



City Council

NOTICE OF MEETING

REGULAR & WORK SESSION AGENDA

City Council

6:30 PM - Tuesday, April 24, 2018

Weatherford City Hall, City Council Chambers
303 Palo Pinto Street, Weatherford, TX

Craig Swancy, Mayor

Jeff Robinson, Place 2, Mayor Pro Tem

Heidi Wilder, Place 1

Dale Fleeger, Place 3

Kevin Cleveland, Place 4

Sharon Hayes, City Manager

James Hotopp, Deputy City Manager

Brad Burnett, Assistant City Manager

Zellers & Zellers, City Attorney

Malinda Nowell, TRMC, City Secretary

In accordance with Section 551.042 of the Texas Government Code, this agenda has been posted at the Weatherford City Hall, distributed to the appropriate news media, and posted on the City website at <http://www.weatherfordtx.gov> within the required time frame. As a courtesy, the entire Agenda Packet has also been posted on the City of Weatherford website at www.weatherfordtx.gov/agendas. All meetings of the Weatherford City Council, Municipal Utility Board, and other boards/commissions/committees of the City of Weatherford are open to the public. Public participation and written comments are invited on all open session business items.

The Mayor/Chair requests that all electronic devices be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation. Weatherford City Hall is wheelchair accessible and special parking is available on the south side of the building. If special accommodations are required please contact the City Secretary at 817-598-4202 a minimum of 24 hours in advance.

The City Council, Municipal Utility Board, and other boards/commissions/committees of the City of Weatherford, as allowed, reserve the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by the Texas Government Code: Section 551.071-Consultation with Attorney; 551.072-Deliberations about Real Property; 551.073-Deliberations about Gifts and Donations; 551.074-Personnel Matters; 551.076-Deliberations about Security Devices; 551.086-Certain Public Power Utilities; and 551.087-Economic Development.

Unless a Work Session Agenda, or otherwise indicated, action may be taken on any of the following agenda items.

1. INVOCATION

2. CALL TO ORDER & ANNOUNCEMENT OF A QUORUM

3. PLEDGES OF ALLEGIANCE TO THE UNITED STATES & TEXAS FLAGS

4. ITEMS OF COMMUNITY INTEREST

Mayor and Council Reports on Items of Community Interest pursuant to Texas Government Code Section 551.0415 the City Council may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming City Council events; (5) information about community events; and (6) announcements involving imminent threat to public health and safety.

5. PRESENTATIONS & PROCLAMATIONS

- 5.a.** Proclamation for Motorcycle Safety and Awareness Month. (*Jeff Robinson, Mayor Pro Tem*)
[Motorcycle Safety & Awareness Month May 2018.pdf](#)
- 5.b.** Proclamation for National Day of Prayer. (*Jeff Robinson, Mayor Pro Tem*)
[National Day of Prayer 050318.pdf](#)

6. CONSENT AGENDA ITEMS

All of the 'Consent Agenda Items' are considered to be routine and self-explanatory and will be enacted with one motion. There will be no separate consideration of these items unless the Council or Board removes the item from Consent.

- 6.a.** Consider approval of the minutes of the Joint City Council and Weatherford Municipal Utility Board meeting held March 29, 2018, and the City Council meeting held April 10, 2018. (*Malinda Nowell, City Secretary*)
Suggested Action: Staff recommends approval.
[Minutes 03292018.pdf](#)
[Minutes 04102018.pdf](#)
- 6.b.** Consider approval of the following board and commission appointments: Brian Vasquez to the Parks and Recreation Advisory Board replacing Edwina Himes effective June 1, 2018, and Luke Haynes from alternate member to regular member on the Building and Standards Commission effective May 1, 2018. (*Heidi Wilder/Dale Fleeger*)
- 6.c.** Discuss and consider increasing maximum fees charged by rotation wrecker services on non-consent vehicle tows. (*Lance Arnold, Chief of Police*)
Suggested Action: Staff recommends raising the maximum fees charged by rotation wrecker companies as discussed.
[Scan_03222018032154.pdf](#)
[Scan_03222018032211.pdf](#)
[Scan_03222018034936.pdf](#)
- 6.d.** Consider and/or act upon approval of policy guidelines to complete Film Friendly Texas distinction. (*Debra Wakeland, Main Street Director*)
Suggested Action: Staff recommends approval of the policy guidelines, whereby completing the last item on the certification checklist.
[Guidelines for Filming in Weatherford.docx](#)
- 6.e.** Consider approval of a thirty (30)-year license agreement with automatic three (3)-year renewals for use of the sidewalk and right of way for the Houston Place Building at 102-106 Houston Avenue for building overhang, arcade/awning and restaurant purposes. (*Craig Farmer, Director, Development & Neighborhood Services*)

Suggested Action: Staff recommends approval.
[Houston Place location map.pdf](#)
[Houston Place Street License agmt EZ 4-18.docx](#)

7. STAFF REPORTS

7.a. Quarterly Financial Report (*Kyle Lester*)
Suggested Action: No action is required.
[City Council 2nd Q Financial Report 4-16.docx](#)

8. WORK SESSION

8.a. Discuss downtown mobility (*Sharon Hayes, City Manager*)

9. CITIZEN COMMENTS ON NON-AGENDA ITEMS

Residents may address the Council/Board/Commission/Committee regarding an item that is not listed on the agenda. Residents must complete a speaker card and turn it in to the Secretary five (5) minutes before the start of the meeting. The Rules of Procedure states that comments are to be limited to three (3) minutes. Speaker rules are posted at the back of the Council Chambers. The Texas Open Meetings Act provides the following: (a) If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to: (1) A statement of specific factual information given in response to the inquiry; or (2) A recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

10. FUTURE AGENDA ITEMS

11. MEDIA INQUIRIES

12. ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on _____ at _____ a.m. / p.m. as required by law in accordance with Section 551.042 of the Texas Local Government Code and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the city's website.

Posted By _____

Title _____

Date/Time Removed _____

Office of the Mayor
PROCLAMATION

*I, Jeff Robinson, by virtue of the authority vested in me as
Mayor Pro Tem of the City of Weatherford
Do hereby proclaim the Month of May 2018 as
“Motorcycle Safety and Awareness Month”*

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns help inform riders and motorists about safety issues to reduce motorcycle-related risks, injuries, and fatalities; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

WHEREAS, we urge all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists share the road with respect.

NOW, THEREFORE, I, Jeff Robinson, Mayor Pro Tem of the City of Weatherford, do hereby proclaim the month of May 2018 as **“Motorcycle Safety and Awareness Month”** in the City of Weatherford and urge all residents to do their part to increase safety and awareness in our community.

In testimony whereof, witness my hand and the seal of the City of Weatherford, this 24th day of April 2018.

Jeff Robinson, Mayor Pro Tem

Attest:

Malinda Nowell, TRMC, City Secretary

Office of the Mayor
PROCLAMATION

*I, Jeff Robinson, by virtue of the authority vested in me as
Mayor Pro Tem of the City of Weatherford
Do hereby proclaim May 3, 2018 as
“Day of Prayer”*

WHEREAS, the National Day of Prayer Task Force, a project of the National Prayer Committee, is dedicated to calling America back to God; and

WHEREAS, the National Day of Prayer is observed on the first Thursday of May each year; and

WHEREAS, the theme for the 2018 National Day of Prayer is **UNITY**; and

WHEREAS, individuals, corporately and individually, need to place their faith in the unfailing character of their Creator, who is sovereign over all governments, authorities, and men; and

WHEREAS, with one mind and one voice, we may glorify God; and

WHEREAS, there is power in prayer, we can find hope and comfort in the grace and guidance of a loving God.

NOW THEREFORE, I, Jeff Robinson, Mayor Pro Tem of the City of Weatherford, do hereby proclaim May 3, 2018 as “Day of Prayer” in the City of Weatherford.

In testimony whereof, witness my hand and the seal of the City of Weatherford, this 24th day of April 2018.

Jeff Robinson, Mayor Pro Tem

Attest:

Malinda Nowell, TRMC, City Secretary

**MINUTES OF THE CITY COUNCIL AND WEATHERFORD MUNICIPAL UTILITY
BOARD JOINT WORK SESSION HELD MARCH 29, 2018 IN THE CITY HALL
COUNCIL CHAMBERS, 303 PALO PINTO STREET, WEATHERFORD, TEXAS.**

CALL TO ORDER & ANNOUNCEMENT OF A QUORUM

Mayor/Chair Craig Swancy called the meeting to order at 10:00 a.m. Present were: Mayor/Chair Craig Swancy, Vice Chair Heidi Wilder, Jeff Robinson, Lindsey Hester, Ken Davis, Howard McClurkin and Paul Paschall. City staff included: City Manager Sharon Hayes, Deputy City Manager James Hotopp, Assistant City Manager Brad Burnett, Attorney Rob Allibon and Assistant City Secretary Krista Beach. Absent were: Councilmembers Kevin Cleveland and Dale Fleeger.

WORK SESSION ITEMS

Discuss wholesale wastewater services for the City of Willow Park.

Willow Park Mayor Doyle Moss gave a statement on behalf of the City of Willow Park. "I hope that we can all agree that the past is the past and can be changed. I believe the people assembled here today can be a part of something that has never happened before. We can decide that moving forward to work together on issues concerning our county and our cities. We can also ensure we have the resources or access to resources for our future children, our citizens and businesses and will work hard to find solutions to our problems, including water and wastewater. The greatest risk is not taking one. We firmly believe Willow Park will be a great partner with the City of Weatherford. We understand reason for concern. Willow Park has a new City Manager, a new City Attorney and a new Mayor and we are working very hard to be positive and proactive. You will not regret partnering with our city. Our hope and prayer is that this is the beginning of a new chapter in Parker County. A new chapter with trust, respect, cooperation and optimism and that we are all in this together for a much brighter future. The time is now and the time is always right to do what is right. Thank you for your time."

Derek Turner with Jacob and Martin, Ltd. spoke as the engineering representative for the City of Willow Park. Mr. Turner gave an overview of the current status of the wastewater system for the City of Willow Park. Mr. Turner stated that the current plant is a 0.3 MGD and is deteriorated and has reached the end of its useful life. Therefore, the city has already started construction on a new 0.5 MGD plant that will replace the old one. The new plant will include enhanced monitoring and is expected to serve through the first five years of the planning period. After the five-year time frame Willow Park will be required to find another option for moving forward on their future projections. The sizing and timing are related to TCEQ permitting.

Mr. Turner displayed the following wastewater connections and flow projections out of the City of Willow Park's Capital Improvement Plan. This data is for approximately the next 40 years and is based on the total buildout numbers that were taken from the city's comprehensive plan.

Year	Sewer conn	Yearly Flow (MG/Yr)	Avg. Daily Flow		Peak Hour gal/day/conn
			MGD	gal/day/conn	
2010	480	44.90	0.123	256	480
2011	504	33.58	0.092	182	402
2012	555	51.83	0.142	256	704
2013	615	57.47	0.157	256	704
2014	675	77.20	0.212	314	862
2015	720	91.08	0.250	347	995
2016	897	77.20	0.212	235	825
2017	996	109.06	0.299	300	825
2018	1045	114.43	0.314	300	825
2019	1219	133.48	0.366	300	825
2020	1404	153.74	0.421	300	825
2025	1918	210.02	0.575	300	825
2030	2156	236.08	0.647	300	825
2035	2744	300.47	0.823	300	825
2040	3333	364.96	1.00	300	825
2045	5704	624.59	1.711	300	825
2050	6351	695.43	1.905	300	825

It was noted that the 2017 figure seen under the average daily flow was 0.299 MGD but the actual average daily flow was 0.158 MGD. The reason for the difference was at the time these projections were calculated the City of Willow Park was undertaking a major rehabilitation project for their wastewater system (performing smoke testing, replacing lines, repairing manholes, etc.) therefore, the inflow and infiltration numbers significantly decreased the total average day flow. Also, those projections included some larger developments that had delayed implementation assisting in the result of a decrease in projections. However, the numbers are expected to catch up to what the projections currently display. Mr. Turner also noted that additional residential development has been approved but is not currently online. The 2040 projection is for new service only and that the 2050 projection includes service to existing residents not previously served.

