



Melody Paradise, Mayor
Russell Brewster, Mayor Pro Tem

AGENDA

TOWN COUNCIL

January 25, 2016

COUNCIL MEMBERS:

Fred Adair
Don Funderlic
Jane Barrett
Don Surratt

Matthew Fielder, City Manager

Work Session 6:30 p.m.
Regular Session 7:30 p.m.
Council Chamber
1614 South Bowen Road

WORK SESSION 6:30 P.M.

REVIEW AND DISCUSS ITEMS ON THE REGULAR AGENDA, AND CONSIDER PLACING APPROVED ITEMS ON CONSENT AGENDA.

All consent agenda items are considered to be routine by the Council and will be enacted with one motion. There will be no separate discussion of items unless a Council Member so requests, in which event, the item will be removed from the general order of business and considered in its normal sequence.

1. City Manager Report
 - Update on Street Projects
 - Personnel Vacancies
2. Approval of Bills Payable and Purchase Orders in excess of \$2,000.
A summary of invoices, purchase orders, and applicable copies are included in the agenda packet.
3. Approval and Acceptance of Minutes
Approval of Town Council Minutes:
 - Town Council minutes from December 14, 2015
 - Town Council minutes from January 11, 2016Acceptance of Minutes of Boards and Commissions:
 - PEDC minutes from December 9, 2015

REGULAR SESSION 7:30 P. M.

CALL TO ORDER/WELCOME

INVOCATION BY: Council Member Jane Barrett

PLEDGE OF ALLEGIANCE

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

HONORS/RECOGNITIONS

- Proclamation Honoring Police Officer Steven Meinke; Firefighters Lt. Blake Slater, Richard Wood, and Ben Ogletree for their life-saving efforts on an emergency medical call at a home in Pantego, Texas.

RECEPTION

COUNCIL LIAISON TO BOARD REPORT

- Community Relations Board
- Pantego Youth Leadership Council

PEDC REPORT

CITIZENS OPEN FORUM

This is a time for the public to address the Town Council on any subject not on this agenda. However, in accordance with the Open Meetings Act Section 551.042, the Town Council cannot discuss issues raised or make any decisions on that subject at this time. The Town Council or an appropriate Town official may make a statement of factual information or policy on the subject in response to an inquiry by a member of the public. Issues raised may be referred to Town Staff for research and possible future action.

APPROVAL OF CONSENT AGENDA ITEMS

Approval of the Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations and all votes on final reading will be recorded as reflected on first reading unless otherwise indicated. Public comment will be accepted on items, with the exception of those items on which a public hearing has been held and closed by Council.

RESOLUTION

4. Discuss, direct, and consider action on Resolution 15-36 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to enter into an agreement with Viewu Solutions for body cameras for the Police Department.

ORDINANCE

5. Discuss, direct, and consider action on Ordinance 16-775 an ordinance of the Town Council of the Town of Pantego, Texas, calling for the General Election of Town Officers to be held Saturday, May 7, 2016 for Council Members Places 1, 2, and 3; providing for publication; providing procedures for the conduct of the election; and declaring an effective date.

NEW BUSINESS FOR DISCUSSION, REVIEW, APPROVAL, AND/OR DIRECT STAFF.

6. Discuss, direct, and consider action on setting a date for a joint session with the Pantego Economic Development Corporation to discuss the Economic Development Strategic Planning Report.
7. Discuss, direct, and consider action on regulations for credit access businesses generally known as cash advance and payday lenders.

OLD BUSINESS FOR DISCUSSION, REVIEW, APPROVAL, AND/OR DIRECT STAFF.

8. Discussion on the status of the potential revisions and/or updates to Ordinance 11-664 referred to as the Boat and RV Ordinance.
9. Discuss, direct, and consider action on PantegoFest 2016.
10. Discuss, direct, and review the water and sewer fund status and rates.

Following the Scheduled Executive Session, the Council will reconvene in public session and may take any and all action necessary concerning the Executive Session.

SCHEDULED EXECUTIVE SESSION ITEMS

- The Council will convene in the City Manager's Office pursuant to the Texas Government Code for an executive session on the following items:
 1. Pursuant to Government Code Section 551.071 Litigation Matters, to discuss pending or contemplating litigation, settlement offers, and other legal matters that implicates the attorney-client privilege – Newport Investments, LLC and Now Faith Deliverance Temple v. Town of Pantego, Don Surratt, and Don Funderlic.
 2. Pursuant to Government Code Section 551.074 to discuss and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee – Accounts Payable position.
 3. Pursuant to Government Code Section 551.074, to deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee - Discussion of Board and Commissions appointments.
 4. Pursuant to Government Code Section 551.074, to discuss and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee – annual evaluation of the City Secretary.

COUNCIL INQUIRY

If a member of the Council makes a spontaneous inquiry about a subject not on this agenda, then the Town Council or an appropriate Town official may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Town Council cannot discuss issues raised or make any decisions on that subject at this time. Issues raised may be referred to Town Staff for research and possible future action.

ADJOURNMENT

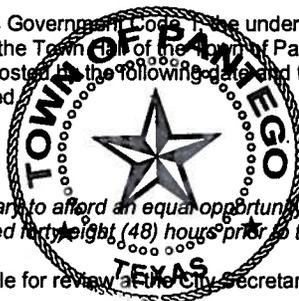
CERTIFICATION

Prepared and posted in accordance with Chapter 551 of the Texas Government Code, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window of a display cabinet at the Town of Pantego, Texas, a place of convenience and readily accessible to the general public at all times, and said Notice was posted on the following date and time: Friday, January 22, 2016 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.


Julie Arrington, City Secretary

Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in Town functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight (48) hours prior to the scheduled starting time by calling the City Secretary's Office at (817) 548-5852.

Complete Council Agenda and background information are available for review at the City Secretary's Office and on the Town's website: www.townofpantego.com.





City Manager's Report

To: Mayor Paradise and Members of the Town Council

From: Matt Fielder, City Manager

Date: January 25, 2016

Update on Street Projects

The Public Works Department is working with the paving contractor for Bowen Road to schedule the next section, between Winewood and Smith Barry, in such a manner and time as to best minimize the disruption on traffic. They are still working to develop that plan.

Personnel Vacancies

The Town has vacancies for a Police Officer and an Accounts Payable/Payroll Clerk. Both positions have been advertised.



AGENDA BACKGROUND

AGENDA ITEM: Approval of Bills Payable and Purchase Orders over \$2,000.

DATE: January 25, 2016

PRESENTER: Matthew Flelder, City Manager

BACKGROUND:

This agenda item includes a listing of bills payable over \$2,000. Included are copies of invoices for professional services and purchase orders over \$2,000, attached memo and invoice copies, if available.

FISCAL IMPACT:

Please review report for individual account number.

RECOMMENDATION:

Staff recommends the following motion:

Approval of the listing of bills payable and purchase orders over \$2,000 as submitted.

ATTACHMENTS:

Expenditure Summary of approval list over \$2,000 and purchase orders for January 25, 2016

**Summary of Bills Payable and Purchase Orders over \$2,000 Requiring Council Approval
1/25/2016**

<u>PROFESSIONAL SERVICES</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
Alan Plummer Associates, Inc	\$1,269.57	Engineering Services through December 25, 2015
Bill Lane, Attorney	\$1,837.50	January Court Services

<u>PURCHASE ORDERS</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
\$1,000 - \$2,000:		
1884 - Del Carmen Consulting	\$ 1,500.00	Racial Profiling Report
1886 - Tyler Technologies	\$ 1,340.10	Payroll/Personnel Module Renewal
\$2,000 + :		
1881 - Tyler Technologies	\$3,587.44	Renewal of Annual Maintenance Agreements
1887 - Vista Com	\$2,850.00	Annual Maintenance Renewal for Dispatch/911 Voice Recorder

<u>GENERAL BILLS</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
Iwerk	\$2,075.00	December 2015 Tech Support Services
City of Arlington	\$1,131.00	January 2016 - Radio Lease
Verizon	\$1,178.97	Cellphone Services 12/02/15 - 01/01/16
Time Warner Cable	\$2,259.33	Telephone Services from 01/17/16 -02/16/16
Arlington Utilities	\$6,479.57	December 2015 Wastewater Services



1320 South University Drive, Suite 300
Fort Worth, Texas 76107

V-10581

December 25, 2015
 Project No: 1329-004-04
 Invoice No: 000000038372
 Project Manager: Brian Wright
 Total Contract: 43,124.00

Mr. Matt Fielder
 Town of Pantego
 Accounts Payable
 1614 South Bowen Road
 Pantego, TX 76013

Project: 1329-004-04 Pantego Park Row Pipeline Construction Administration

Professional Services through December 25, 2015

Phase A Construction Phase Services

Task 09 Record Drawings

Record Drawings

Professional Personnel

	Hours	Rate	Amount	
Engineer/Scientist In Training II Houseman, Heather	1.50	115.00	172.50	
Designer/Technician II Cave, Forrest	12.00	90.00	1,080.00	
Totals	13.50		1,252.50	
Total Labor				1,252.50
				Total this Task \$1,252.50
				Total this Phase \$1,252.50

Phase RE Reimbursable Expenses

Reimbursable Expenses

Mileage, Auto Expense			16.96	
Reproduction & Print			.11	
Total Reimbursable			17.07	17.07
				Total this Phase \$17.07
				Total this Invoice \$1,269.57

Billings to Date	Current	Prior	Total	Payments	A/R Balance
	1,269.57	32,362.11	33,631.68	32,362.11	1,269.57

Authorized By: Brian Wright Date: 1/7/16
 Brian Wright

Acct# 550-5-000-476.00

Rec

V-11174



Del Carmen Consulting, LLC.
3051 Trevino
Grand Prairie, Texas 75054
(817) 681-7840
EIN: 45-051-4621

Invoice No. 976884797852

INVOICE

Customer

Name Pantego Police Department

Address 2600 Miller Lane

City Pantego State: TX ZIP 76013

Phone _____

Date 1/5/16

Order No. _____

P.O. _____

FOB _____

Units	Description	Unit Price	TOTAL
1	Racial Profiling Report	\$1,500.00	\$1,500.00

SubTotal	\$1,500.00
Shipping & Handling	
Taxes State	
TOTAL	\$1,500.00

Signature: _____

Office Use Only

TOWN OF PANTEGO

1614 S. BOWEN
PANTEGO, TEXAS 76013

No. 1884

INSTRUCTIONS TO VENDOR

1. PURCHASE ORDER NUMBER. Vendor must show purchase order number on all packages, shipping papers, invoices and relative correspondence.
2. INVOICING. Send invoices in duplicate to
TOWN OF PANTEGO
PURCHASING DEPARTMENT
CITY HALL
PANTEGO, TEXAS 76013
3. TAXES. Municipality Tax Exempt Entity I.D. #75-1291097

TO *Del Carmen Consulting*
3051 Trevino
Grand Prairie, TX 75054

SHIP
TO

DATE		ACCT #	DEPT			
<i>1-8-16</i>		<i>100-5-140-525.00</i>	<i>PD</i>			
QUANTITY		STOCK NUMBER / DESCRIPTION	PRICE	PER	AMOUNT	
ORDERED	RECEIVED					
		<i>Racial Profile Report</i>			<i>1,500</i>	<i>*</i>
					TOTAL	<i>1,500</i>

*Budgeted **
[Signature]
APPROVED BY



Remittance:
 Tyler Technologies, Inc.
 (FEIN 75-2303920)
 P.O. Box 203556
 Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
025-145285	02/01/2016	1 of 1

Empowering people who serve the public®

Questions:

Tyler Technologies - Local Government
 Phone: 1-800-772-2260 Press 2, then 2
 Fax: 1-866-673-3274
 Email: ar@tylertech.com



Bill To: Pantego, Town of
 Attn: Accounts Payable
 1614 S. Bowen Road
 Pantego, TX 76013

Ship To: Pantego, Town of
 Attn: Accounts Payable
 1614 S. Bowen Road
 Pantego, TX 76013

Customer No.	Ord No	PO Number	Currency	Terms	Due Date
44177	61861		USD	NET30	03/02/2016

Date	Description	Units	Rate	Extended Price
Contract No: Pantego, Town of Payroll/Personnel Maintenance Start 01/Mar/2016, End: 28/Feb/2017		1	1,340.10	1,340.10

V-10106



100-5-101-234.30 - 94

<p>Registration is now open for Connect 2016 in Phoenix. Join us May 1-4 for three days of learning, networking and Arizona sunshine. Visit tylertech.com/connect2016 for more information.</p>	Subtotal	1,340.10
	Sales Tax	0.00
	Invoice Total	1,340.10

TOWN OF PANTEGO

1614 S. BOWEN
PANTEGO, TEXAS 76013

No. 1886

- INSTRUCTIONS TO VENDOR**
1. PURCHASE ORDER NUMBER. Vendor must show purchase order number on all packages, shipping papers, invoices and relative correspondence.
 2. INVOICING. Send invoices to:
TOWN OF PANTEGO
Attn: Accounts Payable
1614 S. Bowen Road
PANTEGO, TEXAS 76013
 3. TAXES. Municipality Tax Exempt
Enlily I.D. #75-1291097

TO Tyler Technologies, Inc.
P.O. Box 203556
Dallas, TX 75320-3556

SHIP
TO

DATE		ACCT #	DEPT					
01/19/16		100-5-101-234.30	G/A					
QUANTITY		STOCK NUMBER / DESCRIPTION	PRICE		PER	AMOUNT		
ORDERED	RECEIVED							
1	1	Payroll/Personnel Maintenance 02/16-02/17	1,340	10	1	1,340	10	
** Budgeted **								
						TOTAL	1,340	10

APPROVED BY



G/A MEMO

To: Matt Fielder, City Manager

From: Julie Arrington, City Secretary

Date: January 13, 2015

Re: Tyler Technologies

The Town of Pantego contracts with Tyler Technologies for the Incode program that provides our Accounting and Utility Billing Systems. The annual agreement for this service is up for renewal and is budgeted within the General Administration Budget. The invoice for the 2015-2016 Fiscal Year in the amount of \$3,587.44 and regarding the Financial, Fixed Assets, and Forms Overlay modules is provided. I am requesting to spend the budgeted funds to continue and extend the contract for these modules until January 31, 2017.



Remittance:
 Tyler Technologies, Inc.
 (FEIN 75-2303920)
 P.O. Box 203556
 Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
025-143177	01/01/2016	1 of 1

Empowering people who serve the public™

Questions:

Tyler Technologies - Local Government
 Phone: 1-800-772-2260 Press 2, then 2
 Fax: 1-866-673-3274
 Email: ar@tylertech.com



Bill To: Pantego, Town of
 Attn: Accounts Payable
 1614 S. Bowen Road
 Pantego, TX 76013

Ship To: Pantego, Town of
 Attn: Accounts Payable
 1614 S. Bowen Road
 Pantego, TX 76013

Customer No.	Ord No	PO Number	Currency	Terms	Due Date
44177	61121		USD	NET30	01/31/2016

Date	Description	Units	Rate	Extended Price
Contract No. Pantego, Town of				
	Core Financials - 01/16	1	2,204.45	2,204.45
	Maintenance: Start: 01/Feb/2016, End: 31/Jan/2017			
	Fixed Assets - 6/10	1	460.99	460.99
	Maintenance: Start: 01/Feb/2016, End: 31/Jan/2017			
	AcuCorp AcuServer - 5/1	1	959.51	959.51
	Maintenance: Start: 01/Feb/2016, End: 31/Jan/2017			
	Forms Overlay - 10/1	1	553.47	553.47
	Maintenance: Start: 01/Feb/2016, End: 31/Jan/2017			
	Enhanced Utility Bill Printing - 10/1	1	368.53	368.53
	Maintenance: Start: 01/Feb/2016, End: 31/Jan/2017			
	Secure Signatures - 6/10	1	368.53	368.53
	Maintenance: Start: 01/Feb/2016, End: 31/Jan/2017			
	AcuCorp Run Time	1	36.18	36.18
	Maintenance: Start: 01/Feb/2016, End: 31/Jan/2017			
	Court Case Management	1	2,511.34	2,511.34
	Maintenance: Start: 01/Feb/2016, End: 31/Jan/2017			
	Brazos Citation Issuing Device Interface - Maintenance	1	0.00	0.00
	Maintenance Start: 01/Feb/2016, End: 31/Jan/2017			
	Brazos RDC Software Maintenance	1	1,620.68	1,620.68
	Maintenance Start: 01/Feb/2016, End: 31/Jan/2017			
	Brazos Interface to Court	1	752.46	752.46
	Brazos Interface to Court			
	Brazos Interface to Court			
	Maintenance Start: 01/Feb/2016, End: 31/Jan/2017			
	Brazos Interface to Public Safety	1	752.46	752.46
	Maintenance Start: 01/Feb/2016, End: 31/Jan/2017			

****ATTENTION****

Order your checks and forms from
 Tyler Business Forms at 877-749-2090 or
 tylerbusinessforms.com to guarantee
 100% compliance with your software.

