



REGULAR BOARD MEETING

DAYTON COMMUNITY CENTER
Monday, April 13, 2020
6:00 PM

DAYTON COMMUNITY DEVELOPMENT CORPORATION
<https://us02web.zoom.us/j/575545210> Meeting ID: 575 545 210 Phone +13462487799
REGULAR BOARD MEETING AGENDA
Monday, April 13, 2020 6:00 PM

- 1. Teleconference Access**
 - a. Teleconference Access - <https://us02web.zoom.us/j/575545210> Meeting ID: 575 545 210 Phone: +13462487799
- 2. Call To Order**
- 3. Invocation**
- 4. Pledge**
- 5. Roll Call**
- 6. Citizen's Forum**
- 7. Consent Items**

The purpose of the consent agenda is to streamline an open meeting by approving multiple items with one vote. If

the Board desires to discuss an item on the consent agenda, they may do so within the Consent Agenda.

- a. Discussion and possible action on the approval of the minutes of March 9, 2020 Dayton Community Development Corporation Board of Directors Meeting.

8. Discussion and possible action on the approval of a Pandemic Leave Policy.

9. Discussion, possible action, and or direction to Staff regarding the Novel Coronavirus/COVID-19 Pandemic and the impact on Dayton Businesses.

10. Executive Session - Adjourn into Executive Session

DCDC Board President's Statement:

It is now _____ pm, and I hereby recess this regular session of the Dayton Community Development Corporation meeting and do hereby convene an executive session, said executive session authorized under the following sections of the Texas Government Code:

- a. Section 551.087 deliberation regarding economic development negotiations (Project Iron Sparrow) (Project Cobalt) - to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate in the territory of the governmental body and with which the governmental body is conducting economic development negotiations, and
- b. Section 551.071 Consultation with Attorney.

Close Executive Session

DCDC Board President's Statement:

The time is now _____ and I hereby close the executive session of the Dayton Community Development Corporation and do hereby reconvene the regular open session.

XI. Action Items

- a. Discussion and possible action on Project Cobalt.
- b. Discussion and possible action on Project Iron Sparrow.

12. Executive Director's Report

Update on DCDC Activities including: Marketing, Grants, Incentives, DCDC and Community Events or Programs, DCDC Activities and Operations, Retail, Business Attraction, Business Retention and Expansion, Downtown Revitalization, Buildings and Sites, Planning, Strategic Plan Implementation, DCDC Staff Activities.

13. Board President's Report

Update on DCDC Activities including: Marketing, Grants, Incentives, DCDC and Community Events or Programs, DCDC Activities and Operations, Retail, Business Attraction, Business Retention and Expansion, Downtown Revitalization, Buildings and Sites, Planning and Development Projects, Strategic Plan Implementation, DCDC Staff Activities.

14. Report on City Activities

Update on City Activities including: Planning and Development Projects, Legislative, Capital Projects, Finance, Grants, Events, Library, Community Center, Road Projects, Marketing and Communications

15. Requests for Future Agenda Items

16. Adjourn

The Dayton Community Development Corporation 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) and 551.087 (Economic Development).

If any accommodations for a disability are required, please notify the Administrative Specialist at 936-257.0055 at least two (2) working days prior to the date of the meeting. The building has handicap parking areas and is wheelchair accessible.

I hereby certify that the above shown notice of Meeting of Governing Body of the Dayton Community Development Corporation was posted at the Dayton Community Center and Dayton City Hall, which is readily accessible to the public at all times by 5:00 pm on April 9, 2020.

Ann Marie Miller, Executive Director, DCDC



Dayton Community Development Corporation

April 13, 2020

Contact - Ann Marie Miller

ITEM:

Discussion and possible action on the approval of the minutes of March 9, 2020 Dayton Community Development Corporation Board of Directors Meeting.

SUMMARY

Minutes of March 9, 2020 Meeting.

BACKGROUND/HISTORY

STAFF REVIEW AND ANALYSIS

FINANCIAL IMPACT

POSSIBLY ACTIONS

Approve
Amend & Approve
Take No Action

STAFF RECOMMENDATIONS

Approve Minutes As Presented.

