

City of Kingsville, Texas

AGENDA CITY COMMISSION TUESDAY, DECEMBER 18, 2018 SPECIAL MEETING

**CITY HALL
HELEN KLEBERG GROVES COMMUNITY ROOM
400 WEST KING AVENUE
5:00 P.M.**

I. Preliminary Proceedings.

OPEN MEETING

INVOCATION / PLEDGE OF ALLEGIANCE – (Mayor Fugate)

MINUTES OF PREVIOUS MEETING(S)

Regular Meeting – December 10, 2018

APPROVED BY:


Jesus A. Garza
City Manager

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

1. None.

III. Reports from Commission & Staff.²

*"At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & 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, **Golf Course Update**. No formal action can be taken on these items at this time."*

IV. Public Comment on Agenda Items.³

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being discussed separately unless requested by a Commission Member in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 the Fiscal Year 2018-2019 budget for the Park's recreation programs and pool. (Parks Manager).

REGULAR AGENDA

CONSIDERATION OF MOTIONS, RESOLUTIONS, AND ORDINANCES:

VI. Items for consideration by Commissioners.⁴

2. Presentation and discussion on a venue tax, uses, and adoption process. (City Manager).
3. Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget to provide additional funds for the purchase of a new ambulance. (Fire Chief).
4. Consider a resolution authorizing the City to start the process for the acquisition of land for environmental abatement and future redevelopment of the site of the old County Hospital located at 400 E. Caesar Avenue, Kingsville, Texas for Brownfield Grant Program. (Director of Planning and Economic Development).
5. 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).
6. Consider authorizing staff to negotiate an economic development agreement with Phil Neessen, which would require separate Commission approval at a later date. (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 13, 2018 at 3:00 P.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)

DECEMBER 10, 2018

A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, DECEMBER 10, 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

CITY COMMISSION ABSENT:

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
Emilio Garcia, Health Director
Adrian Garcia, Fire Chief
Deborah Balli, Finance Director
Janine Reyes, Tourism Director
Ricardo Torres, Police Chief
Tom Ginter, Director of Planning & Development Services
Manny Salazar, Economic Development

I. Preliminary Proceedings.

OPEN MEETING

Mayor Fugate opened the meeting at 6:00 P.M. with four Commission members present. Commissioner Pecos, absent.

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 26, 2018

Motion made by Commissioner Lopez, to approve the minutes of November 26, 2018 as presented, seconded by Commissioner Hinojosa. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate.

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

1. None.

III. Reports from Commission & Staff.²

“At this time, the City Commission and Staff will report/update on all committee assignments which may include, but is not limited to, the following: Planning & Zoning Commission, Zoning Board of Adjustments, Historical Board, Housing Authority Board, Library Board, Health Board, Tourism, Chamber of Commerce, Coastal Bend Council of Governments, Conner Museum, Keep Kingsville Beautiful, and Texas Municipal

League. Staff reports include the following: Building & Development, Code Enforcement, Proposed Development Report; Accounting & Finance – Financial & 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. Jesús Garza thanked Mr. Andrew Lugo, City Manager's Intern for his service and dedication to the City of Kingsville. Mr. Lugo will be graduating with a Master's in Public Administration. Mr. Garza further announced that the Street Division is 1 to 2 positions away from being fully staffed. He also spoke about landscaping and signage for City Hall. He stated that there is \$100,000 in the budget for landscaping project at City Hall. The landscaping plan has been completed and staff has gone out for RFP's and staff has received the results of it. He further stated that his was something that was not affordable for the city to do. Staff has gone back and figure out a way that they can improve and formalize landscaping around City Hall. Staff has identified an need for signage at City Hall. A design of a monument signage was given to the Commission for their review of what staff is proposing to place in front of City Hall. The signage will have an electronic messaging board, which would display information on both sides of the monument. This would be used for staff to display information for the public. The cost estimate for this monument signage is between \$35,000 to \$45,000, which is something that would impact the city's budget that is dedicated for the landscaping of City Hall. Garza stated that staff would like to proceed with the sign by the Spring of 2019.

