

# *City of Kingsville, Texas*

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## **AGENDA CITY COMMISSION MONDAY, APRIL 24, 2017 REGULAR MEETING**

**CITY HALL  
HELEN KLEBERG GROVES COMMUNITY ROOM  
400 WEST KING AVENUE  
5:00 P.M. - Workshop  
6:00 P.M.-Regular Meeting**

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

#### **OPEN MEETING**

**WORKSHOP:** Presentation of J.K. Northway Expo Center and Fairgrounds Master Plan. (City Manager).

APPROVED BY:

Jesús A. Garza by M.V.  
Jesús A. Garza  
City Manager

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

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

Regular Meeting – April 10, 2017

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

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- Building Maintenance, Construction Updates; Park Services - grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

#### **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. Consider final passage of an ordinance amending the Fiscal Year 2016-2017 Budget to include proceeds from the final supplemental insurance claim for the May 31, 2016 storm event. (Finance Director).
2. Consider final passage of an ordinance amending the Fiscal Year 2016-2017 Budget to purchase additional water meters. (Finance Director).
3. Consider resolution authorizing the Chief of Police to enter into a Memorandum of Understanding with Houston High Intensity Drug Trafficking Area (HIDTA) for law enforcement data sharing, at no cost to the City. (Chief of Police).
4. Consider reappointment of Zoning Board of Adjustment members Ricki Cunningham, John Garza, Albert Garcia, and Wayne Quandt to two year terms. (Director of Planning and Development Services).
5. Consider reappointment of Planning & Zoning Commission members Steve Zamora, Lupe Alvarez, Debbie Tiffie, Bill Aldrich, Brian Coufal and Ramon Perez to two year terms. (Director of Planning and Development Services).

##### **REGULAR AGENDA**

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

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

6. Consider awarding the All-Risk Property Insurance Policy coverages (RFQ 17-011), as per staff recommendation. (Risk Manager).
7. Consider a resolution authorizing the City Manager to enter into Amendment Two of an Interlocal Cooperation Agreement between the City of Kingsville and the University of Texas-San Antonio relating to a Sponsored Research Agreement for the downtown area. (City Manager).
8. Consider accepting a \$25,000 donation from the HM King High School Historical Foundation for the gymnasium demolition project. (City Manager).
9. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to accept and expend a donation from the HM King High School Historical Foundation for the gymnasium demolition project. (City Manager).

10. Consider accepting a \$9,000 donation from the Brookshire Foundation for Parks Department summer recreational programs. (Parks Director).

11. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to accept and expend Park donations from Brookshire Foundation for summer programs. (Parks Director).

12. Consider a resolution finding that AEP Texas Inc.'s Application to amend its Distribution Cost Recovery Factors to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel. (City Attorney).

13. Consider a resolution revising the City of Kingsville Administrative Policy No. 881.00-Emergency Services Policy. (Risk Manager).

## VII. Adjournment.

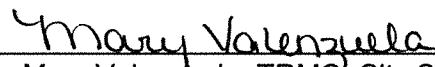
1. No person's comments shall exceed 5 minutes. Cannot be extended by Commission.
2. No person's comments shall exceed 5 minutes without permission of majority of Commission.
3. Comments are limited to 3 minutes per person. May be extended or permitted at other times in the meeting only with 5 affirmative 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](mailto: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:

April 21, 2017 at 10:00 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)**

APRIL 10, 2017

**A REGULAR MEETING OF THE CITY OF KINGSVILLE CITY COMMISSION WAS HELD ON MONDAY, APRIL 10, 2017 IN THE HELEN KLEBERG GROVES COMMUNITY ROOM 400 WEST KING AVENUE, KINGSVILLE, TEXAS AT 6:00 P.M.**

**CITY COMMISSION PRESENT:**

Sam Fugate, Mayor  
Arturo Pecos, Commissioner  
Noel Pena, Commissioner  
Al Garcia, Commissioner

**CITY COMMISSION ABSENT:**

Edna Lopez, Commissioner

**CITY STAFF PRESENT:**

Jesús Garza, City Manager  
Mary Valenzuela, City Secretary  
Courtney Alvarez, City Attorney  
Tom Ginter, Director of Planning & Development Services  
Diana Gonzales, Human Resources Director  
Charlie Cardenas, Public Works Director/Engineer  
Kyle Benson, IT Manager  
Susan Ivy, Parks Manager  
Sharam Santillan, Capital Projects Manager  
Cynthia Martin, Downtown Manager  
Ricardo Torres, Chief of Police  
Pete Pina, Landfill Supervisor  
Israel Vasquez, Facility Maintenance Manager  
Emilio Garcia, Health Director  
Jason Alfaro, Parks & Rec Director  
Leo Alarcon, Tourism Director  
Bill Donnell, Assistant Public Works Director  
Richard Flores, Golf Course Manager  
Derek Williams, Systems Specialist  
David Solis, Risk Manager  
Adrian Garcia Fire Chief

**I. Preliminary Proceedings.**

**OPEN MEETING**

Mayor Fugate opened the meeting at 6:00 P.M. with all four Commission members present. Commissioner Lopez 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)**

Special Meeting – March 20, 2017

**Motion made by Commissioner Pena to approve the minutes of March 20, 2017 as presented, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Fugate voting “FOR”.**

## 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- Building Maintenance, Construction Updates; Park Services - **Parks & Recreation update**, grant(s) update, miscellaneous park projects, Administration –Workshop Schedule, Interlocal Agreements, Public Information, Hotel Occupancy Report, Quiet Zone, Proclamations, Health Plan Update, Tax Increment Zone Presentation, Main Street Downtown, Chapter 59 project, Financial Advisor, Water And Wastewater Rate Study Presentation. No formal action can be taken on these items at this time."*

Mayor Fugate presented a proclamation for National Telecommunicators Week to Celina Cavazos, Lead Telecommunicator for the Kingsville Police Department.

Mr. Jesús Garza, City Manager thanked staff for their hard work during the Trash-Off event held on Saturday, April 8<sup>th</sup>. Approximately 40 tons of garbage was collected during this event. He further thanked Fire Chief Adrian Garcia for taking the lead at this event.

Mrs. Courtney Alvarez, City Attorney announced that the next Commission meeting is scheduled for Monday, April 24<sup>th</sup>. Deadline for agenda items is Thursday, April 13<sup>th</sup>. Alvarez further reported that City offices will be closed on Friday, April 14<sup>th</sup> for the Good Friday Holiday. Alvarez mentioned that KISD will have no school on Friday, April 14<sup>th</sup> and Monday, April 17<sup>th</sup>.

Mr. Charlie Cardenas, City Engineer/Public Works Director, made a presentation to the City Commission regarding the Landfill Sector 4. Cardenas stated that in anticipation of the permit amendment, Sector 4 is an expansion of cel A&B, 8.7 acres of Type 1 waste. Sector 4 will have approximately 13 years of air space for waste. The current air space in Sector 3 is rapidly demising, however the landfill can still operate given limitations. Sector 4 preliminary construction started November 2016. The construction consisted of excavation, dewater/pumping system, liner system, leachate control, gas monitoring, electrical system for the sump pumps, and 20' tall containment fence. Cardenas displayed before and after photos of some of the landfill construction.

Mayor Fugate asked how much time was left in the old landfill. Mr. Cardenas responded that we should be ok until mid-July, 2017.

Commissioner Garcia asked how much leachate juice was pumped on a yearly basis. Mr. Cardenas responded that about 100,000 to 200,000 gallons is pumped per year. Cardenas further commented that once permit amendment is complete, the Landfill should have a life of 100 years.

Mr. Jason Alfaro, Parks & Recreation Director gave a departmental update on Parks and Recreation. Topics that were discussed were Parks personnel, employee forms and tracking of hours/labor, current improvements to parks facilities, parks policies, and parks and recreation capital projects completed and ongoing. Alfaro stated that with regards to park personnel the schedule prior to his arrival had five staff members working normal hours throughout the week from 7:30 a.m. to 4:00 p.m. This schedule also had two employees working at night and throughout the weekends at random hours. It included a part-time worker during the evening hours from Wednesday through Saturday. Alfaro also introduced hourly forms and spreadsheets for parks supervisors to complete. This will allow them to track maintenance hours and see where time is spent and where more time needs to be spent on parks grounds and projects. There is also a restroom inspection and cleaning form as well as a playground inspection form. Mr. Alfaro mentioned some of the improvements to parks facilities: salting the infield areas of the ball fields; gazebo at Dick Kleberg Park was renovated with surplus materials; ball field dugouts and fencing repair; electric timers placed on field lighting; bollards in Dick Kleberg Park are being replaced and wire is being tightened. Alfaro further stated that staff is reviewing all parks policies currently in place such as recreation hall rental agreement, facility use policy, park pavilion use vs. electric use rental, field rental policy, policies pertaining to inflatables and vendors utilizing the park for business purposes and all fees associated with these policies and agreements. Mr. Alfaro mentioned some parks and recreation capital projects that have been completed. These projects being Parks Master Plan, parks office renovation, new roofing at the soccer building, point of sales system at the golf course, and Dick Kleberg Park softball fence which will be completed at the end of the month. Ongoing projects that are occurring at Brookshire Pool are new coping around the entire pool, installation of a new liner, installation of three new shade structures, new black iron fencing, and new diving board. The projected opening date for Brookshire Pool is April 22, 2017. Other ongoing projects are the Skate Park at Brookshire Park 2, and at the Golf Course is the split rail fencing along Golf Course Road, new bridge from pro shop to course, irrigation request for proposal, and drainage plan to address drainage issues in the golf course.

Mr. Garza stated that the RFP for the irrigation, staff would like to complete the process by the end of May, 2017, as the installation of the irrigation system would need to be RFP'd out which will be brought back to the City Commission for their approval. The drainage plan, if it is on track, will come to the City Commission for approval on April 24<sup>th</sup> to finalize the contract with Kimley Horn which will include a component to the Golf Course which will take about 2 months to complete. A lot of these projects are to be done within the next 2 to 3 months.

Commissioner Pena asked regarding the ball fields at Dick Kleberg Park, there are some individuals that would like to volunteer their time in repairs to the ball fields. Mr. Alfaro stated that his department welcomes any volunteer help they can receive.

Commissioner Garcia asked a question regarding the mobile vendors that come in to the Park, are they being considered.

Mr. Alfaro stated that he is working with the City Attorney and the City/County Health Department regarding the mobile vendors and the inflatable vendors.

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

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

No comments 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 Pena to approve the consent agenda as presented, seconded by Commissioner Garcia. The motion was passed and approved by the following vote: Pecos, Garcia, Pena, Fugate voting: "FOR",**

**1. Consider final passage of an ordinance granting a special use permit for 1900 S. Brahma Blvd., being a 2.53 acre tract of land out of Lot 11, Block 17, KT&I Subdivision to be named Sanchez Real Estate Subdivision, Lot 1, Block 1, for an animal clinic with outdoor pens. (Director of Planning and Development Services).**

**REGULAR AGENDA**

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

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

**2. Consider a resolution authorizing the City Manager to enter into a Memorandum of Understanding between the Texas Community Federal Credit Union and the City of Kingsville. (City Manager).**

Mr. Armando Martinez, President/CEO of Texas Community Federal Credit Union, stated that the Texas Community Federal Credit Union is dedicated to their mission, to provide products and services for all our members and to promote community development for the improvement of the social and economic conditions of low-income and underserved communities. Texas Community Federal Credit Union is applying for a CDFI Financial Assistance Grant to build on its well-established and nationally replicated best practice: the Joint Opportunities for Business and Job Creation (JOB) program. JOB is the only micro and small business lending program in rural Kleberg County and will be expanded into Brooks, Jim Wells and Kenedy Counties. Martinez further stated that the objective of this MOU are to create over 100 jobs through the JOB Program by increasing the volume of the Credit Union's microenterprise loans by \$2 million. It will also prepare 500 individuals for future self-employment by providing \$25. Million in unsecured Business Readiness Loans to develop the credit and reduce the cost of debt for entrepreneurs and small businesses owners whose personal finances are intractably connected to the business. Refinance auto loans for over 200 JOB participants by providing an additional \$3.5 million in auto loans to entrepreneurs and small business owners. It will attain 75% business survival rate among JOB Program participants during the five years as a result of coordinating the Development Services offered by the Credit Union and its partners.



Motion made by Commissioner Garcia to approve this resolution, seconded by Commissioner Pecos and Commissioner Pena. The motion was passed and approved by the following vote: Garcia, Pena, Pecos, Fugate voting "FOR".

**3. Consider a resolution approving an application and agreement for the Historic District Façade Grant Program from Luis Fuentes, Jr. for properties located at 108-116 S. 7<sup>th</sup> Street, Kingsville, Texas. (Downtown Manager).**

Mrs. Cynthia Martin, Downtown Manager, stated that Mr. Luis Fuentes, Jr. has submitted a façade grant application for 108-116 S. 7<sup>th</sup> Street requesting a grant amount of \$20,000 to renovate the façade of the building, install a new canopy and replace the roof and HVAC System. Façade grants are meant to be a 50-50 reimbursement match on a dollar for dollar basis generally not to exceed \$20,000 subject to availability of budgeted funds, unless otherwise approved by City Commission.

Motion made by Commissioner Pena to approve this resolution, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Fugate voting: "FOR".

**4. Consider request from the Texas General Land Office to allow the disposal of several boats at the City Landfill and waiver of the tipping fees (estimated at \$262.00). (City Engineer/Public Works Director).**

Motion made by Commissioner Garcia to approve the request request from the Texas General Land Office to allow the disposal of several boats at the City Landfill and waiver of the tipping fees (estimated at \$262.00), seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pecos, Garcia, Pena, Fugate voting "FOR".

**5. Consider accepting final supplemental insurance proceeds from May 31, 2016 storm event. (Finance Director).**

Mr. Garza stated that this is to accept funds in the amount of \$226,000.00 from insurance proceeds from the May 31, 2016 storm event. This money will be distributed to Golf Course Improvements, \$75,000; JK Northway Minor Equipment, \$64,000; and Ground & Permanent Fixtures, \$87,3193.30.

Motion made by Commissioner Pena to accept final supplemental insurance proceeds from May 31, 2016 storm event, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Garcia, Pena, Pecos, Fugate voting "FOR".

**6. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to include proceeds from the final supplemental insurance claim for the May 31, 2016 storm event. (Finance Director).**

Introduction item.

**7. Consider introduction of an ordinance amending the Fiscal Year 2016-2017 Budget to purchase additional water meters. (Finance Director).**

Introduction item.

**8. Consider authorizing the acquisition of EMS defibrillators and other critical equipment and the lease purchase agreement for said equipment, as per staff recommendation. (Fire Chief).**

Motion made by Commissioner Garcia to approve the authorization the acquisition of EMS defibrillators and other critical equipment and the lease purchase agreement

for said equipment, as per staff recommendation, seconded by Commissioner Pecos. The motion was passed and approved by the following vote: Pena, Pecos, Garcia, Fugate voting "FOR".

9. 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).

Executive Session not needed.

## **VI. Adjournment.**

There being no further business to come before the City Commission, the meeting was adjourned at 7:03 P.M.

