



AGENDA
WATAUGA CITY COUNCIL
SPECIAL MEETING
SATURDAY, SEPTEMBER 21, 2019 – SUNDAY, SEPTEMBER 22, 2019
HILTON GARDEN INN – CONFERENCE CENTER
635 E PEARL STREET
GRANBURY, TX 76049
8:00 AM

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Special City Council Meeting** of the City of Watauga, Texas will be held at which time the following subjects will be discussed and may be acted upon.

CALL TO ORDER

ROLL CALL

PUBLIC TESTIMONY Members of the public are invited and encouraged to attend all public meetings of the City Council that are not closed to the public in accordance with the Texas Open Meetings Act. It is the desire of the City Council that citizens actively participate in the City's governance system and processes. Public input to the City Council is encouraged during the Public Testimony, Public Hearings, or Action Item sections of a meeting agenda. Individuals desiring to speak during Public Testimony shall be called upon to speak only after completing a Request to Speak form attached hereto as Annex E. The Request to Speak form for Public Testimony shall be submitted to the administrative staff prior to speaking. Individuals desiring to speak on an agenda item or during a public hearing shall submit the Request to Speak form prior to the introduction of that respective item by the Chair. Once the form is received by administrative staff, the individual shall be recognized and called upon by the Chair prior to speaking. Any public testimony must occur prior to formal action being taken by the City Council. The Chair shall have the power to suspend citizen comments at any time during the meeting to preserve the order and efficiency of the meeting. Reasonable time limitations may be placed on public testimony by the presiding officer in order to conduct an efficient and effective public meeting.

ACTION ITEMS

1. Discuss and provide direction to the City Manager on benefits offered to new hires
Marcia Reyna, Human Resources and Civil Service Director
Andrea Gardner, City Manager
2. Discuss and provide direction to the City Manager on shared services and the creation of a Code Enforcement Task Force
Robert Parker, Chief of Police
Andrea Gardner, City Manager
3. Discuss and provide direction to the City Manager on the results of the City of Watauga Public Library Needs Assessment

Tara Rogers, Deputy City Secretary
Andrea Gardner, City Manager
Lana Ewell, Director of Library Services

4. Discuss and provide direction to the City Manager on the City of Watauga Police Department Needs Assessment
Robert Parker, Chief of Police
Andrea Gardner, City Manager
5. Discuss and provide direction to the City Manager on financial impacts resulting from the 86th Legislative Session
Andrea Gardner, City Manager
6. Discuss and provide direction to the City Manager on mosquito abatement program in the City of Watauga
Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager
7. Discuss and provide direction to the City Manager on developing an ordinance of the City of Watauga to regulate Short Term Rentals within the corporate boundaries
Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager
8. Discuss and provide direction to the City Manager on development of a street maintenance program and street maintenance fee
Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager
9. Discuss and provide direction to City Manager on Small Cell Antenna Manual adopted September 2017
Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager
10. Discussion and provide direction to the City Manager on speed limits for city streets
Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager
11. Discuss and provide direction to the City Manager on the capital projects and debt process with emphasis on the arbitrage impacts to the City
Andrea Gardner, City Manager
12. Discuss and provide direction on a fleet maintenance program through Enterprise Fleet
Andrea Gardner, City Manager
13. Discuss and provide direction to the City Manager on the City's Strategic Plan for FY 2021 and updates provided on the FY 2020 Strategic Plan
Andrea Gardner, City Manager

14. Discuss and provide direction to the City Manager and City Attorney regarding creating a Code of Conduct Policy for the Watauga City Council and Mayor
Andrea Gardner, City Manager
15. Discuss and provide direction to the City Manager on transportation initiatives for the City of Watauga
Andrea Gardner, City Manager

EXECUTIVE SESSION The City Council will recess its open meeting and reconvene in executive session to discuss the following items pursuant to the below referenced section(s) of the Texas Government Code:

1. Section 551.071 (Consultation with Attorney) to deliberate and seek the advice of its attorney related to obligations of city elected officials resulting from SB1640 amending Texas Government Code Section 551.143 "Prohibited Series of Communications" and SB 944 establishing "Preservation of Information" obligations
2. Section 551.074 (Personnel) to deliberate regarding the duties of the City Attorney (George Hyde)

RECONVENE

The City Council will return to open session in the City Council Chamber for possible discussion and action as a result of the Executive Session as follows:

ADJOURNMENT

Meeting Notices and Reservation of Rights

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code if the requisite information is otherwise posted; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code (as applicable) when determined necessary by the to address a subject matter on the agenda. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in

reliance on this opinion.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city council, boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the city council, boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city council, body, board, commission or committee subject to the Texas Open Meetings Act.

NOTICE

THIS FACILITY IS 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 (817) 514-5825, OR FAX (817) 514-3625.

I, Andrea Gardner, City Secretary for the City of Watauga, hereby certify that this agenda was posted on the bulletin boards at City Hall, 7105 Whitley Road, Watauga, Texas, on Tuesday, September 17, 2019 before 6:00 p.m., in accordance with Chapter 551 of the Texas Government Code.

At the end of business on Saturday, September 21, 2019 the meeting will recess and reconvene at 8 AM on Sunday, September 22, 2019.



Andrea Gardner, City Secretary





AGENDA MEMORANDUM

DATE: July 9, 2019

TO: Honorable City Council Members

FROM: Marcia Reyna, Human Resources and Civil Service Director

SUBJECT: Discuss and provide direction to the City Manager on benefits offered to new hires

BACKGROUND/INFORMATION:

The City of Watauga offers a comprehensive benefits package to its employees including retirement, health insurance, leave, tuition reimbursement, etc. Watauga's new employee wellness program, WataugaFIT, is also a benefit that has helped many employees live a more health-conscious lifestyle. Health insurance is a great benefit to our employees and their families, but is costly. The City continues to find ways to reduce healthcare costs. The attached presentation provides an overview of the benefits offered to new employees.

FINANCIAL IMPLICATIONS:

As included in the FY 2019-20 budget approved by Council on September 9, 2019.

RECOMMENDATION/ACTION DESIRED:

It is respectfully requested that the City Council provide direction to the City Manager on benefits offered to new hires.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. New Employee Benefits Council Retreat 09-21-2019

REVIEWED BY:

Tara Rogers, Deputy City Secretary

Approved - 9/16/2019

Marcia Reyna, Human Resources and Civil Service Director

Approved - 9/16/2019

Andrea Gardner, City Manager

Final Approval - 9/16/2019

Approved as to form for inclusion on Agenda



NEW EMPLOYEE BENEFITS

Council Retreat
September 21, 2019

Topics

- Employee Benefits Overview
- Future Health Care Control Measures
- WataugaFIT



Employee Benefits Overview

- Employee pay is authorized through the Classification Plans approved by City Council
- General Government Employees (Ranges)
- Civil Service (Step Plan)



Compensation



CITY OF WATAUGA, TEXAS
CLASSIFICATION PLAN FISCAL YEAR 2018-19
GENERAL GOVERNMENT EMPLOYEES (Full Time, Part Time and Seasonal)

Job Code	Position Title	FLSA	Salary Range	Pay Basis	Minimum	Midpoint	Maximum
ADM 00-101	City Manager	E	45	Annual	\$129,042	\$161,302	\$193,563
				Monthly	\$10,753.49	\$13,441.86	\$16,130.23
				Hourly	\$62.04	\$77.55	\$93.06
PF 05-101	Chief of Police	E	39	Annual	\$96,293	\$120,366	\$144,439
FD 06-101	Fire Chief	E		Monthly	\$8,024.42	\$10,030.52	\$12,036.62
PW 13-101	Director of Public Works	E		Hourly	\$46.29	\$57.87	\$69.44
FIN 01-101	Director of Finance	E					
IT 02-101	Chief Information Officer	E	36	Annual	\$83,182	\$103,977	\$124,772
HR 00-101	Director of Human Resources and Civil Service	E		Monthly	\$6,931.79	\$8,664.74	\$10,397.69
PCS 04-101	Director of Parks and Community Services	E		Hourly	\$39.99	\$49.99	\$59.99
PD 05-124	Assistant Chief of Police	E	35	Annual	\$79,220	\$99,026	\$118,831
FD 06-108	Assistant Fire Chief	E		Monthly	\$6,601.67	\$8,252.17	\$9,902.58
				Hourly	\$38.09	\$47.61	\$57.13
ADM 00-103	City Secretary	E	33	Annual	\$71,855	\$89,819	\$107,783
LIB 03-101	Director of Library Services	E		Monthly	\$5,987.94	\$7,484.93	\$8,981.91
				Hourly	\$34.55	\$43.18	\$51.82

Classification Plan for General Government Employees



CLASSIFICATION PLAN FISCAL YEAR 2018-19

CITY OF WATAUGA, TEXAS

STEP PLAN - POLICE DEPARTMENT



JOB CODE	POSITION	FLSA	PAY FREQUENCY	PAY STEPS									
				STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
GRADE: CS1													
PD 05-105	Police Officer Includes assignments to Patrol, Criminal Investigations, Traffic Enforcement, School Resource Officer, K9 & Training	NE	Annual	\$ 55,748	\$ 57,420	\$ 59,143	\$ 60,917	\$ 62,745	\$ 64,627	\$ 66,566	\$ 68,563	\$ 70,620	\$ 72,737
			Monthly	\$ 4,645.64	\$ 4,785.01	\$ 4,928.56	\$ 5,076.42	\$ 5,228.71	\$ 5,385.57	\$ 5,547.14	\$ 5,713.56	\$ 5,884.96	\$ 6,056.37
			Hourly (2080)	\$ 26.80	\$ 27.61	\$ 28.43	\$ 29.29	\$ 30.17	\$ 31.07	\$ 32.00	\$ 32.96	\$ 33.95	\$ 34.94
			Hourly (2223)	\$ 25.08	\$ 25.83	\$ 26.60	\$ 27.40	\$ 28.23	\$ 29.07	\$ 29.94	\$ 30.84	\$ 31.77	\$ 32.70
GRADE: CS2													
PD 05-128	Police Corporal Includes assignment to Patrol and Criminal Investigations	NE	Annual	\$ 76,375	\$ 78,666	\$ 81,026	\$ 83,457						
			Monthly	\$ 6,364.58	\$ 6,555.52	\$ 6,752.19	\$ 6,954.75						
			Hourly (2080)	\$ 36.72	\$ 37.82	\$ 38.95	\$ 40.12						
			Hourly (2223)	\$ 34.36	\$ 35.39	\$ 36.45	\$ 37.54						
GRADE: CS3													
PD 05-103	Police Sergeant Includes assignment to Patrol, Traffic Enforcement, Professional Standards and Criminal Investigations	NE	Annual	\$ 87,630	\$ 90,259	\$ 92,967	\$ 95,756						
			Monthly	\$ 7,302.50	\$ 7,521.58	\$ 7,747.22	\$ 7,979.64						
			Hourly (2080)	\$ 42.13	\$ 43.39	\$ 44.70	\$ 46.04						
			Hourly (2223)	\$ 39.42	\$ 40.60	\$ 41.82	\$ 43.07						
GRADE: CS4													
PD 05-102	Police Lieutenant	NE	Annual	\$ 100,544	\$ 103,560	\$ 106,667	\$ 109,867						
			Monthly	\$ 8,378.67	\$ 8,630.03	\$ 8,888.93	\$ 9,155.60						
			Hourly (2080)	\$ 48.34	\$ 49.79	\$ 51.28	\$ 52.82						
			Hourly (2223)	\$ 45.23	\$ 46.59	\$ 47.98	\$ 49.42						

Certification Pay

Department
Police

Certification

TCOLE Intermediate
TCOLE Advanced
TCOLE Master

Amount

Annual	Bi-Weekly
\$ 300.00	\$ 11.54
\$ 600.00	\$ 23.08
\$ 900.00	\$ 34.62

Advanced Degree

Associate College Degree
Bachelor College Degree
Master College Degree

Amount

Annual	Bi-Weekly
\$ 300.00	\$ 11.54
\$ 600.00	\$ 23.08
\$ 900.00	\$ 34.62

Annual pay is non cumulative

Effective March 16, 2019

Classification Plan for Civil Service Employees

- Most Recent Market Study 2016
- Merit Increases
- Cost of Living Adjustment (COLA)
 - FY 2019-20 1.5%
 - FY 2018-19 3%
 - FY 2017-18 3%
 - *Adjustment for Civil Service Supervision \$750/\$1250*
 - FY 2016-17 2%
 - *Market Adjustment 60 positions/April 2017 3% COLA for Civil Service*
 - FY 2015-16 3%



Compensation History



**BlueCross BlueShield
of Texas**



- Medical – Blue Cross Blue Shield
 - A small portion of dependent's premium paid by City
 - Optum Bank – Health Savings Account for eligible plan
 - Employer Match up to \$480/year
- Dental – United Health Care
- Vision – United Health Care

Health Insurance



BCBSTX (Medical)			
3500 PPO Plan	Monthly Premium	Employee Contribution	City Contribution
Coverage Type	<i>Base Plan</i>		
Employee	\$ 576.45	\$ -	\$ 576.45
EE + Spouse	\$ 1,187.50	\$ 568.60	\$ 618.90
EE + Child	\$ 1,141.38	\$ 478.93	\$ 662.45
Family	\$ 1,735.11	\$ 987.38	\$ 747.73
2500 HDHP Plan	Monthly Premium	Employee Contribution	City Contribution
Coverage Type	<i>Buy Up Plan</i>		
Employee	\$ 634.54	\$49.31	\$ 585.23
EE + Spouse	\$ 1,307.19	\$661.96	\$ 645.23
EE + Child	\$ 1,256.44	\$572.27	\$ 684.17
Family	\$ 1,910.01	\$1,136.75	\$ 773.26
1000 PPO Plan	Monthly Premium	Employee Contribution	City Contribution
Coverage Type	<i>Premium Plan</i>		
Employee	\$ 712.27	\$ 136.19	\$ 576.08
EE + Spouse	\$ 1,506.14	\$ 970.62	\$ 535.52
EE + Child	\$ 1,410.33	\$ 907.64	\$ 502.69
Family	\$ 2,143.98	\$ 1,718.45	\$ 425.53

United Healthcare (Dental)			
PPO PLAN			
Coverage Type	Monthly Premium	Employee Contribution	City Contribution
Employee	\$ 30.90	\$ -	\$ 30.90
EE + Spouse	\$ 57.78	\$ 27.63	\$ 30.15
EE + Child	\$ 68.32	\$ 38.46	\$ 29.86
Family	\$ 90.34	\$ 61.09	\$ 29.25
DMO PLAN			
Coverage Type	Monthly Premium	Employee Contribution	City Contribution
Employee	\$ 11.68	\$ -	\$ 11.68
EE + Spouse	\$ 22.99	\$ 11.62	\$ 11.37
EE + Child	\$ 30.64	\$ 19.48	\$ 11.16
Family	\$ 41.96	\$ 31.11	\$ 10.85

United Healthcare (Vision)			
Coverage Type	Monthly Premium	Employee Contribution	City Contribution
Employee	\$ 6.07	\$ -	\$ 6.07
EE + Spouse	\$ 13.05	\$ 7.94	\$ 5.11
EE + Child	\$ 13.05	\$ 7.94	\$ 5.11
Family	\$ 13.05	\$ 7.94	\$ 5.11

- Life Insurance
 - Paid By City
 - 1x the Employee's Salary up to \$100,000
- Long Term Disability
 - Paid By City
 - 50% of Employee's Salary
 - Max \$5,000/month
 - 90 Days Waiting Period



Life and Disability Insurance



- Texas Municipal Retirement System (TMR)
- 2:1 Match
- 5 Years Vesting
- Retirement Eligibility 20 years or 5 years at age 60
- City is exempt for Social Security, but not Medicare
- Public Agency Retirement System (PARS)
 - Part Time/Seasonal Employees (less 20 hrs per week)

Retirement

- Vacation 5 - 21 Days
- Sick - 15 Days
- Holidays/Personal Day - 13 Days
- Bereavement - Up to 5 Days per year
- Military - 15 Days per year
- Jury Duty



- *Part time employees who work 20+ hours/week receive leave benefits at a pro-rated rate*

Leave

Effective Date	December 2006	October 2013	January 2019
6 Months	15 Days	15 Days	5 Days
1-2 Years			10 Days
3-4 Years			15 Days
5 Years	16 Days	16 Days	16 Days
10 Years	21 Days	21 Days	21 Days
Separation Pay	Up to 60 Days	Up to 30 Days (hired after 10/1/13) Up to 60 Days (hired before 10/1/13)	Up to 30 Days (hired after 10/1/13) Up to 60 Days (hired before 10/1/13)
Carry Over	Up to 60 Days on anniversary date	Carry over only five (5) days on Anniversary Date	Up to maximum accrual on December 31

Items in red reflect changes to the policy



Changes to Vacation Leave

Effective Date	December 2006	October 2013	January 2019
Accrual of Sick Leave Begins Upon Hire	15 Days	15 Days	15 Days
Separation Pay	Up to 90 Days	No Sick Pay (hired after 10/1/13) Up to 90 Days (hired before 10/1/13 and Civil Service)	No Sick Pay if hired after 10/1/13 Up to 90 Days (hired before 10/1/13 and Civil Service)
Carry Over	No Limit	No Limit	No Limit

Items in red reflect changes to the policy

Changes to Sick Leave



- Longevity
 - Hired Before October 1, 2013 \$12/month
 - Hired After October 1, 2013 \$4/month
- Service Awards
 - Milestone Anniversary 5, 10, 15, 20, 25
 - Recognition and Gift
- Employee Holiday Party



Rewards & Recognition

- WataugaFIT
- Employee Assistance Program
- Free Membership at Hector F. Garcia Community Center

Wellness

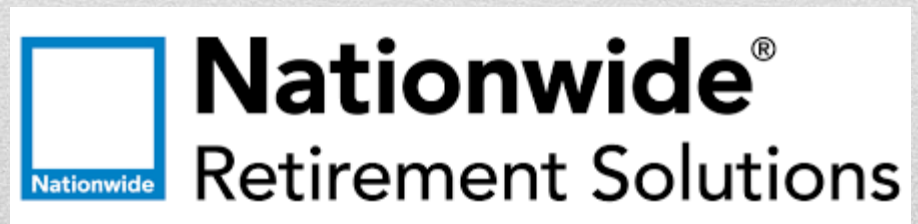


- Tuition Reimbursement
- Training
- Succession Planning



Career Development

- Deferred Compensation
- Aflac
- Legal Shield
- Supplemental Life Insurance



Miscellaneous

Future Healthcare Cost Control Considerations

- Reducing the number of plans offered
- Incorporating Tobacco User Surcharge
- Decreasing the City subsidy for employees to 85% for all plans. Employees pay 15% insurance premium on all plans.



Healthcare Cost Control Measures

- No longer allowing spouses on plan if they have or are eligible for other healthcare through their employer.
- Conducting a dependent audit this fiscal year and each five years thereafter.
- Evaluating a wellness benefit program administered by a third party to provide preventative maintenance healthcare at no cost to employee. Participation is required or a fee is assessed.

Healthcare Cost Control Measures

- Requiring participation in the WataugaFIT program and incorporating a surcharge for non-participants.
- Adding a penalty or copay if there is a non-emergency visit to an Emergency Room.
- Continuously revitalizing and improving the WataugaFIT program.

Healthcare Cost Control Measures

WataugaFIT



- What is WataugaFIT?
- Participation Rate
- Success Stories
- Future Plans



WataugaFIT



1. **Wellness Program administered by the City**
2. **Program's goal is to identify risks and provide avenues for behavior modification which reduces chronic diseases, medical costs and absenteeism**
3. **Program title was voted on by employees**
4. **Provides the foundation for the City to develop activities, offer incentives and modify work environment to support the Health and Wellness of City Employees**
5. **Wellness Committee helps build and sustain a wellness culture in our organization**
6. **Program will run in accordance with City's fiscal year October 1 – September 30**
7. **Program kick off was on October 1, 2018**

What is WataugaFIT?



Points	Wellness Day Off	\$50 Cash or HSA	\$100 Cash or HSA	\$200 Cash or HSA	T-Shirt	Water Bottle
70 Points						X
80 Points		X			X	X
90 Points			X		X	X
100 Points				X	X	X
150 Points	X			X	X	X
80 Points (Dependent)					X	X

How does WataugaFIT Work?

Examples of Activities

- **15 Points**
 - 1 Year Tobacco Free
 - 10% loss of total body weight in a 120 Weight Loss Challenge
 - Complete 20 group fitness classes in fifteen (15) weeks
- **10 Points**
 - Water Drinking Challenge
 - Annual Health Screening
 - Participation in a 5K Walk/Run
- **5 Points**
 - Get a Flu Shot or other immunization
 - Attend a City Sponsored Seminar
 - Participate in a Sports Tournament



What is WataugaFIT?

- Participation Rate 55%
- Success Stories
 - Weight Loss Challenge
 - Employee lost 50lbs and another 30lbs
- Plans for 2019-20
 - Increase level of commitment
 - Develop new challenges
 - Offer a variety Lunch and Learn Topics

WataugaFIT Current and Future



Questions



AGENDA MEMORANDUM

DATE: July 9, 2019

TO: Honorable City Council Members

FROM: Robert Parker, Chief of Police

SUBJECT: Discuss and provide direction to the City Manager on shared services and the creation of a Code Enforcement Task Force

BACKGROUND/INFORMATION:

Council Member Prescher requested both topics be discussed by the City Council and the City Council provided the City Manager a goal of evaluating and identifying cost savings for FY 2021.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council consider the information provided regarding shared services and the creation of a Code Enforcement Task Force and provide direction to the City Manager.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Shared Services Presentation

REVIEWED BY:

Robert Parker, Chief of Police

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 9/16/2019

Final Approval - 9/16/2019

What are Shared Services?

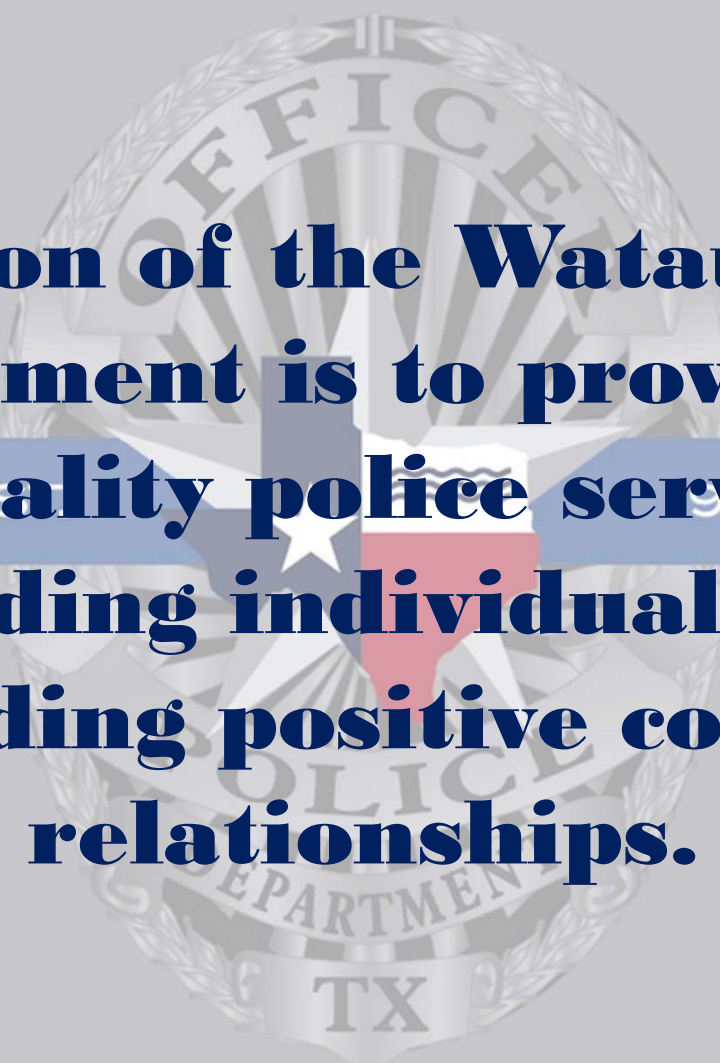


What are Shared Services?

Shared Services can be any of the services provided to the citizens through a variety of legal arrangements such as an MOU, Contract or a regional provider. Services that can be jointly delivered by or for more than one entity.

LIBERTY ★ COMMUNITY ★ SERVICE

Will a shared service for ACO fulfill our mission?

The seal of the Watauga Police Department is centered in the background. It features a circular design with a five-pointed star in the center. The star has a blue upper half and a red lower half, with a white border. The words "OFFICE" and "POLICE" are visible at the top and bottom of the seal respectively. Below the seal, the words "LIBERTY", "COMMUNITY", and "SERVICE" are separated by stars.

**The mission of the Watauga Police
Department is to provide the
highest quality police services while
safeguarding individual liberties
and building positive community
relationships.**

LIBERTY ★ COMMUNITY ★ SERVICE

Benefits of Shared Services

- **Reduction of cost**
- **Eliminate redundancies**
- **Economy of scale**

LIBERTY ★ COMMUNITY ★ SERVICE

Options

- **One of the partner cities (NRH, Haltom City or Richland Hills)**

EST.

1962

- **City of Fort Worth**

- **Complete outsource such as North Texas Humane Society**

LIBERTY ★ COMMUNITY ★ SERVICE

What was evaluated

- **What service do we provide**
- **What are community expectations**
- **Does the current service meet the needs**
- **Can we meet future needs**
- **Would a shared service meet these needs**

LIBERTY ★ COMMUNITY ★ SERVICE

Feasibility

- 
- **Is it economically feasible ?**
 - **Is it operationally feasible ?**
 - **Is it administratively feasible ?**

Deficiencies of Shared Services

- **Reduction of control**
- **Perception of citizens** 1962
- **Detriment to employees**

LIBERTY ★ COMMUNITY ★ SERVICE

Discussion



Code Enforcement Task Force

- 
- **What is the goal ?**
 - **How do we manage ?** 1962
 - **Are we already doing this with Contact Us ?**

LIBERTY ★ COMMUNITY ★ SERVICE



AGENDA MEMORANDUM

DATE: August 1, 2019

TO: Honorable City Council Members

FROM: Tara Rogers, Deputy City Secretary
Andrea Gardner, City Manager

SUBJECT: Discuss and provide direction to the City Manager on the results of the City of Watauga Public Library Needs Assessment

BACKGROUND/INFORMATION:

The Watauga Public Library began service to the public in October of 1983. The Library was located in a 676 square foot room in the Municipal Complex. There was so little space that the majority of the collection was in storage. It opened with a collection total of 1,826 books. Due to the need for more space, on September 24, 1990, the Library moved to its current facility. Then in 2007 an additional expansion was completed. This brings the library to a total of 20,413 square feet.

Another way to view just how much the library services have grown in Watauga over the years is to look at the statistics. The total of items checked out in September 1984 (the first full year of service) was 388. The total of items checked out in 2018 was 292,683. The grand total of story hour attendance in 1984 was 97. Then story hour was the only program available. In 2018 the total program attendance was 42,018, and 1,844 adult and youth programs occurred. Public perception and use of public library services has evolved over the decades and is growing.

In multiple surveys the Library has conducted (2008, 2010/11, 2012, 2016, 2018, 2019) patrons have commented that a larger space is needed. In 2015 this was recognized by the then current Mayor and City Council. So it was added to their list of Strategic Goals (#4 Library Expansion & Technology) that year, and has remained on the list since then.

On Monday, January 14, 2019 the Watauga City Council approved authorization of a professional services agreement for architectural services associated with the completion of a facility needs assessment for the Watauga Public Library with Brinkley Sargent Architects in the amount of \$59,790.

FINANCIAL IMPLICATIONS:

To be determined.



AGENDA MEMORANDUM

RECOMMENDATION/ACTION DESIRED:

Discuss and provide direction to the City Manager on the results of the City of Watauga Public Library Needs Assessment.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Calendar for Study - Month of Typical Programming Exhibit A
2. List of Programs Offered Exhibit A Program Detail
3. Exhibit B Building Program requirements
4. City Council Presentation 09.20.16

REVIEWED BY:

Lana Ewell, Director of Library Services

Tara Rogers, Deputy City Secretary

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 9/16/2019

Approved - 9/16/2019

Final Approval - 9/16/2019

TYPICAL MONTH DURING SCHOOL YEAR

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
GED / Meeting Room / 9 am —12 pm / 15-20 ESL/BISD Basic Class/Mtg Rm/12:15-3:15pm/25-30 ESL/BISD Inter Class /Ad Zone /12:15-3:15pm/25-30 Therapy Dog/ E area/4:30pm-5:30pm/5-10 Adult Chess/Ad Zone/5:30pm-7:30pm//2-4 Pokemon League/6pm-7:50pm/Mtg Rm/20-50 Bridge Club/6:30-7:30pm/Adult Zone/4-6 Knitting & Crocheting/6:30pm-7:30pm/Adult Zone/8-10	Volunteer-lead ESL Reading, Writing, Speaking Class/Mtg Rm/ 10am-12pm/20-22 ESL/BISD Adv Class/Mtg Rm/12:15-3:15pm/20-24 ESL/BISD for Professionals/Ad Zone/12:15-3:15pm/ 20—24 Storytime/Toddler/10-10:15am/YA area/50-80 Storytime/Pre-school/10:30-11am/YA area/50-80	Storytime/Toddler/10-10:15am/YA area/50-80 Storytime/Pre-school/10:30-11am/YA area/50-80 ESL/BISD Basic Class/Mtg Rm/12:15-3:15pm/25-30 ESL/BISD Inter Class /Ad Zone /12:15-3:15pm/25-30 Youth Chess Club/4:30-5:50pm/YA area/4-10	GED / Meeting Room / 9 am —12 pm / 15-20 ESL/BISD Adv Class/Mtg Rm/12:15-3:15pm/20-24 ESL/BISD for Professionals/Ad Zone/12:15-3:15pm/ 20—24 Community Fitness Chat/12:30-1:30pm/Ad Zone/2-5 Bilingual Storytime/5-6pm/YA area/2-6 Homework Help Ctr/5:30-7:30pm/Mts Rm/4-18 Adult Chess/Ad Zone/5:30pm-7:30pm//2-4 Volunteer-lead ESL Conversation Club/6:30-7:55pm/Adult VideoTable Area/12-18 Library Book Club/Adult Area/6:30-7:30pm/ 7-10	GED / Meeting Room / 9 am —12 pm / 15-20 Citizenship Class BISD/Ad Zone/10 am-12pm/5—8 Mother Goose Storytime/11am-12pm/YA Area /5-10 ESL/BISD Basic Class/Mtg Rm/12:15-3:15pm/25-30 ESL/BISD Inter Class /Ad Zone /12:15-3:15pm/25-30 Yu-Gi-Oh/4-5:50pm/YA area/4-6	Meditation Workshop/1-2pm/Mtg Rm/ 2-5
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Exhibit A: Program Detail

List of Events Offered on a Regular Basis

Adult Events & Classes

Book Clubs

True Crime Book Club (3rd Th, 6:30 – 7:30 pm)

Library Book Club (select Thursdays monthly, 6:30 – 7:30 pm)

Mayor's Book Club (Winter & Summer)

Bridge Club (Mon 6:30 – 7:30 pm)

Chess group, Adult (Mon & Th, 5:30 – 7:30 pm)

Computer classes

One-on-one short sessions (2 to 10 minutes of instruction)

Impromptu computer class (Over 30 minutes of assistance)

PC Help

Volunteer run computer class

English as a Second Language (ESL)

BISD ESL basic (M/W/F)

BISD ESL intermediate (M/W/F)

BISD ESL Citizenship (F)

BISD ESL for Professionals (T/Th)

BISD ESL Advanced

Volunteer-led Conversation Club (TH 6:30 – 7:55 pm)

Volunteer-led ESL Reading/Writing/Speaking (TU 10am-12 pm)

Volunteer-led Ventures attendance

Volunteer-led Laubach attendance

Volunteer-led Advanced Reading

GED

FWISD GED class (Sept – May on Mon., Th. & Fri., 9 am to 12 pm)

Art Classes (once a month)

Board Game Afternoon (once a month)

Exhibit A: Program Detail

Community Fitness Chat (once a month)

Financial Workshops (1 to 2 times a year)

Gardening classes (twice a year)

Genealogy Class (2nd & 4th Mon, 6:30 – 7:45 pm)

History-based lectures (varies)

History Discussion Groups (Fridays, once a month)

Knitting & Crochet Group (Mon, 6:30 – 7:30 pm)

Meditation Workshop (Sat, 1:00 – 2:00 pm)

Nutrition Classes (3 to 4 times a year)

Summer Reading Program (June to August)

Trivia nights (every other month)

Watauga Winter Reading Program (January to March)

Youth Events & Classes

Bilingual Story Time (Sept – May, First Friday of the month)

Chess Group, Youth (Wed, 4:30 – 6:00 pm)

Family Place Workshops (5 weeks twice a year)

Holiday Crafting (Year round)

Homework Help (Th, 5:30 – 7:30 pm)

Library Tours (Year round)

Mother Goose Story Time (Fri, 11:00 -11:45 am)

Pet Therapy: Hermes the Reading Therapy Dog (Mon, 4:30 – 5:30 PM)

Exhibit A: Program Detail

Pokémon League Night (Mon, 6:00 – 7:50 pm)

Story Time (Tu & Wed, 10:00 – 11:00 am)

Summer Reading Program (June – July)

Teen Anime Club (1st Sat each month, 12:30 – 2:00 pm)

Teen Games (last Mon each month, 5:30 – 7:00 pm)

Teen Random Fandom (2nd Tu of each month, 4:00 – 5:30 pm)

WizArt (3rd Friday of each month, 4:30 – 5:30 pm)

Yu-Gi-Oh! Group (Fri, 4:00 – 5:50 pm)

Special Presentations

Batman Day (summer)

Big Vehicle Day (July)

Christmas Program (December)

Library Mystery (winter)

Musical concerts (varies)

Spring Break Extravaganza (March)

Yule Ball (January)

Community Outreach Programs

Back to School Blast (August)

Back2School Rally (August)

BISD Reads

Exhibit A: Program Detail

ESL Classes (September – May)

GED Classes (September – May)

Library E Mail Newsletter/Blast (Highlights) Each Month

School cooperative efforts

- Attending special school programs (Library Card Sign-ups)

- Open to special collaborative projects (Teamed with ASPIRE in past, & recently with Junior Achievement)

- School recognition nights (theme)

- School tours

- School visits before the Summer Reading Program

Sertoma Club liaison

Watauga Fest Tent (Library Card Sign-ups & general information)

Community Gathering Place

Book groups

Law officers meet/interview individuals

Safe public location for parents to switch kids

Socializing groups (Ex: Mothers after Story Time & other youth events, trivia challenge gatherings, board game nights, etc.)

Tutors & students

Adult Events & Classes offered on a Monthly Basis

GED Mon., Th. & Fri., 9 am to 12 pm

FWISD GED class (Sept – May on Mon., Th. & Fri., 9 am to 12 pm);

Attendance averages 15 – 20 individuals; It began in October 2010. In 2018 there were funds for the class to continue through the summer for the first time. This might be the case in 2019, but definite plans have not been made by the FWISD office at this time.

English as a Second Language (ESL) – ESL began with volunteers teaching classes in 2004. The BISD ESL classes started as a cooperative project in September 2015. This evolved when volunteer efforts alone were not enough to

Exhibit A: Program Detail

meet the requests. Also the volunteer efforts were not as consistent & structured as the BISD program.

Currently:

BISD ESL basic class (Sept – May on Mon., Wed., Fri. from 12:15 – 3:15 pm). In 2018 there were funds to have Summer ESL classes at the Public Library. At this point we do not know if funds are available for this year, or if we will have available space to accommodate them. Attendance averages 25 – 30 individuals per class.

BISD ESL intermediate (Sept – May on Mon., Wed., Fri. from 12:15 – 3:15 pm). Attendance averages 20 -23 folks per class.

BISD ESL Citizenship (Sept – May on Friday from 10 am to 12 pm); Attendance averages 5-8 once a week. This class was first offered by BISD in 2017. In the past (2013) we had volunteers teaching Citizenship classes. However the effort was inconsistent, due to the nature of volunteers.

BISD ESL for Professionals (Sept – May on Tuesday & Thursday from 12:15 – 3:15 pm); Attendance averages 20 -23 folks per class.

BISD ESL Advanced (Sept – May on Tuesday & Thursday from 12:15 – 3:15 pm); Attendance averages 20 -23 folks per class.

Volunteer-led Conversation Club (TH 6:30 – 7:55 pm) The current teachers began in January 2016. They gather at the tables in the Adult Media area and meet for most of the year; The group has been growing and now breaks into two groups. Attendance averages 15 – 20 folks. There have been earlier versions of this class (2014) that did not last as long as the current group.

Volunteer-led ESL Reading/Writing/Speaking (TU 10am-12 pm) Our current volunteers began in June 2015. The class gathers in the Meeting Room, and they meet for most of the year; Attendance averages 20 – 25 a week. Here also, there was earlier Volunteer efforts regarding ESL “Reading, Writing, and Speaking” classes (2010). They did not continue due to lack of regular volunteers.

The following are volunteer efforts smaller in numbers and usually scheduled for the smaller study rooms throughout the week. It reflects the

Exhibit A: Program Detail

efforts of multiple Volunteer tutors using various approaches to adult education. These efforts date back to 2004:

Volunteer-led Ventures; attendance averages 15 per week.

Volunteer-led Laubach; attendance averages 6 per week.

Volunteer-led Advanced Reading; attendance averages 3 per week.

Book Clubs

Library Book Club (select Thursdays monthly, 6:30 – 7:30 pm) Started in 1996, it has been lead since 2007 by then volunteer Dana Harper (current Adult Services Librarian); they meet once a month, average attendance is 4 – 7.

Mayor's Book Club (Winter & Summer) A new program that began in 2019.

True Crime Book Club (3rd Th, 6:30 – 7:30 pm) Also a new group that started in 2019. It meets once a month, and has been well received. It averages an attendance on 8 -10.

Note regarding "Book Clubs," From time to time we have attempted various "Book Clubs" at the request of patrons. For example a "Mystery Book Club," a "Foodie Book Club," and a "Fantasy Book Club." However, if the people do not come, we drop them.

Bridge Club (Mon 6:30 – 7:30 pm) This group was established in October 2013, at the request of a Watauga resident. Attendance averages 4 – 6. It meets once a week in the Adult area.

Chess group, Adult (Mon & Th, 5:30 – 7:30 pm) This group was established in August 2012, again at the request of a Watauga resident. It meets twice a week and attendance usually runs from 2 – 4 folks.

Genealogy Class (2nd & 4th Monday, 6:30 – 7:45 pm) This group has been meeting twice a month since October 2014. It came about due public interest. The attendance is from 2 – 5. In the past we have had a series of Genealogy workshops. They were well attended, however we did not have the funds in our budget to continue the workshops.

Exhibit A: Program Detail

Knitting & Crochet Group (Monday, 6:30 – 7:45 pm) This group was established in **January 2014**. They meet at one of the tables in the Adult Zone. Attendance ranges from **8 – 10**.

Meditation Workshop (Sat, 1:00 – 2:00 pm) It began due to public interest in **September 2015**. They meet either in the Meeting Room or one of the larger study rooms, depending on the size of the group, or other conflicts with programming. Attendance ranges from **3 – 5**.

Art Classes, Adult (once a month) Began in **2018**. Attendance ranges from **24 – 27**.

March 2017	Book Sculpture	27
August 2017	Watercolor	21
Sept. 2017	Collage	17
April 2018	Clay Sculpture	26
July 2018	Bad Art Night	27
December 2018	Bad Art Night	24

Board Game Afternoon (formerly Crafturday) (once a month) Began in **2018**. Attendance ranges from **12 – 32**.

July 2018	Crafturday	20
September 2018	Board Game Afternoon	12
January 2019	Board Game Afternoon	32

Community Fitness Chat (once a month) Began in **2018**.

September 2018	6
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Youth Events & Classes offered on a Monthly Basis

Pet Therapy: Hermes the Reading Therapy Dog (Mon, 4:30 – 5:30 pm) Our Reading Dog Therapy program began in **February 2017**. Hermes meets with his readers in the Easy Reading area in the Youth Department, once a week. Attendance ranges from **5 – 10**.

Exhibit A: Program Detail

Pokémon League Night (Mon, 6:00 – 7:50 pm) The League began its weekly meetings at the Library in 2005. They gather in the Meeting Room, and attendance ranges from 20 – 50.

Teen Games (last Mon each month, 5:30 – 7:00 pm) This is a new program started in 2019. Attendance is building.

Storytime Class (Tu & Wed, 10:00 – 11:00 am) There has been some form of Storytime since the Library was established in 1983. This past year we had to move from the Meeting Room to the Young Adult area, due to the marked increase in attendance. It now ranges from 50 – 85.

Teen Random Fandom (2nd Tu of each month, 4:00 – 5:30 pm) This is a new program started in 2019. Attendance is building.

Chess Group, Youth (Wed, 4:30 – 6:00 pm) This program began in 2005. It meets in the Young Adult area and ranges from 4 – 10.

Homework Help (Th, 5:30 – 7:30 pm) The mostly volunteer driven program began in 1996. It once met two times a week. Currently they meet on Thursday nights in the Meeting Room, with an attendance ranging from 4 – 18.

Bilingual Story Time (Sept – May, First Friday of the month) The volunteer class has a Spanish language focus. It began in November 2010, and has an attendance ranging from 2 – 6.

Mother Goose Story Time for Pre-Walkers (Fri, 11:00 -11:45 am) This is a new program started in 2019. So far the attendance has been 5 – 10.

WizArt (3rd Friday of each month, 4:30 – 5:30 pm) This is a monthly craft program sponsored by the Library began in 2009. They gather in the Meeting Room, and usually number 10 – 15.

Yu-Gi-Oh! Group (Fri, 4:00 – 5:50 pm) It started as a group here in 2011. They gather in the Youth area and usually number 4 – 6.

Teen Anime Club (1st Sat each month, 12:30 – 2:00 pm) This is a new program started in 2019. Attendance is building.

Exhibit A: Program Detail

Adult Events & Classes regularly offered during the year

Locations for these classes would depend on what space is available at the time. The Meeting Room, or temporary spaces we create with movable partitions may be used.

Financial Workshops (1 to 2 times a year) Began in 2012.

Nov. 2016	First-Time Home buyers	14
March 2017	Economics 101	9
April 2017	Saving on College	8
May 2017	Basic Budgeting	8
June 2017	Insurance 101	8
Sept. 2017	First-Time Home buyers	9
March 2018	Building Wealth	6

Gardening classes (twice a year) Began in 2015.

Oct. 2016	Plant Exchange	18	
Sept. 2018	Tarrant County Master Gardner (Bonsai)		13
July 2018	Fall Veggie Gardening	28	

History-based lectures (varies) Began in 2014.

March 2017	Russian Revolution	7
July 2017	Russian Revolution	15
Sept. 2017	Regency Fashion	18
Nov. 2018	Civil War Medicine	14

Nutrition Classes (3 to 4 times a year) Began in 2015.

March 2017	Eat Smart, Live Strong	76
May 2018	Texas A&M Nutrition Class	12
Jan. 2019	Keto 101	20

Senior Classes (2 times a year) Began in 2000s.

Sept. 2017	Medicare 101	20
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Exhibit A: Program Detail

October 2018 AARP Rideshare 14

Summer Reading Program, Adult (June to August) Annual event. Participants read or listen to 3 books and enter a drawing for a chance to win prizes. Average total attendance 250.

Trivia nights (every other month) Began in 2015.

March 2017	Pokémon	32
August 2017	Doctor Who	29
January 2018	Star Wars	36
January 2019	The Office	30

Watauga Winter Reading Program (January to March) Began in 2012, average attendance 20 – 30. Participants read or listen to 3 books and enter a drawing for a chance to win prizes.

Other Special Classes offered irregularly

Oct. 2016	Stress Management	10	
Dec. 2016	Texas A&M College Application Class		27
April 2017	Exploring Unexpected Texas	34	
May 2017	Basic Online Safety	15	
May 2017	Cybersecurity Tips	10	
July 2017	Creative Writing	12	
Sept. 2017	College Entrance Exams	25	
April 2018	Public Speaking	15	
June 2018	Fire Extinguisher Training	43	
Sept. 2018	Handwriting Analysis	13	

Youth Events & Classes regularly offered during the year

Family Place Workshops (5 weeks a year, usually in October and November) To maximize the impact, and due to limited space, we run 2 workshops back to back at the same time. This series of workshops takes place in the Meeting Room. We would like to have these workshops on a more frequent basis, but due to space and staff limitations we are unable to do so. We became a certified Family Place Library in 2017. Attendance is on average 15 – 20 per session. We were able to start this program thanks to a grant through the State, and the fiscal assistance of the Friends of the Watauga Public Library.

Exhibit A: Program Detail

Holiday Crafting (Year round) This occurs throughout the year. Work stations are placed in the Youth Department. These are very popular with families and children. Average usage is hard to predict. Consulting statistics from the calendar year 2018 the recorded range on craft activities spanned **25 – 151**. For some of the larger activities that had crafts, but were not recorded, the number is possibly higher.

Frankenstein's Workshop (Once a year) This is a Fall programming favorite. It was first held at WPL in **2010**. The program is presented in the YA Area. In October 2018 it had **180** attending.

Freaky Saturday (a new program [**2018**] on a Saturday in October from 1:00 p.m. to 3:00 p.m. that does not interfere with the Recreation Department's Fall programming). Over **250** people were in attendance. The activities included games and crafts.

Library Tours (Year round) These can be arranged at any time and have been available since the library opened in **1983**. In May of **2018** there were **11** school tours with a total of **314** attending

School Literacy Nights (At the request of the school) A recent event, the "Whitley Road Elementary Literacy Night" event was held **January 2019**. **175** attended.

Summer Reading Program, Youth (June – July) Annual event, the sign up for youth was **1,932**. Multiple events happen throughout the Library during this time period:

Sampling of June and July 2018 Events and Attendance (Held in YA Area)

Trout Fishing in America	280
Mondo Drummers	206
Super Hero Day	355
Snake Encounters	425
Dinosaur Day (2 sessions)	610
Wild Things Zoofair	448
Sandy Shrout, Puppeteer	145
James Wand	284

Sampling of Craft Activities in June and July (Held in Children's Area)

Exhibit A: Program Detail

Dad Crowns	100
Super Hero Masks	126
Guitar Ornaments	45
Robots	31

Sampling of Teen Summer Reading Program Events & Attendance (Held in YA Area & Meeting Room)

Teen Carnival	8
Cultural Food Night	12
Duelist (Stage Fighting)	16
Magic Class	12

Note: In 2018 efforts were made to provide more Pre-Teen Programs. This was strongly supported by our Volunteer Teens, some of whom took the initiative and taught these programs. Our 2019 Summer Reading Program (SRP) plans to expand on these efforts. And I want to mention that our Volunteer Teens are invaluable helping to set up and break down the program space for the SRP events.