Mrs. Courtney Alvarez, City Attorney, reported that the next regular Commission meeting is scheduled for January 14, 2019, with a deadline for staff to submit their agenda items by January 4, 2019. She further stated that a special meeting is scheduled for Tuesday, December 18, 2018 at 5:00 P.M. Alvarez further announced that City Offices will closed on December 24th and December 25th for the Christmas Holiday and December 31st and January 1st for the New Year Holiday.

Commissioner Hinojosa thanked staff for their work on putting the banquet together.

Mayor Fugate asked City Manager Garza to look into property located at 213 W. Santa Gertrudis as property is in bad shape. Fugate also asked for a report on demolitions.

Commissioner Lopez asked about work starting on Caesar Street. Mr. Garza responded that the RFP for that work would be put out by the end of the calendar year and in turn bring it to Commission sometime in February or March, 2019. Commissioner Lopez stated that she recalls asking if the work would go all the way to the by-pass. Mr. Garza commented that staff has updated the RFP Proposal to include the section all the way to the by-pass for a few reasons. One being the request from the Commission and second, because it is taking staff a bit longer to address it due to funds. Garza further stated that based on the conversation that took place last year, the next one would be Santa Gertrudis to get a sealcoat.

Main Street Downtown update was not presented, as Ms. Cynthia Martin was unable to make the meeting.

IV. Public Comment on Agenda Items.³

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

No public comments made.

V.

Consent Agenda

Notice to the Public

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

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.⁴

5. **Presentation and discussion on a venue tax, uses, and adoption process. (City Manager).**

No discussion. Item pulled and will be placed on the December 18th agenda (special meeting).

6. **Consider introduction of an ordinance amending the Fiscal Year 2018-2019 budget for the Park's recreation programs and pool. (Parks Manager).**

Introduction item.

7. Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 630.04 Separation Pay Policy. (Human Resources Director).

Mr. Garza commented that early this year he started having more recurring meetings with employees throughout the organization. He stated that the impact on some of the policies that are in place have an impact on employee morale. It is through conversations that he has had with employees, that these ideas, such as sick pool policy. He also stated that there have been other ideas from making the sick leave policy more consistent across to all employees. At this time, there is this policy that applies different aspects to exempt employees versus hourly employees. There should be a policy that is straight across the board that will impact all employees the same way. He further stated that there is another employees that addresses the number of hours an employee gets paid out when they leave an organization. He stated that the policy gives an employee 120 hours when they separate from the city. He further stated that with some employees being here for more than 20 years and have hundreds of hours accrued but when they leave, they only get 120 paid out which is the same amount as if someone is with the city for a handful of years gets. He stated that the idea of creating the tier structure is to provide a greater payout to the employees that have shown to be loyal to the city and have earned those hours. Garza stated that these two policies, Separation Pay and Sick Leave Pool are not time sensitive items, so if there is follow-up required, staff will follow-up and bring back to the Commission at a later time.

Mrs. Diana Gonzales stated that Policy 630.04 Separation Pay pertains to non-civil service staff. These revision address several areas such as 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; 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.

Mr. Garza commented that staff went back and looked at fiscal year 17-18 to see what the budget impact would have been last fiscal year if this policy would have been in place back then, the expense would have been around \$8,000. He stated that these would have impacted 7 individuals in fiscal year 17-18. Garza further commented that it is impossible to assume who is going to leave and when, so the best that staff could do is base it off of history.

Mrs. Gonzales commented that with regards to the vacation, for fiscal year 17-18, four individuals would have been affected had the change occurred last year. The additional payouts from vacation would have been from 2.37 hours to 80 hours. The cost would have been a base cost of \$2,015. She further stated that under this premise, three individuals would not receive no separation pay as they left before the 9 months. She further stated that netting these out on the vacation side, it would have been \$949 in base pay plus benefits. She further stated that on the sick leave side, seven people would have been eligible under the plan and it would have been about \$7,700, plus benefits.

