



City of Azle Regular Meeting Agenda City Council

505 W. Main Street
Azle, Texas 76020

September 19, 2023

6:00 PM

Council Chambers

Pursuant to Section 551.071 of the Texas Government Code, the Council may convene into Executive Session(s) from time to time as deemed necessary during the meeting for any posted agenda item and may receive advice from its attorney as permitted by law.

CALL TO ORDER

INVOCATION

The City of Azle is accepting volunteers from all Religions and Denominations to provide the invocation at the beginning of the City Council meeting. If you are interested in giving the invocation at a future meeting, please call the city secretary's office at 817-444-7101 or email: yforgey@cityofazle.org

Carol Roberts, Pastor of Prayer and Pastoral Care at Lighthouse Fellowship

PLEDGE OF ALLEGIANCE

PUBLIC PARTICIPATION

This is an opportunity for the public to address the City Council on posted agenda items or non-agenda items. In order to address the Council, please complete a Speaker's Request Form and submit to the City Secretary prior to the start of the council meeting. All comments must be directed to the Presiding Officer, rather than an individual council member or city staff. All speakers must refrain from personal attacks toward any individual. Comments are limited to three (3) minutes and must pertain to the subject matter listed on the Speaker's Request Form. Speakers requiring the assistance of a translator shall be provided four (4) minutes. Council may not comment publicly on non-agenda items, but may direct the City Manager to resolve the matter or request the matter be placed on a future agenda. Public comments regarding non-agenda items shall not include any "deliberation" as defined by Chapter 551 of the Government Code, as now or hereafter amended. If you have a subject that may require City Council action, you may obtain a form from the City Secretary and request the item be placed on a future agenda.

PROCLAMATION

1. Proclamation recognizing Mike Winterrowd, Azle Police Corporal, for his 20 years of service to the City of Azle.

Mayor Alan Brundrett

PRESENTATION

2. Annual Presentation - Streets / Stormwater

Jimmy Duvall, Streets Superintendent

ACTION ITEMS

3. Consider any action on the September 5, 2023 regular council meeting minutes.
Yael Forgey, City Secretary
4. Consider any action on Ordinance No. 2023-15 establishing a school speed zone on FM 730 South, adjacent to Hilltop Elementary School.
Tom Muir, City Manager
5. Consider any action on Resolution No. 2023-14 approving the Investment Policy.
Renita Bishop, Finance Director
6. Consider any action authorizing the lease purchase financing of Motorola/Watchguard body worn

cameras and peripheral equipment through Tax-Exempt Leasing Corp.

Ben Hall, Police Chief

7. Consider any action on the proposed mural design for the Main Street location.

David Hawkins, Director of Planning and Development

8. Consider any action on Ordinance No. 2023-17 adding Article 6.09 "Regulation and Permitting Process of Donation Bins" to Chapter Six, Health and Sanitation, of the Code of Ordinances, City of Azle, Texas, and adding Article A4.002 "Donation Bin Fees" to Appendix A "Fee Schedule" of the Code of Ordinances, City of Azle, as amended, creating requirements and specifications for permits allowing the placement of donation bins on approved open spaces on private property.

David Hawkins, Director of Planning and Development

PUBLIC HEARING

9. Conduct a public hearing and consider any action on Ordinance No. 2023-16 regarding a Specific Use Permit request to operate a home daycare for property located at 117 Huling Drive and also known as Lot 18, Block 1, M. G. Huling Addition. The property is located on the east side of Huling Drive approximately four hundred fifty feet (450') south of S. Stewart Street. The applicant is requesting a Specific Use Permit to allow the daycare facility with a maximum of 12 children.

David Hawkins, Director of Planning and Development

DISCUSSION ITEM

10. Food Truck Park Update.

David Hawkins, Director of Planning and Development

ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

MAYOR/COUNCIL COMMENTS OF COMMUNITY INTEREST

ADJOURNMENT

I, the undersigned authority, do hereby certify the above Agenda was posted at City Hall on 09/15/2023, at the City's official bulletin board and is readily accessible to the public at all times in accordance with V.T.C.A. Chapter 551, Texas Government Code.



**Yael Forgey,
City Secretary**

This facility is wheelchair accessible and handicapped parking spaces are available. Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in city functions and activities. Auxiliary aids and services or accommodations should be requested forty-eight hours prior to the scheduled starting time by calling the City Secretary's Office at 817-444-7101. Complete City Council agenda packet is available for review at the City Secretary's Office and on our website www.cityofazle.org.



Presenter: Mayor Alan Brundrett

Agenda Item: Proclamation recognizing Mike Winterrowd, Azle Police Corporal, for his 20 years of service to the City of Azle.

Background and Explanation:

Recognizing Police Corporal Mike Winterrowd for his 20 years of service with the City of Azle.

Board/Commission/Committee Recommendation:

N/A

Staff Recommendation:

Attachments:

None



Presenter: Jimmy Duvall, Streets Superintendent
Agenda Item: Annual Presentation - Streets / Stormwater

Background and Explanation:

Annual presentation - Streets / Stormwater

Board/Commission/Committee Recommendation:

Staff Recommendation:

Attachments:

None



Presenter: Yael Forgey, City Secretary

Agenda Item: Consider any action on the September 5, 2023 regular council meeting minutes.

Background and Explanation:

Procedural.

Board/Commission/Committee Recommendation:

N/A

Staff Recommendation:

N/A

Attachments:

1. Minutes 09-05-23



MINUTES Regular Meeting Azle City Council

505 W. Main Street
Azle, Texas 76020

September 5, 2023

6:00 PM

Council Chambers

CALL TO ORDER

Mayor Brundrett called the meeting to order at 6:03 PM

Members Present:

Mayor Alan Brundrett
Mayor Pro Tem Randa Goode
Councilmember Amy Estes
Councilmember Derrick Nelson
Councilmember Stacy Peek
Councilmember Rouel Rothenberger
Councilmember Brian Conner

Staff Present:

Tom Muir	City Manager
Lawrence Bryant	Assistant City Manager
Yael Forgey	City Secretary
Susie Hiles	Assistant to the City Manager
Rick White	Director of Public Services
Jessie Williams	Animal Control Supervisor
Ben Hall	Police Chief
Kristen Pegues	Community and Marketing Specialist
Will Scott	Fire Chief
Jackie Joy	Adult Activity Center Director

INVOCATION

Dr. Jim Brewer, senior pastor of First Baptist Church of Lakeside, gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brundrett led the Pledge of Allegiance

PUBLIC PARTICIPATION

None

PROCLAMATION

1. Senior Center Month

Mayor Brundrett presented and read a proclamation to Jackie Joy, Adult Activity Center Director, recognizing Senior Center Month.

PRESENTATION

2. Parks Department/Board

Mayor Brundrett recognized John Ward, Parks Board President, who gave an overview of the Parks Board activities last year. Mr. Ward also thanked the council for their support of the city's parks.

ACTION ITEMS

3. Consider any action on approving the minutes of the August 8, 2023 Joint Meeting, August 14, 2023, and August 21, 2023 Special Meeting.

Councilmember Rothenberger moved to approve the minutes of the August 8, 2023 Joint Meeting, August 14, 2023, and August 21, 2023 Special Meetings, as presented. Councilmember Conner seconded the motion.

Yes: (7) Alan Brundrett, Derrick Nelson, Amy Estes, Stacy Peek, Randa Goode, Rouel Rothenberger, Brian Conner

4. Consider any action on appointing Rick Simmons to the Zoning Board of Adjustment, Place 6 Alternate.

Councilmember Rothenberger moved to approve the appointment of Rick Simmons to the Zoning Board of Adjustment, Place 6 Alternate. Councilmember Conner seconded the motion.

Yes: (7) Alan Brundrett, Derrick Nelson, Amy Estes, Stacy Peek, Randa Goode, Rouel Rothenberger, Brian Conner

5. Consider any action on awarding the Shady Grove Park Lighting Project (Bid No. 2023-008) to Wallace Controls and Electric, Inc.

Councilmember Peek moved to award the bid for the Shady Grove Park Lighting Project (Bid No. 2023-008) to Wallace Controls and Electric, Inc. in the amount of \$204,174. Mayor Pro Tem Goode seconded the motion.

Yes: (7) Alan Brundrett, Derrick Nelson, Amy Estes, Stacy Peek, Randa Goode, Rouel Rothenberger, Brian Conner

6. Consider any action on Ordinance No. 2023-14 amending Section 3, "Administration and Enforcement" of Exhibit A, "Subdivision Ordinance" of Chapter 10, "Subdivision Regulation;" to amend rules and regulations governing development and utility inspection fees.

Mayor Brundrett recognized Director of Public Services Rick White, who explained the State Legislature passed a new House Bill (HB3492), which amends the rules governing methodologies that a Texas municipality may use in charging certain development fees with an effective date 09-01-2023. As a result, the City must amend its regulations regarding development and inspection fees.

Councilmember Rothenberger moved to approve Ordinance No. 2023-14 amending Section 3, "Administration and Enforcement" of Exhibit A, "Subdivision Ordinance" of Chapter 10, "Subdivision Regulation;" to amend rules and regulations governing development and utility inspection fees, as presented. Councilmember Conner seconded the motion.

Yes: (7) Alan Brundrett, Derrick Nelson, Amy Estes, Stacy Peek, Randa Goode, Rouel Rothenberger, Brian Conner

7. Consider any action authorizing the City Manager to execute an interlocal agreement with the Azle Independent School District to provide Dispatch Services.