Mr. Turner also gave an overview of the future land use projections from Willow Park's comprehensive plan stating that the total service area at buildout is 7,191 acres. Of that, approximately 5,127 acres would be residential. Current service is approximately 75%, however, long-term is expected to be 88% residential and 12% commercial which is very important to distinguish. It is important to recognize that a vast majority of the service provided would be residential because the quality of the wastewater would be different if it was industrial or commercial.

City Administrator Brian Grimes stated that he is looking forward to partnering with the City of Weatherford. He expressed that there have been various modifications to the city including changes in staff and council. Mr. Grimes was insistent that the City of Willow Park's goal is to be out of the wastewater treatment business. Willow Park simply does not have the capacity to own and efficiently operate a system. Therefore, it is a vital problem that needs a solution and they are committed to doing what it takes to find that solution.

Director of Water Utilities Rick Shaffer stated that the purpose of this work session is to discuss the request and the steps going forward. It is not to discuss the minute details or cost associated with the request because currently that is an unknown factor.

Mr. Shaffer did recognize that the City of Willow Park's treatment issues in early 2017 resulted in various permit violations. As a possible provider, it is important that Weatherford review the violation information and anticipate any future issues. Due to it being solely in the early part of 2017 and not in the later part it is uncertain if the issue was able to be resolved in the treatment process or if it was something that resolved in the influent water quality.

The City of Willow Park has three treatment options:

- Improve/expand the Willow Park treatment facility
- Contract with Weatherford for treatment services
- Contract with Fort Worth for treatment services

Willow Park has provided growth projects, flow projections, monthly TCEQ reports for 2017 and the treatment records for 2017, however, data was incomplete and not all parameters were recorded, particularly influent water quality. If Weatherford moves forward, additional influent water quality monitoring will be required. Main items of consideration for the City of Weatherford is the unknown influent wastewater quality, evaluation of any existing conveyance capacity limitations, evaluation of any existing treatment capacity limitations, cost of service and rates and contract terms.

Mr. Shaffer stated that it would require a pipeline and two lift stations to convey wastewater flow from Willow Park to the delivery point and that it would be the same delivery point as Hudson Oaks and Willow Park would construct this independently of Weatherford. It will flow through two Weatherford lift stations (#20 and #17) and pipelines to Weatherford's Wastewater Treatment Plant (WWTP). Weatherford would need to evaluate existing and projected capacity and flows so that if upgrades were required it could be included as part of the process. Weatherford's existing WWTP capacity is rated at 4.5 MGD. Requirements state that when it reaches 75% planning and design for expansion must be initiated and when it reaches 90% expansion must be in construction.

If Weatherford were to be de-rated due to material changes in the treatment process from the reclaimed water project it would need to start an expansion plan and conduct an uprating study which would show that the existing system can operate at a higher loading rate and still meet permit limits. An alternative to the uprating study would be to construct a new Orbital treatment basin.

Mr. Shaffer discussed the next steps moving forward which are:

- Collect influent water quality data
- Conduct an engineering analysis (\$20k)
- Identify any conveyance improvements needed
- Conduct a rate study (\$24k)
- Develop draft contract terms/language (\$15k)
- Determine revenue requirement

- Upgrading study (cost TBD)
 - Only necessary if de-rating occurs; but it is something to be prepared for

The council and board requested staff review assets and prepare value calculations of Weatherford's current system as well as projections for Weatherford's own expansion.

Mr. Hotopp requested direction from the board and council and stated that moving forward does not obligate the City of Weatherford to anything further than getting additional data. Currently, all cost will be incurred by the City of Willow Park. Once the rate study is complete then a decision can be made by both entities as to how they wish to proceed.

The board and council directed staff to move forward on this item.

ADJOURNMENT

On the motion of Ken Davis, second by Heidi Wilder, the board voted unanimously to adjourn the meeting at 11:11 a.m. Motion carried 7 - 0.

ATTEST:

Craig Swancy, Mayor/Chair

Krista Beach, Assistant City Secretary

MINUTES OF THE CITY COUNCIL REGULAR AND EXECUTIVE SESSION HELD APRIL 10, 2018 IN THE CITY HALL COUNCIL CHAMBERS, 303 PALO PINTO STREET, WEATHERFORD, TEXAS.

Mayor Swancy announced that 30 minutes are allotted for Citizen Comments on Non-Agenda Items and that those wishing to speak might like to choose representatives to speak for several persons since more than 30 cards have been submitted.

INVOCATION

Pastor Curtis Tucker of Westwood Christian Fellowship led the invocation.

CALL TO ORDER & ANNOUNCEMENT OF A QUORUM

Mayor Craig Swancy called the meeting to order at 6:30 p.m. Present were: Mayor Craig Swancy, Mayor Pro Tem Jeff Robinson, Heidi Wilder, Dale Fleeger, and Kevin Cleveland. City staff included: City Manager Sharon Hayes, Deputy City Manager James Hotopp, Assistant City Manager Brad Burnett, City Attorney Bradley Anderle, and City Secretary Malinda Nowell.

PLEDGES OF ALLEGIANCE TO THE UNITED STATES & TEXAS FLAGS

Mayor Swancy led the pledges.

ITEMS OF COMMUNITY INTEREST

Mayor Swancy mentioned the following items:

- The ribbon cutting for the Veterans Memorial at Soldier Spring Park will be held at 9:00 a.m. on Saturday, June 2.
- In November 2017, the Texas Opry Theater held a charity concert with local favorite Casey James to raise funds for the Weatherford Parker County Animal Shelter's 'Giving Second Chances Capital Campaign.' Marilyn Carter presented the donation of approximately \$8,000 to Dustin Deel, Director of Municipal & Community Services.
- The Weatherford Public Library received the Texas Municipal Library Directors Association Achievement of Excellent in Libraries Award having met all of the criteria for the award, based on services provided in FY2017. This is the second consecutive year that the Weatherford Public Library has received the award.
- The City of Weatherford's Main Street Program recently received National Main Street Center/Main Street America™ recognition as a Nationally Accredited Main Street program.
- All of the City's brush trucks are working again; the crews have been operating after 8:00 p.m. The Mayor thanked the citizens for their patience while staff works to get caught up from the February ice storm.

PRESENTATIONS & PROCLAMATIONS

Proclamation for National Volunteer Week recognizing the volunteers that assist the city's departments.

Mayor Swancy proclaimed April 15-21, 2018 as Volunteer Appreciation Week and recognized volunteers appointed to the City's boards, commissions, and committees, as well as numerous organizations and individual volunteers for their commitment to the City of Weatherford and our citizens.

CONSENT AGENDA ITEMS

On the motion of Kevin Cleveland, second by Heidi Wilder, the Council voted unanimously to approve the following items on the Consent Agenda. Motion carried 5 - 0.

- Approved the minutes of the City Council meeting held March 27, 2018.
- Approved Resolution R2018-10 authorizing the Weatherford Police Department to apply for

grant funding offered by the Office of the Governor, Criminal Justice Division, for a Records Management System (RMS).

- Accepted the Single Audit Report for the fiscal year ended September 30, 2017, as presented by Pattillo, Brown & Hill, L.L.P., Certified Public Accountants.
- Authorized the City Manager to enter into a lease agreement with Ricoh USA, Inc. through which the City can obtain multi-function printers (Print/Copy/Fax/Scan) with budgeted dollars.

Consider approval of Ordinance 896-2018-11 amending the FY18 Adopted General City Budget.

This item was removed from the Consent Agenda for separate consideration. Kyle Lester, Assistant Director of Finance, presented this item. Mr. Lester stated that this amendment can be split into three categories. The first category is the remainder of items that were discussed in conjunction with the January budget amendment and includes items that were flagged for approval since the City had sufficient dollars at the end of last fiscal year. Those items amount to \$166,349. The second category is grant funding for the police department. The third category is interdepartmental transfers to utilize a portion of the dedicated \$500k property tax receipts for capital items which is proposed for facilities maintenance projects.

Councilman Cleveland stated that he viewed the \$500k that was set aside for capital projects as more of a big-picture expense such as land acquisition for a police department or some other large capital expense. He stated the proposed items are more maintenance than capital and that maintenance items should be covered in the day-to-day budget, not capital.

Mr. Lester stated that the lines can sometimes seem blurred between what is capital and what is maintenance; given the life of the projects under consideration, staff considers them to be more on the capital side. Mr. Lester stated that his office recently completed the second quarter revenue projections and he fully believes that a significant amount of sales tax dollars will come in, far over budget. Staff could have asked the Council to obligate some of the excesses that have been seen to date. Instead, in staff's estimation, these items were capital in nature; therefore, staff asked to obligate capital dollars that had been set aside. At the end of the year, when the City receives the sales tax excess of which staff is virtually certain, then staff can fully replenish the dollars for these capital projects, which total \$378,000. At the end of the year, both the capital fund and the sales tax dollars should remain essentially whole.

Mr. Cleveland considered that some of the projects may not be able to wait until the dollars are in hand, though personally, he would rather wait until the dollars are in hand and also not transfer dollars from the \$500k. One project that might not be able to wait is the Old City Hall renovation.

Councilwoman Wilder and Councilman Fleeger agreed the proposed capital projects were contrary to what they considered the \$500k would be used for.

Mr. Lester stated that the City is ahead of budget trajectory on sales tax dollars by approximately one-half million, or more.

Mr. Fleeger asked the Council to articulate more clearly how the capital dollars are to be utilized. He suggested clearly articulating that the capital fund is for long-term projects such as acquisition of land, buildings, and etcetera.

City Manager Sharon Hayes stated these are larger capital projects than what are normally dispersed out of departmental budgets. Financing is available with or without these funds. Ms. Hayes mentioned the only new item on this list is the security fencing for the police department.

Mayor Pro Tem Robinson agreed that if these items could be funded with sales tax overage, then that is the better route.

Mr. Lester stated staff had budgeted for \$12.6m in sales tax and projections right now are at the low end of \$13.6m and pushing \$14m at this point. Mr. Lester stated that the use of sales tax overage would be an effective way to meet these goals.

On the motion of Kevin Cleveland, second by Heidi Wilder, the Council voted unanimously to approve this item with recommended changes using sales tax dollars. Motion carried 5 - 0. The ordinance was captioned as follows:

ORDINANCE NO. 896-2018-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEATHERFORD, TEXAS, ADOPTING AN AMENDED BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2018, AND MAKING APPROPRIATIONS FOR THE SEVERAL DEPARTMENTS FOR SAID YEAR IN ACCORDANCE WITH THE CHARTER AND ORDINANCES OF THE CITY OF WEATHERFORD, TEXAS AND THE LAWS OF THE STATE OF TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING A SAVINGS CLAUSE.

Consider award of bid #2018-014 to Joe R. Jones Construction in the amount of \$313,000 for the Old City Hall Renovation.

This item was removed from the Consent Agenda for separate consideration. It was discussed in conjunction with the budget amendment item. On the motion of Kevin Cleveland, second by Heidi Wilder, the Council voted unanimously to approve this item. Motion carried 5 - 0. Mr. Lester stated he would make sure that the use of the capital dollars are clearly defined as staff enters into the budget process for the upcoming fiscal year.