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Sam R. Fugate, Mayor

**ATTEST:**

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Mary Valenzuela, TRMC, City Secretary

# **CONSENT AGENDA**

# **AGENDA ITEM #1**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners  
CC: Jesus A. Garza, City Manager  
FROM: Deborah Balli, Director of Finance  
DATE: March 30, 2017  
SUBJECT: Budget Amendment-Final Supplemental Insurance Claim

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**Summary:**

This item authorizes the approval of budget amendment for the Final Supplemental Insurance Claim Proceeds received in FY 16-17 and authorizes transfers to the new Park Maintenance Fund-Fund 093.

**Background:**

On May 31, 2016, the City of Kingsville experienced thunder storms producing high winds and several confirmed tornados. Although no injuries were reported, the storm caused extensive damages around the city. The City filed two previous claims for damages with the City's Insurance provider and has received the final supplemental insurance claim to cover items omitted from the original claims in FY 16-17.

**The Final Supplement included:**

Debris Removal	\$ 16,596.30
Trees	\$100,000.00
Bleachers	\$ 97,285.00
Lighting	<u>\$ 18,875.00</u>
Replacement Cost Value	\$232,756.30
Less Depreciation	
(bleachers & lighting)	<u>(\$34,848.00)</u>
Net Claim	\$197,908.30
Time Element	
(Lost Revenue Golf & Parks)	<u>\$ 28,411.00</u>
Final Supplement Owed	\$226,319.30

**Financial Impact:**

The total amount received for the final supplemental insurance claim totaled \$226,319.30. For accounting purposes \$145,007.30 was recognized in FY 15-16. This budget amendment will increase Fund 096-Other



**City of Kingsville  
Finance Department**

Income-Insurance Proceeds by \$81,312.00 and appropriate the previously recognized \$145,007.30 from Fund Balance.

The insurance claim proceeds will be distributed to the following projects:

033-5-4503-71215-Golf Course Improvements	\$75,000.00
096-5-1076-21700-JK Northway Minor Equipment	\$64,000.00
093-5-4503-59100-Grounds & Permanent Fixtures	<u>\$87,319.30</u>

**Total    \$226,319.30**

\$67,898.99 from the previous supplemental insurance claim will be transferred from Fund 096-Insurance Claim Proceeds to the new Park Maintenance Fund.

096-5-4503-93010 Parks-Grounds & Perm Fixtures	(\$67,898.99)
093-5-4503-59100 Grounds & Perm Fixtures	\$67,898.99

**Recommendation:**

Staff recommends authorization of this budget amendment to complete the mentioned projects.



**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO INCLUDE INSURANCE PROCEEDS FROM THE FINAL SUPPLEMENTAL INSURANCE CLAIM FOR THE MAY 31, 2016 STORM EVENT.**

**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 2016-2017 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 033 CO Series 2016</b>					
<b>Revenue</b>					
4-0000	Non-Dept	Transfer From Fund 096	75096	<u>\$75,000</u>	
<b>Expenses</b>					
5-3050	Golf Course	Golf Course Improvements	71215	<u>\$75,000</u>	
<b>Fund 093 Park Maintenance Fund</b>					
<b>Revenue</b>					
4-0000	Non-Dept	Transfer From Fund 096	75096	<u>\$87,319.30</u>	
<b>Expenses</b>					
5-4503	Parks	Grounds & Perm Fixtures	59100	<u>\$87,319.30</u>	
<b>Fund 096 Insurance Claim Recovery Fund</b>					
<b>Equity</b>					
2		Restricted-Insurance Claim Recovery	61002		<u>\$145,007.30</u>
<b>Revenue</b>					
4-0000	Non-Dept	Other Income-Insurance	59944	<u>\$81,312.00</u>	
<b>Expenses</b>					
5-1076	JK Northway	Minor Equipment	21700	\$64,000	
5-6900	Fund Trsfrs	Transfer to Fund 033	80033	\$75,000	
5-6900	Fund Trsfrs	Transfer to Fund 093	80093	<u>\$87,319.30</u>	
				<u>\$226,319.30</u>	

[To amend the City of Kingsville FY 16-17 Budget to appropriate and expend the final supplemental insurance claim proceeds for the May 31, 2016 storm event as per the attached memo from the City Manager.]

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 10<sup>th</sup> day of April, 2017.

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2017.

**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**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Deborah Balli, Director of Finance

DATE: March 29, 2017

SUBJECT: Budget Amendment-Water Meter Inventory

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**Summary:**

This budget amendment allocates funds to purchase additional water meter endpoints so all outstanding and current failed meters can be replaced in a timely manner.

**Background:**

The City currently has 516 outstanding failed water meter endpoints. All failed meters are returned to the manufacturer and replaced at a reduced cost under the current warranty program. Current replacement time for failed meters is 6 weeks. By purchasing enough water meter endpoints upfront, all outstanding failed meter endpoints can be replaced and the returned meters can be put into inventory for any current end point failures that may occur.

**Financial Impact:**

This budget amendment will reduce Unrestricted Fund Balance in Fund 051-Utility Fund and transfer to Fund 054-UF Capital Project 054-5-6202-22800 Water Meters in the amount of \$65,000.

**Recommendation:**

Staff recommends approval of this budget amendment to purchase the additional water meter endpoints to eliminate the outstanding failed meters and have enough inventory to cover any additional failed meter that may occur.



**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO PURCHASE ADDITIONAL WATER METERS.**

**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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 051 Utility Fund</b>					
<b>Equity</b>					
2		Unrestricted Fund Balance	61004		<u>\$65,000</u>
<b>Expenses</b>					
5-6900	Fund Trsfrs	Transfer to Fund 054	80054	<u>\$65,000</u>	
<b>Fund 054 UF Capital Projects Fund</b>					
<b>Revenue</b>					
4-0000	Non-Dept	Transfer From Fund 051	75010	<u>\$65,000</u>	
<b>Expenses</b>					
5-6202	Meter Readers	Water Meters	22800	<u>\$65,000</u>	

[To amend the City of Kingsville FY 16-17 Budget to purchase enough water meters to replace all outstanding and current failed meters as per the attached memo from the Director of Finance.]

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 10<sup>th</sup> day of April, 2017.

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2017.

**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  
Police Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Ricardo Torres, Chief of Police

DATE: April 17, 2017

SUBJECT: Request for Resolution

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**Summary:**

The police department is requesting a resolution allowing for execution of a data sharing agreement between the Houston HIDTA and the Kingsville Police Department.

**Background:**

The Houston HIDTA and member agencies working together in a variety of ways to facilitate data sharing to promote and improve the data sharing capabilities of the respective agencies and the Houston HIDTA.

**Financial Impact:**

The Agreement does not require any out of pocket cost to the city. It does require that the city maintain a \$1 million dollar general liability insurance policy. Our Risk Manager, David Solis, confirmed that the city does have a policy with TML for that type and amount of coverage.

**Recommendation:**

We request adoption of a resolution to improve our data sharing abilities to assist us in furthering our criminal investigations.



**RESOLUTION 2017-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH HOUSTON HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) FOR LAW ENFORCEMENT DATA SHARING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Houston HIDTA has proposed a Memorandum of Understanding for law enforcement data sharing; and

**WHEREAS**, the City of Kingsville has previously participated in similar programs with other law enforcement entities and is seeking authorization to participate in this one, which has no out of pocket cost to the City;

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

I.

**THAT** the City authorizes submission of and participation in the Memorandum of Understanding with Houston HIDTA and the Kingsville Police Department for law enforcement data sharing.

II.

**THAT** the Chief of Police is hereby authorized and directed to act on the City's behalf in all matters pertaining to this memorandum of understanding and that the Chief of Police will administer the program and execute and submit all certifications, reports, or contracts necessary for the administration of the agreement.

III.

**THAT** all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict only.

IV.

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

**PASSED AND APPROVED** by a majority vote of the City Commission on the 24th day of April, 2017.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #4**



**City of Kingsville**  
**Department of Planning and Development services**

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**TO:** Mayor and City Commissioners

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

**FROM:** Tom Ginter, Director

**DATE:** December 2 2016

**SUBJECT:** Reappointment of Board of Adjustment members

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**Summary:** Submitting to the City Commission the following Zoning Board of Adjustment members for reappointment: Ricki Cunningham, John Garza , Albert Garcia and Wayne Quandt.

**Background:** The City Commission is responsible to appoint members to the Board of Adjustment for two year terms. All of the members have done a good job and deserve to be reappointed

**Financial Impact:** None

**Recommendation:** Appoint members listed to a two year term.



## Sec. 15-6-157. - Board of adjustment.

- (A) *Organization.* The Board of Adjustment shall consist of five members each to be appointed by the City Commission for a term of two years. The Board of Adjustment shall also consist of three alternate members, each to be appointed by the City Commission for a term of two years, who will serve in the absence of one or more regular members when requested to do so by the mayor or city manager. Any member may be removed by the City Commission upon written charges after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A maximum of five members may attend and vote at a Board of Adjustment meeting.
- (B) *Chairman.* The Board shall elect a chairman and adopt rules to govern its proceedings in accordance with this article and the statutes of the State of Texas. Meetings shall be held at the call of the chairman or such times as designated by the Board. The Board shall have the power to administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon the question, or if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the Planning Department and shall be a public record.
- (C) *Appeals.* Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or department municipality affected by any decision of an administrative officer. Such appeal shall be made within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall secure all papers and facts constituting the basis of the action being appealed for transmittal to the Board.
- (D) *Stay of proceeding.* An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board of Adjustment that by reason of acts stated in his certificate that a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by the District Court on applications and notice and on the cause shown.
- (E) *Notice.* The secretary of the Planning Division of the Management Services Department in charge of handling Board of Adjustment appeals shall: mail announcements of appeals to all property owners within 200 feet of the site or parcel in question; advertise the hearing; and

# **AGENDA ITEM #5**

**City of Kingsville**  
**Department of Planning and Development services**

To: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Tom Ginter, Director

DATE: March 3, 2017

SUBJECT: Reappointment of Planning and Zoning Commission Members

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**Summary:** Submitting to the city commission the following planning and zoning commission members for reappointment: Steve Zamora, Lupe Alvarez, Debbie Tiffie, Bill Aldrich, Brian Coufal and Ramon Perez

**Background:** The City Commission is responsible to appoint members to the Planning and Zoning Commission for a term of two years. All of the members have done a good job and deserve to be reappointed.

**Financial Impact:** None

**Recommendation:** Appoint members listed to a two year term.



## PLANNING AND ZONING COMMISSION

## ★ Sec. 3-3-15. - Commission created.

There is hereby created and established for the city a Planning and Zoning Commission which shall be composed of nine members. The members shall be resident citizens, taxpayers and qualified voters of the city, all of whom shall be appointed by the City Commission, to serve for terms of two years. All vacancies shall be filled for the unexpired term in the same manner as provided for the original appointments. All expired terms shall be filled for terms as provided for the original appointments and in the same manner. Members of the Commission may be removed by the City Commission, after public hearing and for cause assigned in writing. The members of the Commission shall serve without compensation. The City Attorney shall be an ex-officio member of the Commission.

(1962 Code, § 2-1-1)

Statutory reference— State law concerning a Zoning Commission, see Tex. Loc. Gov't Code, § 211.007.

## Sec. 3-3-16. - Organization.

(A)

The Planning and Zoning Commission shall elect a Chairman and Vice Chairman from its membership and shall have power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the Commission and to pay for their services and such other necessary expenses, provided that the cost of such services and expenses shall not exceed the amount appropriated by the City Commission for the use of the Planning and Zoning Commission. It shall also have the power to make rules, regulations, and by-laws for its own government, which shall also conform as nearly as possible with those governing the City Commissioners, and same shall be subject to approval by such Commission.

(B)

Such by-laws shall include, among other items, provisions for:

(1)

Regular and special meetings, open to the public;

(2)

Records of its proceedings, to be open for inspection by the public;

(3)

Reporting to the City Commission and the public, from time to time and annually; and

(4)

For the holding of public hearings on its recommendations.

# **REGULAR AGENDA**

# **AGENDA ITEM #6**

**City of Kingsville**  
**Human Resources Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: David Solis, Risk Manager (HR Department)

DATE: April 13, 2017

SUBJECT: All-Risk Property Insurance Renewal

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**Summary:** This item authorizes award of the City's All-Risk Property Insurance Coverages for the period of May, 1, 2017 through September 30, 2018 covering perils of Fire, Flood, Earthquake, Lightening, Windstorm/Named Storm and Equipment Breakdown.

**Background:** On March 19, 2017 and March 26, 2017, the City of Kingsville advertised a solicitation of proposals for an All-Risk Property Insurance Policy. Two proposal containing various options were received. Proposers included the incumbent, TML-IRP & Victor O Schinnerer and Carlisle Insurance. Proposals were reviewed to ensure that all of the current policy's terms and conditions were met. Each proposal was judged to have met the current policy's terms and conditions.

This is an annually budgeted item replacing the City's expiring Windstorm coverage and moving the remainder of the peril coverages from TML-IRP to this all-inclusive policy. See attached proposal listing the various option quotes of the two proposals submitted by TML-IRP/Victor O Schinnerer & Company, Inc. and Carlisle Insurance.

**Financial Impact:** This Award allows the City to have one all-inclusive policy for the above listed perils. In addition, the City will reap the financial benefits of a soft global property insurance market which allows for additional carriers to





**City of Kingsville**  
**Human Resources Department**

provide competitive quotes. This allows for a significant decrease in premium as compared to the expiring premium.

Cost of the coverage as indicated above is \$213,607.75 for the period of May 1, 2017 to September 30, 2018. The proposed premium is \$44,454.85 less than the current policy premium. This results in an 17.23% overall decrease in premium costs for this type of coverage.

Note: This award will not impact the City's policies of General Liability, Auto Liability, Auto Physical Damage, Crime and Animal Mortality and Workers' Compensation coverages as those coverages are still maintained by TML-IRP who continues to provide the most cost effective coverages in these areas.

**Recommendation:** After careful review of the proposals containing various option quotes, staff is recommending the Carlisle Insurance Option #1 quote as the preferred choice for the May 1, 2017 – September 2018 policy term.