Subtotal	10,588.60
Sales Tax	0.00
Invoice Total	10,588.60

TOWN OF PANTEGO

1614 S. BOWEN
PANTEGO, TEXAS 76013

No. 1881

INSTRUCTIONS TO VENDOR

1. PURCHASE ORDER NUMBER. Vendor must show purchase order number on all packages, shipping papers, invoices and relative correspondence.
2. INVOICING. Send invoices in duplicate to:
TOWN OF PANTEGO
PURCHASING DEPARTMENT
CITY HALL
PANTEGO, TEXAS 76013
3. TAXES. Municipality Tax Exempt Entity I.O. #75-1291097

C. 1/25

TO Tyler Technology
P.O. Box 203556
Dallas, TX 75320-3556

SHIP TO Tyler Technology
P.O. Box 203556

DATE		ACCT #	DEPT		
1-6-16		100-5-101-234.30	Gen. Admin		
QUANTITY		STOCK NUMBER / DESCRIPTION	PRICE	PER	AMOUNT
ORDERED	RECEIVED				
1	1	Core Financials Feb 1, 2016 To Jan 30, 2017	2,204.45	1	2,204.45
1	1	Fixed Assets	410.99	1	410.99
1	1	Forms Overlay	553.47	1	553.47
1	1	Secure Signatures	368.53	1	368.53
** Budgeted **					
				TOTAL	3,587.44


APPROVED BY:



**PANTEGO PUBLIC
SAFETY**



To: Matt Fielder, City Manager
From: Barry Reeves, Assistant Chief of Police
CC: Tom Griffith, Chief of Public Safety
Date: January 12, 2016
Re: Maintenance Agreement (voice recorder)

I am requesting the payment for an approved budgeted item to VistaCom for the annual maintenance agreement of \$2,850.00 for the dispatch/911 voice recorder.

A handwritten signature in blue ink that reads "Barry Reeves".

Barry Reeves

Assistant Chief of Police



Houston, TX
9824 Whithorn Drive
Houston, Texas 77095
P: (800) 708-6423
www.vistacomtx.com

Remit, Sales and Support

Oklahoma City, OK
4200 Perimeter Center Drive, Suite 140
Oklahoma City, OK 73112
P: (800) 708-6423
www.vistacomtx.com

Sales and Support

We have prepared a quote for you

Pantego PD Maintenance Renewal

Quote # HOU001595

Version 1

Pantego Police Department



Oklahoma City, OK
4200 Perimeter Center Drive, Suite 140
Oklahoma City, OK 73112
P: (800) 708-6423
www.vistacomtx.com

Houston, TX
9824 Whithorn Drive
Houston, Texas 77095
P: (800) 708-6423
www.vistacomtx.com

Sales and Support

Remit, Sales and Support

Thursday, January 07, 2016

Pantego Police Department
Barry Reeves
2600 Miller Ln
Pantego, TX 76013
breeves@townofpantego.com

Dear Barry,

This proposal is for the continuation of the maintenance contract in effect per agreement of your organization and Vista Com. This quote is for the new period beginning midnight on 02/28/2016. Failure to receive payment by the expiration date will result in an expired contract whereby you may be subjected to loss of coverage or coverage for time and materials per service event. Continuation of maintenance coverage after an expiration period may also result in an onsite re-inspection of the recording system at the customer expense.

Please contact Vista Com Service 30 days prior to contract expiration if you wish to alter the terms of the contract.

A handwritten signature in cursive script that reads "Tanya Travis".

Tanya Travis
Operations Manager
Vista Com



Oklahoma City, OK
 1100 Perimeter Center Drive, Suite 140
 Oklahoma City, OK 73112
 P: (800) 708-6423
 www.vistacomtx.com

Houston, TX
 9824 Whithorn Drive
 Houston, Texas 77095
 P: (800) 708-6423
 www.vistacomtx.com

Sales and Support

Remit, Sales and Support

Pantego PD Maintenance Renewal



Prepared by:
Vista Com
 Tanya Travis
 (281) 516-9800 ext. 210
 Fax (281) 518-7056
 tanya.travis@vistacomtx.com

Tanya Travis

Prepared for:
Pantego Police Department
 2600 Miller Ln
 Pantego, TX 76013
 Barry Reeves
 breeves@townofpantego.com
 (817) 274-2511

Quote Information:
Quote #: HOU001595
Version: 1
Delivery Date: 01/07/2016
Expiration Date: 02/29/2016

Part Number	Services	Price	Qty	Ext. Price
Prof. Services Maintenance	Annual Maintenance Contract Eventide Voice Recorder, serial number 740000526 For term period 3/1/2016 - 2/28/2017	\$2,850.00	1	\$2,850.00
Subtotal:				\$2,850.00

Quote Summary	Amount
Services	\$2,850.00
Total	\$2,850.00

Payment Terms	No. of Payments	Amount
Net 30	1	\$2,850.00

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Barry Reeves
 Signature

1-11-16
 Date

TOWN OF PANTEGO

1614 S. BOWEN
 PANTEGO, TEXAS 76013

No. 1887

INSTRUCTIONS TO VENDOR

1. PURCHASE ORDER NUMBER. Vendor must show purchase order number on all packages, shipping papers, invoices and relative correspondence.
2. INVOICING. Send Invoices in duplicate to:
 TOWN OF PANTEGO
 PURCHASING DEPARTMENT
 CITY HALL
 PANTEGO, TEXAS 76013
3. TAXES. Municipality Tax Exempt Entity I.O. #75-1291097

TO Vista Com
 9824 Whithorn Dr.
 Houston, TX 77095

SHIP
 TO

DATE		ACCT #	DEPT.	PRICE		PER	AMOUNT
ORDERED	RECEIVED	STOCK NUMBER / DESCRIPTION					
1/12/16		100-5-140-234.00	PD				
		Annual Maintenance Renewal / for Dispatch / 911 Receivers					2,850 ⁰⁰
* Budgeted Item *							
						TOTAL	2,850 ⁰⁰

[Handwritten Signature]
 APPROVED BY



AGENDA BACKGROUND

AGENDA ITEM: Approval of the Town Council minutes and acceptance of Minutes of the various Boards and Commissions.

Date: January 25, 2016

PRESENTER:

Julie Arrington, City Secretary

BACKGROUND:

Minutes from Town Council and Pantego's various Boards and Commissions.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends the approval of the minutes as presented.

ATTACHMENTS:

Town Council minutes from December 14, 2015

Town Council minutes from January 11, 2016

PEDC Minutes from December 9, 2015

Director's Review: lea
City Manager's Review: MDF

Town Council Minutes
December 14, 2015

STATE OF TEXAS §

COUNTY OF TARRANT §

TOWN OF PANTEGO §

The Town Council of the Town of Pantego, Texas, met in regular session at 6:30 p.m. in the Council Chamber of Town Hall, 1614 South Bowen Road, Pantego, on the 14th day of December 2015 with the following members present:

Melody Paradise	Mayor
Russ Brewster	Mayor Pro-Tem
Fred Adair	Council Member
Don Funderlic	Council Member
Don Surratt	Council Member
Jane Barrett	Council Member

Members absent:
None.

Constituting a quorum. The following staff members were present:

Matt Fielder	City Manager
Julie Arrington	City Secretary
Jim Jeffrey	Town Attorney
Dennis Jobe	Community Development Director
Scott Williams	Public Works Director
Tom Griffith	Chief of Public Safety
Barry Reeves	Assistant Police Chief
Robert Coker	Assistant Fire Chief
Thressa Householder	Court Administrator

Also in attendance:
None.

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session to order at 6:34 p.m.

Mayor Paradise read the caption to the executive session and recessed at 6:34 p.m.

Mayor Paradise reconvened the Council meeting at 7:32 p.m. and declared no action was taken during the executive session.

REGULAR SESSION 7:30 P. M.
CALL TO ORDER/WELCOME

Mayor Paradise called the regular session to order at 7:32 p.m. and welcomed the audience.

Council Member Don Surratt led the invocation which was immediately followed by the Pledge of Allegiance.

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Surratt welcomed the audience and gave a shout out to the Community Relations Board for their Santa in the Park event last Saturday and from a make-up date perspective the event went really well.

Town Council Minutes
December 14, 2015

Councilmember Funderlic also gave a shout out to staff and the Community Relations Board for putting the Santa in the Park event together they did a wonderful job and a special thank you to Santa Clause for flying down from the North Pole and rearranging his schedule to make the event. He thanked the audience for coming out tonight and looks forward to receiving their comments and inputs.

Councilmember Barrett welcomed the audience for attending tonight and stated the Santa in the Park Community Relations Board event was successful this weekend.

Councilmember Adair welcomed the audience and stated he is grateful for the audiences input on tonight's meeting. He thanked everyone who showed up for the Red Kettle Challenge on Saturday and staff for helping with the event. It was nice to see the community give the way they did and it was a very nice event.

Mayor Pro-Tem Brewster welcomed the audience; thanked staff and council for working together if they don't things do not get done. He regrets he was unable to participate in this weekend's events due to family obligations.

Mayor Paradise thanked everyone for coming out to tonight's meeting. She announced this was the fifth year for the Mayoral Red Kettle Challenge with the Salvation Army. Each year the Town raises more money than the previous year. We compete with the Mayors of Arlington, Mansfield, Kennedale, and Dalworthington Gardens. Arlington and Mansfield are much larger with more opportunities to raise money. Pantego has always raised \$2,500 to \$3,500 a year and always gets the Per Capita award. This year our goal was to raise more money than last year \$3,059 and we did. The Pantego Community raised \$4,780.00 on this one day. The Lion's Club contributed greatly. WE rang until after 8:00 p.m. because people were still coming by to donate. David Cook, Mayor of Mansfield, raised \$22,000 last year and this year rose over \$41,000. Jeff Williams, Mayor of Arlington, this is his first year and he raised over \$17,000. In a combined total the Cities of Arlington, Mansfield, Kennedale, Dalworthington Gardens, and Pantego raised almost \$81,000 in just one day. She thanked everyone who contributed and supported the event.

COUNCIL LIAISON TO BOARD REPORT

Community Relations Board

Councilmember Barrett informed Council the last meeting was held on December 1, 2015 and they discussed the events. Due to the weather, the Candy Train and Christmas Tree Lighting was rescheduled for Saturday, December 12, 2015. The Christmas Decorating Contest judging will be held on December 18th with two different categories; Traditional and Whimsical, and a first place and second place in each category. The next meeting will be January 5th.

Pantego Youth Leadership Council

Mayor Paradise stated the next meeting is tomorrow. The focus will be on Community Events and all that is involved in planning a community event. This is very timely for them to discuss, since they participate in all events. This group is open to all students 7th grade to 12th grade if anyone is interested in attending and learning about Municipal Government.

PEDC REPORT

Councilmember Adair informed Council the last meeting was last Wednesday and it was a short meeting. The Board discussed the American Express Small Business Saturday event and the Business Decorating contest. Due to the weather last weekend it did not go as well as expected. The Board expected to have some sidewalk sales but the weather did not cooperate. The Board discussed the future of the American Express Event, since this was the first year for it.

CITIZENS OPEN FORUM

None.

Mayor Paradise announced since many of the people in the audience are here regarding the two public hearings she is going to move the approval of the consent agenda items to the end of the meeting and begin the public hearings.

PUBLIC HEARING

- 5. Public Hearing, discuss, direct, and consider action on Ordinance 15-773 an ordinance of the Town Council of the Town of Pantego, Texas, regarding Zoning Case Z-216, a proposed Special Use Permit as requested by Sylvester T. Lafayette to establish a church and offices at 3216 W. Park Row Drive, Lot 1, Block 1 of Park Row West Addition of the A.L.S. Land Survey, Pantego, Tarrant County, Texas. The property is generally located on the South side of W. Park Row Drive between Nora Drive and Bowen Road.**

Ms. Arrington read the caption of the ordinance for the record. Mr. Fielder introduced the item giving an overview of the application, the P&Z decision, and the square footage of the location.

Mayor Paradise opened the public hearing at 7:49 p.m.

Pastor Dora Lafayette, 5313 Faireast Court Arlington, Texas, 76018, stated her husband, the applicant, is in the hospital so that is why she is here. The church moved in four months ago and has grown quite a bit since. The church is here to enhance the community and help people change their lives. Since moving in, the church has grown 15-20 percent. On the same day as Pantego Day the church held an outreach day and had a game truck, bounce houses, and played music; but by 2:00 p.m. to 3:00 p.m. the event was shut down. This is how the Town found out. Yes, there was a problem with a kid climbing a fence to get the football. So now the kids have been told to stay inside the church and not to go outside to play. Since then, the church has realized there are residents in the back. The services are Sunday morning starting at 8:30 a.m. to 2:00 p.m. Bible Study is on Wednesday night and is done no later than 9:00 p.m. Friday services are over at 9:30 p.m. On Saturdays there is a prayer service at 9:00 a.m., and the attendee's are out by 12:00 p.m. The men pray every morning 6:00 a.m. to 7:00 a.m. inside the sanctuary. The times the church could be disturbing is Friday night, Sunday morning and Wednesday.

Fred Estell, 1100 E. Lamar St. Arlington, Texas, 76011, stated he is witness to everything Pastor Dora Lafayette said. He has witnessed the exact same time frames and services that go on and believes in their vision for the community and their willingness to enhance lives through the power of life. The church is trying really hard to cooperate and stay in the parameters expected of them by the Town.

Brian Talley, 2117 Bay Cove Court Arlington, Texas, 76013, with Newport Leasing, stated he is the property owner and was at the Planning & Zoning meeting last week and wanted to touch base on some of the things that came up. As far as the complaint on the property taxes, the building owner stills pays taxes. This property is non-exempt since the church is renting the property. He expects the taxes to rise due to renovations and this is the first time since 1992 for the taxes to be paid. The large, very unusual, concrete hill on the property cannot be controlled it is the design of the building. To remove it will require demolition of the entire property. The concern of devaluations of existing homes, this property has been vacant 99% of the time for a very long time; the only usage was a donation once a month for Alcoholics Anonymous meetings. As for the safety, this is not the first building Newport has owned in Pantego. They own the old Red Oven building and the English Office Park. Both were buildings that sat vacant for a very long time and were distressed. Anytime there is a vacant building it creates a safety issue because the buildings are not being maintained; the fire extinguishers are not being checked, the electrical is not on, theft increases and the building is unsupervised. As far as safety is concerned, there have updates to the fire extinguishers and the exit lighting; the carpet has been changed out, interior painting, interior doors replaced, and outside lighting fixed and changed to LED's. Some of the comments from people at the P&Z meeting were that they do not have a problem with a church in Pantego just not here and to find it better suitable somewhere else. Just to clarify churches are not allowed in commercial areas in Pantego. The only

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zoning that allows a church is a house. When compared to other cities around there are several cities that allow churches but the City of Pantego has not clarified yet in their commercial zoning where a church is allowed or not allowed without obtaining a Special Use Permit.

Duncan Price, 2010 Silver Leaf, Pantego, Texas, 76013, today he is here to talk about communities. Communities are very important. He attends church in Pantego and has lived here for the past 25 years and knows a decent bit about Pantego. The issue here is not whether churches are welcome; but this was meant as an office building. The Planning & Zoning Committee is run by very competent people and to go against it without a purpose does not benefit the community. The Town has over a dozen churches in a town of 2500 people. The Town does not need multiple churches as much as quality churches to be addressed. It can present a change to the community where this was meant to be an office building occupied Monday thru Friday 8:00 a.m. to 5:00 p.m. With a church it does alter the schedule and it is right by the houses.

Joelle Owen, 1616 Rockdale Drive, Arlington, Texas 76018, owner of Gypsy Resale next to the church. The store is brand new and has only been open two days. The store has already lost customers due to excessive noise and feels her business is suffering. The Church states they only have services on Sundays, Friday night, and Saturday nights but they read the bible almost daily. They are there constantly there every day and are extremely loud all the time. They do not have a separate children's program. They rent three suites and do not have a Sunday school teacher so the children run up and down the hall in front of the retail store. They have a full blown surround sound, speakers, drums, and guitars. The noise can be heard across the street from Pantego. They leave the doors open and re-open them when someone shuts the doors for noise reduction. They mess up the shared bathroom and clog up the toilets. Since the Church moved in the bathrooms are a mess. This building was a very nice complex. The children scream in the hallways during the day. They do not respect the other tenants.

Charles Price, 2010 Silver Leaf, Pantego, Texas 76013, stated this is an office building and should be an office building not a church. It is very simple. He owns apartments, homes, and land and keeps them to the zoning they were in when he purchased them. It is real simple here. It's an office building that is what it is, let's keep it simple. Pantego is a great place for a church. He goes to church here in Pantego and when his church moved to Fort Worth his family decided to stay at a church in the neighborhood. It's not about the church it is about the property that is built as an office and should be an office, it is simple. Mr. Talley has a really good company. He has no problem with him and believes he does good work. That is not the issue. The issue here is this is an office building not a church.

Frank Hill, is the legal representative for the property owner. His purpose tonight is to ask Council to consider what he believes to be the controlling issue. The issue is not whether this is an office building or whether it was conceived originally as an office building, but in fact its origin I believe you will find its original certificate of occupancy was a church. Where churches are concerned there is a controlling fundamental piece a church that seeks a special use permit cannot be denied to a church unless there is a showing that granting it would present a danger or health hazard to the citizens of the Town. The Texas Supreme Court has held that. It is a matter of First Amendment origin and it simply cannot be overcome by ordinance or statute, it is simply law. Thus, I would ask you to focus in on the wisdom of Jim and talk to him. We have researched this again today and it remains clear that churches are different and not completely exempt from zoning considerations but there are stringent restrictions to the Town before it can deny a church on occupancy or special use permit. It is simply a matter of the First Amendment, separation of Church and State, Freedom of Religion, and Freedom of Speech.