Wake Up The Walls Art Contest (March) This annual event began in 2002 and has grown tremendously. Attendance at the Awards Ceremony in 2019 was 151 and 218 entries. Children's art is entered and on display in the Library from early March till the award ceremony in mid-March. The popularity of this event is bringing in more and more entries. We are facing a problem of not having enough space to display the art in the near future.

Other Art Exhibits

We have hosted other art shows from the community:

- Watauga Middle School 2008 (ongoing)
- Keller High School 2008 (one time)
- International Leadership of Texas 2014 (ongoing)

Junior Achievement Program (Varies) This is a new program that began in 2019.

Art Covery (last Saturday of each month, 1:00 – 3:00 p.m.) This is a new family art program started in 2019. We have been used the Young Adult Area. The attendance has been between 25 – 30 participants.

Exhibit A: Program Detail

H.Y.P.E. Foundation (5 to 6 times a year, various times depending on school schedule, 1.5 hour program) This is a new program series begun in 2019 which will provide STEM activities for children 8 to 10 years. We will use the Meeting Room or the Young Adult Area depending on availability.

Rubik Cube Workshop (offered 4 times a year on various Saturdays, 1 p.m. to 3 p.m.) This new program started in 2019 teaches children 8 to 18 years on how to solve the Rubik's Cube. We have hosted two workshops with 20 participants each. This program was conducted in the Young Adult Area.

Ongoing STEAM Displays from the University of Texas in Dallas are usually set up in the mural area of the Youth Services Department and in the Picture Book Area. These displays are changed out about every two months and require about a 3' x 4' space (12 square feet). This is a new program (2019).

Special Library Events

Aspire Community Event (Summer) This is a new event (2018). This was a combined effort between the Watauga Library and the North Richland Hills Library. Every Tuesday for the month of June staff from both libraries went to the elementary school close to the Watauga Library and gave a story time, craft, and book checkout. These at-risk students were able to be part of a summer reading program even if they were not able to go to the physical public library. Events were located throughout the library. Attendance was 350.

Batman Day (summer) This program began in July 2015 with an attendance of 293. In August 2018 it was 225.

Big Vehicle Day (July) First held in 2014. The most popular event of summer is always Big Vehicle Day. Children (and their parents) are thrilled to see different types of vehicles up close. All departments within the City, local businesses, Tarrant County Water District, and area museums participate. The vehicles on site include a fire truck, ambulance, school bus, motor home, dump truck, tow truck, street sweeper, party limousine, helicopter, hydration station, TCU Frog Truck, Motor Coach and a police car and motorcycle. A snow cone truck is here so visitors could cool off on a warm summer day. This year, In-n-Out Burger will be bringing their mobile grill and serving hamburger lunches. The Library started the event, and has historically been the main promoter. It takes place in the area north and west of the building. The attendance is estimated at over 2,000.

Exhibit A: Program Detail

Christmas Program (December) This is a popular annual event that draws large crowds. Old Library Newsletters mention Christmas events taking place in the Library in the early 2000s. Recent activities include an abridged version of The Nutcracker ballet presented by The North Central Ballet. Additional activities include Santa and Mrs. Claus, crafts and musical entertainment. Reindeer are stationed just outside the Library. In 2014, 800 people attended this event. Activities have generally remained the same.

In 2018, we broke the one regular event into two events. On Saturday December 1, there was a musical concert, Santa and Mrs. Claus, and reindeer. 150 folks attended the concert. On a Thursday evening, December 13, there was the ballet, Santa and Mrs. Claus, crafts and reindeer. Over 500 people attended the second event.

Library Mystery (fall/winter) The first "Library Mystery" was in 2013. In 2016 there was a shift of personnel in the Library that reduced staff available to focus on this activity.

2013	Masque of the Red Death	17
2014	Curse of the Pharaoh	43
2015	Panic at the Prom	22
2019	Terror in a Toga	26

Literary Celebration Events

February 2017	Richard Selcer, author	
August 2017	Book Pop	45
June 2018	Behind the Texas Badge	101
October 2018	Frankenreads	21

Musical concerts (varies) Some past events:

October 2016	NM Jazztet	53
July 2017	Classical Guitar Concert	68
August 2017	Harp Essence	44
May 2018	Fort Worth Guitar Society	71
July 2018	Flutissimo!	99

Spring Break (March) We usually have special events during the Spring Break, but this year it was repackaged:

Exhibit A: Program Detail

- In 2018 a series of free test prep workshops were offered by Explore Horizons (Reading, Math, & Writing). Attendance was 62. Also 5 days of Craft Table events were provided, with a total of 154 uses. A total of 216.
- For 2019 the events were restructured. There was a "Family Lego Challenge,"; Crafts on two days ; two art classes; a S.T.E.A.M.Fair; a Teen Mystery Night event, and a "Freaky Science" event. A total attendance of 425.

Star Wars Day (June/July) First held in 2014. It has been a popular event. It is part of the SRP. In 2018 the attendance was 335.

Yule Ball (January) New event from 2019. Attendance was 167. This Harry Potter themed event is new here, but similar events are common at other public libraries.

Community Outreach Programs

Back2School Rally (August) The Library began participating in 2013. The Back2 School Rally is cosponsored by the Sertoma Club of Watauga and local churches. The City of Watauga sends representatives from various City departments to set up informational tables and activities for kids and families. We usually have 3 to 4 people at the library booth. We usually interact with an average of 125 people annually at this event.

BISD Reads (Summer) Began in 2016 as a kickoff to Summer Reading Programs. The event is planned and implemented by the public libraries that serve the Birdville School District, as well as staff from BISD. Each library has a table and supplies an activity for the students. Each student leaves with a free book. Attendance has averaged about 2,000 for the last two years.

Library E Mail Newsletter/Blast (Monthly) It began in February 2014, at the suggestion of a Library Board Member. It is a synopsis of our full newsletter with links to specific events

School cooperative efforts (Varies) These efforts have been available to local schools since the early 2000s.

Exhibit A: Program Detail

This usually concerns Public Library staff attending special school programs (making Watauga Public Library Card Sign-ups available). In 2013 the Library offered 5 off site library card sign up events. In 2017 there were 4.

Other examples are:

- Open to special collaborative projects (Teamed with ASPIRE in past, & recently with Junior Achievement)
- School recognition nights in the Public Library (theme)
- School tours - In May of 2018 there were 11 school tours with a total of 314 attending
- School visits before the Summer Reading Program in May of 2018 there were 52 school visits before the Summer Reading Program. In May of 2017 there were 42 school visits.

Watauga Fest Tent (Library Card Sign-ups & general information)

We usually have 1 to 2 staff members work at this annual City event with table / activities for attendees on a Saturday. We contact an average of 65 people at this event.

Youth Events & Classes offered outdoors

Bunnie Petting Zoo (offered the Wednesday before Good Friday every year) This is a very successful program that draws between 500 to 600 participants. It is usually done in the front of the library. Participants and caregivers form a line that wraps around the library to wait to pet the bunnies.

The Mobile Dairy (offered during the Summer Reading Club) The Mobile Dairy Classroom trailer is 25 feet long and requires a 40 to 50 foot parking space. We do this program in the morning because of the extreme heat.

The Family Place Workshops are currently offered once a year due to space limitations. We would be able to enhance our offerings with an outdoor learning center. This was heavily recommended during our training in New York. This area could also be used as an outdoor classroom for school groups. With a defined outdoor space, we could also do Young Adult programming, which might otherwise be too loud for the Library. When not being used by the Library, this could generate revenue from outside groups.

Family Picnic (offered the last day of Summer Reading Club). This program is new (2019) and will be offered for the first time this summer on Saturday, August 3, 12 p.m. to 2 p.m. Outdoor activities will be planned. Participants are asked to bring a picnic lunch.

Exhibit A: Program Detail

Exhibit B: Building Program Calculation

Revised 7.30.2019

Assume: Buildout population (service area)	29,000						
Physical collection		Items	SF/Item	SF			
Collection @ 4 items /capita	116,000	10	11,600				
DVD	12,000	15	800				
Periodical	100	1.5	67				
	128,100			12,467			
Seating							
9 seats/1,000 pop	290	30	11,600				
				11,600			
Subtotal				24,067			
Circulation Factor			10%	2,407			
						26,473 SF	
Public Computers							
Adult	10	30	300				
Children	8	30	240				
YA	4	30	120				
				660		660 SF	
Meeting Spaces		Occupancy	SF/Item	SF			
Large Multipurpose (dividable)	250	10	2,500				
Program Room	40	15	600				
Program Room	20	25	500				
Children's Story	70	7	490				
Conference	15	12	180				
				4,270			
Study Rooms							
2 Person	2	2	40	80	160		
4 Person	6	4	30	120	720		
8 Person	1	8	30	240	240		
					1,120		
Special Spaces							
YA					800		
Social Space					1,500		
Toddler					1,500		
					3,800	9,190 SF	
Work Area							
18 FTE	18	150	2,700				
Circulation Factor		10%	270				
				2,970		2,970 SF	
Subtotal						39,293 SF	
Non Assignable Factor		20%				7,859 SF	
Toilets, Mech, Elec, Fire Riser, Stor, Kitchen, Lounge							
Total Building Area						47,152 SF	



THE WATAUGA PUBLIC LIBRARY

Library Study 2019

Input Work Session *(City Council Work Session)*

September 21, 2019

Prepared by
Hidell and Associates Architects, Inc.

THE PROCESS...

A roadmap for the Watauga Library's future

1. **Assess** Needs
2. **Develop** a Plan
3. **Provide** Recommendations





OUR AGENDA

Item 1

What we have heard

Item 2

Watauga Library Snapshot

Item 3

Big Changes in Public Libraries

Item 4

Facility Options

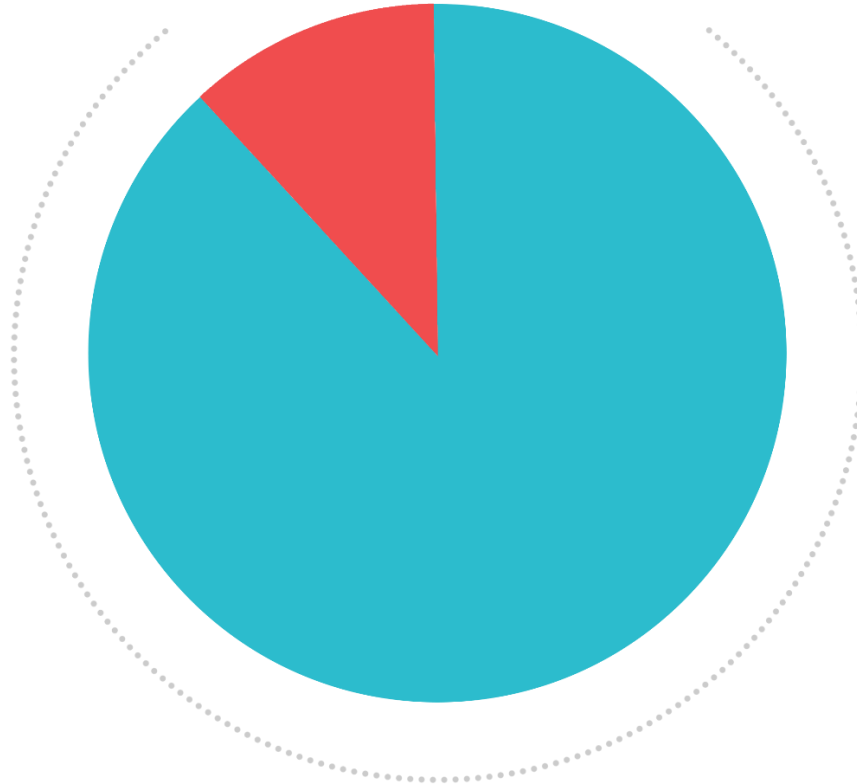
WHAT WE HAVE HEARD

Online Survey and Focus Groups

- 2 Targeted Focus Group Sessions
- 410 total participants (August 30 2019)

23% LIBRARY
NON-USERS

77% USED THE LIBRARY
IN THE PAST YEAR



WHAT

PARTICIPANTS SAID



**CUSTOMER
SERVICE**
90% SAY THE CUSTOMER
SERVICE IS GOOD



The national average for e-book
circulation is 4.8% of total circulation

CHILDREN'S
73% LIKE THE CHILDREN'S
PROGRAMING
PROGRAMS

WHAT PARTICIPANTS WANT

79%

WANT QUIET AND COMFORTABLE SEATING

81% WOULD LIKE AN
EXPANDED COLLECTION



91%

WOULD LIKE A
DEDICATED CHILDREN'S
PROGRAM AREA



CIRCULATION IS STRONG



301,234

ITEMS WERE CHECKED OUT IN FY 2017

**THE STATE AVERAGE FOR COMMUNITIES OF
SIMILAR SIZE**

129,607

**WHICH MEANS EVERY RESIDENT OF WATAUGA
CHECKED OUT AN ADDITIONAL 7 ITEMS ABOVE
THE STATE AVERAGE**



LIBRARY SNAPSHOT

HOW DOES THE LIBRARY COMPARE NATIONALLY?

**COLLECTION
TURNOVER**

145%
ABOVE
THE NATIONAL AVERAGE

**COLLECTION
SIZE**

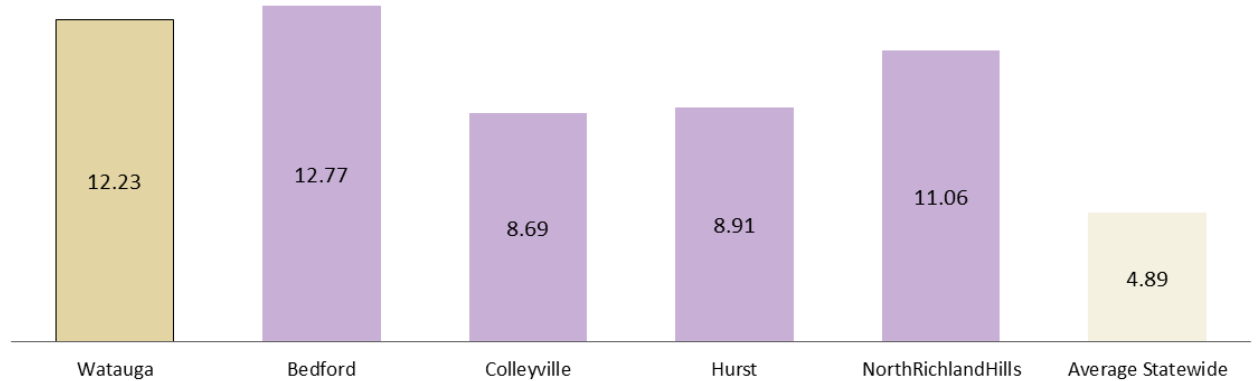
42%
BELOW
THE NATIONAL AVERAGE

PROGRAM ATTENDANCE

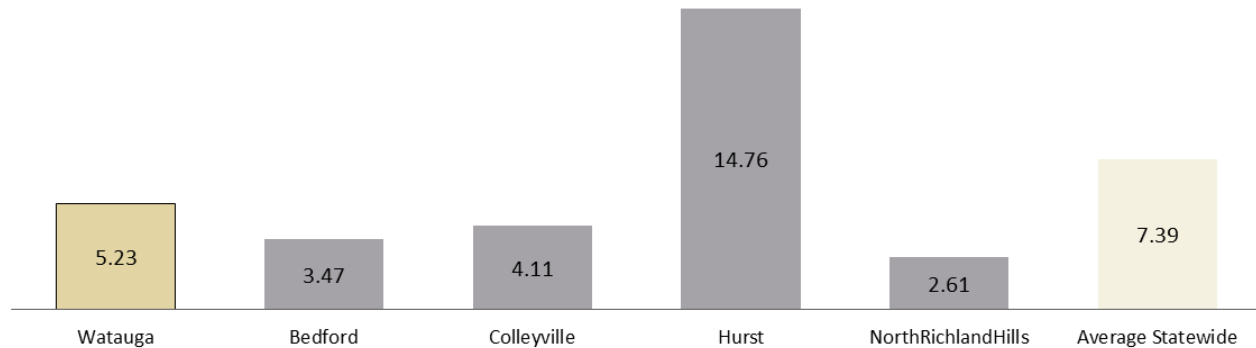
2.3 TIMES the national average

Watauga had a total program attendance of 37,931 in
FY20157. The national average for Peer
Communities was 16,430 for FY2017

Total Circulation Per Capita, LFY2017



Collection-Items Per Capita, LFY2017





Recent program attendance



Recent program attendance



Recent program attendance

IT'S A DESTINATION!

121,544 VISITS
FY 2017

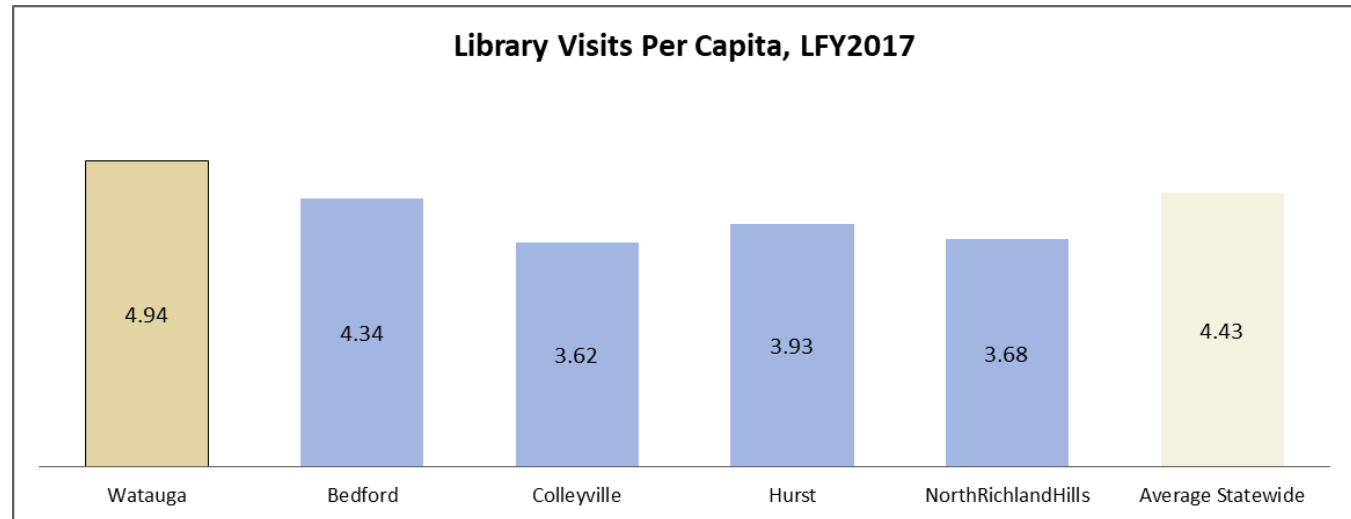
OR

10 SOLD OUT GAMES
AT BIRDVILLE STADIUM

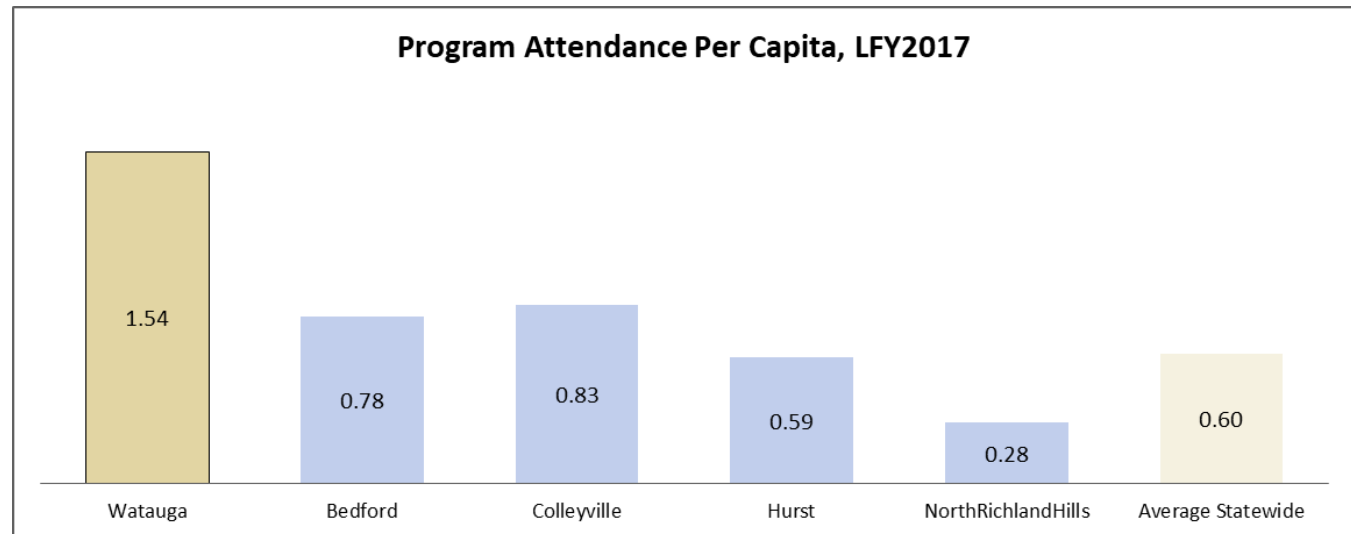


**The Watauga Public Library offers over
1,400 programs annually, with as many
as 10 per day.**

Library Visits Per Capita, LFY2017



Program Attendance Per Capita, LFY2017



BIG CHANGES IN PUBLIC LIBRARIES

How we get information and entertainment is changing...



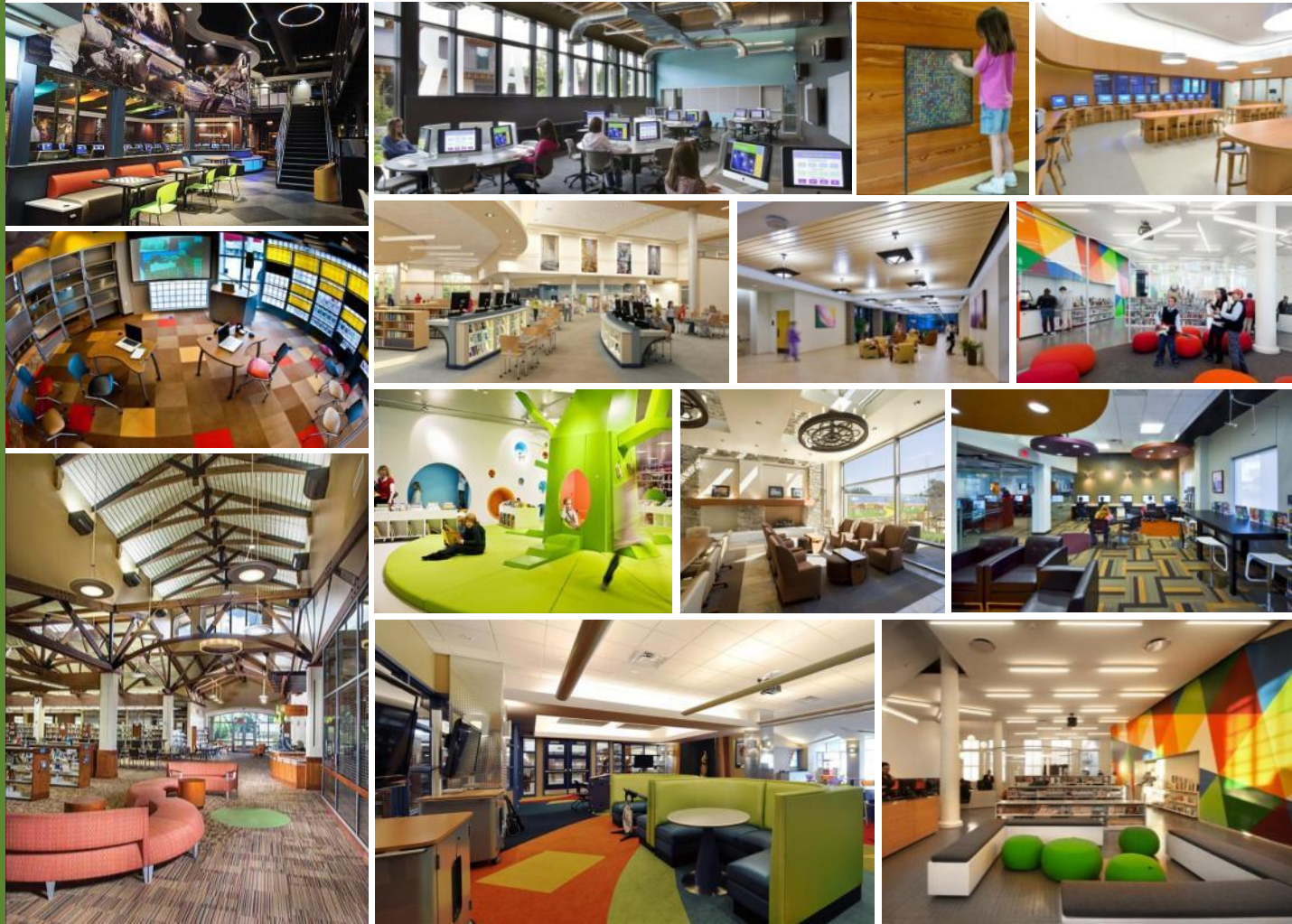
**WHERE DO YOU FIND
ANSWERS?**



**WHAT DO YOU
READ?**

BIG CHANGES IN PUBLIC LIBRARIES

What Today's Public Libraries are doing...



TODAY'S PUBLIC LIBRARY IS... USER FRIENDLY

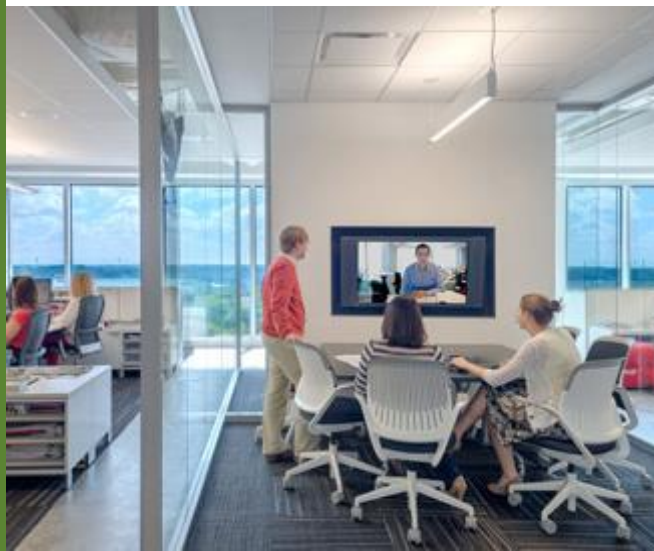
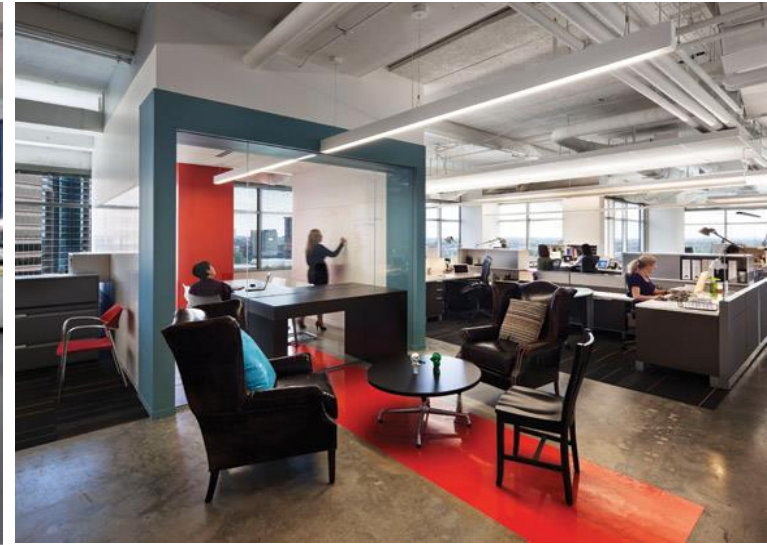




TODAY'S PUBLIC LIBRARY IS... A PLACE TO MEET



TODAY'S PUBLIC LIBRARY IS... A PLACE TO COLLABORATE





TODAY'S PUBLIC LIBRARY IS... A PLACE TO STUDY



TODAY'S PUBLIC LIBRARY IS... A PLACE FOR KIDS





TODAY'S PUBLIC LIBRARY IS... A TWEEN HANGOUT

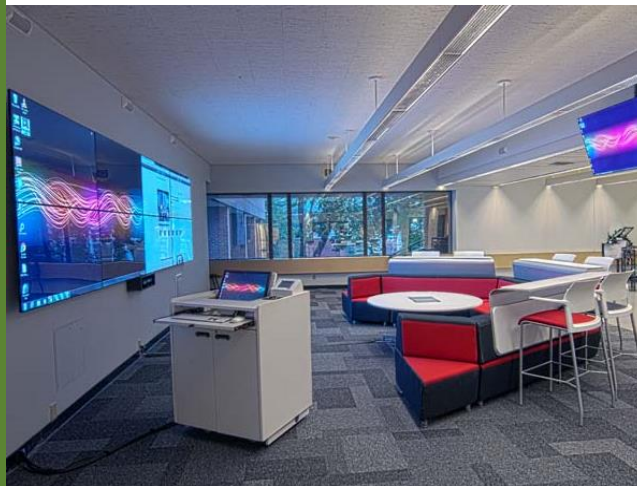




TODAY'S

PUBLIC LIBRARY IS...

A PLACE TO ACCESS TECHNOLOGY





TODAY'S PUBLIC LIBRARY IS... A PLACE TO CREATE



TODAY'S PUBLIC LIBRARY IS... A PLACE TO BROWSE





TODAY'S PUBLIC LIBRARY IS... A PLACE TO RELAX

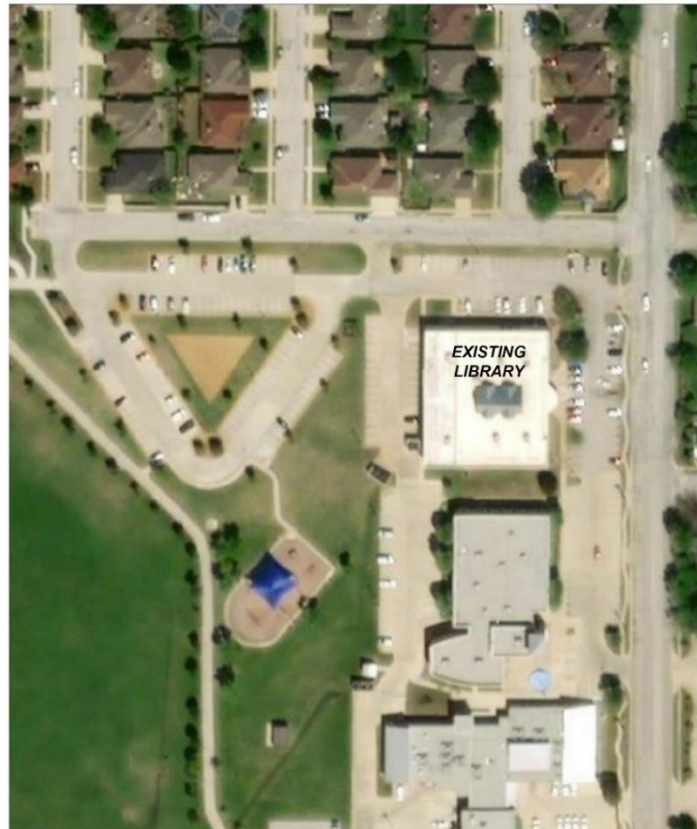


LIBRARY

Option 1: Renovate Existing Library

PROGRAM OBJECTIVES

- ✗ COLLECTION
4 ITEMS/CAPITA
- ✗ MULTIPURPOSE MEETING ROOM
CAPACITY 200-250
- ✓ PROGRAM ROOM
CAPACITY 40
- ✗ PROGRAM ROOM
CAPACITY 20
- ✓ CONFERENCE ROOM
CAPACITY 15
- ✗ CHILDREN'S STORYTIME
- ✓ STUDY ROOMS
(2) 2-PERSON
- ✗ (6) 4-PERSON
- ✗ (1) 8-PERSON
- ✓ TEEN ROOM
- ✗ TODDLER AREA



WATAUGA LIBRARY
HIDELL AND ASSOCIATES ARCHITECTS

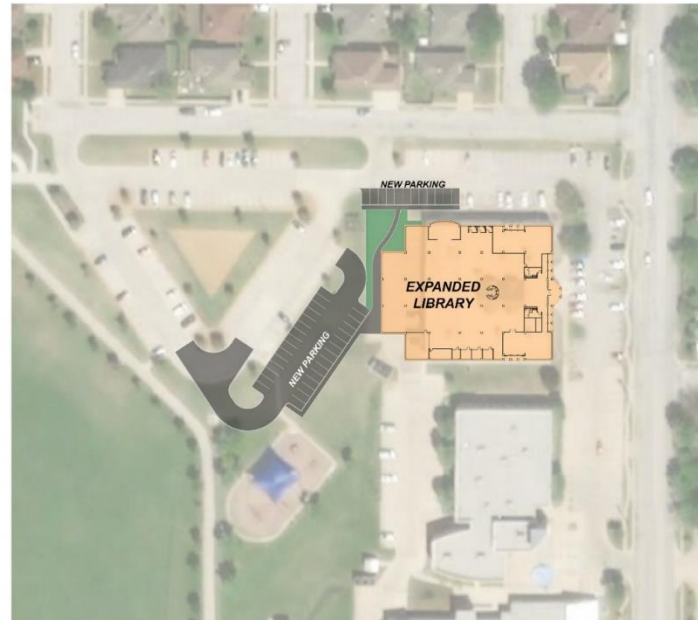
EXISTING SITE PLAN
NOT TO SCALE



ISSUES

- RELOCATE AND ENLARGE PUBLIC RESTROOMS.
- INCREASE LOBBY AREA CREATING SOCIAL SPACE.
RELOCATE CIRCULATION DESK.
- COLLECTION CAPACITY REDUCED.

Option 2: Renovate and Expand Existing Library



PARKING SPACES
42 NEW PARKING SPACES
30 LOST PARKING SPACES

12 ADDITIONAL PARKING SPACES



WATAUGA LIBRARY

RENOVATION AND EXPANSION - SITE PLAN

HIDELL AND ASSOCIATES ARCHITECTS

NOT TO SCALE



PROGRAM OBJECTIVES

- ✗** COLLECTION
4 ITEMS/CAPITA
- ✓** MULTIPURPOSE MEETING ROOM
CAPACITY 200-250
- ✗** PROGRAM ROOM
CAPACITY 40
- ✓** PROGRAM ROOM
CAPACITY 20
- ✓** CONFERENCE ROOM
CAPACITY 15
- ✓** CHILDREN'S STORYTIME

STUDY ROOMS

- ✓** (2) 2-PERSON
- ✗** (6) 4-PERSON
- ✗** (1) 8-PERSON

✓ TEEN ROOM

✗ TODDLER AREA

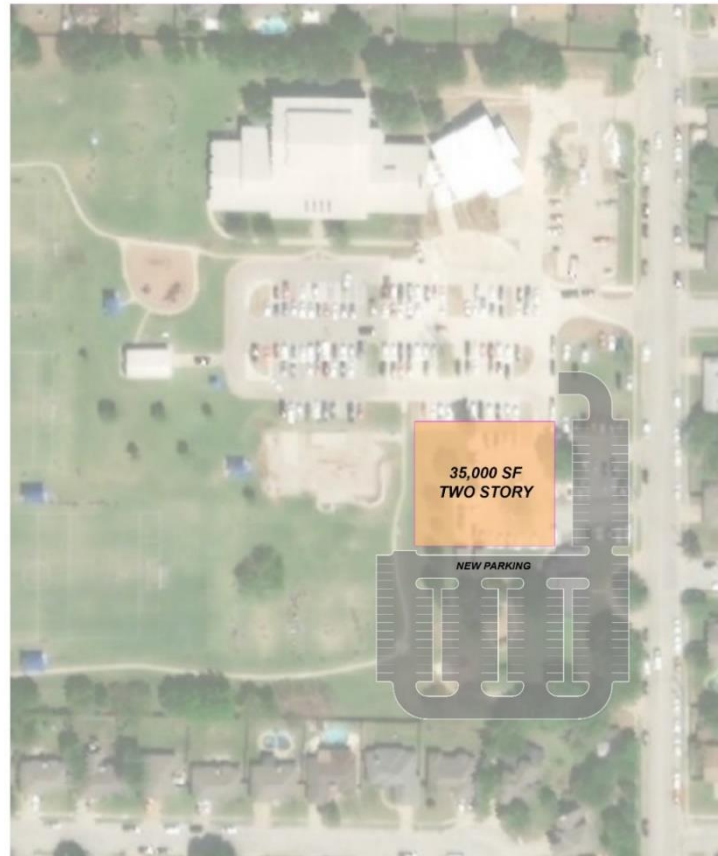
ISSUES

- RELOCATE AND ENLARGE PUBLIC RESTROOMS.
- INCREASE LOBBY AREA CREATING SOCIAL SPACE.
RELOCATE CIRCULATION DESK.
- COLLECTION CAPACITY REDUCED.

LIBRARY

Option 3: New 35,000 sf Library

PROGRAM OBJECTIVES



PARKING SPACES
123 NEW PARKING SPACES

- ✗ COLLECTION
4 ITEMS/CAPITA
- ✓ MULTIPURPOSE MEETING ROOM
CAPACITY 200-250
- ✗ PROGRAM ROOM
CAPACITY 40
- ✓ PROGRAM ROOM
CAPACITY 20
- ✓ CONFERENCE ROOM
CAPACITY 15
- ✓ CHILDREN'S STORYTIME
- STUDY ROOMS
- ✓ (2) 2-PERSON
- ✓ (6) 4-PERSON
- ✓ (1) 8-PERSON
- ✓ TEEN ROOM
- ✓ TODDLER AREA



WATAUGA LIBRARY

NEW BUILDING RECREATION - SITE PLAN

HIDELL AND ASSOCIATES ARCHITECTS

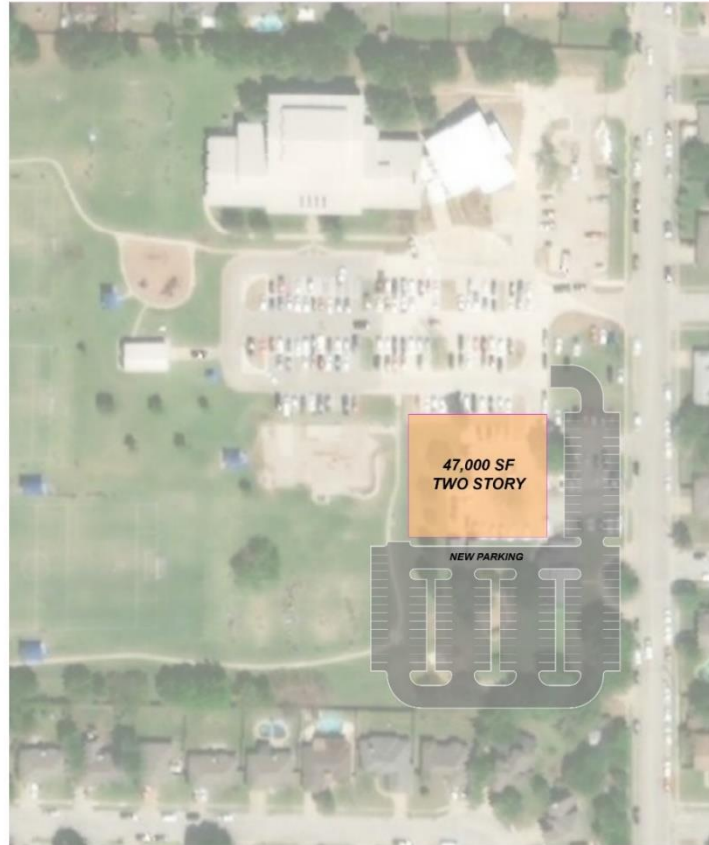
NOT TO SCALE



LIBRARY

Option 4: New 47,000 sf Library

PROGRAM OBJECTIVES



PARKING SPACES
123 NEW PARKING SPACES

- ✓ COLLECTION
4 ITEMS/CAPITA
- ✓ MULTIPURPOSE MEETING ROOM
CAPACITY 200-250
- ✓ PROGRAM ROOM
CAPACITY 40
- ✓ PROGRAM ROOM
CAPACITY 20
- ✓ CONFERENCE ROOM
CAPACITY 15
- ✓ CHILDREN'S STORYTIME
- STUDY ROOMS
- ✓ (2) 2-PERSON
- ✓ (6) 4-PERSON
- ✓ (1) 8-PERSON
- ✓ TEEN ROOM
- ✓ TODDLER AREA



WATAUGA LIBRARY

NEW BUILDING RECREATION - SITE PLAN

HIDELL AND ASSOCIATES ARCHITECTS

NOT TO SCALE



COSTS:

Option 1:	Building renovation (20,130 sf)	<u>\$2,516,258</u>
	Total 2021 Cost	\$2,855,952
Option 2:	Building renovation (20,130 sf)	\$2,516,258
	New Construction (6,305 sf)	\$2,522,000
	Furniture	\$ 375,000
	Technology	<u>\$ 350,000</u>
	Total 2019 Cost	\$5,763,258
	Total 2021 Cost	\$6,541,298
Option 3:	New Construction (35,150 Sf)	\$14,060,000
	Furniture	\$ 875,000
	Technology	<u>\$ 750,000</u>
	Total 2019 Cost	\$15,035,000
	Total 2021 Cost	\$17,064,725
Option 4:	New Construction (47,152 sf)	\$18,860,800
	Furniture	\$ 1,175,000
	Technology	<u>\$ 1,050,000</u>
	Total 2019 Cost	\$21,085,800
	Total 2021 Cost	\$23,932,383

TODAY'S PUBLIC LIBRARY IS... STILL HAS BOOKS





THE WATAUGA PUBLIC LIBRARY

Library Study 2019

Input Work Session *(City Council Work Session)*

September 21, 20169

Prepared by
Hidell and Associates Architects, Inc.



AGENDA MEMORANDUM

DATE: July 9, 2019

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and provide direction to the City Manager on financial impacts resulting from the 86th Legislative Session

BACKGROUND/INFORMATION:

On October 22, 2018 the City Council approved a Legislative Policy of the City of Watauga. The policy required regular updates on the 86th Regular Session by the City Manager. Such updates were provided on May 13, 2019 and July 8, 2019.

The attached is the final report that depicts the financial impact of the legislation approved during the Session.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the information provided and provide direction to the City Manager.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Legislative Impacts for 86 Regular Session

REVIEWED BY:

Andrea Gardner, City Manager

Final Approval - 9/16/2019

Approved as to form for inclusion on Agenda



86TH Texas Legislature Actions

Legislative Impacts to the City of Watauga



Legislative Impacts

FY 2018-19	FY 2019-20	FY 2020-21
HB 852 – Building Permit Fees	HB 1152 – Franchise Fees	SB 2 – 3.5% CAP
HB 1631 – Red Light Cameras	SB 346 – Municipal Court Fees	
HB 3834 – Cyber Security Training	HB 2899 – Civil Liability for Plans, Specs, Etc.	
HB 2048 – Repeal of Driver Responsibility Program		
HB 305 – Election Notices – requires translation to Spanish and Vietnamese		
HB 1850 – Early Voting Polling Register Information		
HB 944 – Public Information		
SB 1640 – Social Media		

86th Texas Legislature Actions

Financial Impacts in FY 2018-19



House Bill 852

- Requires residential permitting based upon square foot not value
- Effective immediately upon signature
- New rate structure approved by Council on 8/26/19



Financial Impact of HB 852

Fee Type	Current Fee Based on Value	Total with New Fee Structure	Difference
New Single Family Construction Permit Fee with Electrical, Plumbing and Mechanical Permit <i>Example:</i> 3219 sq. foot home – valuation \$316,900	\$4,062.96	\$5,147.19	\$1,084.23/ per Single Family Residential Home

Financial Impact will vary based on new Single Family Home Construction. In FY 2019-2020, it is estimated that \$40,000 in additional permit fees will be received based on planned construction at this time.

HB 1631

- Prohibits any new red light cameras
- Allowed for existing cameras to remain until current contract expiration
- The funds generated from the red light cameras were recorded in the Traffic Safety Fund and utilized for traffic safety purposes to include funding the school crossing guards



Financial Impact of HB 1631



- Approximately \$850,000 in citation revenues were received annually.
- ½ of these revenues were sent to the State of Texas after deduction of expenses to operate cameras.
- City will lose approximately \$350,000 in funds annually for Traffic Safety Programs.

House Bill 3834

- Requires all city employees and elected officials to complete cyber security training each year.
- The bill was effective June 14, 2019 and the required training must be completed within a year.
- The law requires a local government to use a certified training program.
 - Such a program may be developed and administered by a “dedicated information resources cyber security officer”
 - The Department of Information Resources defines such as an employee who: 1) has responsibility for information security for their represented organization 2) possesses the training and experience required to administer cybersecurity functions and 3) has information security duties as their primary duty – defined as greater than 50% of the employee’s workload.



Financial Impact of HB 3834

- Unclear if bill requires appointed board members to receive training.
- Information Technology has researched and found that the training could be as much as \$31/user per year. The best estimate is \$5,000 annually depending on the number to be trained and the training content required.

House Bill 2048

- Repealed the driver responsibility program and the amount and allocation of state traffic fine funds.
- Eliminated program surcharges.
- Authorized and increased criminal fines.
- Effective September 1, 2019.



Financial Impact of HB 2048



- 1.4 Million TDLs or 10% of TDLs were actively suspended as of January 2019 for nonpayment of surcharges assessed.
- In 2016 the projected revenue for the State for surcharges assessed was \$331 million.
 - As an offset to the lost revenue, the State Traffic Fine was increased by \$20 per citation.
 - Citation changed from \$30 to \$50
 - Previous to HB 2048 – **95% to State/5% to City**
 - **HB 2048 revised to 96% to State/4% to City**
 - Net increase with the fee and % changes equates to \$617 per year for City.