Commissioner Leubert asked if what the city would be doing is giving the employee what the city would be giving them anyway, as they had been working instead of taking sick or vacation days off.

Mrs. Gonzales responded that this change would eliminate the exempt exclusion, as on sick leave payout currently, anyone that is an exempt employee receive no sick leave upon separation.

Commissioner Leubert further asked that the tiers that are being presented now, it will take care of those employees that were working and have accumulated hours when they separate, which would be paid out anyway if they had taken vacation or sick days off if they had stayed.

Mr. Garza responded that this was correct.

Mrs. Gonzales commented that when someone already knows that they are going to separate, they start taking extra leave. The employee is on the books but they are not here. She further stated that this will allow them to think about their separation date and actually let it be the separation date for when they separate from the city.

Commissioner Leubert commented that a lot of times if they don't leave and they are taking all those days off, the city can't fill that position.

Mr. Garza commented that what needs to be taken into account is the trends that are now becoming more common in organizations. He stated that some of it is generational where certain generations have a different work ethic from other generations. The reality is that what staff is beginning to see is that if someone is already planning on leaving a few months from now, they start using all their leave where it doesn't do any good for the city to not have an employee not being at work, as they know that they will only get up to 120 hours paid-out when they leave.

Commissioner Hinojosa asked for staff to explain the exempt employee to him.

Mr. Garza commented that currently policy states that exempt employees (salary employees) when they separate from the city, they do not receive any sick leave paid out. All the employee gets is up to 120 hours vacation paid out. If an hourly employee was to separate from the city, that hourly employee gets half of their sick leave, up to a certain amount, paid out. Garza further commented that when it comes to sick leave, both hourly and exempt employees are not the same. What staff is proposing is that the policy be changed and it be the same across the board.

Commissioner Lopez commented that this would cost the city some money now, as the city would have to pay exempt employees.

Mr. Garza commented that staff is aware that it will have a budget impact, but to say what type of impact it will take is impossible, as it is hard to tell who is leaving and when.

Commissioner Hinojosa asked if there is any way to setup a different fund and start funding this?

Mr. Garza commented that he wouldn't call it a separate fund, but what has been discussed is that within the budget, there is eight different personnel line items where staff could add an additional line item to place some money in there so that it helps pay for these employees leave. He stated that he is aware that in the past, it has come up with staff and the auditor as it is an unfunded liability. Garza stated that some departments get impacted more than others, as this is a discussion for non-civil service employees. Civil service employees with their collective bargaining agreements is completely different, so this doesn't apply to them.

Commissioner Hinojosa commented that if that money is not used it can be placed in a fund, so that the city can start building up that fund so that there is not a big impact in that particular line item.

Mr. Garza asked if what Hinojosa meant is that the money would rollover to the next year?

Commissioner Hinojosa commented that the actual cash be moved in there.

Mr. Garza responded that these options can be explored. If there is a certain amount of money in the line item, it could be rolled over to the next year.

Commissioner Hinojosa commented that he doesn't like the work rollover, he wants the cash transferred into that particular account.

Mr. Garza commented that staff can look at options where we can look at better fund this liability. He further commented that this unfunded liability can cause an issue for the city. What ends up playing out in real life for the city now is that if the city has certain employees that leave a certain position and they receive a certain payout, it sometimes prevents the department from replacing the employee in a timely fashion as we may have to wait a month or two to hire somebody as the city had to pay them out a lot of money, then the city wouldn't have money to hire somebody right away. Garza further stated that this is the true impact of what it has, which is why finding a way to fund this unfunded liability or budget for it would help the city's replacement rate happen a little quicker.

Commissioner Leubert asked if Mrs. Deborah Balli, Finance Director had the opportunity to look this over and work on this. She further asked if Mrs. Balli needed some time on this?