Pastor Lafayette stated the Gypsy Room opened a week ago. Saturday is their busiest day but there are not very many attendees there; especially with children. On Friday night the services start at 7:30p.m. after the resale shop closes. After a couple of outbursts from various audience members, Mayor Paradise interrupted stating she will not tolerate any comments from the public or anyone who has not been recognized to speak; if there are any more she expects Chief Reeves to escort them out

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and requested Pastor Lafayette to stick to the other issues and concerns of the other opposing speakers. Pastor Lafayette stated there are a lot of churches in Pantego and believes the lawyer covered that.

Jason Williams, 2729 Whispering Trail Pantego, Texas 76013, state he was glad the Mayor started with the Red Kettle and talking about the size of the town. Pantego is very unique. Citizens protect the peace and quiet of the neighborhood. If a Police Officer is driving with his lights and sirens on and enters into the neighborhoods he turns the sirens off and the Fire Department does the same thing. There have had several times someone has tried to come in and move next to a neighborhood years and years ago. They come here thinking they are going to move on Smith Barry and Bowen right by neighbors. There was a mother teaching swim lessons but she was bringing too many cars into the neighborhood and disturbing the peace so she was not allowed to do that anymore. He questions the map provided because he thinks the Church is in the corner closest to the neighbors. That building is less than 50 feet from the neighbors to give some perspective a parking space is about 20 feet so a couple of parking spaces from these homes is this building. He stated he can hear music in his living room from that building on Friday nights and other nights. He came home Friday night at 8:00 p.m. walked in his living room to sit down and can hear the music in the living room. It is not a temporary thing. Actually the generators in the parking lot were kind of the final straw. Just the noise in the neighborhood has brought this to people's attention. He requested Council to be consistent and not allow this SUP. He is solely for churches and the more churches that come to Pantego would be great just not beside a neighborhood.

Pastor Lafayette stated they do not hear the music outside when they are outside so she does not understand. Mr. Tally has put up some boards so the music cannot be heard outside. She understands this can be very disturbing at 8:00 p.m.

Mayor Paradise closed the Public Hearing at 8:21.

Council asked Mr. Talley to describe the modifications made to the building, sound deadening, and if a sound engineer was used. Mr. Talley stated a sound engineer was not used. He relied on his father's expertise because he has been in the industry for years. He stated he insulated all interior walls and added sound boards and vatted. Council inquired on the ceilings. Mr. Talley stated they are R-19 vatted. Council requested Mr. Talley to clarify the site plan layout due to the information tonight not matching the information provided. He went through each office suite on the site plan clarifying the renters of the spaces, the doors to each suite, the common bathroom located in the hallway, the two public outside doors and the one private outside door. He went on to explain the methods for entry of emergency personnel and the locking mechanisms to the doors. Mr. Fielder stated the church occupies 1,725 square feet total with 475 sq. ft. for fellowship and 550 sq. ft. for offices. Council requested Mr. Talley to give the suite numbers for each suite and outline the location of the church in relation to the Gypsy Room.

Council explained to Pastor Lafayette the packet submitted was incomplete and contradicts the information given at tonight's meeting. They requested her to give the day and times of the services again; as well as the total number in her congregation and how many are typically at each service. Pastor Lafayette stated prayers are scheduled everyday 6:00 a.m. to 7:00 a.m. with an open door policy; Sundays 9:00 a.m. to 10:00 a.m.; Sunday school starts at 8:30 a.m. with children's church at 10:00 a.m.; the total number in the congregation is approximately 70, with 70 at Sunday services; the total number of seats is 89. Mr. Fielder informed Council he was given the total leased square footage as 2,750. Mr. Talley verified the lease identifies the amount of square footage rented and correlates to the information provided by the City Manager.

Council stated they were under the impression the SUP was only for the circled area on the site plan not an additional two more suites and commented there was not a reference to the total square footage. Council verified the church and Mr. Talley were unaware of the SUP requirement upon moving in four months ago and did not check with the Town on such requirements. They inquired on ADA requirements and if Mr. Talley followed the national building codes, the NFPA, and the

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International Fire Code for the remodeling. Council asked Mr. Talley if he has any idea of the cost to improve the building and bring it up to code and if he is prepared to spend that amount of money. Mr. Talley stated he was aware and is prepared; however, he will need to know what the Town will require him to do. There was discussion on the ADA requirements and Mr. Jobe explained the ADA requirements do not take effect until \$50,000 worth of remodeling has taken place. Mr. Talley stated he has followed the guidelines of the Town for his construction. There was discussion on the number of parking spaces at the location versus the number needed. It was determined 18 spaces are required for 89 seats and there was ample parking spaces for this establishment.

There was discussion on outside events, typical times for music, and the method for music is a live band. Pastor Lafayette confirmed the music is live, they have an annual outside festival they would like to continue, and the typical times for music are Friday nights and Sundays in the sanctuary. Council inquired on the term of the lease and the types of businesses of the other tenants.

Council inquired on other complaints received, the exact work done during the remodeling, and discussed their concerns for the change in Newport's approach for this building, the building not being brought up to code, and the discrepancies in the information provided in the packet versus what was provided tonight. Mr. Talley addressed Council's concerns and explained they have only received two complaints on the noise from other tenants. He went on to explain they replaced a majority of the flooring, painting, replaced the hallway lighting, put LED's outside, installed outdoor flood lights, changed out all commodes, and replaced the hollow interior doors with solid core doors, added access control locking mechanisms, performed \$90,000 worth of repairs from the storms earlier in the year and replaced some air conditioning units. Originally they planned to turn this building into executive office suites; however, after they took down one wall and was informed by the previous Building Inspector the requirements of the building permit and the cost associated they decided these costs would make the building no longer viable; therefore, they changed their scope of work. Council confirmed with Mr. Jobe the building meets the Town's existing code. Mr. Jobe explained the building is considered non-conforming until 50% of the building is remodeled. There was discussion with Mr. Jobe regarding the ADA requirements and the removal of the interior wall. Council explained they look at the increase in traffic and the liabilities of approximately 40 cars leaving the parking lot at once and inquired on a mitigation plan for safety. Pastor Lafayette explained not everyone leaves at the same time and most people mingle in the parking lot talking. She stated if they reach that point they will hopefully, be out of the building. Mr. Talley explained he would be willing to sit with the neighborhood residents, Trinity church (previous owner), this church, Council, and Town staff to work out a mitigation plan and is open for suggestions. Council discussed their concerns with the lack of additional submitted information as outlined in the SUP application; such as a description of the property use, description of a long term mitigation plan, a planned development of the property, description of any special construction requirements, any significant traffic requiring a mitigated traffic plan, or a noise mitigation plan.

Councilmember Surratt made a motion to deny Zoning Case Z-216. Councilmember Funderlic seconded the motion based upon an incomplete submittal.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Adair, and Brewster.

Nays: none.

Abstentions: None.

Mayor Paradise declared the vote passed unanimously.

- 6. Public hearing, discuss, direct, and consider action on Ordinance 15-774 an ordinance of the Town Council of the Town of Pantego, Texas, regarding Zoning Case Z-217, a proposed Special Use Permit as requested by DS Restaurant Ventures, LLC for the permission to sell alcohol (mixed beverages) for on-premise consumption at a restaurant located at 2233 West Park Row Drive, Lot 1 Block 10 of the G. W, Parks Subdivision, Pantego, Tarrant County,**

Texas. The property is generally located on the northeast corner of West Park Row Drive and Milby Road.

Ms. Arrington read the caption of the ordinance for the record. Mr. Fielder introduced this item.

Mayor Paradise opened the public hearing at 9:26 p.m.

Darryll Wood, the applicant, stated he is acquiring a Pantego business and TABC will not allow for transferring of the permit and requires they obtain a new permit. Therefore, change of ownership is why we are here.

Barbara Brown, 2227 A West Park Row Drive, Pantego, Texas 76013, I am the landlord and totally approve of the SUP. They are very professional.

Mayor Paradise closed the public hearing at 9:28 p.m.

Mayor Pro-Tem Brewster made a motion to approve Zoning Case Z-217 as requested and written. Councilmember Funderlic seconded the motion.

Mayor Pro-Tem Brewster amended the motion to approve Zoning Case Z-217 as staff recommends with a time limit of two years or change of ownership. Councilmember Funderlic seconded the motion.

There was clarification on the requirement to resubmit at the end of two years and discussion by Council to extent this time.

Mayor Pro-Tem Brewster revised his motion to five years or change of ownership. Councilmember Funderlic seconded the motion.

The vote was as follows:
Ayes: Surratt, Funderlic, Barrett, Adair, and Brewster.
Nays: None.
Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

RESOLUTIONS

- 7. Discuss, direct, and consider action on Resolution 15-35 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to enter into an agreement with Oncor for the reimbursement of tariffs.**

Mr. Fielder explained Oncor did an audit of the street lights located in the Town and realized there was a discrepancy in the charges.

Councilmember Barrett made a motion to approve Resolution 15-35 authorizing the City Manager to enter into an agreement with Oncor. Councilmember Adair seconded the motion.

The vote was as follows:
Ayes: Surratt, Funderlic, Barrett, Adair, and Brewster.
Nays: None.
Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

8. Discuss, direct, and consider action on Resolution 15-36 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manger to enter into an agreement with Viewu Solutions for body cameras for the Police Department.

Assistant Police Chief Reeves informed Council this item was discussed during the budget cycle in the amount of \$5,100.00 for four cameras. Since this time the Tarrant County District Attorney's office has changed the software. This change requires the digital media evidence to be viewed in an MP4 format. The company that provided the original quote is not capable of meeting this requirement for their body cameras. Assistant Chief Reeves state he has received recommendations from other local agencies that currently use this product. Viewu requires a three year lease with a free warranty. At the end of three years the cameras will belong to the Town. This will not affect this Fiscal Year budget but will require the Police Department to budget for this in the next two Fiscal Years. There was discussion on the continuation costs after the initial three years are completed. Assistant Chief Reeves stated he understands there is not a cost after three years. Council requested a clarification on the cost difference between he two plans in the agreement at the next meeting. There was discussion on the number of cameras needed; if the dash cams meet the Tarrant county requirements; if additional software is needed; and how the information is downloaded from the cameras. Chief Griffith stated the Department currently has a partial body camera policy with a full policy expected soon. He also explained there is not a way to predict a circumstance where all officers are on the street at the same time; however, it is a possibility they need to be prepared for. Assistant Chief Reeves stated the dash cameras convert to MP4 format already and believes it is just a functionality of the body cameras. The information is downloaded through a USB port. Council pulled this item for more clarification and a written statement advising there is not a cost after three years.

OLD BUSINESS FOR DISCUSSION, REVIEW, APPROVAL, AND/OR DIRECT STAFF.

10. Discussion, direct, and consider action on PantegoFest 2016.

Mr. Fielder placed this item on the agenda for a continuation of the discussion of what PantegoFest 2016 should look like. He explained the comparison chart provided for all PantegoFest's since 2012 to date. He stated the 2012 PantegoFest has no accounting data. April Coltharp, Flair Events, gave a presentation comparing last year's accounting to this year's projections with alternatives to the festival. There was discussion on the difference that eliminating Sunday would have on the expenses and revenues. Council decided to cut out Sunday's events. There was discussion on having the PEDC Coordinator poll the businesses in the Lakewood Shopping Center regarding a Friday and Saturday event in their shopping center parking lot. Once the businesses are on board, she is to discuss the idea with Ann Farrell. There was discussion on a one day event on Saturday or a Friday evening and Saturday event. Council decided to have Mundo and Associates research with the focus being on Friday bands and beer, the rest of the food sales, and vendors on Saturday. Council would like to discuss Mundo and Associates findings the first meeting in January. Council decided at this time to continue with full coordination with Flair Events instead of implementing a committee to help.

Mayor Paradise announced a break at 10:36 p.m.
Mayor Paradise reconvened at 10:51 p.m.

NEW BUSINESS FOR DISCUSSION, REVIEW, APPROVAL, AND/OR DIRECT STAFF.

9. Discuss, direct, and consider action on authorizing the City Manger to pay the routine and anticipated monthly bills for the remainder of December 2015 due to the cancellation of the second December Council meeting.

Council directed the City Manager to cover the general routine and anticipated monthly bills.

CONSENT AGENDA ITEMS

Mayor, Council, and Staff discussed the following consent agenda items:

1. City Manager Report

Mr. Fielder informed Council on the following information:

One personnel vacancy remains for a patrol position due to Officer Watson becoming a Warrant Officer.

The concealed handgun course has approximately 50 people signed up and will be held Saturday, January 9th beginning at 9:00 a.m. at the Dwelling Place in Dalworthington Gardens. The class is four hours long and will resume either at the Alpine Gun Range or the Winchester Gun Range.

The Police Department escorted 110 vehicles with the bikes for Mission Arlington. There were just under 900 bicycles donated on Saturday. Today they took approximately 1,100 toys to Cooks Children's Hospital and had two Silverleaf employees ride with them. Mayor Paradise announced she greatly appreciated the staff that participated in the Red Kettle and stated it makes a difference when the Police Department and Fire Department are there. She receives more interaction.

The Wagon Wheel project is complete with the exception of repaving the road. Public Works and he have met with Tarrant County and anticipate the repaving will take place in February or March. The Interlocal Agreement will be sent to Jim for his review. The sealant still needs to be applied to the pylons under the bridge. He has received several positive comments from residents regarding Public Works and how they resolved their issues so quickly.

The draft of the Economic Development Corporation Strategic Planning session has been placed in Council's Dropbox for review. There are issues that need to be discussed on the staff level that could have repercussions to the public. The next step should be a joint meeting with PEDC. Council will read thoroughly and email a list of concerns or questions to the City Manager.

The Town Attorney is still reviewing the Zoning Ordinance; however, it will be on the January Council meeting for discussion.

Ms. Arrington informed Council she has completed all courses for her Texas Municipal Clerks Certification Program and will graduate with her certificate on January 21st. It is a luncheon ceremony at a cost of \$50.00 per person and invited Council to attend. The deadline for the RSVP is January 6th.

2. Monthly Staff Reports

There was discussion on the Quint repairs and if they are still within the projected budget and if the Fire Department will give it a final inspection before taking possession. There was discussion on the need for mowing at the park twice in November. Dennis Jobe answered Council's questions on the Prayer Room concerning the fire alarm plan submittals and occupancy. Mr. Fielder informed Council of the Thank You note received from the Shaver's thanking the Public Works Department for going above and beyond to resolve their issue.

3. Approval of Bills Payable and Purchase Orders in excess of \$1,000.

Mayor Paradise requested to change the heading from \$1,000 to \$2,000. There was discussion on the County paving reimbursement and a request for a breakdown of the project costs. There was discussion on the purpose for Metro Code during the time the Town was in between building inspectors. Council inquired on the C&M Concrete purchase order in relations to the Interlocal agreement with the City of Desoto and the process of delivering a notice to proceed. Mr. Fielder stated he will obtain a separate agreement to be signed by the contractor based on Desoto's unit

prices. Council inquired on the SYB Construction Invoices and their similarities verifying staff is staying on top of the work performed to ensure there are no double payments.

Council inquired on the Budget Adjustment form provided with the Casco purchase order and if staff shopped around for the cheapest price.

Mayor Paradise pulled Purchase Order 1867 Blackboard Connect because it was not on the list of payables and would like to have it placed on the January Council meeting List of Payables for consideration. There was discussion on a list of contracts for every contract held with by the Town for services, including the automatically renewed contracts.

4. Approval and Acceptance of Minutes

Approval of Town Council Minutes:

- Town Council minutes from November 9, 2015

No comments were given

Acceptance of Minutes of Boards and Commissions:

- PEDC minutes from September 9, 2015
- PEDC minutes from October 28, 2015
- PEDC minutes from November 11, 2015
- P&Z minutes from June 1, 2015
- P&Z minutes from November 2, 2015

No comments were given.

APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Surratt made a motion to approve the Consent Agenda items as discussed except the Blackboard Connect PO# 1867. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Adair, and Brewster.

Nays: None.

Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

COUNCIL INQUIRY

None.

ADJOURNMENT

Mayor Paradise adjourned the regular session at 11:38 p.m.

APPROVED:

Melody Paradise, Mayor

ATTEST:

Julie Arrington, City Secretary

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STATE OF TEXAS §

COUNTY OF TARRANT §

TOWN OF PANTEGO §

The Town Council of the Town of Pantego, Texas, met in regular session at 6:30 p.m. in the Council Chamber of Town Hall, 1614 South Bowen Road, Pantego, on the 11th day of January 2016 with the following members present:

Melody Paradise	Mayor
Russ Brewster	Mayor Pro-Tem
Fred Adair	Council Member
Don Funderlic	Council Member
Don Surratt	Council Member
Jane Barrett	Council Member

Members absent:

None.

Constituting a quorum. The following staff members were present:

Matt Fielder	City Manager
Julie Arrington	City Secretary
Jim Jeffrey	Town Attorney
Ariel Carmona	Finance Director
Dennis Jobe	Community Development Director
Scott Williams	Public Works Director
Tom Griffith	Chief of Public Safety
Barry Reeves	Assistant Police Chief
Robert Coker	Assistant Fire Chief
Thressa Householder	Court Administrator

Also in attendance:

None.

WORK SESSION 6:30 P.M.

Mayor Paradise called the work session to order at 6:33 p.m.

Mayor Paradise read the caption to the executive session and recessed for the executive session at 6:34 p.m.