PUBLIC HEARINGS

Hold a PUBLIC HEARING and consider approval of Ordinance 897-2018-12 for a zoning district change to allow a C1-Commercial Zoning District to a C1-Commercial Zoning District with a Conditional Use Permit (CUP) for Outside Storage for property located at 100 College Park Drive and being situated on a 9.310 acre tract of the Peter S Hall Survey, Abstract 659, City of Weatherford, Parker County, Texas. ZCH2018-0004.

Mr. Farmer presented this item and provided details about the location. This request is for an Orscheln Farm and Home business. Outside storage of merchandise over a certain amount requires a CUP. Orscheln will have 123 parking spaces. Corridors into the City are discussed in the General Plan. College Park Drive is not referred to as a corridor; however, South Main Street is. Orscheln moved the outside merchandise area back 40 feet from their original request. At their meeting on March 28, 2018, the Planning & Zoning Commission (PZC) approved the request with the following conditions:

1. The storage area must provide an accessible exit for each wall of the storage area.
2. Landscaping with automatic irrigation system will be installed along College Park Drive.
3. Mesh screening will be provided on the fencing along the Main Street side.
4. Masonry columns will be used along the Main Street and College Park sides.
5. Decorative metal be used as fencing material to enclose the outside storage facility.
6. Outside display of merchandise and/or seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be limited to the area within fifteen (15) feet of the fenced area, and is otherwise subject to the requirements listed in §12-3-10.(f)(4).
7. The fenced area will be set back from College Park Drive a minimum of 40 feet.

Ron Volske with Orscheln clarified that the outside area is a point of sale, not just storage, for items that are physically impossible to be placed inside the store. Mr. Volske stated he was fine with the PZC's recommendations.

Discussion included fence styles and material, as well as the mesh screening.

Mayor Swancy opened the public hearing at 7:14 p.m. As there were no speakers, Mayor Swancy closed the public hearing at 7:14 p.m.

After discussion, on the motion of Dale Fleeger, second by Jeff Robinson, the Council voted unanimously to approve this item as recommended with the exception of replacing the black covering with eight-foot irrigated vegetation to be approved by staff. Motion carried 5 - 0. The ordinance was captioned as follows:

ORDINANCE 897-2018-12

AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARIES OF THE ZONING DISTRICT MAP OF THE CITY OF WEATHERFORD, TEXAS, CONCERNING CERTAIN PARCELS OR TRACTS OF LAND IDENTIFIED IN AS BEING SITUATED ON A 9.310 ACRE TRACT OF THE PETER S. HALL SURVEY, ABSTRACT 659, AND LOCATED AT 100 COLLEGE PARK DRIVE WITHIN THE CORPORATE LIMITS OF THE CITY OF WEATHERFORD, TEXAS; HERETOFORE ZONED C1 COMMERCIAL SHALL HENCEFORTH BE ZONED C1 COMMERCIAL WITH A CONDITIONAL USE PERMIT (CUP) FOR OUTSIDE STORAGE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING A SAVINGS CLAUSE.

[Hold a PUBLIC HEARING and consider approval of Ordinance 898-2018-13 for a zoning district change to allow an R2-Two Family Residential Zoning District to a PD-Planned Development for Multi-family for property located in the 500 Block of Eureka Street and being situated on a 1.107 tract of the Yeoman's Addition, Volume 276, Page 336, Deed Records, City of Weatherford, Parker County, Texas. ZCH2018-0005.](#)

Mr. Farmer presented this item as well. This property fronts on Black Warrior Creek and a sizeable portion of the property is located in the floodplain. The medical complex is located just east of this proposed site, with the creek running between the two. The applicant has requested approval of a planned development to convert the property into fourplexes. This project will complete Akard Street and will run the water line to connect to City water. The applicant proposes one fourplex on each lot. The buildings will be one story.

Mayor Swancy opened the public hearing at 7:20 p.m. As there were no speakers, Mayor Swancy closed the public hearing at 7:20 p.m.

On the motion of Kevin Cleveland, second by Dale Fleeger, the Council voted unanimously to approve this item. Motion carried 5 - 0. The ordinance is captioned as follows:

ORDINANCE 898-2018-13

AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARIES OF THE ZONING DISTRICT MAP OF THE CITY OF WEATHERFORD, TEXAS, CONCERNING CERTAIN PARCELS OR TRACTS OF LAND IDENTIFIED IN AS 2.544 ACRES OUT OF THE BLOCK 19 YOEMAN'S ADDITION, LOCATED AT 511 EUREKA STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF WEATHERFORD, TEXAS; HERETOFORE ZONED R2 TWO-FAMILY RESIDENTIAL SHALL HENCEFORTH BE ZONED PD PLANNED DEVELOPMENT (MULTIFAMILY, R3 BASE), REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING A SAVINGS CLAUSE.

Hold a PUBLIC HEARING and consider approval of Ordinance 899-2018-14 to allow a C1-Commercial Zoning District to R1-One Family Residential for property located at 1235 E Bankhead Drive and being situated on a 0.10 acre tract of the Sarah Monk Survey, Abstract 906, City of Weatherford, Parker County, Texas. ZCH2018-0007.

Mr. Farmer presented this item as well. This property is located on Bankhead Drive at the intersection with Allen Street. Mr. Farmer stated that there are areas in town zoned C1 but that the properties have served as residential. Many property owners have begun experiencing problems with lenders being reluctant to loan money if the property is not used as it is zoned.

Mayor Swancy opened the public hearing at 7:23 p.m. As there were no speakers, Mayor Swancy closed the public hearing at 7:23 p.m.

On the motion of Jeff Robinson, second by Dale Fleeger, the Council voted unanimously to approve this item. Motion carried 5 - 0. The ordinance is captioned as follows:

ORDINANCE 899-2018-14

AN ORDINANCE AMENDING THE ZONING DISTRICT BOUNDARIES OF THE ZONING DISTRICT MAP OF THE CITY OF WEATHERFORD, TEXAS, CONCERNING CERTAIN PARCELS OR TRACTS OF LAND IDENTIFIED IN AS BEING SITUATED ON A 0.10 ACRE TRACT OF THE SARAH MONK SURVEY, ABSTRACT 906, AND LOCATED AT 1235 E. BANKHEAD ST. WITHIN THE CORPORATE LIMITS OF THE CITY OF WEATHERFORD, TEXAS; HERETOFORE ZONED C1 COMMERCIAL SHALL HENCEFORTH BE ZONED R1 RESIDENTIAL ONE-FAMILY RESIDENTIAL, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING A SAVINGS CLAUSE.

REGULAR AGENDA ITEMS

Consider a preliminary plat for the future Woodland Lakes Subdivision being approximately 162.25 acres situated in the ETJ and being a portion of the T. & P. R.R. Co. Survey, Abstract No. 1346, T. & P. R.R. Co. Survey, Abstract No. 1298, and the J. S. Thompson Shadle Survey, Abstract No. 1279, Parker County, Texas. SBD2017-0020.

Mr. Farmer presented this request for a preliminary plat for the future Woodland Lakes Subdivision. The project creates a 167.25 acre, 65 lot, single-family residential subdivision situated in the City's Extra Territorial Jurisdiction (ETJ) along FM 920/Peaster Highway with access to FM 2421/Zion Hill Road. The General Plan designates this area as Estate Residential. The applicant is requesting waivers for multiple requirements of the City's subdivision ordinance.

At their March 14, 2018 meeting, the Planning & Zoning Commission tabled this item due to several concerns raised by the Commission. Since that meeting, the applicant has worked with staff to address the Commission's concerns specific to ROW labeling, phasing of gated access, traffic calming features, and scaling of the document.

Requested waivers include:

1. Private Water - Staff supports this waiver due to the distal nature of existing City facilities. Proposed facilities will consist of private well systems maintained by each individual homeowner.
2. Private Sanitary Sewer - Staff supports this waiver due to the distance from existing City facilities. Proposed facilities will consist of private septic systems maintained by each individual homeowner.
3. Private Streets - Staff supports this waiver with the condition of having strict HOA requirements. The streets will need to be HOA lots as opposed to dedicated right-of-way. The HOA will be

responsible for having a mechanism for funding and maintaining the private roads. The plat will need to show the thoroughfare roadway as a separate HOA lot from the other streets. Such private asphalt streets shall be designed and constructed in strict accordance with City specifications.

4. Gates - Staff supports this waiver with the condition that if any of the private streets become public, the gates will be removed.
5. Street/Block Length - Staff supports this waiver with the condition that traffic calming features are in place to deter speeding. Staff recommends an additional miniature roundabout on Graham Road.
6. Screening Walls - Staff supports this waiver as the applicant is proposing as decorative pipe fence combined with landscaping screening along FM 920/Peaster Highway. The applicant will also provide a decorative boundary fence between private lots and HOA lots reserved for future roadway expansions.

On the motion of Heidi Wilder, second by Kevin Cleveland, the Council voted unanimously to remove this item from the table. Motion carried 5 - 0.

Mr. Farmer confirmed that the streets are a rural road section and will not have curb and gutter. The proposed subdivision does not need water or sewer; therefore, it would be the developer's call as to whether they would request annexation into the City in future.

Max Thompson, 1200 Advance Road, stated he would not be opposed to annexation; however, if lots have been sold and people build homes, annexation might be difficult.

On the motion of Jeff Robinson, second by Dale Fleeger, the Council voted unanimously to approve this item. Motion carried 5 - 0.

Discuss appointing a committee to consider low-income and senior apartment housing, incentives and setting aside apartments for low income and section 8 vouchers.

City Manager Sharon Hayes stated this item was placed on the agenda at the request of Councilmembers Wilder and Fleeger at the last meeting. Ms. Hayes stated that, after further discussion, the Councilmembers' intent is to form a committee that begins discussing needs and whether or not the City can partner in anyway. Ms. Hayes referred to a coalition called Six Stones which helps improve and transform communities and might be used as an example. The committee does not have authority to change policy, or to shape the direction of housing. It would be more of a tool to help the City build relationships and address needs in the City. On the motion of Craig Swancy, second by Kevin Cleveland, the Council voted unanimously to appoint Heidi Wilder and Dale Fleeger to such a committee and bring back some names and suggestions at a later date. Motion carried 5 - 0.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

- Teri Hubbard, 1317 South Lamar, thanked the Mayor, the Council, and staff for their work and future planning of the City of Weatherford.
- Kenneth Pinner, 301 West Spring Street, spoke about the Heritage Square mobility plan. Mr. Pinner spoke for residents on both the north side and south sides of the courthouse. He spoke about the history in Weatherford, the homes in the proposed area, that the road will go through a residential neighborhood and that their windows will rattle all night. Numerous people in the audience raised their hands when Mr. Pinner asked how many of those present would be affected by this proposal. He asked the Council for their help, to think this plan over, to visit the people and their houses.
- Mayor Swancy stated that nothing is cast in stone and that the City is going to have to move traffic through town somehow, disturbing as little as possible.