**City of Kingsville**  
**Request for Proposals # 17-011**  
**All-Risk Property Insurance**  
**Submittal Breakdown Summary and Recommendation**  
**May 1, 2017 -September 30, 2018**

Description	Expiring	2017-2018 Solicited	Recommended					Carlisle Insurance Option #1	Carlisle Insurance Option #2	Carlisle Insurance Option #3
			TML – IRP /Victor O Schinnerer Option # 1	TML – IRP /Victor O Schinnerer Option # 2	TML – IRP /Victor O Schinnerer Option # 3	TML – IRP /Victor O Schinnerer Option # 4	Carlisle Insurance Option #1			
Total Insured Value	\$52,718,834	\$46,056,150	\$46,056,150	\$46,056,150	\$46,056,150	\$46,056,150	\$46,056,150	\$46,056,150	\$46,056,150	\$46,056,150
Deductibles – Per Occurrence	Fire \$1,000 Boiler \$1,000 Flood \$25,000 <sup>4</sup> Windstorm - \$25,000	All Perils \$25,000	AOP – \$1,000 Boiler- \$1,000 Flood \$25,000 Windstorm \$25,000 Mobile Equip \$1,000	AOP – \$1,000 Boiler- \$1,000 Flood \$25,000 Windstorm \$75,000 Mobile Equip \$1,000	AOP – \$1,000 Boiler \$1,000 Flood \$25,000 Windstorm \$100,000 Mobile Equip \$1,000	AOP – \$1,000 Boiler \$1,000 Flood \$25,000 Windstorm \$150,000 Mobile Equip \$1,000	AOP – \$1,000 Boiler \$1,000 Flood \$25,000 Windstorm \$25,000 Mobile Equip \$1,000 \$5,000 \$10,000	All Perils \$25,000 Flood \$50,000 Flood \$50,000 Flood \$50,000 Mobile Equip \$25,000 Windstorm \$25,000 Mobile Equip \$1,000 \$5,000 \$10,000	AOP \$25,000 Boiler \$1,000 Flood \$25,000 Windstorm \$25,000 1% Windstorm Mobile Equip \$1,000 \$5,000 \$10,000	
Specifications <sup>1</sup>										
Carriers	TML-IRP/AmRisc		TML-IRP AmRisc	TML-IRP AmRisc	TML-IRP AmRisc	TML-IRP AmRisc	AmWins Lloyd's	AmWins Lloyd's	AmWins Lloyd's	
Total Premium Cost – Including Fees & Taxes	\$258,062.60		\$220,625.51	\$218,000.51	\$216,950.51	\$215,375.51	\$213,607.75	\$203,177	\$187,567.75	
% + Increase - Decrease			- \$37,437.09 14.51%	- \$40,062.09 - 15.52%	\$41,112.09 - 15.93%	- \$42,687.09 - 16.54%	- \$44,454.85 - 17.23%	\$54,885.56 - 21.27%	- 70,494.85 - 27.32%	

**Bid / Proposal Summary**

Date: April 3, 2017

Entity Name: **City of Kingsville**  
Entity ID: **8955**

**Proposed  
Effective Date  
May 1, 2017**

**Proposed  
Anniversary Date  
May 1, 2018**

Type of Coverage	Limit		Deductible	Annual Contribution
Real & Personal Property <sup>1</sup>	\$ 48,100,920	<input type="checkbox"/> Actual Cash Value <input checked="" type="checkbox"/> Replacement Cost	\$ 1,000	\$ 40,067
Flood & Earthquake <sup>2</sup>	\$ 48,100,920	<input type="checkbox"/> Actual Cash Value <input checked="" type="checkbox"/> Replacement Cost	\$ 25,000	\$ 20,720
Mobile Equipment	\$ 5,068,303	<input type="checkbox"/> Actual Cash Value <input checked="" type="checkbox"/> Replacement Cost	\$ 1,000	\$ 20,451
Boiler & Machinery <sup>3</sup>	\$ 1,000,000	Per accident	\$ 1,000	\$ Included
Public Employee Dishonesty	\$ 50,000	<input checked="" type="checkbox"/> Per occurrence <input type="checkbox"/> Per employee	\$ 1,000	\$ 1,274
Forgery or Alteration	\$ 25,000	Per occurrence	\$ 1,000	\$ 137
Theft, Disappearance & Destruction				
Coverage C - Inside	\$ 50,000	Per occurrence	\$ 1,000	\$ 119
Coverage C - Outside	\$ 50,000	Per occurrence	\$ 1,000	\$ Included
Computer Fraud	\$ 100,000		\$ 1,000	\$ 179
Animal Mortality	\$ As Scheduled		\$ 0	\$ 670
Windstorm	\$ 46,056,150		\$ 25,000	\$ 139,387.51

TOTAL ANNUAL: \$ 223,004.51  
2% Annual Payment Discount <sup>4</sup>: \$ (-\$1,672.34)  
Total Annual Contribution: \$ 221,332.17  
Quarterly Payment: \$ 20,904.25

Windstorm contribution is due within 30 days and is not included in Quarterly Payment

SEE PROPOSAL FOR OPTIONAL COVERAGES, LIMITS, DEDUCTIBLES, etc.

- <sup>1</sup> Real & Personal Property deductible is on a per occurrence basis except for Wind and Hail that carries a 1% per building deductible and there is no coinsurance penalty.
- <sup>2</sup> Flood & Earthquake coverage is provided as an option under Real & Personal Property Coverage and may not be purchased separately. Flood & Earthquake limit is the aggregate limit for all losses occurring during the fund year. Limitations apply to properties in Flood Zones A and V located in the first tier of counties and in Harris, Orange and Jackson counties.
- <sup>3</sup> Boiler & Machinery Coverage is included at no additional charge (except for electric generating facilities) under Real & Personal Property Coverage and may not be purchased separately.
- <sup>4</sup> Annual Payment Discount applies if full annual contribution is paid within 30 days of the effective date, or receipt of your first bill, whichever is later. (The Annual Payment Discount does not apply to public officials' bonds or windstorm coverage for Tier 1 members.)

## Premium Fee Schedule

### Property Insurance

All – Risk Coverage (One Policy – All Inclusive)

\$48,000,000 Limit, including;

AOP, Flood, Earthquake, Windstorm/Named Storm & Hail

### Total Annual Premium

	\$ 25,000 Deductible	\$ _____
	\$ 75,000 Deductible	\$ _____
	\$100,000 Deductible	\$ _____
	\$150,000 Deductible	\$ _____
Other Deductible	\$ _____	\$ _____

\$1,000,000 Equipment Breakdown \$1,000 Deductible

\$ \_\_\_\_\_

Total Annual Premium

\$ \_\_\_\_\_

### Or Separate Policies

\$48,000,000 Limit including (\$48,100,920 limit)

AOP including Earthquake, Flood. **Excluding**

Windstorm/Named Storm & Hail

\$ 60,787

### Total Annual Premium

	\$ 1,000 Deductible	\$ _____
Other Deductible	\$ <del>25,000</del> Flood/Earthquake	\$ _____

\$48,000,000 Limit, including; Schinnerer quote through AmRisc values = \$46,056,150 as per RFP schedule submitted

Windstorm/Named Storm & Hail

	\$ 25,000 Deductible	\$ 139,387.51 (refer to detailed quote)
	\$ 75,000 Deductible	\$ 136,762.51 (refer to detailed quote)
	\$100,000 Deductible	\$ 135,712.51 (refer to detailed quote)
	\$150,000 Deductible	\$ 134,137.51 (refer to detailed quote)
Other Deductible	\$ _____	\$ _____

Victor O. Schinnerer & Co., Inc./3100 Wilcrest Dr., Ste. 200, Houston, TX 77042

— Ann Quet, AVP 4/3/17

## NAMED STORM DEDUCTIBLE

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and modifies such coverage as is afforded by the provisions of the coverage shown below:

### SPECIAL FORM PROPERTY COVERAGE FLOOD COVERAGE OPTION

Member : Kingsville  
Member ID : 8955  
Effective Date : 5/1/7

1. Notwithstanding deductible amounts selected by the **Member** as referenced under II.A. General Conditions and IV. Deductible under the Flood Coverage Option, it is agreed that, with respect to all loss of or damage to covered property caused by a named storm as designated by the National Weather Service and for which the **Fund** provides primary coverage, the deductible amount shall be the greater of:
  - a. The sum of 1% of the scheduled value for each building sustaining damage and 1% of the scheduled value of contents sustaining damage, applied separately, subject to a minimum of \$1,000 for each building and \$1,000 for each building's contents, applied separately; or
  - b. The Real & Personal Property deductible shown on the **declarations** for loss from perils other than flood or; if the Flood Coverage Option has been elected, the Flood and Earthquake deductible shown on the **declarations** for loss or damage caused by flood, or the larger of the two deductibles for loss caused by both flood and other perils.
2. Exceptions:
  - a. If the Member has obtained flood coverage under the Flood Coverage Option, the percent deductible under 1.a. above shall be 2% with respect to loss or damage caused by tidal flooding to any structure whose lowest occupied floor is less than 9 feet above mean sea level at the time of loss.
  - b. Loss or damage caused by windstorm or hail to property, if any, listed on a Coastal Storm Schedule (P378) shall be adjusted separately based on deductibles specified under Windstorm Additional Coverage endorsement EP363-1, EP363-2 or EP363-5.
3. With respect to loss or damage to property for which the **Fund** provides coverage in excess of underlying insurance, amounts recoverable or that would be recoverable from such underlying insurance will apply towards satisfaction of the deductible that would otherwise apply under the above provisions.

## NAMED STORM DEDUCTIBLE - MOBILE EQUIPMENT

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and modifies such coverage as is afforded by the provisions of the coverage shown below:

### MOBILE EQUIPMENT COVERAGE

Member : Kingsville  
Member ID : 8955  
Effective Date : 10/01/2016

Notwithstanding deductible amounts selected by the **Member** as referenced under II.A., General Conditions, it is agreed that, with respect to all loss of or damage to **mobile equipment** caused by a named storm as designated by the National Weather Service, the deductible amount shall be the greater of:

1. The sum of 1% of the scheduled value for all items that are lost or damaged, subject to a minimum of \$1,000 for each item; or,
2. The **Mobile Equipment** deductible shown on the **declarations**.

#### Exception:

With respect to loss or damage caused by tidal flooding to any item which at the time of loss is situated less than 9 feet above mean sea level, the percent deductible under item 1. above shall be 2%.

# OPTION 1 PROPERTY INCLUDING FLOOD

Company	Certain Underwriters at Lloyds
A.M. Best's Rating:	AV III
Policy Term:	05/01/2017 - 05/01/2018

## COVERAGE LIMITS

LOCATION	BUILDING	BUSINESS PERSONAL PROPERTY	BUSINESS INCOME INCLUDING EXTRA EXPENSE	MISCELLANEOUS
All Scheduled Locations- Per Attached Schedule	\$35,887,017.50	\$9,169,132	\$500,000	\$500,000

COVERED PROPERTY – SEE ATTACHED SCHEDULE

## COVERAGE TERMS

Flood Limit	\$5,000,000
Deductible- All Other Perils	\$ 1,000 All Other Perils
Deductible- Flood	\$25,000 Per Occurrence Except/ Max Available NFIP limits (whether purchased or Not) plus \$25,000 respects 100 year Flood Zones
Deductible- Earthquake	\$25,000 Per Occurrence
Business Income Term	Actual Loss Sustained
Causes of Loss Form	Special
Valuation	Replacement Cost
Coinsurance	NIL
Ordinance & Law	See Form

Premium	\$	182,500.00
Inspection Fee	\$	785.00
Policy Fee	\$	2,050.00
Taxes	\$	8,988.75
Fees	\$	278.00
Estimated Annual Premium	\$	194,601.75
Minimum Earned	\$	48,460.00
Minimum Annual Premium	\$	194,601.75

# WINDSTORM

Company	United Specialty Insurance Company
A.M. Best's Rating:	A IX
Policy Term:	05/01/2017 - 05/01/2018

## COVERAGE LIMITS

LOCATION	BUILDING	BUSINESS PERSONAL PROPERTY	BUSINESS INCOME INCLUDING EXTRA EXPENSE	MISCELLANEOUS
All Scheduled Locations- Per Attached Schedule	\$35,887,017.50	\$9,169,132	\$500,000	\$500,000

PROPERTY – SEE ATTACHED SCHEDULE

## COVERAGE TERMS

Deductible- Wind/Hail	\$25,000 Per Occurrence
Deductible- Business Income	Actual Loss Sustained
Causes of Loss Form	Windstorm and Hail
Valuation	Replacement Cost
Coinsurance	NIL
Increased Cost of Construction	Coverage A- Included Coverage B& C- \$1,000,000 or 15%

Premium	\$	0.00
Policy Fee	\$	0.00
Inspection Fee	\$	0.00
Taxes	\$	0.00
Fees	\$	0.00
Estimated Annual Premium	\$	Incl w/Property
Minimum Earned	\$	0.00
Minimum Annual Premium	\$	0.00

*This Policy is Not Auditable*



## **RATE GUARANTEE**

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the AGREED MANUSCRIPT POLICY COVERAGE FORM

With respect to the Premium for Commercial Property as shown on POLICY DECLARATIONS PAGE OF THIS POLICY, we agree that the Base Rate used in calculating this premium will be subject to Flat Rate for billing of the SECOND ANNUAL INSTALLMENT, subject to the following criteria:

1. Loss ratio over the FIRST ANNUAL TERM of this guarantee does not exceed 30%. Loss ratio will be calculated at each anniversary by dividing the sum of all paid losses, allocated loss adjustment expenses and loss reserves by the total, accumulated earned premium.

AND

2. Significant market driven changes to the Company's treaty or facultative reinsurance capacities, or a change in the financial and/or operational condition of the Company's reinsurers which negates their approval by the Company or which adversely affects a reinsurer's ability to honor its obligations to the Company.

If any of the above criteria is not met, we may change rating structure accordingly for billing of SECOND ANNUAL INSTALLMENT of this policy.

It is agreed, All other conditions to remain as issued under the **VRU Commercial Property Named Peril Form (VRU-018-0516)**.

## OPTION 2 PROPERTY INCLUDING FLOOD

Company	Certain Underwriters at Lloyds
A.M. Best's Rating:	AV III
Policy Term:	05/01/2017 - 05/01/2018

### COVERAGE LIMITS

LOCATION	BUILDING	BUSINESS PERSONAL PROPERTY	BUSINESS INCOME INCLUDING EXTRA EXPENSE	MISCELLANEOUS
All Scheduled Locations- Per Attached Schedule	\$35,887,017.50	\$9,169,132	\$500,000	\$500,000

COVERED PROPERTY – SEE ATTACHED SCHEDULE

### COVERAGE TERMS

Flood Limit	\$5,000,000
Deductible- All Other Perils	\$ 25,000 All Other Perils
Deductible- Flood	\$50,000 Per Occurrence Except/ Max Available NFIP limits (whether purchased or Not) plus \$50,000 respects 100 year Flood Zones
Deductible- Earthquake	\$25,000 Per Occurrence
Business Income Term	Actual Loss Sustained
Causes of Loss Form	Special
Valuation	Replacement Cost
Coinsurance	NIL
Ordinance & Law	See Form

Premium	\$ 172,500.00
Inspection Fee	\$ 785.00
Policy Fee	\$ 2,250.00
Taxes	\$ 8,513.45
Fees	\$ 263.30
Estimated Annual Premium	\$ 184,311.75
Minimum Earned	\$ 46,160.00
Minimum Annual Premium	\$ 184,311.75

# WINDSTORM

Company	United Specialty Insurance Company
A.M. Best's Rating:	A IX
Policy Term:	05/01/2017 - 05/01/2018

## COVERAGE LIMITS

LOCATION	BUILDING	BUSINESS PERSONAL PROPERTY	BUSINESS INCOME INCLUDING EXTRA EXPENSE	MISCELLANEOUS
All Scheduled Locations- Per Attached Schedule	\$35,887,017.50	\$9,169,132	\$500,000	\$500,000

PROPERTY – SEE ATTACHED SCHEDULE

## COVERAGE TERMS

Deductible- Wind/Hail	\$25,000 Per Occurrence
Deductible- Business Income	Actual Loss Sustained
Causes of Loss Form	Windstorm and Hail
Valuation	Replacement Cost
Coinsurance	NIL
Increased Cost of Construction	Coverage A- Included
	Coverage B& C- \$1,000,000 or 15%

Premium	\$	0.00
Policy Fee	\$	0.00
Inspection Fee	\$	0.00
Taxes	\$	0.00
Fees	\$	0.00
Estimated Annual Premium	\$	Incl w/Property
Minimum Earned	\$	0.00
Minimum Annual Premium	\$	0.00