Following the Scheduled Executive Session, the Council will reconvene in public session and may take any and all action necessary concerning the Executive Session.

SCHEDULED EXECUTIVE SESSION ITEMS

- The Council will convene in the City Manager's Office pursuant to the Texas Government Code for an executive session on the following items:
 1. Pursuant to Government Code Section 551.071 Litigation Matters, to discuss pending or contemplating litigation, settlement offers, and other legal matters that implicates the attorney-client privilege – Newport Investments, LLC and Now Faith Deliverance Temple v. Town of Pantego, Don Surratt, and Don Funderlic.

2. Pursuant to Government Code Section 551.074 to discuss and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee – Accounts Payable position.

Mayor Paradise reconvened the Council meeting at 7:56 p.m. and declared no action was taken during the executive session.

Mayor Paradise adjourned the work session at 7:57 p.m.

REGULAR SESSION 7:30 P. M.
CALL TO ORDER/WELCOME

Mayor Paradise called the regular session to order at 7:57 p.m. and welcomed the audience.

Council Member Don Funderlic led the invocation which was immediately followed by the Pledge of Allegiance.

MAYOR/COUNCIL/STAFF COMMENTS OF COMMUNITY INTERESTS

Councilmember Surratt thanked everyone for coming tonight stating it is always nice to have a full house and to see the first responders and their families. He thanked Chief Bill Waybourn and the Dwelling Place for hosting and conducting the CHL class for the Town.

Councilmember Funderlic agreed and stated it is always good to see our citizens at the meetings and giving input to Council; in particular the first responders and the folks we will recognize tonight as outstanding employees.

Councilmember Barrett agreed and informed everyone the AT&T Stadium is hosting the movie *13 Hours* this weekend with free tickets and parking; www.13hoursmovie.com.

Councilmember Adair agreed and stated it is great to see everyone here and the first responders and other employees. He appreciates the work the employees of the Town do for the residents.

Mayor Pro-Tem Brewster thanked everyone for coming and stated it is great to see everyone and he cannot add to what has already been said. He thanked staff and Council for working together. He stated regarding the CHL he already has his and congratulated everyone who attended. He is very excited for the employees and the families here.

Mayor Paradise welcomed everyone stating she is glad to see everyone here this evening.

AWARDS/RECOGNITIONS

Mayor Paradise and Tori Roemmich, Vice Chairman of the Community Relations Board, announced and presented the following awards for the Residential Christmas Light Decorating Contest:

- Traditional Decorations First Place to Smokey & Sarah Garrett
- Traditional Decorations Second Place to Gregory & Pamela Pendley
- Whimsical Decorations First Place to Mike & Becky Dement
- Whimsical Decorations Second Place to Blake & Kari Bowman

Mayor Paradise said a few words regarding the Mayoral Exemplary Award recipient Ron Johnston.

Mayor Paradise, Chief Griffith, and Assistant Fire Chief Coker presented the Five Year Recognition of Service Award to Fire Lieutenant Slater.

Mayor Paradise and Chief Griffith announced Officer Meinke as a Five Year Recognition of Service Award recipient and presented the Fifteen Year Recognition of Service Award to Assistant Police Chief

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Reeves. Assistant Chief Reeves said a few words of thanks to his employees and everyone he works with.

Mayor Paradise, Matt Fielder, and each Department Head presented the Departmental Employee of the Year Awards to each of the selected recipients: Ariel Carmona, Finance Director, for the General Administration Department; Sheila Sherman, Support Specialist, for the Public Works Department; Richard Wood, Fire Fighter, for the Fire Department; Shannon Story, Court Clerk for the Municipal Court; and Sergeant Michael Marquez for the Police Department. Mayor Paradise and Matt Fielder introduced the Employee of the Year Michael Marquez. Chief Griffith and Assistant Police Chief Reeves said a few words regarding his positive attitude and abilities as an officer that make him this year's recipient.

Mayor Paradise recessed the meeting for a brief reception at 8:34 p.m.
Mayor Paradise reconvened the meeting at 9:00 p.m.

COUNCIL LIAISON TO BOARD REPORT

Community Relations Board

Mr. Fielder stated the Board recapped the Christmas event and the lighting contest. They discussed the budget for the upcoming year. The next event is Easter and will be held the Saturday before Easter. All the events left for the year are Memorial Day and the Movies in the Park.

Pantego Youth Leadership Council

Mayor Paradise announced the next meeting will be next Tuesday.

PEDC REPORT

Councilmember Adair stated there has not been a meeting of the PEDC since the last Council meeting. The next meeting is Wednesday evening.

CITIZENS OPEN FORUM

None.

CONSENT AGENDA ITEMS

Mayor, Council, and Staff discussed the following consent agenda items:

1. City Manager Report

Mr. Fielder informed Council on the following information:

The first phase of the Bowen Road construction in front of Bailey Junior High is complete. The next phase will be the area between Winewood and Smith Barry Rd. Mr. Williams is currently working on the traffic control plan for Bowen Road and expect to begin construction next week with completion of the entire project by mid-February.

The Concealed Handgun License Course was held last Saturday with 77 attendees.

The Pioneer Parkway Crossover Project bidding is delayed due to the Texas Department of Transportation's permitting process.

At the last Council meeting, Pam Mundo, with Mundo & Associates, was asked to visit with the businesses at the Lakewood Shopping Center. She reported to Mr. Fielder after visiting with several businesses throughout the Town that the idea of a smaller more frequent event received positive comments and the overall reaction to PantegoFest was positive. However, Ann Farrell, owner of the Shopping Center stated she will not allow PantegoFest to be held on her property. This item is on the PEDC agenda for Wednesday.

Town Council Minutes
January 11, 2016

Mr. Fielder informed Council the proper signs have been posted on the Council doors. He attached the memo from Chief Griffith discussing the new gun laws for any questions Council may have.

2. Monthly Staff Reports

Mrs. Carmona clarified the year-to-date totals for the Water and Sewer Fund Expense report. Chief Griffith answered Council's questions on the assistance received from the Arlington Fire Department for an emergency call stating it was routine procedure. Mr. Williams explained to Council why the construction concrete waste was left in the parking lot and verified the fire hydrant at Country Club and Nora was completely repaired and will verify the area does not hold water. Mr. Jobe will review the year-to-date totals contained in his report; confirmed the building permits are expected to increase in the Spring; and will review the certificate of occupancy for the Federal Cash Advance office.

3. Approval of Bills Payable and Purchase Orders in excess of \$1,000.

Mr. Williams confirmed the concrete repair to Bowen Road will be paid out of the general street repair fund.

4. Approval and Acceptance of Minutes

Approval of Town Council Minutes:

- Town Council minutes from December 14, 2015

Mayor Paradise informed Council she received a request from Councilmember Funderlic to pull the minutes and table them until the grammatical correction can be made for the use of the first person.

Acceptance of Minutes of Boards and Commissions:

- CRB minutes from November 3, 2015
- CRB minutes from December 1, 2015

No comments were given.

APPROVAL OF CONSENT AGENDA ITEMS

Councilmember Adair made a motion to approve the consent agenda items 1, 2, 3 & 4 excluding the Town Council minutes from December 14, 2015 and the other changes as discussed. Councilmember Funderlic seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Adair, and Brewster.

Nays: None.

Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

Councilmember Adair made a motion to pull the Town Council minutes from December 14, 2015 and table until the next Council meeting. Councilmember Barrett seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Adair, and Brewster.

Nays: None.

Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

RESOLUTIONS

5. Discuss, direct, and consider action on Resolution 16-01 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to enter into an Interlocal Agreement with Tarrant County for the Wagon Wheel Overlay Project.

Mayor Paradise read the caption of the resolution for the record. Mr. Fielder introduced this item clarifying the Town will pay for the materials and the County will provide the labor and equipment. They are estimating a material cost of \$72,310.00 and an additional \$30,000 in case the Town needs to add more sub-base materials. Mr. Fielder explained the estimate is not a firm price; if more material is needed the Town will be charged for the additional material. Mr. Williams confirmed the \$30,000 additional sub-base is an estimate and is subject to change based on usage. There was discussion on the location for a dumping site for the material and possibly using the area near the elevated water storage tank.

Councilmember Surratt made a motion to approve Resolution 16-01 as presented. Mayor Pro-Tem Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Adair, and Brewster.

Nays: None.

Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

OLD BUSINESS FOR DISCUSSION, REVIEW, APPROVAL, AND/OR DIRECT STAFF.

6. Discuss, direct, and consider action on setting a date for a special meeting to review major revisions to the Town of Pantego Municipal Code of Ordinances Chapter 14 Zoning.

Mr. Fielder explained the Town Attorney is still reviewing but would like to set a date for further discussion to complete this item. There was discussion on the dates and the timeline. Council directed Mr. Fielder to have all updated information to Council no later than February 1st for review and Council will discuss a date for further discussion at the February 8th Council meeting.

Mayor Paradise read the caption to the executive session and recessed for the executive session at 9:37 p.m.

Following the Scheduled Executive Session, the Council will reconvene in public session and may take any and all action necessary concerning the Executive Session.

SCHEDULED EXECUTIVE SESSION ITEMS

- The Council will convene in the City Manager's Office pursuant to the Texas Government Code for an executive session on the following items:
 3. Pursuant to Government Code Section 551.074, to discuss and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee – annual evaluation of the City Secretary.
 4. Pursuant to Government Code Section 551.074, to discuss and to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee – annual evaluation of the City Manager.

Mayor Paradise reconvened the Council meeting at 11:29 p.m. and declared no action was taken on Executive Session item number 3.

Town Council Minutes
January 11, 2016

Councilmember Surratt made a motion to extend the City Manager's contract for two years with an expiration date of January 31, 2018 with an increase in annual salary as discussed in the executive session. Mayor Pro-Tem Brewster seconded the motion.

The vote was as follows:

Ayes: Surratt, Funderlic, Barrett, Adair, and Brewster.

Nays: None.

Abstentions: None.

Mayor Paradise declared the motion passed unanimously.

COUNCIL INQUIRY

Councilmember Surratt stated there is a new business in the Certificate of Occupancy report that seems to be a payroll/car loan business and would like to visit this subject and put some controls in place for these kinds of businesses.

ADJOURNMENT

Mayor Paradise adjourned the regular session at 11:31 p.m.

APPROVED:

Melody Paradise, Mayor

ATTEST:

Julie Arrington, City Secretary

**Pantego Economic Development Corporation
December 9, 2015**

STATE OF TEXAS §

COUNTY OF TARRANT §

TOWN OF PANTEGO §

The Pantego Economic Development Corporation of the Town of Pantego, Texas, met in regular session at 7:00 p.m. in the Council Chamber, 1614 South Bowen Road, Pantego, on the 9th day of December 2015 with the following members present:

Danny Lakey	President
Don Surratt	Vice President
Fred Adair	Secretary
Gloria Van Zandt	Director
Robert Jordan	Director

Members Absent:

Arsalan Gittiban	Treasurer
Stephanie Springer	Director

Constituting a quorum. Staff present was:

Matt Fielder	Executive Director
Julie Arrington	City Secretary
Dennis Jobe	Community Development Director
Scott Williams	Public Works Director

Also in attendance:

Pam Mundo	Mundo and Associates
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REGULAR SESSION 7:00 P.M.
CALL TO ORDER AND GENERAL COMMENTS

President Danny Lakey called the meeting to order at 7:03 p.m.

INVOCATION

City Secretary Julie Arrington led the invocation which was followed by the Pledge of Allegiance.

PRESIDENT'S COMMENTS

President Lakey welcomed the audience.

PEDC MEMBER REPORTS/COMMENTS OF COMMUNITY INTEREST

President Lakey inquired on an update from Mr. Williams on repairs to Bicentennial Park.

REGULAR BUSINESS

1. Executive Director Report

Mr. Fielder informed the Board on the following items:

The strategic planning report has been downloaded to Dropbox for the Board's review. The next step is to have a joint meeting with Council to discuss the report and the actions to follow.

The JBK Corp agreement should be on your January agenda.

Staff has received several inquiries for new businesses. Meineke is moving in on Pioneer Parkway. The property next to D2 BBQ has a developer inquiring on the property. They would need a change in zoning. An inquiry has been received on a mini-warehouse development behind North Park Shopping Center that has no frontage and limited access. They would gain access through the access easement on either side of the property. The owner of the property behind the Waterford is interested in selling this piece of property.

2. Approval of PEDC Minutes

- November 11, 2015

No comments.

Secretary Adair made a motion to approve the PEDC minutes as submitted. Director Van Zandt seconded the motion.

The Vote was as follows:

Ayes: Surratt, Adair, Jordan, Lakey, and Van Zandt.

Nays: None.

Abstentions: None.

President Lakey declared the motion passed unanimously.

President Lakey made a motion to add Director Jordan to the minutes for the November 11, 2015 PEDC Meeting. Director Jordan seconded the motion.

The Vote was as follows:

Ayes: Surratt, Adair, Jordan, Lakey, and Van Zandt.

Nays: None.

Abstentions: None.

President Lakey declared the motion passed unanimously.

3. Summary of Revenues and Expenditures

- December 9, 2015

There was discussion on the Jacob Engineering invoice. Mr. Fielder informed the Board the cost for the revisions to the Zoning was divided between PEDC and Council.

Director Jordan requested to revisit Agenda item Number 2 and have him added to the minutes.

There was discussion regarding the billing period on the invoice and the budget allocations for the expense. Mr. Fielder stated the amount should be deducted from the administrative costs of the PEDC Budget. There was discussion on why PEDC was helping to pay for Zoning and the involvement of the Park Row Corridor on the Zoning Code. Mr. Fielder explained the majority of the Zoning Code revisions are to the commercial areas. The Board requested to have staff research the invoice

Vice President Surratt made a motion to approve the Vendor Payment Listing dated 12/09/2015 with the exception that the Jacobs Engineering bill is tabled until the next PEDC meeting pending further clarification on that bill. Secretary Adair seconded the motion.

The vote was as follows:

Ayes: Surratt, Adair, Jordan, Lakey, and Van Zandt.

Nays: None.

Abstentions: None.

President Lakey declared the vote passed unanimously.

CITIZENS OPEN FORUM

None.

DISCUSSION, REVIEW, AND CONSIDER ANY ACTION AND/OR DIRECT STAFF ON THE FOLLOWING ITEMS OF BUSINESS:

4. Discuss and review the American Express Small Business Saturday event held on November 28, 2015.

President Lakey introduced this item and inquired if any information had been received on the event. Ms. Arrington stated she has not received any information on this event. Ms. Mundo stated there was a question with the weather and the cancellation of the other Christmas events. The weather was not suitable. She stated all the material was distributed and offered to do a survey of the businesses to obtain their input on the event and any possible benefits to them. She did not receive any rejections on the event and witnessed several businesses that set out their marketing materials to participate. There was discussion on the large, single sided, sign that was provided by American Express and the Board's disappointment of the sign not being placed out for advertisement purposes. There was discussion on the placement of this sign for next year's event.

5. Discuss, direct, and consider action on the Christmas Decoration Contest.

President Lakey introduced this item. Mrs. Mundo stated she received a call from a business questioning if this event was being cancelled due to the weather and the Town cancelling the other Christmas events. The signs were picked up today from Sign-a-Rama. She inquired on the Board's cancellation of the event. The Board stated they noticed minimal participation and discussed the intent and definition of a business for the purpose of this event. There was discussion on considering a 501c3 as a business and allowing them to compete as a business for the contest. The Board discussed the decorations they did observe at the various businesses in Town. The intent of the event is to bring shoppers into the town to shop and create an inviting experience. The Board decided to cancel this year's event due to the weather and to apologize for any inconvenience in the newsletter. There was discussion on inviting Santa to the shopping centers next year, possible other changes for next year, and the rules and/or regulations for contest entries. Mr. Fielder suggested correlating this event with the CRB Residential Christmas Decorating event for better marketing for both events. Staff was directed to revisit this item with a full PEDC Board.

PEDC MEMBER INQUIRY

Vice President Surratt reminded the Board of the Town Christmas Party this Friday evening at Shady Valley beginning at 6:30p.m.

President Lakey requested to have an agenda item at the next meeting to discuss changing the meeting times back to 6:30 p.m. for the duration of Central Standard Time.

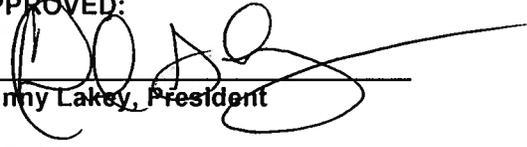
Mr. Fielder reminded the Board the Red Kettle Challenge is this Saturday from 8:00 a.m. to 6:00 p.m. at Walmart and at Bicentennial Park at 7:00 p.m. is the Santa in the Park event.

ADJOURNMENT

Pantego Economic Development Corporation
December 9, 2015

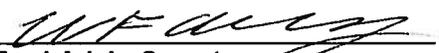
President Lakey adjourned the regular session at 8:05 p.m.

APPROVED:



Danny Lakey, President

ATTEST:



Fred Adair, Secretary





AGENDA BACKGROUND

AGENDA ITEM: Proclamation Honoring Steven Meinke; Firefighters Lt. Blake Slater, Richard Wood, and Ben Ogletree for their life-saving efforts on an emergency medical call at a home in Pantego, Texas.