- Tim Von Kennel, Executive Director of Parker County Economic Development Council, stated they are in support of what the cities in the county are doing, including what Weatherford is trying to do.
- Tom and Therese Moncrief, 11360 Bear Creek Road, stated they are interested in preserving the history and this town, but something needs to be done to control the traffic and trucks passing through the square. They do not want people to lose their homes, but if we do not improve Weatherford, it will become stagnant. TxDOT owns and controls the state highways, but TxDOT did not design the downtown roads for semi-trucks. Hopefully this will just be a little disruption until the City is able to take the roads back over from TxDOT.
- Sherry Watters, 126 York Avenue, was called to speak but deferred to Michelle Kennedy.
- Michelle Kennedy, owner of Twisted Snifter, spoke on behalf of her and her husband, as well as several downtown business owners. She spoke about the potential for downtown, commerce, and the events that the Downtown Business Alliance have brought downtown for families and children. Ms. Kennedy stated she thinks there is a lot of misconception about how and where the traffic is to be rerouted. She asked the City to help everyone understand that once the City gets control of the major highways, the truck traffic will not be allowed in the downtown. She invited everyone to come to her business, to sit, watch, and listen. After 9:00 p.m. there is not a lot of traffic. The traffic will be regular traffic, not the trucks. We are trying to make downtown better for the community. When Ms. Kennedy asked, several business people stood and said they were in favor of this project.
- Eric Rutledge, 212 South Alamo, was called to speak but deferred to Robert Whitford.
- Robert Whitford, 414 West Columbia Street, spoke representing the south side. Mr. Whitford asked all those present and opposed to the downtown mobility project to please stand. Numerous members of the audience stood. Most of them filled out speaker cards. Mr. Whitford voiced concerns of opposition to the proposed plan, including moving homes, increasing noise, destroying parks and putting children in harm's way. He asked: why two bypasses, why bypass through our homes and our areas, why the historical district? Mr. Whitford quoted the second and third guiding principles from the City's General Plan. He asked for the proposed plan be brought forth for discussion on the next agenda and that questions be answered for the people.
- Mayor Swancy stated there were several cards for West Columbia Street (Ron Casteel, Mari Whiteman, Felicia Blair, Robert Blair, Sue Boyer, Martha Lott, Gail Norris, Lynn Norris, Dan Forte, Kelly Bradford, and Cammie Whitford) and asked whether anyone would like to speak for West Columbia. Mr. Whitford stated West Columbia is on the south and he spoke for the south side.
- Dan Forte and Kelly Bradford, 211 West Columbia Street, Kelly Bradford, stated their house is across the street from Cherry Park and that it has character. Mr. Forte stated he is opposed to the plan, not just because his house would be demolished, but because there are other options to consider. He stated this would adversely affect the character of Weatherford itself and once something like this is done, it can never be undone. Kelly Bradford stated she is an assistant county attorney here in Parker County. The neighborhood is a jewel. The City and the community is not saying they do not want a downtown business district to thrive but that maybe there are other options. Do not give up the character that Weatherford has. We are here as a community to tell you that we have wants and desires too. Ms. Bradford asked to have a dialogue about alternative routes that were mentioned to Mr. Whiteman.
- Mayor Swancy announced that cards from Hannah Penny, Lea Penny, and Dan Forte state they are opposed.
- Chase Rutledge, 910 South Waco, declined to speak; comments had been made on his behalf.
- Joe Brewer, 204 South Waco, stated he was opposed to the south bypass.
- Andrea Cunningham, 223 Kelley Brook Lane, spoke in opposition on behalf of Dillard Feed and Seed. She spoke about the fertilizer bins that will be taken away for the road. Dillard's has been

in business for 48 years. No one else in town does what Dillard's does and what they give back to the community.

- Mayor Swancy announced in lieu of time, this will be the last speaker. He stated he had three cards from West Lee Avenue (Becky Parker, John and Nancy Gengler, and Jim Clark).
- Jim Clark, 504 West Lee Avenue, stated he is not from Weatherford but that he has lived here. Putting something out on Facebook at noon on a Friday is not communication. He asked for open and honest dialogue for everyone to feel like they are part of the community.
- Kelly Bradford returned to the microphone stating that Mr. Clark has a minute and 44 seconds left and that she forgot two things. She went on to state that the community voted the bond down and that there needs to be a dialogue about this plan.
- Mr. Clark gave his remaining time to Judd White.
- Mr. White, 314 West Oak Street, stated he was raised on the square and that he has a house in this district. He stated he wants progress, that the City is using a 2012 study, that we do not know how much traffic will be on the Ric Williamson loop when it is finished, that Terry Hughes estimated the traffic will be 20,000 on the outer loop and 20,000 on the inner loop. Mr. White spoke about other cities like Abilene who is trying to get people into downtown and Coleman who is just now getting their downtown back. If the plan is to kill off small businesses and let big developers come in, then this is the plan.

FUTURE AGENDA ITEMS

Mr. Cleveland asked for a future agenda item to discuss the plan. He asked for neighborhoods to form groups and have their spokespersons reach out to staff. City Manager Sharon Hayes stated that staff will have some group meetings with the southwest quadrant and also the northwest quadrant and will be reaching out to set those meetings up in the next two weeks.

MEDIA INQUIRIES

None

EXECUTIVE SESSION ITEMS

Pursuant to Chapter 551, Texas Government Code, VTCS, (Open Meetings Law): In accordance with the authority contained in: 1) section 551.074 personnel matters: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Municipal Court Special (Associate) Judge; AND 2) section 551.071 consultation with the city's attorney: to seek advice on eminent domain actions for construction of B.B. Fielder Road; AND 3) section 551.072: deliberation regarding the purchase, exchange, lease, or value of real property to be acquired for right-of-way, drainage easements, slope easements and temporary construction easements in connection with the B.B. Fielder Road project located south of IH 20 and East of Old Dennis Road.

The Council convened in Executive Session at 8:17 p.m. They reconvened in open session at 9:13 p.m.

ACTION ON EXECUTIVE SESSION ITEMS

To take action, if necessary, pursuant to Chapter 551, Texas Government Code, VTCS, (Open Meetings Law): In accordance with the authority contained in: 1) section 551.074 personnel matters: to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Municipal Court Special (Associate) Judge; AND 2) section 551.071 consultation with the city's attorney: to seek advice on eminent domain actions for construction of B.B. Fielder Road; AND 3) section 551.072: deliberation regarding the purchase, exchange, lease, or value of real property to be acquired for right-of-way, drainage easements, slope easements and temporary construction easements in connection with the B.B. Fielder Road project located south of IH 20 and East of Old Dennis Road.

On the motion of Heidi Wilder, second by Kevin Cleveland, the Council voted unanimously to appoint the municipal court special (associate) judge as recommended by the judge. Motion carried 5 - 0.

Attorney Anderle advised the Mayor that there is specific motion language should the Council wish to approve the resolution for the eminent domain item.

Discuss and consider the use of eminent domain to condemn property and consider a resolution authorizing the filing of eminent domain proceedings for the purpose of obtaining fee simple right of way and easements on property located south of IH 20 and east of Old Dennis Road in Weatherford, Parker County, Texas, for construction and maintenance of roadway improvements for B.B. Fielder Road and for other public purposes permitted by law.

This Regular Session item was considered after the Council returned from Executive Session.

After discussion, Jeff Robinson made the following motion: "I move that the City Council of the City of Weatherford authorize the use of the power of eminent domain to acquire fee simple right-of-way, drainage easement, slope easement, and temporary construction easement described in Resolution Number R2018-11 as presented on property located south of IH 20 and East of Old Dennis Road in Weatherford, Parker County, Texas, for public use in connection with the construction and maintenance of roadway and drainage improvements for the B.B. Fielder Road project, and I further move to adopt Resolution Number R2018-11 as presented. The first record vote on this motion will apply to all units of property to be condemned."

Heidi Wilder seconded the motion. The first record vote on this motion applied to all units of property to be condemned. There was no further discussion, and the motion was approved by a vote of 5 yeas and 0 nays.

ADJOURNMENT

On the motion of Kevin Cleveland, second by Heidi Wilder, the Council voted unanimously to adjourn the meeting at 9:18 p.m. Motion carried 5 - 0.

ATTEST:

Jeff Robinson, Mayor Pro Tem

Malinda Nowell, TRMC, City Secretary



Weatherford City Council

AGENDA REPORT

Meeting Date: April 24, 2018

Staff Contact: Lance Arnold, Chief of Police

Item Number: 2018-391-AR

Phone: 817-598-4320

SUBJECT: Discuss and consider increasing maximum fees charged by rotation wrecker services on non-consent vehicle tows.

BACKGROUND/DISCUSSION

BACKGROUND/DISCUSSION

Rate increase proposed at the request of the wrecker companies on rotation with the City of Weatherford.

Texas Occupation Code 2308.2065 states that Wrecker companies may not charge a fee for a non-consent tow that is greater than a fee for a non-consent tow authorized by a political subdivision.

City of Weatherford ordinance Title X – Chapter 18 governs Wrecker Regulations.

Section 10-18-7 (3) states that “The City Council will set the maximum fees that wrecker companies can charge under this section. The Council will adjust fees from time to time as they deem necessary.

Section 2308.202 of the Texas Occupations Code - Regulation by Political Subdivisions of fees for non-consent tows - states that the governing body of a political subdivision may regulate the fees that may be charged or collected in connection with a non-consent tow originating in the territory of the political subdivision if the private property tow fees do not exceed the maximum amount authorized by commission rule. (See attached)

Section 2308.202 of the Texas Occupations Code sets maximum fees that can be charged for private property. The section defines light-duty, medium-duty, and heavy-duty, and sets the maximum fees that may be charged for private property tows. (See attached)

The current wrecker fees have been in place since the wrecker ordinance went into effect on 01-01-07.

Current rates are as follows:

Cars and Pickups

100.00 Hook-Up Fee

135.00 Labor fee per hour to include Winching, drop drive line, waiting, cleanup, etc. in fifteen minute increments.

35.00 Dolly fee

3.00 mileage fee to destination

Heavy Duty

250.00 Hook-Up Fee

250.00 Labor Fee per hour in fifteen minute increments

3.50 mileage fee to destination

The recommended fee increase encompasses the three categories as defined in state statutes.

The recommended change to the maximum fees would be as follows:

Light Duty

150.00 Hook-Up Fee

150.00 labor fee

5.00 mileage fee

Medium Duty

250.00 Hook-Up Fee

175.00 Labor fee per hour in fifteen minute increments

6.00 mileage fee to destination

Heavy Duty

400.00 Hook-Up Fee to destination

275.00 Labor Fee per hour in fifteen minute increments

7.00 mileage fee to destination

Parker County Sheriff's Office recently raised "Incident Management" rates as follows"

200.00 Hook-Up Fee

150.00 labor fee

5.00 mileage fee

The City of Weatherford increase would not be the same as that of Parker County. The higher rates for PCSO are understandable due to greater area of coverage.

FINANCIAL IMPACT

No financial impact. WPD does not collect or receive any impound fees.

RECOMMENDATION

Staff recommends approval of the said change. City Council consideration for this change is respectively requested.

ATTACHMENTS

Chapter 18. Wrecker Regulations – 10-18-7 (3)

Section 2308.202 of the Texas Occupations Code

Texas Occupation Code 2308.2065

FINANCIAL IMPACT

No financial impact. WPD does not collect or receive any impound fees.

SUGGESTED ACTION

Staff recommends raising the maximum fees charged by rotation wrecker companies as discussed.

ATTACHMENTS

- [Scan_03222018032154.pdf](#)
- [Scan_03222018032211.pdf](#)
- [Scan_03222018034936.pdf](#)

86.455. Private Property Tow Fees.

(New section adopted effective September 1, 2010. 35 TexReg 7788; amended effective January 16, 2012, 37 TexReg 116; amended effective March 1, 2015, 40 TexReg 701)

(a) For purposes of this section:

- (1) light-duty means the tows of motor vehicles with a gross weight rating of 10,000 pounds or less;
- (2) medium-duty means the tows of motor vehicles with a gross weight rating of more than 10,000 pounds, but less than 25,000 pounds; and
- (3) heavy-duty means the tows of motor vehicles with a gross weight rating that exceeds 25,000 pounds; and
- (4) drop charge means the maximum that may be charged for the release of the vehicle before its removal from the property or parked location.

(b) The maximum amount that may be charged for private property tows is as follows:

- (1) light duty tows -- \$255;
- (2) medium duty tows -- \$357; and
- (3) heavy duty tows -- \$459 per unit or a maximum of \$918.