Mayor Brundrett recognized Police Chief Ben Hall, who stated the AZLE ISD requested the city provide dispatch services for the AISD Police Department.

Councilmember Rothenberger moved to authorize the City Manager to execute an interlocal agreement with the Azle Independent School District to provide Dispatch Services. Mayor Pro Tem Goode seconded the motion.

Yes: (5) Alan Brundrett, Derrick Nelson, Stacy Peek, Randa Goode, Rouel Rothenberger

Abstain: (2) Amy Estes, Brian Conner

8. Consider any action authorizing the City Manager to execute an Interlocal Agreement with the Fort Worth Transportation Authority (Trinity Metro) to provide door-to-door transportation services for elderly and disabled citizens.

Mayor Brundrett recognized Assistant to the City Manager Susie Hiles who gave an overview of the interlocal agreement, noting this is the annual renewal of the agreement that provides for the transportation program for Azle's elderly and disabled.

Councilmember Rothenberger moved to authorize the City Manager to execute an Interlocal Agreement with the Fort Worth Transportation Authority (Trinity Metro) to provide door-to-door transportation services for elderly and disabled citizens. Councilmember Conner seconded the motion.

Yes: (7) Alan Brundrett, Derrick Nelson, Amy Estes, Stacy Peek, Randa Goode, Rouel Rothenberger, Brian Conner

9. Consider any action on Resolution No. 2023-13 approving a negotiated settlement regarding Atmos Energy Corp. – Mid-Tex Division's 2023 RRM filings.

Councilmember Rothenberger moved to approve Resolution No. 2023-13 approving a negotiated settlement regarding Atmos Energy Corp. – Mid-Tex Division's 2023 RRM filings, as presented. Councilmember Conner seconded the motion.

Yes: (7) Alan Brundrett, Derrick Nelson, Amy Estes, Stacy Peek, Randa Goode, Rouel Rothenberger, Brian Conner

DISCUSSION ITEMS

10. Murals.

Mayor Brundrett recognized Ms. Sheri Johnson-Lopez, who presented the Council with a proposed drawing of the mural on Main Street. The Council requested some changes and gave approval to proceed with this project.

11. Dead animal removal.

Mayor Brundrett recognized Police Chief Hall, who explained the challenges of removing dead animals from citizens' private property. The Council requested Staff look into contracting these services out.

12. Dunaway Lane Reconstruction Project.

Mayor Brundrett recognized City Manager Tom Muir, who updated Council on the Dunaway Lane project. Mr. Muir advised the city will hold a public meeting with residents living on Dunaway Ln to provide an overview of the project and address any questions/concerns. The meeting will be September 26, 2023, at 5 PM at Azle City Hall.

ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

- Donation Bins

MAYOR/COUNCIL COMMENTS OF COMMUNITY INTEREST

- 09-09-2023 Sting Fling
- 09-16-2023 City cleanup.

EXECUTIVE SESSION

Mayor Brundrett convened to Executive Session at 8:37 PM.

551.071 CONSULTATION WITH THE CITY ATTORNEY Providing services to neighboring communities

551.074 PERSONNEL MATTERS

Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Judge.

Mayor Brundrett reconvened to open meeting at 9:13 PM.

ADJOURNMENT

Mayor Brundrett adjourned the meeting at 9:13 PM.

Presented and approved on 09-19-2023

Alan Brundrett, Mayor

Attest:

Yael Forgey, TRMC, CMC
City Secretary



Presenter: Tom Muir, City Manager

Agenda Item: Consider any action on Ordinance No. 2023-15 establishing a school speed zone on FM 730 South, adjacent to Hilltop Elementary School.

Background and Explanation:

Hilltop Elementary School opened their doors for the first time a couple of weeks ago. In preparing to open, AISD requested a school speed zone on FM 730 South, adjacent to the school, from TxDOT. There is an existing school zone just to the south for Azle Christian School which needs to be extended to the north to include Hilltop Elementary School.

TxDOT and the Police Department have studied AISD's request to lengthen the zone and determined the zone needs to be lengthened by approximately .672 mile but the lengthened portion of the zone is within the city limits. Consequently, the City Council needs to consider an ordinance creating the school zone in the City's portion of FM 730 South. Once the zone has been created in the city, TxDOT will proceed with the signage for the expanded zone.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Staff recommends approval of Ordinance No. 2023-15.

Attachments:

1. Ord. 2023-15 - Speed Zone - Hilltop Elementary

**ORDINANCE NO. 2023-15
SPEED ZONE**

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, CHAPTER 545, SECTION 545.356, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF AZLE AS SET OUT IN THE ORDINANCE: AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$500.00 FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, the Texas Transportation Code, Chapter 545 Paragraph 545.356, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway, with the City taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Azle, Texas:

SECTION 1.

Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of the Texas Transportation Code, Chapter 545, Paragraph 545.356, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

Control-Section: 1601-1
Highway: FM 730
City: Azle
County: Parker

MP 1.773 to MP 2.172; .399 miles zoned at 35 MPH (School Zone).

SECTION 2.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than five-hundred (\$500.00) dollars.

This ordinance modifies previous ordinances pertaining to the above referenced highway.

Passed and approved on this 19th day of September 2023.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary



Presenter: Renita Bishop, Finance Director

Agenda Item: Consider any action on Resolution No. 2023-14 approving the Investment Policy.

Background and Explanation:

Chapter 2256 of the Texas Government Code, commonly known as the Public Funds Investment Act, requires that the governing body of an investing entity adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy and investment strategies regarding the investment of its funds and funds under its control. The law also requires that the policy and strategies be reviewed and adopted by the governing body each year. The City Council last approved the City's Investment Policy on September 20, 2022.

The City's investment advisor, Valley View Consulting, L.L.C., and the Investment Committee (City Manager, Assistant City Manager, Finance Director and Assistant Finance Director) have reviewed the Policy. This year, recommended changes include updating the Purpose paragraph to define the Public Funds Investment Act and written policy requirement, updating the safekeeping receipt requirement, adding a paragraph on Internal Controls as a best practice, adding accrued interest to the collateral percentage requirements, adding the suitability strategy to the General strategies, organizing the strategies in the Public Funds Investment Act priority order, and removing the sample "Certificate of Investment Provider".

Board/Commission/Committee Recommendation:

During our Investment Committee meeting on September 7, Staff reviewed the policy with Valley View Consulting, L.L.C. and approved forwarding the updated policy to the City Council for their consideration.

Staff Recommendation:

Staff recommends approval of Resolution No. 2023-14.

Attachments:

1. Resolution 2023-14

RESOLUTION NO. 2023-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS, AMENDING, REVIEWING AND APPROVING THE WRITTEN INVESTMENT POLICY.

WHEREAS, Chapter 2256 of the Texas Government Code, commonly known as the “Public Funds Investment Act” requires the City to adopt an investment policy by rule, order, ordinance or resolution annually; and

WHEREAS, the Public Funds Investment Act requires the chief financial officer and investment officers of the City to attend investment training; and

WHEREAS, the chief financial officer, investment officers and any official participating in the investment process have attended an investment training course approved by the Investment Committee as provided in the Investment Policy; and

WHEREAS, the City of Azle Investment Policy also includes the Azle Crime Control & Prevention District and Azle Municipal Development District to allow for the prudent investment of funds, as authorized by the Azle City Council, the Azle Crime Control & Prevention District Board and Azle Municipal Development District Board; and

WHEREAS, the attached Investment Policy and incorporated revisions comply with the Public Funds Investment Act, as amended, and authorize the investment of funds in safe and prudent investments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1

The City of Azle has complied with the requirements of the Public Funds Investment Act and the Investment Policy, as amended, attached hereto as “Exhibit A” is hereby adopted as the Investment Policy of the City, effective September 19, 2023.

SECTION 2

This resolution shall become effective immediately upon passage.

PASSED AND APPROVED on September 19, 2023 by a vote of ____ ayes, ____ nays, and abstentions at a regular meeting of the City Council of the City of Azle, Texas.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary

Exhibit A

**CITY OF AZLE, AZLE CRIME CONTROL & PREVENTION
DISTRICT, and AZLE MUNICIPAL DEVELOPMENT DISTRICT**

INVESTMENT POLICY

PURPOSE: To establish policies for the investment of funds of the City of Azle, the Azle Crime Control and Prevention District and the Azle Municipal Development District, collectively referred to as (the "CITY") that comply with Chapter 2256 of the Government Code ("Public Funds Investment Act", or "Act", or "PFIA") which requires each city to adopt a written investment policy regarding the investment of its funds and funds under its control.

Formatted: Font: (Default) Arial, 12 pt

POLICY: Scope

This Investment Policy applies to the investment activities of the CITY. All financial assets of the CITY, including the following fund-types, shall be administered in accordance with the provisions of these policies.

General Funds
Special Revenue Funds
Debt Service Funds
Capital Project Funds
Enterprise Funds
Internal Service Funds
Sinking Funds

Objectives:

The CITY shall manage and invest its cash with four objectives, listed in order of priority: safety, liquidity, public trust, and risk-appropriate yield. The safety of the principal invested will always remain the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and local law.

The CITY shall maintain a comprehensive cash management program that includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to ensure maximum cash availability and optimum yield on short term investments of pooled idle cash.