Date: January 29, 2016

PRESENTER:

Mayor Melody Paradise

BACKGROUND:

Officer Meinke and C-Shift of the Fire Department; Lt. Blake Slater, Richard Wood, and Ben Ogletree responded to an emergency call on Peachtree Lane. Officer Meinke was first on the scene and began Cardio Pulmonary Resuscitation. C-shift arrived shortly after and began advanced life support measures and transported the person to the hospital.

FISCAL IMPACT:

N/A

RECOMMENDATION:

None.

ATTACHMENTS:

Proclamation.



Proclamation

- WHEREAS,** The Pantego Fire Department - C Shift consists of Lieutenant Blake Slater, Firefighter Richard Wood, and Firefighter Ben Ogletree; AND
- WHEREAS,** On November 9, 2015 at 7:11 a.m. Police Officer Steven Meinke and C-Shift responded to a 911 call on Peachtree Lane in Pantego, Texas; AND
- WHEREAS,** Officer Meinke arrived first on scene and began Cardio Pulmonary Resuscitation efforts on a person inside the home; AND
- WHEREAS,** Upon arrival C-Shift initiated advanced life support measures and prepared the person for transport to a local hospital via ambulance; AND
- WHEREAS,** Police Officers and Firefighters are trained to protect our lives, homes, and communities; the Town of Pantego is grateful for the life saving efforts performed by Officer Meinke, Lt. Slater and Firefighters Wood and Ogletree, and for their dedication and tireless efforts in their service to the community.

NOW, THEREFORE, I, MELODY PARADISE, MAYOR OF THE TOWN OF PANTEGO, ALONG WITH THE ENTIRE TOWN COUNCIL, URGE ALL CITIZENS TO JOIN ME IN HONORING AND DECLARING:

**JANUARY 25, 2016
PANTEGO OFFICER MEINKE AND FIRE DEPARTMENT C SHIFT DAY**

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND
AND CAUSED THE SEAL OF THE TOWN OF PANTEGO TO
BE AFFIXED THIS 25TH DAY OF JANUARY 2016.

**MELODY PARADISE
MAYOR**



AGENDA BACKGROUND

AGENDA ITEM: Discuss, direct, and consider action on Resolution 15-36 a resolution of the Town Council of the Town of Pantego, Texas, authorizing the City Manager to enter into an agreement with Viewu Solutions for body cameras for the Police Department.

Date: January 25, 2016

PRESENTER:

Barry Reeves, Assistant Police Chief

BACKGROUND:

The Police Department has utilized in-car cameras since 2008 and body worn cameras on a limited basis since 2013. These items have proven to be a valuable asset. Moving forward, with the increased demand for transparency, protecting the Department and Town against liability and in order to clear officers in future complaints, staff recommends the purchase of 10 new body cameras for all officers working the street. Staff has prepared an agreement with VieVu that allows the Town to obtain 10 new cameras without affecting the approved 2015-2016 budget.

FISCAL IMPACT:

\$11,024.00 over three Fiscal Year's

RECOMMENDATION:

Staff recommends the approval of Resolution 15-36 as presented.

ATTACHMENTS:

Resolution 15-36
VieVu Estimate
Viewu Terms and Conditions
Viewu e-mail on confirmation of ownership

Director's Review: JCA
City Manager's Review: _____

RESOLUTION NO. 15-36

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH VIEVU SOLUTION & STRAIGHT SHOOTER 25 TO PURCHASE BODY CAMERAS FOR THE POLICE DEPARTMENT.

WHEREAS, the Town Council sees the need to furnish body cameras to the police officers employed with the Town; and

WHEREAS, Viewu Solution & Straight Shooter 25 is compatible with the Tarrant County District Attorney's requirements; and

WHEREAS, the Town Council has determined the purchase and use of the Viewu Solution & Straight Shooter 25 is in the best interest of the town for providing body camera's to the Town Police Department.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS:

Section 1: the Town Council authorizes the City Manager to enter into an agreement with Viewu Solution & Straight Shooter 25 for the purchase, use, and warranty of the LE3 Body Worn Video Camera and the Veripatrol software.

Section 2: the Town Council agrees and accepts the terms and conditions of the contract as presented by Viewu in "Exhibit A" and not to exceed \$11,024 in total for services rendered during this 36 month agreement.

Section 3: this resolution is effective immediately upon passage.

PASSED AND APPROVED this the 25th day of January 2016, at a regular meeting of the Town Council of the Town of Pantego, Texas, by a vote of __ ayes, __ nays and __ abstentions.

Melody Paradise, Mayor

ATTEST:

Julie Arrington, City Secretary

APPROVED AS TO FORM:

James T. Jeffrey, Jr., City Attorney



**PANTEGO PUBLIC
SAFETY**



To: Matt Fielder; City Manager
From: Barry Reeves; Assistant Chief of Police
Through: Tom Griffith; Chief of Public Safety
Date: January 18, 2016
Re: Body Camera Purchase

During the budget process, the Department was approved (4) body camera's through Digital Ally in the amount of \$5,160. Since this approval, the Tarrant County District Attorney's Office has upgraded and changed their software and procedures on how cases are filed. This process has affected all Police agencies in Tarrant County. One major procedure pertains to uploading Digital Media Evidence (DME). DME must be uploaded to the County in an MP4 format. The original approved body cameras through Digital Ally are not MP4 compatible nor is it convertible.

Multiple agencies in Tarrant and Dallas Counties have purchased or prepared to purchase body cameras through Viewu. The body camera is more user friendly, durable and most importantly, convertible to MP4 format which meets the requirements for the DA's office.

Viewu has a "Straight Shooter" program. By going through this program, we can purchase 10 cameras for \$25.00 per month per camera for 36 months. This program allows the purchase to be spread out over a three year period and the three year warranty is free. The immediate payment is \$4,990 and the next two fiscal year payments of \$3,000 each year.

At the end of the three year term, the Department owns the camera's with lifetime support during the life of the camera, without any other reoccurring costs.

Staff recommends making this purchase of 10 Viewu body cameras through the Straight Shooter program which allows the Department to purchase more cameras without affecting our current approved budget.

A handwritten signature in blue ink that reads "Barry Reeves".

Barry Reeves

Assistant Chief of Police

Barry Reeves

From: Anatoly Khen [anatoly.khen@viewu.com]
Sent: Tuesday, December 08, 2015 1:04 PM
To: Barry Reeves
Subject: VIEVU: Estimate #8633



105 W John St
Seattle WA 98119
USA
1.888.285.4548
Fax: 206.299.3380

Bill To

Pantego Police Department (TX)
2600 Miller Lane
Pantego TX 76013

Ship To

Asst Chief Reeves
Pantego Police Department (TX)
2600 Miller Lane
Pantego TX 76013

Estimate

Date 12/8/2015
Estimate # 8633
Expires 1/22/2016
Exp. Close 12/8/2015
Sales Rep Anatoly Khen
Shipping Method FedEx Ground

Item	Quantity	Serial/Lot Numbers	Description	Units	Rate	Amount
Straight Shooter 25	10		A 36 month plan that provides a camera, 3yr warranty and access to our VERIPATROL software.		900.00	9,000.00
VERIPATROL Software	10		VERIPATROL - Software			
VIEVU Deployment Kit	10		Includes Sample Policies, Documentation, Remote Setup and Training.		199.00	1,990.00
LE3	10		LE3 Body Worn Video Camera		0.00	0.00
Warranty - 3 Year (LE3)	10		Warranty - 3 Year (LE3)		0.00	0.00

Subtotal 10,990.00

Shipping Cost (FedEx Ground) 34.00

Total \$11,024.00

For consideration identified in this service agreement ("Agreement") between "VIEVU" and "Customer", VIEVU agrees to provide and Customer agrees to pay for services identified in this Agreement. The parties agree VIEVU's terms and conditions found at: <http://www.viewu.com/about-us/terms-and-policies/> govern the responsibilities of the parties and agree to be bound by those terms and conditions.

By signing below I am authorizing a 36 month contract with VIEVU.

Please initial to acknowledge:

Customer understands the monthly service fee per unit is \$25
 Customer understands early termination fees, warranty and liability limitations apply

Customer: _____ Title: _____ Date: _____

[VIEVU Products](#)[Plans](#)[VIEVU Advantage](#)[News + Media](#)[Support](#)

888-285-4548

About Us

[Careers](#)[Terms and Policies](#)

VIEVU Solution & Straight Shooter 25 Terms and Conditions

You have chosen to acquire VIEVU products through a three (3) year VIEVU Solution option or a three (3) year Straight Shooter 25 option. By selecting either of these options you are agreeing to pay VIEVU a monthly service fee for each camera you acquire. The VIEVU Solution option or The Straight Shooter 25 option may not be combined during the contract term. Because you have selected either The VIEVU Solution or The Straight Shooter 25 option you will not be charged an initial purchase price for the cameras you acquire. Instead, you will be provided the cameras for use during the term of The VIEVU Solution or The Straight Shooter 25 option. At the end of The VIEVU Solution option or The Straight Shooter 25 option, or as otherwise provided in this agreement in the event of early termination, you will own the cameras.

VIEVU also offers its cameras for sale without The VIEVU Solution option or The Straight Shooter 25 option. If you would rather purchase the cameras outside of The VIEVU Solution or The Straight Shooter 25 options, please contact VIEVU for more information. Customers who purchase VIEVU's cameras outside of these options will have the choice of separately subscribing to VIEVU's secure remote data storage and access system, VERIPATROL. Please contact VIEVU for further information on alternative subscription services.

If you mistakenly selected to acquire VIEVU products on The VIEVU Solution option or The Straight Shooter 25 option or otherwise decide you do not want to acquire cameras through these options, please contact VIEVU within fourteen (14) days of the receipt of the cameras. If you do not opt out of The VIEVU Solution option or The Straight Shooter 25 option within fourteen (14) days of receipt of the cameras the terms and conditions of this customer agreement will apply to your order.

MONTHLY SERVICE FEE

VIEVU is providing body-worn video cameras identified on the invoice pursuant to these options. You agree to this contract with VIEVU as described in the terms and conditions as to each camera identified on the invoice.

You agree to pay VIEVU a monthly fee for each invoiced camera during the contract term (\$55.00 per camera for The VIEVU Solution option or \$25.00 per camera for The Straight Shooter 25 option). The contract term is thirty-six (36) consecutive months commencing on the shipping date identified on the invoice. The monthly fee provides you the use of the cameras identified on the invoice as well as access to VIEVU's VERIPATROL software. Total payments per invoiced camera for the VIEVU Solution service plan will be \$1,980; total payments per invoiced camera for the VIEVU Straight Shooter 25 service plan will be \$900.

During the 36 month contract VIEVU remains the owner of the cameras identified on the invoice for either The VIEVU Solution option or The Straight Shooter 25 option. At the conclusion of the contract period the cameras become your property unless otherwise specified in these terms and conditions. At the conclusion of the contract period your VERIPATROL access will continue without interruption at the rates and upon the conditions then in effect. You may at any time during the 36 month contract term for The VIEVU Solution option or The Straight Shooter 25 option pay the balance of the option and own the cameras without penalty. Please contact VIEVU for further information on paying off the balance of The VIEVU Solution option or The Straight Shooter 25 option.

EARLY TERMINATION OPTION

You may terminate your contract with VIEVU prior to the end of the 36 month service plan period. If you decide to terminate the contract with VIEVU before the end of the 36 month contract period you agree to alert VIEVU immediately of your decision to terminate, pay an early termination fee and return the camera freight prepaid to VIEVU within 15 calendar days of contract termination. The fee you agree to pay will vary depending on the date the contract is terminated. The following schedule identifies the early termination fee you agree to pay: \$350.00 minus \$10.00 for each full month of the service commitment that has been completed. You agree that if the contract is terminated early you are still responsible for all monthly payments incurred up to the time of termination as well as the early termination fee.

Damage or destruction of a camera by an intentional act or attempt to open or alter the camera will be treated as an early termination under the terms of this contract.

PRODUCT WARRANTY FOR VIEVU SOLUTION OPTION OR STRAIGHT SHOOTER 25 OPTION

Incorporated in The VIEVU Solution option or The Straight Shooter 25 option is VIEVU's thirty-six (36) month product warranty for each camera listed on the invoice and commencing on the shipping date identified on the invoice. The product warranty is listed below.

You are responsible for maintaining all evidence and videos taken with VIEVU products. You agree to download all videos from VIEVU products before returning to VIEVU for repair or replacement. You agree to indemnify, defend and hold VIEVU harmless in the event VIEVU becomes involved in any claim or action associated with the loss or destruction of any evidence or video on any camera returned to VIEVU for repair or replacement.

The product warranty does not cover intentional damage, use that is not consistent with its intended operation, or any damage caused by an attempt to open or alter the camera.

To submit a claim under the product warranty, the camera must be returned to VIEVU by freight prepaid within The VIEVU Solution option or The Straight Shooter 25 option period with a description of the cause and nature of the malfunction or damage sustained. VIEVU will repair or replace the camera subject to the terms of the warranty. The repaired or replaced camera will be a current replacement model returned to you freight prepaid.

- a. **Product Warranty.** Company warrants to purchaser that the Products purchased through the VIEVU Solution or the Straight Shooter 25 option hereunder shall be free from defects in materials and workmanship and shall conform in all material respect to the Specifications for a period of three (3) years from the date of delivery thereof, provided the Product in question has been stored and used in accordance with ordinary industry practices and conditions. The use of non-Company branded or approved accessories or replacement parts may result in damage not covered by warranty. COMPANY DOES NOT WARRANT THAT THE OPERATION OF THE PRODUCTS WILL BE UNINTERRUPTED OR ERROR FREE.
- b. **Remedies.** In the event that a Product does not comply with the product warranty set out above and such non-conforming Product is returned to Company within the warranty period by Purchaser freight prepaid, Company will repair or replace such non-conforming Product at no additional charge to Purchaser; the repaired or replaced Product will be returned to Purchaser, freight prepaid. You agree that product repair or replacement is the sole remedy available for any camera malfunction or failure and agree to indemnify, defend and hold VIEVU harmless in the event any claim is made for remedy, including monetary damages other than as specifically allowed in this paragraph.
- c. **Disclaimer of Warranties.** The foregoing express warranties are limited to Customer, are not transferable and are in lieu of any other warranty by Company with respect to Products furnished hereunder. COMPANY GRANTS NO OTHER WARRANTY, EITHER EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.
- d. **Limitation of Liability.** COMPANY SHALL IN NO EVENT BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR RELATING TO THE SALE OR USE OF ITS

PRODUCTS, WHETHER OR NOT COMPANY HAS ADVANCE NOTICE OF THE POSSIBILITY OF SUCH DAMAGES. IF COMPANY BREACHES ANY PROVISION OF THIS AGREEMENT, PURCHASER'S SOLE AND EXCLUSIVE MAXIMUM LIABILITY, WHETHER BASED IN CONTRACT, TORT, OR OTHERWISE, SHALL NOT IN ANY EVENT EXCEED THE CONTRACT PRICE FOR THE PARTICULAR PRODUCTS. Customer agrees to indemnify and defend Company in the event of any claim for damages associated with malfunction or failure of a camera other than repair or replacement as provided in these Terms and Conditions.

ADDITIONAL CONTRACT TERMS

You agree that you are responsible to pay any personal property tax or other tax associated with the cameras during the service plan period.

This contract represents the full and complete agreement between you and VIEVU and you agree that any other or different agreements or contracts have been incorporated into this contract. You agree that you have not relied upon any other promise, statement or information in deciding to enter this contract.

In the event of any dispute under this contract you agree that the contract will be governed by and interpreted under the laws of Washington State and that any claim or lawsuit based upon or involving the contract may be brought only in the Superior Court of King County, WA or in the United States District Court for the Western District of Washington.



TOWN OF PANTEGO

1614 S. BOWEN
PANTEGO, TEXAS 76013

No. *1863*

INSTRUCTIONS TO VENDOR

1. PURCHASE ORDER NUMBER. Vendor must show purchase order number on all packages, shipping papers, invoices and relative correspondence.
2. INVOICING. Send invoices in duplicate to:
TOWN OF PANTEGO
PURCHASING DEPARTMENT
CITY HALL
PANTEGO, TEXAS 76013
3. TAXES. Municipality Tax Exempt
Entity I.D. #75-1291097

TO *VieVu*
105 W. John ST.
Seattle, WA 98119

SHIP TO *2600 miller lane*
Pantego, TX 76013

DATE		ACCT #	DEPT.			
<i>12-8-15</i>			<i>PD</i>			
QUANTITY		STOCK NUMBER / DESCRIPTION	PRICE	PER	AMOUNT	
ORDERED	RECEIVED					
<i>10</i>		<i>VieVu Body Cameras (25.⁰⁰ per month)</i>	<i>25</i>	<i>00</i>	<i>3000</i>	<i>00</i>
<i>10</i>		<i>Deployment Kits- Software</i>	<i>199</i>	<i>00</i>	<i>1,990</i>	<i>00</i>
					TOTAL	<i>4,990</i>

[Signature]

APPROVED BY

Barry Reeves

From: Khen. Anatoly [Anatoly.Khen@vievu.com]
Sent: Tuesday, December 15, 2015 9:08 AM
To: Barry Reeves
Subject: Re: questions from council

Good morning Chief,

The VERIPATROL software is yours - "access to the software will continue without interruption". Support for the software will continue as well. We can not physically revoke your access to the software because it is on your local servers. At the end of the contract you own the cameras and software. No additional charges will be billed.

Deployment kit is \$199 per camera, training materials and remote set up support aside - it covers 3 year warranty on each unit.