ATTACHMENTS:

Description	Type	Upload Date
March 9, 2020 DCDC Board Meeting Minutes	Backup Material	4/7/2020

DAYTON COMMUNITY DEVELOPMENT CORPORATION
DAYTON COMMUNITY CENTER 801 S. CLEVELAND, DAYTON, TX 77535
REGULAR BOARD MEETING AGENDA
Monday, March 9, 2020 6:00 PM

1. Call To Order

Wendell Null called the meeting to order at 6:00 p.m.

2. Invocation

Tonya Smikal led the invocation.

3. Pledge

Nan Headrick led the Pledge of Allegiance.

4. Roll Call

; Absent: Williams

5. Citizen's Forum

None present.

6. Consent Items

The purpose of the consent agenda is to streamline an open meeting by approving multiple items with one vote. If the Board desires to discuss an item on the consent agenda, they may do so within the Consent Agenda.

Tonya Smikal made a motion to to approve the consent agenda items as presented.. Nan Headrick seconded the motion. *Passed.*

- a. Discussion and possible action on the approval of the Minutes of the February 10, 2020 Dayton Community Development Corporation Board of Directors Meeting.
- b. Discussion and possible action on the approval of the DCDC December 2019 Financial Statement.
- c. Discussion and possible action on the approval of the DCDC January 2020 Financial Statement.

7. Presentations

- a. Presentation on the Texas Open Meetings Act (Mike Fielder).

Mike Fielder gave a presentation to the Board giving a brief overview of the Texas Open Meetings Act as a refresher.

8. Discussion and possible action on entering into a depository contract for the 2020-2022 Fiscal Years (Rudy Zepeda).

Rudy Zepeda briefed the Board on the two bids that came in on the deposit contract, one with FLNB and one with Allegiance Bank. His recommendation is to renew the contract with FLNB. Nan Headrick made a motion to to approve entering into a depository contract for the 2020-2022 Fiscal Year.. Alvin Burress seconded the motion. *Passed.*

9. Discussion and possible action on the International Council of Shopping Centers ReCon Conference.

Ann led the discussion on the International Council of Shopping Centers Recon Conference coming up in May in Las Vegas. She recommended a small contingency of 4-5 representatives from the City and DCDC. Tonya Smikal made a motion to approve participation in the upcoming ICSC Recon Conference in May with Ann Miller, Wendell Null, Nan Headrick representing DCDC and Theo Melancon and possibly another staff person to represent the City.. Tammy Pratka seconded the motion. *Passed.*

10. Discussion and possible action on the Dayton Community Development Corporation Business Retention & Expansion Program.

Ann Miller gave a presentation to the Board on the BRE program with measurable goals for the program and answered questions from the Board. Tammy Pratka made a motion to to approve the draft of the Business Retention and Expansion Program as presented.. Tonya Smikal seconded the motion. *Passed.*

11. Executive Session - Adjourn into Executive Session

- a. Section 551.087 deliberation regarding economic development negotiations - to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate in the territory of the governmental body and with which the governmental body is conducting economic development negotiations, and

Wendell Null recessed the regular meeting and convened an executive session at 6:51 p.m.

- b. Section 551.071 Consultation with Attorney.

Closed Executive Session

DCDC Board President's Statement:

The time is now ____ and I hereby close the executive session of the Dayton Community Development Corporation and do hereby reconvene the regular open session.

Wendell Null closed the executive session and reconvened the regular session of the meeting at 7:03 p.m.

12. Staff Reports

- a. Presentation on Economic Indicators for the City of Dayton and Liberty County. (Jaime Hernandez).

Analyst, Jaime Hernandez gave an educational presentation to the Board on current economic indicators for the City and County, with updates to unemployment rates, building permits and inflation. He also gave information on shift-share analysis.

13. Executive Director's Report

- a. Executive Director Report on DCDC Activities.

Ann Miller reports that the following:

BRE survey will go out to local businesses this week.

The Broadband Study is 2/3 complete.

The DCDC website is in its final transitional stages.

Grants are now open.

She will be speaking to the Dayton Enhancement Committee about the Mural Grant.

She is still having bi-weekly communication on the River Ranch development.

14. Board President's Report

- a. Board President Report on DCDC Activities (Wendell Null).

Wendell Null gave a brief comment on the BRE program and his efforts to continue to engage the public with information to educate on what the DCDC does and is doing.

15. Report on City Activities

- a. City Manager Report (Theo Melancon).

City Manager, Theo Melancon reported on the recently-awarded federal grant of \$700,000 to improve rail crossings. The City will also be embarking on a large project involving paving, water and sewer upgrades. Also, the City of Dayton is looking favorable to receive an increased bond rating within the next 18-24 months, possibly going to an S&P AA rating.

