

GIDDINGS CITY COUNCIL-REGULAR MEETING MINUTES
MONDAY April 12, 2020 AT 7:00 P.M
COUNCIL CHAMBERS, 118 E RICHMOND, GIDDINGS, TEXAS

1. CALL TO ORDER

The meeting was called to order by Mayor John Dowell at 7:00 p.m. with the following present:

Members Present: Mayor John Dowell, Mayor Pro-Tem Joel Lopez, Council Members Frank Castro, Alan Casey, Jake Horne, Linda Pruitt.

Staff Present: City Manager Ricky Jorgensen, City Secretary Andrea Ray, Director of Public Works Spencer Schneider, Director of Finance Heather Garner, Police Chief Haril Walpole, Sgt. Steve Spencer. Municipal Court Clerk Rachel Grube, Sgt. Steve Spencer.

2. PLEDGES TO THE US AND TEXAS FLAGS- Pledges were said.

3. INVOCATION AND WELCOME- City Council Member Linda Pruitt gave the invocation and Mayor John Dowell welcomed all in attendance

4. ANNOUNCEMENTS-No Announcements.

5. PRESENTATIONS AND PROCLAMATIONS-Police Chief Haril Walpole presented promoting two Police Officers to Stg. Bill Weems and Manuel Camacho.

6. CITIZENS' COMMENTS-No Citizens' Comments.

7. CONSENT AGENDA – All of the following items are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no discussion of these items unless a Council Member so requests.

a. Consider approval of Minutes for Regular Meeting held on, Monday March 8, 2021.

b. Consider approval of Minutes for Special Meeting held on, Monday March 29, 2021.

City Council Member Jake Horne requested a word misspelled on the City Managers Announcements be corrected.

A motion was made by City Council Member Jake Horne and seconded by Mayor Pro-Tem Joel Lopez for approval of Minutes for Meeting held on Monday March 8, 2021 and Monday March 29, 2021

Motion carried by the following vote:

Ayes: City Council Members Casey, Castro, Horne, Pruitt, Lopez

Nays: None

8. NEW BUSINESS

a. Discussion and take possible action on the removal of Clifton Wachsmann from the Airport Board to be replace by new Finance Director Heather Garner.

Director of Public Works Spencer Schneider, presented this agenda item to City Council. Clifton had been one of the City of Giddings representatives on the airport board for many years. Once appointed, Heather will take his place as a City of Giddings representative. The airport will probably appoint her has the secretary / treasurer.

A motion was made by City Council Member Alan Casey and seconded by City Council Member Jake Horne to approve the removal of Clifton Wachsmann from the Airport Board to be replace by new Finance Director Heather Garner.

Motion carried by the following vote:

Ayes: City Council Members Casey, Castro, Horne, Pruitt, Lopez

Nays: None

b. Report and discussion Special Warranty Deed on the 1000 Blk. East Railroad Right of Way.

Director of Public Works Spencer Schneider, presented this agenda item to City Council. The 1,000 block of E. R.R.ROW has been a curbed and paved street for a long time. When the land was sold by the railroad to the first owner, the street portion was never dedicated to the city. When the current owner purchased the property, we ask if he would dedicate the street portion to the city. This cleans up something that should have been done a long time ago. The city attorney has reviewed all of the documents and states everything is in line. The quick claim deed was filed by the title company with all of the closing papers.

NO ACTION TAKEN ON THIS AGENDA ITEM

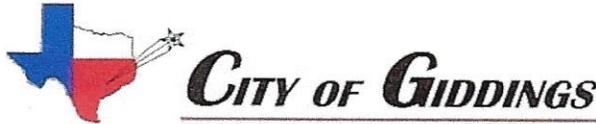
c. Discussion regarding the Giddings Police Department Forfeit Account for all expense and income through March 2020-2022. Steve Spencer will present this agenda item.

Stg. Steve Spencer presented this agenda item to City Council. Steve presented City Council with handouts for the Art. 59.06 Disposition of Forfeited Property. The handouts included highlighted areas that are important when using the funds in the forfeited account and for purchasing items. Certain rules and regulations are to be followed when a purchase is made from this account. Stg. Steve Spencer presented an Asset Forfeiture Budget to show how much money is in the account and what is spent where and the for reason. Stg. Steve also showed a Drug and Swat Fund.