Mrs. Balli commented that staff has been having these conversations for a while now, prior to it being presented to the Commission. She further stated that staff has taken a look at the numbers but it is really hard to determine what that impact is going to be in the future, but there is ways on setting aside the funds to make sure that it is offset by the budget that is set aside. Balli further stated that when the Auditor comes in, she can start having conversations with him and find out what he thinks is the best way to handle it.

Mayor Fugate asked if staff has had enough time to study this and proceed forward.

Mr. Garza responded as for staff yes, but it is the Commission's decision to make, but it's not something that needs to happen now. It is something that needs to be changed and addressed at some point. He further stated that if it is the preference of the Commission to wait until staff can find a more adequate way to fund the unfunded liability, it can wait.

Mayor Fugate commented that it would be best to wait and allow staff the time to see how they will be setting this up.

No action taken on this item.

8. Consider a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 740.01-Sick Leave Pool. (Human Resources Director).

Mrs. Gonzales stated that this is a new policy for employees that will provide additional sick leave hours to full-time employees in the event of a non-occupational catastrophic illness or disability preventing an employee from actively working. Employees 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 Resources Office shall established procedures and forms through which eligible employees may voluntarily donate a portion of their accrued sick leave balances to a Sick Leave Pool.

Commissioner Leubert commented that this is a great idea.

Mayor Fugate asked if the employee that is donating sick hours can designate it to a certain employee.

Mr. Garza responded that this is not how it would work.

Commissioner Hinojosa asked if staff could explain the current sick leave pool policy. Mr. Garza responded that the city currently does not have a sick leave pool policy.

Mrs. Gonzales explained that the employees that would be eligible are full-time employees with 12 or more months of continuous full-time service. The employee would have to participate in order to benefit from the Sick Leave Pool program. This would allow employees to donate 8, 16, or 24 hours of sick leave. A person would need to be under the care of a license practitioner or follow the definition of what is immediate family, which is included in the policy. The eligibility timeframe states that an employee can be eligible to apply every four weeks.

Mr. Garza commented that this policy only applies after an employee has exhausted their existing leave.

Commissioner Hinojosa asked who will be deciding who is eligible and what amount of hours an individual can get? He further asked if there will be a committee making these decisions?

Mrs. Gonzales responded that as for the amount will depend on the donations received.

Commissioner Hinojosa asked if there will be a committee making these decisions or will it be one individual making these decisions?

Mrs. Gonzales responded that there could be a committee but at this time, this is not the intention, because they have to meet the criteria of catastrophic illness.

Commissioner Hinojosa replied by stating that he understands this, but his question is, will it be only one person to decide who and how much an employee will receive. He further stated that he would rather see a committee put in place to make these decisions.

Mrs. Gonzales stated that there are administrative guidelines that are developed and are for the approval of the City Manager. So annually, the administrative guidelines will be reviewed. If there is a certain situation that comes up the year before, then she would be making recommendations changes in the administrative guidelines, which would have to be approved by the City Manager's office annually. Gonzales further stated that there is a contribution which is required in order to receive this benefit. If not enough hours are collected in the pool, additional donations periods will be created. Newly hired eligible employees may donate at the completion of 12 months of eligible continuous employment. Gonzales stated that if an employee donates 8 hours, they will be eligible for 160 hours of sick leave pool hours. If they donate 16 hours, they are eligible to get 320 pool hours and if 24 hours donated, they are eligible for 480 sick leave pool hours. If not enough hours within the sick leave pool, then the employee would only receive one-third of sick leave pool balance, whichever is less.

Mr. Garza commented that this policy was put together based on policies in other places. There was some research that went into what other sick leave policies look like. It was then that Mrs. Gonzales put something together for the City of Kingsville where we could start off. Because this isn't a policy that the city has had, staff doesn't expect it to be perfect from day 1. Staff won't really know what issues we will run into until we actually start implementing something. The intention is to assist our employees during a time of need. If some adjustment is needed throughout the process to help accomplish that, staff would make whatever recommended changes that may need to be made. Garza further stated that this is a policy that is intended to have a lot of good will behind it.