Hopefully this helps, you can save this email as proof of communication.

Talk soon,

Anatoly Khen
Regional Sales Manager - WA, ID, MT, WY, UT, NV, AZ
"Made by Cops, for Cops"
Address: 105 W. John St, Seattle WA 98119
Phone: (206) 556-2316
Cell: (206) 321-4968
www.VIEVU.com

On Dec 15, 2015, at 5:59 AM, Barry Reeves <breeves@townofpantego.com> wrote:

Anatoly,

I took this package before council and they had a few questions before approval.

- In the terms and conditions: Last paragraph of the monthly service fee; "At the conclusion of the contract your VERIPATROL access will continue without interruption at the rates and upon the conditions then in effect." What are the "Rates" and "Conditions then in effect?" This sounds like additional costs after the 36 months. I want to make sure, at the end of the last payment (that 36th month) the city owns the camera and no additional costs are needed or available for additional items that I'm not seeing.
- Explain to me why each camera has a deployment kit. Council has a issue purchasing the same thing for each camera.

Once I get these answered

Barry Reeves
Assistant Chief of Police
Pantego Police Department
2600 Miller Lane
Pantego, Texas 76013
Main: 817-274-2511



AGENDA BACKGROUND

AGENDA ITEM: Discuss, direct, and consider action on Ordinance 16-775 an ordinance of the Town Council of the Town of Pantego, Texas, calling for the General Election of Town Officers for the Town of Pantego to be held Saturday, May 7, 2016 for Council Members Place 1, 2, and 3; providing for publication; providing procedures for the conduct of the Election; and declaring an effective date.

Date: January 25, 2016

PRESENTER:

Julie Arrington, City Secretary

BACKGROUND:

Each year the Town of Pantego conducts an election for Council Members. This year the Council Places on the Ballot are Places 1, 2, and 3. Applications will be accepted during normal office hours beginning Wednesday, January 20, 2016 at 8:00 a.m. through Friday, February 19, 2016 at 5:00 p.m. The candidate application and packet will be available on the website during these times.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends the approval of Ordinance 16-775.

ATTACHMENTS:

Ordinance 16-775
Order of General Election for Municipalities

Director's Review: lea
City Manager's Review: MDF

ORDINANCE NO. 16-775

AN ORDINANCE OF THE TOWN OF PANTEGO CALLING FOR THE GENERAL ELECTION OF TOWN OFFICERS FOR THE TOWN OF PANTEGO, TEXAS TO BE HELD SATURDAY, MAY 7, 2016 FOR COUNCILMEMBERS PLACES 1, 2 AND 3; PROVIDING FOR PUBLICATION; PROVIDING PROCEDURES FOR THE CONDUCT OF THE ELECTION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, presentation of this ordinance at a meeting preceding the meeting at which the ordinance is enacted places an undue burden in administrative time and expense to the Town, and as reflected by the vote of two-thirds of the Councilmembers present, the requirements of Section 1.03.035(b) are hereby waived.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS:

- SECTION 1:** An election is hereby ordered to be held on Saturday, May 7, 2016, for the purpose of electing three (3) Council Members to Places 1, 2, and 3 to be filled for two (2) year terms or until their successors are duly elected and qualified.
- SECTION 2:** For the purpose of said election, the entire Town is hereby constituted as one (1) voting precinct; such election shall be held with the Tarrant County Elections Administration and shall be held at the Council Chambers, 1614 South Bowen Road, Pantego, Texas, between the hours of 7:00 a.m. and 7:00 p.m.
- SECTION 3:** Qualified persons may file as candidates by filing applications each weekday in the office of the City Secretary during regular office hours of 8:00 a.m. to 5:00 p.m. beginning Wednesday, January 20, 2016 and ending February 19, 2016.
- SECTION 4:** Direct Recording Electronic Voting Machine (DRE) shall be used on the day of the election and shall be used for early voting by personal appearance and electronic equipment shall be used for mail ballots.
- SECTION 5:** The Tarrant County Election Administrators will appoint election officers to serve for the General and Early Voting Ballot Board per the joint election agreement.
- SECTION 6:** Frank Phillips, Tarrant County Election Administrator, located at 2700 Premier, Fort Worth, Texas 76111 shall conduct the election and shall be the clerk for early voting of said election.
- SECTION 7:** Applications for ballot by mail shall be mailed to Frank Phillips, Early Voting Clerk, P.O. BOX 961011, Fort Worth, Texas 76161-0011.
- SECTION 8:** Early Voting by personal appearance will be conducted at the locations designated by the Tarrant County Elections Administration Office and the dates and times are as follows:

April 25 –29	Monday – Friday	8:00 a.m. – 5:00 p.m.
April 30	Saturday	7:00 a.m. – 7:00 p.m. (Extended Hours)
May 1	Sunday	11:00 a.m. – 4:00 a.m. (Extended Hours)
May 2-3	Monday - Tuesday	7:00 a.m. – 7:00 p.m. (Extended Hours)
- SECTION 9:** All resident qualified electors of the Town shall be permitted to vote at said election. This election shall be held and conducted in accordance with the provisions of the Texas Election Code as required by law.
- SECTION 10:** The City Manager, and or his designee, is hereby authorized and directed to enter into a joint election agreement for said election with Tarrant County, Texas and to execute such election agreement for said election; such agreement will provide for the type of DRE and electronic voting equipment to be used for early voting and election day, the compensation for election judges and clerks, and which may

include the locations for and appointment of a Central Counting Station Manager, Tabulation Supervisor, and Tabulation Assistant for processing of the Early Voting Ballots, and other positions, appointments or requirements as required by law, and any other requirements or appointments necessary for the conduct of said election for and on behalf of the Town. All election materials and proceedings shall be printed in both English and Spanish.

SECTION 11: That this ordinance shall constitute proclamation calling and ordering said election; that notice shall be published in the Fort Worth Commercial Recorder, a newspaper of general circulation in the Town of Pantego, Texas, for one (1) time not less than ten (10) days and no more than twenty five days (25) before the election in accordance with the Election Code.

SECTION 12: The election shall be conducted according to the Texas Election Code and the Texas Constitution.

PASSED AND APPROVED AFTER WAIVER OF THE REQUIREMENTS OF TOWN CODE SECTION 1.03.035(b) THIS THE 25th DAY OF JANUARY 2016 BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS.

APPROVED:

Melody Paradise, Mayor

ATTEST:

Julie Arrington, City Secretary

APPROVE AS TO FORM:

James T. Jeffrey, Jr., City Attorney

ORDER OF GENERAL ELECTION FOR MUNICIPALITIES

An election is hereby ordered to be held on Saturday, May 7, 2016 for the purpose of:

- Electing a Council Member for the Town of Pantego Town Council Place 1
- Electing a Council Member for the Town of Pantego Town Council Place 2
- Electing a Council Member for the Town of Pantego Town Council Place 3

Early voting by personal appearance will be conducted each weekday at:

Center for Community Service Junior League of Arlington
4002 West Pioneer Parkway
Arlington, Tx. 76013

Between the hours of 8:00 a.m. and 5:00 p.m. beginning Monday, April 25, 2016 and ending on Friday, April 29, 2016;

Between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, April 30, 2016;

Between the hours of 11:00 a.m. and 4:00 p.m. on Sunday, May 1, 2016;

Between the hours of 7:00 a.m. and 7:00 p.m. on Monday, May 2, 2016 and Tuesday, May 3, 2016

Applications for ballot by mail shall be mailed to:

Tarrant County Elections Administrator
P.O. Box 961011
Fort Worth, TX. 76161-0011
Or Faxed to 817-831-6118

Issued this the 25th day of January, 2016.

Signature of Mayor

Signature of Councilperson

ORDEN DE ELECCION GENERAL PARA MUNICIPIOS

Por la presente se ordena que se llevará a cabo una elección el 7 de Mayo de 2016 con el propósito de:

- Elección a un miembro del Consejo de la ciudad de Pantego Ayuntamiento lugar 1
- Elección a un miembro del Consejo de la ciudad de Pantego Ayuntamiento lugar 2
- Elección a un miembro del Consejo de la ciudad de Pantego Ayuntamiento lugar 3

La votación adelantada en persona se llevará a cabo de Lunes a Viernes en:

Centro de servicio de comunidad "Junior League of Arlington"
4002 West Pioneer Parkway
Arlington, Texas 76013

- Lunes, 25 de Abril de 2016 y el Viernes, 29 de Abril de 2016 entre las horas de 8:00 a.m. y 5:00 p.m.;
- Sábado, 30 de Abril de 2016 entre las horas de 7:00 a.m. y 7:00 p.m.;
- Domingo, 01 de Mayo de 2016 entre las horas de 11:00 a.m. y 4:00 p.m.;
- Lunes, 02 de Mayo de 2016 entre las horas de 7:00 a.m. y 7:00 p.m.;
- Martes, 03 de Mayo de 2016 entre las horas de 7:00 a.m. y 7:00 p.m.

Las solicitudes para boletas que se votaran en ausencia por correo deberán enviarse a:

Tarrant County Elections Administrator
P.O. Box 961011
Fort Worth, TX. 76161-0011
O por fax al 817-831-6118

Emitida esta día 25 de Enero de 2016.

Firma del alcalde

firma del concejal



AGENDA BACKGROUND

AGENDA ITEM: Discuss, direct, and consider action on setting a date for a joint session with the Pantego Economic Development Corporation to discuss the Economic Development Strategic Planning Report.

Date: January 19, 2016

PRESENTER:

Matt Fielder, City Manager

BACKGROUND:

The purpose of this item is to discuss the next steps in developing and implementing the Joint Council/PEDC Strategic Plan.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends setting a date for a joint meeting with PEDC.

ATTACHMENTS:

N/A



AGENDA BACKGROUND

AGENDA ITEM: Discuss, direct, and consider action on regulations for credit access businesses generally known as cash advance and payday lenders.

Date: January 19, 2016

PRESENTER:

Matt Fielder, City Manager

BACKGROUND:

The City of Arlington recently passed an ordinance regulating payday and auto title lenders (AKA credit access businesses). As a result, these businesses have begun to show interest in relocating to Pantego to avoid this regulation. The Texas Municipal League has developed a model ordinance, which is included. This ordinance has been adopted in various forms by more than twenty-five communities (25), and served as the basis for Arlington's ordinance.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff recommends moving forward with adopting TML's model ordinance should the Council seek to regulate these types of businesses.

ATTACHMENTS:

TML Model Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF _____ SETTING FORTH
REGISTRATION REQUIRMENTS AND CREDIT EXTENSION GUIDELINES
FOR CREDIT ACCESS BUSINESSES AND PROVIDING A PENALTY.**

WHEREAS, certain credit access businesses engage in abusive and predatory lending practices, offering easy money to those members of our community who are in a tight spot with onerous terms and fees; and

WHEREAS, the practices of certain access businesses cause members of our community to become trapped in a cycle of short term, high interest loans resulting in large debt and huge payments; and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), wrote that “payday loans are sold as two-week credit products that provide fast cash, but borrowers are actually indebted for an average of five months per year.” The report further noted that “on average, a borrower takes out eight loans of \$375 each per year and spends \$520 on interest;” and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), also noted: “How much borrowers spend on loans depends heavily on the fees permitted by their state. The same \$500 storefront loan would generally cost about \$55 in Florida, \$75 in Nebraska, \$87.50 in Alabama, and \$100 in Texas, even if it were provided by the same national company in all those states. Previous research has found that lenders tend to charge the maximum permitted in a state;” and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), also stated that “the vast majority of borrowers use the loans on a long-term basis, not temporary one. Thus it seems that the payday loan industry is selling a product few people use as designed and that imposes debt that is consistently more costly and longer lasting than advertised;” and

WHEREAS, the Community Financial Services Association of America (CFSA), the national trade association for companies that offer small dollar, short-term loans or payday advances includes the following in the “Member Best Practices” as listed on its internet site (<http://cfsaa.com/cfsa-member-best-practices.aspx>): “Members shall not allow customers to rollover a payday advance (the extension of an outstanding advance by payment of only a fee) unless expressly authorized by state law, but in such cases where authorized will limit rollovers to four or the state limit, whichever is less.” The need for consumer understanding was also outlined on this website: “A contract between a member and the customer must fully outline the terms of the payday advance

transaction. Members agree to disclose the cost of the service fee both as a dollar amount and as an annual percentage rate (“APR”);” and

WHEREAS, the Center for Responsible Lending, a non-profit, non-partisan organization, states on its internet site (<http://www.responsiblelending.org/other-consumer-loans/tools-resources/fast-facts.html>) that: “car title loans are based on the value of a borrower’s car - the ability to repay the loans is not factor in the lending decision...”; “loan rates for a car title are typically 20-30 times that of rates charged by credit card issuers...”; “the average car title customer renews their loan 8 times...”; and, “on a \$500 title loan, this average customer will pay back \$650 in interest over eight months; the principal borrowed will be in addition;” and

WHEREAS, lenders hold onto the motor vehicle title and when borrowers cannot continue to pay the fees, they can lose their vehicles, which can drastically affect the borrower’s means of transportation for work and other essential household functions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____:

Section 1. Chapter ____ - CREDIT ACCESS BUSINESSES

____.010- Short Title and Purpose.

- (a) This article may be known and cited as “Credit Access Businesses Regulation.”
- (b) The purpose of this article is to protect the welfare of the citizens of the City of _____ by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this article establishes a registration program for credit access businesses, imposes restrictions on extensions of consumer credit made by credit access businesses, and imposes recordkeeping requirements on credit access businesses.

____.020- Definitions.

As used in this chapter:

- (1) **CERTIFICATE OF REGISTRATION** means a certificate of registration issued by the director under this article to the owner or operator of a credit access business.
- (2) **CONSUMER** means an individual who is solicited to purchase or who purchases the services of a credit access business.
- (3) **CONSUMER’S LANGUAGE OF PREFERENCE** is the language the consumer understands best.
- (4) **CREDIT ACCESS BUSINESS** has the meaning given that term in Section 393.601 of the Texas Finance Code.

- (5) DEFERRED PRESENTMENT TRANSACTION has the meaning given that term in Section 393.601 of the Texas Finance Code.
- (6) DIRECTOR means the director of the department designated by the City Council, City Manager, or City Councilor City Manager's Designee, to enforce and administer this chapter.
- (7) EXTENSION OF CONSUMER CREDIT has the meaning given that term in Section 393.001 of the Texas Finance Code.
- (8) MOTOR VEHICLE TITLE LOAN has the meaning given that term in Section 393.601 of the Texas Finance Code.
- (9) PERSON means any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.
- (10) REGISTRANT means a person issued a certificate of registration for a credit access business under this chapter and includes all owners and operators of the credit access business identified in the registration application filed under this chapter.
- (11) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code.

____.030- Violations; Penalty

- (a) A person who violates a provision of this chapter, or who fails to perform an act required of the person by this chapter, commits an offense. A person commits a separate offense for each and every violation relating to an extension of consumer credit, and for each day during which a violation is committed, permitted, or continued.
- (b) An offense under this chapter is punishable by a fine of not more than \$500.
- (c) A culpable mental state is not required for the commission of an offense under this article and need not be proved.
- (d) The penalties provided for in Subsection (b) are in addition to any other remedies that the city may have under city ordinances and state law.

____.040- Defenses

It is a defense to prosecution under this article that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Chapter 393, Subchapter G, of the Texas Finance Code.

____.050- Registration Required

A person commits an offense if the person acts, operates, or conducts businesses as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business.

____.060- Registration Application

(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:

- (1) The name, street address, mailing address, facsimile number, and telephone number of the applicant.
- (2) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business.
- (3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business, and the nature and extent of each person's interest in the credit access business.
- (4) A copy of a current, valid state license held by the credit access business pursuant to Chapter 393, Subchapter G of the Texas Finance Code.
- (5) A copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the City of _____ Code.
- (6) A non-refundable application fee for the amount established.

(b) An applicant or registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration, including, but not limited to, any change of address and any change in the status of the state license held by the applicant or registrant.

____.070- Issuance and Display of Certificate of Registration; Presentment upon Request.

(a) The director shall issue to the applicant a certificate of registration upon receiving a completed application under Section _____.060

(b) A certificate of registration issued under this section must be conspicuously displayed to the public in the credit access business. The certificate of registration must be presented upon request to the director or any peace officer for examination.

____.080- Expiration and Renewal of Certificate of Registration.

(a) A certificate of registration expires on the earliest of:

- (1) One year after the date of issuance; or
- (2) The date of revocation, suspension, surrender, expiration without renewal, or other termination of the registrant's state license.

(b) A certificate of registration may be renewed by making application in accordance with Section _____.060. A registrant shall apply for renewal at least 30 days before the expiration of the registration.

____.090- Non-transferability.

A certificate of registration for a credit access business is not transferable.

____.100- Maintenance of Records.

(a) A credit access business shall maintain a complete set of records of all extensions of consumer credit arranged or obtained by the credit access business, which must include the following information:

- (1) The name and address of the consumer.
- (2) The principal amount of cash actually advanced.
- (3) The length of the extension of consumer credit, including the number of installments and renewals.
- (4) The fees charged by the credit access business to arrange or obtain an extension of consumer credit; and
- (5) The documentation used to establish a consumer's income under Section _____.110 of this ordinance.

(b) A credit access business shall maintain a copy of each written agreement between the credit access business and a consumer evidencing an extension of a consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer).

(c) A credit access business shall maintain copies of all quarterly reports filed with the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code.