NO ACTION TAKEN ON THIS AGENDA ITEM

d. Discussion and take possible action regarding the retirement and placement of Eddie the Giddings Police Department Drug dog.

Police Chief Haril Walpole presented this agenda item to City Council. The drug dog Eddie will need to



go into retirement at this time. Eddie was given to the City Police Department at no cost. Eddie was not to be a trained bite dog. It seems he had some training. No other Police Officers can handle this Drug Dog Eddie at this time. The Officer that had Eddie at the time of working here was Dustin Kieschnick. Dustin has moved to Fayette County and showed concern for Eddie when he was leaving. Dustin asked to have Eddie when he was retired from Giddings Police Department **Police** Chief Haril Walpole thought it was the best interest for Eddie to go to Dustin.

NO ACTION TAKEN ON THIS AGENDA ITEM

e. Discussion and take possible action the Resolution No. 465-2021 repealing Personnel Policy Section 8.04.13- City Sick Pool and replacing it with a new "Sick Leave Pool Policy".

When council adopted the sick leave changes in 2019, there should have been a resolution presented and approved. This resolution takes care of the issue. The City Secretary read all that was approved at the meeting of June 24, 2019. The resolution was put on the back burner due to COVID.

Discuss and take possible action amending Sick Leave Pool Policy Section 8.4.13 in the City of Giddings personnel handbook.

City Manager Ricky Jorgensen presented this agenda item to City Council.

City Manager Ricky Jorgensen requested a review of the current Sick Pool Policy.

The changes and updates will allow Administration to make more informed decisions. The requested amount of time has changed from 1/3 of the available Sick Pool Leave time to limit the hours requested to 520 per rolling calendar year. That is 65 days of time. Approximately three months. Because we are small office, any prolonged illness can/will affect the productivity of the office.

Also changing are the forms to request:

- a. Donation of hours to Sick pool.
- b. Leave time from Sick Pool.
- c. Medical Certification form.

This will enable the City manager to make a more informed decision regarding approval of the use of hours from the Sick Pool.

Time used from the Sick Leave Pool will run concurrently with FMLA leave.

Workers Comp employees are not eligible to use time from Sick Leave Pool.

We have limited hours that can be used annually (520hrs) and have also put a lifetime limit on the amount of hours (1140hrs.) an employee may use in hope of preventing abuse of the leave from the pool.

Hours requesting from the pool can be used on an intermittent basis.

Employees using sick leave pool hours may not accrue leave benefits. (Sick leave, comp, vacation).

Any leave granted to an employee that is not used will be transferred back to Sick Leave Pool.

The City of Giddings has 4320 hours in the Sick Leave Pool at this time.

Human Resources Angie Stanfield stated the previous policy was initially passed in February of 2006. The new updated Sick Leave Pool Policy has specific wording that was not included in the previous policy that is intended to protect The City of Giddings.

After a lengthy discussion the City of Giddings Council would like to make these changes at this time to the Sick Leave Pool

- (1) Grandfather Clause as of effective date of this adopted policy, all employees will start with zero (0) hours used.
- (2) Employees must meet current job description requirements and observe work rules to be eligible for pool leaves. Employees that are on probation will not be eligible to use time from the Sick Leave Pool.
- (3) Not to exceed 520 hrs.in a rolling calendar year.

A motion was made by Council Member Alan Casey and seconded by Council Member Jake Horne approval amending Sick Leave Pool Policy Section 8.4.13 in the City of Giddings personnel handbook with these changes.

A motion was made by Mayor Pro-Tem Joel Lopez and seconded by Council Member Alan Casey approval Resolution No. 465-2021 repealing Personnel Policy Section 8.04.13- City Sick Pool and replacing it with a new "Sick Leave Pool Policy".

Motion carried by the following vote:

Ayes: City Council Members Casey, Castro, Horne, Pruitt, Lopez

Nays: None

f. Discussion and take possible action regarding the City of Giddings Comp Time Policy Section 6.04.01. Will follow up with a Resolution if there are any changes made.

Director of Public Works Spencer Schneider presented this agenda item to City Council.