1. Safety - The primary objective of the CITY's investment activity is the

- preservation and safety of principal. Each investment transaction shall seek to first avoid capital losses, whether they arise from issuer defaults or erosion of market value.
2. Liquidity - The CITY's investment portfolio will remain sufficiently liquid to meet operating requirements. Liquidity shall be achieved by matching investment maturities with estimated cash flow requirements, maintaining liquid reserves and by investing in instruments with active secondary markets.
 3. Public Trust – Investment Officers shall act responsibly as public trust custodians and shall avoid transactions which might impair public confidence in the CITY's ability to govern effectively.
 4. Risk–Appropriate Yield – The investment portfolio shall be designed with the objective of attaining a risk-appropriate yield throughout budgetary and economic cycles, taking into account risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

Responsibility and Control

The City Council, Crime Control and Prevention District and Municipal Development District Boards of Directors shall designate the Assistant City Manager, Finance Director, and Assistant Finance Director as the Investment Officers. The Investment Officers shall establish procedures for the operation of the investment program consistent with this Investment Policy. The Investment Officers shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of subordinates. No person may engage in an investment transaction except as provided under the terms of this Investment Policy and the procedures established by the Investment Officers.

The Investment Committee, consisting of the City Manager, Assistant City Manager, Finance Director, and Assistant Finance Director, shall meet at least quarterly to determine appropriate strategies and to monitor results. The Committee shall monitor the investment activities; assist in the development of investment policies, strategies, and procedures; and annually review and approve the CITY's broker/dealers and independent training sources.

In order to ensure the quality and capability of investment management, all Investment Committee members and Investment Officers shall attend investment training no less often than once every two years, aligned with the fiscal year end, and shall receive not less than 8 hours of total

instruction relating to investment responsibilities.

A newly appointed Investment Officer or Investment Committee member must attend investment training consisting of at least 10 hours of total instruction within twelve months of the date that he or she took office or assumed the Officer's duties.

The investment training shall be provided by an independent training source approved by the Investment Committee and comply with the investment training requirements of State law. The training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolios, and compliance with State law.

The City Council and Boards of Directors shall annually review and adopt the Investment Policy and included investment strategies.

Prudence

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.

The CITY recognizes that in a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's return and that an Investment Officer acting in accordance with this Policy, written procedures, and exercising prudence shall be relieved of personal responsibility for an individual investment's performance.

Ethics

Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment Officers shall disclose to the City Council and the Boards of Directors any material financial interests in financial institutions that conduct business with the CITY and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City's portfolio. Investment Officers shall subordinate their personal investment transactions to those of the CITY.

If an Investment Officer has a personal business relationship with an entity seeking to sell an investment to the CITY, or is related within the second

degree by affinity or consanguinity, to an individual seeking to sell an investment to the CITY, the Investment Officer shall file a statement of disclosure with the City Council, the Boards of Directors, and the Texas Ethics Commission.

Reporting

Within a reasonable time of each quarter's end, the Investment Officers shall submit to the City Council, City Manager, and the Boards of Directors an investment report that contains the information required by State law. Said information shall include, but not be limited to:

1. Detailed description of the CITY's investment position,
2. Summary statement of each pooled fund group (if applicable),
3. Ending book and market value of each separately invested asset by fund and asset type,
4. Maturity date of each asset, and
5. Signatures of each Investment Officer attesting to the portfolio's compliance with the Investment Policy and State law.

The market value of the portfolio will be calculated, and investment credit ratings will be confirmed on a quarterly basis in compliance with the reporting requirements. In determining market value and credit ratings, sources independent of the investment provider will be pursued.

"Weighted average yield to maturity" shall be the standard on which investment performance is calculated.

The CITY shall, in conjunction with its annual financial audit, perform a compliance audit of management controls on investments and adherence to the CITY's Investment Policy, as well as formal review of the CITY's quarterly reports. The CITY's independent auditor shall report to the City Council and the Boards of Directors the results of this audit.

Investments

1. Authorized Investment Instruments – Financial assets of the CITY may be invested in:
 - a. Obligations, including letters of credit, of the United States or its agencies or instrumentalities, including the Federal Home Loan Banks; and other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the United States or its agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by

the explicit full faith and credit of the United States;

- b. Certificates of deposit and other evidences of deposit at a financial institution that, a) has its main office or a branch office in Texas and is guaranteed or insured by the Federal Deposit Insurance Corporation or its successor, b) is secured by obligations in a manner and amount provided by law for deposits of the CITY, or c) is placed through a depository institution or broker that has its main office or a branch office in Texas and meets the requirements of State law.
 - c. SEC registered, no load money market mutual funds that comply with the requirements of State law, that seek to maintain a stable \$1.0000 net asset value, and would be described as "government" portfolios;
 - d. Texas local government investment pools that seek to maintain a stable dollar net asset value, would be described as "government" portfolios, are specifically authorized by the City Council or applicable Board of Directors, and that comply with the requirements of State law;
 - e. Investment pools that provide fixed maturity, fixed yield investments, are specifically authorized by the City Council or applicable Board of Directors, and that comply with the requirements of State law; and
 - f. Repurchase agreements (direct security repurchase agreements) executed under the terms of a master repurchase agreement or similar agreement, collateralized by obligations of the United States or its agencies or instrumentalities and that comply with the requirements of State law.
2. Not Authorized - Investments including interest-only or principal-only strips of obligations with underlying mortgage-backed security collateral, or collateralized mortgage obligations with an inverse floating interest rate coupon or a maturity date of over 10 years are strictly prohibited.

With respect to authorized investments, this Policy is more restrictive than the Public Funds Investment Act.

- 3. Maximum Investment Maturity - The maximum maturity for each fund-type group is set forth in the investment strategies.
- 4. All security transactions shall be executed using the delivery versus

payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the CITY's safekeeping agent. All securities shall be held in safekeeping at a third-party institution approved by the Investment Committee and evidenced by safekeeping receipts of the institution.

5. It is the policy of the CITY to provide a competitive environment for individual investment transactions, and financial institution, money market mutual fund, and local government investment pool selections.
6. In the event an authorized investment loses its required minimum credit rating, all prudent measures will be taken to liquidate said investment. Additionally, the CITY is not required to liquidate investments that were authorized at the time of purchase.
7. Investment Officers may not purchase any investments from business organizations (defined by the State law as a local government investment pool or discretionary investment management firm) that have not delivered a written certification to the CITY as required by State law and that have not been authorized by the Investment Committee.
8. The Investment Officers will establish and maintain an internal control structure designed to ensure the assets of the CITY are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

The internal controls shall address the following points:

- Avoidance of collusion,
- Separation of transactions authority from accounting and record keeping,
- Custodial safekeeping,
- Avoidance of physical delivery securities,
- Clear delegation of authority of subordinate staff members, and
- Written confirmation for transactions for investments and wire transfers.

Financial Institution Deposits

Primary depositories shall be selected through the CITY's banking services procurement process, which shall include a formal Request for

Formatted: List Paragraph, Left, No bullets or numbering

Formatted: Indent: Left: 1", Hanging: 0.31", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 8 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font: (Default) Arial, 12 pt

Formatted: Indent: Left: 1.31"

Formatted: Indent: Left: 1.31", Tab stops: 1.56", Left

Applications (RFA) issued in compliance with applicable State law. This contract can be extended as per the RFA specifications. In selecting depositories, the credit worthiness of institutions shall be considered, and the CITY shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history.

All depository deposits shall be insured or collateralized in compliance with applicable State law. The CITY reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Financial institutions serving as CITY depositories will be required to sign a depository agreement with the CITY. The collateralized deposit portion of the agreement shall define the CITY's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement ~~must~~has to be executed by the Depository and the CITY contemporaneously with the acquisition of the asset;
- The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the CITY; and
- The agreement must be part of the Depository's "official record" continuously since its execution.

With the exception of deposits secured with irrevocable letters of credit at 100% of principal plus anticipated accrued interest, the market value of the investments securing the deposit of funds shall be at least equal to 102% of the amount of the deposits of funds plus accrued interest reduced to the extent that the deposits are insured by the Federal Deposit Insurance Corporation (FDIC). Securities pledged as collateral shall be held by an independent third-party approved by an Investment Officer and held in an account in the CITY's name as evidenced by pledge receipts. The custodial agreement is to specify the acceptable investment securities as collateral, including provisions relating to possession of the collateral, the substitution or release of investment securities, ownership of securities, and the method of valuation of securities.

STRATEGIES:

General

The CITY will work to understand the suitability of investments to the

financial requirements of the CITY.

The CITY's basic investment strategy for all financial assets is to preserve principal. In order to achieve that objective, the CITY shall invest in instruments with limited credit risk and invest in maturities that do not exceed anticipated cash flow requirements.

The objective of liquidity stems from the need of the CITY to maintain available cash balances sufficient to cover financial outlays. Since the timing and amount of some financial disbursements are not predictable, fund-type strategies shall adjust for the certainty of projected cash flows.

The Investment Officer will ensure that marketability maintained in the fund-type portfolios is sufficient to reasonably assure that investments could be liquidated if cash needs occur prior to the maturity date of the investments.

It is also the policy of the CITY to diversify its investment portfolios. Whenever practical and appropriate, assets held in the investment portfolio shall be diversified to minimize the risk of loss resulting from one concentration of assets in a specific maturity, a specific issuer, or a specific class of investment.