- b. Report from the Mayor (Mayor Wadzeck).

Mayor, Caroline Wadzeck reported that the gateway to the Crossroads Plaza is currently going up. Friday Night Bites will be taking place on March 27th. The Dayton Police Academy is taking applicants for its next session. Dayton Ole Tyme Days Festival is coming up next month as well.

16. Requests for Future Agenda Items

17. Adjourn

Chris Brown made a motion to to adjourn.. Nan Headrick seconded the motion. *Passed.*



Dayton Community Development Corporation

April 13, 2020

Contact - Ann Marie Miller

ITEM:

Discussion and possible action on the approval of a Pandemic Leave Policy.

SUMMARY

On March 23, 2020, the City of Dayton adopted a Pandemic Leave Policy that went into effect on April 1, 2020. The Dayton Community Development Corporation has adopted the City of Dayton's Policies & Procedures Manual and it is recommended that we adopt any updates including the Pandemic Leave Policy.

BACKGROUND/HISTORY

STAFF REVIEW AND ANALYSIS

FINANCIAL IMPACT

POSSIBLY ACTIONS

Approve the Pandemic Leave Policy.
Take No Action.

STAFF RECOMMENDATIONS

Approve the Pandemic Leave Policy As Presented.

ATTACHMENTS:

Description	Type	Upload Date
Pandemic Leave Policy	Backup Material	4/7/2020



CITY OF DAYTON

PANDEMIC LEAVE POLICY

Policy Summary

During the occurrence of a pandemic event the City of Dayton must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent and reduce the impact on the workplace. For this to be accomplished the City will promote that all employees with pandemic causative agent like symptoms stay home and away from the workplace. In the event the pandemic episodes' severity increases resulting in school dismissals, child-care program closures, etc. it will permit an employee time away from work to provide care for their children and/or other ill immediate family members when necessary.

The U.S. Congress passed The Families First Coronavirus Response Act (the "Act") on March 18, 2020. The Act created new rules and regulations related to emergency family and medical leave and emergency sick leave.

Policy

The following policy will take immediate effect if/when the City of Dayton determines that a pandemic or a potential pandemic is eminent and will remain in effect until the City of Dayton determines that a pandemic or potential pandemic is no longer a threat to the organization or its employees. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action up to and including termination.

- A. This policy shall become activated when a pandemic disaster is declared by the City of Dayton's Mayor and shall continue until such time that the disaster declaration is lifted.
- B. Prior to taking leave under this policy, employees shall provide the City Manager, or his designee, with notice of their leave as is practicable. The City Manager, or his designee, must approve any leave under this policy. Employees seeking to take leave under this policy due to their own illness must provide the City Manager, or his designee, with a note from a doctor/physician's assistant/nurse practitioner detailing the need for said leave. If the employee is taking leave to care for a family member, as set forth herein, the employee shall provide written documentation as requested by the City Manager, or his designee.

C. It is important to note that essential and/or emergency personnel may be required to work regardless of their situations. The City Manager shall have discretion to make said decisions.

D. Emergency Paid Sick Leave:

- a. As set forth in the Act, all full-time and part-time city employees, regardless of how long the employee has been employed by the city, is entitled to emergency paid sick leave if the employee is unable to work or telework because of one or more of the following reasons, if related to COVID-19:
 - i. The employee is subject to a federal, state, or local quarantine or isolation order;
 - ii. The employee has been advised by a health care provider to self-quarantine;
 - iii. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - iv. The employee is caring for an individual who is subject to a federal, state or local quarantine or isolation order or has been advised to self-quarantine;
 - v. The employee is caring for a child of the employee if the child's school or childcare provider has been closed or the childcare provider is unavailable due to COVID-19 precautions; or
 - vi. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Labor.
- b. Full Pay: Eligible full-time employees are entitled to 80 hours of emergency paid sick time at the employee's regular rate of pay (up to \$511 per day and \$5,110 in total) to self-quarantine, seek a diagnosis or preventative care, or receive treatment for COVID-19. Eligible part-time employees are entitled to emergency paid sick leave for the same reasons at their regular rate of pay (up to \$511 per day or \$5,110 in total) for the number of hours equal to the number of hours that such employee works, on average, over a two-week period.
- c. Partial Pay: Full-time employees are entitled to 80 hours of emergency paid sick time at two-thirds the employee's regular rate of pay (up to \$200 per day and \$2,000 in total) to:
 - i. care for an individual who is subject to a quarantine or isolation order;
 - ii. to care for a child whose school or childcare provider is closed or unavailable; or
 - iii. if the person is experiencing any substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Labor.