(d) The records required to be maintained by a credit access business under this section must be retained for at least three years and made available for inspection by the city upon request during the usual and customary business hours of the credit access business.

____.110- Restriction on Extension of Consumer Credit.

(a) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a deferred presentment transaction may not exceed 20 percent of the consumer's gross monthly income.

(b) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a motor vehicle title loan may not exceed the lesser of:

(1) Three percent of the consumer's gross annual income; or

(2) 70 percent of the retail value of the motor vehicle.

(c) A credit access business shall use a paycheck or other documentation establishing income to determine a consumer's income.

(d) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least 25 percent of the principal amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.

(e) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original extension of consumer credit.

(f) For purposes of this section, an extension of consumer credit that is made to a consumer within seven days after a previous extension of consumer credit has been paid by the consumer will constitute a refinancing or renewal.

____.120- Requirement of Consumer Understanding of Agreement.

(a) Every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer), must be written in the consumer's language of preference. Every credit access business location must maintain on its premises, to be available for use by consumers, agreements in the English and Spanish languages.

(b) For every consumer who cannot read, every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not

limited to, any refinancing or renewal granted to the consumer) must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.

(c) For every consumer who cannot read, every disclosure and notice required by law must be read to the consumers in its entirety in the consumer's language of preference, prior to the consumer's signature.

____.130- Referral to Consumer Credit Counseling.

A credit access business shall provide a form, to be prescribed by the Director, to each consumer seeking assistance in obtaining an extension of consumer credit which references non-profit agencies that provide financial education and training programs and agencies with cash assistance programs. The form will also contain information regarding extensions of consumer credit, and must include the information required by ____ .100(a)(1)-(5) of this ordinance specific to the loan agreement with the consumer. If the Director has prescribed a form in the consumer's language of preference, the form must be provided in the consumer's language of preference.

Section 2. Should any article, section, part, paragraph, sentence, phrase, clause, or word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be illegal, inoperative, unconstitutional, invalid, or ineffective.

Section 3. This ordinance shall take effect _____, 2016

ADOPTED THIS _____ day of _____ 2016.

CITY OF _____

ATTEST:

Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney



AGENDA BACKGROUND

AGENDA ITEM: Discussion on the status of the potential revisions and/or updates to Ordinance 11-664 referred to as the Boat and RV Ordinance.

Date: January 19, 2016

PRESENTER:

Matt Fielder, City Manager

BACKGROUND:

Staff has incorporated the comments provided by Council members into a redlined version of the Boat and RV ordinance. In addition, staff has developed a simpler version that would allow boats and RV's to be parked behind and alongside homes, but no closer than the front of the home. Staff believes that by simplifying the regulations, it will be easier for residents to understand and comply, and easier to enforce. Both drafts have provisions grandfathering those who are unable to comply.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff requests guidance from Council on whether to place the consideration of an ordinance on a future agenda.

ATTACHMENTS:

Redlined Ordinance with Council changes
Redlined Ordinance with Staff recommendations

ORDINANCE NO. ~~116-664~~XXX

AN ORDINANCE AMENDING CODE OF ORDINANCES OF THE TOWN OF PANTEGO, TEXAS, CHAPTER 12 "TRAFFIC AND VEHICLES" BY AMENDING ARTICLE 12.01 "GENERAL PROVISIONS", SECTION 12.01.001 "DEFINITIONS AND RULES OF CONSTRUCTION" AND BY AMENDING ARTICLE 12.05 "PARKING, STOPPING AND STANDING" SECTION 12.05.002 "GENERAL PROVISIONS" BY REPLACING SECTION 12.05.002 IN ITS ENTIRETY; MAKING THE ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town of Pantego, Texas is a Type A General Law municipality located in Tarrant County, Texas, created in accordance with provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council is empowered under the Texas Local Government Code to adopt ordinances and rules for the orderly and beneficial operation of Town government and the welfare of the citizens of Pantego; and

WHEREAS, the Town Council has adopted Chapter 12, Traffic and Vehicles, which regulates and restricts vehicular traffic, and more specifically parking of vehicles, and

WHEREAS, the Town Council has determined that it is in the best interest of the Town of Pantego to amend Chapter 12, Traffic and Vehicles, by revising Section 12.01.001 of Article 12.01 and Section 12.05.002 of Article 12.05.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS:

SECTION 1.

That Chapter 12, Traffic and Vehicles, of the Code of Ordinances of the Town of Pantego, Texas is hereby amended by adding the following definitions to Article 12.01, General Provisions; Section 12.01.001, Definitions and rules of construction:

All-weather parking surface. asphalt or concrete paving suitable for vehicle parking

Front yard. That area of a lot circumscribed by the front lot line, the side lot lines extending to imaginary lines to perpendicular from the front corners of the structure, and the front side of the structure.

Rear yard. That area of a lot circumscribed by the back lot line, the side lot lines extending to imaginary lines perpendicular from the back corners of the structure, and the back side of the structure.

Screening fence. A barrier at least six (6) feet, but not more than eight (8) feet, in height of stone, brick, pierced brick or block, uniformly colored wood or other permanent material which forms a visual barrier of equal character, density and design.

Side yard. The area behind an imaginary line extending perpendicularly from the front corner of the structure to the side lot line, extending to an imaginary line perpendicular to the side lot line which touches the back corner of the structure closest to the side lot line at which point the "rear yard" begins.

Vehicle. Any automobile, truck, bus, motorcycle, motorhome, camper, trailer, truck tractor, road tractor, semi-trailer, pole trailer, boat, mobile home, jet ski, recreational vehicle or other vehicle.

SECTION 2.

That Chapter 12, Traffic and Vehicles, of the Code of Ordinances of the Town of Pantego, Texas is hereby amended by replacing Article 12.05, Parking, Stopping and Standing; Section 12.05.002, General Provisions with the following :

Sec. 12.05.002 General restrictions

(a) Parking on Public Property. Except as otherwise provided in this Section, it shall be unlawful and a violation for any person to cause, suffer, maintain or allow any vehicle:

(1) To be parked on any surface other than an all-weather parking surface;

(2) To be double parked at any point on the streets or alleys of the town;

~~(1) To be stopped or parked upon or adjacent to a public street or alley so that any portion of the vehicle, including but not limited to any objects carried in or upon said vehicle, protrude into the main-traveled portion of said street or alley in such a way as to limit the roadway to less than eighteen (18) feet of clearance.~~

(3) ;

(4) To be parked on any street or alley in the town for a period of time longer than twenty-four (24) hours, or the time period stated on signs posted by authority of this article;

(5) To stop, stand or park at any time upon any public street, alleyway, other public place or fire lane when signs are erected or curbs painted giving notice that stopping, standing, or parking is prohibited;

(6) To be parked upon any public street, alley, or public property of any nature whatever in the town for the purpose of:

(A) Washing, greasing, cleaning, polishing, waxing, changing oil, or repairing such vehicle, except repairs necessitated by an emergency; or

(B) Selling or exhibiting property of any nature;

(7) To be parked on any median strip in the town;

(8) To be parked within three (3) feet of the curved portion of any driveway without the effective consent of the owner of the property on which the driveway is located.

(9) To be parked in a driveway and extend beyond the inside boundary of the public sidewalk, where present, or where the public sidewalk would normally be located, except as permitted hereinafter.

(A) Any vehicle may be parked extending onto the sidewalk while actively loading or unloading for a maximum period of twenty-four (24) hours not more than two (2) times on nonconsecutive days in any calendar week (Sunday through Saturday).

(b) Parking on Private Property.

(1) Single family residential, duplex and townhomes .

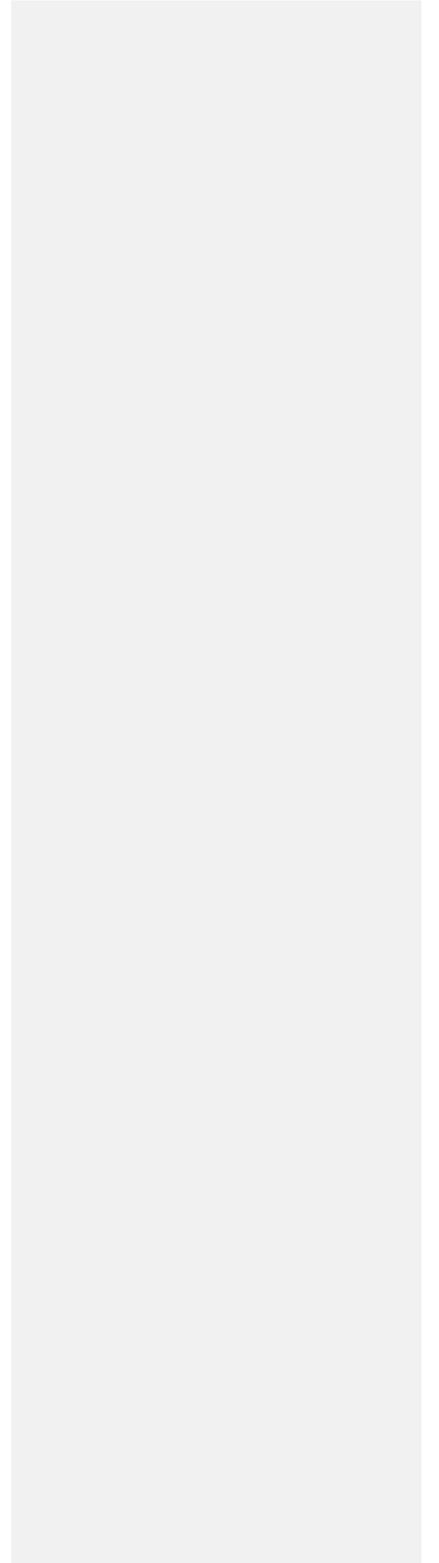
(A) Automobiles, motorcycles, trucks, and vans, which have a carrying capacity of two thousand (2,000) pounds or less:

(i) may be parked on any front, side or rear yard when such vehicle is parked upon an all-weather parking surface; or

(ii) may be parked on any front, side or rear yard on any surface when such vehicle is screened from view from any public way or from any private property by a screening fence.

~~(B) Motorhomes, campers, boats and trailers which have a length of less than twenty-five (25) feet:~~

(i) shall not be parked in the front yard;



~~(ii) may be parked on any side or rear yard when such vehicle is parked upon an all-weather surface and screened from view from any public way or from private property by a screening fence which complies with the Town's standards for fences.~~

(A) Motorhomes, campers, and non-boat trailers which have a length of less than forty (40) feet:

(i) shall not be parked in the front yard;

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(ii) may be parked on any side or rear yard when such vehicle is parked upon an all-weather surface and screened and parked behind the front building line or the front of the home, whichever is furthest from the right-of-way.

(iii) must be parked at least five (5) feet from a side or rear property line, and at least one (1) additional foot for every one (1) foot of height above six feet.

(iv) must maintain a current vehicle registration and not be occupied.

(B) Motorhomes, campers, and non-boat trailers which have a length of more than forty (40) feet:

(i) Shall not be parked in the front yard;

(ii) May be parked on any side or rear yard when such a vehicle is parked upon an all-weather surface and screened from view from any public way or from private property by a screening fence which complies with the Town's standards for fences.

(iii) must be parked at least five (5) feet from a side or rear property line, and at least one (1) additional foot for every one (1) foot of height above six feet.

(iv) must maintain a current vehicle registration and not be occupied.

(C) Boats and boat trailers which have a length of less than thirty (30) feet when measured from the bow to stern of the boat:

(i) shall not be parked in the front yard;

(ii) may be parked on any side or rear yard when such vehicle is parked upon an all-weather surface and screened and the boat trailer does not protrude beyond the front building line or the front of the home, whichever is furthest from the right-of-way.

(iii) must be parked at least five (5) feet from a side or rear property line, and at least one (1) additional foot for every one (1) foot of height above six feet.

(iv) must maintain a current vehicle registration.

(D) All other vehicles are prohibited in these areas, except that vehicles may parked in these districts when actively loading or unloading for a maximum period of twenty-four (24) hours not more than two (2) times on nonconsecutive days in any calendar week (Sunday through Saturday) and for up to two weeks for maintenance once per year with a permit from the Town.

(E) Any residential property owner owning a vehicle subject to this section may obtain a written exclusion from the Town if they can demonstrate they are unable to meet these requirements at the time this Ordinance is approved. Such exclusion is not transferrable with the sale of the property, and must be obtained within six months of the passage of this ordinance.

(F)
(C)(B) _____.

(2) Commercial and multi-family residential

(A) It is prohibited to park or allow to be parked any vehicle on any surface that is not an all-weather surface without prior permission from the Town.

(c) Vehicle for Sale Parked in Unauthorized Location Declared a Public Nuisance. A Vehicle for Sale, when

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parked in an unauthorized location where it is visible from a public place or public right-of-way produces urban blight which is adverse to the maintenance and continuing development of the Town, and such Vehicles for Sale are therefore declared to be a public nuisance.

(1) Offense

(A) A person commits an offense when the person maintains a public nuisance:

(i) by parking the Vehicle for Sale at the unauthorized location, or

(ii) by having ownership, care, custody or control of the unauthorized location where the Vehicle for Sale is parked.

(B) An offense under this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(C) The Court shall order abatement and removal of the nuisance on conviction

(D) In a prosecution under this section, it is presumed that the registered owner of the Vehicle for Sale is the person who parked the Vehicle for Sale at the time and place the offense occurred.

(2) Exemptions. The provisions of this ordinance do not apply to a Vehicle for Sale parked in a lawful manner in the course of its normal use as a means of transportation:

(A) upon the premises of or immediately adjacent to a single-family residence if the vehicle is registered to, owned or operated by the owner or legal occupant of the single-family residence; or

(B) in a permitted parking space at a multi-family housing facility if the vehicle is registered to, owned by or operated by the owner or legal occupant of a unit in the multi-family housing facility; or

(C) in the parking area of a commercial establishment or place of business when the driver is then and there employed and working or is then and there transacting business at the establishment or business.

SECTION 3: PROVISIONS CUMULATIVE

This ordinance shall be cumulative of all provisions of the ordinances of the Town of Pantego, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 4: PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined at the maximum amount allowed by governing Texas law.

SECTION 5: PUBLICATION IN OFFICIAL NEWSPAPER

The Town Secretary of the Town of Pantego is hereby directed to publish the caption, penalty and effective date of this ordinance in the official newspaper of the Town of Pantego, in accordance with the requirements of Section 52.011 of the Texas Local Government Code.

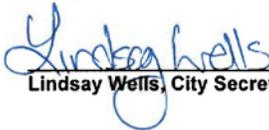
SECTION 6: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

~~PRESENTED AND PASSED on First and Final Reading this the 24th day of October 2011, by a vote of 4 ayes, 0 nays, and 1 abstentions, at a regular meeting of the Town Council of the Town of Pantego, Texas.~~

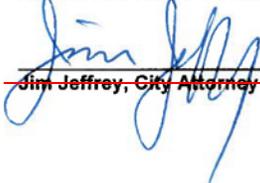

Melody Paradise, Mayor

ATTEST:


Lindsay Wells, City Secretary



APPROVED AS TO FORM:


~~Jim Jeffrey, City Attorney~~

ORDINANCE NO. ~~116-664~~XXX

AN ORDINANCE AMENDING CODE OF ORDINANCES OF THE TOWN OF PANTEGO, TEXAS, CHAPTER 12 "TRAFFIC AND VEHICLES" BY AMENDING ARTICLE 12.01 "GENERAL PROVISIONS", SECTION 12.01.001 "DEFINITIONS AND RULES OF CONSTRUCTION" AND BY AMENDING ARTICLE 12.05 "PARKING, STOPPING AND STANDING" SECTION 12.05.002 "GENERAL PROVISIONS" BY REPLACING SECTION 12.05.002 IN ITS ENTIRETY; MAKING THE ORDINANCE CUMULATIVE OF OTHER ORDINANCES ON THE SUBJECT; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town of Pantego, Texas is a Type A General Law municipality located in Tarrant County, Texas, created in accordance with provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council is empowered under the Texas Local Government Code to adopt ordinances and rules for the orderly and beneficial operation of Town government and the welfare of the citizens of Pantego; and

WHEREAS, the Town Council has adopted Chapter 12, Traffic and Vehicles, which regulates and restricts vehicular traffic, and more specifically parking of vehicles, and

WHEREAS, the Town Council has determined that it is in the best interest of the Town of Pantego to amend Chapter 12, Traffic and Vehicles, by revising Section 12.01.001 of Article 12.01 and Section 12.05.002 of Article 12.05.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PANTEGO, TEXAS:

SECTION 1.

That Chapter 12, Traffic and Vehicles, of the Code of Ordinances of the Town of Pantego, Texas is hereby amended by adding the following definitions to Article 12.01, General Provisions; Section 12.01.001, Definitions and rules of construction:

All-weather parking surface. asphalt or concrete paving suitable for vehicle parking

Front yard. That area of a lot circumscribed by the front lot line, the side lot lines extending to imaginary lines to perpendicular from the front corners of the structure, and the front side of the structure.

Rear yard. That area of a lot circumscribed by the back lot line, the side lot lines extending to imaginary lines perpendicular from the back corners of the structure, and the back side of the structure.

Screening fence. A barrier at least six (6) feet, but not more than eight (8) feet, in height of stone, brick, pierced brick or block, uniformly colored wood or other permanent material which forms a visual barrier of equal character, density and design.