(c) If the owner, authorized operator, or authorized agent of the owner of a motor vehicle that is parked without the authorization of the property owner attempts to retrieve the motor vehicle before its removal from the property or parked location, the maximum amount that may be charged for a drop charge (if the motor vehicle is hooked up) is:

- (1) light duty tows -- \$127;
- (2) medium duty tows -- \$178; and
- (3) heavy duty tows -- \$229.

(d) If an owner, authorized operator, or authorized agent of the owner of a motor vehicle is present before the removal from the property or parked location the towing operator shall advise the owner, authorized operator, or authorized agent of the owner of a motor vehicle that he or she may offer payment of the towing drop charge.

(e) For purposes of this section, a tow company must accept cash, credit cards and debit cards as payment for the drop charge.

86.458. Fees for Nonconsent Tows, Refunds.

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86.458. Fees for Nonconsent Tows, Refunds.

(New section adopted effective January 16, 2012, 37 TexReg 116)

- (a) A license or permit holder may not charge a fee for a nonconsent tow that is greater than a nonconsent tow established under Texas Occupations Code, §2308.2065.
- (b) A license or permit holder may not charge a fee for a service related to a nonconsent tow that is not included in the list of fees established under Texas Occupations Code, §2308.2065.
- (c) The department may require a license or permit holder to refund to a vehicle owner or operator the amount charged to the owner or operator in excess of the amounts established by Texas Occupations Code.

Sec. 2308.202. REGULATION BY POLITICAL SUBDIVISIONS OF FEES FOR NONCONSENT TOWS. The governing body of a political subdivision may regulate the fees that may be charged or collected in connection with a nonconsent tow originating in the territory of the political subdivision if the private property tow fees:

- (1) are authorized by commission rule; and
- (2) do not exceed the maximum amount authorized by commission rule.

Sec. 10-18-7. - Rotation list qualifications.

- (1) A wrecker company may participate on the rotation list if the wrecker company meets the following requirements:
 - (a) It has registered and received a certificate of registration and inspection certificate for each tow truck it owns or will use while on the rotation list under this section.
 - (b) It owns, leases, or otherwise lawfully possesses and operates a storage facility located within or at a reasonable distance to the incorporated limits of the City where all motor vehicles it tows on behalf of the City shall be stored at all times and which (i) is enclosed by a permanent six-foot solid wood or steel chain link fence, and (ii) has a gate which is locked, when there is no attendant on duty or after normal business hours.
 - (c) It maintains at least one wrecker.
 - (d) It maintains 24-hour wrecker service and a local telephone number which is answered 24 hours a day.
 - (e) It is able to respond to any location in the City within 30 minutes of being notified by telephone. Tow trucks two and one-half tons or more in size must be able to respond within 45 minutes after notification.
 - (f) It has someone available 24 hours a day to release any vehicle impounded within 30 minutes of a request by the owner or the Police Department.
 - (g) It or the owner of the leased storage facility holds a license issued by the Texas Department of Transportation, pursuant to the Vehicle Storage Facility Act, Article 6687-9a, Revised Civil Statutes, as now enacted or as hereafter amended.
 - (h) It submits an application for placement on the rotation list.
 - (i) It successfully completes the Freeway Incident Management First Responder/Manager Course put on by NCTCOG.
- (2)

A wrecker company shall submit a verified application for placement on the rotation list, on a form provided by the Chief of Police, containing or accompanied by the following:

- (a) A copy of a vehicle storage facility license issued by the Texas Department of Transportation for a storage facility within the City.
- (b) A list of all drivers and drivers' driving records, obtained from the Texas Department of Public Safety, said list shall be updated as new drivers are added or when a driver's license is suspended or revoked.
- (c) A City of Weatherford Certificate of Insurance form indicating General Liability in the amount of \$1,000,000.00, in addition to the insurance requirements under this section.
- (d) A certificate from the appropriate tax assessor-collector agency that certifies that all city taxes on all properties, real and personal, to be used in connection with the applicant's wrecker business are current. The certificate shall list the name of the wrecker business, its subsidiaries or assumed names.

(3) The City Council will set the maximum fees that wrecker companies can charge under this section. The Council will adjust fees from time to time as they deem necessary.

(4) A wrecker company will automatically be removed from the rotation list on the expiration date of its certificate of registration, as provided in this section and will be placed back on the list only upon compliance with the provisions of this section and any other applicable laws, ordinances, or regulations which shall be in effect at the time of the renewal request application.

(5) Each wrecker company having a place on the rotation list shall be responsible for updating the information provided in the application by submitting supplemental information on forms provided by the Chief of Police. Failure to provide updated information, such as, but not limited to, replacement or additions of tow trucks, drivers' license suspensions or revocations, change in insurance company, change in storage facility, or expiration of storage facility license, shall be grounds for suspension or removal from the rotation list.



Weatherford City Council

AGENDA REPORT

Meeting Date: April 24, 2018

Staff Contact: Debra Wakeland, Main Street Director

Item Number: 2018-487-AR

Phone: 817-598-4211

SUBJECT: Consider and/or act upon approval of policy guidelines to complete Film Friendly Texas distinction.

BACKGROUND/DISCUSSION

In May 2017, City Manager Sharon Hayes inquired about the possibility of the City of Weatherford obtaining the Film Friendly Status.

Debra Wakeland, Main Street Director, was directed by Craig Farmer, Director, Development and Neighborhood Services to contact Kim LeBlanc, Texas Film Commission, Production & Community Relations Specialist, to inquire about the City being included in the prestigious list of Film Friendly cities.

Ms. Wakeland then attended the Film Friendly Texas Workshop in Lufkin, Texas, on November 7, 2017. Attending this workshop completed one of three certification requests. The second request is to pass administratively enforceable filming guidelines, which are attached for your perusal. The third was to submit photographs of area locations for inclusion in the Texas Film Commission locations database and that has been completed.

FINANCIAL IMPACT

The economic development impact would be on-location filming in Weatherford, with day-to-day operations. Funds on deposit, daily meals throughout the film process, depending on the size of the production, could be hundreds to thousands of dollars benefiting local grocery and restaurant chains. The promotional impact of a possible Academy Award winning production being filmed in the City of Weatherford would last a lifetime, making a direct impact on tourism. Scouts tend to return to cities who work well with the company and crew, which could also result in more future films.

SUGGESTED ACTION

Staff recommends approval of the policy guidelines, whereby completing the last item on the certification checklist.

ATTACHMENTS

- [Guidelines for Filming in Weatherford.docx](#)

Guidelines for Filming in Weatherford, Texas

- I. Purpose
- II. City Control/City Manager Authority
- III. Permit Requirements and Fees
- IV. Application Fee
- V. Use of City Equipment and Personnel
- VI. Use of City-Owned Real Estate
- VII. Vehicles and Equipment
- VIII. Hours of Filming
- IX. Notification of Neighbors
- X. Certificate of Insurance
- XI. Damage to Public or Private Property
- XII. Attachments Required
 - 1. Application Hold Harmless Form
 - 2. Application for Commercial Film

Guidelines for Filming in Weatherford, Texas

I. PURPOSE

The Guidelines contained in this policy are intended to create a program for promoting economic development activity within Weatherford and the vicinity of the City. The following Guidelines are also intended to protect the personal and property rights of Weatherford, Texas residents and businesses, and to promote the public health, safety and welfare. The City Manager or designee' reserves the right to impose additional regulations in the interest of public health, safety and welfare, or if otherwise deemed appropriate by the City Manager.

These Guidelines cover requests for commercial use of City-owned property (including but not limited to streets, rights-of-way, parks, and/or public buildings), commercial use of private property which may affect adjacent public or private property, and the use of City equipment and personnel in all types of motion picture production, including, but not limited to, feature films, television programs, commercials, music videos and corporate films.

II. CITY CONTROL/CITY MANAGER AUTHORITY

The City Manager or designee' may authorize the use of any street, right-of-way, park, or public building, equipment or personnel for commercial uses in the filming or taping of movies, television programs, commercials, or training films and related activities. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration herein and as specified on the application be met as a prerequisite to that use.

The Applicant agrees that the City of Weatherford shall have exclusive authority to grant the Applicant the use of public streets, rights-of-way, parks and public buildings of the City, as well as authority to regulate the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming in order to promote the public health, safety or welfare.

The Applicant shall allow City departments (e.g., Police, Fire, Building) to inspect all structures, property, devices and equipment to be used in connection with the filming and taping, as deemed appropriate by the City Manager or designee'.

III. PERMIT REQUIREMENTS

Before filing an application for filming in Weatherford, the Office of the City Manager or designee' must be contacted to discuss the production's specific filming requirements and the feasibility of filming in Weatherford, TX.

Any commercial producer who desires to undertake a commercial production in Weatherford is required to complete and return the attached application for filming to the Office of the City Manager or designee', within the time frames below:

- **Commercials or episodic television:** a minimum of two (2) business days prior to the commencement of filming or any substantial activity related to the project.
- **Feature films:** a minimum of five (5) business days prior to the commencement of filming or any substantial activity related to the project.

IV. APPLICATION FEE

An application processing fee of \$25.00 should accompany each application for filming in Weatherford.

The City Manager or designee' may waive this fee upon proof of an organization's non-profit status or for any other reason deemed appropriate.

V. USE OF CITY EQUIPMENT AND PERSONNEL

The Applicant shall pay for all costs of any Police, Fire, Public Works, or other City personnel assigned to the project (whether or not specifically requested by the production). Remuneration rates for the use of any City equipment, including police cars and fire equipment, will be established on a case-by-case basis as determined by the City Manager. The Applicant shall pay all costs in full within ten (10) days after receipt of an invoice for said costs. The City Manager may, at his/her discretion, require an advance deposit for all costs related City personnel and/or the use of City equipment.

The City Manager, in consultation with the Chief of Police and/or Fire Chief, shall have the authority to stipulate additional fire or police requirements and level of staffing for same, at any time during a film project if it is determined to be in the best interest of public health, safety and welfare, which cost shall be borne entirely by the Applicant.

Off-duty police officers and firefighters shall be paid by the production company at a rate no less than one and one-half times their hourly rate.

VI. USE OF CITY-OWNED REAL ESTATE

The City Manager may authorize the use of any street, right-of-way, park or public building, use of Weatherford, Texas name, trademark or logo and/or use of City equipment and/or personnel for commercial uses in motion picture production. In conjunction with these uses, the City Manager may require that any or all of the conditions and/or remuneration as specified herein and on the application be met as a prerequisite to that use. A security or damage deposit may be required within the discretion of the City Manager.

The Applicant shall reimburse the City for inconveniences when using public property. Following is the rate schedule:

<u>Activity</u>	<u>Cost per calendar day</u>
Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area	\$500
Partial, non-disruptive use of a public building, park, right-of-way, or public area	\$250
Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$50
Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking	\$25
Use of City parking lots, parking areas, and City streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles)	\$50

The Applicant acknowledges and agrees that the City of Weatherford, Texas, possesses and retains exclusive authority to grant the Applicant a revocable license for the use of its name, trademark, and logo, public streets, rights-of-way, parks and buildings of the City as well as control over the hours of production and the general location of the production. The City reserves the full and absolute right to prohibit all filming or to order cessation of filming activity in order to promote the public health, safety and/or welfare.

VII. VEHICLES AND EQUIPMENT

The Applicant shall provide a report listing the number of vehicles and types of equipment to be used during the filming, including proposed hours of use and proposed parking locations. Such locations will need to be specifically approved by the City Manager. On-street parking or use of public parking lots is subject to City approval.

The use of exterior lighting, power generators, or any other noise- or light-producing equipment requires on-site approval of the City Manager.