CITY funds shall seek to achieve a competitive yield appropriate for each fund-type. A comparably structured treasury security portfolio shall represent the minimum yield objective. Yield objectives shall at all times be subordinate to the objectives of safety and liquidity. Tax exempt debt proceeds shall be invested to maximize the interest earnings retained by the CITY, while at the same time, fully complying with all applicable State laws and federal regulations.

~~The Investment Officer will ensure that marketability maintained in the fund-type portfolios is sufficient to reasonably assure that investments could be liquidated if cash needs occur prior to the maturity date of the investments.~~

Commented [JH1]: Paragraph moved for order of priority.

The CITY will group investment instruments into a number of "fund-type investment groups". These groups will reflect similar needs as to maturity limits, diversity, and liquidity.

All investment-specific restrictions shall be measured at the time of purchase and based on portfolio book value.

Fund-Types:

Short Term/Operating – Most of the CITY's functional accounts maintain

fund balances to perform normal operations. Cash flow projections are reasonably accurate, but occasional circumstances may create unpredicted requirements. To reduce market risk and assure liquidity, anticipated cash flows shall be matched with investment maturities. The dollar weighted average maturity of operating funds may not exceed nine months. The maximum maturity of an individual investment shall not exceed two years. To further offset the risk of unpredictable events and to anticipate market movements, additional fund balances shall be invested in short-term deposits, investment pools or money market mutual funds.

Capital Project Funds – Fund balances designated for capital projects may be scheduled for expenditure separate from the flow of operating funds. Bond proceeds (which may be subject to the arbitrage rebate regulations) are a main source of capital project funds. As with operating funds, a key strategy is to ~~assure~~ensure that anticipated cash flows are matched with investment maturities. The maximum weighted average maturity of capital project funds shall not exceed two years. The maximum maturity of an individual investment shall not exceed three years. To further offset the risk of unpredictable events and to anticipate market movements, additional fund balances shall be invested in short-term deposits, investment pools or money market mutual funds.

Bond Proceeds subject to the arbitrage regulations may necessitate an altered investment strategy under some market conditions. Investment selection for these funds may be dependent on market conditions, cash flow needs, and State law and federal regulation compliance.

Debt Service Reserve Funds – These reserves are usually specifically defined in terms of amount and size. Bond document covenants may require that reserve balances be maintained with a third-party financial institution or paying agent. In such instances, the CITY may contract with such parties to operate in the capacity of an investment advisor. These relationships will be approved by the City Council in compliance with State law. The investment advisors will be confined to the particular instruments and parameters specified as appropriate for this type of fund and the applicable bond documents.

A primary investment strategy for debt service reserve funds is to provide emergency funds to meet debt service requirements. Since the investments may be subject to the arbitrage regulations, the secondary investment strategy is to attempt to maximize the amount of retained interest earnings. The maximum maturity of an individual investment shall not exceed the lesser of ten years, the call date of the bonds, the maturity date of the bonds, or any applicable restriction in the bond documents. In the unlikely event Debt Service Reserve Funds would be required to fund a debt service payment, only instruments with historical bid/offer price

spreads of 10 basis points or less shall be considered for investment.

Debt Service Funds – These funds are specifically defined in terms of amount, size and cash flow need. Bond document covenants may require that these funds be maintained with a third-party financial institution or paying agent. In such instances, the CITY may contract with such parties to operate in the capacity of an investment advisor. These relationships will be approved by the City Council in compliance with State law. The investment advisors will be confined to the particular instruments and parameters specified as appropriate for this type of fund and the applicable bond documents.

The primary investment strategy for debt service funds is to match investment maturities with debt service payment requirements. The instruments need not have an active secondary market. The maximum maturity of an individual investment shall be the next unfunded debt service date.

Sinking Funds – These funds are usually defined in terms of amount, size and cash flow need. Sinking Fund document covenants may require that these funds be maintained with a third-party financial institution or paying agent. In such instances, the CITY may contract with such parties to operate in the capacity of an investment advisor. These relationships will be approved by the City Council in compliance with State law. The investment advisors will be confined to the particular instruments and parameters specified as appropriate for this type of fund and the applicable documents.

The primary investment strategy for sinking funds is to match investment maturities with payment requirements. The instruments need not have an active secondary market. The maximum maturity of an individual investment shall be the next unfunded payment date.

SAMPLE

Commented [JH2]: Consider removing as the Business Organizations typically have their own certification form or process.

CERTIFICATE OF INVESTMENT PROVIDER

1. The City of Azle, the Azle Crime Control and Prevention District and Azle Municipal Development District collectively referred to as (the "CITY") have presented a copy of its Investment Policy to the undersigned.
2. The undersigned has received the Investment Policy and reviewed it.
3. The undersigned has implemented reasonable procedures and controls in an effort to preclude imprudent investment transactions conducted between the CITY and the undersigned that are not authorized by the CITY's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the CITY's portfolio or requires an interpretation of subjective investment standards or relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

Signed this ____ day of _____, 20__.

Organization

Signature

Name

Title



Presenter: Ben Hall, Police Chief

Agenda Item: Consider any action authorizing the lease purchase financing of Motorola/Watchguard body worn cameras and peripheral equipment through Tax-Exempt Leasing Corp.

Background and Explanation:

The Police Department currently uses Motorola/WatchGuard Body Worn Cameras. The in-use cameras have ended their service life, and WatchGuard support is ending. The replacement cameras integrate with existing storage infrastructure within the WatchGuard system. The Watchguard system is also used for in-car mobile video as well as cloud-based digital storage with WatchGuard.

The total cost for equipment and peripheral applications is \$144,700, which Staff proposes acquiring through lease financing. Lease financing proposals were gained through Government Capital Corporation, LeaseExperts.com and Tax-Exempt Leasing Corporation for a sixty (60) month term. Tax-Exempt Leasing Corporation provided the most advantageous option with an interest rate of 5.47% and semi-annual payments of \$17,004.17. Funding for these semi-annual payments has been approved by the Crime Control Prevention District and included in their FY2023-24 budget. An analysis of the financing proposals is included for review.

This purchase will be made using the Texas Department of Information Resources (DIR) contract which satisfies state and local bidding requirements.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Staff recommends Council approve the purchase through Tax-Exempt Leasing Corporation.

Attachments:

1. Financing Analysis Body Cams

City of Azle

Motorola Body Worn Cameras

Bank	Amount Financed	Interest Rate	Term	Number of Payments	Payment	Total Payments	Total Interest Cost	Additional Fees*
Tax-Exempt Leasing Corp.	\$ 144,700.00	5.47%	60 Months	10	\$ 17,004.17	\$170,041.70	\$ 25,341.70	None
Government Capital Corp.	\$ 144,700.00	5.56%	60 Months	10	\$ 17,090.49	\$170,904.90	\$ 26,204.90	None
Lease Experts.com	\$ 144,700.00	6.95%	60 Months	10	\$ 17,706.17	\$177,061.70	\$ 32,361.70	\$ 687.00

* Document fee



Presenter: David Hawkins, Director of Planning and Development

Agenda Item: Consider any action on the proposed mural design for the Main Street location.

Background and Explanation:

At the September 5, 2023 meeting, the Council met with Ms. Sheri Johnson-Lopez, the muralist, and provided feedback on the concept design for the future mural located at 105 W. Main St. The muralist has since provided an updated rendering with the changes discussed during the meeting. This agenda item is to approve the final design in order to retain the projected start date of October 2, 2023. The estimated time for project completion is 10 days, weather permitting. Upon approval of the final design, Staff has agreements prepared for both the property owner and an access easement for the adjacent property, Main Street Tacos.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

N/A.

Attachments:

1. Azle Main St Mural Final

Welcome

Est. 1957

HORNETS

Edward Jones || INVESTMENTS

Eagle Mountain



TO AZULE

MAIN

76020

Street



199
TEXAS



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Consider any action on Ordinance No. 2023-17 adding Article 6.09 “Regulation and Permitting Process of Donation Bins” to Chapter Six, Health and Sanitation, of the Code of Ordinances, City of Azle, Texas, and adding Article A4.002 “Donation Bin Fees” to Appendix A “Fee Schedule” of the Code of Ordinances, City of Azle, as amended, creating requirements and specifications for permits allowing the placement of donation bins on approved open spaces on private property.

Background and Explanation:

After a discussion at the May 16, 2023 regular City Council meeting, the Council directed City Staff to develop new regulations pertaining to the use of donation bins within the city limits of Azle.

Key takeaways for this new ordinance for Donation Bins:

1. Limits one donation bin per commercial property and establishes restrictions on size, location, signage, material, color.
2. No grand-fathered donations bins; all existing and new donation bins would be required to comply with new regulations and permits.
3. Establishes new annual permits, fees and maintenance requirements.
4. New procedures and fees for bin removal and impoundment.
5. Blessing Boxes/Library Book Stands are exempted from this ordinance; they would be permitted in both residential and commercial areas.

If approved by the City Council, this ordinance will be effective immediately and enforced by the Community Development Dept.

Board/Commission/Committee Recommendation:

N/A.

Staff Recommendation:

Staff forwards this new ordinance for donation bin regulations to the City Council for their consideration.