*This Policy is Not Auditable*

## OPTION 3 PROPERTY INCLUDING FLOOD

Company	Certain Underwriters at Lloyds
A.M. Best's Rating:	AV III
Policy Term:	05/01/2017 - 05/01/2018

### COVERAGE LIMITS

LOCATION	BUILDING	BUSINESS PERSONAL PROPERTY	BUSINESS INCOME INCLUDING EXTRA EXPENSE	MISCELLANEOUS
All Scheduled Locations- Per Attached Schedule	\$35,887,017.50	\$9,169,132	\$500,000	\$500,000

COVERED PROPERTY – SEE ATTACHED SCHEDULE

### COVERAGE TERMS

Flood Limit	\$5,000,000
Deductible- All Other Perils	\$ 25,000 All Other Perils
Deductible- Flood	\$50,000 Per Occurrence Except/ Max Available NFIP limits (whether purchased or Not) plus \$50,000 respects 100 year Flood Zones
Deductible- Earthquake	\$25,000 Per Occurrence
Business Income Term	Actual Loss Sustained
Causes of Loss Form	Special
Valuation	Replacement Cost
Coinsurance	NIL
Ordinance & Law	See Form

Premium	\$ 158,500.00
Inspection Fee	\$ 785.00
Policy Fee	\$ 1,250.00
Taxes	\$ 7,785.95
Fees	\$ 240.80
Estimated Annual Premium	\$ 168,561.75
Minimum Earned	\$ 63,410.00
Minimum Annual Premium	\$ 184,311.75

# EQUIPMENT FLOATER

Company	Great American Insurance P&IM
A.M. Best's Rating:	A+ XV
Policy Term:	05/01/2017 - 05/01/2018

## COVERAGE LIMITS

Scheduled Contractor's Equipment - Any One Loss	\$5,068,303
Contractor's Equipment - Any One Loss	\$457,655
Contractor's Equipment - Miscellaneous Tools	N/A

## COVERAGE TERMS

Scheduled Equipment AOP Deductible	\$1,000 Items Under \$100,000 \$5,000 Items Between \$100,001-250,000 \$10,000 Items over \$250,001
Flood Deductible	\$25,000
Coinsurance	80%
Valuation	RCV - items newer than 7 years old ACV - items older than 7 years old

Premium	\$	19,006.00
Policy Fee	\$	0.00
Taxes	\$	0.00
Fees	\$	0.00
<b>Estimated Annual Premium</b>	<b>\$</b>	<b>19,006.00</b>
Minimum Earned	\$	0.00
Minimum Annual Premium	\$	0.00

*This Policy is Not Auditable*

## TERMS & CONDITIONS

---

Terms and conditions include but are not limited to:

- You MUST notify us within 30 days of acquiring new equipment
- Existing Fire Exclusion
- Outrigger Endorsement
- Actual Cash Value Endorsement
- Replacement Cost Endorsement
- Stated Amount

## SUBJECT TO

---

- Favorable Loss Control

# WINDSTORM

Company	United Specialty Insurance Company
A.M. Best's Rating:	A IX
Policy Term:	05/01/2017 - 05/01/2018

## COVERAGE LIMITS

LOCATION	BUILDING	BUSINESS PERSONAL PROPERTY	BUSINESS INCOME INCLUDING EXTRA EXPENSE	MISCELLANEOUS
All Scheduled Locations- Per Attached Schedule	\$35,887,017.50	\$9,169,132	\$500,000	\$500,000

PROPERTY – SEE ATTACHED SCHEDULE

## COVERAGE TERMS

Deductible- All Other Wind/Hail	\$25,000 Per Occurrence
Deductible- Named Storm	1% Per Location; \$100,000 Minimum
Deductible- Business Income	Actual Loss Sustained
Causes of Loss Form	Windstorm and Hail
Valuation	Replacement Cost
Coinsurance	NIL
Increased Cost of Construction	Coverage A- Included Coverage B& C- \$1,000,000 or 15%

Premium	\$	0.00
Policy Fee	\$	0.00
Inspection Fee	\$	0.00
Taxes	\$	0.00
Fees	\$	0.00
Estimated Annual Premium	\$	Incl w/Property
Minimum Earned	\$	0.00
Minimum Annual Premium	\$	0.00

*This Policy is Not Auditable*

# PROPERTY TERMS & CONDITIONS

---

Terms and conditions include but are not limited to:

- Property Declarations - Participating
- Special Risk Underwriters Property Form
- Flood Endorsement
- Earthquake Excluding Sprinkler Endorsement
- Electronic Data Recognition Exclusions
- Biological Or Chemical Materials Exclusion
- Radioactive Contamination Exclusion Clause Physical Damage - Direct (U.S.A.)
- Land, Water And Air Exclusion
- Seepage And/Or Pollution And/Or Contamination Exclusion
- Debris Removal Endorsement
- Asbestos Endorsement
- Electronic Data Endorsement B
- Mold Exclusion
- Flood Exclusion
- Earth Movement Exclusion
- Occurrence Limit Of Liability - Stated Value
- Protective Safeguards - Fire
- Burglary And Protective Safeguards
- Policy Changes Endorsement
- Equipment Breakdown Coverage Form
- Primary B&M sublimits, deductibles
- U.S. Treasury Department's Office Of Foreign Assets Control (OFAC) Advisory Notice To Policyholders
- Terrorism Risk Insurance Act Of 2002 As Amended New & Renewal Business Endorsement
- U.S. Terrorism Risk Insurance Act Of 2002 As Amended Not Purchased Clause
- War And Terrorism Exclusion
- Certain Underwriter's At Lloyd's Syndicate List
- Sanction Limitation and Exclusion Clause
- Service of Suit
- Windstorm Exclusion

## SUBJECT TO

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- Automatic Sprinkler System & Fire Alarm
- Security Service- Means a security service with a recording system or watch clock, making hourly rounds covering the entire building, when the premises are not in actual operation
- Three years Loss runs



## Premium Fee Schedule

### Property Insurance

### Total Annual Premium

All – Risk Coverage (One Policy – All Inclusive)

\$46,056,149 ~~\$48,000,000~~ Limit, including;

AOP, Flood, Earthquake, Windstorm/Named Storm & Hail

AOP \$ 1,000 Deductible

\$ Included

Flood \$ 25,000 Deductible

\$ Included

Windstorm/Hail \$ 25,000 Deductible

\$ Included

\$ 75,000 Deductible

\$ N/A

\$100,000 Deductible

\$ N/A

\$150,000 Deductible

\$ N/A

Other Deductible \$ \_\_\_\_\_

\$ N/A

Equipment Breakdown

\$1,000 Deductible

\$ Included

Equipment Floater

TIV \$5,068,303

\$ Included

Total Annual Premium

\$ 213,607.75

### Or Separate Policies

\$48,000,000 Limit including

AOP including Earthquake, Flood. **Excluding**

Windstorm/Named Storm & Hail

\$ N/A

Total Annual Premium

\$ 1,000 Deductible

\$ N/A

Other Deductible \$ \_\_\_\_\_

\$ N/A

\$48,000,000 Limit, including;

Windstorm/Named Storm & Hail

\$ 25,000 Deductible

\$ N/A

\$ 75,000 Deductible

\$ N/A

\$100,000 Deductible

\$ N/A

	\$150,000 Deductible	\$ <u>N/A</u>
Other Deductible	\$ _____	\$ <u>N/A</u>

## Premium Fee Schedule

### Property Insurance

### Total Annual Premium

All – Risk Coverage (One Policy – All Inclusive)

\$48,000,000 Limit, including;

AOP, Flood, Earthquake, Windstorm/Named Storm & Hail

AOP	\$ 1,000 Deductible	\$ N/A
Flood	\$ 25,000 Deductible	\$ N/A
Windstorm/Hail	\$ 25,000 Deductible	\$ N/A
	\$ 75,000 Deductible	\$ N/A
	\$ 100,000 Deductible	\$ N/A
	\$ 150,000 Deductible	\$ N/A
Other Deductible	\$ _____	\$ N/A

Equipment Breakdown	\$1,000 Deductible	\$ <u>Included</u>
Equipment Floater	TIV \$5,068,303	\$ <u>Included</u>
		Total Annual Premium
		\$ <u>N/A</u>

### Or Separate Policies

\$46,056,149 ~~\$48,000,000~~ Limit including

AOP including Earthquake, Flood. **Excluding**

Windstorm/Named Storm & Hail

\$ Included

### Total Annual Premium

	\$ 1,000 Deductible	\$ <u>N/A</u>
Other Deductible	\$ <u>25,000 AOP Deductible</u>	\$ <u>Included</u>
	\$ 50,000 Flood Deductible	\$ <u>Included</u>
\$48,000,000 Limit, including;		
Windstorm/Named Storm & Hail		
	\$ 25,000 Deductible	\$ <u>203,317.75</u>
	\$ 75,000 Deductible	\$ <u>N/A</u>
	\$ 100,000 Deductible	\$ <u>N/A</u>

	\$150,000 Deductible	\$ <u>N/A</u>
Other Deductible	\$ _____	\$ <u>N/A</u>

## Premium Fee Schedule

### Property Insurance

### Total Annual Premium

All – Risk Coverage (One Policy – All Inclusive)

\$48,000,000 Limit, including;

AOP, Flood, Earthquake, Windstorm/Named Storm & Hail

AOP	\$ 1,000 Deductible	\$ N/A
Flood	\$ 25,000 Deductible	\$ N/A
Windstorm/Hail	\$ 25,000 Deductible	\$ <u>N/A</u>
	\$ 75,000 Deductible	\$ <u>N/A</u>
	\$ 100,000 Deductible	\$ <u>N/A</u>
	\$ 150,000 Deductible	\$ <u>N/A</u>
Other Deductible	\$ _____	\$ <u>N/A</u>

Equipment Breakdown      \$1,000 Deductible      \$ Included

Total Annual Premium

\$ N/A

### Or Separate Policies

\$46,056,149 ~~\$48,000,000~~ Limit including

AOP including Earthquake, Flood. **Excluding**

Windstorm/Named Storm & Hail

\$ Included

Total Annual Premium

	\$ 1,000 Deductible	\$ <u>N/A</u>
Other Deductible	\$ <u>25,000 AOP Deductible</u>	\$ <u>Included</u>
	\$ 50,000 Flood Deductible	\$ <u>Included</u>

\$46,056,149 ~~\$48,000,000~~ Limit, including;

Windstorm/Named Storm & Hail

\$ 25,000 Deductible	\$ <u>Included</u>
\$ 75,000 Deductible	\$ <u>N/A</u>
\$ 100,000 Deductible	\$ <u>N/A</u>

	\$150,000 Deductible	\$ <u>N/A</u>
Other Deductible	\$ <u>Named Storm Deductible 1%</u>	\$ <u>187,567.75</u>

# **AGENDA ITEM #7**

**RESOLUTION #2017-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AMENDMENT TWO OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF KINGSVILLE AND THE UNIVERSITY OF TEXAS-SAN ANTONIO RELATING TO A SPONSORED RESEARCH AGREEMENT FOR THE DOWNTOWN AREA; REPEALING ALL CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kingsville ("City") and the University of Texas-San Antonio ("UTSA") agreed to an Interlocal Agreement relating to a Sponsored Research Agreement for the Downtown Area on March 28, 2016 via Resolution #2016-26 as they were each pursuing research in the area of urban and regional planning, and this agreement was amended once for a three-month extension of the agreement, at no additional cost to the City on January 9, 2017 via Resolution #2017-02; and

**WHEREAS**, the City would like some additional planning design for revitalization and improvements for the downtown area; and

**WHEREAS**, UTSA has a Center for Urban and Regional Planning Research ("CURPR") and has planning students who could benefit from real world experience like this planning design project; and

**WHEREAS**, the City of Kingsville and UTSA would both benefit from the university students performing the planning design work for the City for the downtown area and the design work would be for the benefit of those who live, work, and visit here; and

**WHEREAS**, the City is prepared to pay for the planning design work for the downtown area and UTSA has agreed to provide students and staff supervisors for this project via their CURPR; and

**WHEREAS**, the City Commission has previously approved similar Interlocal Agreements with the local university relating to design engineering work for various streets in town; and

**WHEREAS**, UTSA and staff would like to amend the agreement for: 1) an extension of the agreement to perform the additional requested work so that the agreement would now expire on June 30, 2017, and 2) an increase in compensation for the additional work at a cost of \$2,500, for a total contract price not to exceed \$7,500; and



**WHEREAS**, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this agreement to render assistance to one another whenever practical in accordance with the terms of the agreement attached hereto.

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

I.

**THAT** the City Manager is authorized and directed as an act of the City of Kingsville, Texas to enter into Amendment Two of an Interlocal Cooperation Agreement Between the City of Kingsville and the University of Texas-San Antonio relating to a Sponsored Research Agreement for the downtown area in accordance with Exhibit A hereto attached and made a part hereof.

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  
24<sup>th</sup> day of April, 2017.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

The City of Kingsville  
Amendment Two

AMENDMENT TWO OF THIS AGREEMENT is made between The University of Texas at San Antonio (UTSA), an academic component of The University of Texas System ("System"), having an address at One UTSA Circle, San Antonio, Texas 78249 and City of Kingsville, with a principal place of business at 200 E. Kleberg, Kingsville, Texas ("Sponsor").

AS SET FORTH BELOW, THE PARTIES HEREBY AGREE TO AMEND THE AGREEMENT DATED March 6, 2016 BETWEEN UTSA AND CITY OF KINGSVILLE:

**SECTION 1. PERIOD OF PERFORMANCE.**

The amended term of the AGREEMENT shall be from March 1, 2016 to June 30, 2017, inclusive, subject to the provisions of SECTION 1 of the AGREEMENT.

**SECTION 3. COMPENSATION**

- A. The amount funded is hereby increased by \$2,500. This agreement in its entirety is to not exceed \$7,500.

EXCEPT AS EXPRESSLY PROVIDED IN THIS AMENDMENT ONE AGREEMENT, ALL OTHER TERMS, CONDITIONS AND PROVISIONS OF THE AGREEMENT SHALL CONTINUE IN FULL FORCE AND EFFECT AS PROVIDED THEREIN.

**IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their duly authorized representatives.**

THE UNIVERSITY OF TEXAS AT  
SAN ANTONIO

By: \_\_\_\_\_

Theresa L. Bailey, Ph.D.  
Director  
Research Service Center-Downtown Campus

Date: 4/13/2017

CITY OF KINGSVILLE, TEXAS

By: \_\_\_\_\_

Jesus A. Garza  
City Administrator

Date: \_\_\_\_\_

## **AGENDA ITEM #8**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Deborah Balli, Finance Director

DATE: April 17, 2017

SUBJECT: HM King High School Foundation Donation-Gym Demolition

---

**Summary:**

This budget amendment is to accept and expend a donation of \$25,000 from the HM King High School Historical Foundation.

**Background:**

On February 27<sup>th</sup>, 2017 the City Commission approved Resolution 2017-14 supporting the rehabilitation of the old Chamberlain Park on the city hall complex area, and authorized staff to demolish the old gymnasium located on a portion of the property. The HM King High School Historical Foundation has donated \$25,000 to assist with the demolition costs.