Mayor Fugate commented that this policy will assist a lot of people.

Commissioner Hinojosa commented that this is a good policy and he is not against it, but he would like to know if that with other cities that staff checked, did they have a committee that approved this.

Mrs. Gonzales commented that committees, some is the HR Department that receives the request and under the administrative guidelines that are submitted to the City Manager's Office, is someone that would have to qualify for Family Medical Leave Policy and the Federal Medical Leave Policy.

Commissioner Lopez asked that it was mentioned that an employee puts 8 hours in and if the pool didn't have the 160 hours, they would just get a third of the balance of the pool.

Mayor Fugate commented that this way the pool would never run out of hours this way.

Mr. Garza commented that if there is 300 hours in the pool, and an employee applies, they would only get 100 hours, which is one-third of the pool balance, as we wouldn't want to exhaust the hours on one particular employee.

Commissioner Lopez asked if there is a limit that an employee can apply for this. Mrs. Gonzales responded that an employee can apply monthly until the employee reaches their cap on a year. Gonzales further commented that there are certain things that will not allow an employee to access the pool. These are a Worker's Compensation incident, Occupational Injury or illness or if the employee is receiving disability benefits from any other policy that the city offers. Gonzales further stated that any employee that applies for the sick pool benefit, should not be receiving any other benefits that the City offers. The HR Office has access to these benefits and will be able to see if they are receiving other benefits, therefore they would not be eligible for the sick pool. The sick pool policy is not for someone to get extra, it is to try and get the employee as close as to 100% of what they had before, prior to the incident occurring. Mrs. Gonzales continued to state that ineligibility is employee and employee qualified immediate family member receives full medical release from their provider; the employee returns to work; member separate from employment; employee fails to provide documentation that is required under the policy to the pool administrator or otherwise violate city policy, regarding sick leave.

Mayor Fugate commented that this is a great benefit that is designed for people that are really sick and need help. Fugate further asked how many people would benefit from this.

Mrs. Gonzales responded that at least 3 that she is aware of at this time.

Motion made by Commissioner Leubert to approve a resolution amending the City of Kingsville Administrative Policies and Procedures Manual, Policy No. 740.01-Sick Leave Pool as presented, seconded by Mayor Fugate.

Mayor Fugate commented that this is a good start. If there are any issues with the policy at a later time, staff can tweak the policy and bring back to Commission for approval of the amendment. This is a good benefit for the employees and doesn't see any reason not to move it forward.

Commissioner Hinojosa commented that he is not against the sick pool policy but the only thing he would like to see is a committee in place to make these decisions, rather than having one or two people making the decisions.

Commissioner Leubert commented that this is something that can be implemented at a later time, if necessary. At this time, this can be put into place and start assisting those employees that may need it.

The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".

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).

Mr. Kyle Benson, IT Manager reported that this is another 85sqft located within the fenced in area next to the Kingsville Police Department where the existing cell tower site is located. Benson further stated that T-Mobile would like to put up additional equipment, needing some extra infrastructure. As this wasn't included in the original lease, they had to go back and get an amendment.

Commissioner Hinojosa asked how much is the city receiving for the rental of the space. Mr. Benson replied that currently the city is receiving \$200 per month with the 20% escalation every five years. With this addition, it will be another \$200 per month, subject to the same escalations.

Motion made by Commissioner Leubert to approve a resolution authorizing the Mayor to enter into the Second Amendment to Tower Attachment Lease Agreement with GTP Acquisition Partners II, LLC., seconded by Commissioner Lopez. The motion was passed and approved by the following vote: Lopez, Hinojosa, Leubert, Fugate voting "FOR".

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).

Mayor Fugate announced the executive session and convened the meeting into close session at 6:46 P.M.