Attachments:

None

ORDINANCE NO. 2023-17

AN ORDINANCE OF THE CITY OF AZLE, TEXAS, ADDING ARTICLE 6.09 "REGULATION AND PERMITTING PROCESS OF DONATION BINS" TO CHAPTER SIX, HEALTH AND SANITATION, OF THE CODE OF ORDINANCES, CITY OF AZLE, TEXAS, AND ADDING ARTICLE A4.002 "DONATION BIN FEES" TO APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES, CITY OF AZLE, AS AMENDED, CREATING REQUIREMENTS AND SPECIFICATIONS FOR PERMITS ALLOWING THE PLACEMENT OF DONATION BINS ON APPROVED OPEN SPACES ON PRIVATE PROPERTY; CREATING A PERMIT FEE; PROVIDING FOR A FINE OF UP TO \$500.00 FOR EACH VIOLATION; PROVIDING THIS ORDINANCE BE CUMULATIVE; AND PROVIDING FOR SEVERABILITY, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, The City of Azle, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the increase in the number of persons or entities desiring to collect clothing and household products for profit or charitable purposes has led to the proliferation of donation bins in various areas of the City; and

WHEREAS, the inability of landowners to accurately identify the owners of these donation bins has resulted in decreased accountability on the part of donation bin owners; and

WHEREAS, the absence of identifying information makes it difficult or impossible for the City, property owners, or local citizens to contact donation bin operators about items placed outside of the bin, broken glass, or other concerns; and

WHEREAS, the placement of donation bins on property without permission from the property owner constitutes a trespass of private property; and

WHEREAS, the failure to properly empty and to clean in and around donation bins creates an unsightly and littered appearance near said containers; and

WHEREAS, the placement of discarded clothes and other household items outside of the donation bins leads to rummaging of items, which causes scattering and litter and may defeat the donor's intent; and

WHEREAS, the trash and debris present around unkempt donation bins invite illegal dumping under the guise of charitable solicitation and recycling; and

WHEREAS, the presence of broken glass and other sharp objects provide a threat to the general public wishing to access donation bins and other pedestrians walking on or near the property containing donation bins and provides a threat to the tires of vehicles using parking lots where donation bins are placed; and

WHEREAS, wooden donation bins have been observed with deteriorated

conditions, and are more easily toppled by storm conditions, and have been subject to arson; and

WHEREAS, it is the intent of the City Council that the City recover all reasonable costs incurred in the performance of its governmental functions, including expenses associated with the permitting, inspection, and impounding of donation bins; and

WHEREAS, City Council finds that regulating the placement, proximity and use of donation bins is necessary for the health, safety, and welfare of the general public; the promotion of consistent land use development; and the protection of landowners and residents of the City of Azle.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1.

Chapter 6, "Health and Sanitation" of the Code of Ordinances, City of Azle, Texas, shall be amended to add a new Article 6.09, "Regulation and Permitting Process of Donation Bins," to read as follows:

"ARTICLE 6.09 REGULATION AND PERMITTING PROCESS OF DONATION BINS

Sec. 6.09.001 Definitions.

For purposes of this article the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Donation Bin means any box, container, building, trailer, or other receptacle larger than thirty-six (36) inches in depth, thirty-six (36) inches in width, and seventy-two (72) inches in height that is intended for use as a collection point for donated clothing or other household materials.

Person means an individual, sole proprietorship, corporation, association, nonprofit corporation, partnership, joint venture, a limited liability company, estate, trust, public or private organization, or any other legal entity.

Sec. 6.09.002 Applicability.

The requirements of this article shall apply to all donation bins regardless of whether said bins were placed prior to the effective date of these regulations. No previously placed donation bins shall be granted any legally non-conforming rights under this article or any other article of this code. Only warning citations may be issued for the first thirty (30) days following the effective date of this article so that an educational effort by the City may be conducted to inform the public about the importance and requirements of this article.

Sec. 6.09.003 Permit and Decal Required.

(a) It shall be unlawful for any person to place or maintain, or allow to be placed or maintained, any donation bin within the city limits without having first secured and affixed to the donation bin a permit and decal in compliance with the provisions of this chapter. Obtaining the permit shall be a condition precedent to placing or maintaining the donation bin.

(b) It shall be unlawful for any person that owns, leases, is in control of, or is entitled to possession of real property within the jurisdiction of the city to authorize or allow any donation bin to be placed on or remain on such real property without a valid permit decal in compliance with the provisions of this chapter.

Sec. 6.09.004 Permit Requirements.

A permit and decal to allow a donation bin to be placed and used on designated real property shall be issued by the City after inspection and verification that all the following conditions are satisfied:

(a) The real property owner provides written authorization, with the signature notarized or on the property owner's company letterhead, allowing the donation bin on the property.

(b) The permit holder agrees to be responsible for collecting the contents of the donation bin in order to prevent overflow and littering.

(c) No more than one donation bin may be permitted for placement on any one lot. In the case of a shopping center or office development that consists of multiple platted lots, the administrator shall treat the shopping center or office development as if it is only one contiguous lot.

(d) The base area of a donation bin shall not exceed twenty-five (25) square feet in size.

(e) Each donation bin shall clearly indicate in writing on the side of each bin that all donations must fit into and be placed within the donation bin.

(f) The permit holder placing or maintaining the donation bin shall display current contact information including street address and phone number on the donation bin. Said information must be readable and clearly visible to the public.

(g) Each donation bin shall be constructed from a sturdy, weather-resistant material.

(h) Each donation bin shall be painted one solid color. No fluorescent colors shall be used for the donation bin or associated signage.

Sec. 6.09.005 Application or Permits.

(a) Applicants for permits under this chapter shall file a written, sworn application with the City. The application shall include the written authorization of the property owner allowing the donation bin on the property.

(b) A separate permit and application shall be required for each donation bin regardless of ownership. Permits issued under the provisions of this article shall be valid only at the address stated on the permit.

(c) An annual permit fee for each donation bin shall be required. All permits shall expire on December 31 of each calendar year regardless of the date of issuance; provided, however, that the fee for each permit shall be prorated for each month or portion of a month for which the permit is issued.

(d) Any person denied a permit shall have the right to appeal such action. In such case, the procedure shall be the same as in revocation.

Sec. 6.09.006 Transfer of Permit Prohibited.

No permit issued under the provisions of this article shall be transferrable and the authority a permit confers shall be conferred only on the permit holder named therein.

Sec. 6.09.007 Location Restricted.

Donation bins shall only be permitted to be placed on real property in any zoning district on which a parking lot is maintained by a business that is in operation. Only one donation bin will be allowed on a shared parking lot. The donation bin shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement, or fire lane.

Sec. 6.09.008 Impoundment of Donation Bins.

Any donation bin located within the city that does not have a current, valid permit or any permitted donation bin that has received more than two notices of violation from the City in the past twelve (12) months shall be subject to impoundment by the City. Any donation bin impounded by the City will be released to the owner upon payment of all actual costs incurred by the City for the impoundment and storage fees of twenty dollars (\$20.00) per calendar day of storage. If a donation bin is impounded for longer than fifteen (15) calendar days, it shall be considered abandoned property subject to disposal or sale at the City's sole discretion.

Sec. 6.09.009 Maintenance and Upkeep.

(a) The permit holder and the property owner shall be held jointly and severally

liable and responsible for the maintenance, upkeep, and servicing of the donation bin and clean up and removal of any donations left on the property outside of the donation bin. Any maintenance, service or cleanup associated with a donation bin shall be completed within forty-eight (48) hours of notification by the city.

(b) The City shall have the authority to abate any property in violation of this chapter that is deemed a public nuisance under any other provisions of this code.

(c) The visual and structural integrity of the donation bin must be maintained continuously.

(d) The placement of the donation bin shall not impede traffic nor visually impair any motor vehicle operation within a parking lot, driveway, or street.

(e) The donation bin shall not be located in a required building setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement, or fire lane.

(f) At least one stacking or parking space shall be required for use of persons accessing the donation bin.

(g) The donation bin may not block or occupy any number of parking spaces required by the primary use structure.

(h) The current permit decal for the specific donation bin must be affixed and displayed at all times on the outside of the donation bin.

(i) The donation bin shall only be used for the solicitation and collection of clothing and household materials. All donation materials must fit into and be placed inside the donation bin. The collection or storage of any materials outside the container is strictly prohibited.

(j) No donation bin shall be permitted to be placed or remain placed within two hundred feet (200') from a residential zoning district, or residential use. The distance shall be measured from the donation bin to the lot line of the residential use or residentially zoned property.

(k) The donation bin shall be continuously maintained in compliance with all requirements imposed by Section 6.09.004 as amended.

SECTION 2.

Appendix A "Fee Schedule" of the Code of Ordinances, City of Azle, Texas as amended, amended to add Article A4.002 "Donation Bin Fees" to read as follows:

"ARTICLE A4.002 DONATION BIN FEES

(a) Annual permit fees for donation bins will be as follows:

- (1) Annual Permit Fee: \$200
- (2) Impoundment Fee: \$200
- (3) Daily Storage Fee: \$20

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Azle, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than five-hundred dollars (\$500.00) for each offence. Each day that a violation is permitted to exist shall constitute a separate offense. Only warning citations may be issued for the first thirty (30) days following the effective date of this article so that an educational effort by the City may be conducted to inform the public about the importance and requirements of this article.

SECTION 6.

All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Azle, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 7.

The City Secretary of the City of Azle is hereby directed to publish caption and penalty clause in the official newspaper at least once within ten (10) days after the passage of this ordinance.

SECTION 8.