House Bill 305

- Requires cities to post additional information on website, to include city contact information, listing of each Officer for the City (not meaning Police), notice of each meeting, minutes of each meeting, election candidates and other items.
- All documents posted that comply with this law are required to be translated in Spanish and Vietnamese.
- The bill was effective September 1, 2019.



Financial Impact of HB 305

- Translation services for Spanish and Vietnamese will depend on the amount of content to be translated.
 - Examples translation for proposition language for November 2019 ballot is \$4,000 plus and translation for election notice information required was less than \$100 due to only needing a few sentences to be translated.

House Bill 1850

- Early voting rosters must be made available by 11:00 a.m. on the day they become under Sec. 87.121 of the Election Code.
- The bill requires the authority ordering the election to maintain a current copy of each branch polling place's daily roster on its website for each day early voting is conducted, with voter registration numbers for each voter listed in the register posted at a minimum.
- The bill is effective September 1, 2019.



House Bill 944

- Requires any information, whether on personal or city issued device, be subject to release.
- The bill requires the retention of those records by the individual or individual must forward the information to the City for retention.
- The law now requires the information be turned over to the City.
- The bill was effective September 1, 2019.



Senate Bill 1640

- An attempt to correct the Texas Open Meetings Act
- Only applies to cities and counties, not the State Legislature
- Effective September 1, 2019.



86th Texas Legislature Actions

Financial Impacts in FY 2019-20



Senate Bill 1152

- Eliminates lower of telecommunications or cable franchise fee.
- The lower fee is established based on fee collected statewide and not based on fee collected in each City.
- Effective January 1, 2020.
- City has joined lawsuit effort.



Financial Impact of SB 1152

- A range of \$33,000 (telephone) to \$103,000 (cable) in franchise fee revenue loss is anticipated based on 2018 franchise fee collections.

Senate Bill 346

- Addresses fines, court costs, fees and indigent defendants.
- Completely updates municipal court costs, fines and fees and makes numerous changes to a determination of a defendant's ability to pay.
- If a defendant requests a hearing, a hearing must be held to determine if the person would endure an undue hardship.
- Effective January 1, 2020.





Financial Impact of SB 346

- Consolidated Fee – **90% to State/10% to City**
 - Increased from \$40 to \$62, equates to an increase of \$2.20 or \$5,075 annual
- Time Payment Reimbursement Fee (**100% to City**)
 - Decreased from \$25 to \$15, equates to an increase of \$1,143 annual
 - The TPF was split 50% to State and 50% to City prior to passage of SB 346
 - The funds received must be deposited into a separate account and used for specific purposes.
- New Local Consolidated Fee - \$14.00, **100% to City**
 - Breakdown of the \$14.00
 - Security Fund - \$4.90
 - Truancy Prevention - \$5.00
 - Court Technology Fund - \$4.00
 - Municipal Jury Fund - .10 cents

Continuation of SB 346

Financial Impact



- Passive Enforcement, Omnibase Reimbursement Fee
 - Reduced from \$30 to \$10 for a total decrease of \$20.
 - No impact to City due to the fact that the fee has always been collected by the City since enactment with a 100% remitted to the State.

House Bill 2899

- Relates to the civil liability and responsibility for defects in the plans, specifications or other documents for the construction or repair of roads, highways and related improvement.
- Effective June 2, 2019.



86th Texas Legislature Actions

Financial Impacts in FY 2020-21



Senate Bill 2

- Renames the current Rollback Rate to the Voter-Approval Rate.
- Lowers the rollback threshold from 8% to 3.5% for cities over 30,000 population and less than or equal to an increase of \$500,000 total value over the current total value.
- Exceeding the Voter-Approval calculation requires a mandatory ratification election on the November Uniform Election Date.



Financial Impact of SB 2

- The 3.5% rollback from 8% would impact the City with a decrease of approximately \$230,000 in property tax revenues.
- The de minimis tax rate would allow for the City to bring in approximately the same level of new property tax revenues as in the current year (FY2019-2020), or \$500,000.
- The bill's language regarding the de minimis rate is extremely complicated so the City will map out different scenarios for this calculation.



AGENDA MEMORANDUM

DATE: July 9, 2019

TO: Honorable City Council Members

FROM: Paul Hackleman, P.E., CFM, Director of Public Works

SUBJECT: Discuss and provide direction to the City Manager on mosquito abatement program in the City of Watauga

BACKGROUND/INFORMATION:

Sandra Bush requested a future agenda item or public meeting to discuss the possibility of the City developing a mosquito abatement program. City staff has worked with Tarrant County Health Department over the past several months to complete the attached presentation and complimentary documents for Council consideration.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the information provided and give direction to the City Manager regarding mosquito abatement.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Mosquito Spraying - Council Retreat September 2019
2. News Article - Flood Mosquitos - Jeff Rudd - June 2019
3. Arboviral Surveillance and Mosquito Control Program - Tarrant County Pub.._

REVIEWED BY:

Paul Hackleman, P.E., CFM, Director of Public Works

Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 9/17/2019

Final Approval - 9/17/2019

City Council Retreat September 21, 2019



Discussion and direction on mosquito spraying program in the City of Watauga



Culex Mosquito
West Nile Virus
Dusk and Dawn



Aedes aegypti
Zika Virus
Daytime



Aedes albopictus
Zika Virus
Daytime

Prepared by Ronnie Rawdon and Paul Hackleman

Facts about West Nile Virus (WNV) & St. Louis Encephalitis Virus (SLEV)



A. 80% of people infected

- 1. No symptoms**

B. About 20% of people infected

- 1. Fever**
- 2. Headache, body aches, joint pains**
- 3. Vomiting/Diarrhea**
- 4. Most people completely recover**



Culex Mosquito
West Nile Virus
Dusk & Dawn

C. Less than 1% of people infected

- 1. Inflammation of the brain or surrounding tissue**
- 2. Neurologic illness, headache, disorientation**
- 3. Coma, tremors, seizures or paralysis**

D. Vaccine – none exist

What should you do as a resident?



A. Education – Visit Our website and its links

COWTX.ORG – Departments – Public Works – Mosquito Control

B. Use mosquito repellent with DEET

C. Home and yard maintenance

1. Change water in birdbaths once a week
2. Keep screens on windows in good condition
3. Clean debris from rain gutters
4. Remove or empty anything that can hold water weekly
5. Place Bti dunks in any areas holding water that you cannot drain



“Treating at the larval stage is the most effective way to control mosquitoes. Adult insecticide sprays may look good to the onlooker but are not as effective at controlling mosquitoes.” – Jeff Rugg, News Article Mosquito Management – June 26, 2019

Current Watauga Mosquito Program



A. Trap and Test Mosquitoes

1. 2 traps
2. Test for WNV and SLEV

B. Maintain drainage channels

2. Mowing
3. Bti Dunks (*Bacillus thuringiensis* subspecies *israelensis*)
4. Mosquito Fish (*Gambusia affinis*) Native Texas Minnows



C. Street Sweeping

D. Contract based spraying around positive test areas or known human cases

1. Two positive test in a row
2. Any known human cases

E. Backpack spraying thru Tarrant County loan program (Zika only)

F. Aerial Spraying thru Tarrant County Category 4 Response

What Tarrant County Public Health Recommends



•TCPH

- Mosquitos habitats = Larvicides, empty containers of water, no spraying
- Mosquito positive = truck mounted ULV adulticiding application
- Human positives = set additional traps around suspected positive location
- Multiple positives = adulticiding multiple consecutive nights
- Outbreak = possible aerial adulticiding

•TCPH Official Arboviral Surveillance and Mosquito Control Program

- Mosquito positive = consider truck mounted ULV adulticiding application
- Mosquito multiple positive & human cases = truck mounted ULV adulticiding application

•TCPH does not recommend routine adulticiding application

Current Statistics Testing and Virus



- A. 2019 – 0 positive test results out of 5 – 1 human case**
- B. 2018 – 2 positive test results out of 278 – 18 human cases**
- C. 2017 - 1 positive test result out of 351 – 20 human cases**
- D. 2016 - 5 positive test results out of 557 – 43 human cases**
- E. 2015 - 4 positive test results out of 424 – 30 human cases**

2015 was first full year Tarrant County ran a testing program, started part way thru 2014.

Cost to Purchase Equipment and Spray for Mosquitoes with City Crews



• Personal Protective Equipment	\$3,500	
• Trailer to Mount Sprayer on	\$2,000	
• Spraying Equipment	\$15,000	
• GPS for Truck or Trailer	\$500	
• Backpack Sprayer	\$3,000	3 ea. backpack sprayer
• Training/Licenses	\$1,500	
• Contingency	\$4,000	



Equipment Total \$29,500

• Estimated Yearly Cost 5 Events 1 st Year	\$4,800
• Estimated Yearly Cost 5 Events Years 2-5	\$7,200
Total 1 st Year	\$34,300
Total 2 nd Year	\$7,200



Assumes 5 Events per year – each event past 5 is about \$1,000.

*All Costs are estimated

Pros and Cons of Buying Equipment



- A. Fast Response Time to positive test**
- B. Citizens expect more spraying when we own the equipment**
- C. Lower overall cost if we spray at least once per year**
- D. Equipment maintenance/replacement cost**
- E. High buy in cost \$34,300 for 1st year start up & yearly cost even in good years**
- F. Special Events (Parks Activities, National Night Out, etc.) could spray city prior to event**
- G. Citizens expect the program to eliminate mosquitos, it will not**
- H. Our current program is effective – best defense is attacking them in the larva stage of development and eliminating breeding sources**

Options – Assumes 0-5 Sprayings per year



- A. Current Program – Contract Spray after one positive - \$0-\$17,500 per year**
- B. Current Program plus purchase equipment and spray after one positive and prior to city sponsored events - \$3,500-\$7,200**

All cost are assuming a higher than average year in positive test. If we have an outbreak of mosquito based viruses, cost will increase accordingly but would be run thru City Council. One aerial spraying thru Tarrant County was proposed in 2016 in the amount of \$5,028, but was never performed.

Additional in house spraying may be \$1,000 per event

Additional contract spraying may be \$3,500 per event

Ten spraying per year Comparison \$12,200 (in house) vs. \$35,000 (contract)

What path should Watauga take? Comments/Questions?



A. Current Program (\$0-\$17,500 – 5 sprays)

1. Channel Maintenance
2. Reactive Spraying by contract
3. Aerial Spraying thru Tarrant County (emergency only)

B. Purchase Spraying Equipment (\$3,500-\$12,500 yearly – 10 sprays)

1. Special Event Spraying
2. Reactive Spraying

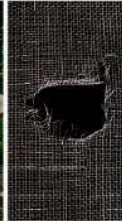
C. Contract Out Spraying (\$0-\$35,000 – 10 sprays)

1. Special Event Spraying
2. Reactive Spraying

GARDEN **Hints and Tips**

Mosquito Management

Mosquito management techniques can help reduce their breeding — in natural and man-made situations — and your exposure to them.



- Change the water in birdbaths, plant pots and drip trays at least once per week.
- Be sure window and door screens are in good condition.
- Clean debris from rain gutters to allow proper drainage.
- Remove all outdoor discarded tires from your property.
- Be sure to check for places that may be hard to see, such as under bushes or under your home itself.

MOSQUITO CONTROL
Biological control such as Mosquito Dunks kills larvae before they mature into biting adults.



Creators.com/Bob Kast

Adulticide Chemical - Pyrethroids

Pyrethroids are a class of pesticides which are derived from botanicals found in certain species of flowers in the genus Chrysanthemum. They are non-persistent in the environment and are broken down in a short amount of time by UV light (sunlight).

These insecticides may be broad range (meaning they can affect many types of insects). To avoid beneficial pollinators such as bees and butterflies, and to optimize the number of adult mosquitoes killed, these insecticides are typically sprayed at night when mosquitoes are most active and pollinators are resting.

Bodies of water should be avoided when using these chemicals because they can be toxic to other benthic wildlife including fish and beneficial insects.

Not Part of presentation Is aerial spraying safe for people/pets?



Dallas Morning News Article August 14, 2012

“The Environmental Protection Agency and the Centers for Disease Control and Prevention say no unreasonable risk comes from the kind of chemical that local agencies are already spraying from trucks and could start spraying from aircraft later this week.”

“Some scientists and health organizations dispute the all-clear for synthetic pyrethroids, a family of insecticides used in government-run spraying programs and thousands of commercial and home-use products.”

“Even if the government assurances are correct, any aerial spraying will come with advice to the public: People and pets should stay indoors when neighborhood spraying is scheduled.”

“Dallas County’s chosen product, Duet, is a pyrethroid insecticide that is a “quick knockdown” control for mosquitoes, gnats, biting and nonbiting midges and black flies, according to the product label from manufacturer Clarke Mosquito Control.”

BY JEFF RUGG

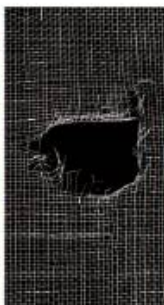
GARDEN Hints and Tips

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■ Remove all outdoor discarded tires from your property.



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MOSQUITO CONTROL

Biological control such as Mosquito Dunks kills larvae before they mature into biting adults.



Creators.com/Bob Kast

Many areas have continued to experience heavy rains recently, and a number of places are still flooded from previous storms. This will lead to the next natural phenomenon: mosquitoes. Of course, mosquitoes occur every summer, but there are some things you can do about them.

There are about 200 species of mosquitoes in North America. The biggest problem is not that they are annoying, but they can transmit many deadly, viral diseases and parasites to people, pets and livestock. Great strides have been made to reduce some diseases such as malaria. Other ones like the West Nile virus have moved from Africa to the United States. Mosquitoes also transmit several varieties of encephalitis and the nematode that causes heartworms in dogs.

Container-breeding mosquitoes lay their eggs in stagnant water. Anything that will hold water for more than a week can produce mosquitoes. Eggs are laid on or near the water surface and hatch within a few days. A couple hundred of them together look like a quarter-inch speck of dust floating on the water.

The adults hatch from a pupa stage that lasts one to four days, and they live for a week or two. The male mosquito drinks nectar from flowers and does not bother people. The female must drink some blood before she can produce any eggs. Some species prefer mammals while some prefer birds, but they will take what comes their way. Most species prefer feeding in low light levels, such as at night, during the late evening or early morning, or in the shade.

Controlling mosquitoes needs to begin with making sure they do not hatch. Do you or your neighbors have any of the following potential mosquito nurseries? These can include old tires; buckets; a swimming pool (even a tiny one); rain gutters; a flat roof; leaking faucets; an air conditioner unit puddle; a birdbath; a fountain; a pond with no fish; puddles; tree holes; a low area flooded by sump pump water or a septic tank; animal water bowls; irrigation water that puddles; flowerpots with saucers; or any other thing left outside that collects water.

The easy way to fix the problem is to drain every one of these locations at least weekly. Any puddle that lasts for more than four days could produce mosquitoes.

In locations that cannot be drained, the best way to kill mosquitoes is at the larval stage. A safe, nontoxic way to control mosquitoes is to use a product containing a biological larvicide called Bti (*Bacillus thuringiensis* subspecies *israelensis*). There are several brands that use Bti, and some of them have a slow-release method of dispersal. Mosquito Dunks by Summit Chemical Co. have been around the longest, and I have found these work very well. They look like small, compressed, sawdust doughnuts that float on water and kill mosquito larvae before they become flying, biting, disease-spreading adults.

The bacteria are ingested by the larvae as they feed, and the larvae then get sick and die. The bacteria do not affect fish, mammals, birds or bees. Some other varieties of Bt do affect caterpillars, moths and butterflies.

Treating at the larval stage is the most effective way to control mosquitoes. Adult insecticide sprays may look good to the onlooker but are not as effective at controlling mosquitoes.

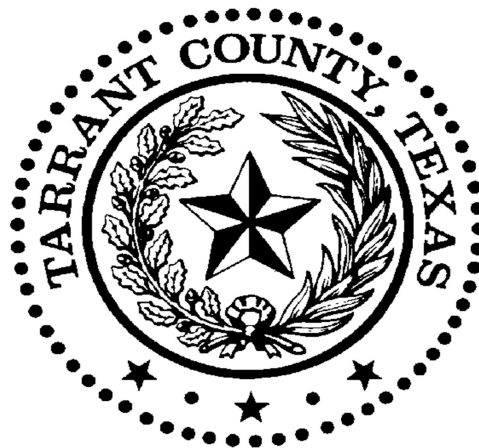
Email questions to Jeff Rugg at info@greenerview.com . To find out more about Jeff Rugg and read features by other Creators Syndicate writers and cartoonists, visit the Creators Syndicate website at www.creators.com .

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Arboviral Surveillance and Mosquito Control Program

Tarrant County Public Health

1/2/2019



Disclaimer: Vector surveillance and control is a dynamic process and as such this document is subject to change during the operational period.

Rev. 1/2019

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I. Introduction:

Arboviral and other arthropod-borne diseases are those in which the disease causing agent is spread by the bite of an infected arthropod. As there are many arboviral diseases that have the potential to show up in any area, at any time, we will be focusing this document on five viruses of concern in North Texas. The agents of concern currently include West Nile virus (WNV), St. Louis encephalitis virus (SLEV), chikungunya virus (CHIKV), dengue virus (DENV) and Zika virus (ZIKV). Due to the nature of these diseases WNV and SLEV can be discussed together as zoonotic diseases, shared between animals and humans, whereas CHIKV, DENV and ZIKV can be discussed together as epidemic diseases, shared among humans. The content of this document is subject to change dependent on the most current information and potentially upcoming events. Tarrant County Public Health (TCPH) conducts surveillance for the presence of WNV and SLEV by studying, surveying, sampling and testing local *Culex* populations in unincorporated portions of Tarrant County. The presence of CHIKV, DENV and ZIKV on the other hand will be dominantly determined by the presence of these viruses in the human population; however, the presence and abundance of *Aedes aegypti* and *Aedes albopictus* will be surveyed to help determine high risk areas. In the middle of 2016 until the current date outbreaks of Yellow Fever emerged around Africa and Brazil. Many throughout North America have not been vaccinated for this devastating illness. Tarrant County Public Health recognizes that though there is a vaccine for Yellow Fever there is still a risk for this disease. Responses to a possible outbreak of Yellow Fever would be similar to that of CHIKV, DENV and ZIKV with the addition of vaccine intervention.

A. West Nile virus and St. Louis encephalitis virus

West Nile virus and St. Louis encephalitis virus are endemic mosquito-borne viruses that have the potential to cause febrile disease, myelitis, encephalitis and/or meningitis in humans and other animals. Approximately 80% of people who acquire these viruses will not experience symptoms. Of the twenty percent who do, roughly one percent will develop serious symptoms. WNV was first isolated in a febrile patient in the African country of Uganda circa 1937. After first appearing in the US in New York City in the summer of 1999, it spread west eventually reaching north Texas in 2002. (AAM, 2013). Both West Nile virus and St. Louis encephalitis virus are predominantly carried by the genus of mosquito, *Culex*. The primary vector of these diseases in North Texas is known to be *Culex quinquefasciatus* (Ward, 2002). *Culex restuans* and *Culex nigripalpus* have also tested positive for WNV and will be considered secondary vectors. Therefore, much of this program will target surveillance and control of these disease carrying mosquitoes. Other species of *Culex* that may be vectors for these diseases will also be tested when sampled in abundance.

Culex surveillance will be conducted year round. Regular in-season testing will begin the first full week of April and end in mid-November when cooler temperatures are most likely. Off-season surveillance will be conducted to monitor the mosquito populations in cooler winter months. Female *Culex* mosquitoes over-winter as adults which are virtually inactive at times of cold temperatures

(Strickman, 1988). Minimal surveillance will be conducted when temperatures remain consistently low (below 8°C). Being nocturnal, these mosquitoes are most active between dusk and dawn.

WNV and SLEV have a bird-mosquito-bird transmission cycle that includes humans, horses and other animals as dead-end hosts. This means that a mosquito can only acquire the virus from a bird and cannot acquire the virus from a human or horse (that is infected with WNV or SLEV) because of the low number of viral particles in our bloodstreams. After a period of time the infected mosquito can pass these viruses on to other animals. Data pertaining to information about WNV/SLEV in human, horse and bird populations will also be considered as important information in decision making and recommendations for the county as a whole. After a period of time collecting robust data (at least 5 years), Tarrant County Public Health will assess establishing thresholds to determine mosquito control activities. These may include mosquito infection rates, vector indices, abundance of mosquitoes, weather patterns, and timing/rate of increase of mosquito positivity.

B. Chikungunya virus, Zika virus, and Dengue virus

Chikungunya virus (CHIKV), Zika virus (ZIKV), and dengue virus (DENV) are three arboviruses that are a potential threat to people living in North America. All three viruses share the primary vector *Aedes aegypti* and a potential secondary vector *Aedes albopictus*, which are present and abundant in many areas of Tarrant County. These mosquitoes behave differently than *Culex* mosquitoes, so surveillance for these viruses will be different than that of WNV/SLEV.

Chikungunya virus is an *alphavirus* in the family *Togaviridae*. Disease manifested by this virus, known as chikungunya fever (CHIK) can result in high fever, headaches, intense joint pain and sometimes a rash. It was first isolated in 1952 on the Makonde plateau in Tanzania, Eastern Africa. The word “chikungunya” roughly translates to “that which bends up” in the Makonde dialect which describes the actions of those experiencing symptoms of the disease. Since 2004, the distribution of the virus has been spreading from the African islands, to Asia, Europe and has most recently made a stronghold in the Caribbean and other popular North American island destinations (PAHO, 2011). Chikungunya may be severely debilitating, but is rarely fatal. Symptoms typically last less than two weeks, but may persist for months and in rare cases, even years.

Dengue virus (*Flaviviridae: flavivirus*) continues to spread around tropical and subtropical regions. Disease resulting from DENV can range from febrile to hemorrhagic and it exists in four different serotypes, 1, 2, 3 and 4. The symptoms of dengue fever can be similar to CHIK, however the onset of fever is more gradual, there is more commonly a rash, and it is more likely to be fatal (PAHO, 2011). Once an infected person overcomes illness from one serotype of DENV, they become susceptible to develop more severe dengue fever symptoms upon reinfection with another serotype (WHO, 2009). Recently, local transmission has been documented in the Florida Keys (Richards *et al.* 2012) and happens periodically on the Texas-Mexico border (Rodrigues-Tan and Weir, 1998).

Like dengue virus, Zika virus is in the family *Flaviviridae*. Symptoms from acquisition of this virus are also similar to CHIKV and DENV. Most cases result in a maculopapular rash (flattened raised red patches) on the torso, joint pain and conjunctivitis. Symptoms are believed to be less severe than that of CHIKV and speculated to be manifested by roughly 20% of people who acquire the virus. Guillian-Barre Syndrome and encephalitis-like diseases have been associated with Zika in a very small percentage of the people who have developed Zika-related illness. Deaths associated with Zika virus are rare. The cause of major concern with the spread of Zika is the effects it has on fetuses if women are infected during pregnancy. In April of 2016, CDC scientists announced that Zika can cause microcephaly and other severe fetal brain defects (Rasmussen *et al* 2016). Microcephaly can be defined as a condition where a baby is born with an abnormally small head, likely due to the under-development of the brain. For more information on microcephaly, visit:

<https://www.cdc.gov/ncbddd/birthdefects/microcephaly.html> Pregnant women should avoid travel to places where Zika is being transmitted. Most cases of Zika-illness in the United States are related to international travel. In 2016 two outbreaks of Zika occurred in the intercontinental US in Miami, Florida and Brownsville, Texas. There were an additional 4 cases of Zika in Hidalgo and Cameron Counties in 2017. Though most cases of Zika are transmitted through the bite of an infected mosquito, it may also be transmitted sexually.

All three of these viruses are transmitted by mosquitoes in the genus *Aedes*, subgenus *Stegomyia*. These mosquitoes are unlike *Culex* mosquitoes in the fact that they are diurnal (active during the day), overwinter as eggs, and predominantly take bloodmeals from humans. Surveillance for these mosquitoes will take place during our in-season WNV/SLEV surveillance (see section A.) utilizing BG Sentinel traps baited with CO². Surveillance for these mosquitoes will only be utilized to find potential problem areas and not for surveillance of these viruses since there is no autochthonous transmission and humans are the current preferred sentinel.

II. Tarrant County management area description

Tarrant County Public Health (TCPH) is responsible for all areas of unincorporated Tarrant County. TCPH will also provide assistance and recommendations to incorporated entities within the county.

III. Surveillance for arboviruses and arboviral diseases

A. West Nile virus and St. Louis encephalitis virus surveillance in mosquitoes:

Surveillance for WNV/SLEV in the local mosquito population enables TCPH to assess the risk for transmission to humans by calculating the minimum infection rate and the vector index. These methods are recommended for risk assessment by the Centers for Disease Control and Prevention (CDC) in their

West Nile Virus in the United States: Guidelines for Surveillance, Prevention and Control. Mosquitoes will typically test positive for WNV/SLEV before human cases appear.

The Environmental Health Division (EHD) of TCPH will perform trapping of adult *Culex* mosquitoes in unincorporated portions of Tarrant County (For more information about trap location, see Appendix A). Cities may collaborate with TCPH by trapping adult mosquitoes at chosen locations within their city. There are greater than 200 static trap locations around the county. Each entity will be expected to perform certain duties as stated in the following protocol:

EHD will supply traps, bins, nets, batteries and delivery containers based on population/size of city. They will also perform maintenance on these traps during the winter season.

Seasonal surveillance

- A. Collaborating cities will be expected to: Brew gravid water with grass clippings/alfalfa/hay and tap or natural collected water for a minimum of 7 days (14 days preferred), set traps overnight to be collected the following morning (once/week), and deliver mosquitoes in appropriate containers and with completed paper work (including if no mosquitoes were captured) to TCPH room 2300 (vector control room) in supplied containers no later than 24 hours prior to set date to be tested. If all traps yield no mosquitoes, paperwork may be sent via e-mail to the vector control supervisor or fax (with att: vector control) to (817) 321-4961.
- B. EHD will: Freeze mosquitoes prior to identification, identify, enumerate, and place up to 50 mosquitoes of the appropriate vector species into each tube. Mosquitoes may be stored in a -30° C freezer and delivered to North Texas Regional Laboratory (NTRL) no later than 12:00 PM on predetermined date to be tested.
- C. NTRL will: Store frozen samples until ready for processing (normally performed on Tuesdays, Wednesdays and Thursdays), produce homogenates, extract RNA from samples, run a real-time reverse-transcriptase polymerase chain reaction (RT-PCR) assay for detection of WNV and SLEV, determine positive/negative results and report results to EHD the morning of the day following laboratory submission, barring unforeseen circumstances.
- D. EHD will: Notify municipalities of any mosquito pools that test positive for WNV or SLEV via telephone and secondarily via e-mail. All results will be received via e-mail. Vector control personnel or designee will also complete the internal notification (see appendix B). Locations and results of WNV/SLEV trap sites will be added to the Tarrant County website by vector control personnel or designee before receiving results, but results will not be posted the TCPH website until the day after receiving results from the lab to allow for the municipalities to properly notify their personnel/public.
- E. EHD will: Vector control personnel or designee will report positive mosquito pool results to Texas Department of State Health Services (DSHS) once/week on Fridays barring unforeseen circumstances.

ii. Off-season surveillance

- A. Collaborating cities will be expected to: Brew gravid water with grass clippings/alfalfa/hay and tap or natural collected water for a minimum of 7 days (14 days preferred), set traps overnight to be collected the following morning (once/every other week) barring temperatures less than 37 degrees (Strickland, 1988), and deliver mosquitoes and completed paper work (including if no mosquitoes were captured) to TCPH room 2300.
- B. Off-season collection will follow the same procedures as in-season trapping other than section A. An electronic calendar will be supplied to those cities who participate with trapping periods and testing dates.

Off-season trapping should follow the same procedures as the in-season trapping.

B. Dengue virus, Zika virus, and chikungunya virus surveillance in mosquitoes and surveillance for *Aedes* mosquitoes

Surveillance for CHIKV, ZIKV and DENV in mosquitoes will only happen on a case by case basis where one of these viruses would be most likely to occur. This would be strictly for data collection purposes only and would not determine a response for mosquito treatment. Due to the nature of the way these viruses cycle in the environment, strictly between humans and mosquitoes, it is highly unlikely that these viruses will be found in the mosquito populations *before* human cases appear. Therefore, the dominant form of surveillance for the virus itself will be through recording confirmed human cases. Tarrant County Public Health and municipalities within Tarrant County deploy BG Sentinel traps to monitor the populations of *Aedes aegypti* and *Aedes albopictus*. Static trap locations have been chosen based on human population density and breeding habitat availability. BG Sentinel traps with the addition of dry ice should also be placed at suspect case addresses during warmer seasons (during the WNV in-season period). TCPH has distributed BG Sentinel traps for the surveillance of *Ae aegypti* and *Ae albopictus* mosquitoes to our municipalities. Results of BG Sentinel traps will be turned in with gravid trap samples and results will be returned with gravid trap results. It is important to keep these traps in static locations to monitor these mosquito populations over time.

i. Mosquito surveillance and control near imported cases

Suspected imported case of CHIK, Zika or dengue fever will be determined by the Division of Epidemiology at TCPH. Suspect imported cases must have a travel history that includes a country in which CHIKV, ZIKV and/or DENV are endemic, epidemic, or currently circulating. Upon notification of a suspected human case from the Division of Epidemiology, a member of the vector control team will

work collaboratively with the appropriate municipality personnel to inspect the property of the patient for sources of *Aedes* breeding and to determine subsequent mosquito control activities. It is anticipated that municipality personnel will be able to handle complaints independently after a few inspections. Permission forms should be utilized to enter private residences (Appendix D). Personnel conducting the inspection will record observations on the backyard mosquito checklist (Appendix E). It should be noted here that risk is determined by, but not limited to a number of factors including, the viremia of the patient while they were present in the county, the number of vector mosquitoes found on or near the property, the use of and type of repellents utilized during the viremic period and/or reports of patient outdoor activity/reports of being bitten by vector mosquitoes. BG Sentinel traps should be deployed with the addition of dry ice for a twenty-four hour period during times where *Ae aegypti* and *Ae albopictus* are known to be active (typically from May to November) to monitor risk to adult mosquitoes. BG Sentinel trap samples should be brought to Tarrant County vector control staff the day following trap placement where vector control staff may be able to make risk assessments on a case-by-case basis. Adulticiding the patient residence and all adjoining properties may be recommended where high risk is determined to be present along with larviciding and education to all residences within a 150 meter radius. Handing out repellents including *N, N, N* diethyl-*meta*-toluamide (DEET) and properly labeled larvicides within the neighborhood may also be encouraged. All larval source containers should be overturned or treated with the appropriate larvicide. Upon observation of adult mosquitoes, adulticiding should be considered. Adulticiding may include thermal fogging or residual spray to surrounding resting areas (low-laying non-flowering plant life and eaves). Treatment of flowering plants should be avoided to minimize exposure to non-target insects. ULV targeted backpack application is not recommended in the daytime due to a lack of inversion layer where the chemical will evaporate and be ineffective. The placement of a post-treatment BG Sentinel trap is recommended to monitor effectiveness of treatment. This data should be reported to TCPH for data collection purposes. If the patient is no longer viremic and therefore cannot spread the virus to a local mosquito population, the patient will be educated about the use of repellent and encouraged to treat larval sources found on their property.

ii. Mosquito surveillance near autochthonous cases

Autochthonous cases can be described as “locally acquired” cases. This can be determined by suspected symptoms and lack of travel to an endemic/epidemic country. Mosquito control activities on the patient’s property will be determined on the likelihood of CHIK/DENV/ZIKV fever. Once an autochthonous case is confirmed, both the Texas Department of State Health Services and the Centers for Disease Control and Prevention will be notified and consulted. Information on *Aedes* mosquito breeding habitat, prevention of mosquito bites and symptoms of these diseases near an autochthonous case will be the primary means to minimize additional cases. Mosquito control activities including source reduction, larviciding and adulticiding will ensue within a 150 meter radius around an autochthonous case, or the approximate flight range of *Aedes aegypti* and *Aedes albopictus* (PAHO, 2011). BG Sentinel

traps will also be placed within a 150 meter of the human case to monitor the local mosquito population. Control measures should remain similar to that of imported cases.

C. Human surveillance:

Arboviral diseases and exotic diseases are nationally-notifiable conditions and reportable in Texas. Most disease cases including suspected cases are reported to the Division of Epidemiology at TCPH. They are responsible for ensuring that reported human disease cases meet the Council of State & Territorial Epidemiologists (CSTE) case definitions* and are investigated promptly. Upon confirmation of a human WNV or SLEV case, the Division of Epidemiology will notify a designee in Vector Control. In compliance with the Health Insurance Portability and Accountability Act (HIPAA), information regarding human cases will not be released on the interactive mapping website. Vector Control staff will report an intersection nearby the human case to the municipality where the case resides and TCPH recommends setting additional gravid traps near this area to test additional pools of mosquitoes for WNV/SLEV. This is recommended due to the nature of acquisition not being isolated to the patient's home and also to help protect HIPAA information in reasons to treat.

D. Birds and sentinel chicken surveillance (WNV/SLEV Only):

Passerine birds, or perching birds, serve as the main reservoir for both WNV and SLEV. Many counties, nation-wide have monitored deaths of birds known to be susceptible to WNV and have even tested them for the presence of WNV. Birds usually precede human cases by approximately two weeks (Kulasekera et al 2000; Mostashari et al 2003). This practice has been abandoned by many districts because it is fairly expensive and labor intensive, bird's extensive home ranges may not be a true representation of where WNV is a problem and the long term effectiveness of a bird surveillance program remains uncertain due to natural selection of disease resistant birds (CDC, 2003). Therefore, surveillance of dead birds for WNV activity will be passive. TCPH will not test dead birds. If a citizen (or staff member) reports a dead bird sighting in the unincorporated area we will record that information as a complaint and consider it as a possible surveillance location for an extra mosquito trap *ad hoc*. Should a dead bird sighting be reported in one of Tarrant County's municipalities, we will collect the information as a complaint, record it in a database and forward the information to the affected city.

Sentinel chicken flocks may be useful as a tool in WNV surveillance because they seroconvert IgM (an indicator of WNV infection in their blood) at approximately the same time in the season as do humans. Since WNV infections start with flu-like symptoms as do many other diseases, this may be helpful information to the medical community when making seasonal disease assessments within the region. However, this type of surveillance program should only be used in addition to other types of surveillance and after local transmission dynamics are well understood. It also may put workers at risk for infection while bleeding birds (CDC, 2003). TCPH does not currently implement this type of surveillance, but will consider it for future opportunities.

*Please note that CSTE case definitions may differ from doctor diagnoses. If a patient is diagnosed with WNV disease, an investigation by TCPH Epidemiology will follow to determine if this patient meets CSTE definition.

E. Equine surveillance (WNV/SLEV Only):

Manifestations of WNV infection are similar in horses to that of humans. According to the Texas Health and Safety Code (84.042), veterinarians are required to report disease in animals if it is on the list of reportable diseases for humans. Arboviral encephalitis including WNV and SLEV are also on the list of reportable diseases as listed in Section 97.3 (b) of the Texas Administrative Code, Communicable Diseases. (<http://www.dshs.state.tx.us/idcu/health/zoonosis/laws/report/>) Veterinary health professionals contact the Texas DSHS directly and thus TCPH is notified through the state when WNV infection has been confirmed in horses.

IV. Prevention and control:

All vector control personnel will be licensed by the Texas Department of Agriculture (TDA) for a non-commercial government entities pertaining to vectors of diseases of public health concern within one year from their start date. Vector control personnel will maintain all documents required by the Texas Department of Agriculture and Texas Commission of Environmental Quality (TCEQ) including the Texas Pollution Discharge elimination System (TPEDS) General Permit. All vehicles will contain all necessary equipment and pertinent documentation for pesticide applications. All vehicles will be calibrated at least once per calendar year prior to the beginning of in-season WNV/SLEV surveillance. For a list of equipment and pertinent documentation see Appendix C. TCPH also has contracts in place for assistance with mosquito surveillance (trapping) and mosquito control activities (aerial and ground based) in cases where vector control staff are needed for other situations, or when vector control staff is overloaded.

A. Larval mosquitoes

Larval surveillance is important in any integrated mosquito management program. Upon findings of a larval mosquito source, vector control technicians will bring a sample back to the lab. Upon returning to the lab, all larvae will be identified and the need for treatment will be assessed. Treatment of the larval source(s) will be determined on the estimated density and species (e.g. pest to humans or not). All treatments will be numbered in consecutive order of the time and date of treatment.

Reducing, eliminating, and treating mosquito breeding sites are some of the most important aspects of a mosquito control program. It controls mosquitoes before they emerge as host-seeking adults (only adult female mosquitoes are vectors for arboviral diseases). Additionally, pin-pointing sources that need to be treated are more efficient, effective, and safer than treating large areas with adulticide. Humans and terrestrial wildlife are less likely to be exposed to treated aquatic habitat of larval mosquitoes than that of terrestrial airborne adults.

Physical elimination and/or larviciding of mosquito breeding sites will be conducted by TCPH vector control personnel upon observation when possible. If sources are known to exist on private property, TCPH vector control technicians will notify the property owner of mosquito breeding activity and request elimination and/or treatment of the breeding sources where possible. If the property owner does not eliminate/treat sources, TCPH may use applicable laws to seek legal remedy (Texas Health and Safety Code Chapters 341 and 343). See Appendix G for more information pertaining to larvicide.

Gambusia affinis, also known as mosquito fish, are natural endemic predators of aquatic stages of mosquitoes. They have the ability to continuously control mosquito larvae in a single source, are fairly easy to maintain, and are typically environmentally friendly. In partnership with the Tarrant Regional Water District (TRWD), vector control personnel will maintain *Gambusia* in four cement live wells near their Eagle Mountain Lake fish hatchery facility (See Appendix E for map). Vector control personnel will keep a stock tank of *Gambusia* at Tarrant County Public Health. Incorporated city personnel may request *Gambusia* at any time during business hours to be able to use for purposes of larval mosquito control within their municipalities. A record of the quantity of fish given and which city is asking for the fish will be maintained for stocking purposes.

B. Adult mosquitoes

Surveillance of adult mosquitoes helps vector control technicians understand complex dynamics in mosquito ecology and the relationship between species. Different techniques of sampling will be utilized to assess different aspects of life within local adult mosquito populations. Since 2015 these have included gravid traps, CO₂-baited light traps and BG Sentinel traps. The addition of New Jersey light traps and resting boxes are planned for 2017. Using different types of traps captures a wider variety of mosquito species. Specifically gravid traps target *Culex quinquefasciatus* and *Culex restuans*, whereas BG Sentinel traps target *Aedes aegypti* and *Aedes albopictus*.

Though larval elimination will be the main focus of mosquito control, it is impossible to know and eliminate every source of mosquito breeding. Mosquito borne illness can only be transmitted in the adult life stage of the mosquito vectors. TCPH continues to collect data to be able to establish infection rate and vector indice threshold range that will help aid in adulticiding activity, but until these relationships are firmly established vector control personnel or accepted contractors will continue to apply adulticide via ground-based truck mounted Ultra Low Volume (ULV) sprayers in response to a mosquito sample that tests positive for WNV and/or SLEV. If an area continues to test positive for WNV and/or SLEV after it has been treated, TCPH will consider elevating this response to adulticiding multiple consecutive nights. Vector control personnel will also apply adulticide in response to a confirmed WNV human case after additional mosquito traps also test positive for WNV within a quarter of a mile radius around the location of the human case in accordance with CDC recommendations. As mentioned in the CHIKV/SLEV surveillance portion of this document, when large populations of adult *Aedes* are determined to be present on a suspected CHIKV/DENV patient's property, ULV or thermal fogging via backpack mounted/all-terrain vehicle (ATV) mounted sprayer will commence when appropriate. Tarrant County has a supplemental ground-based mosquito control contract with a commercial entity should additional

assistance be required. Additionally, an aerial spray contract is in place for use during an arboviral related epidemic. See Appendix F for more information pertaining to adulticide and Tarrant County's phased response plan.

C. Resistance management

Tarrant County Public Health uses integrated mosquito management techniques meant to avoid insect resistance. These include a combination of physical, chemical, biological and natural mosquito control techniques. Since there are limited classes of pesticides able to be used for control of adult mosquitoes (as opposed to the many options for larval control) TCPH will contract with an outside entity to conduct CDC approved resistance bioassays to determine adult mosquito resistance. If mosquitoes are determined to be resistant to a preferred adulticide, a secondary alternate adulticide will be utilized in future adulticiding activities. All possible contractors with TCPH will be notified of the adult mosquito conditions prior to treatment. It is recommended that municipalities consider testing their mosquito populations when these services are not available through TCPH.

V. Education, outreach, and media

Educating the public is an essential aspect of Tarrant County's arboviral surveillance program. This includes giving the public tips on how to control mosquitoes in their homes and backyards, stating the risks and symptoms of these arboviral diseases and informing people on how to protect themselves from host-seeking female mosquitoes. To help educate the public, vector control personnel with the help of Medical Reserve Corps volunteers will attend local health fairs with tables including displays of larvae and adult mosquitoes, pamphlets and fliers that include information about mosquitoes, WNV/SLEV/CHIKV/DENV, and protection from mosquitoes, and answer general questions about these subjects. Vector control personnel and trained MRC volunteers will also be available for classes upon request to educate home owners associations (HOAs), elementary school classes, high-school classes and community outreach programs throughout the county. EHD and collaborating divisions will also be hosting an Arboviral Surveillance Program Kick-off meeting before the start of the WNV/SLEV season where vector control personnel will review the past year, review cumulative progress of the program and asses the program based on suggestions from municipalities. Vector control personnel will attend Texas Mosquito Control Association (TMCA) and American Mosquito Control Association (AMCA) meetings to be educated and to network with other vector control professionals when possible. Vector control personnel will work with our Public Information Officers (PIO)s to create original pamphlets, fliers, and other educational materials. These materials will be available for the public visiting Tarrant County Public Health as well as on the TCPH Website. TCPH's PIO handles official press releases, ground spray notifications, social media blogs, and other media involved items. Our PIO is also responsible for education campaigns, such as "Be Mosquito Free" and for the production of educational videos for the public about mosquito control.

VI. Mosquito complaints

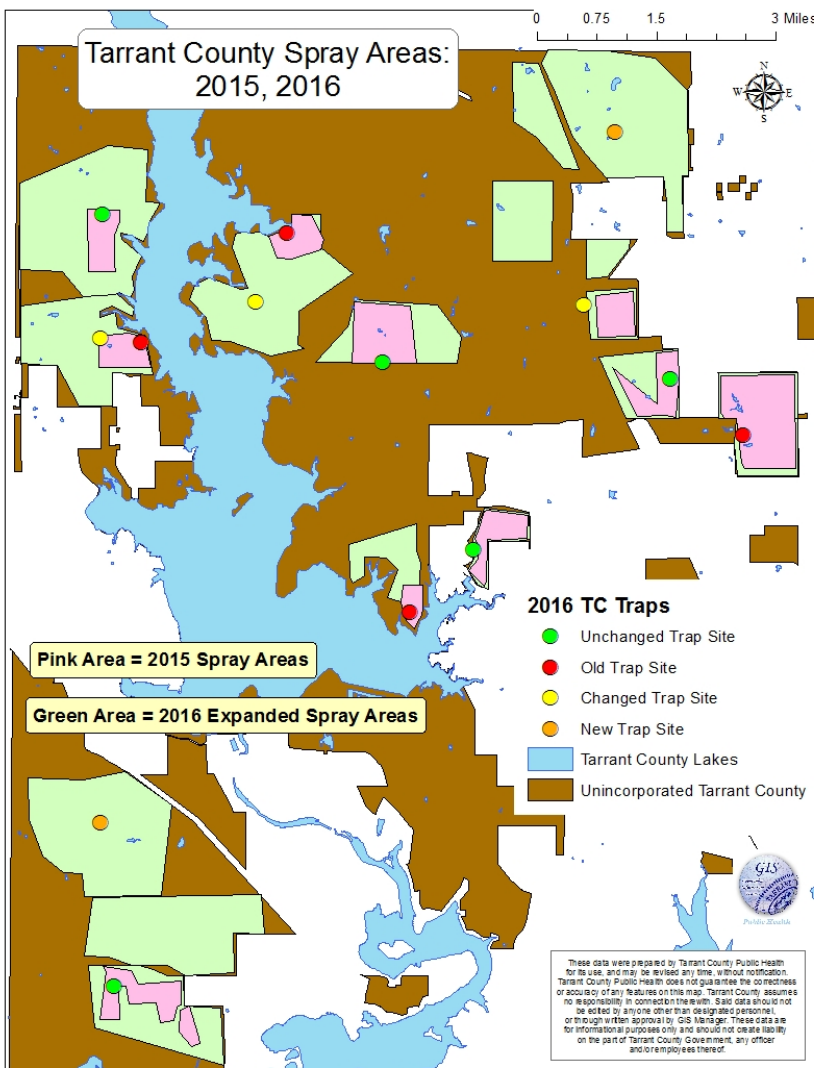
If mosquito breeding is suspected on any property within unincorporated Tarrant County, vector control personnel will conduct a thorough investigation of the suspect property. Complaints will be filed as an investigation request and tracked in the SWEEPS database for the Environmental Health Division. After they are entered into SWEEPS the complaints will be reviewed and prioritized in relation to severity of potential breeding sites (e.g. discarded tires, green swimming pools, observed containers holding stagnant water etc.). Priority complaints will be investigated within 48 hours. After investigation vector control personnel will speak with the property owners to suggest remedy and contact complainant (if listed) to give an update of complaint status. All complaints will be numbered in consecutive order in which they are received. Any required treatment will be referenced in the complaint. Vector control personnel will seek legal remedy when necessary (for list of applicable Texas Laws, see Appendix G).

Appendix A:

Trap locations

Vector control personnel have chosen trap locations based on sources of standing water, usually the first places which obtain water first, and the last to dry out. Temporary trap locations are chosen on a complaint basis, or when *Culex* sources are suspected by personnel. Trap locations have recently been updated to maximize coverage of the unincorporated portions of the county (2016). Cities choose their own locations. We recommend that cities choose permanent trap locations where sources are known to occur and/or where there is a historical presence of WNV/SLEV. They may also choose temporary trap locations on a complaint basis, or when scouting a new location. Good sources for *Culex quinquefasciatus* include catch basins, ditches with organically laden water, tires, and unkempt pools on abandoned properties.