**Financial Impact:**

This budget amendment will increase the General Fund Donations 001-4-0000-75013 by \$25,000 and increase CO Series 2016-City Hall Complex-Gym Demolition 033-5-1030-71317 by \$25,000 through fund transfers.

**Recommendation:**

Staff is recommending the FY 16-17 budget be amended to include the acceptance and appropriation of the \$25,000 donation from the HM King High Historical Foundation.



## **AGENDA ITEM #9**

**City of Kingsville  
Finance Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Deborah Balli, Finance Director

DATE: April 17, 2017

SUBJECT: HM King High School Foundation Donation-Gym Demolition

---

**Summary:**

This budget amendment is to accept and expend a donation of \$25,000 from the HM King High School Historical Foundation.

**Background:**

On February 27<sup>th</sup>, 2017 the City Commission approved Resolution 2017-14 supporting the rehabilitation of the old Chamberlain Park on the city hall complex area, and authorized staff to demolish the old gymnasium located on a portion of the property. The HM King High School Historical Foundation has donated \$25,000 to assist with the demolition costs.

**Financial Impact:**

This budget amendment will increase the General Fund Donations 001-4-0000-75013 by \$25,000 and increase CO Series 2016-City Hall Complex-Gym Demolition 033-5-1030-71317 by \$25,000 through fund transfers.

**Recommendation:**

Staff is recommending the FY 16-17 budget be amended to include the acceptance and appropriation of the \$25,000 donation from the HM King High Historical Foundation.



**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO ACCEPT AND EXPEND A DONATION FROM THE HM KING HIGH SCHOOL HISTORICAL FOUNDATION FOR THE GYMNASIUM DEMOLITION PROJECT.**

**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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 General Fund</b>					
<b>Revenue</b>					
4-0000		Donations	72030	<u>\$25,000</u>	
<b>Expenses</b>					
5-6900	Fund Trsfrs	Transfer To Fund 033	80033	<u>\$25,000</u>	
<b>Fund 033 CO Series 2016</b>					
<b>Revenue</b>					
4-0000		Transfer From Fund 001	75001	<u>\$25,000</u>	
<b>Expenses</b>					
5-1030	City Special	City Hall Complex-Gym Demolition	71317	<u>\$25,000</u>	

[To amend the City of Kingsville FY 16-17 Budget to include a \$25,000 donation from the HM King High School Historical Foundation for the gymnasium demolition project as per the attached memo from the Director of Finance.]

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 24<sup>th</sup> day of April, 2017.

**PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2017.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



# **AGENDA ITEM #10**

**City of Kingsville**  
**Parks & Recreation Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Jason Alfaro, Parks Director

DATE: April 12, 2017

SUBJECT: Agenda Request – Receipt of \$9,000.00 Donation from Brookshire Foundation

---

**Summary:**

The Parks & Recreation Department would like approval from City Commission to receive a \$9,000.00 donation from the B.C. & Addie Brookshire Foundation. These funds would be spent on the 2017 summer recreation programming.

**Background:**

The Brookshire Foundation has continued to generously provide financial assistance upon request from the Parks & Recreation Department for various capital improvement projects and recreational programming. Earlier this year Parks staff submitted an application to the Foundation requesting assistance in the amount of \$9,000. Of the requested amount, \$6,000 would be used for transportation during our Summer 2017 “Take It Outside” Adventure Camps for kids ages 6-12 years old, allowing the kids to enjoy various South Texas nature-based outdoor activities. The remaining \$3,000 would support our Summer Track and Summer Swim League activities. The requests that were made totaled \$9,000 and were approved for funding as indicated via email from Brookshire Foundation Board Member Sylvia Woelfel.

**Financial Impact:**

This donation will provide \$9,000 in additional recreational programming funds to the 2017 Parks Budget.

**Recommendation:**

We recommend that the City Commission authorize the receipt of this donation in the amount of \$9,000 from the Brookshire Foundation, and amend the budget to record the acceptance of these funds into the park budget.



# **AGENDA ITEM #11**

**City of Kingsville**  
**Parks & Recreation Department**

---

TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Jason Alfaro, Parks Director

DATE: April 12, 2017

SUBJECT: Agenda Request – Receipt of \$9,000.00 Donation from Brookshire Foundation

---

**Summary:**

The Parks & Recreation Department would like approval from City Commission to receive a \$9,000.00 donation from the B.C. & Addie Brookshire Foundation. These funds would be spent on the 2017 summer recreation programming.

**Background:**

The Brookshire Foundation has continued to generously provide financial assistance upon request from the Parks & Recreation Department for various capital improvement projects and recreational programming. Earlier this year Parks staff submitted an application to the Foundation requesting assistance in the amount of \$9,000. Of the requested amount, \$6,000 would be used for transportation during our Summer 2017 “Take It Outside” Adventure Camps for kids ages 6-12 years old, allowing the kids to enjoy various South Texas nature-based outdoor activities. The remaining \$3,000 would support our Summer Track and Summer Swim League activities. The requests that were made totaled \$9,000 and were approved for funding as indicated via email from Brookshire Foundation Board Member Sylvia Woelfel.

**Financial Impact:**

This donation will provide \$9,000 in additional recreational programming funds to the 2017 Parks Budget.

**Recommendation:**

We recommend that the City Commission authorize the receipt of this donation in the amount of \$9,000 from the Brookshire Foundation, and amend the budget to record the acceptance of these funds into the park budget.



**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE FISCAL YEAR 2016-2017 BUDGET TO ACCEPT AND EXPEND PARK DONATIONS FROM BROOKSHIRE FOUNDATION FOR SUMMER PROGRAMS.**

**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 2016-2017 budget be amended as follows:

**CITY OF KINGSVILLE  
DEPARTMENT EXPENSES  
BUDGET AMENDMENT**

Dept No.	Dept Name	Account Name	Account Number	Budget Increase	Budget Decrease
<b>Fund 001 General Fund</b>					
<b>Revenue</b>					
4-4503	Parks & Recreation	Park Donations	58003	\$9,000	
				<u>\$9,000</u>	
<b>Expenses</b>					
5-4503	Parks & Recreation	Recreational Programs	31499	\$9,000	
				<u>\$9,000</u>	

[To amend the City of Kingsville FY 16-17 Budget to accept and expend park donations from the B.C & Addie Brookshire Foundation for summer recreational programs as per the attached memo from the Parks Manager.]

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 24<sup>th</sup> day of April, 2017.

**PASSED AND APPROVED** on this the 8th day of May, 2017.

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

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

## **AGENDA ITEM #12**

**City of Kingsville  
Legal Department**

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TO: Mayor and City Commissioners

CC: Jesus A. Garza, City Manager

FROM: Courtney Alvarez, City Attorney

DATE: April 24, 2017

SUBJECT: Resolution to Deny TCC's Rate Recovery Filing

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**Summary:** On April 3, 2017, AEP Texas Inc. ("AEP" or "Company") filed an Application to Amend its Distribution Cost Recover Factors ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of \$28,010,174 (\$21,365,072 for the Central Division and \$6,645,102 for the North Division).

The resolution authorizes the City to join with the Cities Served by AEP ("Cities") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

**Background:** The City has participated with the Cities Served by AEP in prior rate case and cost recovery filings. AEP pays for the cost of the review of their request, so there is no out of pocket cost to the City. As there is no individual or agency that reviews the rate cases and recovery requests on behalf of the affected parties/citizens, the legislature has given cities authority to do so with the utility company paying for the expenses involved in the review.

**Purpose of the Resolution:**

The purpose of the Resolution is to deny the DCRF application proposed by AEP. An explanation of the "Be It Resolved" paragraphs follows:





**City of Kingsville  
Legal Department**

1. This section authorizes the City to participate with Cities as a party in the Company's DCRF filing, PUC Docket No. 47015.

2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

3. This paragraph finds that the Company's application is unreasonable and should be denied.

4. This section states that the Company's current rates shall not be changed.

5. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.

6. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

7. This section provides that AEP and counsel for Cities will be notified of the City's action by sending a copy of the approved and signed Resolution to counsel.

**Financial Impact:** This action has no financial impact to the City.

**Recommendation:** Approve the resolution as presented.



**RESOLUTION NO. 2017-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF KINGSVILLE, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

**WHEREAS**, the City of Kingsville, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

**WHEREAS**, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

**WHEREAS**, on or about April 3, 2017 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 47015, seeking to increase electric distribution rates by \$28,010,174 (\$21,365,072 for the Central Division and \$6,645,102 for the North Division); and

**WHEREAS**, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

**WHEREAS**, Cities are coordinating their review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

**WHEREAS**, Cities members and attorneys recommend that members deny the DCRF.

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

**Section 1.** That the City is authorized to participate with Cities in PUC Docket No. 47015.

**Section 2.** That subject to the right to terminate employment at any time, the City of Kingsville, Texas hereby authorizes the hiring of the law firm of Lloyd Gosselink

and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

**Section 3.** That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

**Section 4.** That the Company shall continue to charge its existing rates to customers within the City.

**Section 5.** That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

**Section 6.** That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

**Section 7.** That a copy of this Resolution shall be sent to Melissa Gage, American Electric Power Service Corporation, 400 West 15<sup>th</sup> Street, Suite 1520, Austin, Texas 78701 *and* to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_,  
2017.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

# **AGENDA ITEM #13**

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

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TO: Mayor and City Commissioners

CC: Jesús A. Garza, City Manager

FROM: David Solis, Risk Manager (HR Department)

DATE: April 12, 2017

SUBJECT: Proposed Resolution to Amend Policy 881.00 Emergency Services Policy

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**Summary:** A resolution is presented to amend Policy 881 Emergency Service Policy by updating and clarifying language contained in the policy.

The attached document includes the revisions to the policy. Items to note include:

- (1) Adding the title of Emergency Management Coordinator as the primary individual responsible to ensure the provisions of the policy are carried out before, during and after the emergency event or disaster.
- (2) The title of Department Head was revised to Department Director.
- (3) Language was added to include that the Police Chief may set a higher readiness phase condition in matters involving Law Enforcement. (Draft - Page 2)
- (4) Language related to sheltering City employees was revised to state that the City shall take the necessary steps to safely accommodate on-duty personnel during the emergency event or disaster as needed. (Draft - Page 2)
- (5) Language was added to note that Fire and Police civil service personnel investigations and disciplinary actions are governed by Texas Local Government Code Chapter 143 and by any collective bargaining agreements. (Draft - Page 3)
- (6) Removal of five out of the six circumstances described allowing for automatic waivers. All waiver requests except for employees on illness or injury leave shall be presented to a three-member panel. (Draft - Page 7)



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

- (7) Language was added indicating that upon activation, Exempt employees who exceed 40 actual hours of work per week shall be eligible for overtime at the rate of one and one-half times of the employee's hourly rate or by compensatory time at the rate of one and one-half hours for each actual hour worked over 40 hours per week. This provision for exempt employees will be enacted ONLY upon written notification to Department Directors by the City Manager. (Draft - Page 8)
- (8) Policy acknowledgement and waiver forms revised. (Draft - Pages 9 & 10)

**Background:** The Emergency Services Policy was originally implemented on July 9, 2001 by then Risk Manager Art Alvarez. The policy replaced the existing Bad Weather Policy.

Over the years, the policy has received minor revisions with the last revision effective date of August 28, 2006.

HR reviewed the policy with staff who have been directly involved in carrying out certain responsibilities with respect to this policy. Recommendation were taken into consideration and incorporated in the document presented.

**Financial Impact:** None

**Recommendation:** To amend Policy 881.00 Emergency Services Policy as presented by staff.



**POLICY NO. 881.00 EMERGENCY SERVICES POLICY****I. Purpose**

The citizens of Kingsville depend on City employees before, during, and after an emergency events or disaster to provide quality customer service in the restoration of essential public services required to maintain the health, safety, and quality of life for our community. City employees demonstrate pride and a commitment to quality customer service by ensuring a continuation of public services during the essential periods of every emergency or disaster. This policy sets out responsibilities of City employees before, during, and after emergency events or disasters to ensure that City employees function as a team in restoring City services.

**II. Scope**

This policy applies to all City employees who in the course and scope of their employment provide services for the benefit of the general public during emergency situations threatening ~~that threaten~~ the safety of the citizens of Kingsville. ~~Effective upon approval of this policy, as revised,~~ All City job descriptions are hereby amended to require current City employees to provide services in the course and scope of their employment for the benefit of the general public during emergency situations threatening ~~that threaten~~ the safety of the citizens of Kingsville.

**III. Application**

This policy will be in effect whenever the City Manager, or designee, in accordance with the City Emergency Preparedness Plan (prepared by the Emergency Management Coordinator (EMC)), declares that emergency conditions warrant it, either in preparation for, or as a reaction to, one or more disastrous events such as: a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters ~~which threatening~~ the safety of the citizens of Kingsville.

**IV. Position Designation And Responsibilities**

All employees of the City of Kingsville hold essential services positions and, as part of the City's Emergency Response Team, provide services in the course and scope of their employment for the benefit of the general public during emergency situations ~~that threatening~~ the safety of the citizens of Kingsville. All city employees may be required to work immediately before, during, or immediately after an emergency or disaster as required by the circumstances, unless a waiver is requested and approved as per section VII of this policy.

**V. Readiness Conditions**

The procedures of the Emergency Services Policy will correspond to the increased readiness actions in the Emergency Preparedness Plan. The City Manager or designee will notify departments of any change in readiness conditions. Hazardous conditions include, but are not limited to, one or more disastrous events ~~;~~ ~~such as: a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters which threaten the safety of the citizens of Kingsville.~~

Basic Readiness Ongoing Phase – Customer Service and responsiveness is the daily job of all City employees. Employees of the City of Kingsville are responsible to the citizens of Kingsville for providing for their safety, health and welfare in the event of an ~~a state of~~ emergency or disaster.

- A. **Basic Readiness Phase** - requires City employees to know their functions and responsibilities in a disaster. City management will maintain minimal basic emergency response equipment and supplies as required of the applicable department.

Department Heads Directors will review policies and procedures with all employees on or before May 15<sup>th</sup> of each year. The Department Head Director, or designee, will (a) review with ~~provide~~ each

employee ~~with a copy of~~ the Emergency Services Policy, (b) obtain signed and correctly completed Acknowledgement Forms (~~attached Appendix F-1~~), and (c) verify that each employee has an up-to-date Employee Identification Card. Completed and signed Acknowledgment Forms shall be forwarded to the EMC and the Human Resource Department.

- B. Increased Awareness Phase (Readiness Condition 4)** - A higher degree of readiness is needed than is normally present. The condition can occur at any moment due to the probability of a hazardous condition. This condition will automatically be in effect during hurricane season, June 1 through November 30.

The EMC or designee (Risk Manager) will initiate general increased readiness activities.

The Department ~~heads~~ Directors will review their respective Standard Operating Procedures and advise the EMC Risk Manager of any changes.

Department Heads Directors will ensure personnel are aware of readiness conditions.

A Department Head Director may set a higher condition anytime when considered necessary (with the permission of the City Manager or designee). Departments will notify the EMC Risk Manager when setting a higher readiness condition. In circumstances involving law enforcement, the Police Chief may set a higher condition anytime when considered necessary and will notify the City Manager or EMC as appropriate.