04/08/2021

Exempt Employees

- City Manager
- Police Chief

An exempt employee is an employee who is exempt from overtime pay and/or minimum wage whose job duty s must be executive, administrative, or professional in nature and must regularly exercise discretion and independent judgment. These regulations are created by the federal Fair LaborStandards Act (FLSA)

A non-exempt employee is an employee who is entitled to earn the federal minimum wage andqualifies for overtime pay, which is calculated as one-and-a-half times their hourly rate, for every hour they work, above and beyond a standard 40-hour workweek. These regulations are created bythe federal Fair Labor Standards Act (FLSA)

Updates to Current Comp Time Policy

- Non-exempt employees shall not accumulate more than 40 hours of comp time at any time during the fiscal year.
- Any overtime worked over and above the accumulated 40 hours will be paid during the payperiod in which the overtime was earned.
- Any and all comp time accumulated will be paid out to the employee annually during the lastpay period of the fiscal year.
- Employees who currently have accumulated more than 40 hours of comp time will be paid for any overtime worked during the pay period in which the overtime was earned until the accumulated comp time has been used and falls below 40 hours. At that time, the Employee will be subject to the normal comp time rules.

Police Chief Haril Walpole presented the second part to the City Council.

COMP TIME ISSUE

Question started in August 2020 with
Captain Spencer Define comp time
(way to delay overtime payment)

PD IS skeleton crew- WHEN FULL STAFFED - Worse when short

E.g., Currently 1 vacancy, but 3 shorts on patrol (1 on medical, 1 in the academy, 1 vacancy. NOTE: Even when full staffed we were 2 shorts on patrol = Shorthanded, but can't hire anyone

Before I got here, officers were allowed to build up to 480 hours
comp time (Max by law) I assume it was believed to relieve
the overtime budget.

I believe it has the opposite effect - delayed much larger payouts

Issues are:

Delayed payment = More expensive in the long run

1. Paid at the employee's current rate - When they retire, that money they earned 5 years ago at officer pay is way more with 5 years of COLAS and maybe a promotion.

2. 480 hours in a department that constantly runs shorthanded is virtually unlimited overtime
3. You earn it faster than you burn it

In October, conducted a survey- same cities that the Mayor approved for the salary survey 5 years ago(9 of 12) have some form of comp time

All have different rules - Some are actually illegal

Comp time has to be treated just like PAID overtime - They EARNED it

480 hours is same as unlimited

Every time someone takes off, WePay someone else time and a half to cover that shift.

12 hours= 18 hours to cover - He takes off 12 another day and banks 6. - We pay someone else 18 hours to cover that shift the issue just compounds

When you have a virtually unlimited time off bank, it's easy to say, "I don't feel like going in tomorrow." They don't do that with vacation time, because vacation is limited - They HOARD IT!

ON THE OTHER HAND- You can't completely do away with comp time.

1. Industry standard - To compete in our market we need to offer similar packages like other agencies offer
2. 24/7 operation - Officers work weekends, holidays, and nights -
 - a. Not like other employees that, when family wants to have a BBQ on the weekend, they are already off
 - b. Employees NEED time to take off on that BBQ weekend, or when the kids have something at the school, without using their vacation they planned for the summer trip with the kids.

RECOMMENDATION

1. Limit comp time to 40 hours - This is a manageable number
2. Grandfather current balance until burned down to 40 hours - Last check we only have a 4 people over 40 hrs.
3. Use it or get paid annually up to 40 hours
 - a. If you take away comp time completely you would have paid them anyway, just bi-monthly.
 - b. This will encourage them to HOARD the 40 hours, like they do vacation - instead of using it so frequently(which is what contributes to our shortage).
 - c. You would get paid at your currently rate of pay instead of 5-20 years later

- d. This WILL increase overtime this year, since we shut down comp time. However, in the long run, as everyone burns down their hours, it will save overtime as people will take off less.

9. CITY MANAGER'S REPORT, AND ANNOUNCEMENTS

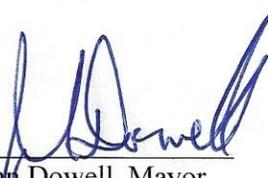
1. Police Chief Haril Walpole presented his 6 months resignation from Giddings Police Department.
2. Director of Public Works Spencer Schneider met with the Goodman Corp. about the contract with 290 Business Park water line.
3. Grant for the Sidewalk is looking good.
4. Thursday is CPR Training
5. Golf Course has 257 members, and keeps growing.

10. ADJOURNMENT

Meeting adjourned at Monday, April 26, 2021 at 8:25 p.m. by Mayor John Dowell

ATTEST:


Andrea Ray, City Secretary


John Dowell, Mayor