Figure 1. Locations of in-season gravid trap locations in Tarrant County.



Appendix B:

Internal notification of positive mosquito pools and trap location

North Texas Regional Laboratory sends results of PCR testing for WNV/SLEV presence in mosquito pools from around the county to personnel within TCPH, including those in EHD. The vector control supervisor or designee will record details of samples including the location coordinates and address, the species and number of mosquitoes transferred to tube, the total number of tested species of mosquito within the trap and the precinct in which the trap was placed. This information will be forwarded to vector control personnel, the EHD manager, the biostatistician and acting associate director.

Appendix C:

List of documents, emergency response and other documentation

1. Certified applicator license
2. TDA pesticide application form
3. TPEDS general permit
4. Material Safety and Data Sheets (MSDS)s for chemicals used
5. Labels for chemicals used

Emergency response

Occasionally during the loading or unloading of pesticide or in worst case, an accident, there may be spillage of the chemical. In the case of spillage action must be taken to contain and clean up the chemical. In addition, a person may have come in contact with the chemical.

If the chemical gets on someone, have the person leave the area immediately, wash quickly and thoroughly, change clothes and see a doctor if necessary (chemical is inhaled, swallowed, or comes in contact with highly susceptible areas such as the eyes).

Clear the area except for the cleanup staff. The cleanup staff must wear proper personal protective equipment and clothing.

When there is a spill, action is to be taken immediately to reduce the spill area and protect sensitive areas. Pet litter will be used as an absorbent to soak up the liquid. This material, along with soil that may have been impacted can be swept or scooped up and stored in a water proof container for proper disposal. A detergent and water can be used to clean-up the remainder of the residue if this appropriate for the surface but this water must also be collected for disposal.

Personal protective equipment (PPE)

Any person involved in the transporting, handling, or dispensing must be wearing long pants, a long sleeved shirt, shoes, and socks. The label for the chemical will list required and recommended personal protective equipment (PPE) but at a minimum the follow items are to be available:

- Head covering
- Non-absorbent covering for clothes
- Chemical resistant gloves
- Eye goggles or face shield
- Respirator or some type of approved mouth covering
- Chemical resistant footwear

Though only the person handling the chemical is required to wear the prescribed PPE it is highly recommended that all personnel on the team have equipment available to them. Each person is to have a change of clothes available and there is to be backup equipment for disposable items such as gloves, respirator filters or mouth covering, or other items outlined by the label.

Spill kit

The Spill Kit shall contain the following items:

- At least five pounds of pet litter
- Broom
- A container to collect waste
- Chemical resistant gloves
- Eye/hand wash station
- First Aid Kit
- At least five gallons of water
- Dust pan
- Detergent
- Paper towels
- List of emergency contacts

Other documents

1. Trap data surveillance forms
2. Maintenance of equipment logs

Since County vehicles will be used for transporting the adulticiding equipment the service schedule outlined by County Transportation will also be adhered to. The following maintenance checks will be conducted each day by staff prior to using the truck or trailer:

- Engine oil level
 - Amber light working
 - Horn
 - Tire air pressure
 - All signal and break lights
3. *Gambusia* log
 - Names of city personnel and approximate number of fish will be recorded by the vector control personnel each time fish are distributed.

Below is an example of a backyard checklist. It should be made available for uniform inspections of properties during backyard investigations.



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Street Name: _____

Mosquito Investigation Form - Backyard Checklist

CITY USE ONLY

Investigation Instructions:

- 1.) Inspect back and front yard using the Back Yard Check List.
- 2.) Set BG Sentinel trap in or near the yard. (May through November)
- 3.) Collect BG Sentinel trap the next afternoon.
- 4.) Fill out the Mosquito Surveillance form and deliver sample to TCPH Vector Control. 1101 S. Main St., Rm. 2300, Fort Worth, TX. 76104
- 5.) TCPH Vector Control will contact you with risk status and recommendations.
- 6.) If treatment is recommended and conducted, set a BG Sentinel trap after treatment.
- 7.) Deliver post - treatment BG Sentinel Trap to TCPH Vector Control for further evaluation.

Did you provide a Home Care Kit to Patient? ☐ Yes ☐ No

Were there mosquito larvae present on the patient's property? ☐ Yes ☐ No

Were there adult mosquitoes present on the patient's property? ☐ Yes ☐ No

Does the patient have mosquitoes inside their house? ☐ Yes ☐ No

Date: _____

Checklist:		Observations / Actions / Recommendations
Bird Baths / Fountains	☐	
Flower Pots	☐	
Wheel Barrows	☐	
Gutters	☐	
Buckets	☐	
Boats / Boat Covers	☐	
Swimming Pool / Wading Pools	☐	
Hot Tub	☐	
Tires	☐	
Animal Dishes / Troughs	☐	
French Drains	☐	
Child Play Stations	☐	
Ornamental Ponds	☐	
Tarp Covers	☐	
Other Open Container Misc.	☐	
Other Open Container Misc.	☐	
Other Open Container Misc.	☐	
Other Open Container Misc.	☐	

Contacts:

Nina Dacko (817) 321-4986

Ivana Terry (817) 321-5364

Shannon Solberg (817) 321-4989

Joe Carr (817) 321-5372

Bethany Hambrick (817) 321-4971

Below is an example of the backyard investigation form:



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Mosquito Investigation Form - Mosquito Surveillance Form			
CITY/COUNTY USE ONLY			
Static Trap ☐	Roaming Static Trap ☐	Temporary Trap ☐	
ID: - -	City: _____	County: _____	
Address: _____		Trap Type <u> BG Sentinel </u>	
Zip: _____	Lat: _____	Long: _____	Mapsco: _____
Collector's name: _____		Department: _____	
Set Time: _____	Temperature: _____ °F	Date: _____	
Pick-up Time: _____	Temperature: _____ °F	Date: _____	
Has there been an overnight rain event?: ☐ Yes ☐ No		Trap malfunction?: ☐ Yes ☐ No	
<u>BG Sentinel Trap Use Only:</u>		Dry Ice used?: ☐ Yes ☐ No	
Trap Notes: _____			
Identification (COUNTY USE ONLY)			
Name: _____		Date/Time: _____	
Species: _____		_____	
_____		_____	
Combined Number of Vector Species: _____			
Recommendations			
Risk Level: _____			
Low:	Educate patient and other residents on property on proper mosquito bite prevention. Conduct neighborhood inspection for mosquito breeding.		
Medium:	Apply barrier treatment around patient's yard and adjacent houses. Provide education material to the public up to 150 m surrounding the patient's house.		
High:	Apply barrier treatment around patient's yard and all surrounding houses up to 150 m. Provide education to all houses within 150 m of patient's house. Conduct larvacide treatment on all houses up to 150 m from patient's house. Consider adulticiding within 150 m of patient's house.		
Contacts: Nina Dacko (817) 321-4986 Shannon Solberg (817) 321-4989 Bethany Hambrick (817) 321-4971 Ivana Terry (817) 321-5364 Joe Carr (817) 321-5372			

Below is an example of our Response Data Capture Form:



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Mosquito Investigation Form - Response Data Capture Form

CITY USE ONLY

Did you conduct community education?:

☐ Yes ☐ No

Date: _____

How did you educate?: _____

Number of houses contacted?: _____
 Number of houses you anticipated contacting?: _____

Did you apply any larvicide in response?:

☐ Yes ☐ No

Date/s: _____

What type of larvicide used?: _____
 How applied?: _____

How many houses received larvicide treatment?: _____

Did you contract larvicide service with a company?:

☐ Yes ☐ No

What company?: _____

Did you apply barrier treatment?:

☐ Yes ☐ No

Date/s: _____

What kind of barrier treatment used?: _____
 How applied?: _____

How many houses received barrier treatment?: _____

Did you contract barrier treatment with a company?:

☐ Yes ☐ No

What company?: _____

Did you apply adulticide treatment?:

☐ Yes ☐ No

Date/s: _____

What kind of adulticide used?: _____
 How applied?: _____

How many houses received adulticide treatment?: _____

Did you contract adulticide treatment with a company?:

☐ Yes ☐ No

What company?: _____

Did you adulticide from the road?:

☐ Yes ☐ No

What kind of adulticide used?: _____

Did any houses refuse treatment?:

☐ Yes ☐ No

Number who refused larvicide treatment: _____

Number who refused barrier treatment: _____

Number who refused adulticiding: _____

Addresses of houses that refused treatment:

What type of treatment refused?:

Reason for refusal:

Contacts: Nina Dacko (817) 321-4986 Shannon Solberg (817) 321-4989 Bethany Hambrick (817) 321-4971

 Ivana Terry (817) 321-5364 Joe Carr (817) 321-5372

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Appendix E: Larvicides

I. Microbial

a. *Bacillus thurengiensis israelensis* (Bti)

Bti is environmentally friendly in most situations because it is specific to insect pest species. This means that it will not harm beneficial insects that are natural predators of mosquitoes such as dragonfly nymphs, belostomatids and other aquatic invertebrates and/or fish. The mosquitoes must ingest this insecticide to work, so it is ineffective if a source is discovered when mosquito larvae are in the later part of their fourth instar when larvae stop eating to prepare for metamorphosis. It will also not be effective against pupae who do not eat. This bacterium produces a crystalline toxin that essentially destroys the larval midgut (digestive tract). Bti and Bs must be periodically reapplied.

b. *Lysinibacillus sphaericus* formerly *Bacillus sphaericus* (Bs)

Mode of action is similar to Bti.

c. Spinosad

Spinosad is an insecticide that is based on the soil bacterium *Saccharopolyspora spinosa*. It has relatively low toxicity to birds and mammals, but is a broadrange pesticide. This means it may harm insects other than mosquitoes and so should not be used in benthic environments with an abundance of beneficial insects. Unlike Bti, it does not have to be ingested and should be effective against larvae of all instars and pupae. It alters the function of the nicotinic (acetylcholine) and GABA (γ aminobutyric acid) gated ion channels. This results in hyperexcitation of the muscles ultimately resulting in paralysis and death similar to the outcome of organophosphates.

II. Chemical/Physical

a. Insect Growth Regulators (IGRs)

An insect growth regulator is a chemical which interrupts a portion of an insect's life cycle. Some of these may be as simple as a chitin inhibitor- meaning that it disrupts forming of the insect exoskeleton. There are also other types of IGRs that may behave similarly to endogenous or naturally occurring chemicals. As with most animals, many internal physiological functions are a result of the presence or absence of hormones. In insects, one of these functions is metamorphosis. When an insect is in its larval stage, a hormone known as juvenile hormone (JH), which is mostly order specific, is constantly present (although much less during the molting process). It is the absence of this hormone that causes the insect to enter into the metamorphic stage where it will transform into an adult insect. An insect growth regulator may be an analog, or similar molecules to JH or any chemical that changes or affects the growth and development of an insect. Therefore, in the presence of an insect growth

regulator, the insect can never become an adult. This in turn disrupts the insect life cycle resulting in death. This should not affect the food web and may be used in a variety of environments. It is not recommended for larger bodies of water, or flowing water, but small places like septic systems, storm drains, catch basins, roadside ditches and the like. It does have to be periodically replied.

b. Monomolecular Films (MMF)

A monomolecular film modifies the surface tension of the water. Mosquito larvae rest at the top of the water by placing their siphons at the top of the water where the natural surface tension keeps them afloat without activity. When the surface tension is modified the mosquito larvae have to constantly swim to the top of the water to breathe. This results in exhaustion of the mosquito larvae (and pupae) and eventually death. This is not harmful to fish and other wildlife. Since the mode of action of this substance is physical, mosquitoes cannot build up resistance. It does require reapplication every few weeks. Since MMFs are self-spreading, if applied correctly, they have great coverage and may be used in larger environments like rice fields, swamps and wetlands.

c. Oils

Oils are insecticides that spread over the top of the water to create a barrier. Mosquito larvae and pupae cannot push their breathing apparatus through this oil resulting in suffocation. This is one of the quickest ways to eradicate mosquito larvae and is another insecticide mosquitoes cannot become resistant to because of the physical mode of action. These products shouldn't be used in the presence of other aquatic wildlife because it can affect the dissolved oxygen content and also contains petroleum distillate.

Appendix F: *Gambusia affinis*

Our *Gambusia* program stocked live wells are located at the Tarrant Regional Water District Eagle Mountain fish hatchery, located at 8665 Eagle Mountain Circle, Fort Worth TX, 76135 in the northwestern portion of Tarrant County. Vector Control personnel will obtain badges to be able to enter Tarrant Regional Water District Facilities.

Figure 2. Aerial picture of live wells for storage of *Gambusia affinis*

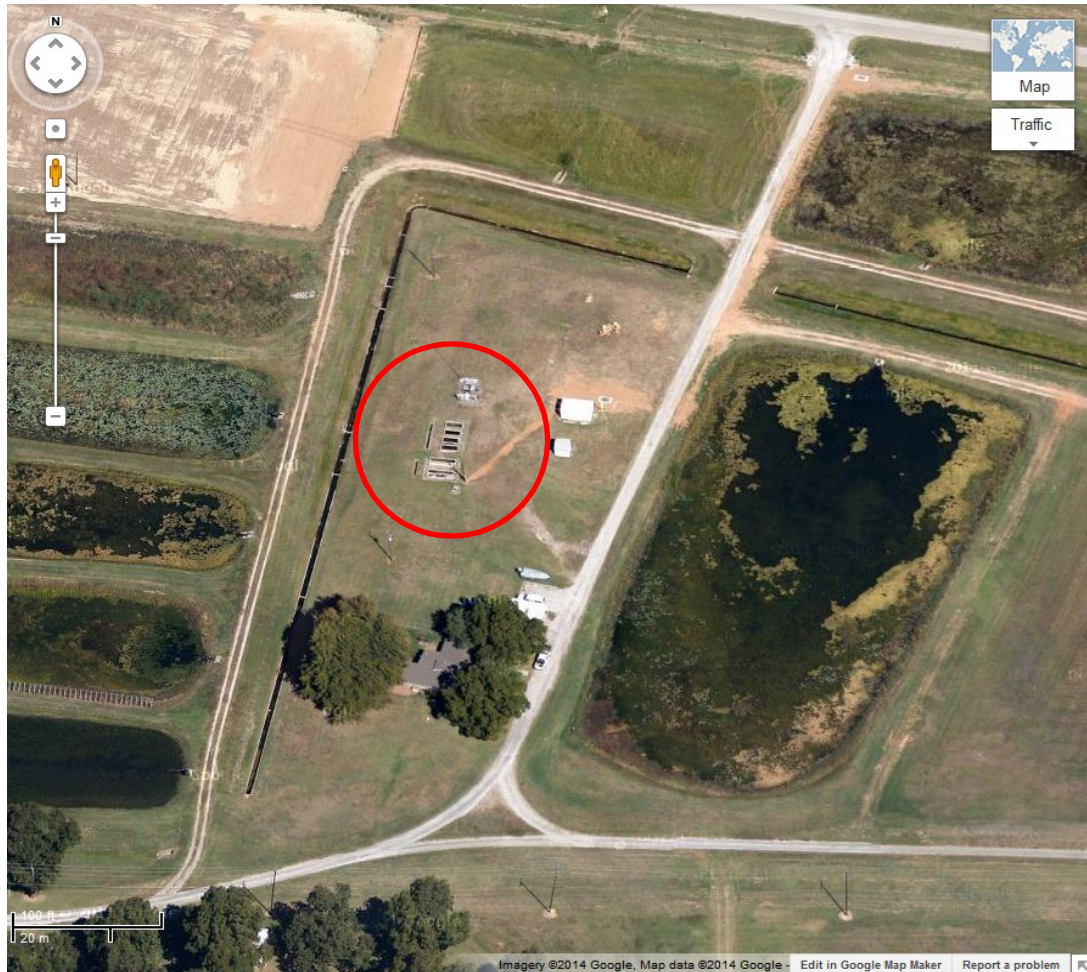
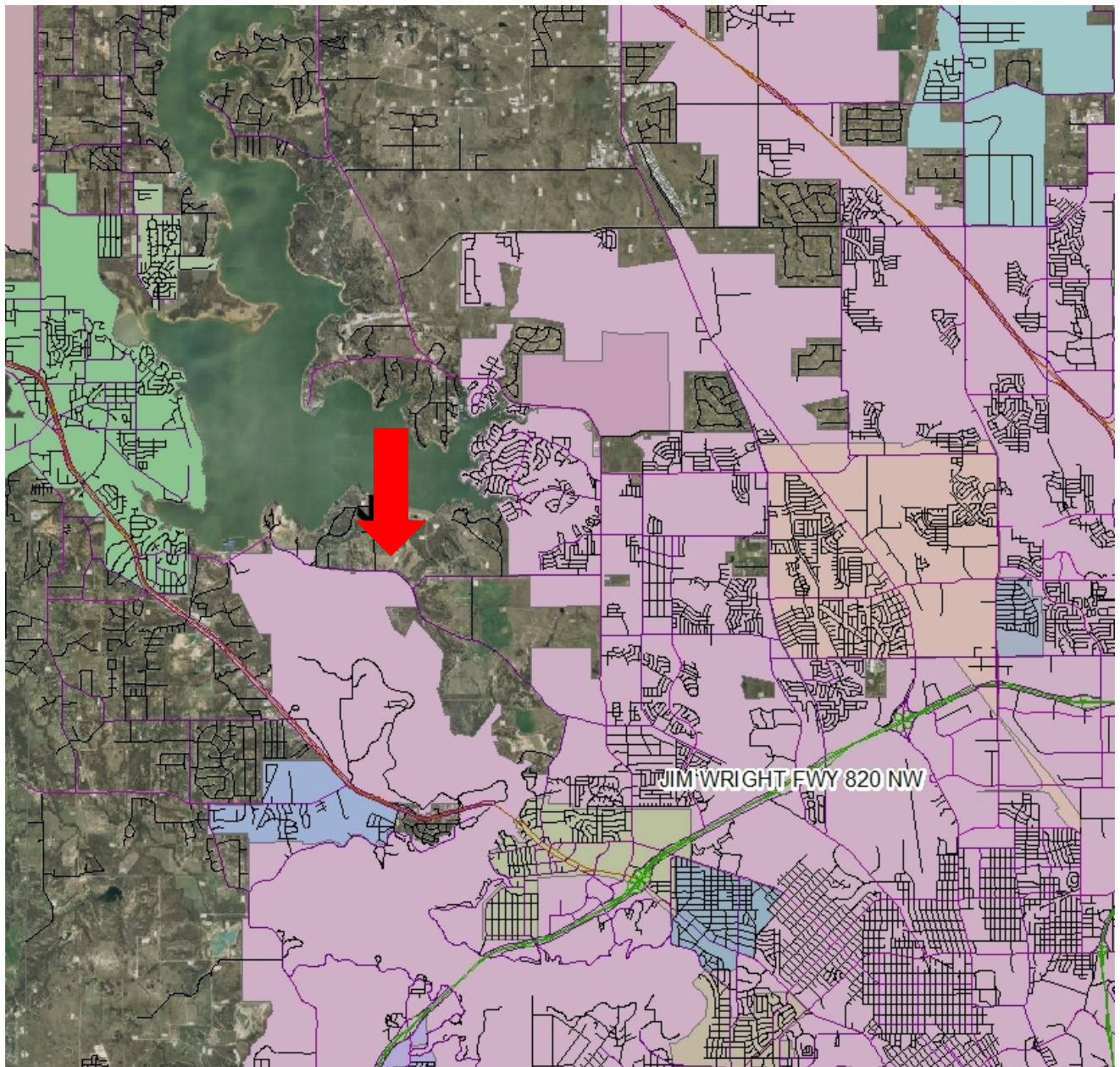


Figure 3. Location of TRWD fish hatchery in northwest Tarrant County



Appendix G: Adulticides

I. Chemical

a. Pyrethroids

Pyrethroids are a class of pesticides which are derived from botanicals found in certain species of flowers in the genus *Chrysanthemum*. They are non-persistent in the environment and are broken down in a short amount of time by UV light (sunlight). These insecticides may be broad range (meaning they can affect many types of insects). To avoid beneficial pollinators such as bees and butterflies, and to optimize the number of adult mosquitoes killed, these insecticides are typically sprayed at night when mosquitoes are most active and pollinators are resting. These chemicals are also applied with ultra-low volume (ULV) equipment, meaning very little of the insecticide is needed for treatment. Tiny droplets of insecticide must come in contact with the adult mosquito for it to be effective. Pyrethroids affect the gated ion channels of the insect's nervous system in such a way to where the muscles become over stimulated and eventually lead to paralysis and death. Bodies of water should be avoided when using these chemicals because they can be toxic to other benthic wildlife including fish and beneficial insects.

b. Organophosphates

Organophosphate pesticides should only be used for adult mosquito control in instances where the local adult population shows resistance to pyrethroid insecticides. Organophosphates may be toxic to other wildlife and humans, birds and other mammals in large doses. The doses required for mosquito control are well below these levels (also applied with ULV equipment). Most organophosphates also break down quickly in sunlight. These pesticides affect acetylcholinesterases which break down acetylcholine, a neurotransmitter that controls muscle function. Inability to break down this neurotransmitter leads to overstimulation of the muscles, and eventually paralysis and death.

Appendix H. Phased response Guidelines

Table 1 Tarrant County Public Health Guidelines for Phased Response to WNV/SLEV Surveillance

The following recommendations are intended to guide mosquito control programs and may include other applicable community procedures. All actions are subject to change without notice due to organizational priorities, weather or other unforeseen circumstances.

Risk category	Probability of human outbreak	Public Health Threshold	Recommended response
0	None	No evidence of mosquito or viral activity	Surveillance • Develop response plan Information/Education • Initiate community outreach and public education programs • Conduct audience research to develop/target education & community involvement Control Measures • Contact community partners • Secure necessary control resources to enable emergency response
1	Low	Normal mosquito activity with little or no evidence of viral activity	Surveillance • Routine monitoring of public health threats • Monitor larval and adult mosquito bionomics (trap surveillance) • Identify mosquito samples and laboratory testing for disease Information/Education • Public education and community outreach programs focused on risk potential, personal protection and residential source reduction Control Measures • Source reduction through physical and environmental measures • Biological – mosquito fish • Larvicides (surface oils, biorational bacterial products and insect growth regulators)
2	Moderate	Virus detected in mosquito samples	Surveillance • Increase mosquito surveillance in areas of positive traps Information/Education • Public health advisory released • Advise the public and emphasize source reduction, personal protection and disease symptoms Control Measures • Larviciding of breeding sites around infected trap sites

			• Consider ground-based ULV adulticide application around positive trap location, with continued mosquito surveillance • Consider aerial application if detection of virus is widespread and when infection rates in mosquitoes are high and increasing, even in the absence of human cases
3	High	Virus detected in multiple mosquito samples from different times and locations and confirmed human cases	Surveillance • Increase surveillance activities in adjacent areas where spread of virus is likely Information/Education • Public health warning released • Publicize vector control measures within the target communities • Warn the general public of the probability of disease and provide guidance Control Measures • Ground-based ULV adulticide application of area around confirmed human case(s) after mosquito trapping confirms the presence of disease • Ground-based ULV adulticide application of positive mosquito sites and expanded areas around sites • Consider aerial treatment(s)
4	Outbreak in progress	Multiple human cases confirmed and detection of increased or continued viral mosquito activity	Surveillance • Continue mosquito surveillance in areas of confirmed human cases Information/Education • Public health emergency considered • Declaration of public health emergency/distribution of emergency alerts Control Measures • Ground-based ULV adulticide application in areas of clustered human cases • Recommend aerial adulticide applications in targeted zones

Tarrant County mosquito response guidelines were adapted from the Center for Disease Control and Prevention report "Epidemic/Epizootic West Nile Virus in the United States: Guideline for Surveillance, Prevention and Control, 2013"

Table 2 Tarrant County Public Health Guidelines for Phased Response to CHIKV/DENV/ZIKV cases

Risk Category	Definition	Jurisdictional Action Steps
Preparation	Vector Present or Possible in Jurisdiction	Vector Control Preparation: • Prepare for surveillance of <i>Aedes aegypti</i> and <i>Aedes albopictus</i> by deploying BG Sentinel traps. • Recommend municipalities to enforce and encourage community clean-up efforts. • Disseminate Public education materials to municipalities & county residents. • Update plans for mosquito reduction tactics around travel-associated cases. • Update appropriate contracts for Zika-type response including localized adulticiding and larviciding. • Update permission forms for entrance into private residences and standardized response backyard checklists. • Communicate Tarrant County response plan with each municipality individually. • Reiterate response plan during Arthropod-borne diseases kick-off meeting. • Increase vector personnel and expand abilities to respond to surveillance and control needs. • Plan for Resistance Testing • Research new methods of <i>Aedes sp.</i> control
Category 1	Mosquito Season (<i>Aedes aegypti</i> or <i>Aedes albopictus</i> mosquito biting activity)	Continue preparation category activities in addition to the following steps: Vector Control: • Monitor <i>Aedes aegypti</i> and <i>Aedes albopictus</i> populations. • Identify potential <i>Aedes sp.</i> breeding sources and concentrate on eliminating the sources of the mosquitoes, continue public education efforts and encourage community cleanup. • Consider distributing Zika care kits supplied by Tarrant County Public Health to all suspect or confirmed Zika/CHIK/DEN patients. • After identification of a suspected travel-associated human case outside the viremic phase, consider educating the patient about mosquito breeding sources and/or showing them how to perform backyard inspections. • After identification of a suspected travel-

		associated human case within the viremic phase of disease: • Consider inspecting the patient's yard for mosquito larval sources/activity. • Consider gaining entry into property and utilize permission form. • Upon entry to the private property, record any larval or adult activity on the property. • Set a BG trap within the mosquito season to determine vector abundance and help determine risk. • If mosquito activity is observed, consider larviciding, pupiciding and/or adulticiding the property. • Consider residual barrier treatments for adulticiding responses • Thermal fogging may be advantageous in serious problem areas with high adult activity (such as tire piles or dumping areas). • Set a BG Sentinel trap post treatment to monitor and assess effectiveness of vector control activities. • After identification of a confirmed travel-associated human case outside of the viremic phase of disease: • Source reduction, larvicide and personal protective information should be supplied to houses up to a 150 meter radius within the block location. • After identification of a confirmed travel-associated human case within the viremic phase of disease, consider taking the same measures as one would in the suspected travel-associated human case with adjacent properties to the patient property. • Source reduction, larvicide and personal protective information should be supplied to houses up to a 150 meter radius where mosquito activity is observed around a travel-associated case. • Intensify community cleanup up to a 150 meter radius around suspected case. • Consider utilizing autocidal gravid trapping strategies for additional adult control. • Continue to monitor information distributed by the CDC for the most up to date information.
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Category 2	Confirmed Local Transmission (single case, or cases clustered in a single household/community in a county or jurisdiction)	<i>Continue category 1 activities, in addition to the following steps.</i> Vector Control: • Expand larvicide, pupicide and adulticiding activities up to 150 meter radius around initial case(s) in addition to supplying source reduction, larvicide and personal protective information and intensified community cleanup. • Monitor <i>Aedes aegypti</i> and <i>Aedes albopictus</i> activity around suspected local transmission with BG Sentinel traps. • Continue to assess effectiveness of vector control activities.
Category 3	Widespread Local Transmission (multiple locations within a county or jurisdiction)	<i>Continue category 2 activities, in addition to the following step.</i> Vector Control: • Consider expanding areas and utilizing ground based and/or aerial control adulticiding/larvidicing activities. • Intensify community cleanup with messages on media. • Intensify public education regarding the need of mosquito control and personal protective measures. • Continue to assess effectiveness of vector control activities
Category 4	Local Transmission in Multiple Counties	<i>Continue category 3 activities, in addition to the following step.</i> • Expand response activities regionally or state-wide

Appendix I: Laws pertaining to vector control

Texas Health and Safety Code

Title 5, Subtitle A, Chapter 341, Subchapter B,

.011- Defines public health nuisance

.012- Requires abatement of nuisance

.019- Public officials can treat an abandoned or uninhabited property with mosquito breeding sites

Title 5, Subtitle A, Chapter 343, Subchapter B

.011- maintain property so as not to attract mosquitoes, rodents, vermin or disease-carrying pests

.012- States penalty from \$50-\$200 if nuisance is not abated within 30 days of notice; if previously convicted \$200-\$1000 and/or jail time up to six months. Each day the violation occurs is a separate offense.

Title 5, Subtitle A, Chapter 341, Subchapter C

.024- Authority to enter premises when presenting proper government identification

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (entirety- bound by pesticide license)

Clean Water Act, Section 402 and Chapter 26 of the Texas Water Code- pertains to a general permit to discharge biological pesticides and chemical pesticides that leave a residue in water in or near waters of the US.

Glossary of acronyms

WNV- West Nile virus

SLEV- St. Louis encephalitis virus

CHIKV- Chikungunya virus

ZIKV- Zika virus

DENV- Dengue virus

AAM- American Academy of Microbiology

CHIK- Chikungunya fever

PAHO- Pan American Health Organization

TCPH- Tarrant County Public Health

CDC- Centers for Disease Control and Prevention

EHD- Environmental Health Division

NTRL- North Texas Regional Laboratory

RT-PCR- reverse transcriptase polymerase chain reaction

DSHS- Department of State Health Services

DEET- N, N, diethyl-*meta*-toluamide

CSTE- Council of State and Territorial Epidemiologists

HIPAA- Health Insurance Portability and Accountability Act

TDA- Texas Department of Agriculture

TCEQ- Texas Commission on Environmental Quality

TPEDS- Texas Pollution Elimination Discharge System

TRWD- Tarrant Regional Water District

ULV- Ultra Low Volume

ATV- all-terrain vehicle

HOA- home owners association

TMCA- Texas Mosquito Control Association

AMCA- American Mosquito Control Association

PIO- public information officer

PPE- personal protective equipment

Bti- *Bacillus thurengiensis israelensis*

Bs- *Bacillus sphaericus*

GABA- gamma aminobutyric acid

IGR- Insect Growth Regulator

JH- Juvenile hormone

MMF- monomolecular film

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AGENDA MEMORANDUM

DATE: July 9, 2019

TO: Honorable City Council Members

FROM: Paul Hackleman, P.E., CFM, Director of Public Works

SUBJECT: Discuss and provide direction to the City Manager on developing an ordinance of the City of Watauga to regulate Short Term Rentals within the corporate boundaries

BACKGROUND/INFORMATION:

The topic of developing a short term rental ordinance originated prior to January 2018 and was researched by the prior City Attorney and staff. Since that research the legislature considered the matter but was unable to pass into law any regulations or approve a law that prohibited cities from developing regulations for short term rentals. Case law continues to be created and new cases filed are awaiting court rulings.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the attached presentation and provide direction to the City Manager regarding the development of an ordinance to regulate short term rentals.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Short Term Rentals - Council Retreat September 2019
2. Short Term Rentals - JRP - Retreat Handout

REVIEWED BY:

Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 9/17/2019

Final Approval - 9/17/2019

City Council Retreat
September 21, 2019



Discussion and
Direction on
developing an
ordinance to
regulate “Short-
Term Rentals”
within the
corporate
boundaries



SHORT-TERM
RESIDENTIAL RENTALS

Prepared by Randy Richards & Paul Hackleman Image Credit – American Heart Association

What are Short-Term Rentals?



A short-term rental, or vacation rental, is the renting out of a furnished home, apartment or condominium for a short-term stay. The owner of the property usually will rent out on a weekly basis, but some vacation rentals may offer nightly or monthly rates. Among the most recognizable are the following:



What are the challenges?



- Location
- Number of Occupants
- Noise Concerns
- Tenant Behaviors
- Parking
- Safety
- Hotel Tax Collection
- Neighborhood Complaints

86th Legislative Session Proposed



S.B. 1888/H.B.3778:

- Purpose – Place strict limits on how municipalities may regulate short-term rentals.
- Specifically, the law would have limited a city's ability to:
 - Prohibit or limit the use of property as a short-term rental
 - Adopt any regulations applicable solely to short-term rental
 - Apply a local regulation, such as sound restriction, to short-term rental units in a more restrictive manner than how applied to other property owners.
- The law also placed certain restrictions on a city's registration scheme and capped fees allowed to be collected for such registration.
- Would not have applied to HOA's, but Texas Supreme Court Decision ruled the covenants had to specifically ban STR or they are allowed.
- Died in committee.

Regulatory Options

- Even with the recent Supreme Court decision (ruled Residential Use includes STR in HOA), communities may still wish to regulate short-term rentals through:
 - Permitting
 - STR-specific code restrictions
 - Hotel Occupancy Tax

Strategy 1: Permitting

- Future court cases could limit a city's ability to use its permitting power to regulate short-term rentals.
- The Legislature could likewise impose strict limits on how cities may regulate short-term rentals.

Options include:

- Create short-term rental-specific permitting requirements and fees.
- Limit number of permitted short-term rentals in certain neighborhoods.
- Collecting Hotel Occupancy Tax

Reminder: courts/legislature could find any/all of these options to be illegal.

Strategy 2: Enforce Current Laws

Such Laws include:

- Public Intoxication
- Trespassing
- Noise Ordinance
- Parking laws (both state and local)
- Modify the existing SFR Ordinance to address inspection for STR and fee adjustments

Enforcing current ordinances will resolve much of the perceived problems of short-term rentals while avoiding litigation, however it does nothing to address the issues brought forth by citizens wanting stricter enforcement.

What could be considered for Short-Term Rentals?

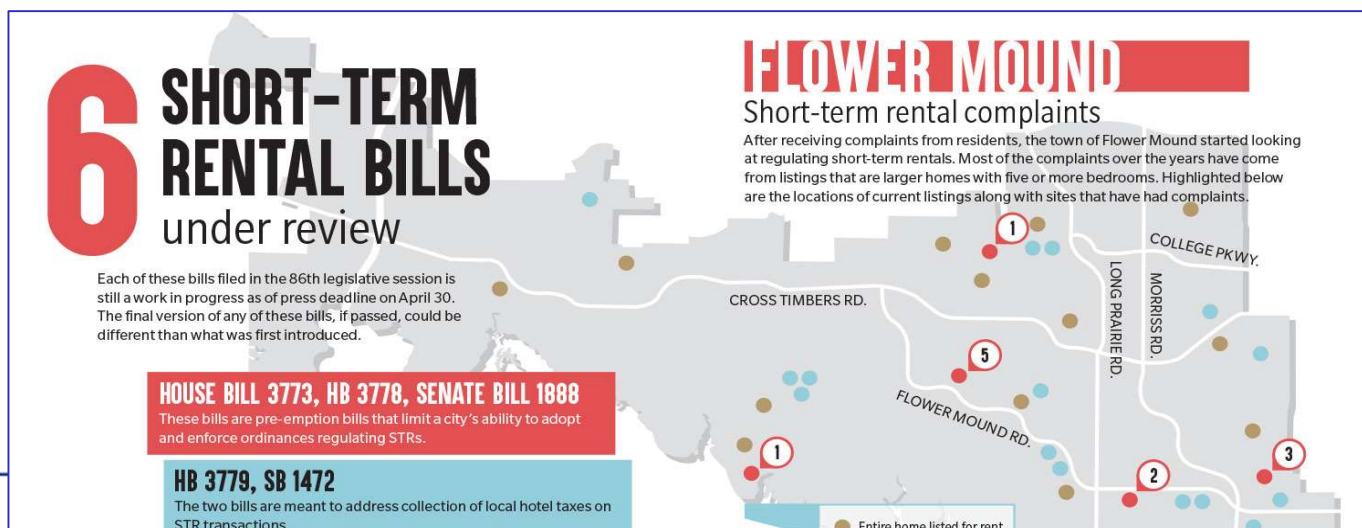


- **Prohibition of Short-Term Rentals:** Some cities completely prohibit short-term rentals. Some cities define short-term rentals as “hotels” that can only operate in designated zones and then only if all necessary approvals are obtained.
- **Could the City face lawsuits for their regulations for short-term rentals?**
- **Length of Stay:** Limited to 30 days or less.
- **Density Restriction:** HB 3778 and SB 1888 would have allowed a density restriction so long as it would not prohibit more than 12.5 percent of the total number of residential properties from being eligible for a permit.
- **Include Apartment Complex or Dorms as STR:** Apply the same restrictions on apartment complexes or dorms as residential properties. This would allow for the collection of hotel taxes if an apartment complex or dorm rented a space for 30 days or less.
- **Follow the provisions of HB 3778 and SB 1888.**

What could be considered for Short-Term Rentals? continued



- If allowed, what Licenses or permits are required?
- **Can the city collect Hotel Occupancy Taxes?** Bennett Sandlin, executive director of the Texas Municipal League agrees that a tax is due. “It’s just hard to collect for a city acting alone...it takes a lot of administrative nightmare and sometimes things slip through the cracks. So, we see the proposed House & Senate bills as putting a level playing field” by including city taxes in a listing price.
- **Ban the Bans:** Some controversial bills submitted in a recent session would put a ban on cities restricting which kinds of properties qualify as short-term rentals. They would do so by stipulating what they can operate “regardless of whether a unit is the primary residence of the unit owner”.



What are our neighboring cities doing?



- Haltom City - No regulations.
- Keller – Proposing regulations.
- NRH – Requires registration and inspection. No fees
- Hurst – Not Allowed.
- Euless – No regulations.
- Southlake – Not Allowed Ord. 1187
- Coppell - Extensive Ordinance but will undergo review in December to determine continuance.
- Arlington – Only allowed in the Entertainment District expected to come under litigation.
- Grapevine – Not Allowed, but under litigation.



What path should Watauga take? Comments/Questions?



1. New ordinance?
2. No ordinance?
3. Await Litigation results?



**Available Rental
Housing Listing**

SHORT-TERM RENTALS

Written and Presented by

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SHORT-TERM RENTALS

Introduction

While short-term rentals may feel like recent inventions, they have in fact been around for many decades, typically in the form of vacation rentals. These rentals are typically residential homes, with the rental period being for a period of less than 30 days (in contrast to long-term residential rentals, which are typically longer than 30 days). That being said, the proliferation of online short-term rental companies, the popularity of short-term rentals has exploded. Among the most recognizable short-term rental websites include Airbnb, VRBO, HomeAway, and FlipKey. Just in Texas, 2018 statistics showed that short-term rentals accounted for \$3.5 billion in economic activity and sustained 35,000 jobs.

What initially started out as a way for homeowners to rent out spare bedrooms to travelers has expanded into a large profitable industry where homes of all types are being used solely for short-term rentals, especially in high-tourist areas, such as in coastal communities and urban neighborhoods. However, simply logging onto to Airbnb or a similar website, one will find that short-term rentals can be found just about anywhere, in communities of all size and location. With this spread of short-term rentals, there are of course challenges. Such challenges can include location, number of occupants, noise concerns, partying, safety, the collection of hotel/motel tax, and finally backlash from neighbors.

City of Austin's Ordinance

Austin's Short-Term Rental Ordinance, amended in 2015 and in which a short-term rental is defined as "the rental of a residential dwelling unit or accessory building on a temporary basis for periods of less than 30 consecutive days," imposes requirements for advertising, sets occupancy limits, places new requirements on those requesting STR licenses, and creates a process for denying or suspending a license, along with an appeal process. The ordinance also sets limits on the distance between short-term rentals, establishes requirements related to inspections, noise and music and prohibits certain types of gatherings. The ordinance also eventually eliminates non-owner occupied single-family and duplex short-term rentals.

Specifically, the ordinance requires the following:

- **Certain information be provided to guests:** Renters must be provided with the local contact information of the host, occupancy limits, noise, music and sounds restrictions, parking restrictions, trash schedule, etc.
- **Prohibits unlicensed short-term rentals from advertising:** fines up to \$2,000 per day.
- Distinguishes between three types of short-term rentals:
 - o Type 1: Owner-occupied short-term rentals, can be single-family, multifamily or duplex.
 - o Type 2: Not owner occupied, can be either single-family or duplex.
 - A Type 2 short-term rental may not be located on a lot that is within 1000 feet of a lot on which another Type 2 short-term rental is located unless the license:
 1. was issued on or before November 23, 2015;

- 2. is not suspended after November 23, 2015; and
 - 3. is renewed timely.
- All Type 2 short-term rentals will be discontinued by April 1, 2022.
- o Type 3: Not owner occupied, multi-family units.
- **Occupancy Limits:** a short-term rental may not be used by more than:
 - o Ten adults at one time, unless a stricter limit applies; or
 - o Six unrelated adults.
- **Events/Assemblies:** Group activities such as a wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity other than sleeping are prohibited between the hours of 10:00 p.m.-7:00 a.m.
- **Outdoor Assemblies:** A licensee or guest may not use or allow another to use a short-term rental for an outside assembly of more than six adults between 7:00 a.m. and 10:00 p.m.
- **Noise, Sound Equipment, and Loud Music:**
 - o Short-term rental guests may not use sound equipment that produces sound in excess of 75 decibels (as measured at the property line) between 10:00 a.m. and 10:00 p.m.
 - o Between 10:00 p.m. and 10:00 a.m., guests may not use sound equipment that produces *any* audible sound beyond the property line.
 - o Guests may not play a musical instrument audible to adjacent properties between 10:30 p.m. and 7:00 a.m.
- Life-safety inspections or a Certificate of Occupancy required for all STRs.

H.B. 3776

Proposed during the 86th legislative session in 2019, H.B. 3778, and its companion bill, S.B. 1888, would have revised Chapter 219 of the Local Government Code to severely limit a local municipality's ability to regulate short-term rentals. Although the bill never made it out of committee, its regulations are still important to keep in mind, as similar bills have been proposed in the past, and will almost certainly be proposed again in the future:

- 1) **Definitions:**
 - a) "Short-term rental": a dwelling (both single-family or one located in a multi-unit building) rented for a fee and for a period of less than 30 consecutive days.
 - b) "Short-term rental unit listing service": a person or website that facilitates the rental of short-term rental units.
- 2) **Authorized Laws:**
 - a) The bill would have permitted local ordinances that prohibits:
 - i) The use of the unit to promote activities that are illegal under municipal or other law;
 - ii) The provision or management of the unit by a registered sex offender or any person having been convicted of a felony;
 - iii) The serving of food to a tenant unless authorized by municipal law;
 - iv) The rental of the unit to a person younger than 18 years of age; or
 - v) The rental of the unit for less than 24 hours.
 - b) A municipality could have also required:

- i) A short-term rental unit provider to:
 - (1) Register and be issued a permit before renting the unit;
 - (2) Designate an emergency contact responsible for responding to complaints regarding the unit;
 - (3) Have the unit inspected on an annual basis by the local building code department or fire marshal, to verify the unit meets state and local requirements; and
 - (4) Post the number of a permit issued by the municipality for the unit on every listing advertising the unit on a short-term rental unit listing service.
 - ii) A unit provider or property manager on the provider's behalf to:
 - (1) Maintain property and liability insurance for the unit in an amount equal to or greater than the amount required by the municipality; or
 - (2) Provide proof that each short-term rental unit listing service that lists the unit is maintaining property and liability insurance for the unit in an amount equal to or greater than the amount required by the municipality.
- c) Maximum occupancy limits:
 - i) City could limit the maximum occupancy of adults 18 years of age or older in a unit to a number that is not less than two individuals multiplied by the number of bedrooms in the unit plus two additional individuals.
- 3) **Prohibited Municipal Laws:**
 - a) A municipality would not have been able to adopt or enforce an ordinance, rule, or other measure that:
 - i) Prohibits or limits the use of property as a short-term rental unit; or
 - ii) Is applicable solely to short-term rental units, or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units.
 - b) A municipality also could not apply a municipal law, such as a noise restriction, parking requirement, or building code requirement, or other law to short-term rental units or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated property or persons.
- 4) **Limitation on Registration Requirements:**
 - a) City must approve or deny a registration application within 45 calendar days of the municipality receiving the application.
 - b) If the city approves a registration application, a permit must be issued that is valid for at least one year following the issuance date.
 - c) The city may suspend a permit only in certain circumstances.
 - d) The maximum registration fee is \$450.
 - e) City may require the short-term rental unit provider to affirm that the unit complies with all state and local regulations.
 - f) City may maintain an internet or telephone hotline for neighbors to submit complaints.
 - g) City may deny renewal of a permit if the short-term rental unit provider did not provide the City with a renewal application before midnight on the date in which the permit expires.

- h) City may prohibit transfer of registration permits.
 - i) May not restrict the number of permits issued for short-term rental units located in a commercial area.
 - j) May not restrict the number of permits issued for short-term rental units that are located within a residential area and are the primary residence of the unit owner.
 - k) May place a reasonable density restriction on the number of short-term rental units that are located in a residential area and NOT the primary residence of the owner so long as it does not prohibit more than 12.5 percent of the total number of residential properties in the municipality from being eligible for a permit.
- 5) **Enforcement of Registration Laws:**
- a) City may suspend the registration of a short-term rental unit for a period of up to 1 year if:
 - i) The unit has been in violation of a municipal law related to noise, parking or habitability standards at least three times during one calendar year.
 - ii) The unit provider is delinquent in the remittance of a local hotel occupancy tax by more than 90 days and the city has provided sufficient notice.
 - iii) The unit provider is in violation of some other municipal requirement enacted in accordance with Chapter 219 of the Local Government Code.
 - b) City may revoke a permit that has been the subject of repeated violations of municipal requirements enacted in accordance with this chapter.
 - c) City has burden in proving that:
 - i) The violation was a direct result of the short-term rental unit's operation; and
 - ii) The unit provider failed to make reasonable attempts to abate the violation.
 - d) City may assess a civil penalty of up to \$200 per day for a violation.
 - e) City may assess a civil penalty of up to \$2,000 per day if a unit provider knowingly tolerates a violation of this chapter, fails to make reasonable attempts to abate a violation, and has violated a municipal law related to unsanitary conditions, noise, over-occupancy, parking, or solid waste five times or more in a calendar year.

Tarr v. Timberwood Park Owners Association, Inc.

555 S.W.3d 274 (Tex. 2018)

The Texas Supreme Court finally addressed short-term rentals in the context of restrictive covenants in a homeowner's association (HOA). That HOA, like many if not most HOAs, had a restrictive covenant limiting all uses of the property to be "single-family" and "residential" in nature. One of the property owners, Tarr, was using his single-family property as a short-term rental and was listing it on websites such as VRBO. Tarr claimed that a short-term rental was "residential" in nature in that his visitors ate, slept, and generally did everything else an ordinary occupant of a house does. The HOA, on the other hand, believed that Tarr was using his house for "business purposes", in that Tarr paid the hotel occupancy tax and formed an LLC to help run the property.

