (4) weeks.

### **ADMINISTRATION OF THE SICK LEAVE POOL**

The Sick Leave Pool shall be administered by a member of the Human Resources Department, hereinafter referred to as the “Pool Administrator”.

### **PROVISIONS**

#### **Contribution of Hours and Membership Terms**

Contributing to the Sick Leave Pool is voluntary; however, all eligible employees are encouraged to participate. Members may contribute 8, 16 or 24 hours of sick leave each year from their accrued sick leave banks to the Pool.

An employee who terminates employment with the City may donate up to a maximum of 120 hours of accrued sick leave to the Sick Leave Pool at separation.

Each annual contribution provides an employee with one (1) year of membership in the Sick Leave Pool after which the employee must contribute additional hours to remain eligible for benefits through the

Sick Leave Pool. Each December donations shall be accepted for the following calendar year (January – December).

**Additional donation times:**

Newly hired eligible employees – may donate at the completion of 12 months of eligible continuous employment.

Sick Leave Pool Levels - City may have special voluntary donation drives if the Sick Leave Pool falls below a “reasonable level”.

Members may not stipulate who will receive donated hours. The hours shall be removed from the members accrued leave and placed in the City’s Sick Leave Pool account. The donated hours become the property of the Sick Leave Pool and cannot be returned to member. As the donated hours become the property of the Pool, the member cannot be compensated for those hours at separation. Any balance in the Sick Leave Pool at the end of the calendar year automatically carries forward to the following year.

**Donations to the Sick Leave Pool**

Employees may donate accrued sick leave hours to the Sick Leave Pool during designated timeframes as established by Pool Administrator. Members must maintain a minimum of 24 hours in their own sick leave accrual to be eligible to donate hours to the Pool. Eligible Members may donate a different number of sick leave hours which results in different benefit amounts. See chart below:

Donations Cannot Reduce Accrual Balance Below	Donation Increment	Maximum Sick Leave Pool Hours or one-third (1/3) of Sick Leave Pool Balance whichever is less
24 hours	8	160
	16	320
	24	480

**Applying for Sick Leave Pool Hours**

Members meeting eligibility criteria must submit a request to the HR Department to use hours from the Sick Leave Pool. In a situation where the member is not available to submit their own request due to an event, the employee’s supervisor may initiate the process at the Member’s request.

Sick Leave Pool Request Forms are available at the Human Resource Department. The HR Department is responsible for developing and updating forms associated with this program.

**Program Administration Guidelines**

The Human Resource Department shall review administration guidelines periodically and recommend guideline revisions and/or updates to City Manager’s office for approval.



# **AGENDA ITEM #9**

**RESOLUTION #2018-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE SECOND AMENDMENT TO TOWER ATTACHMENT LEASE AGREEMENT WITH GTP ACQUISITION PARTNERS II, LLC; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") and GTP Acquisition Partners II, LLC ("GTP") have an existing Tower Attachment Lease Agreement for a parcel of land by the Police Department where a tower currently exists on City land that GTP leases; and

**WHEREAS**, the City and GTP on December 11, 2017 approved the First Amendment to the agreement last December and now desire to amend some of the terms of the agreement to add some additional space for an additional rental fee through a Second Amendment to Tower Attachment Lease Agreement; and

**WHEREAS**, the parties have negotiated the amended agreement that will have GTP increase its monthly rental payments by \$200.

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

I.

**THAT** the Mayor is authorized and directed as an act of the City of Kingsville, Texas to enter into the Second Amendment to Tower Attachment Lease Agreement between the City of Kingsville and GTP Acquisition Partners II, LLC, a copy of which is attached hereto as Exhibit "A."

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 10th day of December, 2018.

---

Sam R. Fugate, Mayor

**ATTEST:**

---

Mary Valenzuela, City Secretary

**APPROVED AS TO FORM:**

---

Courtney Alvarez, City Attorney

# **AGENDA ITEM #10**