- C. Watch Phase (Readiness Condition 3)** – Indicates the existence of a potential danger that could develop into a hazardous condition requiring a higher degree of readiness than Condition 4, but is not an immediate threat to life or property. The hazardous condition has the probability of requiring moving into Readiness Condition 2.

Department Heads Directors will conduct briefings with their staff and check readiness of equipment, supplies and facilities. Departments should correct deficiencies and begin securing equipment and property.

Supervisors will review policies and procedures with City employees. The reviews will address work schedules, special equipment availability, notification of last minute changes, and the process to be used to contact employees after shift hours and on weekends.

Employees will review procedures with their families and inform them of the probability of Readiness Condition 2 and make final arrangements. It is the responsibility of the employee to be ready for Readiness Condition 2.

Supervisors and employees will be allowed to secure their homes and belongings during this Phase as approved by the Department Head Director, or designee, by taking sick or vacation leave.

- D. Warning Phase – (Readiness Condition 2)**

A situation has definite characteristics of becoming hazardous, and there is significant probability of injury and/or property damage.

The City Manager will declare that the Emergency Services Policy is in effect.

City Property will be secured and protected.

Other necessary actions will be taken ~~as necessary in individual departments~~ as required by the Emergency Operating Plan (EOP) and departmental Standard Operating Procedures (SOP).

The Phase will begin at the same time throughout the City, but it may end at different times in different departments.

Employees will remain at work until dismissed by their supervisor in accordance with the department's operational demands or ~~Hurricane~~ Standard Operating Procedure.



~~**The City employee shelter will be opened and made ready with supplies, food, equipment needed. City employees will be advised of the shelter location and opening time.**~~

The City will take the necessary steps to safely accommodate on-duty personnel during the emergency event as needed.

**Approved Leave Reassessed:**

Department Heads Directors will reassess on a case-by-case basis all approved vacation leave requests for employees who are off duty on vacation or personal leave at the time the Emergency Services Policy is activated (Warning Phase) and will use discretion in deciding to cancel, re-approve, or reschedule the leave.

Employees who are scheduled for approved vacation or personal leave ~~that runs~~ running concurrently with the time for activation of the Emergency Services Policy (Warning Phase) will have such leave automatically cancelled. At the discretion of the Department Head Director, such leave may be rescheduled or re-approved on a case-by-case basis based on individual circumstances and operational needs.

Employees who are on approved leave and are outside the city limits of the City of Kingsville, upon learning of the Mayor, or City Manager, or designee, opening the Emergency Operations Center (EOC), are responsible for calling in to their Department Heads Directors, or designees, at the applicable department or the Emergency Operations Center. Based on circumstances, the Department Head Director may use discretion to cancel or re-approve such leave.

If the employee is out of state or country, and does not learn of the opening of the Emergency Operations Center from available media, he/she will not know to call in. Under such circumstances the employee's approved leave will not be cancelled.

E. **Essential Services Phase – (Readiness Condition 1)** A hazardous condition is imminent or has occurred. ~~Events such as a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters that threaten~~ threatening the safety of Kingsville's citizens will result in declaration of Readiness Condition 1.

1. The availability of City employees to work is necessary for the benefit of the general public immediately before, during, and/or immediately after the emergency. Employees will not be authorized to evacuate should an evacuation order be issued in accordance **with Chapter 22 of the Texas Labor Code** unless they have requested and received an approved Waiver Form.
2. Upon an evacuation order being issued in accordance with State law, employees who have been granted approved waivers shall be released from duty and may evacuate the City. Employees with approved waivers who evacuate the City are responsible for reporting back to work in compliance with the Return-to-Duty Phase of this Policy.
3. Shifts during the Essential Services Phase may be established ~~according to~~ per departmental needs at the discretion of the Department Head Director. Employees who are listed in the Departmental Operations Pool must provide phone numbers, ~~paggers,~~ addresses, or other information to their Department Head Director where the employee can be contacted prior or during an emergency. The Department Head Director shall list the employees' contact information on the Departmental Operations Pool form. Employees who need to request a waiver will be responsible for complying with deadlines and waiver request procedures as outlines in Section VII of this policy.
4. Shelters: The Emergency Management Coordinator (EMC)/~~Risk Manager~~, or designee, will communicate to Department heads Directors, or designees, the locations of shelters for Ceity Employees who are on the Emergency Operations Pool, during the Essential Services Phase of this policy. Families of employees are strongly encouraged to evacuate with the general public when an

evacuation order is issued. See "Shelter and Mass Care" in the Emergency Operating Plan for additional details.

- F. **Return-to-Duty Phase:** By reporting to duty as directed, each employee meets his/her responsibility to work with other City employees as a team in restoring the community to normal service levels following a disaster.

Following the announcement of the Return-to-Duty Phase by City Officials, employees who remained in local shelter, or sheltered-in-place in their homes, or evacuated (waiver approved status only) will report to work at the start of the next normal shift unless otherwise directed to call in or report sooner.

Waivers are granted only for the Essential Services Phase of an emergency and/or disaster. **Employees who receive an approved waiver are still required to work before and after emergency events and/or disasters.**

Employees who cannot report at the start of the next normal shift must call in, or otherwise contact their supervisor, or designee, at or before the time the employee's shift begins, or in no case later than 4 hours after the time the employee's shift begins.

Employees must make every attempt within reason to contact their supervisor, or designee, to report their inability to report to work and request authorized leave.

Mitigating circumstances that prohibiting the employee from calling in, or reporting to duty at the next normal shift, will be considered on a case-by-case basis based on the facts of each circumstance.

Failure of employees to call in or otherwise contact their supervisor, or designee, will result in the leave being designated "unauthorized without pay", and subject the employee to disciplinary action up to and including termination of employment depending on the circumstances and if such action is approved by the ~~Director of Personnel~~ Human Resource Director and City Manager. Note: Fire and Police civil service personnel investigations and disciplinary actions are governed by Texas Local Government Code Chapter 143 and by any collective bargaining agreements.

Employees should contact their supervisor to obtain information on the Return-to Duty Phase.

## VI. Responsibilities

### A. City Manager and Department Heads Directors:

1. It is the shared responsibility of the City Manager, ~~Assistant City Manager,~~ and Department Heads Directors to communicate the implementation of the Emergency Services Policy to City Employees.
2. ~~Supervisory Staff is Department Heads and other positions incumbent in the Management Pay Plan are required to call the Emergency Operations Center (EOC) for duty assignments upon becoming aware of an announcement by the Mayor, City Manager, or designees, of the EOC's activation. that the Center is being activated.~~
3. On or before April 30<sup>th</sup> of each year, the Department Head Director will meet with assigned personnel and train employees on the content of the Emergency Services Policy, as last revised, and secure a signed Acknowledgement Form from each employee stating he/she has had an opportunity to ask questions on the Policy and understands his/her responsibilities.
4. The Department Head Director will provide the EMC or designee ~~/Risk Manager~~ with a completed "Emergency Services Employee Departmental List" form with employee names with designated employee assignments, such as:
  - a. Emergency Operations Pool (Employees shall remain throughout the emergency before, during, and after the emergency);
  - b. Emergency Operations Center (EOC) (command and general ~~center~~ staff);

- c. Departmental Operations Pool (Employees shall be available to assist before/after the emergency and are subject to work upon request); and
- d. Approved waiver requests.

5. Employees designated as members of ~~belonging to~~ the Emergency Operations Pool are subject to task assignments to tasks as needed immediately before, during, or immediately after the emergency based on operational necessity, including, but not limited to, shelter management and support; telephone bank; bus evacuation assistance, etc. A copy of the Emergency Services Employee Departmental List will be forwarded to EMC with a copy to the Risk Management Manager ~~and a copy to the Human Resources Department.~~

~~Risk Manager / EMC or designee~~ will assign individuals from departmental lists to perform specific functions including, but not limited to, ~~shelter management and support; telephone bank; bus evacuation assistance, etc.~~ immediately before, during or immediately after the emergency.

If employee names on this list have not been assigned to a work assignment, then these employee names will stay in the "Department Operations Pool" and will remain available to assume work assignments as needed immediately before, during, or immediately after the emergency. "Pool status" must be documented on the Employee Departmental List in the column by each employee's name.

Employees who are designated to assist as needed immediately after the emergency will be instructed on when and where to report for duty upon announcement of the Return-to-Duty Phase.

Employees who are granted an approved waiver will be instructed on when to report to duty upon announcement of the Return-to-Duty Phase.

Department Heads Directors are responsible for releasing employees with approved waivers at the time evacuation is ordered for the public under Chapter 22 of the Texas Labor Code to enable the employee to evacuate. Waivers are granted only for the Essential Services Phase of an emergency and/or disaster. Employees who receive an approved waiver are still required to work before and after an emergency and/or disaster and comply with the Return-to-Duty Phase when announced by City officials.

6. Prior to April 30<sup>th</sup> of each year, the Department Head Director is responsible for development and implementation of a process for communicating with employees (through use of a Communications "Tree" or Chart) whereby employees can be called in to work after normal shift hours and on weekends. The "Communication Tree" needs to clearly designate the persons responsible for calling assigned groups of employees to report to duty under this Policy.
7. Upon receipt of work assignments provided by EMC or designee ~~/Risk Manager~~ for departmental employees, the Department head Director is responsible for ensuring that employees are aware of their individual responsibilities under this Policy.
8. The City Manager will have final decision-making authority over disputed waiver request, which have been reviewed & ruled on by the three (3) member Review Committee.
9. ~~Department Head or their designees will be responsible for checking all employee Acknowledgment Forms to ensure that the form is fully completed and signed. The verification will be indicated by the Department Head's or designee's signature on the Acknowledgement Form for each employee in the Department.~~
10. Department Head Director, or designees, shall ensure that all City job descriptions and Vacancy Notification state that City employees are required to provide services in the course and scope of their employment for the benefit of the general public during emergency situations that threaten the safety of Kingsville's citizens. The only exception to this requirement is when a waiver is requested and approved under this policy.

11. *Department Heads Directors shall ensure that all employees assigned to them have a City of Kingsville Employee Identification Card (provided by the ~~Kingsville Police~~ Human Resource Department) before the beginning of Hurricane Season, June 1 of each year.*
12. ~~Department Heads~~ Directors, or designees, will document all hours worked by non-exempt and exempt personnel including their assignments and forward the information to the EOC Finance Section, if activated.

B. Supervisors

1. Supervisors are responsible for the support and implementation of this Policy in a consistent and fair manner. Supervisors are responsible to their Department Heads Directors for documentation, reporting potential violations of this Policy by employees, assisting with fact-finding, and assisting the Department head Director in the initiation of necessary disciplinary action.
2. Supervisors are responsible for ensuring ~~that~~ each employee under their supervision correctly completes and signs an his/her Emergency Services Policy Acknowledgement Form.
3. Supervisors are required to review and sign Waiver Request Forms submitted by their assigned personnel and to take action to ensure that a replacement employee is assigned to cover the essential services upon approval of the waiver.

C. City Employees

1. Each employee is responsible for knowing ~~his/her~~ their responsibilities under this Policy. Compliance with this Policy is mandatory. Each employee is responsible for calling in, and reporting as directed to the Emergency Operations Center, to pre-designated rallying points or elsewhere as otherwise assigned.
2. Employees shall be responsible for complying with waiver request procedures and deadlines as outlined in Section VII of this Policy.
3. Employees are required to report to their Department Head Director, or as directed under the Return-to-Duty Phase of this Policy.
4. Employees who do not have a telephone, will be required to contact their Department head Director, or designee, ~~in person and on their own initiative~~, in a reasonable time period, upon knowledge that the Mayor, City Manager, or their designees, have announced the opening of the Emergency Operations Center or the need for employees to report to duty regardless of the Readiness Condition at the time of the announcement.

D. Human Resources Department - The Human Resources Department shall:

1. Facilitate a three (3) member Waiver Review Committee to be appointed by the City Manager, or designee, to review all waivers for citywide consistency. This Waiver Review Committee will ensure that each Department head Director receives an initial list of employees who have been granted approved waivers and an amended list as additional waivers are approved throughout the year;
2. ~~Originals of~~ Approved waivers will be filed in the employee's official personnel file in the Human Resources Department. A copy of approved waiver shall be forwarded to Department Director;
3. Ensure that recruitment advertisements include notification to applicants that all City job descriptions require incumbents in the course and scope of their employment to provide services for the benefit of the general public during emergency situations that threaten the safety of Kingsville's citizens, and that without an approved waiver, City employees must be able to work immediately before, during, or immediately after an emergency;
4. Provide general information about this Policy to all new employees during New Employee Orientation ~~Training~~, and obtain signed Acknowledgment Forms from new employees to be placed in their personnel files; and

5. Provide general assistance to the City Manager, including coordination of disciplinary actions, waiver reviews, and resolution of pay issues.

E. EMC and/or Risk Manager

The EMC/Risk Manager, or designee, is responsible for maintaining and updating the Emergency Services Policy annually. The EMC/Risk Manager, or designee, shall provide assistance to departments in planning and coordinating the activities of all Phases to insure consistency with the City's Emergency Operating Plan and the emergency services plans as established by the State of Texas.

F. Shelter Coordination & Communication with Employees:

1. The EMC, or designee Risk Manager will advise Department Heads Directors in a timely manner of the names of employees from their departments required for specific work assignments, as directed by the City Manager. The EMC/Risk Manager, or designee, is responsible for ongoing coordination of shelters for City employees through liaison with the Kingsville Independent School District (KISD) and other local community agencies. The EMC/Risk Manager shall coordinate with the City's Legal Department to ensure that an inter-local agreement between Kingsville Independent School District and the City of Kingsville is implemented regarding shelters, buses, and drivers.
2. The EMC/Risk Manager, or designee, will communicate to department heads, or designees, the locations of shelters for use of City Employees who must work immediately before, during, and/or immediately after the Essential services Phase.