In a unanimous decision, the Texas Supreme Court found that "so long as the occupants to whom Tarr rents his single-family residence use the home for a 'residential purpose,' no matter how short-lived, neither their on-property use nor Tarr's off property use violates" the HOA's

restrictive covenants. Further, Tarr’s use of his home as a short-term rental “does not qualify as a commercial use” as no business activity took place at the property itself.

It is important to note what this case is about – interpreting an ambiguous restrictive covenant at an HOA. The Court is simply stating that if the HOA wanted to restrict short-term rentals, merely requiring “residential” uses was not going to be enough. This court case does *not* restrict HOAs from banning short-term rentals. Instead, an HOA would need to specifically ban short-term rentals in its restrictive covenants. Additionally, this court case does not address the legality of a *municipality’s* restrictions on short-term rentals. It does though make the City of Austin’s arguments more difficult in that the Court was very clear that a short-term rental was a residential use. This court case may also be a harbinger for a similar decision on a municipality’s right to restrict short-term rentals.



AGENDA MEMORANDUM

DATE: July 9, 2019

TO: Honorable City Council Members

FROM: Paul Hackleman, P.E., CFM, Director of Public Works

SUBJECT: Discuss and provide direction to the City Manager on development of a street maintenance program and street maintenance fee

BACKGROUND/INFORMATION:

The City Council has requested the City to consider options for funding sources due to the recent changes made by the Texas Legislators in the last few year. Staff has been preparing for these changes and include the option of a street maintenance fee in the last citizen survey completed in February 2019.

The survey results show that 33% support a fee, 22% oppose a fee, and 41% were not sure/need more information.

Several other Texas Cities have adopted the street maintenance fee, including:

- | | | |
|-----|-----------|------------|
| 1. | | Abilene |
| 2. | | Bryan |
| 3. | College | Station |
| 4. | Corpus | Christi |
| 5. | | Hamilton |
| 6. | | Killeen |
| 7. | | Kingsville |
| 8. | Sulfur | Springs |
| 9. | | Synder |
| 10. | | Rowlett |
| 11. | Others... | |

Currently, the Public Works Division of the Public Works Department handles both Streets and Storm Drainage. The Streets group funds operations and personnel from the general fund. They use the 1/4 cent sales tax to perform street maintenance (materials only). The Storm Drainage group oversees the sidewalk repair program.

A street maintenance fee could fund all of the Streets Group and the sidewalk repairs if adopted by ordinance. Also, the street maintenance fee could replace both the general



AGENDA MEMORANDUM

fund needs, as well as, the 1/4 cent sales tax fund needs. This would effectively free up about \$706,650 from the general fund and an estimated \$759,000 from the sales tax revenue. The total of \$1,465,650 would then be available for shoring up the budget in light of the newest legislation from the State of Texas.

FINANCIAL IMPLICATIONS:

N/A - Discussion and Direction only

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the attached presentation and provide direction to the City Manager regarding the development of an ordinance for a street maintenance program and street maintenance fee

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Notice from Comptroller
2. Street Maintenance Fee - Council Retreat - September 2019
3. City of College Station Texas - Street Maintenance Fee

REVIEWED BY:

Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager

Approved - 9/17/2019
Final Approval - 9/17/2019

Approved as to form for inclusion on Agenda



TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

P.O. Box 13528 • Austin, TX 78711-3528

September 4, 2019

Ms. Andrea Gardner
City Secretary
City of Watauga
7105 Whitley Rd
Watauga, TX 76148-2024

Dear Ms. Gardner:

A review of our records shows that the City of Watauga's 1/4% sales tax for Street Maintenance will expire on September 30, 2020, unless the city holds a reauthorization election as prescribed in Section 327.007, Tax Code. For sales tax elections we advise you to use statutory language when drafting ballot language. Please contact our office if you need assistance with this.

Please notify the Comptroller's office of the City's plans with respect to the continuation of this tax as soon as possible.

If you have any questions or need more information, I may be reached at 1-800-531-5441, extension 3-9634, or direct in Austin at 512-463-9634. My mailing address is Comptroller of Public Accounts, Revenue Accounting Division, Tax Allocation Section, PO Box 13528, Austin, Texas 78711. You may also email me at Aubrey.Mashburn@cpa.texas.gov

Sincerely,

Aubrey Mashburn
Tax Allocation Section
Revenue Accounting Division

City Council Retreat September 21, 2019



Discussion on
development of a
street
maintenance
program and
street
maintenance fee



Prepared by Ronnie Rawdon & Paul Hackleman

What is a Street Maintenance Fee



A Street Maintenance Fee (SMF) is a fee collected from benefited properties within the city limits for the purpose of maintaining the street system.

The collected fees will go into a separate fund named a Street Improvement Fund or similar.

Monies collected will be separate from the General Fund and can only be applied to activities related to maintaining or rebuilding the street system including engineering, operations/personnel, paving, sidewalks, sidewalk ramps, street signage, traffic signals, school flashers, and other miscellaneous items related to maintaining or reconstructing an existing street depending on how the City Council decided to approve the ordinance.

Basic Fee Structure – per month

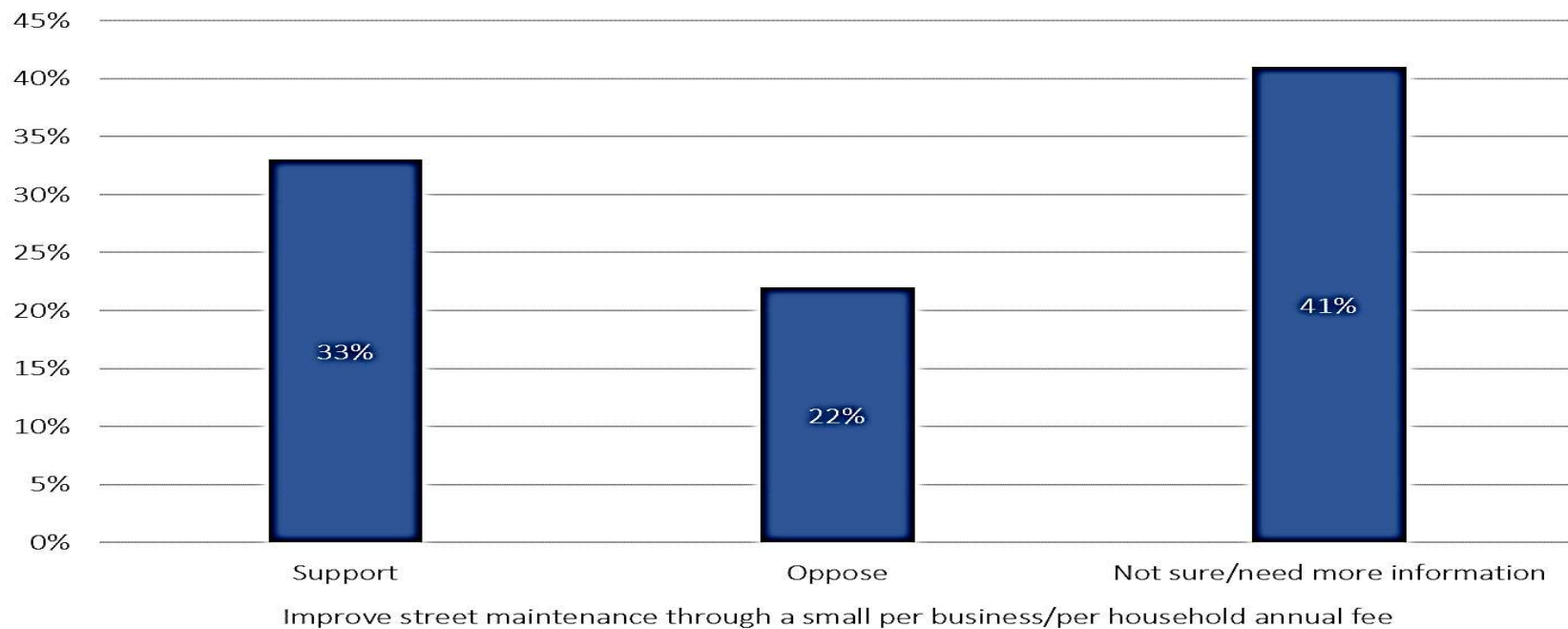


- Residential vs. Non residential
 - Residential Home – one rate – example \$10 (could be any amount the council approved)
 - Commercial business – variable rate based on trips generated - \$25 to \$100s
 - Non profits – variable rate based on trips generated - \$25 to \$100s
- Trips generated
 - Use the Institute of Transportation Engineers (ITS) Trip Generation Manual
 - Create a tiered rate structure based on trips generated for each use and square footage
- Billed monthly thru the water billing system

Citizen survey results – February 2019



A survey was conducted on the street maintenance fee between December-January. The results were delivered in February 2019 and the outcome was 33% support, 22% oppose and 41% need more info regarding this.



Street Operations & ¼ Cent Sales Tax



- Inventory
 - 88 miles of roadway
 - 5 signalized intersections
 - 18 school flashers
 - Various sidewalks, driveway, signs, and other appurtenances
- Personnel
 - 9 full time employees
- Budget - \$1,614,650 – Maintain current standard
 - \$606,650 for Operations/Personnel – general fund
 - \$100,000 for sidewalk repairs – general fund
 - \$800,000 major street repair – ¼ cent sales tax
 - \$100,000 general street repair – ¼ cent sales tax
 - \$8,000 debris disposal – ¼ cent sales tax

Street Repairs - Bernadine



With the $\frac{1}{4}$ cent sales tax currently in place we have overlaid several streets since 2012.

The following shows the drainage on Bernadine before reconstruction. The curb and gutter is ponding and needs to be brought back up to grade. The second picture shows the crews pouring 227/concrete and finally, the paving machine laying the final layer of asphalt. Roads in each year's overlay program are selected using Pavement Condition Index data.

Before Reconstruction



Pouring 227/Concrete



Paving



Street Repairs – Chapman Road



Overlay - There are several phases that go into the overlay program. The drive approaches, valley gutters, curb and gutter will be brought back up to grade, then the road is milled and stabilized. After stabilization has been completed a layer of hot mix binder asphalt plus hot mix surface asphalt is placed over the entire roadway.

First picture is the milling machine grinding up the asphalt. Second is the mixing machine mixing cemlime into the base/subbase to stabilize it. Third is the paving machine laying the final layer of asphalt.

Milling



Stabilizing Subgrade



Paving



What path should Watauga take? Comments/Questions?



1. Continue to support the voter approved ¼ cent sales tax (\$759,000 expected FY2020) revenues vary
 - a. ¼ cent sales tax is up for a vote in May 2020
 - b. repair streets within the funding available
 - c. no new funds for sidewalks – currently, we cannot use this fund for sidewalks
2. Continue to support the voter approved ¼ cent sales tax and work on ordinance for street maintenance fee and phase it in over the 2020-2024 period of the renewed sales tax
3. Adopt an ordinance for a street maintenance fee by February/March 2020 and support another avenue for the ¼ cent sales tax
4. Street maintenance fee to match the ¼ cent sales tax, double it, triple it...
5. Street maintenance fee to fund street repairs and operations, currently \$1.6M, this would free up the same amount of funds for other uses in the City...

City of College Station Texas – Street Maintenance Fee

New fee will help address street maintenance concerns



By [Aubrey Nettles](#), Special Projects Coordinator

While the results of our [2016 citizen survey](#) last spring were enlightening, they were hardly surprising.

We weren't at all surprised to learn that the overwhelming majority of our residents think College Station is a terrific place to live, work, and raise a family. We were proud that our overall city services got high marks, along with the value of the services you receive for your tax dollars.

When it came to what services our residents deem most important, we weren't surprised, either. Public safety, managing traffic congestion, and maintaining our roadways and were at the top of the list.

The survey also revealed the biggest gaps between the importance and quality of our services. With our rapid growth, we weren't surprised to see a 70-point gap between the importance (98 percent) and quality (28 percent) for managing traffic congestion.

What seized our attention was the 51-point gap for street maintenance. While 99 percent said maintaining our roads was an important service, only 48 percent gave us a good or excellent rating. That represented a 23-point drop from the 2012 survey, the biggest decline in any city service.

City council takes action

Those numbers also commanded the attention of the city council. During the FY17 budget process, the council began considering [roadway maintenance fees](#) to help address the maintenance needs of that vital infrastructure. After two public hearings and much deliberation over several months, the council voted in November to implement the fees starting Jan. 1.

The roadway maintenance fee will be paid by citizens and businesses within the city limits, based on their reasonably equitable share in the total impact on the road system. The fee will appear as a line item on your utility bill, with the revenue dedicated entirely to the maintenance and rehabilitation of our streets. That means the funds can't be used for anything else.

Many cities in Texas are facing the same issue of road maintenance needs outpacing property and sales tax revenue. Others with variations of a roadway maintenance fee include Bryan, Austin, Corpus Christi, Kingsville, Lampasas, Taylor, and Richwood. Our neighbors in Bryan began assessing a [transportation fee](#) in 2004 that's improved the quality of its road system.

How much do I pay?

Travel characteristics of specific land uses were used to develop the fee schedule. For residential properties, a flat monthly rate of \$7.78 will be assessed to single-family homes and \$6.10 to multi-family units. Bryan residents pay \$12 a month.

Non-residential properties will be placed in one of five tiers ranging from \$17.23 for properties that generate little road use to \$250 for properties that create the most road use. For example, a small office building is expected to cause much less traffic than a large retail business, so it pays a lower fee.

	Vehicle Miles Generated/Day	Monthly Charge
Non-Residential		
Tier I	0 – 23.99	\$17.23

Tier II	24.00 – 43.99	\$38.71
Tier III	43.99 – 90.99	\$74.71
Tier IV	91.00 – 223.99	\$152.39
Tier V	224.00 +	\$250.00
Residential		
Single Family	Flat fee/dwelling unit	\$7.78
Multi-Family	Flat fee/dwelling unit	\$6.10

What determines the non-residential tiers?

The tiers for non-residential properties are based on the amount of roadway traffic generated by the land use, the size of the property, and an industry-standard trip generation factor. The 65 land use categories for the roadway fee are consistent with other city transportation initiatives.

The size of each property depends on its land use. For example, office buildings are measured by floor area, gas stations are measured by the number of fueling positions, and hotels are measured by the number of rooms. The trip generation factor for each land use — a function of the number and length of vehicle trips — is determined by the Institute of Transportation Engineers' Trip Generation Manual.

The amount of the fee based on a final trip value derived from the property size and the trip generation factor.

Our residents made clear in the citizen survey that they expect our streets to be properly maintained and rehabilitated. In the long run, additional resources dedicated to maintenance will save taxpayer money by deferring costly reconstruction projects.

For more information, contact me at 979-764-3423 or anettles@cstx.gov.



About the Author

Aubrey Nettles is in her third year as special projects coordinator in the City Manager's Office. She previously served as executive assistant to the Fort Bend County Commission and was a management analyst for Harris County. A native of Smithville, Aubrey earned a master's degree in public administration from the University of Houston in 2012 and a bachelor's degree in communications from Texas A&M in 2010.



AGENDA MEMORANDUM

DATE: July 25, 2019

TO: Honorable City Council Members

FROM: Paul Hackleman, P.E., CFM, Director of Public Works

SUBJECT: Discuss and provide direction to City Manager on Small Cell Antenna Manual adopted September 2017

BACKGROUND/INFORMATION:

City's enjoyed the historical right and duty to manage right-of-way prior to 1999. With the advent of competition in the Local Exchange Market in 1995, major change was born with the passage of HB 1777 (Chapter 283 of Texas LGC). The disruption to the existing model created a disagreement between Small-Cell Tech Companies and Cities. Senate Bill 1004 from the 2017 Texas Legislative Session attempted to resolve the conflict and Chapter 284 of Texas Local Government Code was created.

The Texas Constitution Article III, Sec. 51 states that a city may not grant....a thing of value in aid of, or to any individual, association or corporation whatsoever...

The fees charged prior to 1999 or Pre Ch. 283, the fees were based on percentage of revenue and specifically, electric utilities were 3-5%, gas utilities were 3-5%, cable TV was 5% and Telecommunications were 3-5%.

After HB 1777 in 1999 (Texas LGC Chapter 283), a major change to the compensation framework for use of a City's ROW by Certificated Telecommunications Providers or CTPs was changed to eliminate franchise agreements and franchise-based fees, allows CTPs to install equipment in ROW to provide telecommunications services and established compensation based on access lines in a city as proxy for franchise fees.

The attached presentation is an attempt to further education the governing body on the legislation passed during the 2017 Session and seek direction from Council on changes needed to the City's small cell node regulations.

FINANCIAL IMPLICATIONS:



AGENDA MEMORANDUM

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the information provided and give direction to the City Manager regarding desired changes to the City's small cell node regulations.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Small Cell Antenna - Council Retreat - September 21 2019
2. LOCAL GOVERNMENT CODE CHAPTER 284. DEPLOYMENT OF NETWORK NODES IN PUBLIC...

REVIEWED BY:

Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager
Approved as to form for inclusion on Agenda

Approved - 9/17/2019
Final Approval - 9/17/2019

City Council Retreat
September 21, 2019



Discussion and direction on Small Cell Antenna Manual adopted September 2017

SMALL CELL ANTENNA DESIGN MANUAL

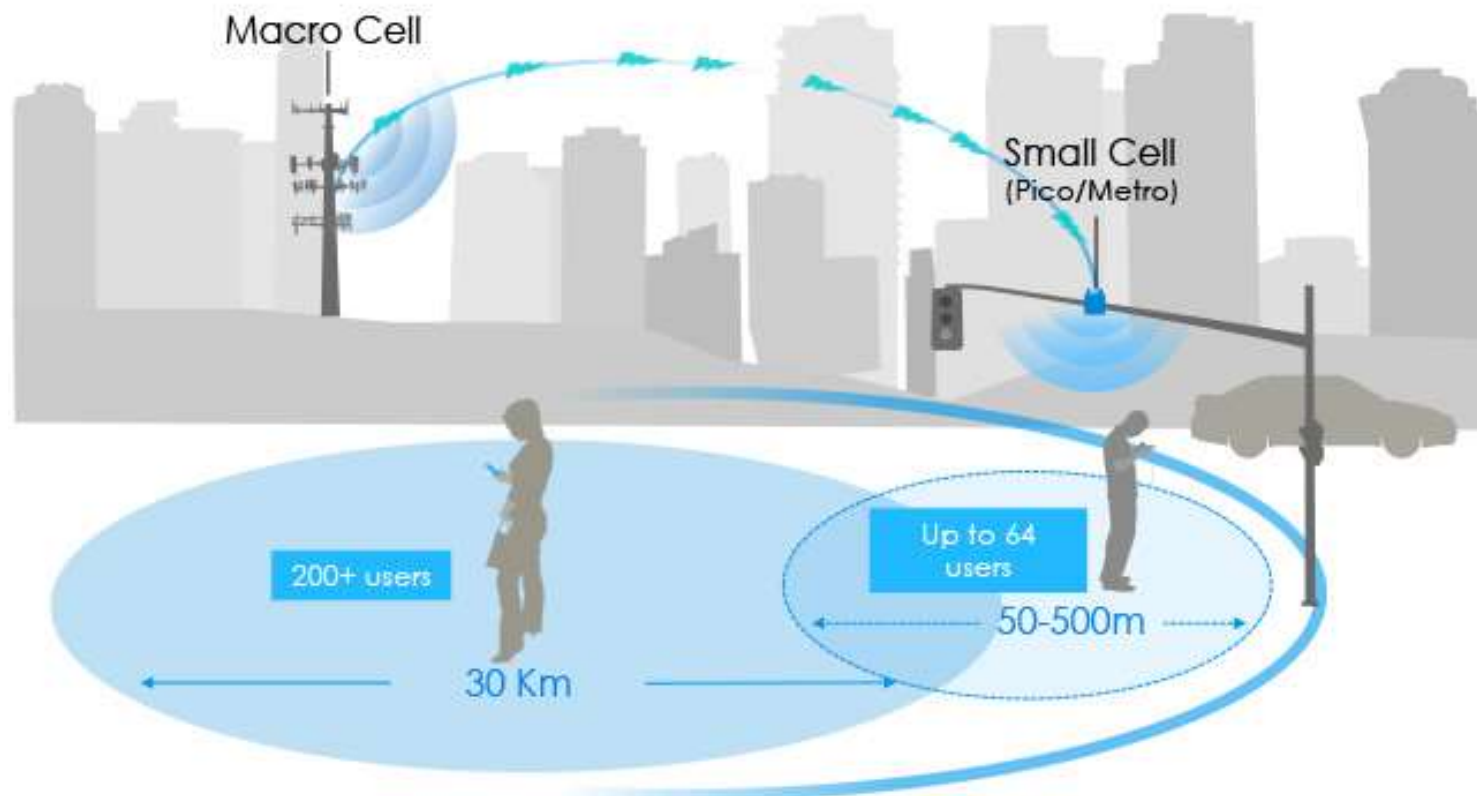
Small Cell Antenna
DESIGN MANUAL
September 6, 2017 Edition

Prepared by Paul Hackleman



WHAT ARE SMALL CELL NODES?

- Mobile phone and voice and data relays placed strategically to add capacity, increase data speeds and enhance area coverage.



TLGC CHAPTER 284 – NETWORK NODES IN ROW



- **Pre-emption of local authority to regulate City Right-of-Way (ROW)**
- **Allows easy deployment of network nodes**
- **Limits fees that cities can collect**
- **Allows attachments to existing or new poles located within public ROW**



TLGC CHAPTER 284 – NETWORK NODES IN ROW

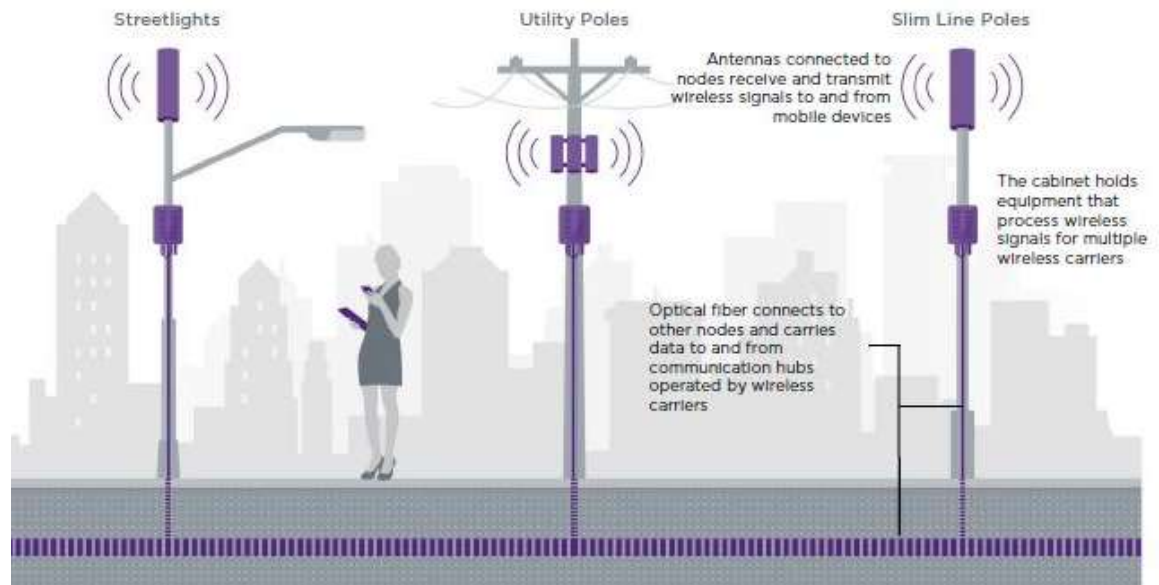


• Sec. 284-108. Design Manual

(a) A municipality may adopt a design manual for the installation and construction of network nodes and new node support poles in the public ROW that includes additional installation and construction details that do not conflict with this chapter.

What Are Small Cell Deployments?

Small cell deployments are complementary to towers, adding much needed coverage and capacity to urban and residential areas, venues, and anywhere large crowds gather



Design Manual – Recommended Changes



- **Change preferred placement of wireless facilities to new poles with lights overhanging street – solar lights preferred and concealed wireless facilities – pole and light to remain if node is removed or out of service**
- **Move the existing utility poles from 1st choice to last choice for wireless facilities to be used only when new poles cannot be placed – may only be enforceable for thoroughfares and streets less than 50 feet wide in residential areas and parks**
- **State all wiring to be internal on new poles**
- **State all electric meters shall be attached to pole**
- **Change drawing scale to 1" = 20'**
- **Call out distance off back of curb for new pole**
- **Allow building official to waive utility offsets when necessary**

Design Manual – Recommended Changes



- **Separation distance between pole to be 100 feet min.**
- **Address color of new poles – not just match surrounding**
- **Call for removal of trees that affect the street lighting**
- **State bury depth of underground facilities**
- **Change no smoking when City Staff or Citizen present to no smoking**
- **Increase fees in accordance with LGC 284**

Questions ???



LOCAL GOVERNMENT CODE

TITLE 9. PUBLIC BUILDINGS AND GROUNDS

SUBTITLE A. MUNICIPAL PUBLIC BUILDINGS AND GROUNDS

CHAPTER 284. DEPLOYMENT OF NETWORK NODES IN PUBLIC RIGHT-OF-WAY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 284.001. FINDINGS AND POLICY. (a) The legislature finds that:

(1) network nodes are instrumental to increasing access to advanced technology and information for the citizens of this state and thereby further an important public policy of having reliable wireless networks and services;

(2) this state has delegated to each municipality the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public, subject to state law;

(3) network nodes often may be deployed most effectively in the public right-of-way;

(4) network providers' access to the public right-of-way and the ability to attach network nodes to poles and structures in the public right-of-way allow network providers to densify their networks and provide next-generation services;

(5) expeditious processes and reasonable and nondiscriminatory terms, conditions, and compensation for use of the public right-of-way for network node deployments are essential to state-of-the-art wireless services and thereby further an important public policy of having reliable wireless networks and services;

(6) network nodes help ensure that this state remains competitive in the global economy;

(7) the timely permitting of network nodes in the public right-of-way is a matter of statewide concern and interest;

(8) requirements of this chapter regarding fees, charges, rates, and public right-of-way management, when considered with fees charged to other public right-of-way users under this code, are fair and reasonable and in compliance with 47 U.S.C. Section 253;

(9) to the extent this state has delegated its fiduciary responsibility to municipalities as managers of a valuable public asset, the public right-of-way, this state is acting in its role as a landowner in balancing the needs of the public and the needs of the network providers by allowing access to the public right-of-way to place network nodes in the public right-of-way strictly within the terms of this chapter; and

(10) as to each municipality, including home-rule municipalities, this state has determined that it is reasonable and necessary to allow access to the public right-of-way for the purposes of deploying network nodes to protect and safeguard the health, safety, and welfare of the public as provided by this chapter.

(b) In order to safeguard the health, safety, and welfare of the public, it is the policy of this state to promote the adoption of and encourage competition in the provision of wireless services by reducing the barriers to entry for providers of services so that the number and types of services offered by providers continue to increase through competition.

(c) It is the policy of this state, subject to state law and strictly within the requirements and limitations prescribed by this chapter, that municipalities:

(1) retain the authority to manage the public right-of-way to ensure the health, safety, and welfare of the public; and

(2) receive from network providers fair and reasonable compensation for use of the public right-of-way and for collocation on poles.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.002. DEFINITIONS. In this chapter:

(1) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(2) "Applicable codes" means:

(A) uniform building, fire, electrical,

plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with this chapter.

(3) "Collocate" and "collocation" mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

(4) "Decorative pole" means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

(5) "Design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(6) "Historic district" means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

(7) "Law" means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

(8) "Macro tower" means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Section [284.103](#) and that supports or is capable of supporting antennas.

(9) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

(10) "Municipally owned utility pole" means a utility pole owned or operated by a municipally owned utility, as defined by Section [11.003](#), Utilities Code, and located in a public right-of-way.

(11) "Municipal park" means an area that is zoned or otherwise designated by municipal code as a public park for the

purpose of recreational activity.

(12) "Network node" means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

(i) equipment associated with wireless communications;

(ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and

(iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

(i) an electric generator;

(ii) a pole; or

(iii) a macro tower.

(13) "Network provider" means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

(i) network nodes; or

(ii) node support poles or any other structure that supports or is capable of supporting a network node.

(14) "Node support pole" means a pole installed by a network provider for the primary purpose of supporting a network node.

(15) "Permit" means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

(16) "Pole" means a service pole, municipally owned utility pole, node support pole, or utility pole.

(17) "Private easement" means an easement or other real property right that is only for the benefit of the grantor and

grantee and their successors and assigns.

(18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

(A) a private easement; or

(B) the airwaves above a public right-of-way with regard to wireless telecommunications.

(19) "Public right-of-way management ordinance" means an ordinance that complies with Subchapter C.

(20) "Public right-of-way rate" means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.

(21) "Service pole" means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

(A) a pole that supports traffic control functions;

(B) a structure for signage;

(C) a pole that supports lighting, other than a decorative pole; and

(D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

(22) "Transport facility" means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

(23) "Utility pole" means a pole that provides:

(A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or

(B) services of a telecommunications provider, as defined by Section [51.002](#), Utilities Code.

(24) "Wireless service" means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

(25) "Wireless service provider" means a person that provides wireless service to the public.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.003. LIMITATION ON SIZE OF NETWORK NODES.

(a) Except as provided by Section 284.109, a network node to which this chapter applies must conform to the following conditions:

(1) each antenna that does not have exposed elements and is attached to an existing structure or pole:

(A) must be located inside an enclosure of not more than six cubic feet in volume;

(B) may not exceed a height of three feet above the existing structure or pole; and

(C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;

(2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:

(A) must fit within an imaginary enclosure of not more than six cubic feet;

(B) may not exceed a height of three feet above the existing structure or pole; and

(C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;

(3) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:

(A) be more than 28 cubic feet in volume; or

(B) protrude from the outer circumference of the existing structure or pole by more than two feet;

(4) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and

(5) pole-mounted enclosures may not be taller than five feet.

(b) The following types of associated ancillary equipment

are not included in the calculation of equipment volume under Subsection (a):

- (1) electric meters;
- (2) concealment elements;
- (3) telecommunications demarcation boxes;
- (4) grounding equipment;
- (5) power transfer switches;
- (6) cut-off switches; and
- (7) vertical cable runs for the connection of power and other services.

(c) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.

(d) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

SUBCHAPTER B. USE OF PUBLIC RIGHT-OF-WAY

Sec. 284.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to activities related to transport facilities for network nodes, activities of a network provider collocating network nodes in the public right-of-way or installing, constructing, operating, modifying, replacing, and maintaining node support poles in a public right-of-way, and municipal authority in relation to those activities.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.052. EXCLUSIVE USE PROHIBITED. A municipality may not enter into an exclusive arrangement with any person for use of the public right-of-way for the construction, operation, marketing, or maintenance of network nodes or node support poles.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1,

eff. September 1, 2017.

Sec. 284.053. ANNUAL PUBLIC RIGHT-OF-WAY RATE. (a) A public right-of-way rate for use of the public right-of-way may not exceed an annual amount equal to \$250 multiplied by the number of network nodes installed in the public right-of-way in the municipality's corporate boundaries.

(b) At the municipality's discretion, the municipality may charge a network provider a lower rate or fee if the lower rate or fee is:

- (1) nondiscriminatory;
- (2) related to the use of the public right-of-way; and
- (3) not a prohibited gift of public property.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.054. PUBLIC RIGHT-OF-WAY RATE ADJUSTMENT. (a) In this section, "consumer price index" means the annual revised Consumer Price Index for All Urban Consumers for Texas, as published by the federal Bureau of Labor Statistics.

(b) A municipality may adjust the amount of the public right-of-way rate not more often than annually by an amount equal to one-half the annual change, if any, in the consumer price index. The municipality shall provide written notice to each network provider of the new rate, and the rate shall apply to the first payment due to the municipality on or after the 60th day following that notice.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.055. USE OF PUBLIC RIGHT-OF-WAY AND APPLICABLE RATE. (a) A network provider that wants to connect a network node to the network using the public right-of-way may:

- (1) install its own transport facilities subject to Subsection (b); or
- (2) obtain transport service from a person that is paying municipal fees to occupy the public right-of-way that are

the equivalent of not less than \$28 per node per month.

(b) A network provider may not install its own transport facilities unless the provider:

(1) has a permit to use the public right-of-way; and

(2) pays to the municipality a monthly public right-of-way rate for transport facilities in an amount equal to \$28 multiplied by the number of the network provider's network nodes located in the public right-of-way for which the installed transport facilities provide backhaul unless or until the time the network provider's payment of municipal fees to the municipality exceeds its monthly aggregate per-node compensation to the municipality.

(c) A public right-of-way rate required by Subsection (b) is in addition to any public right-of-way rate required by Section [284.053](#).

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.056. COLLOCATION OF NETWORK NODES ON SERVICE POLES. A municipality, subject to an agreement with the municipality that does not conflict with this chapter, shall allow collocation of network nodes on service poles on nondiscriminatory terms and conditions and at a rate not greater than \$20 per year per service pole.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.057. PROHIBITION ON OTHER COMPENSATION. A municipality may not require a network provider to pay any compensation other than the compensation authorized by this chapter for the right to use a public right-of-way for network nodes, node support poles, or transport facilities for network nodes.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

SUBCHAPTER C. ACCESS AND APPROVALS

Sec. 284.101. RIGHT OF ACCESS TO PUBLIC RIGHT-OF-WAY.

(a) Except as specifically provided by this chapter, and subject to the requirements of this chapter and the approval of a permit application, if required, a network provider is authorized, as a permitted use, without need for a special use permit or similar zoning review and not subject to further land use approval, to do the following in the public right-of-way:

- (1) construct, modify, maintain, operate, relocate, and remove a network node or node support pole;
- (2) modify or replace a utility pole or node support pole; and
- (3) collocate on a pole, subject to an agreement with the municipality that does not conflict with this chapter.

(b) A network provider taking an action authorized by Subsection (a) is subject to applicable codes, including applicable public right-of-way management ordinances.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.102. GENERAL CONSTRUCTION AND MAINTENANCE REQUIREMENTS. A network provider shall construct and maintain network nodes and node support poles described by Section 284.101 in a manner that does not:

- (1) obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
- (2) obstruct the legal use of a public right-of-way by other utility providers;
- (3) violate nondiscriminatory applicable codes;
- (4) violate or conflict with the municipality's publicly disclosed public right-of-way design specifications; or
- (5) violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.103. GENERAL LIMITATION ON PLACEMENT OF POLES. A network provider shall ensure that each new, modified, or

replacement utility pole or node support pole installed in a public right-of-way in relation to which the network provider received approval of a permit application does not exceed the lesser of:

(1) 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or

(2) 55 feet above ground level.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.104. INSTALLATION IN MUNICIPAL PARKS AND RESIDENTIAL AREAS. (a) A network provider may not install a new node support pole in a public right-of-way without the municipality's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a municipal park or is adjacent to a street or thoroughfare that is:

(1) not more than 50 feet wide; and

(2) adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

(b) In addition to the requirement prescribed by Subsection (a), a network provider installing a network node or node support pole in a public right-of-way described by Subsection (a) shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.105. INSTALLATION IN HISTORIC OR DESIGN DISTRICTS. (a) A network provider must obtain advance approval from a municipality before collocating new network nodes or installing new node support poles in an area of the municipality zoned or otherwise designated as a historic district or as a design district if the district has decorative poles. As a condition for approval of new network nodes or new node support poles in a historic district or a design district with decorative poles, a municipality may require reasonable design or concealment measures for the new network nodes

or new node support poles. A municipality may request that a network provider comply with the design and aesthetic standards of the historic or design district and explore the feasibility of using certain camouflage measures to improve the aesthetics of the new network nodes, new node support poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in a historic district or on a design district's decorative poles.

(b) This section may not be construed to limit a municipality's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. Section 332(c)(7), the requirements for facility modifications under 47 U.S.C. Section 1455(a), or the National Historic Preservation Act of 1966 (54 U.S.C. Section 300101 et seq.), and the regulations adopted to implement those laws.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.106. EQUIPMENT CABINETS. A network provider shall ensure that the vertical height of an equipment cabinet installed as part of a network node does not exceed the height limitation prescribed by Section [284.003](#), subject to approval of the pole's owner if applicable.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.107. COMPLIANCE WITH UNDERGROUNDING REQUIREMENT.

(a) A network provider shall, in relation to installation for which the municipality approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

(b) A requirement or restriction described by Subsection (a) may not be interpreted to prohibit a network provider from

replacing an existing structure.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.108. DESIGN MANUAL. (a) A municipality may adopt a design manual for the installation and construction of network nodes and new node support poles in the public right-of-way that includes additional installation and construction details that do not conflict with this chapter. The design manual may include:

(1) a requirement that an industry standard pole load analysis be completed and submitted to the municipality indicating that the service pole to which the network node is to be attached will safely support the load; and

(2) a requirement that network node equipment placed on new and existing poles be placed more than eight feet above ground level.

(b) A network provider shall comply with a design manual, if any, in place on the date a permit application is filed in relation to work for which the municipality approved the permit application. A municipality's obligations under Section 284.154 may not be tolled or extended pending the adoption or modification of a design manual.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.109. EXCEPTIONS. Subject to Subchapter D, a network provider may construct, modify, or maintain in a public right-of-way a network node or node support pole that exceeds the height or distance limitations prescribed by this chapter only if the municipality approves the construction, modification, or maintenance subject to all applicable zoning or land use regulations and applicable codes.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.110. DISCRIMINATION PROHIBITED. A municipality, in the exercise of the municipality's administrative and regulatory

authority related to the management of and access to the public right-of-way, must be competitively neutral with regard to other users of the public right-of-way.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

SUBCHAPTER D. APPLICATIONS AND PERMITS

Sec. 284.151. PROHIBITION OF CERTAIN MUNICIPAL ACTIONS.

(a) Except as otherwise provided by this chapter, a municipality may not prohibit, regulate, or charge for the installation or collocation of network nodes in a public right-of-way.

(b) A municipality may not directly or indirectly require, as a condition for issuing a permit required under this chapter, that the applicant perform services unrelated to the installation or collocation for which the permit is sought, including in-kind contributions such as reserving fiber, conduit, or pole space for the municipality.

(c) A municipality may not institute a moratorium, in whole or in part, express or de facto, on:

(1) filing, receiving, or processing applications; or

(2) issuing permits or other approvals, if any, for the installation of network nodes or node support poles.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.152. AUTHORITY TO REQUIRE PERMIT. (a) Except as otherwise provided by this chapter, a municipality may require a network provider to obtain one or more permits to install a network node, node support pole, or transport facility in a public right-of-way if the permit:

(1) is of general applicability to users of the public right-of-way;

(2) does not apply exclusively to network nodes; and

(3) is processed on nondiscriminatory terms and conditions regardless of the type of entity submitting the application for the permit.

(b) A network provider that wants to install or collocate multiple network nodes inside the territorial jurisdiction of a single municipality is entitled to file a consolidated permit application with the municipality for not more than 30 network nodes and receive permits for the installation or collocation of those network nodes.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.153. GENERAL PROCESS RELATING TO PERMIT APPLICATION. (a) Except as otherwise provided by this section, a municipality may not require an applicant to provide more information to obtain the permit than a telecommunications utility that is not a network provider is required to provide unless the information directly relates to the requirements of this chapter.

(b) As part of the standard form for a permit application, a municipality may require the applicant to include applicable construction and engineering drawings and information to confirm that the applicant will comply with the municipality's publicly disclosed public right-of-way design specifications and applicable codes.

(c) A municipality may require an applicant to provide:

(1) information reasonably related to the provider's use of the public right-of-way under this chapter to ensure compliance with this chapter;

(2) a certificate that the network node complies with applicable regulations of the Federal Communications Commission; and

(3) certification that the proposed network node will be placed into active commercial service by or for a network provider not later than the 60th day after the date the construction and final testing of the network node is completed.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.154. MUNICIPAL REVIEW PROCESS. (a) A municipality shall process each permit application on a

nondiscriminatory basis.

(b) Not later than the 30th day after the date the municipality receives an application for a permit for a network node or node support pole, or the 10th day after the date the municipality receives an application for a permit for a transport facility, the municipality shall determine whether the application is complete and notify the applicant of that determination. If the municipality determines that the application is not complete, the municipality shall specifically identify the missing information.

(c) A municipality shall approve an application that does not require zoning or land use approval under this chapter unless the application or the corresponding work to be performed under the permit does not comply with the municipality's applicable codes or other municipal rules, regulations, or other law that is consistent with this chapter.

(d) A municipality must approve or deny an application for a node support pole not later than the 150th day after the date the municipality receives the complete application. A municipality must approve or deny an application for a network node not later than the 60th day after the date the municipality receives the complete application. A municipality must approve or deny an application for a transport facility not later than the 21st day after the date the municipality receives a complete application. An application for a permit for a node support pole, network node, or transport facility shall be deemed approved if the application is not approved or denied on or before the applicable date for approval or denial prescribed by this subsection.

(e) A municipality that denies a complete application must document the basis for the denial, including the specific applicable code provisions or other municipal rules, regulations, or other law on which the denial was based. The municipality shall send the documentation by electronic mail to the applicant on or before the date the municipality denies the application.

(f) Not later than the 30th day after the date the municipality denies the application, the applicant may cure the deficiencies identified in the denial documentation and resubmit the application without paying an additional application fee, other

than a fee for actual costs incurred by the municipality. Notwithstanding Subsection (d), the municipality shall approve or deny the revised completed application after a denial not later than the 90th day after the date the municipality receives the completed revised application. The municipality's review of the revised application is limited to the deficiencies cited in the denial documentation.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.155. TIME OF INSTALLATION. (a) A network provider shall begin the installation for which a permit is granted not later than six months after final approval and shall diligently pursue the installation to completion.

(b) Notwithstanding Subsection (a), the municipality may place a longer time limit on completion or grant reasonable extensions of time as requested by the network provider.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.156. APPLICATION FEES. (a) A municipality may charge an application fee for a permit only if the municipality requires the payment of the fee for similar types of commercial development inside the municipality's territorial jurisdiction other than a type for which application or permit fees are not allowed by law.

(b) The amount of an application fee charged by a municipality may not exceed the lesser of:

(1) the actual, direct, and reasonable costs the municipality determines are incurred in granting or processing an application that are reasonably related in time to the time the costs of granting or processing an application are incurred; or

(2) \$500 per application covering up to five network nodes, \$250 for each additional network node per application, and \$1,000 per application for each pole.

(c) In determining for purposes of Subsection (b)(1) the amount of the actual, direct, and reasonable costs, the

municipality may not:

(1) include costs incurred by the municipality in relation to third-party legal or engineering review of an application; or

(2) direct payments or reimbursement of third-party public right-of-way rates or fees charged on a contingency basis or under a result-based arrangement.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.157. CERTAIN WORK EXEMPTED. (a) Notwithstanding any other provision of this chapter, a municipality may not require a network provider to submit an application, obtain a permit, or pay a rate for:

(1) routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;

(2) replacing or upgrading a network node or pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or

(3) the installation, placement, maintenance, operation, or replacement of micro network nodes that are strung on cables between existing poles or node support poles, in compliance with the National Electrical Safety Code.

(b) For purposes of Subsection (a)(2):

(1) a network node or pole is considered to be "substantially similar" if:

(A) the new or upgraded network node, including the antenna or other equipment element, will not be more than 10 percent larger than the existing node, provided that the increase may not result in the node exceeding the size limitations provided by Section 284.003; and

(B) the new or upgraded pole will not be more than 10 percent higher than the existing pole, provided that the increase may not result in the pole exceeding the applicable height limitations prescribed by Section 284.103;

(2) the replacement or upgrade does not include replacement of an existing node support pole; and

(3) the replacement or upgrade does not defeat existing concealment elements of a node support pole.

(c) The determination under Subsection (b)(1) of whether a replacement or upgrade is substantially similar is made by measuring from the dimensions of the network node or node support pole as approved by the municipality.

(d) Notwithstanding Subsection (a):

(1) a municipality may require advance notice of work described by that subsection;

(2) a network provider may replace or upgrade a pole only with the approval of the pole's owner; and

(3) the size limitations may not in any event exceed the parameters prescribed by Section 284.003 without the municipality's approval in accordance with Section 284.109, with the municipality acting on behalf of this state as the fiduciary trustee of public property.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

SUBCHAPTER E. ACCESS TO MUNICIPALLY OWNED UTILITY POLES

Sec. 284.201. USE OF MUNICIPALLY OWNED UTILITY POLES.

(a) The governing body of a municipally owned utility shall allow collocation of network nodes on municipally owned utility poles on nondiscriminatory terms and conditions and pursuant to a negotiated pole attachment agreement, including any applicable permitting requirements of the municipally owned utility.

(b) The annual pole attachment rate for the collocation of a network node supported by or installed on a municipally owned utility pole shall be based on a pole attachment rate consistent with Section 54.204, Utilities Code, applied on a per-foot basis.

(c) The requirements of Subchapters B, C, and D applicable to the installation of a network node supported by or installed on a pole do not apply to a network node supported by or installed on a municipally owned utility pole.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

SUBCHAPTER F. EFFECT ON OTHER UTILITIES AND PROVIDERS

Sec. 284.251. DEFINITIONS. In this subchapter:

(1) "Cable service" and "video service" have the meanings assigned by Section 66.002, Utilities Code.

(2) "Electric cooperative" has the meaning assigned by Section 11.003, Utilities Code.

(3) "Electric utility" has the meaning assigned by Section 31.002, Utilities Code.

(4) "Telecommunications provider" has the meaning assigned by Section 51.002, Utilities Code.

(5) "Telephone cooperative" has the meaning assigned by Section 162.003, Utilities Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.252. EFFECT ON INVESTOR-OWNED ELECTRIC UTILITIES, ELECTRIC COOPERATIVES, TELEPHONE COOPERATIVES, AND TELECOMMUNICATIONS PROVIDERS. Nothing in this chapter shall govern attachment of network nodes on poles and other structures owned or operated by investor-owned electric utilities, electric cooperatives, telephone cooperatives, or telecommunications providers. This chapter does not confer on municipalities any new authority over those utilities, cooperatives, or providers.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.253. EFFECT ON PROVIDERS OF CABLE SERVICES OR VIDEO SERVICES. (a) An approval for the installation, placement, maintenance, or operation of a network node or transport facility under this chapter may not be construed to confer authorization to provide:

(1) cable service or video service without complying with all terms of Chapter 66, Utilities Code; or

(2) information service as defined by 47 U.S.C. Section 153(24), or telecommunications service as defined by 47 U.S.C. Section 153(53), in the public right-of-way.