This ordinance shall be in full force and effect from and after its passage and publication as required by law;

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the City Council of the City of Azle, Texas, on September 19, 2023.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary

APPROVED AS TO FORM:

Cara Leahy White, City Attorney



Presenter:	David Hawkins, Director of Planning and Development
Agenda Item:	Conduct a public hearing and consider any action on Ordinance No. 2023-16 regarding a Specific Use Permit request to operate a home daycare for property located at 117 Huling Drive and also known as Lot 18, Block 1, M. G. Huling Addition. The property is located on the east side of Huling Drive approximately four hundred fifty feet (450') south of S. Stewart Street. The applicant is requesting a Specific Use Permit to allow the daycare facility with a maximum of 12 children.

Background and Explanation:

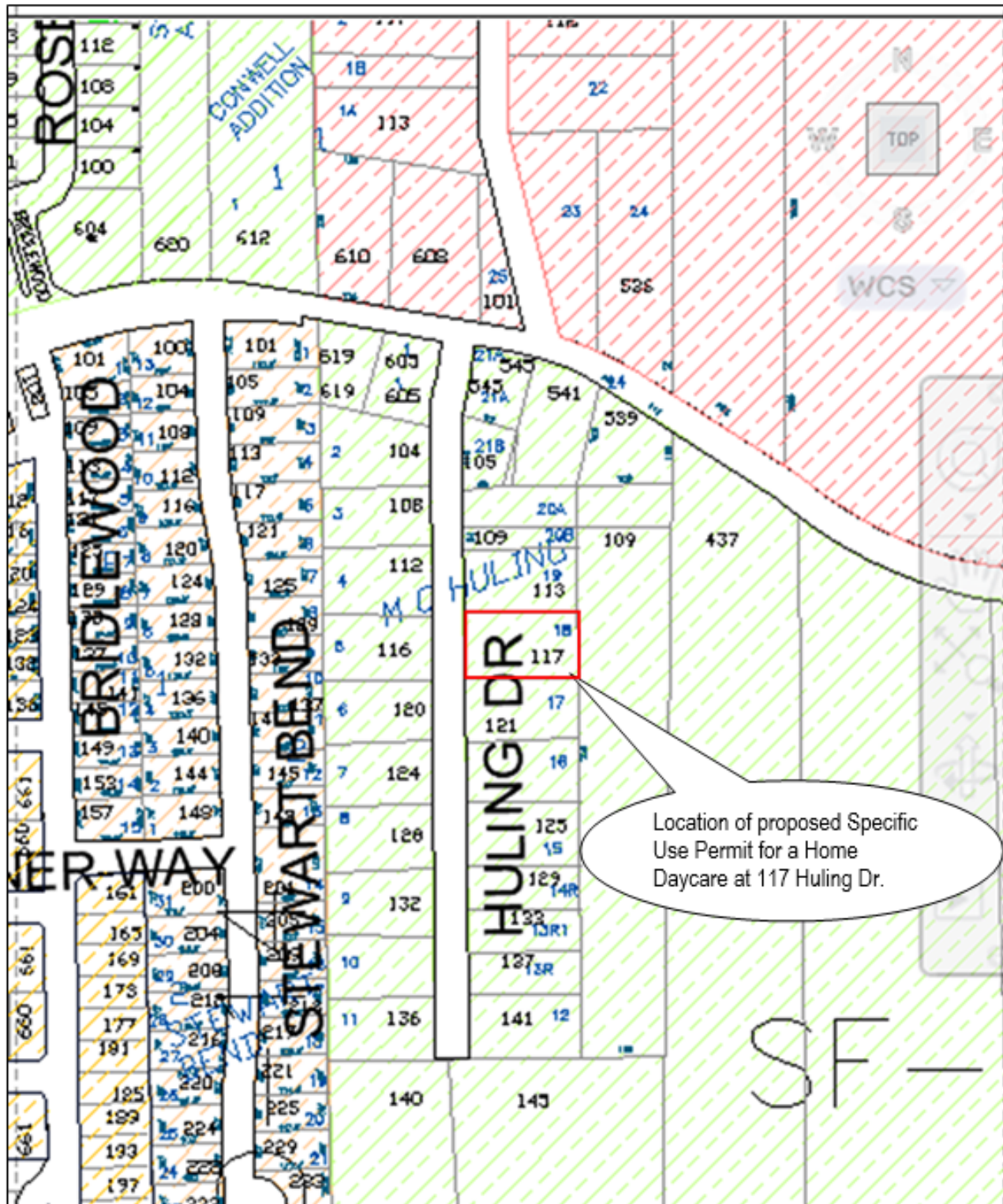
The property owner and applicant is requesting a Specific Use Permit (SUP) for a home daycare facility with a maximum of twelve (12) children at the residence of 117 Huling Drive. A SUP is required to operate a home daycare facility in all single-family zoning districts in Azle. This daycare facility has been in operation as Happy Hands Preschool at this address since 2018 without a SUP by the City. Approval of this SUP request will bring this property into compliance with Azle zoning ordinances and allow it to continue its operation at this location.

Existing Condition of Property:

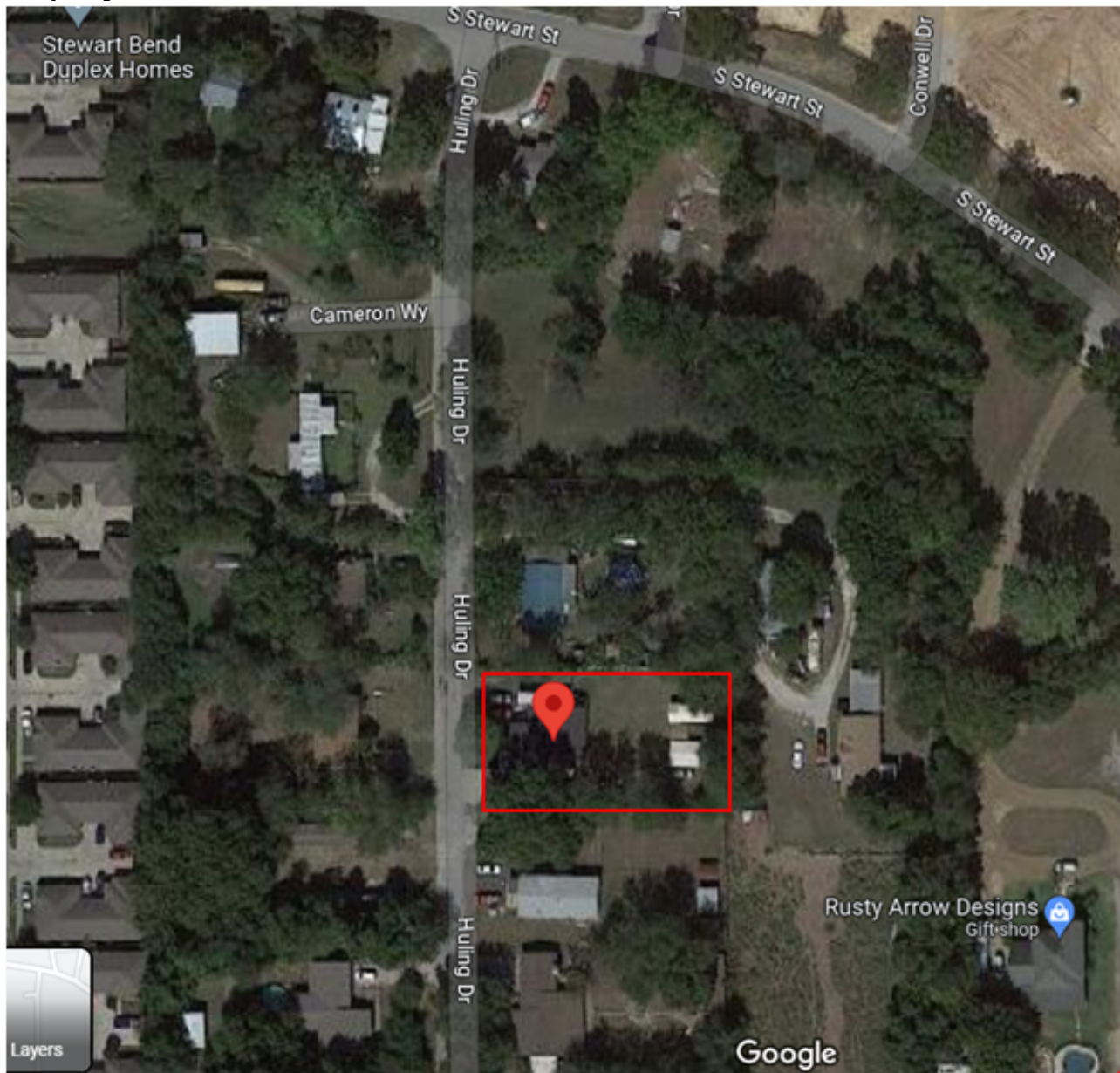
The property is approximately 0.40 acres and was platted as part of the M. G. Huling Addition back in 1952. According to Parker County Appraisal District records, a single-family residence was constructed in 1988.

Adjacent Zoning:

North: Residential property zoned SF-3
South: Residential property zoned SF-3
East: Residential property zoned SF-3
West: Residential property zoned SF-3



Property Location Exhibit:



Utilities:

Water and sewer is available to serve this property.

Certificate of Occupancy/Licensing:

Prior to issuance of a Certificate of Occupancy, a copy of the licensing from the State of Texas and passed inspections by the Fire Department will be required.