Mayor Fugate reconvened the meeting into open session at 7:19 P.M.

VI. Adjournment.

There being no further business to come before the City Commission, the meeting was adjourned at 7:20 P.M.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, TRMC, CMC, City Secretary

CONSENT AGENDA

AGENDA ITEM #1

**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

REGULAR AGENDA

AGENDA ITEM #2

AGENDA ITEM #3

**City of Kingsville
Fire Department**

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Adrian Garcia, Fire Chief / EMC

DATE: December 18th, 2018

SUBJECT: Budget Amendment Vehicle Replacement Account – New Ambulance (MICU)

Summary:

The Kingsville Fire Department is requesting a budget amendment to the Vehicle Replacement Account (097-5-220.0-71100) in the amount of \$11,865.00. The request comes due to the failure to account for annual inflation and minor compartment customization for firefighting equipment.

Background:

The new ambulance will replace one of the existing ambulances, which is showing the most wear, increased maintenance cost, and increased down time. By doing so, our department will continue to provide excellent EMS services to our Kingsville community.

Financial Impact:

By adding the additional funding, it brings the total to \$211,865.00 which should be sufficient to cover the replacement cost of a new ambulance.

Recommendation:

The following budget amendment request supports the goals set by the Kingsville Fire Department to continue to provide excellent EMS services to our Kingsville community. Our recommendation is that the Commission consider approving the budget request.



ORDINANCE NO. 2018-_____

**AN ORDINANCE AMENDING THE FISCAL YEAR 2018-2019 BUDGET TO PROVIDE
ADDITIONAL FUNDS FOR THE PURCHASE OF A NEW AMBULANCE**

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

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
Fund 097 – Vehicle Replacement Fund					
<u>Expenditures</u>					
2200	Fire	Vehicle	71100	11,865	

[To amend the City of Kingsville FY 18-19 Budget to include additional funds to complete the purchase of a new ambulance. Previous Budget Amendment - \$200,000 plus additional funds of \$11,865 for a total appropriation of \$211,865. Funds will come from Fund 097 fund balance.]

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 18th day of December, 2018.

PASSED AND APPROVED on this the ____ day of _____, 201____.

EFFECTIVE DATE:_____

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM:

Courtney Alvarez, City Attorney

Siddons-Martin Emergency Group

Protecting the Southwest

3500 Shelby Lane
Denton, Texas 76207
GDN P115891
TXDOT MVD No. A115890
EIN 27-4333590

December 7, 2018

Adrian Garcia, Fire Chief
Kingsville Fire Department
119 N 10th St
Kingsville TX 78363

Proposal for Texas Edition Ambulance

Siddons-Martin Emergency Group, LLC is pleased to provide the following proposal to Kingsville Fire Department. Unit will comply with all specifications attached and made a part of this proposal. Total price includes delivery FOB Kingsville Fire Department and training on operation and use of the apparatus.

Description	Amount
No. 1, Texas Edition Type 1 Ambulance	
Ford, Ford, 2 Door, Ambulance, Type I	
Price guaranteed for 80 days. Delivery within 3-4 months of order date.	
Vehicle Price	\$ 212,865.00
Trade-In	(\$ 2,000.00)
SUB TOTAL	\$ 210,865.00
H-GAC Ambulance AM10-16	\$ 1,000.00
TOTAL	\$ 211,865.00

Additional. One Kingsville Fire Department Representative included for the Final Inspection at factory in Orlando, Florida.

Taxes. Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due. Balance of sale price is due upon acceptance of the apparatus at the factory.

Late Fee. A late fee of .033% of the sale price will be charged per day for overdue payments beginning ten (10) days after the payment is due for the first 30 days. The late fee increases to .044% per day until the payment is received. In the event a prepayment is received after the due date, the discount will be reduced by the same percentages above increasing the cost of the apparatus.