(b) Except as provided by this chapter, a municipality may not adopt or enforce any regulations or requirements that would require a wireless service provider, or its affiliate, that holds a cable or video franchise under Chapter 66, Utilities Code, to obtain any additional authorization or to pay any fees based on the provider's provision of wireless service over its network nodes.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

SUBCHAPTER G. GENERAL CONDITIONS OF ACCESS

Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS.

(a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

(b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

(c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.302. INDEMNIFICATION. The indemnification provisions of Sections 283.057(a) and (b) apply to a network provider accessing a public right-of-way under this chapter.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. 1004), Sec. 1, eff. September 1, 2017.

Sec. 284.303. RELOCATION. Except as provided in existing

state and federal law, a network provider shall relocate or adjust network nodes in a public right-of-way in a timely manner and without cost to the municipality managing the public right-of-way. Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.

Sec. 284.304. INTERFERENCE. (a) A network provider shall operate all network nodes in accordance with all applicable laws, including regulations adopted by the Federal Communications Commission.

(b) A network provider shall ensure that the operation of a network node does not cause any harmful radio frequency interference to a Federal Communications Commission-authorized mobile telecommunications operation of the municipality operating at the time the network node was initially installed or constructed. On written notice, a network provider shall take all steps reasonably necessary to remedy any harmful interference.

Added by Acts 2017, 85th Leg., R.S., Ch. 591 (S.B. [1004](#)), Sec. 1, eff. September 1, 2017.



AGENDA MEMORANDUM

DATE: July 25, 2019

TO: Honorable City Council Members

FROM: Paul Hackleman, P.E., CFM, Director of Public Works

THROUGH: Andrea Gardner, City Manager

SUBJECT: Discussion and provide direction to the City Manager on speed limits for city streets

BACKGROUND/INFORMATION:

Earlier this year Mayor Pro-Tem Taylor inquired about the possibility of reducing the speed limit within a residential neighborhood. He agreed to hold off action on the item while the legislature was considering the matter. The legislature was unable to pass into law any regulation or approve a law that allowed for the lowering of the default speed limit within a residential neighborhood.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the attached presentation and provide direction to the City Manager regarding the possibility of reducing the speed limit within a residential neighborhood.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Speed limit presentation 2019
2. Speed Limits on Texas Roads-TML - Retreat Handout

REVIEWED BY:

Paul Hackleman, P.E., CFM, Director of Public Works
Andrea Gardner, City Manager

Approved as to form for inclusion on Agenda

Approved - 9/17/2019

Final Approval - 9/17/2019

DISCUSSION & DIRECTION ON CHANGING THE SPEED LIMIT ON CITY STREETS

COUNCIL RETREAT SEPTEMBER 21, 2019



The City of Watauga currently follows the State of Texas Default Speed Limit of 30 mph in a residential neighborhood

To lower a speed limit to 20 mph requires a speed study to be performed and depending on conditions present, the study could recommend an increase of the speed limit as opposed to a reduction on certain streets



SPEED LIMITS ON TEXAS ROADS

Before lowering the speed limit, the city must follow the “Procedures for Establishing Speed Zones,”

- Consider width and condition of the pavement, the usual traffic at the affected area, as well as other circumstances.
- The only instance in which a city may lower a speed limit without a traffic study, to as low as 25 miles per hour, is if the road is:
 - a. In an urban district
 - b. less than four lanes
 - c. not a state highway.

A city should contact the Texas Department of Transportation before conducting a study or attempting to alter the speed limits on state highways within the city limits. A Texas Transportation Commission order declaring a speed limit on a part of a designated or marked route of the state highway system supersedes any conflicting designated speed established by a city. Id. § 545.359.



86TH LEGISLATION (INTRODUCED)

HB 1287

Called for lowering the default speed limit from 30 mph to 25 mph on neighborhood streets.

Dead (5/27/2019)

SB 1023 -Companion Bill to HB 1287

Relating to the prima facie speed limit on certain streets and highways.

Dead (5/27/2019)



SPEED AND PEDESTRIANS



*Drivers are twice as likely to kill a pedestrian on impact if they are traveling at 30 mph (50 km/h) vs. 25 mph (40km/h).**

**Waltz, F.H., Hoefliger, <. And Fehlmann, W., Speed limit reduction from 60 to 50 km/h and pedestrian injuries*





ON ALL RESIDENTIAL STREETS

Options: After legal review, one option might be to install signage at all entry points to the City alerting drivers that the speed limit on residential streets is 25 mph, unless otherwise posted.

Although this may reduce the number of signs required for installation, there will still be costs associated with this procedure.



PARK ZONES



The City of Watauga has received a request to add another “20 mph Park Zone” on Starnes Rd. at the North end of Capp Smith Park.

Funds for a speed study in this years budget are not available.



DIRECTION OPTIONS

- 1. Keep residential speed limits at 30 mph*
- 2. Lower residential streets to 25 mph - \$*
- 3. Lower residential streets to 20 mph - \$*



QUESTIONS?



Speed Limits

Speed limits on Texas roads (including city streets) are generally set by statute. TEX. TRANSP. CODE § 545.352. The statute includes the following speed limits:

Street in Urban District	30 mph
Alley in Urban District	15 mph
Highway Numbered by State Outside Urban District	70 mph 65 mph-night
Other Highway Outside Urban District	60 mph 55 mph-night

The speed limit on most city streets is 30 miles per hour because an “urban district” is land adjacent to and including a highway, if the land has structures that are used for business, industry, or residences and the buildings are located at intervals of less than 100 feet for a distance of at least one quarter mile on each side of the highway. *Id.* (Note: the term “highway” in the statute means any road. Compare to the term “state highway,” which refers to state-owned and operated highways.)

The governing body of a city, for a street in the city, including a state highway, has the same authority to alter the above speed limits as the Texas Transportation Commission has for an officially designated or marked highway of the state highway system. However, the governing body of a city may not establish a speed limit of more than 60 miles per hour. *Id.* § 545.356.

A city may lower the state-mandated speed limit by performing an engineering and traffic investigation and determining that the prima facie speed limit is unreasonable or unsafe for that road. *Id.* § 545.353. If requested by the school, the city must hold a public hearing at least once each calendar year to consider prima facie speed limits on a highway in the city, including a state highway, near the school or institution of higher education. *Id.* § 545.357.

Before lowering the speed limit, the city must follow the “Procedures for Establishing Speed Zones,” which can be found at the Texas Department of Transportation’s Web site at <http://www.dot.state.tx.us/publications/traffic/szn.pdf>, and consider width and condition of the pavement, the usual traffic at the affected area, and other circumstances. *Id.* The only instance in which a city may lower a speed limit without a traffic study, to as low as 25 miles per hour, is if the road is in an urban district, is less than four lanes, and is not a state highway. A city should contact the Texas Department of Transportation before conducting a study or attempting to alter the speed limits on state highways within the city limits. A Texas Transportation Commission order declaring a speed limit on a part of a designated or marked route of the state highway system supersedes any conflicting designated speed established by a city. *Id.* § 545.359.

A speed limit that is altered by a city is effective when the governing body erects signs giving notice of the new limit. *Id.* § 545.357. Cities do not have the authority to alter speed limits outside of city boundaries.

The Texas Manual on Uniform Traffic Control Devices provides some guidelines for installing speed limit signs. Section 2B.18 states that speed limit signs should be placed: (1) where the speed limit changes; and (2) beyond major intersections and at other locations where it is necessary to remind road users of the correct speed limit.

More information on altering speed limits is available at the Texas Department of Transportation's Web site at www.dot.state.tx.us.



AGENDA MEMORANDUM

DATE: July 9, 2019

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and provide direction to the City Manager on the capital projects and debt process with emphasis on the arbitrage impacts to the City

BACKGROUND/INFORMATION:

Over the past 15 months, questions have been asked by members of the City Council regarding the delay between debt issuance and capital project start dates. Other items of equal importance require explanation to ensure the City Council is fully aware of all facets surrounding debt issuance and capital project processes.

The information provided on Arbitrage Rebate was cited from Internal Revenue Service codes.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council receive the information provided and give the City Manager direction on appropriate items.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Arbitrage rebate presentation

REVIEWED BY:

Andrea Gardner, City Manager

Final Approval - 9/16/2019

Approved as to form for inclusion on Agenda



ARBITRAGE REBATE

How it relates to capital
projects, debt and
investments



WHAT IS ARBITRAGE REBATE?

- A tax of the profit earned from arbitrage that must be rebated 100% to the Federal Government.



ARBITRAGE REBATE

- Under the arbitrage rebate and yield regulations, interim payment of excess earnings above the Bond Yield are required to be paid to the United States Treasury within sixty (60) days of each five-year anniversary date and after the final redemption.
- Simply put, that means, any interest earnings on bond proceeds invested above the bond yield will have to be “rebated” to the United States Government.



WHAT FUNDS ARE SUBJECT TO REBATE?

- Cost of issuance account
- Construction fund
- Capitalized interest account and/or debt service
- If any of these accounts are invested with a yield higher than the bond yield there is a chance for arbitrage.
 - The rate of return for each of these accounts can be blended together, often times resulting in no liability at all.
- Rebate liability can be generated if all of the bond proceeds together earn a net investment yield above the bond yield.



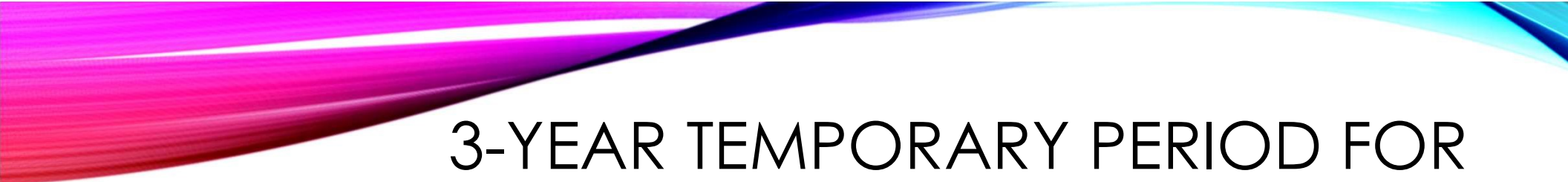
EXCEPTIONS TO REBATE

- Temporary Period Exceptions – Exceptions Subject to a Time Limit
- Spending Exceptions



TEMPORARY PERIOD EXCEPTIONS

- During a “temporary period,” the issuer may invest bond proceeds at a unrestricted yield without causing the bonds to be arbitrage bonds under the yield restriction rules.
- The length of the “temporary period” depends on the purpose (use) for which the bonds are issued and the type of investment (or fund) that holds the proceeds.



3-YEAR TEMPORARY PERIOD FOR CAPITAL PROJECTS

- The 3-Year Temporary Period is available for bond proceeds deposited in a construction or project fund when those proceeds are expected to be allocated to acquisition or construction costs of a capital project.
- The temporary period begins on the date the bonds are issued and ends 3 years later.
- The 3-Year Temporary Period may be extended for another 2 years (a total of 5 years), if a licensed architect or engineer certifies that more than 3 years are necessary to complete the capital project.
- The capital project fund should include the net sale proceeds (issuance less the issuance costs) and investment proceeds (monies received from investing the proceeds until utilized).



3-YEAR TEMPORARY PERIOD

- The 3-Year Temporary Period applies as long as the issuer reasonably expects as of the issue date to:
 - Allocate at least 85% of the bond's net sale proceeds for expenditures on the capital project within three years of the bond's issue date,
 - Have a binding obligation to a third party within 6 months of the bond's issue date to allocate at least 5% of the net sale proceeds to expenditures for the capital project, and
 - Proceed toward completing the project and allocating the net sale proceeds to expenditures with due diligence.



SPENDING EXCEPTIONS

- 6-Month Spending Exception
- 18-Month Spending Exception
- 2-Year Spending Exception



6-MONTH SPENDING EXCEPTION

- Generally, the issuer must meet the following requirements:
 - The issuer must allocate the gross proceeds to expenditures for the governmental purposes of the issue within the 6-month period beginning on the issue date.
 - The issuer meets the rebate requirements for this issue's proceeds not covered by the 6-month exception.
- When an issuer satisfies the requirements for the 6-month spending exception, it may retain earnings on only the gross proceeds specifically described by the exception.



18-MONTH SPENDING EXCEPTION

- An issuer satisfying the requirements of the 18-month spending exception may retain certain investment earnings during that 18-month period starting on the issue date.
- Three requirements are:
 - Issuer must allocate gross proceeds to expenditures for a governmental purpose of the bonds under the following schedule, with the periods starting on the issue date of the bonds:
 - At least 15% of proceeds are allocated within 6 months
 - At least 60% within 12 months, and
 - 100% within 18 months
 - The issuer must meet the rebate requirement for all proceeds not required to spent within the 18-month spending period.
 - All the bond's gross proceeds, must also qualify for the 3-year temporary period available under the yield restriction requirements.



2-YEAR SPENDING EXCEPTION

- The IRS allows unlimited earnings on Construction Bond Proceeds if a spending schedule is followed.
- If at least 75% of the construction proceeds are used for construction on property owned by the municipality and the proceeds are spent as follows:
 - At least 10% in 6 months
 - At least 45% in 12 months
 - At least 75% in 18 months
 - 100% in 24 months
- All earnings on construction proceeds are exempt from arbitrage rebate, meaning even the interest earnings can be used for project.



SPENDING EXCEPTION TO REBATE

- IF ALL SPENDING RULES ARE NOT MET:
 - The fund is subject to arbitrage rebate.
 - The account will be analyzed to determine if the investment yield was greater than the bond yield.
 - This calculation will be merged with the earnings of the other funds.
 - If the net investment earnings are still above the bond yield then arbitrage rebate is due.
 - The amount of arbitrage rebate due is **only** the portion of earnings above the bond yield.
 - The arbitrage rebate liability is never the original amount deposited into the account. It is only a portion of the interest earned.



SPENDING EXCEPTION

- The IRS intended the Spending Exception to encourage institutions to spend the bond proceeds quickly.
- It was not intended to penalize institutions for not spending quickly enough.
- Even if the spending schedule is not followed, the only way a rebate liability can be generated is if the funds are invested above the bond yield.
 - Even then the liability can only be a portion of the interest earned on an account.



REBATE AMOUNTS AND PAYMENTS

- The rebate rules require that certain arbitrage earnings (rebate) be paid to the US Treasury.
- Generally, an issuer must compute and pay rebate owed at least once every five years over the life of the bond issue.
- The final computation date is the date the bond issue is fully discharged.
- On a computation date, if the issuer determines that it owes rebate, it files a Form 8038-T with the IRS and pays the required rebate amount generally within 60 days of the computation date.
 - If an interim computation date calculation is completed and determined a rebate is owed, the issuer must submit at least 90% of the rebate amount due within 60 days.
 - If the computation date is the final computation date, the issuer must submit 100% of the rebate amount.



HOW DOES WATAUGA RECORD BOND PROCEEDS?

- When bonds are issued, the bond proceeds, issuance costs, investment earnings and project expenditures are captured/recorded in Fund 07, Capital Projects Fund.
- Debt on the bonds is paid from the Debt Service Fund, Fund 03.
- The City contracts with a consultant to calculate the arbitrage for each issuance.
- The City utilizes form 8038-T upon bond issuance and for filing arbitrage reports.
- The City invests bond proceeds based on the Finance Departments expectation of when the proceeds will be spent.



WHAT CHANGES ARE FORTHCOMING?

- City Manager created a Bond Fund Review Committee that consists of Department Heads.
 - Will begin meeting monthly starting in January 2020.
- Purpose of the meetings:
 - Educate department heads on arbitrage, ensure all parties are aware of project status to provide a greater guarantee of how long the funds should be invested and if proceeds are being spent to limit the City's exposure to arbitrage rebate requirements.
 - Will educate department heads on the use of Reimbursement Resolutions.
 - Timing for project inclusion in a bond issuance will be reviewed and discussed.
 - Require department heads to complete with the project team, a basic cash flow statement for each project proposed for bond issuance.



WHAT DIRECTION IS NEEDED FROM COUNCIL?

- Decide if interest earnings on the invested bond proceeds should be utilized for the capital project.
- Decide if the City should continue use of the Investment Advisory Services for investment purposes.
 - Current agreement expires on December 31, 2020.
 - Option to provide 30 days written notice of cancellation.
- Determine if Reimbursement Resolutions are an acceptable approach for rebate management purposes.
- Decide if the City should continue utilizing Arbitrage Rebate Calculation services.



AGENDA MEMORANDUM

DATE: September 11, 2019

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and provide direction on a fleet maintenance program through Enterprise Fleet

BACKGROUND/INFORMATION:

City staff has been working with Enterprise Fleet since the new calendar year but were unable to complete in sufficient time to allow for presentation and discussion with the Council prior to submittal of the City Manager's Proposed Budget.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the information received and presented and provide direction to the City Manager.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Enterprise Fleet-Watauga Presentation (002)

REVIEWED BY:

Andrea Gardner, City Manager

Final Approval - 9/16/2019

Approved as to form for inclusion on Agenda

enterprise

FLEET MANAGEMENT



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Current Texas Partners



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Partnerships Established in
Last 30-Days



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Client Testimonial – City of Commerce

SPOTLIGHT

City talks benefits, savings of fleet replacement program

Ryan Scott Jul 13, 2019

"After a complete evaluation of the existing fleet, we reduced our total number of fleet, eliminating under utilized vehicles within our fleet taking our total number of vehicles from 65 to 45," the email read. "We were able to replace 22 vehicles within the first full year of the plan."

Under the plan, the remaining 23 vehicles would be replaced over the next four years. After that, the vehicles replaced this year will be replaced with new ones, and the cycle would continue, drastically cutting down the life-cycle for the city's fleet.

The newer vehicles bring savings with regard to maintenance costs as well, with the city claiming that thousands of dollars have been saved already in the first year of the program.

"The biggest actualized savings we have received from the program is in the area of maintenance cost," the city email read. "For emergency vehicles, prior 12 months to the agreement - \$25,956. In the first 12 months of the agreement we've spent \$4,732. [For] non-emergency vehicles, prior - \$37,896. Now - \$12,078."



Nearly half of the city's fleet of vehicles have been replaced since the adoption of a new leasing program.

Ryan Scott / Commerce Journal

Reduced Maintenance Expense by 73% & Fleet Size by 30%

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State of Affairs

Tasked to do more with less

- ▶ **Fiscally Stressed**
- ▶ **Limitations on Revenue Sources, SB2**
- ▶ **Underfunded and Unfunded State Mandates**
- ▶ **Post-Employment Benefits**

MAJOR BUDGETARY ISSUES AND OPERATIONAL TRENDS:

- Staffing levels continue to be an issue due to fewer officers and acceptable candidate applications
- Maintaining personnel salaries within market
- Aging **fleet** replacements in a continuing effort to create a safe environment for the public and staff
- Replace aging technology infrastructure (in car cameras and computers)

FY2018-2019 GOALS/ OBJECTIVES:

- Continue certifications and education for the automotive technicians
- Stay current with the increasing technology demands for Fleet Services
- Increase inventory accountability

MAJOR BUDGETARY ISSUES AND OPERATIONAL TRENDS:

- Expanding Fleet Services shop to accommodate the trending pattern of larger equipment
- Continuous fluctuation of fuel prices
- Gauging fuel and lubricant usage

Observations

- **Demands on city staff and services require increased utilization and operation efficiency**
- **Capital demands to keep pace with growth will continue to stress the budget**

State of the Fleet – Demand on Technicians

FY2018-2019 GOALS/ OBJECTIVES:

- Continue certifications and education for the automotive technicians
- Stay current with the increasing technology demands for Fleet Services
- Increase inventory accountability

MAJOR BUDGETARY ISSUES AND OPERATIONAL TRENDS:

- Expanding Fleet Services shop to accommodate the trending pattern of larger equipment
- Continuous fluctuation of fuel prices
- Gauging fuel and lubricant usage

FY2018-2019 GOALS/ OBJECTIVES:

- Continue certifications and education for the automotive technicians
- Stay current with the increasing technology demands for Fleet Services
- Increase inventory accountability

PERFORMANCE MEASURES / SERVICE LEVELS

Input / Demand	Actual 16-17	Budget 17-18	Estimated 17-18	Budget 18-19
Work orders completed	733	800	800	800
Gallons of fuel dispensed	67,556	80,000	80,000	80,000
Output / Workload	Actual 16-17	Budget 17-18	Estimated 17-18	Budget 18-19
Number of preventative maintenance inspections per month	29	25	25	25
Number of vehicles and equipment maintained	240	240	240	240
Training classes attended	16	15	15	15

- Work Order/Technician
 - $800 / 3 = 267/\text{year}$
- Work Order/Technician/Week
 - $267 / 50 \text{ weeks} = 5.3 / \text{week}$
- Avg. Labor Hours Per Work Order Per Technician
 - $40 / 5.3 = 7.6$

Observations

- Continued growth will drastically increase the demand on city fleet maintenance staff. This will result in the need to increase funding for staff to keep pace with repair/maintenance demands
- Increased demand will require the city to increase funding for facilities, tools & equipment
- Vehicle advancements will require the city to increase funding for training of fleet maintenance staff to keep pace with vehicle technology

State of the Fleet – Future Financial Requirements

CAPITAL OUTLAY SUMMARY - CATEGORY/TYPE FY2020-FY2024

CATEGORY/TYPE	2019-20		2020-21		2021-22		2022-23		2023-24		Totals	
	#	COST	#	COST	#	COST	#	COST	#	COST	#	COST
VEHICLES												
AMBULANCE	-	-	1	350,000	-	-	-	-	-	-	1	350,000
ATV	1	20,000	-	-	1	10,000	-	-	-	-	2	30,000
EMERGENCY CAR	1	60,000	5	300,000	1	60,000	1	60,000	3	170,000	11	650,000
LIGHT DUTY TRUCK	5	295,000	5	260,000	4	161,000	3	118,000	6	292,600	23	1,126,600
HEAVY DUTY TRUCK	-	-	1	100,000	-	-	2	250,000	2	700,000	4	950,000
MEDIUM DUTY TRUCK	-	-	-	-	-	-	-	-	1	80,000	1	80,000
MOTORCYCLE	-	-	1	30,000	1	30,000	1	30,000	-	-	3	90,000
PASSENGER CAR	2	80,000	-	-	2	57,000	2	80,000	-	-	6	217,000

	HISTORY	PROJECTED YEAR		PROJECTED YEAR	
	2016-17 Actual	2017-18 Budget	2017-18 Estimate	2018-19 Budget	2018-19 Projected
Fleet Maintenance	175,797	187,100	186,381	203,800	202,719

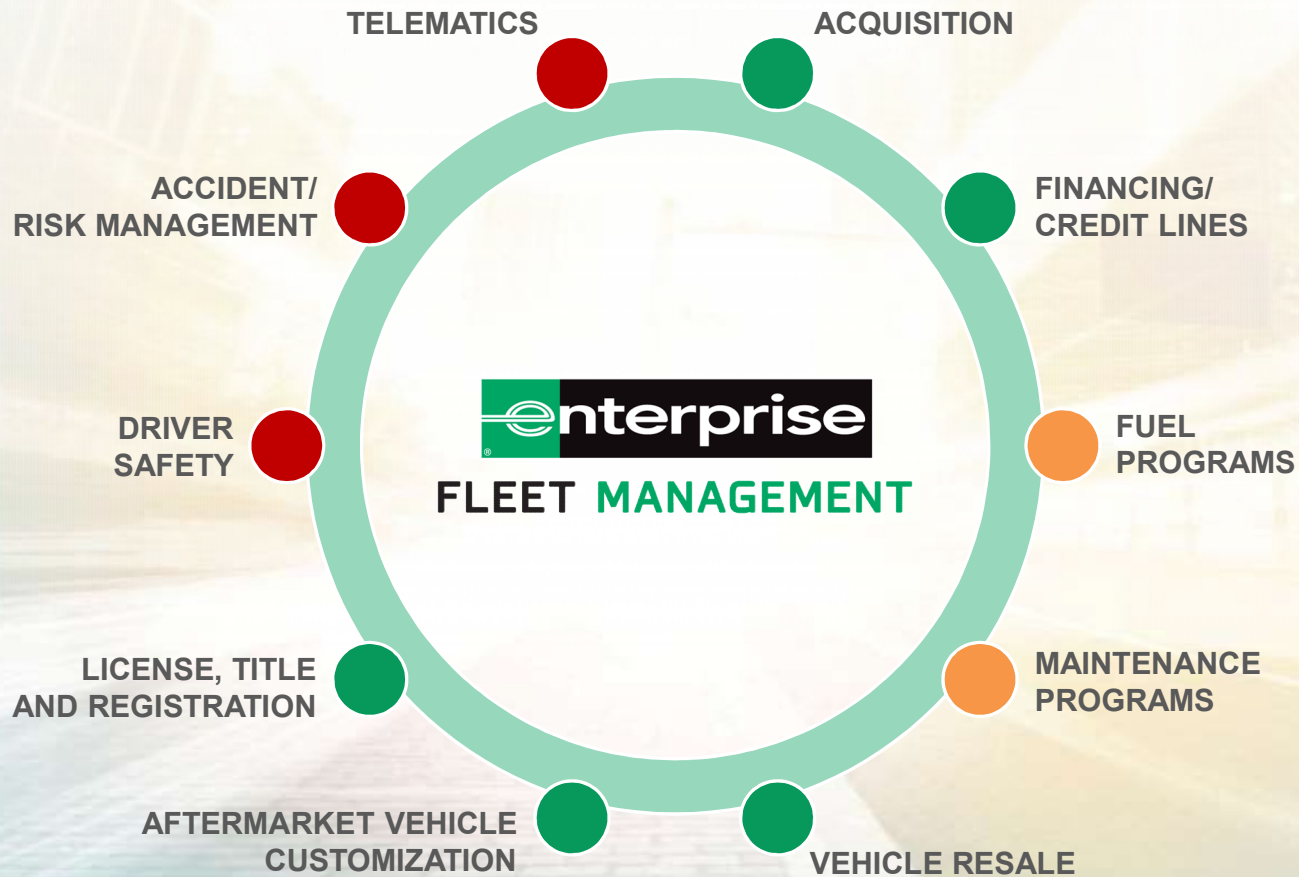
DEPARTMENT: PUBLIC WORKS						
DIVISION / ACTIVITY: FLEET SERVICES - FUND 01-097						
EXPENDITURES	2015-2016 ACTUAL	2016-2017 ACTUAL	2017-2018 ACTUAL	2018-2019 BUDGET	2018-2019 PROJECTED	2019-2020 BUDGET
Personnel	\$125,685	\$139,572	\$152,703	\$159,000	\$158,864	\$161,150
Supplies	\$561	\$24,402	\$20,249	\$19,000	\$19,500	\$21,000
Maintenance	\$3,439	\$2,010	\$2,556	\$2,500	\$1,300	\$2,500
Contractual/Sundry	\$6,359	\$9,812	\$9,814	\$12,300	\$11,955	\$13,800
Capital Outlay	\$3,661	\$0	\$0	\$11,000	\$11,100	\$0
TOTAL	\$139,705	\$175,796	\$185,321	\$203,800	\$202,719	\$198,450

	2019-20		2020-21		2021-22		2022-23		2023-24		Totals	
Vehicles	#	Cost	#	Cost	#	Cost	#	Cost	#	Cost	#	Cost
Emergency Car	1	\$60,000	5	\$300,000	1	\$60,000	1	\$60,000	3	\$170,000	11	\$650,000
Light Duty Truck	5	\$295,000	5	\$260,000	4	\$161,000	3	\$118,000	6	\$292,600	23	\$1,126,600
Medium Duty	-	-	-	-	-	-	-	-	1	\$80,000	1	\$80,000
Passenger Car	2	\$80,000	-	-	2	\$57,000	2	\$80,000	-	-	6	\$217,000
Totals	8	\$435,000	10	\$560,000	7	\$278,000	6	\$258,000	10	\$542,600	41	\$2,073,600

Model Year	Current COP	Downsize	Future COP
95-00	3	2	0
01-05	3	5	1
06-10	7	1	0
11-15	26	8	6
16-19	2	0	16
Total	41	16	24

Current	Expense/FY	2019-20	2020-21	2021-22	2022-23	2023-24	Totals
	Capital	\$435,000	\$560,000	\$278,000	\$258,000	\$542,600	\$2,073,600
	Est. Maint/Repair	\$150,300	\$150,300	\$150,300	\$150,300	\$150,300	\$751,500
	Est. Fuel	\$106,448	\$106,448	\$106,448	\$106,448	\$106,448	\$532,240
	Total	\$691,748	\$816,748	\$534,748	\$514,748	\$799,348	\$3,357,340

DELIVERING SOLUTIONS. DRIVING RESULTS



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FLEET RESOURCES



Dallas | Fort Worth



39

*IN DFW DEDICATED TO
OUR CLIENTS
DAY-TO-DAY BUSINESS*

650

*DEDICATED TO
FLEET
OPERATIONS*

215

*DEDICATED TO
SERVICE &
MAINTENANCE*

416

*YEARS OF COMBINED
SERVICE*

175

*DEDICATED TO
VEHICLE ACQUISITION
LICENSE & TITLE*

65

*DEDICATED TO
LOSS CONTROL/
RISK MANAGEMENT*

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DEDICATED ACCOUNT TEAM



Primary Team

Account Manager

- High Level Fleet Planning
- Fleet Replacement Strategy
- Annual Client Review

Account Fleet Coordinator

- Day to Day contact

EFMC

- Delivery Coordinator
- Aftermarket

Local Resources

Director of Fleet Management
Bryan St. Eve

Finance Manager
Phil Bevel

Fleet Strategy Manager
Craig Ternes

Fleet Operations Center

Vehicle Acquisition Team

License & Title Team

National Service Department

Risk Management Team

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Fleet Planning Tool Kit

Purchase the right vehicle at the right cost:

- Online vehicle selector allowing Enterprise to compare up to 6 vehicles side-by-side
- Integrate all costs for a total cost analysis: *monthly vehicle costs, replacement schedules, maintenance, taxes, fuel, etc.*
- Determine the best time to replace your vehicles



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REMARKETING TEAM

Capital



800 DEDICATED
REMARKETING EMPLOYEES



150 REMARKETING
LOTS IN NORTH AMERICA

IN 2019, ENTERPRISE
SOLD OVER
1,200,000
VEHICLES.



■ AUCTION **15%**
■ DIRECT TO
DEALER **85%**

19,000+
UNIQUE BUYERS



COMMERCIAL SALES
EXCEEDED AT AN
AVERAGE OF
110.4%
of
BLACK BOOK (CVI).

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Funding – Example – Equity Lease vs. Finance

Acquisition Cost
\$30,000

Finance

Equity Lease

Resale Value at Term
\$12,000
(48-Months)

Total Principal Payments
\$30,000
Equity at Term
\$12,000

Total Principal Payments
\$21,500
Equity at Term
\$3,500

Reduced Monthly Payment of **\$177**

Holding Strategy

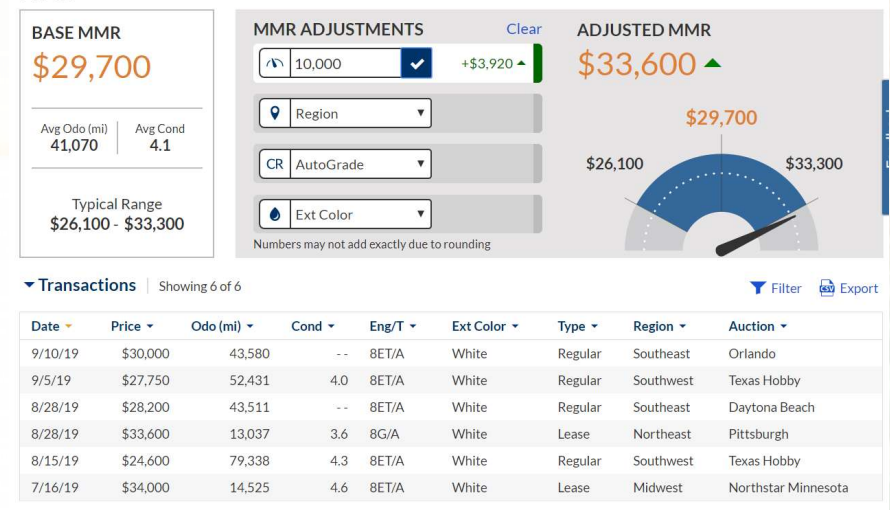


Silverado 2500 LD WT 4x4 Crew Cab

Government Buy	\$27,632
Resale Credit in 12-months	(\$28,000)
Hold Cost	(\$337)

2018 CHEVROLET 2500HD SILVERADO 4WD V8 FFV CREW CAB 6.0L WORK TRUCK

MMR



Express 2500 Work Van

Government Buy	\$22,611
Resale Credit in 12-months	(\$22,600)
Hold Cost	\$11



Malibu LS

Government Buy	\$17,628
Resale Credit in 12-months	(\$16,800)
Hold Cost	\$828

* Based on 7,000 average annual miles

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OPERATING EXPENSES

Maintenance

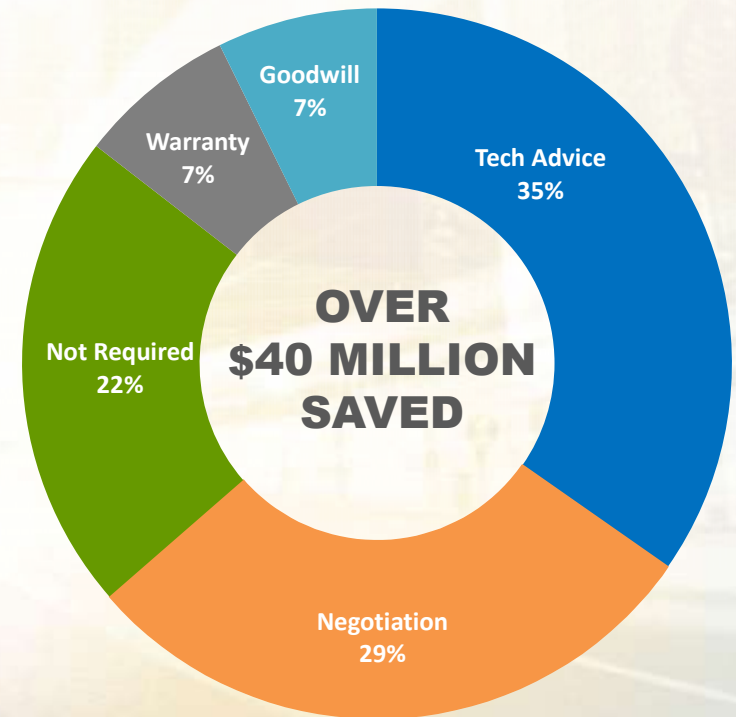


Full Maintenance

- Fixed monthly rate
- Simple process for all parties
- Includes: 24/7 Roadside, all major and minor repairs

Maintenance Management

- “Bridge” program for currently owned fleet vehicles
- Seamless experience for field drivers



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MAINTENANCE LOCATIONS



77 MAINTENANCE AND REPAIR LOCATIONS NEAR "76148"

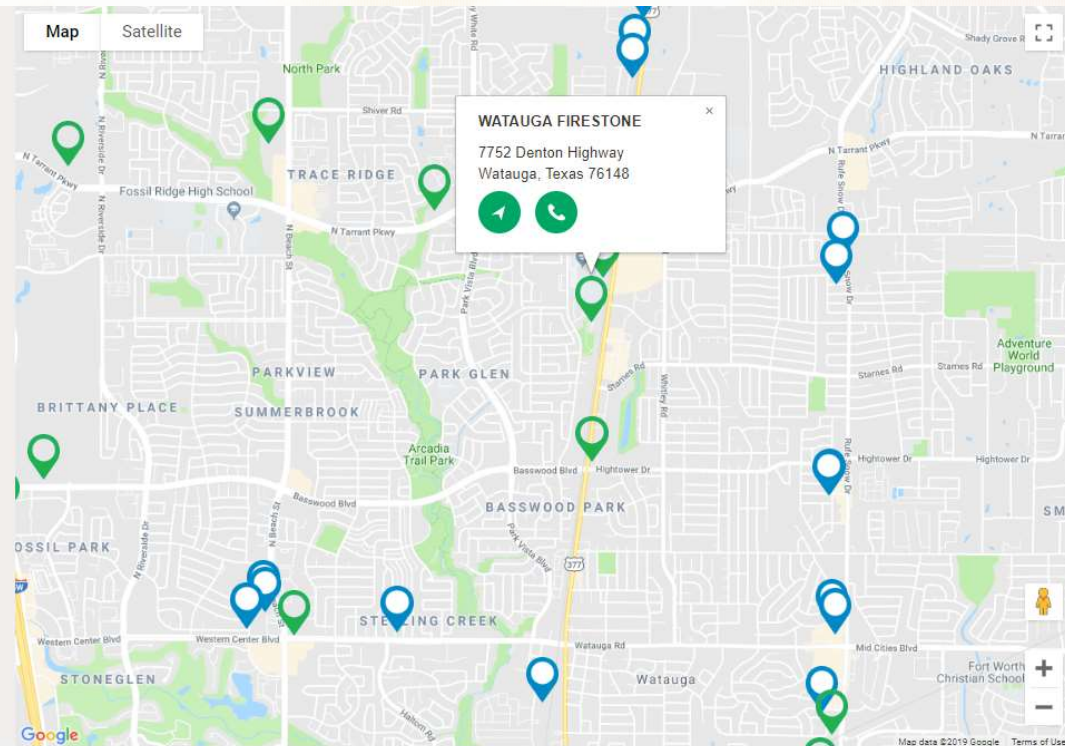
Not what you're looking for? [Search again](#)

SHOWING: ☒ Preferred Partner (43) ☒ Partner (34)

**TONY CAR WASH AND LUBE**
5708 Hightower Drive
Watauga, Texas 76148
[Telephone: 817-656-2373](tel:817-656-2373)

**RUFÉ SNOW FIRESTONE**
5758 Rufe Snow Dr
N. Richland Hills, Texas 76180
[Telephone: 817-281-0127](tel:817-281-0127)

**JIFFY LUBE # 3756**
5619 Rufe Snow Drive
North Richland Hills, Texas 76180



KWIK KAR LUBE & TUNE
7904 Denton Hwy
Watauga, Texas 76148

WATAUGA FIRESTONE
7752 Denton Highway
Watauga, Texas 76148

MIDAS 5139
6745 Rufe Snow Dr
Watauga, Texas 76148

GOODYEAR AUTO CENTER
6743 Rufe Snow Rd
Watauga, Texas 76148

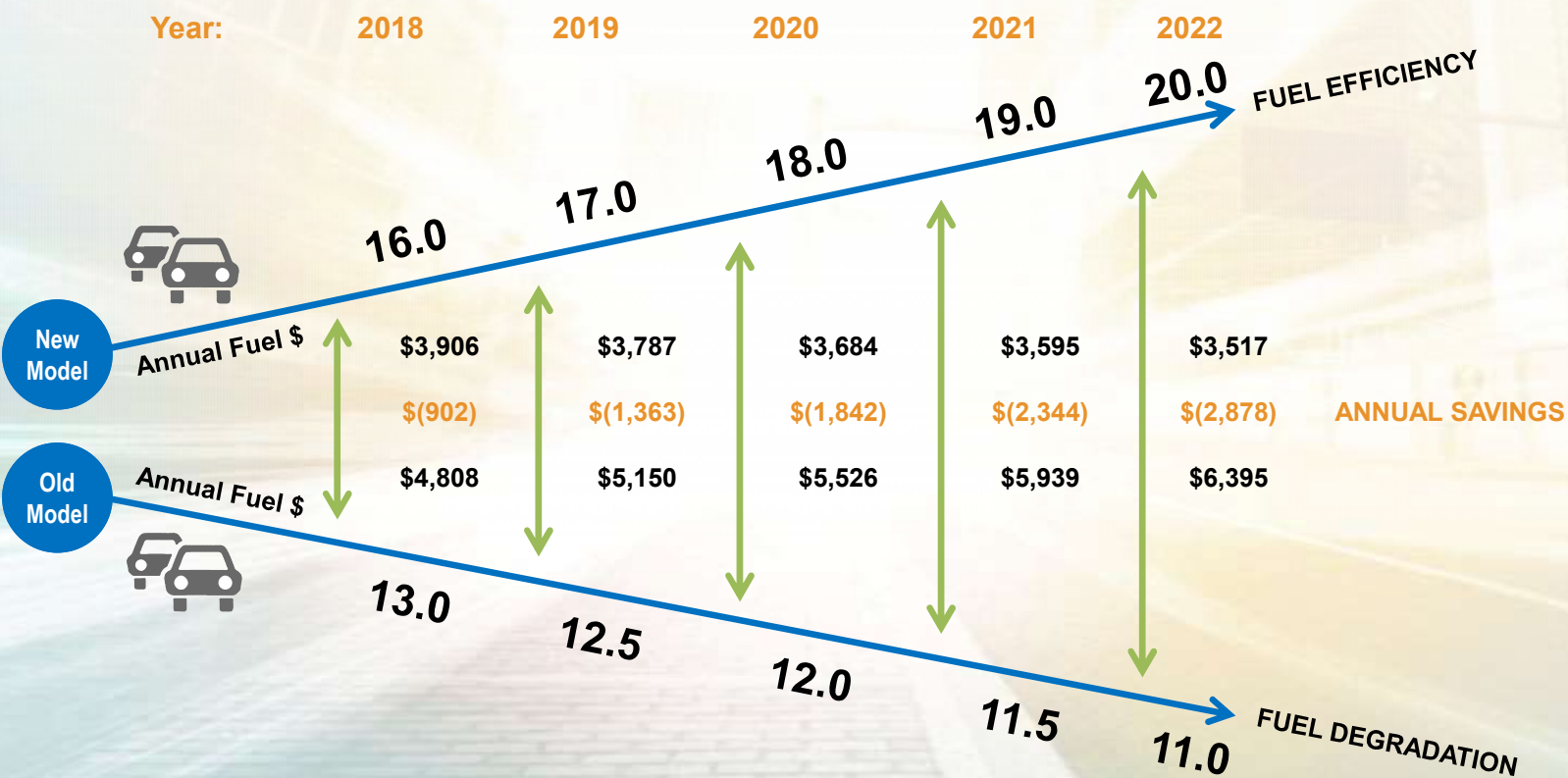
TONY CAR WASH AND LUBE
5708 Hightower Drive
Watauga, Texas 76148

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IMPROVING FUEL ECONOMY (VEHICLE MPG CHANGE & FUEL DEGRADATION)

Effects of Newer Fuel Efficient Models vs Fuel Degradation in Older Models



Assuming an Avg. PPG of \$2.50 and 3% inflation increase per year
Assuming Annual mileage of 25K per Year

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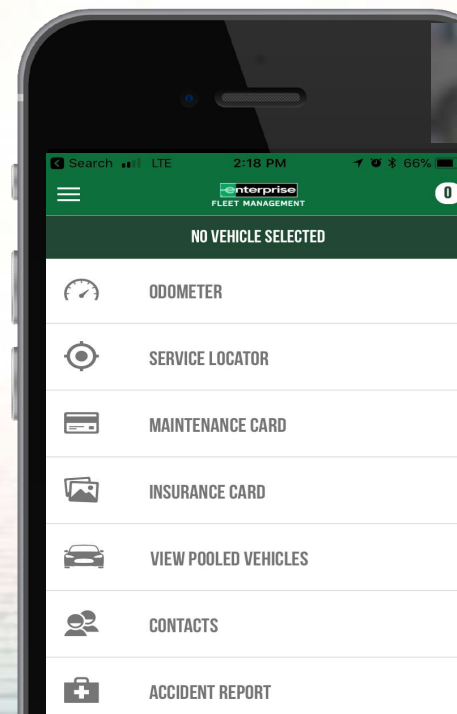
RESOURCES

Driver Resources

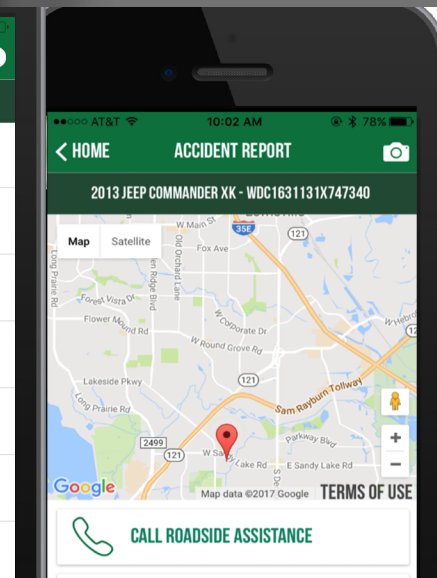


Mobile App Features

- Fuel Locator
- Maintenance Locator
- Accident Reports
- Order Status
- Roadside Assistance
- Reminders
- Vehicle Information
- Contact Information



Direct your drivers to the **fastest**,
most **efficient** repair shops!