VIII. HOURS OF FILMING

Unless express written permission has been obtained from the City Manager or designee' in advance, and affected property owners, tenants and residents have been notified, filming will be limited to the following hours:

Monday through Friday: 7:00 a.m. to 9:00 p.m.

Saturday, Sunday and holidays: 8:00 a.m. to 8:00 p.m.

IX. NOTIFICATION OF NEIGHBORS

The Applicant shall provide a short-written description, approved by the City Manager or designee', of the schedule for the proposed production to the owners, tenants and residents of each property in the affected neighborhood(s). The Applicant, or his or her designee, shall make a good faith effort to notify each owner, tenant and resident of all such property, and shall submit, as part of this application, a report noting owners, tenants and/or residents' comments, along with their signatures, addresses and phone numbers. Based upon this community feedback, and other appropriate factors considered by the City Manager or designee', may grant or deny the filming application.

X. CERTIFICATE OF INSURANCE

The Applicant shall attach a valid certificate of insurance, issued by a company authorized to conduct business in the state of Texas, naming the City of **Anytown** and its agents, officers, elected officials, employees and assigns, as additional insured, in an amount not less than \$1,000,000 general liability, including bodily injury and property damage with a \$5,000,000 umbrella; and automobile liability (if applicable) in an amount not less than \$1,000,000 including bodily injury and property damage.

XI. DAMAGE TO PUBLIC OR PRIVATE PROPERTY

The Applicant shall pay in full, within ten (10) days of receipt of an invoice, the costs of repair for any and all damage to public or private property, resulting from or in connection with, the production, and restore the property to its original condition prior to the production, or to better than original condition.

XII. REQUIRED TO FILL OUT ATTACHED FORMS

1. Hold Harmless Agreement
2. Application or Commercial Filming

XII. 1. HOLD HARMLESS AGREEMENT

The Applicant shall sign the following Hold Harmless Agreement holding the City harmless from any claim that may arise from their use of designated public property, right-of-way, or equipment in conjunction with the permitted use:

I certify that I represent the firm which will be performing the filming/taping at the locations specified on the attached permit application. I further certify that I and my firm will perform in accordance with the directions and specifications of The City of Weatherford, Texas, and that I and my firm will indemnify and hold harmless the City of Weatherford, Texas and its elected officials, officers, servants, employees, successors, agents, departments and assigns from any and all losses, damages, expenses, costs and/or claims of every nature and kind arising out of or in connection with the filming/taping and other related activities engaged in pursuant to this Application.

I further certify that the information provided on this Application is true and correct to the best of my knowledge, and that I possess the authority to sign this and other contracts and agreements with the City of Weatherford, Texas on behalf of the firm.

Signed: _____

Title: _____

Date: _____

XII. 2. APPLICATION FOR COMMERCIAL FILMING

Title of project

Type of production (feature film, television production, commercial, corporate, music video, etc.)

Proposed Filming Locations (attach additional pages if necessary)

Date(s) of prep/filming

Primary Contact

Name

Cell phone

Email

Location Manager (if different from Primary Contact)

Name

Cell phone

Email

Production Company Information

Name of Production Company

Address

City/State/Zip

Web Site

Primary Contact's Name

Primary Contact's Phone

Primary Contact's Email

Is this production already in contact with the Texas Film Commission? _____

If yes, who is your contact at the Texas Film Commission?

Name

Phone

Email

PRODUCTION (*Attach additional sheets if necessary.*)

1. Production schedule and activities, including stunts, pyrotechnics, special effects, aerial photography, amplified sound or use of animals: (Give dates and times and rain dates. Hours should include set-up, holding of sets and restoration.)
2. Approximate number of persons involved with the production, including cast and crew:
3. Anticipated need of City personnel, equipment or property:
4. Public areas in which public access will be restricted during production:
5. Describe alterations to public property:
6. Number and type of production vehicles to be used and location(s) where vehicles will be parked:
7. Location where crew will be fed, if not at filming location:
8. Location where extras will be held, if not at filming location:
9. Please attach map of anticipated street closure(s) or other public area use.

Applicant (production company representative):

Name _____ Date: _____

Title _____

Application approved by Weatherford representative:

Sharon Hayes

shayes@weatherfordtx.gov

or

Blake Rexroat

brexroat@weatherfordtx.gov

Date: _____

The "Guidelines for Filming in Weatherford, Texas" apply to all motion picture production in



Weatherford City Council

AGENDA REPORT

Meeting Date: April 24, 2018

Staff Contact: Craig Farmer, Director, Development & Neighborhood Services

Item Number: 2018-485-AR

Phone: 817-598-4338

SUBJECT: Consider approval of a thirty (30)-year license agreement with automatic three (3)-year renewals for use of the sidewalk and right of way for the Houston Place Building at 102-106 Houston Avenue for building overhang, arcade/awning and restaurant purposes.

BACKGROUND/DISCUSSION

Mr. James D. Eggleston, Jr., is Manager of Downtown Weatherford Development, LLC, a Texas Limited Liability Company, that owns and is developing a three-story commercial building locally known as "Houston Place" located at 102-106 Houston Avenue in Weatherford. They are requesting the use of ten feet of right-of-way along Houston Avenue and Palo Pinto Street adjacent to their building for overhanging or encroaching lighting fixtures, railings, balconies, arcades, canopies, stairways and the use of some of the sidewalk for outdoor tables for restaurant seating. Attached is the thirty (30)-year license agreement for the use of approximately 8,500 feet of right-of-way and sidewalk. Unobstructed passage for pedestrians on the sidewalk will still be required and the public will still retain rights to the ROW for public purposes.

In the past, the City of Weatherford City Council has granted economic and historic compatibility incentives to this project to ensure the building replacing the former historic building that collapsed was compatible with the other historic buildings in the Downtown. The Downtown Action Plan adopted in February of 2014 encourages sidewalk cafes with Action 1.1 calling for creation of "sidewalk cafes."

The rate of \$1,850 per year is based on the rates charged for prior agreements downtown. The agreement will also require \$1 million insurance to protect the City. Staff is recommending the license fee be placed in a downtown fund for public improvements.

As with the prior license, the City staff will monitor parking and pedestrian issues to make sure this license does not adversely affect the downtown and also to determine uses of such agreements for other downtown historic buildings and sidewalk restaurants. Either party can revoke the license with 90 days notice.

FINANCIAL IMPACT

There will be no negative fiscal impact or cost to the City. The City will receive an annual license fee for partial use of the ROW to be deposited in an account to benefit the downtown.

SUGGESTED ACTION

Staff recommends approval.

ATTACHMENTS

- [Houston Place location map.pdf](#)
- [Houston Place Street License agmt EZ 4-18.docx](#)

102-106 Houston Place Location Map



LICENSE AGREEMENT

(102-106 Houston Avenue)

STATE OF TEXAS §
COUNTY OF PARKER §

KNOW ALL MEN BY THESE PRESENTS:

THIS LICENSE AGREEMENT (the “License”) is made and entered into by and between the CITY OF WEATHERFORD, TEXAS, a home-rule municipal corporation (herein “Licensor” and sometimes “City”) and DOWNTOWN WEATHERFORD DEVELOPMENT, LLC, a Texas limited liability company (herein “Licensee”).

RECITALS

Licensee has built and is the present owner of a three-story commercial building (herein "Licensee's Structure") locally known as "Houston Place" and located at 102-106 Houston Avenue in Weatherford, Texas (herein "Licensee's Property"). Certain improvements on and attached to Licensee's Structure may protrude on and over certain public sidewalks, spaces and areas around, alongside and adjacent to Licensee's Structure (defined more specifically hereinbelow and referred to herein as the "Premises").

Licensee will also lease office, retail and restaurant spaces within Licensee's Structure to tenants who may use portions of the Premises as part of their restaurant and other commercial activities (herein individually a "Tenant" and collectively "Tenants"). (Any reference herein to "Licensee's use of the Premises" or the like, shall also include the right of a Tenant or the Tenants to use the Premises as and to the extent permitted by Licensee).

GRANT OF LICENSE

In consideration of the mutual covenants and agreements set forth herein, and other good and valuable consideration, Licensor GRANTS, CONVEYS AND TRANSFERS to Licensee a revocable, non-exclusive license to use an approximate 10' x 75' area of the sidewalk along Houston Avenue and an approximate 10' x 100' area of the sidewalk along Palo Pinto plus an approximate 10'x 10' area at the corner of the two streets immediately adjacent to Licensee's Property, such areas being more particularly described by metes and bounds on Exhibit "A" attached hereto and incorporated herein by reference (herein the "Premises").

Licensor also grants to Licensee the right and option to permit a Tenant the same or lesser rights and licenses to use the Premises in accordance with the terms of this License to the same extent and subject to the same terms and conditions of this License, except as Licensee may limit such Tenant's rights and licenses to use the Premises.

TERMS AND CONDITIONS OF LICENSE

This License is granted to Licensee (and, when permitted by Licensee, to the Tenants) subject to the terms and conditions set out below:

1. License Term. The term of this License shall continue in force for a period of thirty (30) years from the date of execution of this License. Thereafter, this License will be automatically renewed and extended for successive terms of three (3) years each unless and until Lessor shall give Licensee written notice of termination. Such notice of termination by Lessor shall become effective six (6) months following the date of such notice's receipt by Licensee. Licensee shall have the obligation to provide any such termination notice to any of the Tenants who may be affected by such termination.

2. Permitted Use. Licensee's use of the Premises is limited to construction, maintenance, placement and/or use of improvements, fixtures and personal property on or about the Premises in accordance with City of Weatherford Planned Development Ordinance Number 827-2017-11 as follows:

Improvements, fixtures, protrusions, personal property, and appurtenances placed on, or extending into or over the Premises, such as:

- A. Dining or gathering areas;
- B. Lighting fixtures;
- C. Railings;
- D. Balconies;
- E. Arcades;
- F. Flag poles and flag pole holders which are permanently attached to Licensee's Structure and are used solely to display (a) federal, state, county or city flags, or (b) other flags on a temporary basis (not more than seven (7) consecutive days) such as holiday, charitable events and school events which do not contain political, commercial or advertising messages, logos or symbols.
- G. Awnings;
- H. Canopies;
- I. Stairways; and
- J. Seating for the serving of food and beverages.

The foregoing listed items "A" through "I" (whether they are personal property or improvements to Lessor's Structure) are hereinafter referred to as the "Permitted Uses."

Licensee's construction, maintenance, placement and/or use of the Permitted Uses shall be in compliance with Licensee's Certificate of Occupancy, applicable zoning regulations, applicable City ordinances and permits and all State and Federal laws and

regulations including State and City alcoholic beverage regulations for on-premise sales. All of the Permitted Uses must be approved by the City Manager or his or her designee. In addition, Licensee shall obtain for the Permitted Uses all plan approvals required by the City's Zoning Ordinance, Building Codes and all other applicable City Ordinances.

Subject to the license granted herein with respect to the Premises and the construction, maintenance, placement and use of the Permitted Uses, Licensee shall not obstruct or interfere with the public's use of any sidewalk or public right-of-way, and shall at all times allow sufficient unobstructed area for passage of pedestrians through the Premises. At a minimum, a four (4) foot wide pathway, clear of obstructions and meeting American Disabilities Act requirements, shall be maintained over and across the Premises.

3. Hours of Operation/Use for Premises for Temporary Restaurant Facilities and Furniture. Licensee (and when permitted by Licensee, the Tenants, their guests, invitees and sub-licensees) shall be allowed to use and consider as part of the Premises described on Exhibit "A" as part of their permitted operations anytime Licensee and its Tenants are open for business. Licensee or Tenants may temporarily install tables, lighting, spray misting, canopies, potted plants or trees, bollards with chains and/or fencing provided such improvements are removed by the close of business each day and not put back prior to the next scheduled opening of the business(es) unless City agrees otherwise in writing. All of the Permitted Uses and the construction, maintenance or use of any improvements or personal property within the Premises by Licensee will be at Licensee's (and any applicable Tenant's) sole risk and expense. Upon termination of this License, any temporary improvements or personal property shall be removed by Licensee.