Cancellation. In the event this proposal is accepted and a purchase order is issued then cancelled or terminated by Customer before completion, Siddons-Martin Emergency Group may charge a cancellation fee. The following charge schedule based on costs incurred may be applied:

- (A) 10% of the Purchase Price after order is accepted and entered by Manufacturer;
- (B) 20% of the Purchase Price after completion of the approval drawings;
- (C) 30% of the Purchase Price upon any material requisition.

The cancellation fee will increase accordingly as costs are incurred as the order progresses through engineering and into manufacturing. Siddons-Martin Emergency Group endeavors to mitigate any such costs through the sale of such product to another purchaser; however, the customer shall remain liable for the difference between the purchase price and, if applicable, the sale price obtained by Siddons-Martin Emergency Group upon sale of the product to another purchaser, plus any costs incurred by Siddons-Martin to conduct such sale.

Acceptance. In an effort to ensure the above stated terms and conditions are understood and adhered to, Siddons-Martin Emergency Group, LLC requires an authorized individual from the purchasing organization sign and date this proposal and include it with any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by the Customer. The terms and acceptance of this proposal will be governed by the laws of the state of TX. No additional terms or conditions will be binding upon Siddons-Martin Emergency Group, LLC unless agreed to in writing and signed by a duly authorized officer of Siddons-Martin Emergency Group, LLC.

Sincerely,

Mike Collins
Siddons-Martin Emergency Group, LLC

I, _____, the authorized representative of Kingsville Fire Department, agree to purchase the proposed and agree to the terms of this proposal and the specifications attached hereto.

Signature & Date

AGENDA ITEM #4

RESOLUTION NO. 2018-_____

A RESOLUTION AUTHORIZING THE CITY TO START THE PROCESS FOR THE ACQUISITION OF LAND FOR ENVIRONMENTAL ABATEMENT AND FUTURE REDEVELOPMENT OF THE SITE OF OLD COUNTY HOSPITAL LOCATED AT 400 E. CAESAR AVENUE, KINGSVILLE, TEXAS FOR BROWNFIELD GRANT PROGRAM.

WHEREAS, the City Commission of the City of Kingsville has discussed the desire to acquire the site of the old County Hospital located at 400 E. Caesar Avenue, Kingsville, Texas for environmental abatement through a Brownfield Grant and for future redevelopment of the property; and

WHEREAS, the Brownfield Grant provides funds for environmental clean-up of properties but requires the applicant to own the property subject to the clean-up; and

WHEREAS, the City Commission condemned the structure on the property on April 8, 2013 and the property owner did not remove the dangerous and substandard structure within the time provided;

WHEREAS, the City subsequently did environmental tests that showed abatement would be needed before the structure could be razed and the property redeveloped; and

WHEREAS, the cost for the abatement and razing the deteriorating and substandard structure is more than the City could afford without outside assistance and a grant for this type of situation has been identified;

WHEREAS, the City recently advertised and held a public hearing to discuss potential future uses of the site with citizens; and

WHEREAS, the City is preparing to bid out repair of Caesar Avenue where the substandard structure lies, across the street from a church and parochial elementary school and in residential area, which will make the site even more attractive for redevelopment while eliminating a dangerous eyesore, such that the proposed land acquisition could be deemed for a public purpose; and

WHEREAS, the City Commission of the City of Kingsville through this resolution has authorized city staff to negotiate with landowners, survey properties, and begin the acquisition process so that deeds of sale can be brought back to the Commission for approval.

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

I.

THAT the City Commission authorize city staff to negotiate with landowners, survey properties, and begin the acquisition process so that deeds of sale can be brought back to the Commission for approval.

II.

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

PASSED AND APPROVED by a majority vote of the City Commission the 18th day of December, 2018.

Sam R. Fugate, Mayor

ATTEST:

Mary Valenzuela, City Secretary

APPROVED AS TO FORM

Courtney Alvarez, City Attorney

AGENDA ITEM #5

AGENDA ITEM #6