Specific Use Permit Notification Process:

Fifteen (15) letters were sent to surrounding property owners within 200'. As of September 13, 2023, staff has received four (4) formal responses from the public on this request.

Board/Commission/Committee Recommendation:

The Planning and Zoning Commission conducted a public hearing at their regular meeting on August 17, 2023 and recommended approval of this Specific Use Permit request as presented. The motion passed by a vote of 5-1 (Noes - Simmons). Commissioner Carlson was absent.

Staff Recommendation:

Section 32.7 of the Zoning Ordinance states that granting or denying an application for a specific use permit, the City Council shall take into consideration the following factors:

- A. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.
- B. Safety from fire hazard and measures of fire control.
- C. Protection of adjacent property from flood or water damage.
- D. Noise producing elements and glare of vehicular and stationary lights and effects of such lights on established character of the neighborhood.
- E. Location, lighting, type of signs, and relation of signs to traffic control and adverse effect on adjacent properties.
- F. Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site in the immediate neighborhood.
- G. Adequacy of parking, as determined by requirements of this Section, for off-street parking facilities for similar uses, location of ingress and egress points for parking and off-street loading spaces, and protection of the public health by all weather surfacing on all parking areas to control dust.
- H. Compatibility of the proposed use with surrounding and adjacent properties and whether such use will adversely affect the use and enjoyment of the surrounding and adjacent properties.
- I. Such other measures as will secure and protect the public health, safety, morals, and general welfare.

Options for the City Council:

- 1. Approve as submitted
- 2. Approve with conditions
- 3. Denial
- 4. Table the case to a future meeting

Staff forwards this Specific Use Permit request to the City Council for their consideration.

Attachments:

- 1. Letter from Applicant - 117 Huling SUP Home Daycare
- 2. SUP Exhibits - 117 Huling Dr. Home Daycare
- 3. Public Responses - SUP Request Home Daycare 117 Huling Dr.

ORDINANCE NO. 2023-16

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF AZLE, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR THE OPERATION OF A DAYCARE FACILITY WITH A MAXIMUM OF TWELVE (12) CHILDREN AS DEFINED BY SECTION 3.2 OF THE CITY OF AZLE COMPREHENSIVE ZONING ORDINANCE ON THE PROPERTY LOCATED AT 117 HULING DRIVE AND ALSO KNOWN AS LOT 18, BLOCK 1, M. G. HULING ADDITION, PARKER COUNTY TEXAS; REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Azle is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Azle heretofore adopted the Zoning Ordinance of the City, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, the owner of the property has filed an application for a Specific Use Permit (SUP) to operate a "Daycare facility with a maximum of twelve (12) children" as defined in Section 3.2 of the City of Azle Comprehensive Zoning Ordinance for the property located at 117 Huling Drive and also known as Lot 18, Block 1, M. G. Huling Addition: and

WHEREAS, the Planning and Zoning Commission of the City of Azle, Texas held a public hearing on August 17, 2023 and the City Council of the City of Azle, Texas, held a public hearing on September 19, 2023, with respect to the zoning change described herein; and

WHEREAS, The Planning & Zoning Commission and the City Council of the City of Azle, in compliance with the laws of the State of Texas and the ordinances of the City of Azle, have given requisite notice of publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion have concluded that the Comprehensive Zoning Ordinance and Map should be amended as described herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AZLE, TEXAS THAT:

SECTION 1.

The Zoning Ordinance and Map of the City of Azle, Texas, duly passed by the governing body of the City of Azle, as amended from time to time, be and the same is hereby amended by granting a Specific Use Permit (SUP) to operate a daycare facility with a maximum of twelve (12) children as defined by Section 3.2 of the City of Azle Comprehensive Zoning Ordinance for property located at 117 Huling Drive and also known as Lot 18, Block 1, M. G. Huling Addition, Parker County Texas.

SECTION 2.

The use of the Property described above shall conform to all applicable regulations contained in the Zoning Ordinance, all other applicable and pertinent ordinance of the City of Azle.

SECTION 3.

The zoning classification as herein established has been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community.

SECTION 4.

The official zoning map of the City of Azle is hereby amended and the City Secretary is directed to revise the zoning map to reflect the Specific Use Permit, as set forth above.

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Azle, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 6.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects, refuses or fails to comply with, or who resists the enforcement of any provision of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for

each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Azle are expressly saved as to any and all violations of the provisions of the Azle Municipal Code, or any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the court.

SECTION 9.

The City Secretary of the City of Azle is hereby directed to publish the caption, the penalty clause and effective date clause in the official newspaper at least once within ten (10) days after the passage of this ordinance.

SECTION 10.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law;

AND IT IS SO ORDAINED.

DULY PASSED AND APPROVED by the City Council of the City of Azle, Texas, on September 19, 2023.

Alan Brundrett, Mayor

ATTEST:

Yael Forgey, City Secretary

APPROVED AS TO FORM:

Cara Leahy White, City Attorney

August 7, 2023

Ladies and Gentlemen:

Happy Hands Childcare requests a permit to continue providing service to the citizens of Azle. I actually began babysitting in 2018 when I retired from 27 years of teaching (21 of those years in Azle). I was not aware at the time that I needed to be certified by the state, so there was unfortunately no previous SUP. I am now in the process of becoming licensed through the state. My operation number is 1785032. In the interim, I have provided childcare to children 6 months to 8 years of age. I have had no complaints filed and no one has left my services due to any negative problems with my service. I have a room in my home that is a room solely dedicated to childcare. I reside and operate my childcare at 117 Huling Drive (subdivision: Huling M.G, Lot 18, BLK:1). Pictures I have sent show that I have driveways/parking on both sides of my home which keeps my clients from parking on the street. There is no signage except a sign requesting residents to slow down. Parents arrive in a staggered time frame which also cuts down on any extra traffic they may cause.

I will only be serving 12 children or less between the hours of 7:00 AM to 5:00 PM. The house diagram shows how many students could fit in each available room, but the maximum I will have is 12 students. This will also mean hardly any extra traffic on our street. Having my center here in the middle of the neighborhood has also helped cut back on speeding down the road by other residents. My front yard is fenced for the children to play safely away from the road.

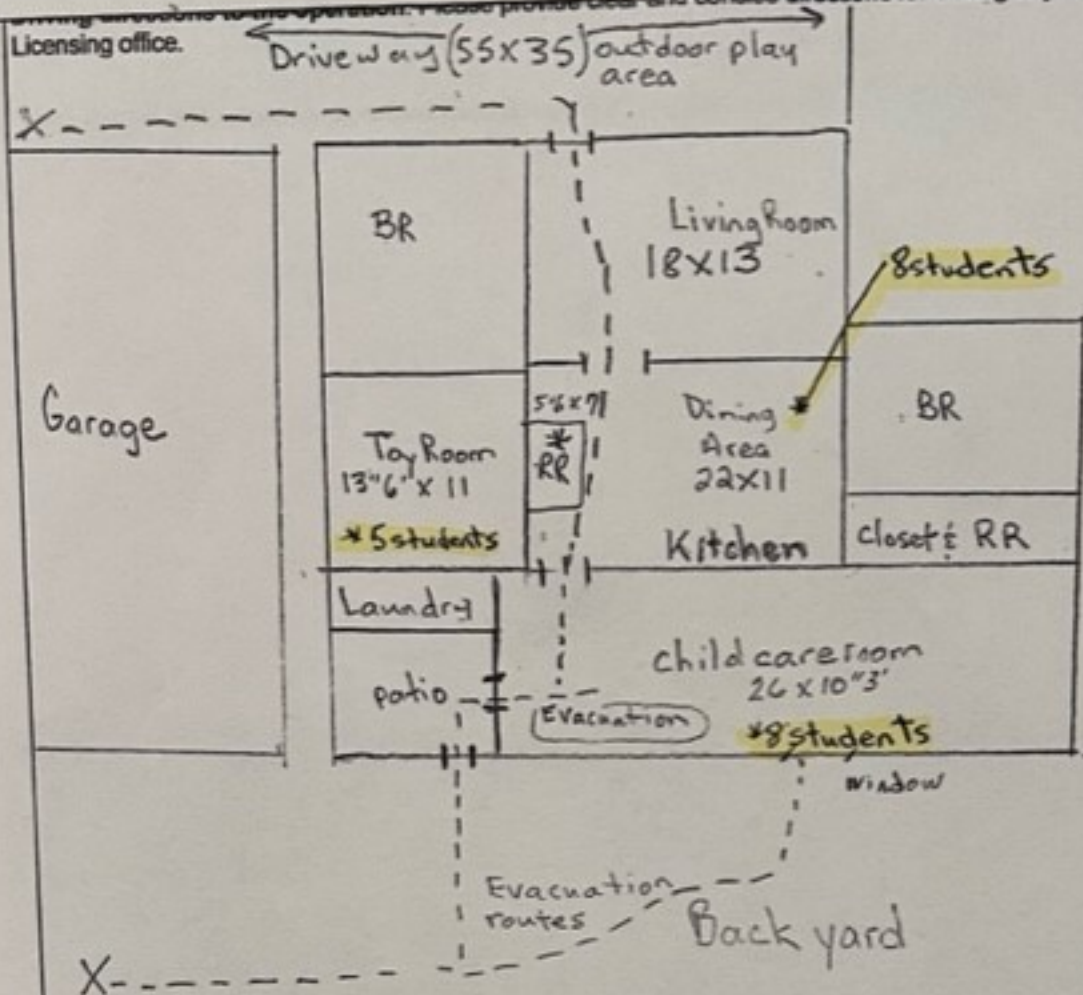
I am a retired teacher who taught 27 years. I use this income as a vital part of our livelihood. It is very important to me that you respond yes to my petition for permission to continue my daycare.