4. Nonexclusive License. This License is nonexclusive and is subject to (i) any existing utility, drainage, or communication facility located in, under, or upon the Premises; (ii) to any existing license, easement or other similar interest in the Premises (iii) to all other matters of record affecting the Premises.

5. Superior Right. This License is subject and subordinate to the prior and continuing right of Lessor, its successors and assigns to use all of public property for the public benefit. Lessor, for itself and other permitted users, reserves full rights, consistent with the rights herein granted to Licensee and, when applicable its Tenants, to construct, reconstruct, locate, relocate, maintain and operate existing and additional facilities upon, across, over and beneath the Premises.

6. License Fee. Licensee shall pay Lessor the sum of **ONE THOUSAND TWO HUNDREDTHIRTY-FOUR AND NO/100 DOLLARS (\$1,234.00)** upon the execution of this License for the balance of 2018. Thereafter, Licensee shall pay Lessor the sum of **ONE THOUSAND EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$1,850.00)** on January 1st of each year beginning January 1, 2019. Fee is based on calculations shown in Exhibit "B" attached hereto and incorporated herein by reference. All payments for the License Fee shall be deposited into a specific city account for a

All annual license payments shall reference this License on the check and shall be paid to Lessor at the following address:

City of Weatherford, Texas
Attention: Accounting Department
P. O. Box 255
Weatherford, TX 75086-0358

Any annual license payment remaining unpaid for thirty (30) days after the due date of such payment will accrue interest at the rate of eighteen percent (18%) per annum from the due date of such payment until the date such payment is made..

7. Liability Insurance. During the term of this License, Licensee shall maintain a policy of general liability insurance at Licensee's expense insuring Lessor against liability assumed by Licensee hereunder and insuring Licensee and Lessor against liability arising out of or in any way incident to ownership, use, occupancy or maintenance of the Premises made the subject of this License. Such policy or policies shall also provide that the policy is primary and shall apply without regard to other policies separately carried. The initial amount of required insurance shall be at least \$1,000,000.00 (Combined Single Limit for Personal Injury, Bodily Injury including Death and Property Damage) and shall be subject to periodic increases based upon inflation, recommendation of professional insurance advisors, and other relevant factors.

Lessor, its elected officials, officers, agents and employees must be named as an additional insured under all liability insurance policies required by this License. All policies shall be endorsed to provide a waiver of subrogation in favor of Lessor. All policies shall be endorsed to include the following provision: "It is agreed that this policy is not subject to cancellation, nonrenewal, material change, or reduction in coverage until ten (10) days prior written notice has been given to the City Manager of the City of Weatherford." The Insurance carrier must be authorized to do business in the State of Texas and be rated B VII or better by AM Best rating. A certificate of insurance reflecting the required coverage shall be presented to Lessor prior to Lessor's approval and execution of this License. Subsequent certificates of insurance shall be provided to Lessor whenever Licensee renews, changes or amends their insurance policies or upon request by Lessor.

8. Indemnity. Licensee shall defend, indemnify, protect and hold Lessor, its officers, directors, parents, subsidiaries, affiliates, agents, servants and employees harmless from and against any and all claims, expenses (including but not limited to attorney's fees), demands, judgments and causes of action of every kind and character, including but not limited to claims in contract, tort, including negligence, or strict liability arising in favor of any person (including but not limited to employees, servants, agents, customers or invitees of Licensee) or entity for personal injury, bodily injury, including death, or damage to property whether or not arising from the sole or concurrent negligence or fault of Lessor or employees or independent contractors directly responsible to Lessor arising out of, incident to, or in any way connected with

Licensee's exercise of rights herein granted or obligations pursuant thereto, including but not limited to separate operations being performed on the Premises or any condition of the Premises.

9. Compliance with Law. Licensee shall, at its own cost and expense, comply with all applicable laws, including but not limited to existing zoning ordinances, governmental rules and regulations enacted or promulgated by any governmental authority and shall promptly execute and fulfill all orders and requirements imposed by such governmental authorities for the correction, prevention and abatement of nuisances in or upon or connected with the Premises because of Licensee's or Tenant's use thereof. Licensee shall also comply with all laws and regulations pertaining to hazardous waste, hazardous materials and the environment.

10. Condition Upon Termination. Upon termination or revocation of this License, Licensee shall immediately vacate the Premises, removing all improvements and personal property so as to return the Premises to the condition in which it existed prior to Licensee's occupation of the Premises. All personal property not removed upon Licensor's request shall become Licensor's property at no cost or expense to Licensor.

11. Assignment and Subletting. This License is appurtenant to and runs with the Premises and Licensee's Property. Except for Licensee's granting of permission to its Tenants, this License may not be sold, transferred, assigned or sublet without prior written approval by an authorized representative of Licensor. Notwithstanding the foregoing, this License shall inure to the benefit of any grantee, mortgage holder, successor or assign of Licensor or other successor to the interests of Licensor in and to Licensee's Structure and Lessee's Property.

12. Lien on Property. During the period that this License is in effect, Licensee shall take whatever steps are necessary to prevent any liens, including but not limited to, mechanics liens and materialman's liens, from attaching to the Premises. Licensee shall immediately pay such sums as may be necessary to discharge liens and encumbrances filed with respect to all or any portion of the Premises resulting from the construction, maintenance or use of the Permitted Improvements.

13. Maintenance of Premises. Licensee, at its own cost and expense, shall at all times during the term of this License keep clean and maintain or cause to be kept clean and maintained, the Premises in a good state of appearance and repair. Licensor reserves the right to make periodic inspections to insure that the Premises and the Permitted Uses are being maintained and used as allowed by this License.

14. Notices. All written notices required under this License must be hand delivered or sent by certified mail, return receipt requested, and addressed to the proper party at the following addresses:

LICENSOR:

City of Weatherford, Texas
Attention: City Manager
P. O. Box 255
Weatherford, TX 75086-0358

With copy to:

City of Weatherford, Texas
Attention: City Attorney
P. O. Box 255
Weatherford, TX 75086-0358

LICENSEE:

Mr. James D. Eggleston, Jr., Manager
Downtown Weatherford Development, LLC
102 Houston Avenue, Suite 300
Weatherford, Texas 76086

Each party may change the address to which notices are to be sent by giving the other party notice, within ten (10) days, of the new address in the manner provided by this paragraph.

15. Default. It is understood and agreed that, in case of default by Licensee with respect to any of the terms and conditions of this License and such default continues for a period of ninety (90) calendar days after Licensor notifies Licensee of such default, Licensor may, at its election, terminate this License and upon such termination, all rights of the Licensee hereunder shall cease and come to an end. In the event of such termination and except as stated hereinbelow, Licensee shall cause the removal from the Premises of any personal property of Licensee or its Tenants. If such termination results from Licensee's default there shall be no prorated refund to Licensee of the unearned portion of the license fee for the then current term.

Notwithstanding Licensor's right to exercise any of the foregoing remedies in the event of an uncured default by Licensee or one of Licensee's Tenants, Licensee shall not be required for any reason to remove any permanently installed improvements or fixtures attached to and made a part of Licensee's Structure which are shown on the plans and specifications of Licensee's Structure as approved on the date of this License.

16. Prior Agreements. This License constitutes the sole and only agreement of the parties to the License with respect to the subject matter hereof and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this License.

17. Texas Law. This License shall be construed under, and in accordance with, the laws of the State of Texas. Venue shall lie in Parker County, Texas.

18. Amendment. No amendment, modification, or alteration of the terms of this License shall be binding unless it is in writing, dated subsequent to this License, and duly executed by the parties to this License.

EXECUTED as of the ____ day of April, 2018.

LICENSOR:

**CITY OF WEATHERFORD, TEXAS,
a home-rule municipal corporation**

By: _____
Sharon Hayes, City Manager

Approved as to form:

Ed Zellers, City Attorney

LICENSEE:

**DOWNTOWN WEATHERFORD DEVELOPMENT, LLC,
a Texas Limited Liability Company**

By: _____
James D. Eggleston, Jr., Manager

ACKNOWLEDGMENTS

STATE OF TEXAS §
 §
COUNTY OF PARKER §
 §

This instrument was acknowledged before me on the _____ day of April, 2018, by Sharon Hayes, City Manager of the CITY OF WEATHERFORD, TEXAS, a home-rule municipal corporation, on behalf of said corporation.

(Seal)

Notary Public, State of Texas

STATE OF TEXAS §
 §
COUNTY OF PARKER §
 §

This instrument was acknowledged before me on the _____ day of April, 2018, by James D. Eggleston, Jr., Manager of DOWNTOWN WEATHERFORD DEVELOPMENT, LLC, a Texas limited liability company on behalf of said limited liability company.

(Seal)

Notary Public, State of Texas

EXHIBIT "A"

Description of Area (the Premises) of License and Location of Permitted Improvements

Being 1850 square feet of land being a part of Houston Avenue and Palo Pinto Street of the Original Town of Weatherford as depicted on the 1905 map displayed in the Weatherford City Hall and being more fully described as follows:

Beginning at the northwest corner of Lot 1, Block 7, of the Original Town of Weatherford as depicted on the 1905 map;

Thence East 100 feet to the northeast corner of Lot 1 Block 7, of the Original Town of Weatherford to a point;

Thence South 75 feet along the east boundary line of Block 7, of the Original Town of Weatherford to a point;

Thence East 10 feet to a point in Houston Avenue to a point;

Thence North 85 feet to a point in Houston Avenue and in Palo Pinto Street;

Thence west 110 feet to a point in Palo Pinto Street;

Thence South 10 feet to the Place of Beginning.

Exhibit "B"

License Fee Calculation

Total Licensed Area	1,850 square feet
License rate at	\$4/square foot/year
Annual Fee for Licensed Area	\$7,400
Less 50% Economic Development Incentive.....	-\$3,700
Revised Fee Amount	\$3,700
Less 50% Historic Compatibility Incentive	-\$1,850
Final License Annual Fee.....	\$1,850
Months remaining in 2018.....	8
Pro-rated months remaining	8/12 mos. or 66.7%
2018 pro-rated Annual License Fee.....	\$1,234



Weatherford City Council

AGENDA REPORT

Meeting Date: April 24, 2018

Staff Contact: Kyle Lester

Item Number: 2018-486-AR

Phone: 817-598-4130

SUBJECT: Quarterly Financial Report

BACKGROUND/DISCUSSION

FINANCIAL IMPACT

SUGGESTED ACTION

No action is required.

ATTACHMENTS

- [City Council 2nd Q Financial Report 4-16.docx](#)

Quarterly Financial Report

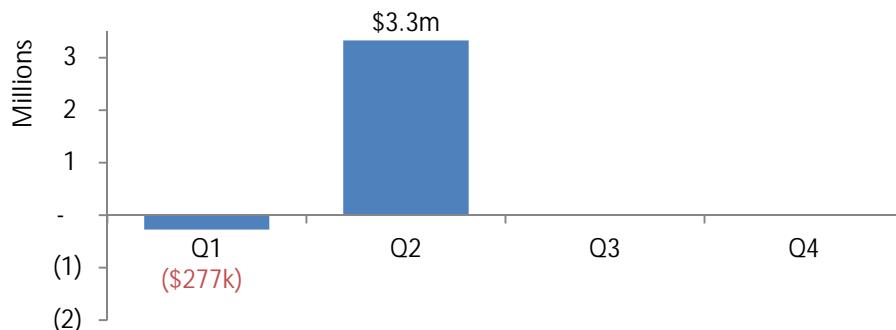
Q2-2018

General Fund

	Budget	YTD	% of Budget
Revenue	\$ 32,693,241	\$ 19,031,807	58%
Expenditures	\$ 35,322,225	\$ 15,704,337	44%
Total	\$ (2,628,984)	\$ 3,327,470	
Surplus/(Deficit) Net of One-Times Revs/Exps	\$ 3,023	\$ 3,633,665	

Through the second quarter of this year, the General Fund has collected 58% of budgeted revenue and spent 44% of budgeted expenditures. One area to keep in mind when looking at our surplus is that the City has collected the majority of its property tax receipts in the month of January, which allows revenues to significantly outpace expenses thus far. Because expenses tend to be much more linear than revenues, it is typical for this quarter to look skewed.