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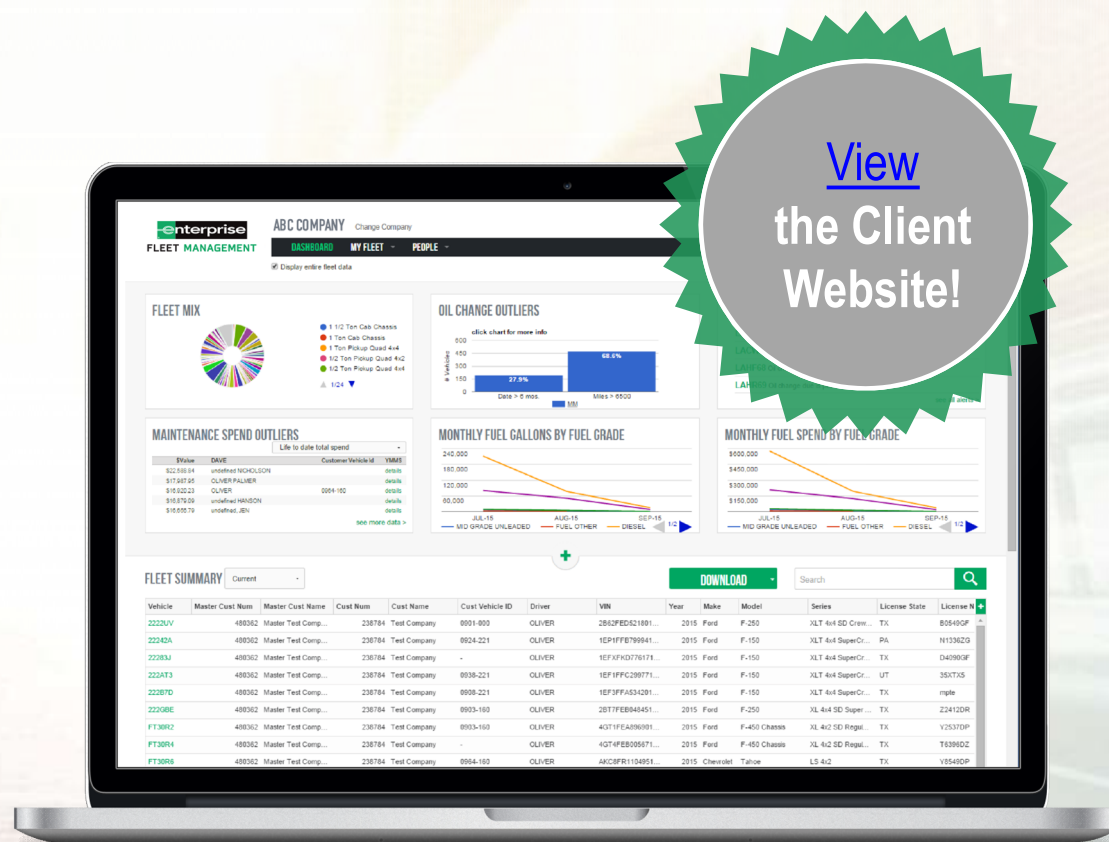
RESOURCES

Fleet Technology



Client Website

- Visibility and tracking of vehicle data
- Customized dashboards with easy reporting
- Real-time alerts
- Simplify accounting processes with vehicle descriptors
- Self-service features including *driver changes, vehicle descriptors, mileage information and more*
- Assign unlimited unique identifiers to each vehicle to simplify routine tasks and vehicle categorization



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Fleet Planning Analysis

CITY OF WATAUGA - ENTIRE FLEET

Current Fleet			81		Fleet Growth			-19.75%		Proposed Fleet			65	
Current Cycle			8		Annual Miles			7,373		Proposed Cycle			3.1	
Est. Current Maint.			\$155		Cost of Fuel			\$1.85		Est. New Vehicle Fuel Economy			14	
Current Fuel Economy			12		Percentage of Idle Time			70%		Est. New Vehicle Maint			\$57	
Fleet Mix						Fleet Cost						Annual		
Fiscal Year	Fleet Size	Annual Needs	Owned	Leased	Purchase	Lease*	Upfront Aftermarket	Est. Maintenance	Fuel	Equity	Fleet Budget	Net Difference		
Current	81	12.9	81	0	433,473	0	22,270	150,300	106,448	0	712,491			
2019	65	48	17	48	0	426,010	169,963	69,166	97,181	-332,018	430,301	282,189		
2020	65	31	15	50	0	447,283	17,850	67,104	97,129	-139,593	489,774	222,717		
2021	65	32	13	52	0	468,186	32,527	64,181	97,009	-129,593	532,310	180,180		
2022	65	29	13	52	0	468,186	10,000	64,181	97,009	-109,676	529,700	182,790		
2023	65	38	7	58	0	529,885	84,250	54,844	96,929	-169,593	596,316	116,174		
2024	65	54	0	65	0	603,718	254,813	44,611	96,929	-339,729	660,343	52,148		
2025	65	32	0	65	0	603,718	12,500	44,611	96,929	-170,557	587,201	125,290		
2026	65	32	0	65	0	603,718	33,777	44,611	96,929	-134,188	644,847	67,643		
2027	65	33	0	65	0	603,718	21,750	44,611	96,929	-111,927	655,082	57,409		
2028	65	36	0	65	0	603,718	80,350	44,611	96,929	-162,942	662,667	49,824		
EST. TOTAL 10-YEAR SAVINGS												\$1,336,364		

Vehicle Category	Count
Light Duty (3/4 Ton Trucks & SUV)	29
Medium Duty (Cab-Chassis)	4
Emergency (PD & Fire)	32
Total	65

* Lease Rates are conservative estimates

**Estimated Current Fleet Equity is based on the current fleet "sight unseen" and can be adjusted after physical inspection

***Net Cash is the sum of the 10 year savings from the Fleet Planning Analysis and the Estimated Current Fleet Equity

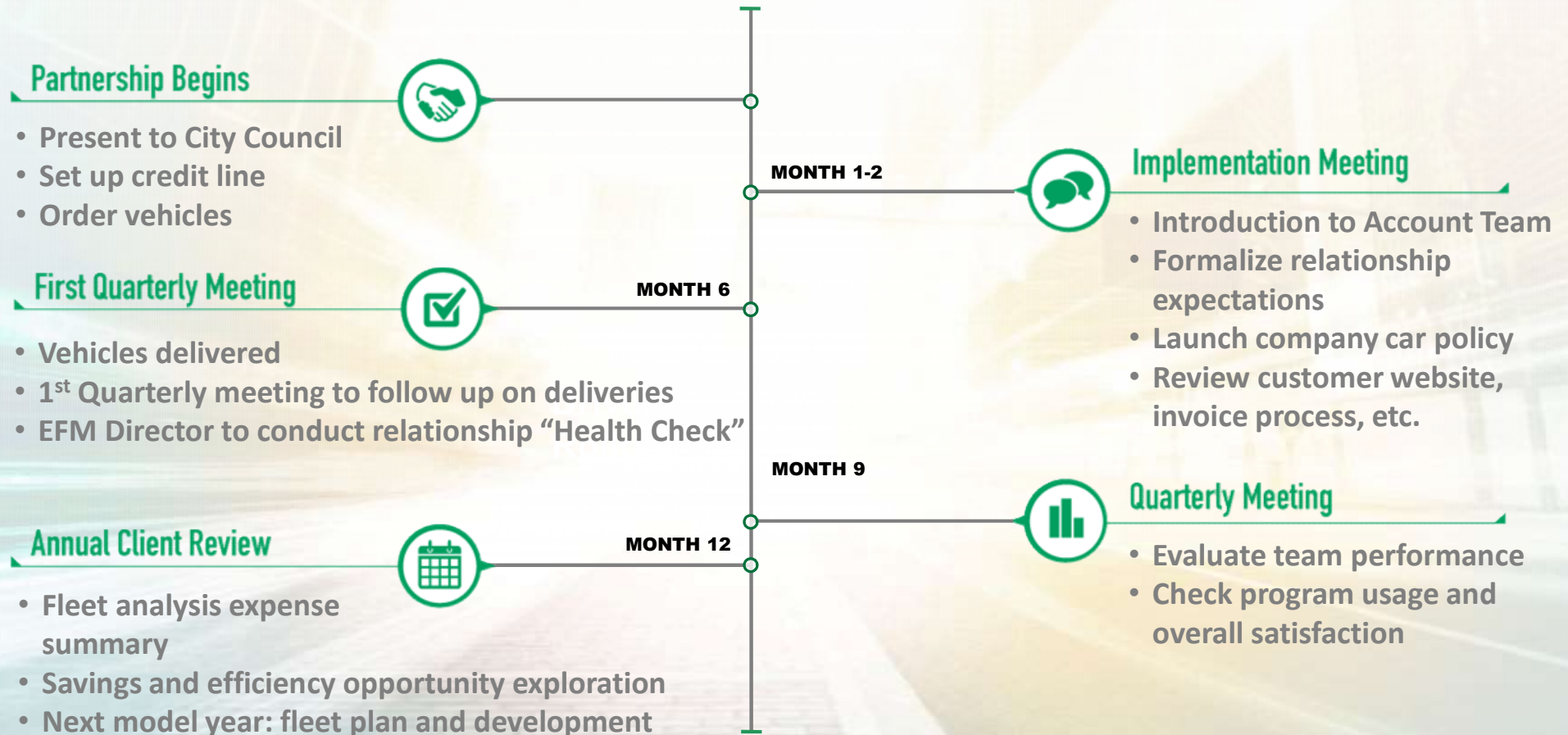
Fleet Planning Comparison

Current	Expense/FY	2019-20	2020-21	2021-22	2022-23	2023-24	Totals
	Capital	\$435,000	\$560,000	\$278,000	\$258,000	\$542,600	\$2,073,600
	Est. Maint/Repair	\$150,300	\$150,300	\$150,300	\$150,300	\$150,300	\$751,500
	Est. Fuel	\$106,448	\$106,448	\$106,448	\$106,448	\$106,448	\$532,240
	Total	\$691,748	\$816,748	\$534,748	\$514,748	\$799,348	<u>\$3,357,340</u>

Proposed	Expense/FY	2019-20	2020-21	2021-22	2022-23	2023-24	Totals
	Acquisition	\$595,973	\$456,133	\$500,713	\$748,186	\$614,135	\$2,654,141
	Est. Maint/Repair	\$69,166	\$67,104	\$64,181	\$64,181	\$54,844	\$319,476
	Est. Fuel	\$97,181	\$97,129	\$97,009	\$97,009	\$96,929	\$485,258
	Resale	(\$332,018)	(\$139,593)	(\$129,593)	(\$109,676)	(\$169,593)	(\$800,472)
	Total	\$430,301	\$489,774	\$532,310	\$529,700	\$596,316	<u>\$2,578,403</u>

Difference	Expense/FY	2019-20	2020-21	2021-22	2022-23	2023-24	Totals
	Savings	\$261,447	\$326,974	\$2,438	(\$14,952)	\$203,032	<u>\$778,937</u>

WHAT TO EXPECT – FIRST YEAR



enterprise
FLEET MANAGEMENT



AGENDA MEMORANDUM

DATE: July 9, 2019

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and provide direction to the City Manager on the City's Strategic Plan for FY 2021 and updates provided on the FY 2020 Strategic Plan

BACKGROUND/INFORMATION:

Each year the City updates the Strategic Plan. Typically, the process doesn't begin until January or February. However, staff is limited time wise to complete many of the objectives due to timing issues, thus it is recommended to begin the process earlier for the following fiscal year. Additionally, many of the topics included on the Retreat Agenda may be desired to include in the City's Strategic Plan. The FY 2020 Adopted Strategic Plan is attached for Council review.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the attached presentation and provide direction to the City Manager for updating the City's Strategic Plan for FY 2021.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Strategic Plan Update

REVIEWED BY:

Andrea Gardner, City Manager

Final Approval - 9/16/2019

Approved as to form for inclusion on Agenda



Strategic Plan Update

Strategic Plan History

- Workshop held on February 4-5, 2019
 - Council completed an environmental scan, completed a SWOT analysis and consolidated issues for the development of a Strategic Plan.
- Adoption of Resolution No. 19-04-08-02, approving the City's Strategic Plan for Fiscal Year 2019-20, on April 8, 2019.

Planning Issue: Maintain financial strength of the City

Strategic Initiative	Due Date	Status
Maintain sound fiscal management practices and review those practices, policies and procedures to ensure the City's bond rating is maintained or improved on an annual basis.	January 2020	Completed – Staff prepared and Council approved by Resolution No. 2019-007 the City of Watauga Financial Management Policy Statements.
Develop an Internal Audit Committee within one year.	January 2020	Council created the Internal Audit Committee on August 12, 2019 and the Committee held its first meeting on September 6, 2019.
Continue to review and evaluate the City's potential to participate in the Opportunity Zone program on an annual basis.	January 2020	The review for FY 2020 will occur as part of the Comprehensive Plan Update process.
Continue to seek grant opportunities for parks and trails projects on an annual basis.	January 2020	City staff submitted a grant application to TPWD in the Spring 2019 and will continue to submit in future years.

Planning Issue: Develop a sustainable economic development effort

Strategic Initiative	Due Date	Status
Develop a new business recruitment strategy within two years.	January 2021	Funds were included in the WEDC FY 2019-20 Budget to accomplish this initiative.
Develop an economic development incentive policy within one year.	January 2020	Plans to present an incentive policy to the WEDC Board at the November 2019 meeting.
Develop a tax abatement policy within two years.	January 2021	Staff will work with the new Board to develop such a policy.
Evaluate the need to conduct an election to return the ¼ cent sales tax to economic development use in May 2020 election.	January 2021	The decision will be made jointly with the Council.
Identify and implement a budget strategy for economic development prior to FY 2020.	January 2020	WEDC Budget was prepared with a strategy for economic development in mind.

Planning Issue: Strengthen future planning

Strategic Initiative	Due Date	Status
Complete an update to the Comprehensive Plan every ten years.	January 2020	Comprehensive Plan update is in process through a workgroup.
Conduct a review of City ordinances and develop a five-year schedule for updating ordinances within one year.	January 2020	Staff has presented a number of ordinances for Council consideration.
Complete ordinance rewrites within five years.	January 2024	Staff will continue to present ordinance rewrites to the Council for consideration.

Planning Issue: Improve the Community Involvement

Strategic Initiative	Due Date	Status
Conduct a citizen survey every three years.	January 2020	Staff conducted through a 3 rd party a Citizen Survey from November 2018 – January 2019.
Develop and implement a Youth Advisory Council within one year.	January 2020	Council created a Youth Advisory Council by ordinance No. 2019-007 August 12, 2019.

Planning Issue: Improve the City Brand

Strategic Initiative	Due Date	Status
Develop a marketing strategy within one and half years.	June 2020	Staff will need the assistance of a marketing firm and funding wasn't included in the FY 2020 Budget.

Planning Issue: Attract, retain and motivate qualified staff

Strategic Initiative	Due Date	Status
Develop and implement a recruitment and retention strategy within two years.	January 2021	Various recruitment strategies have been approved to include providing an incentive for the hiring of police officers.
Evaluate the need to add personnel in the Information Technology Department during each annual budget cycle and Personnel Improvement Plan update.	January 2020	The review was completed and given the financial constraints anticipated by SB 2, no positions were recommended in the Five Year PIP.
Conduct an employee survey every three years.	January 2022	Funds were included in the FY 2019-20 Adopted Budget to conduct an employee survey in FY 2020.

Proposed Changes to Strategic Plan

- After the many Retreat discussions, are there any items the Council would like to include in the Plan for FY 2020-21?
 - Such items may include:
 - Prepare and submit to the voters a General Obligation Bond for the construction of a new library.
 - Prepare and submit to the voters a General Obligation Bond for the construction or remodel of a new police station.
 - Implement a mosquito spraying program within a specified period of time.
 - Develop an ordinance for Short Rentals within a specified period of time.
 - Submit to the voters approval for sales tax for economic development purposes, crime control district funding and/or street maintenance on the May 2020 ballot.
 - Implement a fleet maintenance program for the City of Watauga.
 - Develop and approve a Code of Conduct for City Council and Boards.



AGENDA MEMORANDUM

DATE: July 15, 2019

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

THROUGH:

SUBJECT: Discuss and provide direction to the City Manager and City Attorney regarding creating a Code of Conduct Policy for the Watauga City Council and Mayor

BACKGROUND/INFORMATION:

Over the past several months, various members of the City Council have inquired about a Code of Conduct. Staff completed research on the topic and over the attached presentation and sample Code of Conduct policies for Council discussion and consideration.

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the information provided and give direction to the City Manager and City Attorney regarding the need to create a Code of Conduct.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. Ethics Ordinance
2. Code of conduct
3. City of Alvin Code of Conduct
4. City of Allen Code of Conduct
5. Decorum

REVIEWED BY:

George Hyde, Legal
Andrea Gardner, City Manager
Approved as to form for inclusion on Agenda

Approved - 9/16/2019
Final Approval - 9/17/2019

Sec. 2-166. - Standards of conduct for all officers and employees.

(a) No officer or employee of the city shall:

- (1) Have a financial interest, direct or indirect, in any contract with the city, nor shall be financially interested, directly or indirectly, in the sale to the city of any land, or rights or interest in any land, materials, supplies or service. The financial interest contemplated under this article requires that the officer or employee receive an actual financial benefit from the transaction with the city. An actual financial benefit from the transaction shall not include:
 - a. An ownership in the entity transacting with the city where the ownership interest is less than one percent of the entity.
 - b. Compensation or benefits as an employee, officer or director of the entity transacting business with the city where such compensation is not affected by the entity's transaction with the city.
- (2) Participate in a vote or decision on any matter in which the officer or employee has a direct or indirect financial interest or in which a relative of the officer or employee has a direct or indirect financial interest. It is expressly provided herein that an investment or ownership in a publicly held company in an amount less than \$3,500.00 does not constitute a prohibited financial interest under this article.
- (3) Accept from any person a gift, favor, gratuity or thing of value (other than a campaign contribution) having a monetary value of more than \$25.00 that might reasonably tend to influence him in the discharge of his official duties or business, or grant in the discharge of his official duties any improper favor, service or thing of value. The term "person" means any firm, business, contractor or individual that is currently conducting business with the city or that may have a special interest where actions of the officer or employee would benefit the firm, business, contractor or individual in the future. An officer or employee that receives an unsolicited benefit that he is prohibited from accepting may donate the benefit to a governmental entity that has authority to accept the gift or favor or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious or scientific purposes. Any officer or employee that receives any gift or favor valued at more than \$25.00 shall submit a detailed accounting to the city secretary within seven days of receipt, to include the date received, name of the benefactor, the gift, favor, gratuity or thing of value conferred and how such was utilized or applied. On December 31 of each year, any officer or employee that has accepted and received gifts or favors during the prior 12 months shall file a report with the city secretary listing the total monetary value of gifts and favors in excess of \$25.00. Such report shall include the date that the benefit is received, the name of the benefactor, the benefit received and how such benefit was utilized or applied.
- (4) Grant any special consideration, treatment or advantages to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group. This provision shall not be interpreted to prevent the granting of fringe benefits to city employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees. This provision shall not be interpreted as to prevent city employees from negotiating payment plans for individuals or organizations indebted to the city.
- (5) Disclose information, except as required by law, that could adversely affect the property, government or affairs of the city; nor directly or indirectly use any information gained solely by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
- (6) Disclose confidential information relating to city matters that is not otherwise deemed public information by the Texas Open Records Act (V.T.C.A., Government Code ch. 552) or Texas Open Meetings Act (V.T.C.A., Government Code ch. 551).

- (7) Accept any other employment incompatible with the full and proper discharge of his duties and responsibilities with the city or which might impair his independent judgment in the performance of his public duty.
- (8) Receive any fee or compensation for his services as an officer or employee of the city from any source other than the city, except as may otherwise be provided by law. This shall not prohibit his performing the same or other services for a private organization that he performs for the city if there is no conflict with his duties and responsibilities.
- (9) While in uniform or on active duty or in the course and scope of his employment, use the influence or prestige of his position or employment with the city for or against any candidate for any elective office of the city. All officers and employees are encouraged to register and vote as they may choose in all local, state and national elections.
- (10) Knowingly perform or refuse to perform any act to deliberately thwart the execution of the city ordinances, rules or regulations or the achievement of official city programs.
- (11) Use city supplies, equipment or facilities for any purpose other than the conduct of official city business, unless otherwise provided for by law, ordinance or city policy, except that officers of the city police department shall be permitted to utilize city-issued equipment in the performance of secondary employment where such use does not generate any additional expense to the city and such secondary employment calls for the use of such equipment in connection with the employment function. Otherwise, no city council member, officer, employee or volunteer shall utilize city supplies, services, equipment or personnel for gain, be it personal, political or business purpose. This provision shall not be construed to prohibit any person from utilizing city communications, equipment, supplies, property, equipment or facilities for incidental personal matters so long as such use is not excessive and does not interfere with, detract from, delay, or hinder city operations. This provision shall not prevent the granting of fringe benefits to city employees as part of their contract of employment or as an added incentive to the securing or retaining of employees.
- (b) Nothing within the prohibitions set forth in subsection (a) of this section shall be construed to prohibit city employees or officials from receiving discounted or complimentary meals, beverages, telephone access or similar de minimis benefits from merchants, businesses or individuals if no benefit is expected, received or conferred upon the merchant, business or individual and the acceptance of such de minimis benefit does not influence any employee or officer in the discharge of official duties or business. Furthermore, nothing within the above enumerated prohibitions shall be construed to prohibit city employees from receiving discounts on clothing, supplies or equipment used on the job.

(Code 2001, § 9.202; Code 2010, § 9.03.002)

Sec. 2-167. - Additional requirements for city council members.

- (a) Any member of the city council having an interest or having a relative with any interest in any property within 200 feet of the property which is the subject of an amendment to the comprehensive zoning ordinance or on which a change in zoning is requested shall file a written affidavit stating the nature and extent of such interest and shall disqualify themselves from voting or participating in a decision relative to any amendment to the city's comprehensive zoning ordinance or any change in the zoning classification of subject property. Any such member who has any such interest is legally disqualified from participating in any vote or decision as to the change in zoning classification.
- (b) If a member of the city council is required to file and does file an affidavit as required in the preceding subsection, the member is not required to abstain from further participation in the matter requiring the affidavit if a majority of the members of the city council is composed of members who are likewise required to file and who do file an affidavit of similar interests on the same official action.

- (c) In the event that any matter comes before the city council involving directly or indirectly the interest of a present business client or customer of any city council member or the interest of a person or entity who has been a business client or customer of any council member within the prior 12 months, and funds received by the council member or the entity for which he is employed from the past/present business client/customer amount to the sum of \$10,000.00 or more in gross income during such 12-month period, and such fact is known to the city council member, then that city council member shall disclose, by written affidavit, the existence of such interest to the other city council members and thereafter disqualify himself from voting in the matter and refrain from attempting to influence the vote of any other city council member.
- (d) No city council member who is on the board of a nonprofit organization may vote on any funding request by that nonprofit organization, unless the nonprofit organization has a board of directors or trustees appointed in whole or in part by the city council.
- (e) If a member of the city council meets with a builder, developer, or others who are requesting or have requested any action by the city council, they shall never make a commitment regarding such request and shall immediately inform other members of the city council with the information provided by or to them regarding such meetings.

(Code 2001, § 9.203; Code 2010, § 9.03.003)

Sec. 2-169. - Disclosure of financial interest.

Any officer or employee, whether elected, appointed or hired, who has a prohibited financial interest or who has a relative with a prohibited financial interest in any matter pending before the city shall disclose such interest to other members of the city council, committee, commission or board of which he is a member or, in the case of an employee, to his immediate supervisor, and shall refrain from further discussion of the matter, shall not be physically present when the subject is discussed in any executive session, and shall not vote on or participate further therein in any matter.

(Code 2001, § 9.205; Code 2010, § 9.03.005)

Sec. 2-170. - Disclosure of real property interest.

Within 30 days of election or appointment to office, every city council member shall file a written statement with the city secretary identifying the existence and location of any real property in the city in which the city council member has any financial interest, including any interest of one percent or more in any entity which has a financial interest in any real property in the city. Every council member shall also file a written statement with the city secretary identifying the existence and location of any additional real property in the city in which the city council member has any financial interest, including any interest of one percent or more in any entity which has a financial interest in any real property in the city, which was acquired or conveyed after filing the original report.

(Code 2001, § 9.206; Code 2010, § 9.03.006)

Sec. 2-171. - Affidavit regarding prohibited interest to be included in contracts with city.

All contracts in excess of \$5,000.00 entered into by any person, corporation or entity seeking to do business with the city shall contain an affidavit executed by a legally authorized party to the effect that no person included within the defined term of "officer" or "employee" in this article has or will have during the term of said contract any prohibited interest as defined in the city charter and this article. The affidavit shall include an acknowledgment and acceptance by the affiant that the existence of a prohibited interest at any time during the term of said contract will render the contract voidable.

(Code 2001, § 9.207; Code 2010, § 9.03.007)

Sec. 2-172. - Complaints against city council member.

- (a) All complaints or allegations of a violation of this article against a city council member shall be made in writing, sworn to before a notary public, and filed of record with the city secretary. The city secretary shall forward the complaint to the city attorney. Such complaint shall describe in detail the acts complained of and the specific sections of this Code alleged to have been violated. As determined by the city attorney, a general complaint lacking in detail shall not be sufficient to invoke the investigation procedures contained herein, and anonymous complaints shall not be considered.
- (b) Within five business days after receipt, it shall be the duty of the city attorney to make the initial determination/evaluation of the complaint as to whether or not the facts alleged, if true, would at face value constitute a violation of this Code of conduct. If it is determined by the city attorney that the facts as alleged would not constitute a violation, then, in accordance with the notice requirements of the Texas Open Meetings Act (V.T.C.A., Government Code ch. 551), the city attorney shall present a written report describing in detail the nature of the complaint and the finding of the city attorney to the city council at its next regularly scheduled meeting. A majority of those city council members not implicated by the allegations may either invoke the investigatory procedure contained herein consistent with section 3.10 of the Home Rule Charter or reject the complaint. Any vote to reject the complaint shall be in a public hearing called for that purpose.
- (c) If it is determined by the city attorney that the facts as alleged could constitute a violation of this article, then the city attorney shall, within five business days after receipt of the complaint, notify the mayor and city council of the existence of and the nature of the complaint. The mayor or any two members of the city council may cause a meeting of the city council to convene, whether regular or special, within three business days after being so notified by the city attorney, to further consider said complaint in executive session. At said meeting, the city attorney shall present a written report to the city council describing in detail the nature of the complaint and his finding and conclusions as to a possible violation of this article. If in any event, within two business days after the rendering of said report, the city attorney shall select and appoint an independent private investigator to fully investigate the alleged improprieties. This private investigator shall report back to the city attorney in writing as soon as possible but in no event more than 15 calendar days from the day of appointment, unless an extension is granted by a majority of the eligible city council members. Said report shall be comprehensive and explain in detail all facts, findings and conclusions in support of the city attorney opinion as to whether or not a violation of this article occurred.
- (d) The city council shall consider the findings of said report at the meeting at which it is presented, at which time the person accused shall have the right to a full and complete hearing with the opportunity to call witnesses and present evidence on his behalf. No final action, decision or vote with regard to any matter shall be made except in a meeting which is open to the public.

(Code 2001, § 9.208; Code 2010, § 9.03.008)

Sec. 2-173. - Violations by city council members.

The failure of a city council member to comply with or who violates one or more of the standards of conduct in this article which apply to him shall constitute grounds for reprimand. Such reprimand shall require a two-thirds vote of the eligible city council members. Offenses committed in violation of the Home Rule Charter shall be punished in accordance with the terms of the Home Rule Charter.

(Code 2001, § 9.209; Code 2010, § 9.03.009)

Sec. 2-176. - Business transactions between city and current or former elected officials.

The city shall be prohibited from conducting business with any elected official during terms of office or for two years after completing such term. This prohibition shall also apply to any business in which current or former elected officials have a minimum of ten percent interest in such company. This section shall not apply in situations whereby a former council member is appearing in their capacity as a private citizen only.

(Code 2001, § 9.212; Code 2010, § 9.03.012)

CODE OF CONDUCT

WHAT CURRENT CONDUCT STANDARDS EXIST FOR COUNCIL MEMBERS?

COUNCIL
RULES OF
PROCEDURE

ETHICS
ORDINANCE

COUNCIL RULES OF PROCEDURE

- Section 4 – Standards of Conduct

- 4.01. Mayor and City Council Members

- The Mayor and Council Members shall demonstrate civility to one another as individuals, for the validity of different opinions, for the democratic process, and for the community and citizens being served. Elected officials should exhibit appropriate behavior. The Mayor and all members of the City Council when authorized to vote, have equal votes and the Mayor and all Council Members speak only for themselves.

- 4.02. Council Relations with the Media

- All City press releases, media advisories, story suggestions, or similar items should be submitted through the Public Information Officer for distribution.

- 4.05. City Council Members Absences, Late Arrival and Conduct During Meetings

- Each meeting shall commence with a roll call for City Council members.
 - Notification of intent to be absent shall be provided in writing to the City Secretary, the City Manager or Presiding Officer prior to the meeting at which the Council Member will not be in attendance.
 - Notification of a late arrival to a meeting shall be provided via City-issued devices to the City Secretary, City Manager or Presiding Officer prior to the meeting at which the Council Member will arrive late.
 - There shall be no use of personal electronic devices by City Council Members during an official meeting of the Council.

ETHICS ORDINANCE

- Sec. 2-166 – Standards of conduct for all officers and employees
- Sec. 2-167 – Additional requirements for city council members
- Sec. 2-169 – Disclosure of financial interest
- Sec. 2-170 – Disclosure of real property interest
- Sec. 2-171 – Affidavit regarding prohibited interest to be included in contracts with city
- Sec. 2-172 – Complaints against city council member
- Sec. 2-173 – Violations by city council members
- Sec. 2-176 – Business transactions between city and current or former elected officials

ARE THE CURRENT STANDARDS ENOUGH?

- Do our current standards accomplish the following objective?
 - A code that sets out the expectations on and commitment required from City Council Members and City Board Members in order for the governing body to properly carry out its work within the community.
- To further answer the question, we should review the following:
 - What are the Council's strategic functions as set by the City Charter
 - How does the Council ensure accountability?
 - How does the Council oversee financial performance?

SECTIONS THAT ARE RECOMMENDED TO INCLUDE IN A CODE OF CONDUCT

- Identify the strategic functions of the City Council
- Agree to:
 - Roles and Responsibilities
 - Commitment
 - Relationships
 - Confidentiality
 - Conflicts of Interest
- How to Handle a Breach of the Code of Conduct

WHAT ARE COUNCIL'S STRATEGIC FUNCTIONS?

- Set the Vision and Mission of the City
- Set the goals of the City
- Adopt and update a Strategic Plan for the City
- Meet statutory duties
- Pass ordinances of the City per Sec. 3.07 of the City Charter

HOW DOES THE COUNCIL ACHIEVE ACCOUNTABILITY ?

- Appointing a City Manager as required by Sec. 7.01 of the City Charter
- Allow the Manager to carry out the duties set by Sec. 7.01 of the City Charter without interference
- Appoint a City Secretary as required by Sec. 7.02 of the City Charter
- Appoint a Judge of the municipal court as required by Sec. 8.02 of the City Charter
- Appoint a City Attorney as required by Sec. 8.04 of the City Charter
- Evaluate the City Manager, City Secretary, City Attorney and Municipal Court Judge's performance annually
- Engage stakeholder's through participation in public meetings
- Conduct citizen surveys

HOW DOES COUNCIL OVERSEE FINANCIAL PERFORMANCE?

- Sec. 3.07 of the City Charter
 - Adopt the budget, manage and control the finances
 - Authorize the issuance and sale of bonds, by a bond ordinance
 - Fix the salaries and compensation of the city officers and employees
 - Litigate, defend, compromise and settle any and all claims, demands, and lawsuits of every kind and character, in favor of, or against the City of Watauga.
 - Monitor spending by reviewing the reports required of the City Manager in Sec. 7.01

ROLE & RESPONSIBILITIES TO CONSIDER

- Understand the purpose of the City Council and its strategic role
- Understand how the role of Council differs from and works with others include the City Manager and where appropriate other members of City Management, trust boards and other community leaders.
- Accept that the Council has no legal authority to act individually, except when the Council has given us delegated authority to do so, and therefore will only speak on behalf of the City Council when given specific authority to do so.
- Accept collective responsibility for all decisions made by the City Council. This means that individual members of the Council will not speak against majority decisions outside the City Council Meetings.
- Act fairly and without prejudice, in so far as being responsible for staff and fulfilling all that is expected of a good employer.
- Encourage open governance.

ROLES AND RESPONSIBILITIES TO CONSIDER

- Consider carefully how our decisions may affect the community and other governmental entities.
- Be mindful of the responsibility to maintain and develop a quality reputation. Council actions within the community will reflect this.
- When making or responding to criticism or complaints we shall follow the procedures established by the City Council.
- Actively support and challenge the City Manager.
- Accept and respect the difference in roles between the Council and staff, ensure that we work collectively for the benefit of the City.
- Respect the role of the City leaders and their responsibility for the day to day management of the City and avoid any actions that might undermine such arrangements.

ROLES AND RESPONSIBILITIES TO CONSIDER

- Agree to adhere to the City's ethics rules and procedures as set out by the ordinance.
- Ensure our spoken and written comments reflect current organizational policy even if they might differ from our personal views.
- Communication in our private capacity (including on social media) shall be mindful of and strive to uphold the reputation of the City.
- Avoid, as far as possible, becoming involved in any communication which may lead to a conflict of interest.

COMMITMENT STATEMENTS TO CONSIDER

- Acknowledgement and acceptance by Council Members of the time and energy commitment .
- Accept responsibility to be involved in the work of the City Council and accept fair share of responsibility, including service on boards and committees.
- Make full effort to attend all meetings and where unable to attend explain in advance why unable to do so.
- Get to know the City departments and be involved in City activities.
- Visit the departments to learn how they operate.
- When visiting the departments of the City maintain your responsibility to learn the operations without interfering in the day to day operations.

COMMITMENT STATEMENTS TO CONSIDER

- Undertake relevant training.
- Accept that in the interests of open governance, our full names, terms of office, roles on the City Council, attendance records, relevant business and pecuniary interests, and that such information will be posted on the City's website.

RELATIONSHIPS STATEMENTS TO CONSIDER

- Strive to work as a team in which constructive relationships are actively promoted.
- Express views openly, courteously and respectfully in all communications with other Council Members, City Manager, City Secretary, Municipal Court Judge, City Attorney and other members of staff, both in and outside of meetings.
- Support the Mayor/Chair in the role of ensuring appropriate conduct both at meetings and at all times.
- Confront, by speaking up to bring attention to any decisions and actions that conflict with the Seven Principles of Public Life.
- Be prepared to answer queries from other Council Members in relation to delegated functions and take into account any concerns expressed.

RELATIONSHIPS STATEMENTS TO CONSIDER

- Seek to develop effective working relationships with the City leaders, staff, other relevant agencies and the community.

CONFIDENTIALITY REQUIREMENTS TO CONSIDER

- Record any pecuniary or other business interest (including those related to people we are connected with) that we have in connection with the City Council's business and if any such conflicted matter arises in a meeting we will offer to leave the meeting for the appropriate length of time.
- Exercise the greatest prudence at all times when discussions regarding City business arise outside a City Council meeting.
- Not reveal the details of any City Council vote.
- Ensure all confidential papers are held and disposed of appropriately.

CONFLICTS OF INTEREST STATEMENTS TO BE CONSIDERED

- Record any pecuniary or other business interest (including those related to people we are connected with) that we have in connection with the City Council's business and if any such conflicted matter arises in a meeting we will offer to leave the meeting for the appropriate length of time.
- Accept the meeting minutes for City Council meetings will be published on the City's website.
- Declare any conflict of interest as required by the City's Ethics Ordinance and State Law, should the situation arise.
- Act in the best interests of the City as a whole and not as a representative of any group, even if elected to the City Council.
- Understand that the requirements relating to confidentiality will continue to apply after a Council Member leaves office.

BREACH LANGUAGE TO BE CONSIDERED

- If we believe the code has been breached, we will raise this issue with the City Council and the City Council will determine the need to investigate; the City Council will only use suspension/removal as a last resort after seeking to resolve any difficulties or disputes in more constructive ways.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

- **Selflessness** – Holders of public office should act solely in terms of the public interest.
- **Integrity** – Holders of public office must avoid placing themselves under any obligation to people or organizations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- **Objectivity** – Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- **Accountability** – Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness** – Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty** – Holders of public office should be truthful.
- **Leadership** – Holders of public office should exhibit these principles in their own behavior. They should actively promote and robustly support the principles and be willing to challenge poor behavior wherever it occurs.

CREDITS

- The content for Code of Conduct Model Procedures was taken from the National Governance Association. Author: Steve Edmonds, Director of Advice and Guidance.

RESOLUTION 16-R-28

A RESOLUTION ESTABLISHING A CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS.

WHEREAS, the Alvin City Council desires to establish a Code of Conduct for members of the City Council and the City's Boards and Commissions; and,

WHEREAS, the Alvin City Council desires to authorize the implementation of such policy in connection with City Council and the City's Boards and Commission of the City of Alvin.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. The City Council of the City of Alvin, Texas hereby adopts the following Code of Conduct.

POLICY PURPOSE

The Alvin City Council has adopted a Code of Conduct for members¹ of the City Council and the City's Boards and Commissions to assure public confidence in the integrity of local government and its effective and fair operation.

POLICY STATEMENT

Preamble

The citizens and businesses of Alvin are entitled to have fair, ethical and accountable local government, which has earned the public's full confidence in integrity. In keeping with the City of Alvin's commitment to treasuring our past while forging our future, the effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Alvin City Council has adopted a Code of Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

¹ For ease of reference in the Code of Conduct, the term "member" refers to any member of the Alvin City Council or any of the City's boards and commissions established by the City Charter, City ordinance or resolution.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Alvin and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Alvin City Council, boards and commissions.

2. Comply with the Law. Members shall comply with the laws of the nation, the State of Texas and the City of Alvin in the performance of their public duties. These laws include, but are not limited to: the United States and Texas constitutions; the Alvin City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government, and City ordinances and policies.

3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public. Members should dedicate themselves to the highest ideals of honor and integrity in all public and personal relationships.

4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff, even when the member has voted in the minority.

5. Conduct of Public Meetings. Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

6. Conduct Business in Open. Members shall conduct business in open and publicized meetings in order to be transparent to the citizens of Alvin. It is recognized that certain exceptions are made by the State for closed sessions and any action as a result of that type of meeting will be addressed in the open session as noted on the agenda. Communications made during a public meeting or closed session are subject to the Texas Public Information Act. Members will not use "electronic communication devices" to communicate either internally or externally during meetings.

7. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

8. Communication. Members shall publicly share substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process. Members will not withhold information that is pertinent to the decision making process.

9. Use of Electronic Devices. Members will not use electronic devices other than what is necessary for conducting business during a meeting. Members will not text, email, make phone calls, use social media, and play games during the course of a meeting. Members shall not communicate, or participate in a discussion with a quorum of the city council relative to city business via electronic mail, text or other social media tool. Use of personal emails, cell phones or computers may subject members to Public Information Act disclosure requirements.

10. Smoking or Use of Tobacco Products. Members will not smoke or use tobacco products, electronic cigarettes and/or smokeless tobacco during the course of a meeting.

11. Use of Alcohol. Members shall not be impaired due to the use of alcohol prior to or while conducting city business in a meeting.

12. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist, because these areas WILL exist. When these issues arise, it is simply imperative that we mitigate those issues appropriately.

13. Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

14. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial or other private interests. A member shall not intentionally or knowingly disclose any confidential information gained by reason of said official position concerning the property, operations, policies or affairs of the city.

15. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

16. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear or speak specifically on behalf of the private interests, including both private and nonprofit entities, of third parties before the Council or any board, commission or proceeding of the City in, nor shall members of boards or commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

17. Advocacy. Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state that they do not represent their body or the City of Alvin, nor will they allow the inference that they do.

18. Policy Role of Members. Members shall respect and adhere to the council-manager structure of Alvin city government as outlined by the Alvin City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

19. Independence of Boards and Commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.

20. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction or comments to staff.

21. Political Endorsements. When publicly endorsing a candidate for any elected office, members will not use their title as a councilman, board or commission member nor use a city meeting forum to endorse a candidate. Council is prohibited from endorsing any candidate for city elections as it is deemed inappropriate.

22. Implementation. As an expression of the standards of conduct for members expected by the City, the Alvin Code of Conduct is intended to be self-enforcing. It therefore is most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, code of conduct standards shall be included in the regular orientations for candidates for City Council, applicants to board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Alvin Code of Conduct. The City Council shall consider recommendations from boards and commissions and Council Members and update it as necessary.

23. Compliance and Enforcement. The Alvin Code of Conduct expresses standards of ethical conduct expected for members of the Alvin City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of boards and commissions and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct are brought to their attention. The second in line, when the Mayor's or chair's actions come into question, would assume the duty of intervening. The City Council may impose sanctions on members whose conduct does not comply with the City's Code of Conduct, such as reprimand, formal censure, loss of seniority or committee assignment.

Section 2. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

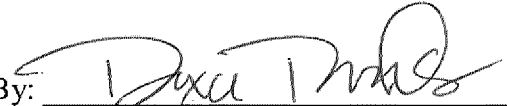
Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov't Code.

Section 4. Effective Date. This Policy shall take effect upon the passage of this resolution.

PASSED AND APPROVED on this the 1st day of December, 2016.

ATTEST:

CITY OF ALVIN, TEXAS

By: 
Dixie Roberts, City Clerk

By: 
Paul A. Horn, Mayor

GUIDE FOR ALLEN PUBLIC OFFICIALS



**A GUIDE FOR CITIZENS WHO ARE
APPOINTED AND ELECTED TO SERVE THE
CITY OF ALLEN**

REVISED 2003

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(Revised July 2003)

GUIDE FOR ALLEN PUBLIC OFFICIALS

The following is intended to be a guide to citizens who are elected to City Council and appointed to any board, commission, corporation or committee of the City of Allen sometimes collectively referred to in this Guide as “boards and commissions.” Members of the City Council and City boards and commissions are sometimes referred to in this Guide as “public officials” or “officers.” If you have any questions or concerns regarding these matters, please contact the City Secretary’s Office or City Attorney for further assistance.

SERVING ON A BOARD OR COMMISSION

The City of Allen Boards and Commissions consist of concerned citizens who volunteer their time and knowledge to make a difference in their community. Some of these groups serve as advisory boards, examining issues in depth, such as park development or planning and zoning, and making recommendations to the City Council. Other groups hear requests from citizens on variances to City ordinances and make decisions as to whether the variances should be allowed. The work of these citizens assists the City Council and directly contributes to the quality of life in Allen. Each Board or Commission member is selected by the City Council after applications are reviewed and candidates are interviewed. Service on a board or commission is voluntary. Allen board and commission members are not paid or compensated.

ALLEN BOARDS AND COMMISSIONS

Arts Alliance: This Board acts as an advisory body to the City Council and promotes the arts and cultural activities in the community.

Board of Adjustment: This Board is a quasi-judicial body that hears citizen requests for variances to the Comprehensive Zoning Ordinance and appeals of interpretations of the Building Officials and Zoning Ordinance. For example, the Board may hear a request from a property owner to reduce the minimum size of the side yard under the Comprehensive Zoning Ordinance to allow a building to be located in the area normally required for the side yard.

Building and Standards Commission: This Commission hears requests for variances to the building code, electrical code, fire code and other trade codes adopted by the City. When necessary, the Commission hears requests by City Code Enforcement officials relating to repair, removal and demolition of substandard buildings and structures. For example, the Commission will make recommendations to the City Council as to amendments or changes to be made to the City Building Code, or may be requested to order a property owner to demolish or repair a substandard building.

Community Development Corporation: This is a separate non-profit corporation established by the City, whose Board of Directors is appointed by the City Council. The board serves as an advisory body to the City Council for parks and recreation matters, and is responsible for the acquisition and promotion of park and recreation facilities through the use of local sales tax proceeds in the City.

Economic Development Corporation: This is a separate non-profit corporation established by the City, whose Board of Directors is appointed by the City Council. This board is responsible for promoting economic development through grants and incentives funded from local sales tax proceeds to encourage business expansion and relocation to the City.

Keep Allen Beautiful Corporation: This is a separate non-profit corporation established by the City whose Board of Directors is appointed by the City Council. This board is responsible for

promoting and conducting various beautification activities for the City.

Library Board: This Board acts as advisory board to the City Council and makes recommendations concerning library policies and regulations. Provides a conduit for citizen input on library related matters and may serve as a lay representative to the Northeast Texas Library System.

Planning and Zoning Commission: This Commission makes recommendations regarding land use, public improvements, planning and zoning, the thoroughfare plan, the Comprehensive Plan, Subdivision plats, site plans and zoning changes.

Sign Control Board: This Board acts as advisory board to the City Council and reviews and approves required signs and makes decisions on requests for variances to the City sign regulations of the Allen Land Development Code.

ATTENDANCE

Any member of a board or commission should be able to attend all required meetings. Any person absent from three (3) or more consecutive regular meetings of such board, commission or corporation without approval of the Board Chair/President may be removed from such board or commission by the City Council.

APPLICATIONS/INTERVIEW

Citizens interested in serving on any board or commission may make application to the City Council, on a form provided by the City. The City Council reviews the applications and then interviews available applicants for board and commission appointments.

ETHICS AND DECISION MAKING FOR ALLEN PUBLIC OFFICIALS

Ethical considerations in the decision making process of Allen public officials are at the forefront of public scrutiny. Even the mere appearance of impropriety impacts the effectiveness of Allen public officials. Public confidence and respect can best be promoted if Allen public officials, whether paid or unpaid, whether elected or appointed, uniformly treat all citizens with courtesy, impartiality, fairness and equality under the law and avoid both actual and potential conflicts between their private self-interest and the public trust.

Ethics is often defined as the principle of right and good conduct; a system of moral turpitude; the study of the general nature of morals and the specific moral choices to be made by the individual in his or her relationship with others.

The conduct of Allen public officials is governed by the City Charter, the Code of Conduct and State Law. Members of the City Council and the members of all boards and commissions appointed or confirmed by the City Council must be knowledgeable of the City Charter, the Code of Conduct and State Law regarding ethics when participating in and making decisions while serving on a board or commission.

The City Charter expressly prohibits certain conduct by Allen public officials which is covered by State Law. For example, the Charter prohibits any City Councilmember or any board or commission member of the City from having a direct or indirect interest in any contract with the City. For example, a business owned or controlled by a City Councilmember or board and commission member may not have a contract with the City to provide goods, materials or services. Similarly, the Code of Conduct which adopts the State Law governing conflicts of interests by local public officials also contains similar or more stringent prohibitions. Thus an Allen public official should be

familiar with the City Charter, the Code of Conduct and State Law to ensure there are no provisions which govern the official's conduct.

CODE OF CONDUCT

These ethical standards are in the form of an ordinance codified in the City Code of Ordinances, and apply to the Mayor, any member of the City Council, any appointed or confirmed member of any City board, commission, corporation, or committee established by ordinance, charter, State Law or otherwise, on a temporary or permanent basis, operating either under the direct or indirect authority or subject to either the direct or indirect control of the City Council who exercises responsibilities beyond those that are advisory in nature, including the members of the Planning and Zoning Commission, Board of Adjustment, Building and Standards Commission, members of the board of directors of the Allen Economic Development Corporation and the Allen Community Development Corporation.

The Code of Conduct does not apply to employees, including those individuals employed on a full-time, part-time or internship basis or to independent contractors of the City. The ethical standards of conduct for employees are governed by the Allen Personnel Policies and Procedure Manual. Any complaint that an employee has violated these standards is referred to the Director of Human Resources or to the City Manager. The Code of Conduct does not apply to members of City boards, committees or commissions who do not exercise quasi-judicial responsibilities or responsibilities beyond those that are advisory in nature.