## VII. Waivers

### ANNUAL WAIVER REQUEST FORMS REQUIRED

- A. Waivers are granted only for the Essential Services Phase of an emergency and/or disaster.
- B. Employees who receive an approved waiver are still required to work before and after an emergency and/or disaster and comply with the Return-to-Duty Phase of this Policy.
- C. Upon an evacuation order being issued in accordance with State law, employees who have been granted approved waivers shall be released from duty and may evacuate the City.
- D. Employees with approved waivers who evacuate the City are responsible for reporting back to work in compliance with the Return-to-Duty Section of this Policy.
  1. Submission of Waiver Request Form:
    - a. If an employee has personal circumstances, which would affect his/her their ability to work during the Essential Services Phase (Readiness Condition 1) of this Policy, it is the responsibility of the employee to file an annual Waiver Request Form (Appendix F-2 attached) on or before May 15<sup>th</sup> of each year. This Waiver Request Form must be co-signed by the employee's supervisor.
    - b. The employee must file additional Waiver Request Forms when his/her their circumstances change.
    - c. If circumstances change, waiver requests may be made within three (3) working days of the implementation of the Essential Service Phase of this Policy, and will be granted for circumstances that the employee could not have foreseen prior to the event.
    - d. A copy of the Waiver Request Forms is attached. ~~located in Appendix F-2).~~ An employee who is denied approval of a Waiver Request may appeal in writing within five (5) calendar days to the City Manager.
  2. Review and Approval:
    - a. The Human Resources Department will facilitate a three (3) member Review Committee to be appointed by the City Manager, or designee, to review all waivers for consistency Citywide and

to provide a list of approved waivers to each Department head Director for his/her assigned employees;

- b. Originals of approved waivers will be filed in the employee's official personnel file in the Human Resources Department;
3. Waiver Requests ~~that meeting~~ the following circumstances will automatically be approved by the Human Resources Director without going through the Review Committee if the approval does not cause departmental understaffing during the emergency situation:
  - a. ~~An employee who is a single parent with primary responsibility for children under the age of 17, or for care of elderly family members, and for whom other care arrangements cannot be made;~~
  - b. ~~An employee who personally suffers from serious health problems, has a physical and/or mental disability, or who has primary responsibility for a chronically ill spouse and/or family member under similar circumstances; and,~~
  - c. ~~An employee who has a spouse who works for the City of Kingsville must report to work under this Policy, or who has a spouse employed by another governmental entity, hospital, or other public or private essential services provider (e.g. employees of private business who provide emergency food, supplies, equipment, gasoline, water, etc.), who must report under a comparable policy requirement, or work immediately before, during or immediately after the Essential Services Phase, and who meet the criteria stated in Section VII, Subsections 3-1 and 3-2. Written confirmation from the spouse's employer shall accompany the Waiver Request Form unless the spouse is employed by the City of Kingsville.~~
  - d. A. An employee who cannot perform the essential functions of his/her position and who has not been released to "full duty" by his/her physician at the time of the Essential Services Phase is exempt from filing a waiver and automatically granted waiver status. This may include an employee who is:
    - On Family Medical Leave (FMLA) for any eligible purpose; or
    - On approved non-FMLA leave due to an occupational and/or non-occupational illness or injury; or
    - Who is on limited duty or no-duty assignment under the City's Limited-Duty Policy.
  - e. ~~An Employee on approved leave due to a death in the employee's immediate family as defined in the City's emergency leave policies Chapter VII Absence – Section 7.08.~~
  - f. ~~An employee who has been granted a waiver in the best interest of the City.~~

~~Requested Waivers submitted by employees for reasons other than those listed in Subsection 3 of this Section~~ Waivers will be considered on a case-by-case basis by the Waiver Review Committee with consideration given based on the facts and circumstances.

### **VIII. Violations of this Policy**

An employee violates this Policy by:

1. Refusing to perform assigned duties required by this Policy or to obey any order or direction made or given by a supervisor;
2. Failing to report for duty as directed during any applicable Phase of this Policy;
3. Failing to abide by City Policy, departmental rules or regulations, Standard Operating Procedures (SOP's);

4. Any conduct that interferes with, or might reasonably be expected to interfere with, the proper and orderly conduct of the City's business, or brings, or might reasonably be expected to bring, discredit on the public service.

## **IX. Consequences for Violation of this Policy**

A violation of this Policy shall be considered a violation of City Policy, departmental rules or regulations, Standard Operating Procedures, and Rules and Regulations for which disciplinary action up to and including termination of employment may be taken by the applicable Department head Director, with the concurrence of the ~~Director of Human Resources~~ Director and City Manager, or designee.

## **X. Pay Provisions**

### **A. Use of Leave With and Without Pay by Exempt and Non-Exempt Employee:**

Employees will be allowed to secure their families and property as scheduled by the Department Head Director, or designee, and to use vacation or sick leave, if any, or leave without pay if paid leave is exhausted, for that purpose.

### **B. Non-Exempt Employees:**

1. All hours worked by non-exempt employees over 40 hours in a 7-day work period shall be compensated at the overtime rate of one and one-half the employee's hourly base rate as provided in the City's Overtime Policy.
2. Unless notified in advance, non-exempt City employees who do not have an approved waiver will be required to report to work as directed during a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters which threaten the safety of Kingsville's citizens.
3. Non-Exempt employees who report under these circumstances, and who are subsequently released from duty due to emergency condition, shall be paid:
  - a. A minimum of two (2) hours at the regular rate of pay, or for the number of actual hours worked, whichever is greater, and
  - b. Allowed to use accrued vacation, or accrued sick leave, if any, or leave without pay, if paid leave is exhausted, to cover work hours missed during that work period.

### **C. Exempt Employees:**

1. ~~Exempt employees on a salaried basis may be charged leave, as applicable, for partial day absences. The use of leave by municipal employees is allowed under FLSA regulations without affecting the exempt employee's salaried status.~~
2. 1. Upon activation of the Emergency Services Policy through written or verbal notification by the City Manager, Exempt employees who exceed 40 actual hours of work per week shall be eligible for overtime at the rate of one and one-half times of the employee's hourly rate or by compensatory time at the rate of one and one-half hours for each actual hour worked over 40 hours per week. Department Directors or their designees will maintain records of compensatory time accumulated by Exempt employees during emergency operations. This provision for Exempt employees will be enacted ONLY upon written notification to Department Directors by the City Manager.
3. 2. Exempt employee on a salaried basis may be charged leave (vacation, sick, flex, leave without pay) as applicable, for partial day absences.
4. ~~Specific overtime provisions are addressed in City of Kingsville Administrative Policies and Procedures Manual, Policy 620.04 Overtime Pay.~~

### **D. Compensation Questions Related to This Policy:**

1. Questions related to compensation arising from this Policy shall be directed to the applicable Department head Director and the Human Resources ~~Director~~ Department.

*Approved: August 28, 2006*



## **Emergency Services Policy**

### **Acknowledgment Form**

I have received a copy of the City of Kingsville's Emergency Services Policy, revised \_\_\_\_\_, and I understand compliance with this policy is a condition of employment with the City of Kingsville.

I have carefully heard and/or read this policy and understand its content. I have been given an opportunity to ask questions about this policy and receive explanations.

**I UNDERSTAND THE FOLLOWING:**

- City jobs require City employees to work to provide for the health, safety and well-being of the general public, including the delivery and restoration of vital services, in the event of an emergency.
- It is my responsibility to submit a Waiver Request Form, if I need to be excused from working during an emergency, before the established annual submission deadline of May 15<sup>th</sup>, or within one month of my hire date if I was hired after May 15<sup>th</sup>, or at the time my circumstances change.
- A waiver is not valid unless the Waiver Request Form has been approved by the Waiver Review Committee.
- Waivers granted only for Readiness Condition 1 - Essential Services Phase, unless evacuation has been previously recommended or ordered by the Mayor.
- Employees receiving an approved waiver, are still required to work before and after Readiness Condition 1 - Essential Services Phase.

I agree to comply with this policy. I understand failure to comply may result in disciplinary action up to and including termination of employment.

**Employee Name (Printed)**

**ID #**

**Date**

**Employee's Signature**

**Department Name**

**Form Reviewed by: Department Director**

**Date**

## Emergency Services Policy Waiver Request Form/

Employee Name (Print) ID #  
Department Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Detail your reasoning for requesting a waiver. The Waiver Review Committee shall review your request. You may be subject to present additional information for the committee to make an informed decision regarding your waiver request.

Employee Signature ID # Phone Number  
Date

Reviewed by:  
Employee's Supervisor Date

Department Director Recommendation Approve Deny  
Department Director Signature Date

Waiver Review Committee Approve Deny  
Printed Name – Waiver Review Committee Designee Date  
Signature – Wavier Review Committee Designee Date

**RESOLUTION NO. 2017-\_\_\_\_\_**

**A RESOLUTION REVISING THE CITY OF KINGSVILLE ADMINISTRATIVE  
POLICY NO. 881.00 -EMERGENCY SERVICES POLICY.**

**WHEREAS**, the City Commission previously adopted an administrative policy handbook for employees and it is now being proposed that Policy No. 881.00-Emergency Services Policy be revised as noted in the attached document; and

**WHEREAS**, this policy was last updated on August 28, 2006;

**WHEREAS**, staff proposes revisions to clarify and simply the existing policy;

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

**I.**

**THAT** Policy No. 881.00-Emergency Services 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.

**PASSED AND APPROVED** by a majority vote of the City Commission on the 24<sup>th</sup> day of April, 2017.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**POLICY NO. 881.00 EMERGENCY SERVICES POLICY****I. Purpose**

The citizens of Kingsville depend on City employees before, during, and after emergency events or disaster to provide quality customer service in the restoration of essential public services required to maintain the health, safety, and quality of life for our community. City employees demonstrate pride and a commitment to quality customer service by ensuring a continuation of public services during the essential periods of every emergency or disaster. This policy sets out responsibilities of City employees before, during, and after emergency events or disasters to ensure that City employees function as a team in restoring City services.

**II. Scope**

This policy applies to all City employees who in the course and scope of their employment provide services for the benefit of the general public during emergency situations threatening the safety of the citizens of Kingsville. All City job descriptions are hereby amended to require current City employees to provide services in the course and scope of their employment for the benefit of the general public during emergency situations threatening the safety of the citizens of Kingsville.

**III. Application**

This policy will be in effect whenever the City Manager, or designee, in accordance with the City Emergency Preparedness Plan (prepared by the Emergency Management Coordinator (EMC)), declares that emergency conditions warrant it, either in preparation for, or as a reaction to, one or more disastrous events such as: a civil disturbance, hurricane, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters threaten the safety of the citizens of Kingsville.

**IV. Position Designation And Responsibilities**

All employees of the City of Kingsville hold essential services positions and, as part of the City's Emergency Response Team, provide services in the course and scope of their employment for the benefit of the general public during emergency situations threatening the safety of the citizens of Kingsville. All city employees may be required to work immediately before, during, or immediately after an emergency or disaster as required by the circumstances, unless a waiver is requested and approved as per section VII of this policy.

**V. Readiness Conditions**

The procedures of the Emergency Services Policy will correspond to the increased readiness actions in the Emergency Preparedness Plan. The City Manager or designee will notify departments of any change in readiness conditions. Hazardous conditions include, but are not limited to, one or more disastrous events.

Basic Readiness Ongoing Phase – Customer Service and responsiveness is the daily job of all City employees. Employees of the City of Kingsville are responsible to the citizens of Kingsville for providing for their safety, health and welfare in the event of an emergency or disaster.

- A. **Basic Readiness Phase** - requires City employees to know their functions and responsibilities in a disaster. City management will maintain minimal basic emergency response equipment and supplies as required of the applicable department.

Department Directors will review policies and procedures with all employees on or before May 15<sup>th</sup> of each year. The Department Director, or designee, will (a) review with each employee the Emergency Services Policy, (b) obtain signed and correctly completed Acknowledgement Form (attached), and (c) verify that each employee has an up-to-date Employee Identification Card. Completed and signed Acknowledgment Forms shall be forwarded to the EMC and Risk Manager.

- B. Increased Awareness Phase (Readiness Condition 4)** - A higher degree of readiness is needed than is normally present. The condition can occur at any moment due to the probability of a hazardous condition. This condition will automatically be in effect during hurricane season, June 1 through November 30.

The EMC or designee (Risk Manager) will initiate general increased readiness activities.

The Department Directors will review their respective Standard Operating Procedures and advise the EMC of any changes.

Department Directors will ensure personnel are aware of readiness conditions.

A Department Director may set a higher condition anytime when considered necessary (with the permission of the City Manager or designee). Departments will notify the EMC when setting a higher readiness condition. In circumstances involving law enforcement, the Police Chief may set a higher condition anytime when considered necessary and will notify the City Manager or EMC as appropriate.

- C. Watch Phase (Readiness Condition 3)** – Indicates the existence of a potential danger that could develop into a hazardous condition requiring a higher degree of readiness than Condition 4, but is not an immediate threat to life or property. The hazardous condition has the probability of requiring moving into Readiness Condition 2.

Department Directors will conduct briefings with their staff and check readiness of equipment, supplies and facilities. Departments should correct deficiencies and begin securing equipment and property.

Supervisors will review policies and procedures with City employees. The reviews will address work schedules, special equipment availability, notification of last minute changes, and the process to be used to contact employees after shift hours and on weekends.

Employees will review procedures with their families and inform them of the probability of Readiness Condition 2 and make final arrangements. It is the responsibility of the employee to be ready for Readiness Condition 2.

Supervisors and employees will be allowed to secure their homes and belongings during this Phase as approved by the Department Director, or designee, by taking sick or vacation leave.

**D. Warning Phase – (Readiness Condition 2)**

A situation has definite characteristics of becoming hazardous, and there is significant probability of injury and/or property damage.

The City Manager will declare that the Emergency Services Policy is in effect.

City Property will be secured and protected.

Other necessary actions will be taken as required by the Emergency Operating Plan (EOP) and departmental Standard Operating Procedures (SOP).

The Phase will begin at the same time throughout the City, but it may end at different times in different departments.

Employees will remain at work until dismissed by their supervisor in accordance with the department's operational demands or Standard Operating Procedure.

The City will take the necessary steps to safely accommodate on-duty personnel during the emergency event as needed.

**Approved Leave Reassessed:**

Department Directors will reassess on a case-by-case basis all approved vacation leave requests for employees who are off duty on vacation or personal leave at the time the Emergency Services Policy is activated (Warning Phase) and will use discretion in deciding to cancel, re-approve, or reschedule the leave.

Employees who are scheduled for approved vacation or personal leave running concurrently with the time for activation of the Emergency Services Policy (Warning Phase) will have such leave automatically cancelled. At the discretion of the Department Director, such leave may be rescheduled or re-approved on a case-by-case basis based on individual circumstances and operational needs.

Employees who are on approved leave and are outside the city limits of the City of Kingsville, upon learning of the Mayor, or City Manager, or designee, opening the Emergency Operations Center (EOC), are responsible for calling in to their Department Directors, or designees, at the applicable department or the Emergency Operations Center. Based on circumstances, the Department Director may use discretion to cancel or re-approve such leave.

If the employee is out of state or country, and does not learn of the opening of the Emergency Operations Center from available media, he/she will not know to call in. Under such circumstances the employee's approved leave will not be cancelled.

- E. **Essential Services Phase – (Readiness Condition 1)** A hazardous condition is imminent or has occurred-threatening the safety of Kingsville's citizens will result in declaration of Readiness Condition
1. The availability of City employees to work is necessary for the benefit of the general public immediately before, during, and/or immediately after the emergency. Employees will not be authorized to evacuate should an evacuation order be issued in accordance **with Chapter 22 of the Texas Labor Code** unless they have requested and received an approved Waiver Form.
  2. Upon an evacuation order being issued in accordance with State law, employees who have been granted approved waivers shall be released from duty and may evacuate the City. Employees with approved waivers who evacuate the City are responsible for reporting back to work in compliance with the Return-to-Duty Phase of this Policy.
  3. Shifts during the Essential Services Phase may be established per departmental needs at the discretion of the Department Director. Employees who are listed in the Departmental Operations Pool must provide phone numbers, addresses, or other information to their Department Director where the employee can be contacted prior or during an emergency. The Department Director shall list the employees' contact information on the Departmental Operations Pool form. Employees who need to request a waiver will be responsible for complying with deadlines and waiver request procedures as outlines in Section VII of this policy.
  4. **Shelters:** The Emergency Management Coordinator (EMC) or designee, will communicate to Department Directors, or designees, the locations of shelters for City Employees who are in the Emergency Operations Pool, during the Essential Services Phase of this policy. Families of employees are strongly encouraged to evacuate with the general public when an evacuation order is issued. See "Shelter and Mass Care" in the Emergency Operating Plan for additional details.
- F. **Return-to-Duty Phase:** By reporting to duty as directed, each employee meets his/her responsibility to work with other City employees as a team in restoring the community to normal service levels following a disaster.