General Fund YTD Cash Flow by Quarter

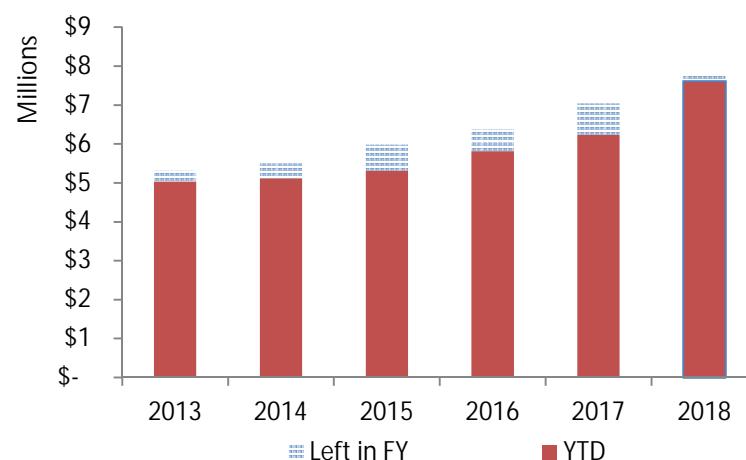


Revenue Collections

	Budget	YTD	% of Budget
Property	7,784,643	7,618,754	98%
Sales	12,546,000	5,541,534	44%
Other Taxes	840,000	291,140	35%
Licenses & Permits	712,728	407,147	57%
Intragovernmental Revenue	995,886	479,817	48%
Service Charges	1,148,391	566,510	49%
Fines and Forfeitures	550,000	211,790	39%
Misc Revenue	152,005	281,413	185%
Transfers	5,295,798	2,315,714	44%
Intragovernmental Services	2,667,790	1,317,986	49%
Total	32,693,241	19,031,807	58%

Property Taxes

Total property tax collections through March are at \$7,618,754, or 98% of budget. The bulk of these collections are off of the current roll (i.e. our 2017 taxes). However, the City does also receive revenue from delinquent taxes and the accompanying penalty and interest.

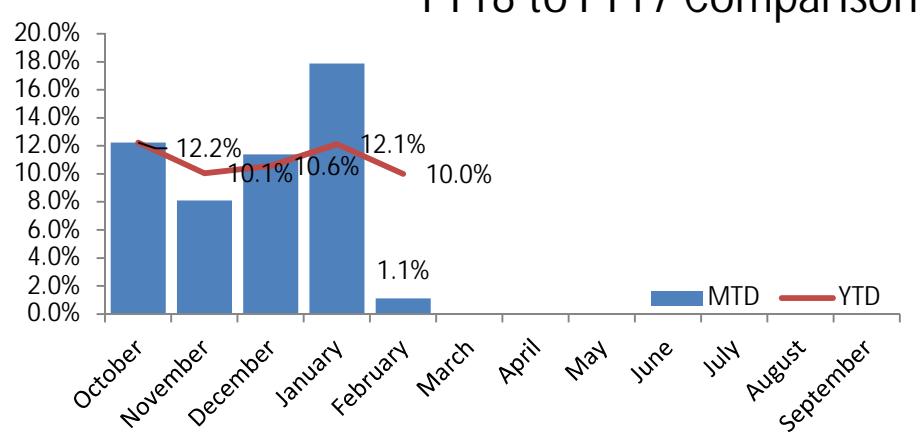


Projections

Organic growth in property taxes (that is, growth driven by values) were at 15% over last year. If we deduct the value of new property (thus, showing a comparison of how our existing property increased in value), the increase was at a very healthy 9.8%. Collection rates for taxes levied on last year's roll were close to 99%; a very strong rate that has continued in Weatherford for several years. This collection rate was well above budget. In the current year, the City has budgeted for a collection rate of 98.5%. As of now, these collections appear to be coming in very close to budget.

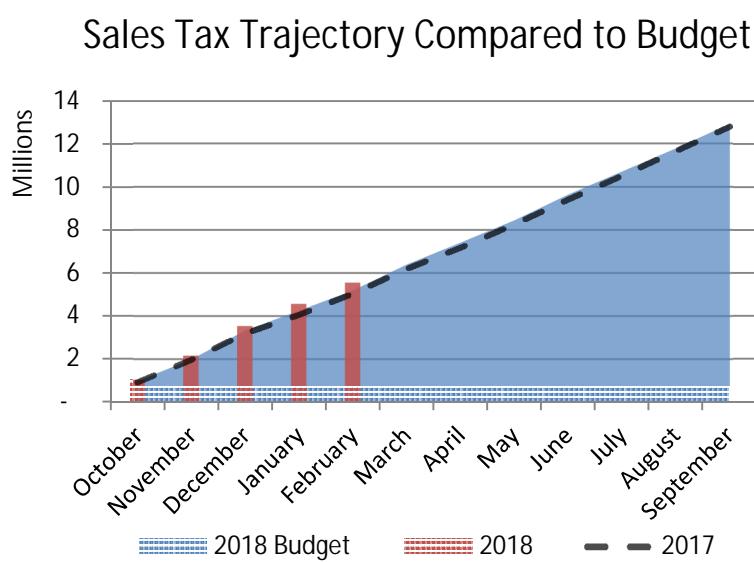
Sales Taxes

Year-to-date sales tax collections are at \$5,541,534. Comptroller reports indicate that state and City allocations through February (the most recent month we have) are up 10% from last year, with the majority of the increase coming from current collections. Although the February allocations were the weakest year-over-year increase we've seen thus far, the City's outlook for the remainder of the fiscal year still looks very positive.



FY18 Compared to Budget

FY18 ended with several hundred thousand dollars more in collections than anticipated, and our FY18 collections are continuing that strong showing. Currently, Weatherford is \$500,000 over our budgeted trajectory. Because of the strong showing in the past several months, the City could weather successive 5% monthly declines throughout the rest of FY18 and still make its budget.



[FY18 Compared to Budget \(continued\)](#)

In keeping with previous year, the FY18 adopted budget relies on \$11.29m in sales tax for ongoing operations while our full projection sits at \$12.54m. This leaves a 10% (\$1.25m) cushion in our largest revenue stream from FY18 full budget, and a 12% (\$1.5m) cushion from FY17 actuals. Both declines would be far greater than the magnitude that we saw in 2008, which is the steepest decline in Weatherford's recent history. While unlikely, the fact that Weatherford could withstand these negative scenarios without cutting back on ongoing operations is a testament to the financially sound plan staff and Council have put into place.

[FY18 Outlook](#)

Although the most recent collections represent the smallest increase over the previous year the City has seen to date, even conservative projections still show a substantial increase over budget. Having achieved its goal of creating a 10% buffer between recurring reliance on sales tax and sales tax revenue that is considered non-recurring, Weatherford is in the favorable position of being able to incorporate the majority of any sales tax growth into its operating budget, should the need arise. While it is too early to peg down a proposed budget for FY19, Council should be aware that an increase in this revenue is likely.

General Fund Expenditures

	Budget	YTD	% of Budget
Internal Service Groups (Business to Business)			
Organizational Management	4,951,051	1,646,765	33%
Asset Management	1,673,567	645,700	39%
External Service Groups (Business to Citizens)			
Community Quality	4,512,356	1,637,747	36%
Infrastructure Services	4,188,084	1,958,375	47%
Public Safety Services	3,555,829	1,703,419	48%
Growth & Development	16,441,338	8,112,333	49%
Total	35,322,225	15,704,337	44%

Through the second quarter, 44% of the General Fund budget has been spent. Of that, \$980,000 has been spent on one-time items. Additionally, the fund still has \$11.4m in projected personnel costs to be paid.

[**Internal Service Groups**](#) – areas designed to manage processes that enable external departments to meet public needs.

Organizational Management includes administrative departments such as the City Manager's Office, City Attorney, Human Resources, and the Finance department.

Asset Management includes departments set up to manage and oversee assets in use by several departments (Fleet, Facilities Maintenance, and Information Technology).

[**External Service Groups**](#) – areas designed to directly interact with the public on specific services.

Community Services includes Code Enforcement, Library, and Parks & Recreation.

Infrastructure Services consists of the Transportation & Public Works department.

Public Safety Services includes Police, Fire, Animal Control, and Consumer Health.

Growth & Development includes Planning & Development and Economic Development.

Other Funds

Solid Waste Fund

	Budget	YTD	% of Budget
Revenue	\$ 2,870,451	\$ 1,410,379	49%
Expenditures	\$ 3,047,643	\$ 1,492,378	49%
Total	\$ (177,192)	\$ (81,999)	
Surplus/(Deficit) Net of One-Times	\$ 20,800	\$ 62,140	

Through March, the Solid Waste Fund has received 49% of budgeted revenue, and spent 49% of budgeted expenses. Net of one times, the fund is running an operating surplus of approximately \$62,000.

Monthly sanitation service charges tend to increase at a steady rate between 1% and 2% over the previous year. March collections showed a 2.7% increase over last year. On the year, the average monthly increase has been 2.8%.



Hotel/Motel Tax Fund

	Budget	YTD	% of Budget
Revenue	\$ 687,500	\$ 252,531	37%
Expenditures	\$ 700,801	\$ 360,951	52%
Total	\$ (13,301)	\$ (108,419)	
Surplus/(Deficit) Net of One-Times	\$ 57,269	\$ (65,634)	

Through March 2018, the Hotel/Motel Tax Fund has received 37% of its budgeted revenues, and spent 52% of its budgeted expenditures. Costs contained in this fund are largely contractual and will outpace revenues substantially until the last quarter of the year.

In FY15, staff noted that Hotel Occupancy Taxes (HOT) had been showing steady quarterly declines, reaching a low of \$655,000 during FY16. Fortunately, FY17 represented a stark trend reversal, ending the year at \$758,000, which exceeded both staff's expectations as well as the collection totals for any prior year on record. The FY18 budget for hotel taxes is therefore at over a 10% budgetary advantage, since its budget was set with lower expectations leading into the year. Should there be difficulties in either the Hotel Tax Fund operations or Chandor Gardens, which is heavily funded via HOT, this cushion will prove to be valuable.

There is a significant lag time between the State receiving these revenues and reporting them to the City. As of the date of this report, staff has received 5 months worth of data on hotel tax receipts. Through February, the Weatherford lodging industry is showing a substantial activity increase of 20% over the previous year. Finance staff will continue to update these figures as information becomes available.

For any questions regarding this report, please contact:

Kyle Lester
Assistant Director over Budget/Purchasing
X4130



Weatherford City Council

AGENDA REPORT

Meeting Date: April 24, 2018

Staff Contact: Sharon Hayes, City Manager

Item Number: 2018-513-AR

Phone: 817-598-4270

SUBJECT: Discuss downtown mobility

BACKGROUND/DISCUSSION

FINANCIAL IMPACT

SUGGESTED ACTION

ATTACHMENTS