The Code of Conduct adopts the State Law governing conflicts of interest for local public officials under Chapter 171 of the Texas Local Government Code and contains additional and stricter standards than found in State Law or the City Charter. For your convenience, the ethical standards under State Law are discussed below.

PURPOSE OF THE CODE OF CONDUCT

The purpose of the Code of Conduct is to ensure that Allen public officials are independent, impartial and responsible only to the citizens of the City; to prevent any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction or professional activity of an Allen public official to conflict with the proper discharge of their duties in the public interest; to prevent public office from being used for personal gain; and to ensure that the Allen boards and commissions are at all times maintained as nonpartisan bodies. The Code of Conduct serves not only as a guide for the conduct of the City's boards and commission members, but also as a basis for discipline for those who refuse to comply by its terms, the overriding interest being that officers of the City shall at all times strive to avoid even the appearance of impropriety. In addition, the Code of Conduct standards apply if a close relative (spouse, parent, child) of the Allen public official has a conflict or has a prohibited situation or business relationship.

SPECIFIC CODE OF CONDUCT STANDARDS

No Allen public official or a relative thereof shall:

1. Have a financial interest, direct or indirect, in any contract with the City nor shall such person be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. An actual financial benefit from the transaction shall not include:
 - (a) An ownership in the entity transacting business with the City where the ownership interest is less than ten percent (10%); or
 - (b) Compensation as an employee, officer or director of the entity transacting business with the City where such

compensation is not affected by the entity's transaction with the City.

For example: A Board of Adjustment member or spouse of such board member may not have a contract to sell goods, materials or services to the City, nor may such persons purchase property sold by the City including property sold at an auction.

2. Participate in a vote or decision on any matter in which the Officer has a Substantial Interest, which is defined as:

A substantial interest in a **business entity** (sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law) occurs when:

- (a) the Allen public official owns at least a ten percent (10%) share of the voting stock or shares of the business entity; or
- (b) the Allen public official owns either at least ten percent (10%) or at least \$15,000 of the fair market value of the business entity; or
- (c) funds received by the Allen public official from the business entity exceed ten percent (10%) of the Allen public official's gross income for the previous year; and action on the matter involving the business entity will have a special economic effect on the business entity that is distinguishable from the effect on the public.

Alternatively, an Allen public official has a substantial interest in **real property** if:

- (a) it is reasonably foreseeable that an action on the matter will have a specific economic effect distinguishable from its effect on the public; and

- (b) the Allen public official's interest is an equitable or legal ownership with a fair market value of \$2,500 or more. (Ownership includes any partnership, joint or corporate ownership or any equitable or beneficial interest as a beneficiary of a trust); and
- (c) an Allen public official is considered to have a substantial interest under this Code of Conduct if a person related to the officer in the second degree of consanguinity or affinity has a substantial interest under this Code of Conduct.

“*Specific economic effect*” is not defined by the statute; therefore, Allen public officials should file an affidavit and abstain from participation if any economic effect is foreseeable.

For example: (1) A Planning and Zoning Commission or City Councilmember may not vote on a matter affecting or concerning such person's residence or real property; (2) A Planning and Zoning Commission or City Councilmember may not vote on a zoning change or on plat approval for property owned by such person, or which is owned by a business that is owned by the City Councilmember or Planning and Zoning Commission member; (3) A Planning and Zoning Commission member or City Councilmember may not vote on a zoning case or on plat approval for property owned by a person or entity if funds received by the public official from such person or entity are more than ten percent (10%) of the public official's gross income during the previous 12 months.

- 3. Represent or appear on behalf of private interests of others before the City Council, or any agency, board, commission, corporation, or committee of the City, nor represent any private interests of others in any action or proceeding involving the City, nor voluntarily participate on behalf of others in any litigation to which the City is or might be a party.

For example: A member of the City Council or the Planning and Zoning Commission may not represent a property owner before the Board of Adjustment.

4. Accept any gift from any person that might reasonably tend to influence such Officer in the discharge of official duties. The prohibition against gifts does not apply to:
 - (a) a lawful political contribution as defined by the Texas Election Code;
 - (b) an honorarium in consideration for services unless the Officer would not have been asked to provide the services but for the Officer's position;
 - (c) meals, lodging, transportation in connection with services rendered by the Officer at a conference, seminar or similar event that is more than merely perfunctory;
 - (d) complimentary copies of trade publications and other related materials;
 - (e) attendance at hospitality functions at local, regional, state or national association meetings and/or conferences;
 - (f) an occasional item with a value less than fifty dollars (\$50);
 - (g) tee shirts, caps and other similar promotional material;
 - (h) meals, transportation and lodging in connection with a seminar or conference at which the Officer is providing services;
 - (i) gifts on account of kinship or a personal, professional, or business relationship independent of the Officer's status;

- (j) complimentary attendance at political or charitable fund raising events; and
- (k) meals, lodging, transportation, or entertainment furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public events.

For example: (1) A member of the City Council or the Planning and Zoning Commission may accept a campaign contribution if a candidate for elective public office; (2) A member of the City Council or the Planning and Zoning Commission may not accept a cash payment for attendance or participation as a speaker at a seminar or conference if such person is invited to speak or participate because of such person's service or position on an Allen board or commission.

- 5. Use such person's official position to secure special privileges or benefits for such person or others.

For example: A member of the City Council or the Planning and Zoning Commission should not secure additional consideration of a matter because such public official is a member of the same service organization, church or other organization.

- 6. Grant any special consideration, treatment or advantage to any citizen, individual, business organization or group beyond that which is normally available to every other citizen, individual, business organization or group.

- 7. Disclose Confidential Information.

For example: A member of the City Council or the Planning and Zoning Commission should not disclose or release to the public confidential city records or documents.

8. Use City supplies, personnel, property, equipment or facilities (whether tangible or intangible) for any purpose other than the conduct of official City business, unless otherwise provided for by law, ordinance or City policy.

For example: A City Councilmember or member of the Planning and Zoning Commission may not use City property (computers, vehicles, stationery, office supplies) or personnel for personal use.

9. Act as a surety on any official bond required of any officer or employee of the City, or for a business that has a contract with the City.
10. Engage in any outside activities which will conflict with or will be incompatible with such person's official position or duties as an officer of the City.

ADDITIONAL STANDARDS

There are additional standards applicable to some boards and commission members and former Officials:

1. No member of the City Council, the Planning and Zoning Commission, or Board of Adjustment shall participate in, or vote on, any land use matter (e.g. zoning, variances, plats, permits) in which such Officer has a Substantial Interest in any real property within 200 feet of the real property, the subject of the land use matter.

For example: A City Councilmember or Planning and Zoning Commission member may not vote on a zoning case or on plat approval for property located within 200 feet of real property owned by such Allen public official.

- 2 No member of the City Council, the board of directors of the Allen Economic Development Corporation and the Allen

Community Development Corporation who is on the governing body of a nonprofit organization shall vote on any funding request by that nonprofit organization, unless the nonprofit organization has a governing body appointed in whole or in part by the City Council.

3. With the exception of those proceedings allowed under the Code of Conduct, City Councilmembers shall not personally appear on their own behalf before the City Council, or any City board, commission, corporation or committee but may designate and be represented by a person of their choice in any such personal matter.

For example: A City Councilmember should not personally appear on such person's own behalf before the City Council or Planning and Zoning Commission to request a zoning change or plat approval, or before the Zoning Board of Adjustment to request a variance; or before the Board of Directors of the Allen Economic Development Corporation to request funding an economic development grant for such person's business or property.

DISCLOSURE OF SUBSTANTIAL INTERESTS

If an Allen public official has a substantial interest in a matter pending before the body of which the Allen public official is a member, the person must, before a vote or decision on such matter, file an affidavit on a form provided by the City, disclosing the interest and abstain from further participation in such matter.

CODE OF CONDUCT COMPLAINTS

The Code of Conduct permits any person to file a complaint that an Allen public official has violated the Code of Conduct. All complaints must be made in writing on a form provided by the City, sworn to before a notary public and filed with the City Secretary. The complaint must describe in detail the act or acts

complained of and the specific section(s) of the Code of Conduct alleged to have been violated. A general complaint lacking detail and anonymous complaints will not be considered.

CODE OF CONDUCT COMPLAINT PROCESS

Code of Conduct complaints concerning employees, except the City Manager, will be referred to the Director of Human Resources or the City Manager. Complaints concerning an Allen public official will be referred to the City Attorney to initially review the complaint to determine factual and legal sufficiency. The City Attorney will provide the City Council with a written report within fifteen (15) days after receipt, unless an extension has been granted by the majority of the City Council. If it is determined by the City Attorney that the facts as alleged could constitute a violation of this Code of Conduct, then the City Attorney, within fifteen (15) business days, notifies the Mayor and Councilmembers of the existence and nature of the complaint. The Mayor or any two (2) members of the City Council may cause a meeting of the City Council to convene to further consider the complaint in executive session.

The City Council shall consider the complaint and the City Attorney's report at an executive session of the City Council. The affected officer may request that the complaint be considered in a public meeting. At such meeting, the City Attorney shall present a written report to the City Council describing in detail the nature of the complaint and the City Attorney's findings and conclusions as to a possible violation of this Code of Conduct. The affected officer shall then have the right to a full and complete hearing before the City Council with the opportunity to call and cross-examine witnesses and present evidence in such person's behalf. The City Council may reject the complaint or take the following action.

If the City Attorney determines that a criminal violation may exist, the matter will be referred to the appropriate law enforcement agency. If the City Council determines that the complaint does not

allege a violation of the Code of Conduct or there is insufficient evidence of the alleged violation, the matter will be considered concluded. If the City Council determines that the complaint alleges a violation of the Code of Conduct and there is sufficient evidence of a prima facie violation the City Council will conduct a hearing.

ACTION TAKEN ON CODE OF CONDUCT VIOLATIONS

The City Council may take any one or more of the following actions in an open meeting concerning a Code of Conduct complaint:

1. Issue a statement finding the complaint is totally without merit, brought for the purpose of harassment, or brought in bad faith.
2. Issue a letter of notification when the violation is unintentional. A letter of notification shall advise the Officer of any steps to be taken to avoid future violations.
3. Issue a letter of admonition when the violation is minor or may have been unintentional, but calls for a more substantial response than a letter of notification.
4. Issue a reprimand when a violation has been committed knowingly or intentionally.
5. Remove from office an Allen public official, other than a City Councilmember, for a serious or repeated violation of this Code of Conduct.
6. Pass a resolution of censure or a recommendation of recall when the City Council finds that a serious or repeated violation of this Code of Conduct has been committed intentionally by a member of the City Council.

A complaint that an officer has violated a provision(s) of the Code of Conduct shall be filed not later than six (6) months after the date the complained act(s) occurred or it is barred.

Any officer may request and the City Attorney shall issue, a verbal or written opinion (as deemed appropriate) concerning the meaning or effect of any section, word, or requirement of this Code of Conduct as it affects such person.

STATE LAW

As previously stated, the Code of Conduct adopts the State Law governing conflicts of interests of local public officials.

Chapter 171 of the TEXAS LOCAL GOVERNMENT CODE also governs the conflicts of interest of Allen public officials. The purpose of Chapter 171 is to prevent local public officials from using their positions for hidden personal financial gain. The Texas law governing conflicts of interest applies to all local public officials, whether appointed, elected, paid, or unpaid, who exercise more than advisory responsibilities, including the City Council, Planning and Zoning Commission, Board of Adjustment, and the Building and Standards Commission. However, these statutory provisions are minimum standards for ethical conduct. The State Law governing conflicts of interest normally does not apply to boards that are purely advisory, such as the Library Board.

ECONOMIC CONFLICTS OF INTEREST:

Rule: An Allen public official commits a criminal offense if the Allen public official knowingly participates in a vote or decision on any matter involving a business entity or real property in which the Allen public official has a “*substantial interest*.”

1. Required Filing Affidavit and Abstaining

An Allen public official who has a substantial interest in a business entity or real property must:

- (a) file an affidavit with the City Secretary revealing the nature and extent of the interest with the governing body; and
- (b) abstain from further participation in the matter.

Also, State Law requires a separate budget vote on matters in which an Allen City Councilmember has a substantial interest.

2. What Constitutes a Substantial Interest?

A substantial interest in a **business entity** (sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law) occurs when:

- (a) the Allen public official owns at least a ten percent (10%) share of the voting stock or shares of the business entity, or owns either at least ten percent (10%) or at least \$15,000 of the fair market value of the business entity; or
- (b) funds received by the Allen public official from the business entity exceed ten percent (10%) of the Allen public official's gross income for the previous year.

Alternatively, an Allen public official has a substantial interest in **real property** if:

- (a) it is reasonably foreseeable that an action on the matter will have a specific economic effect distinguishable from its effect on the public; and

- (b) the Allen public official's interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

“*Specific economic effect*” is not defined by the statute; therefore, Allen public officials should file an affidavit and abstain from participation if any economic effect is foreseeable.

3. Substantial Interest Also Extends to Relatives in the First Degree

An Allen public official is considered to have a substantial interest if a relative in the first degree to the Allen public official, by either consanguinity (blood) or affinity (marriage), would have a substantial interest in a business entity or real property under the above tests.

Moreover, the affinity relationship continues after death or divorce if there is a living child of that marriage.

(a) Relatives in the First Degree

Consanguinity:	Affinity:
Parents	Spouse of those listed
Children	under consanguinity
Sisters and brothers	Spouse
	Spouse's parents
	Spouse's children
	Stepparents or Stepchildren

(b) Relatives in the Second Degree

Consanguinity:	Affinity:
Grandparents	Spouse of those listed
Grandchildren	under consanguinity
	Spouse's grandparents
	Spouse's grandchildren
	Spouse's siblings

c) Relatives in the Third Degree

Consanguinity:

Great grandparents
Great grandchildren
Aunts and uncles
Nieces and nephews

4. Acting as a Surety Prohibited

An Allen public official is prohibited from acting as surety for:

- (a) any business entity contracting with the governmental entity; or
- (b) any official bond.

5. Majority of Allen Members Substantially Interested

When a majority of the members of the board or commission have a substantial interest or conflict, and are required to file and do file affidavits, then all of the members of such board or commission, including those substantially interested, may participate and vote on the matter.

6. Actions Not Void by a Board or Commission Member's Participation

An action will be void (as if the action never took place or occurred) because of an Allen public official's participation in a decision **only** if that participation is determinative.

7. Penalty for Failure of Allen public official to file an Affidavit or for Participation

Failure to file the affidavit and to abstain constitutes a Class A Misdemeanor, punishable by a fine of up to \$4,000 and one-year confinement.

**ADDITIONAL STATUTORY REQUIREMENTS FOR
MUNICIPAL AUTHORITY RESPONSIBLE FOR
APPROVING PLATS**

Members of the City Council and the Planning and Zoning Commission must also be aware of the further requirements of Section 212.017 of the TEXAS LOCAL GOVERNMENT CODE. These provisions are similar to those of Chapter 171 discussed above. Although under the Allen Development Code, the Planning and Zoning Commission is the final approving authority of subdivision plats. Both City Council and Planning and Zoning Commission must comply with the following standards. A member of the City Council and Planning and Zoning Commission are held to have a substantial interest in a subdivided tract if such person:

- (1) has an equitable or legal ownership interest with a fair market value of \$2,500 or more; or
- (2) acts as developer of the tract; or
- (3) owns 10-percent or more of the voting stock or shares or ten-percent or more or \$5,000 or more of a business entity which:
 - (a) has equitable or legal interest with a fair market value of \$2500 or more; or
 - (b) acts as developer
- (4) receives funds equal to ten-percent or more of annual gross income from a business entity meeting (3), above; or
- (5) is related in the first degree by consanguinity or affinity to someone who has substantial interest.

Members of the City Council and the Planning and Zoning Commission are required to: (1) file an affidavit disclosing their

substantial interest with the record keeping clerk; and (2) abstain from participating in the discussion or vote. Failure to do so is a Class A Misdemeanor punishable by a maximum fine of \$4,000 and/or up to one year in prison.

NEPOTISM

The City Charter, the Code of Conduct and State Law contain nepotism provisions (the employment or appointment of relatives of public officials).

State Law provides that Allen public officials may not appoint, confirm the appointment of, or vote for appointment or confirmation of appointment of an individual to a position which will be directly or indirectly compensated from public funds if that individual is related to the public official within the third degree by consanguinity or second degree by affinity. State Law applies only to paid or compensated positions. State Law provides a continuous employment exception for a relative who was previously and continuously employed for a period of 30 days if the Allen public official is appointed or for a period of 6 months if the Allen public official is elected.

For Example: A City Councilmember may not vote to confirm the appointment by the City Manager of a relative of the City Councilmember to the position of Chief of Police or Fire Chief.

MISUSE OF OFFICIAL INFORMATION

Allen public officials may have access to information that is not available to the public or that has not been made public. Members of the City Council, Planning and Zoning Commission, boards of directors of City corporations, and other boards and commissions routinely have access to confidential official information, which would be valuable to land spectators and investors. Allen public officials should not use such information to assist another person or entity to acquire any property or enterprise or aid another to

speculate on the basis of such information. It is a crime for an Allen public official to profit, or help someone else profit, from inside information acquired by the Allen public official by virtue of the official position on a board or commission.

INCOMPATIBILITY

Often times citizens may serve on boards and commissions at different levels of government or have employment positions which overlaps or conflicts with their duties as a member of an Allen board or commission. The doctrine of incompatibility prohibits an individual from serving on two boards or commissions of conflicting loyalties. An individual may not promote the interest of one office to the detriment of the interests represented by the other office. The doctrine prohibits one individual from occupying two offices where one office might impose its policies on the other or subject it to control in some way.

For example: An individual may not simultaneously serve as the Dallas County Auditor and as an Allen City Councilmember.

The doctrine of incompatibility also applies to situations of self-appointment or self-employment. Generally, it is incompatible to be both a member of a body making the appointment and an appointee of that body.

For example: the Allen City Council may not appoint one of its own members as the City Manager.

CITY CHARTER

WHO IS SUBJECT TO THE CHARTER

The City Charter was adopted by popular vote of the citizens of Allen. It is the constitution and framework for the Allen City government. The City Charter prohibits certain conduct by Allen public officials that is not covered by State Law. The City Charter

prohibitions apply to officers and employees of the City. An “officer” of the City is a person who holds an appointed or elected position that exercises responsibilities beyond those that are merely advisory in nature. Officers include the Mayor, City Councilmembers, members of the Planning and Zoning Commission, the Board of Adjustment, the Building and Standards Commission, City Manager, City Secretary, and Municipal Court Judge. Members of the Board of Directors of the Community Development Corporation, the Allen Development Corporation, and the Keep Allen Beautiful Corporation are not considered to be City officers under the City Charter because they serve as directors of non-profit corporations which are legal entities separate from the City. Such members are subject to the Code of Conduct.

PERSONAL CONTRACTS

City Charter Article X Section 10.05 expands the Texas statute governing conflicts of interest by prohibiting any officer or employee of the City from having a direct or indirect interest in any contract with the City, or be financially interested directly or indirectly in the sale of any land, services, or materials to the City except on behalf of the City as an officer or employee. Any knowing violation of this section constitutes malfeasance and is grounds for removal from office or employment as the case may be. A contract entered in violation of this section is void at the discretion of the City Council.

For example, no member of the City Council or member of any board or commission or employee of the City that exercises responsibilities beyond those merely advisory in nature may enter into any written or oral contract with the City for land, materials or services; this includes the bidding at a City auction.

NEPOTISM

City Charter Article X Section 10.04 governs nepotism and prohibits the appointment of a person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any member of the City Council from appointment to any paid position, office or employment with the City unless such person was employed or appointed to such position for at least six (6) months prior to the election of the related Councilmember.

For Example: The spouse or child of the Mayor or City Councilmember may not be employed by the City unless such relative was employed for 6 months prior to the election of the Mayor or affected Councilmember.

GIFTS

City Charter Article X Section 10.01 prohibits any officer or employee from accepting any gift, favor, privilege or employment during the term of office of such officer or during such employment of such employee, except as may be allowed by State law or the Code of Conduct.

OPEN GOVERNMENT

Open Government is inherent in a democracy. In Texas, citizens have the right to observe their government in action. Every regular, special, or called meeting of boards and commissions that have *rule making authority* or *quasi-judicial authority* must be open to the public and are subject to the Open Meetings Act. Citizens also have the right of access to including the right to examine and copy information and records collected, maintained and prepared by the City including the boards and commission. It is essential that persons appointed to Allen boards and commissions of the City are aware of citizens' rights to access to open government and public information.

OPEN MEETINGS ACT

The Open Meetings Act codified at Chapter 551 of the Texas Government Code is designed to provide citizen access to meetings of the City Council and boards and commissions, except in certain limited instances. Every regular, special or called meeting of the City Council and certain Allen boards and commissions is open to the public unless a closed meeting is authorized by the Act. For authorized closed meetings, please consult the City Secretary or City Attorney.

The Open Meetings Act applies to the Allen City Council, including any Allen board or commission that has rule making or quasi-judicial power and includes the meetings of the following Allen boards and commissions:

Zoning Board of Adjustment
Board of Directors of the Allen Economic Development Corporation
Board of Directors of the Allen Community Development Corporation
Building and Standards Commission
Planning and Zoning Commission

All regular, special or called meetings of the City Council and the boards and commissions must be open to the public. Notice of the date, time, place and subject of each meeting must be posted 72 hours prior to the scheduled meeting. The board and commission members may only discuss or take action on the items described in the posted notice.

The Open Meetings Act applies to any discussion or verbal exchange between a quorum of the City Council or a board or commission, or between a quorum of a City Council or a board or commission and another person about public business or policy which the City Council or a board or commission controls or supervises, or during which formal action is taken.

SOCIAL MEETINGS

Social meetings (purely social in nature) unrelated to public business, conventions and seminars are not subject to the Open Meetings Act and the notice requirements, if no formal action is taken and any discussion of public business is incidental.

COMMITTEES

Committees consisting of members of a board or commission even though less than a quorum are subject to the Open Meetings Act when the committee meets to discuss public business. Although a committee less than a quorum may not bind the board or commission, the public is deprived of access to the decision making process if the board or commission becomes the rubber-stamp of the committee if the meeting notice is not posted.

TELEPHONE MEETINGS

Generally, the Open Meetings Act prohibits a meeting of a board or commission by telephone. Members of a board or commission may not deliberate by telephone (contact other members by telephone for the purpose to arrive at a decision or consensus concerning public business). However, an advisory board may conduct a meeting by telephone conference call if an emergency or public necessity exists, and if all meeting at one location a quorum is difficult or impossible.

VIDEO CONFERENCE MEETINGS

Members of the City Council and Allen boards and commissions may participate in an open or closed meeting via video conference when a quorum of such body is present at one meeting place. There are, however, special notice, record keeping, and two-way communication requirements. Citizens have the right to attend the meeting at the remote location and the meeting place where a quorum is present. For further information, please contact the City Secretary or City Attorney.

EMERGENCY MEETINGS

Allen boards and commissions may conduct emergency meetings subject to different time and notice requirements.

1. It must be an emergency - imminent threat to the public health or safety or a reasonably unforeseen situation requiring immediate attention. Destruction of the City by a tornado would qualify while consideration of a settlement offer relating to litigation would not constitute an emergency. Failure to post notice on time or the board or commission's prior delay in taking necessary action does not constitute an emergency.
2. Notice must be posted at least two (2) hours before the scheduled emergency meeting and must clearly describe the urgent public necessity or emergency.
3. Emergency item can be added to the agenda of a previously scheduled meeting by posting a supplemental notice, but non-emergency items cannot be added to an emergency meeting agenda with less than the seventy-two (72) hours notice.
4. Must give notice of an emergency meeting by telephone or telegraph to any news media that have previously requested notice of public meetings and agreeing to pay cost of providing the notice.

ACTION/VOTING

The board or commission must make a decision or vote in a public meeting. No voting by secret written ballot is allowed.

CLOSED MEETINGS

If a closed meeting is authorized, the board or commission must first convene in an open meeting with a quorum present for which proper notice has been given.

PROCEDURE FOR CLOSED MEETINGS

The Chairperson must publicly announce that a closed meeting will be held and identify the section or sections of the Open Meetings Act under which the closed meeting is to be conducted. The board or commission must keep either a certified agenda or make a tape recording of the closed meeting except for private consultation with its attorney. The certified agenda is a written statement of the subject matter of the closed meeting, any action taken, and the date and time of the beginning and at the end of the meeting. A decision or vote on a matter discussed in a closed meeting must be made in an open meeting.

VIOLATION OF OPEN MEETINGS ACT

Any action taken by a board or commission in violation of the Open Meetings Act may be set aside by the Court.

Any board or commission member who knowingly conspires to circumvent the Open Meetings Act by meeting in numbers less than a quorum for the purpose of secret deliberations, commits a misdemeanor punishable by: a fine of not less than \$100 or more than \$500, and/or confinement for not less than one month or more than six months.

A member of a board or commission who knowingly calls or aids in calling an unauthorized closed meeting commits a misdemeanor offense punishable by a fine of not less than \$100 nor more than \$500 and/or confinement for not less than one month or more than six months.

A member of a board or commission commits a Misdemeanor if the member participates in a closed meeting of the board or commission knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

A member of a board or commission or any individual who without lawful authority knowingly provides to a member of the public the

certified agenda or tape recording of a meeting that was lawfully closed to the public under the Open Meetings Act commits a Misdemeanor and is liable to the person who injured or damaged by the disclosure for damages, lost wages, defamation, mental or emotional distress, reasonable attorneys' fees and court costs.

Although a board or commission member may not give the public the certified agenda or the tape recording of a closed meeting, a member may make public statements about the subject matter of the closed meeting. Board and commission members should avoid making public statements about the subject matter of a closed meeting so as not to injure or damage any person affected. Further, each member of the board or commission should respect the privilege afforded to the board or commission to conduct a closed meeting. If members of the board or commission do not intend to keep the matter confidential, then the board or commission should not conduct a closed meeting.

CITIZEN RIGHT TO SPEAK AT OPEN MEETINGS

The citizens have a right to see its government and public officials in action. This means the right to prior notice of meetings, right to attend, and the right to record or videotape the meeting. The public does not have the right to speak at or to control public meetings. If a board or commission allows the public to speak, it must do so in a nondiscriminatory manner. A citizen may have a right to speak on a particular item if a statute explicitly provides such a right. For example, citizens may speak at public hearings on requested zoning changes.

PUBLIC INFORMATION ACT

Texas has adopted a Public Information Act to secure public access to the records and information held by state and local government. It is similar to the Federal Freedom of Information Act. The Public Information Act applies to information that is collected, assembled, or maintained under a law or ordinance or in

connection with the transaction of official City business. It includes information that the City owns or has a right of access. The general forms in which public information exist, include a book, paper, letter, document, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, drawing, voice, data, video held in computer memory and includes e-mail. Even a draft is public information if it is collected, assembled, or maintained by or for the City under a law or ordinance or in connection with the transaction of official City business.

REQUEST FOR ACCESS

A citizen may request copies of information or to inspect information on-site. The City may not inquire into the requestor's motives but may require the request to be in writing. Public information must be made available to the public during normal business hours within ten (10) business days after the request is made. If the City is unable to provide the information within ten (10) days, it must notify the requestor and establish a reasonable date for production.

Some information is protected by statute or other law and may not be disclosed to the public. Other information may be withheld from disclosure but the City must within ten (10) business days request an opinion from the Texas Attorney General as to whether the requested information should be disclosed. The City must also submit comments and sample materials within fifteen (15) business days and notify the requestor that an Attorney General opinion has been requested. The information is not released to the requestor until the Texas Attorney General issues a written opinion requiring the disclosure of the requested information.

Some common types of information that may be withheld:

1. The identity of a person (confidential informant) who reports an ordinance or other criminal violation.

2. Information relating to litigation in which the City is, or may be, a party, or to which an Allen public official or employee of the City is or may be a party.
3. Trade secrets and certain commercial or financial information.
4. Information relating to economic development negotiations between the City and business prospects.

CONCLUSION

Public service on an Allen board and commission is an honor. Your voluntary service directly contributes to the quality of life in Allen. Although this public service is not paid or compensated the contributions and benefits to the Allen community and its citizens are invaluable. Citizens fortunate enough to serve on boards and commissions do so with pride, integrity and with the highest of ethical standards.

(n) *Call for Recess:* The Chair may call for a recess of up to fifteen (15) minutes at regular intervals at appropriate points in the meeting agenda, or if requested by any two (2) Council Members.

Sec. 1-160. – Decorum.

(a) General: During Council meetings, Council Members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall obey the rules of the Council. Council Members shall demonstrate respect and courtesy to one another, to City Staff and to members of the public appearing before the Council. Council Members shall seek to phrase and communicate all writings, publications and speeches in a professional and constructive manner.

Council Members may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each Member's position during his/her term of office and not only during an election campaign.

Members of the Council will not condone any unethical or illegal activity from any Council Member or members of the Staff. All members of the Council agree to uphold the intent of this policy and to govern their actions accordingly.

(b) *Mayoral Responsibilities:*

- (1) The Mayor shall serve as the Chair of all meetings. The Mayor Pro Tempore shall preside in the absence of the Mayor.
- (2) The Mayor shall have a voice in all matters before the Council.
- (3) The Chair is responsible for preserving order and decorum and shall keep the meetings orderly by recognizing each Member for discussion, limiting speaking items, encouraging debate among Members, and keeping discussion limited to the agenda item being considered.
- (4) The Mayor is the official spokesperson for the Council on all matters unless absent, at which time the Mayor Pro Tempore or appropriate designee will assume the role. The views presented by the Mayor, or the Mayor Pro Tempore in his/her absence, should provide equitable representation of all Council Members.
- (5) The Chair will encourage all Council Members to participate in Council discussion and give each Member an opportunity to speak before any Member can speak again on the same subject.
- (6) The Mayor is responsible for ensuring that an orientation of all Council Members is conducted following an election. The orientation shall include Council procedures, staff and media relations, current agenda items, municipal leadership training programs, and legal issues governing the behavior of elected officials, etc.

(c) Council Responsibilities

- (1) Each Council Member is responsible for being prepared to discuss the agenda.
- (2) Each Council Member is required to attend a Council Member Orientation and is encouraged to attend at least one Texas Municipal League-sponsored conference each year in order to stay informed on issues facing municipalities.
- (3) It is the responsibility of Council Members to be informed about action taken by the Council in their absence. In the case of an absence from a work session, the Council Member is responsible for obtaining this information from the City Manager prior to the Council meeting during which said item is to be voted upon.
- (4) When addressing an agenda item, the Council Member shall first be recognized by the Chair, confine comments to the question under debate, avoid reference to personalities, and refrain from impugning the integrity or motives of any other Council Member or Staff Member during debate or vote.
- (5) Any Council Member may appeal a ruling by the Chair to the Council as a whole. If the appeal is seconded, the person making the appeal may make a brief statement and the Chair may respond. An appeal may generally be debated by the Members, but each Member may speak only once. The affirmative vote of a majority of the Council Members present and voting shall be necessary to approve the motion.
- (6) Any Council Member may ask the Chair to enforce the policy established by the Council. Should the Chair fail to do so, a majority vote of the Council Members present shall require the Chair to enforce the policy.
- (7) When a Council Member is appointed to serve as a liaison to a board, committee or commission, the Council Member is responsible for keeping all Council Members informed of significant activities of that board, committee or commission. The appointed Council Member should report the actions of the board, committee or commission during a work session of the City Council.
- (8) A member of the Council who wishes to be recognized shall request to speak, but shall not proceed with remarks until recognized and named by the Chair of the Meeting. Remarks shall be confined to the question before the Council.
- (9) While a member of the Council is speaking, other members shall not hold private discourse or in any manner interrupt the speaker. In all discussions, disrespectful language and behavior shall be avoided.
- (10) Every member of the Council who shall be present at a meeting, when a vote is called for by the Chair shall vote thereon, unless they have recused themselves due to a conflict of interest. A conflict arises when a City Council Member, a relative of that Member, or an entity in which a City Council Member has a substantial interest is actively engaged in an activity that involves the City's

decision-making processes. "Decision-making processes" is broader than just voting and includes being involved with any aspect of any decisions the City makes.

- (11) A Council Member may not represent any third party before any City board or commission.
 - (12) All personal communication devices should be placed in a silent mode during any City Council meetings. Personal communication devices shall not be used for communicating City related business during all City Council meetings.
- (d) *Citizens' participation:* The following rules shall be in force for persons in attendance at all meetings of Council:
- (1) Persons wishing to address the Council during "persons to be heard" or "public hearings" shall complete a "request to speak" form and present said form to the City Secretary prior to the beginning of the regularly scheduled City Council meeting or immediately following their address to Council. Speakers shall approach the lectern and give his/her name and address before speaking. Speakers shall address the Mayor and Council with civility that is conducive to appropriate public discussion. All public comments should be addressed through the Mayor. Each speaker will be allowed three (3) minutes to speak. No person shall be allowed to address the Council more than once unless called upon by a City Council Member to do so. There shall be a cumulative time limit of thirty (30) minutes allotted for the "persons to be heard" portion of any regularly scheduled City Council meeting. If the Mayor or any Council Member wishes to extend the time for "persons to be heard", a proper motion must be made followed by a second, and then passed by the affirmative vote of a 3/4 majority of the Council Members present.
- City Council Members cannot discuss items presented under "persons to be heard" nor take any action thereon other than consideration of the placement of said item on a future agenda as a discussion item or refer the item to City Staff for research and possible future action.
- (2) Persons may not engage in discussions with the Council during Council deliberations unless specifically asked a question by a Council Member. Persons who have been asked a question by a Council Member must be recognized by the Chair before being allowed to speak. The Chair may end any question and answer session between Council Members and a member of the public in order to facilitate the order of business.
 - (3) Persons may present printed material to be included in the Council agenda packets one week prior to a meeting. Persons may present printed material to the City Secretary to distribute to the Council during a meeting.
 - (4) Persons attending Council meetings shall remain seated or may stand in the back and come and go so long as it does not disrupt the meeting. Persons in attendance shall not carry signs, placards or other items which could block the view of those behind them or be disruptive to the proceedings. No person

attending any Council meeting shall delay the proceedings or refuse to obey the orders of the presiding officer.

- (5) Disturbances, transgressions of the rules or disorderly conduct in the Council chamber may cause the transgressor to be removed from the meeting. The Chair of the meeting, shall exercise control over persons who disrupt the meeting in the following ascending order of action:
 - a. Call the person to order, advising that person of the infraction.
 - b. Advise the person that the infraction must cease immediately or the person will be ordered to leave the meeting.
 - c. Order the person to leave the meeting. If the offending person is a member of Council, the Chair shall call for a vote on the expulsion of that member from the meeting, and such vote requires a majority for adoption. A police officer may remove an individual or individuals for disrupting a meeting as authorized by Texas Penal Code Section 42.05.
- (6) Persons are encouraged to attend Council meetings. However, the number admitted shall be limited to the fire safety capacity of the Council chamber as determined by the fire chief or designee. If the capacity is surpassed the Council may adjourn the meeting and move its proceedings to a location that will accommodate a larger number of participants.

Sec. 1-170 - Staff Relations

- (a) In order to ensure proper presentation of agenda items by Staff, questions arising from Council Members after receiving their information packet should be, whenever possible, presented to the City Manager for Staff consideration prior to the Council meeting. This allows Staff the time to address Council Member's concern and provide all Council Members with additional information.
- (b) The City Manager shall designate the appropriate Staff Member to address each agenda item and shall see that each presentation is prepared and presented in order to inform and educate the Council on the issues that require Council action. The presentation should be professional, timely and allow for discussion of options for resolving the issue. As a summary, the Staff Member making the presentation shall make it clear if no Council action is required, or present the Staff recommendation as a part of the presentation, and/or present the specific options for Council consideration.
- (c) The City Manager is directly responsible for providing information to all the Council concerning any inquiries by a specific Council Member that is significant in nature and would be beneficial to all Council Members. If the City Manager or the Staff's time is being dominated or misdirected by a Council Member, it is the City Manager's responsibility to inform the Mayor.
- (d) The City Manager will exhibit the highest professional and ethical behavior. The City Manager is responsible for the professional and ethical behavior and discipline of his/her Staff. The City Manager is also responsible for ensuring that the Staff receives the training and information necessary to address the issues facing municipal government.

- (e) Any conflicts arising between the City Staff and the Council will be addressed by the Mayor and the City Manager.
- (f) All Staff Members shall show one another, each Council Member, and the public, respect and courtesy at all times. They are also responsible for making objective, professional presentations to ensure public confidence in the process.
- (g) The City Manager, after an election, will make sure that the Staff has prepared information needed for the orientation of new Council Members, and inform Council of any available Texas Municipal League conferences and seminars. The City Manager will also be responsible for meeting personally with new Members and informing them about City facilities, policies and procedures.

Sec 1-180. – Council and Media Relations

Since the democratic form of government is only successful when the citizens are kept informed and educated about the issues facing their municipality, it is imperative the media play an important role in the governmental process. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure fair relationships with all media reporters. The Council and the City Manager recognize that the media provides an important link between the Council and the public. It is desired to establish a professional working relationship to help maintain a well informed and educated citizenry.

- (a) During the conduct of official business, the news media shall occupy places designated for them or the general public.
- (b) All reporters will have access to an agenda and will be furnished support materials needed for clarification if requested.
- (c) In order to preserve the decorum and professionalism of Council meetings, the media are requested to refrain from conversing privately with other people in the audience and to conduct any interview with the public outside the meeting room while the Council is in session.
- (d) Since each government body conducts business differently, it is requested that all reporters new to Council meetings meet with the City Manager or the designated media relations representative prior to covering their first meeting to be informed of the policies and procedures to help foster a professional working relationship between the media reporter and the City.
- (e) On administrative matters, the City Manager is the spokesperson, unless he/she has appointed a media relations person to present Staff information on the agenda.
- (f) The Mayor, or his/her designee, is the primary spokesperson for the City on matters regarding policy decisions or any Council information pertaining to issues on the agenda. In order to ensure fair treatment of an issue, any clarifications requested by the media on the issue should be addressed after the meeting. When opposing positions have been debated, regardless of the outcome, the public is better informed when all sides have

adequate coverage by the media. This lets the public know that the item was seriously debated and options discussed before a vote was taken, and helps build confidence in the democratic process. In respect to each Council Member and the citizens of the City, the views presented by each Council Member should provide equitable representation of all Members. Even though Council Members may express differing ideas, equitable representation helps promote unity of purpose by allowing the public to be informed of each Member's position during his/her term of office and not only during an election campaign.

Sec. 1-190. – Statements by public officials regarding litigation.

When the City of Keller is involved in litigation or a legal dispute, Council Members shall refrain from commenting on settlements, appeals or other issues related to the subject until the matter is resolved. The Mayor, City Manager or City Attorney shall be authorized to provide any public responses or comments, as needed on matters involving litigation.

Sec 1-200. - Non-Exclusive Rules

The rules set forth shall supersede the Council related portions of the Council relations policy; however, they are not exclusive and do not limit the inherent power and general legal authority of the City Council, or of its presiding officer, to govern the conduct of the City Council meetings as may be considered appropriate from time to time, or in particular circumstances, for purposes of orderly and effective conduct of the affairs of the City.

Sec 1-210. – Disbursement of Council Requested Information

As a general courtesy and to maintain equality in the disbursement of information, documentation or data requested by a Council Member from Staff shall be provided to all members of Council.

Sec. 1-220 – Policy Enforcement

If a Member(s) of the City Council believes this policy has been violated, the topic shall be placed on a meeting agenda following proper procedure (by City Manager, Mayor, or two members of the City Council).

A determination of violation shall be stated by majority vote of those present during the deliberation.

If it is a Member of the Council who is determined to be in violation of this policy, a standard letter of violation signed by the Mayor (or Mayor Pro Tempore, if the letter is going to the Mayor) shall be issued to the person. A copy of the letter shall become a part of the Council Member's official file with the City.



AGENDA MEMORANDUM

DATE: July 24, 2019

TO: Honorable City Council Members

FROM: Andrea Gardner, City Manager

SUBJECT: Discuss and provide direction to the City Manager on transportation initiatives for the City of Watauga

BACKGROUND/INFORMATION:

City staff met with the Fort Worth Transportation Authority in February/March 2018 and again in February 2019 to discuss the option of the City participating in the Fixed Route 141P Transit Master Plan. The Fixed Route 141P would only serve 6,500 Watauga residents and the cost to participate in that plan is \$214,705. City staff requested consideration to expand the route and/or other another route that would cover up to Starnes Road area to provide service to a greater portion of Watauga's population. The proposed Fixed Route 141P assumes service 7 days a week, 30 minute frequency during AM & PM peak weekdays, 60 minute frequency off-peak and weekends, span of service from 6 am to 11 pm and the service is bus style service.

During the Tarrant County Mayor's Council Meeting held in June 2019, a presentation was provided by the Mobility Coordinator for Tarrant County. The presentation stated a pilot area has been identified for conducting a transportation study. The plan is to fold the Fixed Route Participation Plan (see attached) into the Tarrant County Transit Implementation Study.

The City Manager also received inquiries from two members of Council regarding transportation options for Seniors. The Mid-Cities Care Corps (MCCC) provides services to Seniors in 11 communities and Watauga is one of the 11 communities. Included in the services is transportation to routine medical appointments as well as quality-of-life drives on the weekend. The City Manager met with the Parks Directors to ensure the staff at the Senior Center provides the contact information for MCCC. Additionally, the City Manager was asked to research the possibility of becoming a partner with NETS (Northeast Transportation Service) and is awaiting further information.

FINANCIAL IMPLICATIONS:



AGENDA MEMORANDUM

RECOMMENDATION/ACTION DESIRED:

City staff recommends the City Council review the information provided and give direction to the City Manager regarding all transportation needs of the City.

ATTACHMENTS/ SUPPORTING DOCUMENTATION:

1. MCCC

REVIEWED BY:

Andrea Gardner, City Manager

Final Approval - 9/17/2019

Approved as to form for inclusion on Agenda

MCCC Community Outreach Last Year

926 senior client round trips
853 Helping Hands service orders
1146 Social Activities
11,975 volunteer hours
598 senior neighbors in database
97 active volunteers in database
908 one-day volunteers
60,048 volunteer miles for services

Mid-Cities Care Corps does not charge for services

Help MCCC Help Senior Neighbors

- ◇ **Become a volunteer** Individuals with three hours a month to spare are candidates to be a caring MCCC volunteer. Volunteer opportunities are flexible and respectful of one's personal schedule.
- ◇ **Be an Ambassador** Share the MCCC mission with potential clients and volunteers.
- ◇ **Be a Supporter** MCCC is supported by area faith based communities, civic organizations, businesses, and generous friends.
- ◇ **Attend / Sponsor** The annual Festival of Friends celebration dinner live and silent auction, 1st Thursday in November.
- ◇ **Donate a Clunker** MCCC accepts donations of vehicles which qualify for tax deduction.



Mid-Cities Care Corps

745 W. Pipeline Road
Hurst, TX 76053

817-282-0531

www.midcitiescarecorps.org
501 (c)(3) Non-Profit



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Mid-Cities Care Corps



Caring MCCC volunteers construct ramps . . .



. . . Adopt-A-Yard . . .



. . . and celebrate serving seniors!

Making a difference

MCCC is a non-profit organization established in 1981 with a mission *"to preserve the independence of senior neighbors in Northeast Tarrant County"*. Program and services provided include:

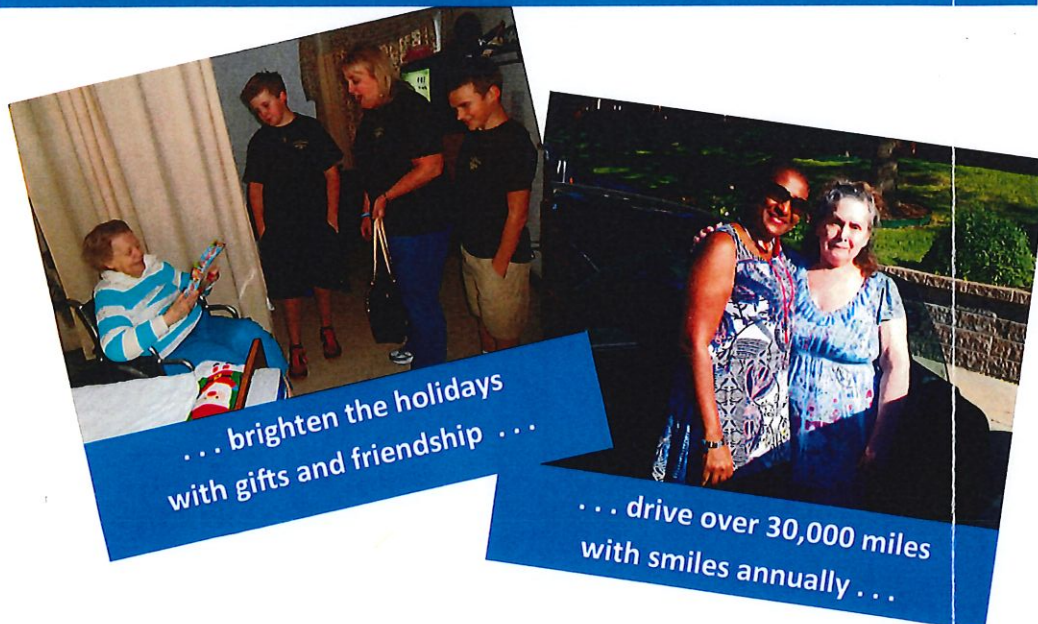
- Transportation:** To routine medical appointments as well as quality-of-life drives on the weekend
- Helping Hands:** Assist seniors with minor home repairs, wheel-chair ramps, Adopt-a-Lawn, and group work days
- Social Outreach:** Allows seniors to expand their social network and connect with one another by phone from the comfort of their home, senior social events, and provide gifts and food baskets to "young at heart" seniors during the holiday season

Our services are provided by caring volunteers from churches, youth groups, civic groups, businesses, and individuals who want to make a difference in the lives of seniors in the area. Services are provided to seniors 65 and older, 60 plus with a disability, in 11 communities including:

Bedford
Colleyville
Euless
Grapevine

Haltom City
Hurst
Keller
N. Richland Hills

Richland Hills
Southlake
Watauga



. . . brighten the holidays with gifts and friendship . . .

. . . drive over 30,000 miles with smiles annually . . .