Following the announcement of the Return-to-Duty Phase by City Officials, employees who remained in local shelter, or sheltered-in-place in their homes, or evacuated (waiver approved status only) will report to work at the start of the next normal shift unless otherwise directed to call in or report sooner.

Waivers are granted only for the Essential Services Phase of an emergency and/or disaster. **Employees who receive an approved waiver are still required to work before and after emergency events and/or disasters.**

Employees who cannot report at the start of the next normal shift must call in, or otherwise contact their supervisor, or designee, at or before the time the employee's shift begins, or in no case later than 4 hours after the time the employee's shift begins.

Employees must make every attempt within reason to contact their supervisor, or designee, to report their inability to report to work and request authorized leave.

Mitigating circumstances prohibiting the employee from calling in, or reporting to duty at the next normal shift, will be considered on a case-by-case basis based on the facts of each circumstance.

Failure of employees to call in or otherwise contact their supervisor, or designee, will result in the leave being designated "unauthorized without pay", and subject the employee to disciplinary action up to and including termination of employment depending on the circumstances and if such action is approved by the Human Resource Director and City Manager. Note: Fire and Police civil service personnel investigations and disciplinary actions are governed by Texas Local Government Code Chapter 143 and by any collective bargaining agreements.

Employees should contact their supervisor to obtain information on the Return-to-Duty Phase.

## **VI. Responsibilities**

### **A. City Manager and Department Directors:**

1. It is the shared responsibility of the City Manager, and Department Directors to communicate the implementation of the Emergency Services Policy to City Employees.
2. Supervisory Staff is to call the Emergency Operations Center (EOC) for duty assignments upon becoming aware of an announcement by the Mayor, City Manager, or designees of the EOC's activation.
3. On or before April 30<sup>th</sup> of each year, the Department Director will meet with assigned personnel and train employees on the content of the Emergency Services Policy, as last revised, and secure a signed Acknowledgement Form from each employee stating he/she has had an opportunity to ask questions on the Policy and understands his/her responsibilities.
4. The Department Director will provide the EMC or designee with a completed "Emergency Services Employee Departmental List" form with employee names with designated employee assignments, such as:
  - a. Emergency Operations Pool (Employees shall remain throughout the emergency before, during, and after the emergency);
  - b. Emergency Operations Center (EOC) (command and general staff);
  - c. Departmental Operations Pool (Employees shall be available to assist before/after the emergency and are subject to work upon request); and
  - d. Approved waiver requests.
5. Employees designated as members of the Emergency Operations Pool are subject to task assignments as needed immediately before, during, or immediately after the emergency based on

operational necessity, including, but not limited to, shelter management and support; telephone bank; bus evacuation assistance, etc. A copy of the Emergency Services Employee Departmental List will be forwarded to EMC with a copy to the Risk Manager.

EMC or designee will assign individuals from departmental lists to perform specific functions immediately before, during, or immediately after the emergency.

If employee names on this list have not been assigned to a work assignment, then these employee names will stay in the "Department Operations Pool" and will remain available to assume work assignments as needed immediately before, during, or immediately after the emergency. "Pool status" must be documented on the Employee Departmental List in the column by each employee's name.

Employees who are designated to assist as needed immediately after the emergency will be instructed on when and where to report for duty upon announcement of the Return-to-Duty Phase.

Employees who are granted an approved waiver will be instructed on when to report to duty upon announcement of the Return-to-Duty Phase.

Department Directors are responsible for releasing employees with approved waivers at the time evacuation is ordered for the public under Chapter 22 of the Texas Labor Code to enable the employee to evacuate. Waivers are granted only for the Essential Services Phase of an emergency and/or disaster. Employees who receive an approved waiver are still required to work before and after an emergency and/or disaster and comply with the Return-to-Duty Phase when announced by City officials.

6. Prior to April 30<sup>th</sup> of each year, the Department Director is responsible for development and implementation of a process for communicating with employees (through use of a Communications "Tree" or Chart) whereby employees can be called in to work after normal shift hours and on weekends. The "Communication Tree" needs to clearly designate the persons responsible for calling assigned groups of employees to report to duty under this Policy.
7. Upon receipt of work assignments provided by EMC or designee for departmental employees, the Department Director is responsible for ensuring that employees are aware of their individual responsibilities under this Policy.
8. The City Manager will have final decision-making authority over disputed waiver request, which have been reviewed & ruled on by the three (3) member Review Committee.
9. Department Director, or designees, shall ensure that all City job descriptions and Vacancy Notification state that City employees are required to provide services in the course and scope of their employment for the benefit of the public during emergency situations that threaten the safety of Kingsville's citizens. The only exception to this requirement is when a waiver is requested and approved under this policy.
10. *Department Directors shall ensure that all employees assigned to them have a City of Kingsville Employee Identification Card (provided by the Human Resource Department) before the beginning of Hurricane Season, June 1 of each year.*
11. Department Directors, or designees, will document all hours worked by non-exempt and exempt personnel including their assignments and forward the information to the EOC Finance Section, if activated.

## **B. Supervisors**

1. Supervisors are responsible for the support and implementation of this Policy in a consistent and fair manner. Supervisors are responsible to their Department Directors for documentation, reporting



potential violations of this Policy by employees, assisting with fact-finding, and assisting the Department Director in the initiation of necessary disciplinary action.

2. Supervisors are responsible for ensuring each employee under their supervision correctly completes and signs an Emergency Services Policy Acknowledgement Form.
3. Supervisors are required to review and sign Waiver Request Forms submitted by their assigned personnel and to take action to ensure that a replacement employee is assigned to cover the essential services upon approval of the waiver.

**C. City Employees**

1. Each employee is responsible for knowing their responsibilities under this Policy. Compliance with this Policy is mandatory. Each employee is responsible for calling in, and reporting as directed to the Emergency Operations Center, to pre-designated rallying points or elsewhere as otherwise assigned.
2. Employees shall be responsible for complying with waiver request procedures and deadlines as outlined in Section VII of this Policy.
3. Employees are required to report to their Department Director, or as directed under the Return-to-Duty Phase of this Policy.
4. Employees who do not have a telephone, will be required to contact their Department Director or designee in a reasonable time period, upon knowledge that the Mayor, City Manager, or their designees, have announced the opening of the Emergency Operations Center or the need for employees to report to duty regardless of the Readiness Condition at the time of the announcement.

**D. Human Resources Department - The Human Resources Department shall:**

1. Facilitate a three (3) member Waiver Review Committee to be appointed by the City Manager, or designee, to review all waivers for citywide consistency. This Waiver Review Committee will ensure that each Department Director receives an initial list of employees who have been granted approved waivers and an amended list as additional waivers are approved throughout the year;
2. Approved waivers will be filed in the employee's official personnel file in the Human Resources Department. A copy of approved waiver shall be forwarded to Department Director;
3. Ensure that recruitment advertisements include notification to applicants that all City job descriptions require incumbents in the course and scope of their employment to provide services for the benefit of the general public during emergency situations that threaten the safety of Kingsville's citizens, and that without an approved waiver, City employees must be able to work immediately before, during, or immediately after an emergency;
4. Provide general information about this Policy to all new employees during New Employee Orientation, and obtain signed Acknowledgment Forms from new employees to be placed in their personnel files; and
5. Provide general assistance to the City Manager, including coordination of disciplinary actions, waiver reviews, and resolution of pay issues.

**E. EMC**

The EMC, or designee, is responsible for maintaining and updating the Emergency Services Policy annually. The EMC, or designee, shall provide assistance to departments in planning and coordinating the activities of all Phases to insure consistency with the City's Emergency Operating Plan and the emergency services plans as established by the State of Texas.

## F. Shelter Coordination & Communication with Employees

1. The EMC, or designee will advise Department Directors in a timely manner of the names of employees from their departments required for specific work assignments, as directed by the City Manager. The EMC, or designee, is responsible for ongoing coordination of shelters for City employees through liaison with the Kingsville Independent School District (KISD) and other local community agencies. The EMC shall coordinate with the City's Legal Department to ensure that an inter-local agreement between Kingsville Independent School District and the City of Kingsville is implemented regarding shelters, buses, and drivers.
2. The EMC, or designee, will communicate to department heads, or designees, the locations of shelters for use of City Employees who must work immediately before, during, and/or immediately after the Essential services Phase.

## VII. Waivers

### ANNUAL WAIVER REQUEST FORMS REQUIRED

- A. Waivers are granted only for the Essential Services Phase of an emergency and/or disaster.
- B. Employees who receive an approved waiver are still required to work before and after an emergency and/or disaster and comply with the Return-to-Duty Phase of this Policy.
- C. Upon an evacuation order being issued in accordance with State law, employees who have been granted approved waivers shall be released from duty and may evacuate the City.
- D. Employees with approved waivers who evacuate the City are responsible for reporting back to work in compliance with the Return-to-Duty Section of this Policy.
  1. Submission of Waiver Request Form:
    - a. If an employee has personal circumstances, which would affect their ability to work during the Essential Services Phase (Readiness Condition 1) of this Policy, it is the responsibility of the employee to file an annual Waiver Request Form (attached) on or before May 15<sup>th</sup> of each year. This Waiver Request Form must be co-signed by the employee's supervisor.
    - b. The employee must file additional Waiver Request Forms when their circumstances change.
    - c. If circumstances change, waiver requests may be made within three (3) working days of the implementation of the Essential Service Phase of this Policy, and will be granted for circumstances that the employee could not have foreseen prior to the event.
    - d. A copy of the Waiver Request Form is attached. An employee who is denied approval of a Waiver Request may appeal in writing within five (5) calendar days to the City Manager.
  2. Review and Approval:
    - a. The Human Resources Department will facilitate a three (3) member Review Committee to be appointed by the City Manager, or designee, to review all waivers for consistency Citywide and to provide a list of approved waivers to each Department Director for his/her assigned employees;
    - b. Originals of approved waivers will be filed in the employee's official personnel file in the Human Resources Department;
  3. Waiver Requests meeting the following circumstances will automatically be approved by the Human Resources Director without going through the Review Committee if the approval does not cause departmental understaffing during the emergency situation:
    - a. An employee who cannot perform the essential functions of his/her position and who has not been released to "full duty" by his/her physician at the time of the Essential Services Phase is

exempt from filing a waiver and automatically granted waiver status. This may include an employee who is:

- On Family Medical Leave (FMLA) for any eligible purpose; or
- On approved non-FMLA leave due to an occupational and/or non-occupational illness or injury; or
- Who is on limited duty or no-duty assignment under the City's Limited-Duty Policy.

Waivers will be considered on a case-by-case basis by the Waiver Review Committee with consideration given based on the facts and circumstances.

### **VIII. Violations of this Policy**

An employee violates this Policy by:

1. Refusing to perform assigned duties required by this Policy or to obey any order or direction made or given by a supervisor;
2. Failing to report for duty as directed during any applicable Phase of this Policy;
3. Failing to abide by City Policy, departmental rules or regulations, Standard Operating Procedures (SOP's);
4. Any conduct that interferes with, or might reasonably be expected to interfere with, the proper and orderly conduct of the City's business, or brings, or might reasonably be expected to bring, discredit on the public service.

### **IX. Consequences for Violation of this Policy**

A violation of this Policy shall be considered a violation of City Policy, departmental rules or regulations, Standard Operating Procedures, and Rules and Regulations for which disciplinary action up to and including termination of employment may be taken by the applicable Department Director, with the concurrence of the Human Resources Director and City Manager, or designee.

### **X. Pay Provisions**

#### **A. Use of Leave With and Without Pay by Exempt and Non-Exempt Employee:**

Employees will be allowed to secure their families and property as scheduled by the Department Director, or designee, and to use vacation or sick leave, if any, or leave without pay if paid leave is exhausted, for that purpose.

#### **B. Non-Exempt Employees:**

1. All hours worked by non-exempt employees over 40 hours in a 7-day work period shall be compensated at the overtime rate of one and one-half the employee's hourly base rate as provided in the City's Overtime Policy.
2. Unless notified in advance, non-exempt City employees who do not have an approved waiver will be required to report to work as directed.
3. Non-Exempt employees who report under these circumstances, and who are subsequently released from duty due to emergency condition, shall be paid:

- a. A minimum of two (2) hours at the regular rate of pay, or for the number of actual hours worked, whichever is greater, and
- b. Allowed to use accrued vacation, or accrued sick leave, if any, or leave without pay, if paid leave is exhausted, to cover work hours missed during that work period.

C. Exempt Employees:

1. Upon activation of the Emergency Services Policy through written or verbal notification by the City Manager, Exempt employees who exceed 40 actual hours of work per week shall be eligible for overtime at the rate of one and one-half times of the employee's hourly rate or by compensatory time at the rate of one and one-half hours for each actual hour worked over 40 hours per week. Department Directors or their designees will maintain records of compensatory time accumulated by Exempt employees during emergency operations. This provision for Exempt employees will be enacted ONLY upon written notification to Department Directors by the City Manager.
2. Exempt employee on a salaried basis may be charged leave (vacation, sick, flex, leave without pay) as applicable, for partial day absences.

D. Compensation Questions Related to This Policy:

1. Questions related to compensation arising from this Policy shall be directed to the applicable Department Director and the Human Resource Department.

## **Emergency Services Policy**

### **Acknowledgment Form**

I have received a copy of the City of Kingsville's Emergency Services Policy, revised \_\_\_\_\_, and I understand compliance with this policy is a condition of employment with the City of Kingsville.

I have carefully heard and/or read this policy and understand its content. I have been given an opportunity to ask questions about this policy and receive explanations.

**I UNDERSTAND THE FOLLOWING:**

- City jobs require City employees to work to provide for the health, safety and well-being of the general public, including the delivery and restoration of vital services, in the event of an emergency.
- It is my responsibility to submit a Waiver Request Form, if I need to be excused from working during an emergency, before the established annual submission deadline of May 15<sup>th</sup>, or within one month of my hire date if I was hired after May 15<sup>th</sup>, or at the time my circumstances change.
- A waiver is not valid unless the Waiver Request Form has been approved by the Waiver Review Committee.
- Waivers granted only for Readiness Condition 1 - Essential Services Phase, unless evacuation has been previously recommended or ordered by the Mayor.
- Employees receiving an approved waiver, are still required to work before and after Readiness Condition 1 - Essential Services Phase.

I agree to comply with this policy. I understand failure to comply may result in disciplinary action up to and including termination of employment.

<b>Employee Name (Printed)</b>	<b>ID #</b>	<b>Date</b>
<b>Employee's Signature</b>	<b>Department Name</b>	
<b>Form Reviewed by: Department Director</b>	<b>Date</b>	

## Emergency Services Policy Waiver Request Form

Employee Name(Print)

ID #

Department Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Detail your reasoning for requesting a waiver. The Waiver Review Committee shall review your request. You may be subject to present additional information for the committee to make an informed decision regarding your waiver request.

Employee Signature

ID #

Phone Number

Date

Reviewed by:

Employee's Supervisor

Date

Department Director Recommendation

Approve

Deny

Department Director Signature

Date

Waiver Review Committee

Approve

Deny

Printed Name – Waiver Review Committee Designee

Date

Signature – Wavier Review Committee Designee

Date