Side yard. The area behind an imaginary line extending perpendicularly from the front corner of the structure to the side lot line, extending to an imaginary line perpendicular to the side lot line which touches the back corner of the structure closest to the side lot line at which point the "rear yard" begins.

Vehicle. Any automobile, truck, bus, motorcycle, motorhome, camper, trailer, truck tractor, road tractor, semi-trailer, pole trailer, boat, mobile home, jet ski, recreational vehicle or other vehicle.

SECTION 2.

That Chapter 12, Traffic and Vehicles, of the Code of Ordinances of the Town of Pantego, Texas is hereby amended by replacing Article 12.05, Parking, Stopping and Standing; Section 12.05.002, General Provisions with the following :

Sec. 12.05.002 General restrictions

(a) Parking on Public Property. Except as otherwise provided in this Section, it shall be unlawful and a violation for any person to cause, suffer, maintain or allow any vehicle:

- (1) To be parked on any surface other than an all-weather parking surface;
- (2) To be double parked at any point on the streets or alleys of the town;
- (3) To be stopped or parked upon or adjacent to a public street or alley so that any portion of the vehicle, including but not limited to any objects carried in or upon said vehicle, protrude into the main-traveled portion of said street or alley;
- (4) To be parked on any street or alley in the town for a period of time longer than twenty-four (24) hours, or the time period stated on signs posted by authority of this article;
- (5) To stop, stand or park at any time upon any public street, alleyway, other public place or fire lane when signs are erected or curbs painted giving notice that stopping, standing, or parking is prohibited;
- (6) To be parked upon any public street, alley, or public property of any nature whatever in the town for the purpose of:
 - (A) Washing, greasing, cleaning, polishing, waxing, changing oil, or repairing such vehicle, except repairs necessitated by an emergency; or
 - (B) Selling or exhibiting property of any nature;
- (7) To be parked on any median strip in the town;
- (8) To be parked within three (3) feet of the curved portion of any driveway without the effective consent of the owner of the property on which the driveway is located.
- (9) To be parked in a driveway and extend beyond the inside boundary of the public sidewalk, where present, or where the public sidewalk would normally be located, except as permitted hereinafter.
 - (A) Any vehicle may be parked extending onto the sidewalk while actively loading or unloading for a maximum period of twenty-four (24) hours not more than two (2) times on nonconsecutive days in any calendar week (Sunday through Saturday).

(b) Parking on Private Property.

- (1) Single family residential, duplex and townhomes .
 - (A) Automobiles, motorcycles, trucks, and vans, which have a carrying capacity of two thousand (2,000) pounds or less:
 - (i) may be parked on any front, side or rear yard when such vehicle is parked upon an all-weather parking surface; or
 - (ii) may be parked on any front, side or rear yard on any surface when such vehicle is screened from view from any public way or from any private property by a screening fence.
 - ~~(B) Motorhomes, campers, boats and trailers; which have a length of less than twenty-five (25) feet:~~
 - ~~(i) shall not be parked in the front yard;~~

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~~(i) / (ii)~~ may be parked on any side or rear yard when such vehicle is parked upon an all-weather surface and screened from view from any public way or from private property by a screening fence which complies with the Town's standards for fences.

(C) Any residential property owner owning a vehicle subject to this section may obtain a written exclusion from the Town if they can demonstrate they are unable to meet these requirements at the time this Ordinance is approved. Such exclusion is not transferrable with the sale of the property, and must be obtained within six months of the passage of this ordinance.

~~(i)~~ ~~(C)~~ (D) All other vehicles are prohibited in these areas, except that vehicles may be parked in these districts when actively loading or unloading for a maximum period of twenty-four (24) hours not more than two (2) times on nonconsecutive days in any calendar week (Sunday through Saturday).

(2) Commercial and multi-family residential

(A) It is prohibited to park or allow to be parked any vehicle on any surface that is not an all-weather surface without prior permission from the Town.

(c) Vehicle for Sale Parked in Unauthorized Location Declared a Public Nuisance. A Vehicle for Sale, when parked in an unauthorized location where it is visible from a public place or public right-of-way produces urban blight which is adverse to the maintenance and continuing development of the Town, and such Vehicles for Sale are therefore declared to be a public nuisance.

(1) Offense

(A) A person commits an offense when the person maintains a public nuisance:

- (i) by parking the Vehicle for Sale at the unauthorized location, or
- (ii) by having ownership, care, custody or control of the unauthorized location where the Vehicle for Sale is parked.

(B) An offense under this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

(C) The Court shall order abatement and removal of the nuisance on conviction.

(D) In a prosecution under this section, it is presumed that the registered owner of the Vehicle for Sale is the person who parked the Vehicle for Sale at the time and place the offense occurred.

(2) Exemptions. The provisions of this ordinance do not apply to a Vehicle for Sale parked in a lawful manner in the course of its normal use as a means of transportation:

(A) upon the premises of or immediately adjacent to a single-family residence if the vehicle is registered to, owned or operated by the owner or legal occupant of the single-family residence; or

(B) in a permitted parking space at a multi-family housing facility if the vehicle is registered to, owned by or operated by the owner or legal occupant of a unit in the multi-family housing facility; or

(C) in the parking area of a commercial establishment or place of business when the driver is then and there employed business at the establishment or business.

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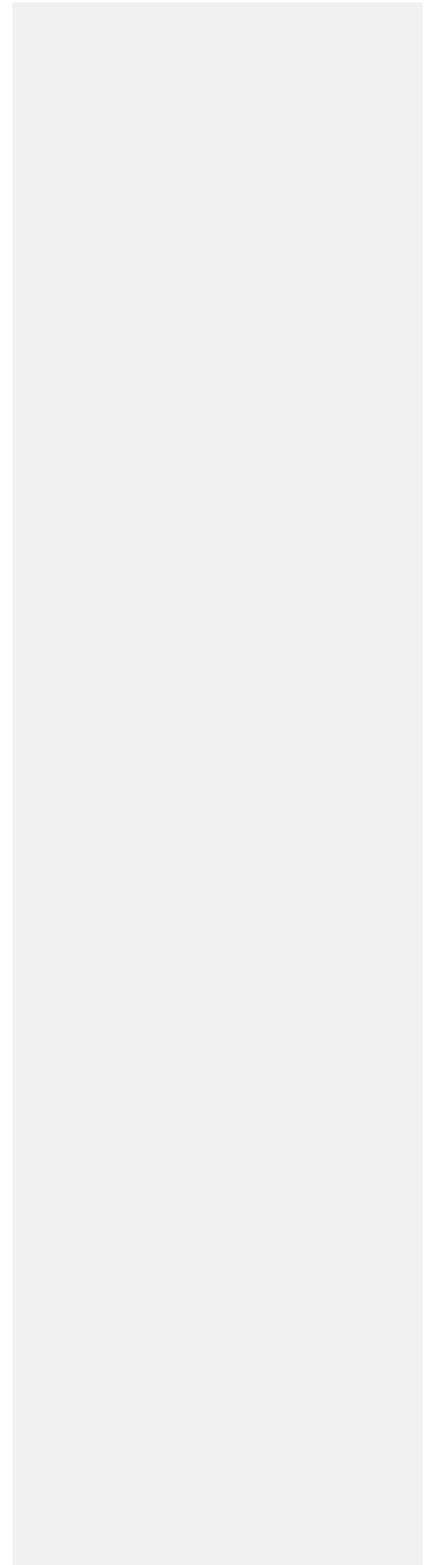
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SECTION 3: PROVISIONS CUMULATIVE

This ordinance shall be cumulative of all provisions of the ordinances of the Town of Pantego, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 4: PENALTY CLAUSE



Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined at the maximum amount allowed by governing Texas law.

SECTION 5: PUBLICATION IN OFFICIAL NEWSPAPER

The Town Secretary of the Town of Pantego is hereby directed to publish the caption, penalty and effective date of this ordinance in the official newspaper of the Town of Pantego, in accordance with the requirements of Section 52.011 of the Texas Local Government Code.

SECTION 6: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

~~PRESENTED AND PASSED on First and Final Reading this the 24th,~~ day of October 2011, by a vote of 4
~~0 nays, and 1 abstentions, at a regular meeting of the Town Council of the Town of Pantego, Texas.~~ ayes,

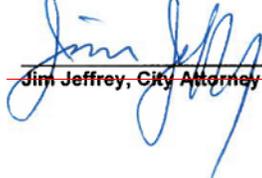

Melody Paradise, Mayor

ATTEST:


Lindsay Wells, City Secretary



APPROVED AS TO FORM:


Jim Jeffrey, City Attorney

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AGENDA BACKGROUND

AGENDA ITEM: Discuss, direct, and consider action on PantegoFest 2016.

Date: January 19, 2016

PRESENTER:

Matt Fielder, City Manager

BACKGROUND:

The purpose of this item is to discuss input provided by the PEDC and determine how to move forward on PantegoFest 2016.

FISCAL IMPACT:

Up to \$40,000

RECOMMENDATION:

Staff recommends making a final decision on PantegoFest 2016.

ATTACHMENTS:

N/A



AGENDA BACKGROUND

AGENDA ITEM: Discuss, direct, and review the water and sewer fund status and rates.

Date: January 25, 2016

PRESENTER:

Matt Fielder, City Manager

BACKGROUND:

Staff will review the current status of the water and sewer fund and make recommendations for adjusting water and sewer rates to meet future obligations. For the purposes of this discussion, staff will review historical and projected water and sewer revenues and expenses, as well as a comparison of area municipal water rates. For the projected water and sewer revenues and expenses, a comparison of the FY 2015 budget to actual is shown in order to provide an example of the difference between actual and projected costs. Also, please note that a number of sewer related capital and infrastructure costs that were planned for FY 2015 were posted to FY 2016 by the auditors, based on when the equipment was received, or the construction actually occurred.

Staff will have a presentation at the meeting on various options for rate structures and scenarios for addressing projected shortfalls.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Staff is seeking guidance from Council on how to proceed with future water and sewer rates.

ATTACHMENTS:

Historical and Projects Water and Sewer Expenses
FY 2015 Actual to Budget Comparison
Area Municipalities Water Bill Comparison
Pantego Water Bill Detail

Summary of Water/Sewer Revenues and Expenditures

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016 Budget
Water Revenues	\$648,879.00	\$506,186.00	\$496,323.00	\$463,881.00	\$487,797.00	\$480,000.00
Sewer Revenues	\$404,867.00	\$361,644.00	\$359,548.00	\$360,099.00	\$369,382.00	\$360,000.00
Water Personnel	\$228,959.00	\$228,308.00	\$230,012.00	\$227,950.00	\$265,372.00	\$290,600.00
Water Expenses	\$255,281.00	\$217,107.00	\$210,175.00	\$301,934.00	\$207,570.00	\$349,736.00
Water Total	\$484,240.00	\$445,415.00	\$440,187.00	\$529,884.00	\$472,942.00	\$640,336.00
Sewer Personnel	\$40,405.00	\$40,290.00	\$40,590.00	\$40,226.00	\$46,830.00	\$51,282.00
Sewer Expenses	\$244,820.00	\$241,179.00	\$307,384.00	\$323,094.00	\$333,735.00	\$396,806.00
FW Sewer	\$163,934.00	\$164,003.00	\$221,513.00	\$210,716.00	\$230,074.00	\$220,000.00
ARL Sewer	\$65,192.00	\$62,675.00	\$78,876.00	\$89,248.00	\$91,501.00	\$90,000.00
Sewer Infrastructure	\$27,515.00	\$1,000.00	\$58,547.00	\$36,145.00	\$22,998.00	\$288,591.00
Sewer Total	\$312,740.00	\$282,469.00	\$406,521.00	\$399,465.00	\$403,563.00	\$736,679.00
Water Revenues	\$648,879.00	\$506,186.00	\$496,323.00	\$463,881.00	\$487,797.00	\$480,000.00
Water Expenses	\$484,240.00	\$445,415.00	\$440,187.00	\$529,884.00	\$472,942.00	\$640,336.00
Difference	\$164,639.00	\$60,771.00	\$56,136.00	(\$66,003.00)	\$14,855.00	(\$160,336.00)
Percentage	34.00%	13.64%	12.75%	-12.46%	3.14%	-25.04%
Sewer Revenues	\$404,867.00	\$361,644.00	\$359,548.00	\$360,099.00	\$369,382.00	\$360,000.00
Sewer Expenses	\$312,740.00	\$282,469.00	\$406,521.00	\$399,465.00	\$403,563.00	\$736,679.00
Difference	\$92,127.00	\$79,175.00	(\$46,973.00)	(\$39,366.00)	(\$34,181.00)	(\$376,679.00)
Percentage	29.46%	28.03%	-11.55%	-9.85%	-8.47%	-51.13%
Total Revenues	\$1,053,746.00	\$867,830.00	\$855,871.00	\$823,980.00	\$857,179.00	\$840,000.00
Total Expenses	\$796,980.00	\$727,884.00	\$846,708.00	\$929,349.00	\$876,505.00	\$1,377,015.00
Difference	\$256,766.00	\$139,946.00	\$9,163.00	(\$105,369.00)	(\$19,326.00)	(\$537,015.00)
Percentage	19.23%	19.23%	1.08%	-11.34%	-2.20%	-39.00%

- Notes
1. FY 2011 through FY 2015 numbers are actual.
 2. FY 2016 numbers are budgeted.
 3. Significant sewer capital costs planned for FY 2015 were actually incurred and are reflected in FY 2016.
 4. The last rate change occurred in FY 2012.
 5. Winter month averaging was implemented in FY 2012.
 6. Water infrastructure projects are not included, as they are in the water infrastructure fund.
 7. Sewer infrastructure projects are included in the sewer operating fund.
 8. NTGCD Fees are not included in any part of this summary.

FY 2014-2015 Budget vs. Actual

	FY 2015 Budget	FY 2015 Actual
Water Revenues	\$500,000.00	\$487,797.00
Sewer Revenues	\$370,000.00	\$369,382.00
Water Personnel	\$290,600.00	\$265,372.00
Water Expenses	\$324,070.00	\$207,570.00
Water Total	\$614,670.00	\$472,942.00
Sewer Personnel	\$51,282.00	\$46,830.00
Sewer Expenses	\$373,383.00	\$333,735.00
FW Sewer	\$225,000.00	\$230,074.00
ARL Sewer	\$90,000.00	\$91,501.00
Sewer Infrastructure	\$107,250.00	\$22,998.00
Sewer Total	\$531,915.00	\$403,563.00
Water Revenues	\$500,000.00	\$487,797.00
Water Expenses	\$614,670.00	\$472,942.00
Difference	(\$114,670.00)	\$14,855.00
Percentage	-18.66%	3.14%
Sewer Revenues	\$370,000.00	\$369,382.00
Sewer Expenses	\$531,915.00	\$403,563.00
Difference	(\$161,915.00)	(\$34,181.00)
Percentage	-30.44%	-8.47%
Total Revenues	\$870,000.00	\$857,179.00
Total Expenses	\$1,146,585.00	\$876,505.00
Difference	(\$276,585.00)	(\$19,326.00)
Percentage	-24.12%	-2.20%

- Notes
1. Annual budgets include funding for multi-year projects
 2. Water and sewer budgets include funding for emergency costs that typically isn't used

Municipal Water Bill Comparison

5,000 Gallon Usage

Pantego	\$53.62
Arlington	\$55.78
Mansfield	\$62.74
Dalworthington Gardens	\$63.38
Kennedale	\$81.48

10,000 Gallon Usage

Pantego	\$80.27
Arlington	\$81.95
Dalworthington Gardens	\$90.08
Mansfield	\$93.74
Kennedale	\$128.28

20,000 Gallon Usage

Pantego	\$126.97
Dalworthington Gardens	\$143.48
Mansfield	\$153.94
Arlington	\$160.98
Kennedale	\$221.88

- Notes
1. Includes water, sewer, trash/recycling, drainage fees, infrastructure fees and NTGCD fees
 1. All cities offer some form of winter month averaging for sewer
 2. All bills utilize the full sewer cost as the rules differ amongst them

Pantego Water Bill Comparison

5,000 Gallons			
	Water	Sewer	Together
Fixed Monthly Fee	\$8.89	\$11.39	\$20.28
Remaining 2,000 gal	\$4.16	\$3.60	\$7.76
Infrastructure Fee	\$13.50	\$0.00	\$13.50
Trash/Recycling	\$0.00	\$0.00	\$10.83
NTGCD Fee	\$1.25	\$0.00	\$1.25
Total	\$27.80	\$14.99	\$53.62

10,000 Gallons			
	Water	Sewer	Together
Fixed Monthly Fee	\$8.89	\$11.39	\$20.28
Remaining 7,000 gal	\$14.56	\$12.60	\$27.16
Infrastructure Fee	\$19.50	\$0.00	\$19.50
Trash/Recycling	\$0.00	\$0.00	\$10.83
NTGCD Fee	\$2.50	\$0.00	\$2.50
Total	\$45.45	\$23.99	\$80.27

20,000 Gallons			
	Water	Sewer	Together
Fixed Monthly Fee	\$8.89	\$11.39	\$20.28
Remaining 17,000 gal	\$35.36	\$36.00	\$71.36
Infrastructure Fee	\$19.50	\$0.00	\$19.50
Trash/Recycling	\$0.00	\$0.00	\$10.83
NTGCD Fee	\$5.00	\$0.00	\$5.00
Total	\$68.75	\$47.39	\$126.97

Notes

1. Does not include winter month average for sewer