Part-time employees are entitled to emergency paid sick time for the same reasons at two-thirds of the employee's regular rate of pay (up to \$200 per day and \$2,000

in total) for the number of hours equal to the number of hours that such employee works, on average, over a two-week period. For part-time employees whose schedules vary from week to week, such that the city is unable to determine with certainty the number of hours the employee would have worked if the employee had not taken leave, the city shall use a number equal to the average number of hours that the employee was scheduled per day over the 6-month period before the employee took leave, including any leave hours that the employee may have previously taken. If the employee did not work over such period, the city shall use the average number of hours of day the city reasonably expected would normally be scheduled for the employee at the time of hire.

- d. The city does not require an employee to use other paid leave provided to the employee by the city before the employee can use emergency paid sick time. Additionally, the city cannot require, as a condition of providing emergency paid sick time, that the employee needing leave search for or find a replacement employee to cover the hours during which the employee is using paid sick time. Also, emergency sick leave cannot be carried over from one year to the next.

E. Negative Sick Leave Accrual

- a. In the event of a pandemic the City of Dayton will permit eligible employees to realize a negative sick leave accrual balance after first using the 80-hours of paid sick leave set forth in the Act, and exhausting all of the employee's paid sick leave, paid vacation leave, paid personal leave and accrued compensatory time. Eligible employees are permitted to realize said negative sick leave accrual balance if the employee is unable to work or telework because of one or more of the following reasons, if related to COVID-19:
 - i. The employee is subject to a federal, state, or local quarantine or isolation order;
 - ii. The employee has been advised by a health care provider to self-quarantine;
 - iii. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - iv. The employee is caring for an individual who is subject to a federal, state or local quarantine or isolation order or has been advised to self-quarantine;
 - v. The employee is caring for a child of the employee if the child's school or childcare provider has been closed or the childcare provider is unavailable due to COVID-19 precautions; or
 - vi. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Labor.
- b. To be eligible the employee must fall into the following employee classification(s):
 - i. Both exempt and non-exempt full-time employees who work a minimum of forty (40) hours per week on a regular basis.

- c. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave in the event a local pandemic disaster is declared by the Mayor. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the city either through future accruals or cash payment.
 - d. Donated time will not be allowed to be utilized to satisfy the negative accrual nor used in conjunction with negative sick leave accruals.
 - e. To obtain negative sick time accruals an employee must be eligible and request in writing or email to be allowed to accrue negative sick leave. Before negative sick leave accruals can be obtained the request must have the approval of the employee's supervisor and the City Manager.
 - f. When the pandemic event is declared it will continue until the Mayor and/or City Council has lifted the disaster declaration.
 - g. The employee's negative sick leave accrual shall be settled by either the employee making a cash payment to the City for the remaining accrued balance or by applying all earned vacation, sick, or personal leave accruals against the negative balance until the balance is satisfied.
 - h. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the remaining balance. **The signature of the employee evidencing receipt of this policy shall serve as permission for the City to make said deduction, without the need for a separate agreement.**
- F. During a pandemic the City of Dayton may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.
- G. In the event of a pandemic, the City of Dayton reserves the right to adjust its leave policies, provided such adjustment is not prohibited by any pre-existing employment contract.
- H. An employee who is not ill with the pandemic causative agent may not take leave, or refuse to work, simply to avoid possible exposure to the pandemic causative agent in the workplace. Employees who may have a disability that creates an increased risk associated with exposure to pandemic causative agents are encouraged to notify HR in order to seek an accommodation to this policy.

- I. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to disciplinary action up to and including termination.
- J. Nothing in this policy shall prevent the City Manager from allowing an employee to work from home, when possible, without the use of any sick, vacation, personal or pandemic event leave.
- K. The City of Dayton's policies on the Family Medical Leave Act ("FMLA") shall be amended to abide by the new Emergency Family and Medical Leave Expansion Act when it takes effect.
- L. Any section of this policy in conflict with federal and/or state law shall be amended by the City Manager, without the need for City Council approval, to comply with said Federal and/or State laws.