Thank you,

Gaynelle Swearingen

Happy Hands Childcare

Driving directions to the operation. Please provide clear and concise directions for driving to your operation from the nearest Licensing office.



RR* = Shelter and bad weather room

Privacy Statement

HHSC values your privacy. For more information, read the privacy policy online at: <https://hhs.texas.gov/policies-practices-privacy-security>

Fire evacuation - follow map and meet at backyard side gate.
Once attendance checked proceed to 121 Huling for shelter.





NOTICE OF PUBLIC HEARING

SUP2023-01

The Planning and Zoning Commission of the City of Azle will hold a public hearing on **Thursday, August 17, 2023** to consider making a recommendation to the City Council regarding a Specific Use Permit request to operate an in home daycare for property located at 117 Huling Drive and also known as Lot 18, Block 1, M. G. Huling Addition. The property is located on the east side of Huling Drive approximately four hundred fifty feet (450') south of S. Stewart Street. The applicant is requesting a Specific Use Permit to allow the daycare facility with a maximum of 12 children.

The public hearing will start at 6:00 p.m. in the City Council Chambers located at 505 W. Main, Azle, Texas. *Because you own property within two hundred feet (200') of the subject property, the Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing.* Please, in order for your opinion to be taken into account, return this form with your comments prior to the date of the public hearing. *(This in no way prohibits you from attending and participating in the public hearing.)* You may mail it to the address below or drop it off in person:

Planning Department
PO Box 1378
Azle, Texas 76098
Attn: David Hawkins, AICP

The process includes two public hearings designed to provide opportunities for citizen involvement and comment. Prior to the public hearings, landowners within two hundred (200) feet of the subject property are notified of the request by way of this notice. The first public hearing is held before the Planning and Zoning Commission. The Commission is informed of the percent of responses in support and in opposition. Second, the petition is forwarded to the City Council for final action. Should the Commission recommend denial, or if the owners of more than twenty (20) percent of the land area within two hundred (200) feet of the site submit written opposition, then six out of seven votes of the City Council are required to approve the request. ***These forms are used to calculate the percentage of landowner opposition.***

Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

Signature: Rebecca McDavid

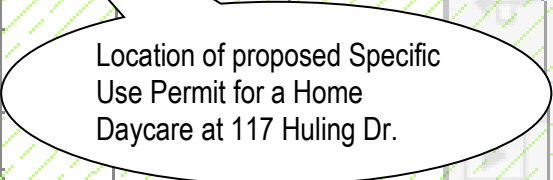
Printed Name: Rebecca McDavid

Mailing Address: 121 Huling Dr

City, State Zip: Azle Tx 76020

Telephone Number: 682 558 9147

Physical Address of Property within 200 feet: 121 Huling Dr



NOTICE OF PUBLIC HEARING

SUP2023-01

The Planning and Zoning Commission of the City of Azle will hold a public hearing on **Thursday, August 17, 2023** to consider making a recommendation to the City Council regarding a Specific Use Permit request to operate an in home daycare for property located at 117 Huling Drive and also known as Lot 18, Block 1, M. G. Huling Addition. The property is located on the east side of Huling Drive approximately four hundred fifty feet (450') south of S. Stewart Street. The applicant is requesting a Specific Use Permit to allow the daycare facility with a maximum of 12 children.

The public hearing will start at 6:00 p.m. in the City Council Chambers located at 505 W. Main, Azle, Texas. *Because you own property within two hundred feet (200') of the subject property, the Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing.* Please, in order for your opinion to be taken into account, return this form with your comments prior to the date of the public hearing. *(This in no way prohibits you from attending and participating in the public hearing.)* You may mail it to the address below or drop it off in person:

Planning Department
PO Box 1378
Azle, Texas 76098
Attn: David Hawkins, AICP

The process includes two public hearings designed to provide opportunities for citizen involvement and comment. Prior to the public hearings, landowners within two hundred (200) feet of the subject property are notified of the request by way of this notice. The first public hearing is held before the Planning and Zoning Commission. The Commission is informed of the percent of responses in support and in opposition. Second, the petition is forwarded to the City Council for final action. Should the Commission recommend denial, or if the owners of more than twenty (20) percent of the land area within two hundred (200) feet of the site submit written opposition, then six out of seven votes of the City Council are required to approve the request. ***These forms are used to calculate the percentage of landowner opposition.***

Please circle one:

☒ In favor of request

☐ Neutral to request

☐ Opposed to request

Reasons for Opposition:

Signature: _____

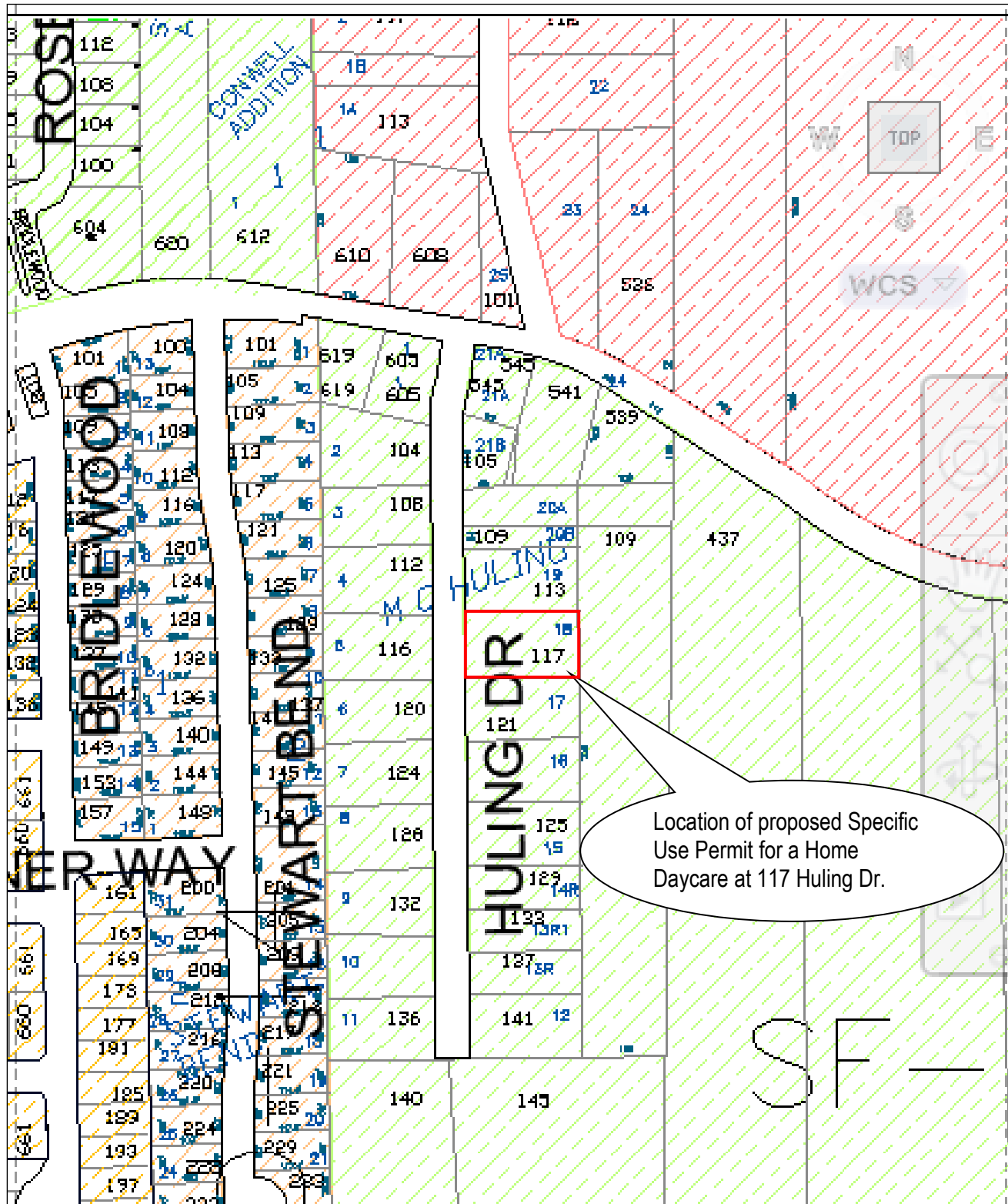
Printed Name: _____

Mailing Address: _____

City, State Zip: _____

Telephone Number: _____

Physical Address of Property within 200 feet: _____



NOTICE OF PUBLIC HEARING

SUP2023-01

The Planning and Zoning Commission of the City of Azle will hold a public hearing on **Thursday, August 17, 2023** to consider making a recommendation to the City Council regarding a Specific Use Permit request to operate an in home daycare for property located at 117 Huling Drive and also known as Lot 18, Block 1, M. G. Huling Addition. The property is located on the east side of Huling Drive approximately four hundred fifty feet (450') south of S. Stewart Street. The applicant is requesting a Specific Use Permit to allow the daycare facility with a maximum of 12 children.

The public hearing will start at 6:00 p.m. in the City Council Chambers located at 505 W. Main, Azle, Texas. *Because you own property within two hundred feet (200') of the subject property, the Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing.* Please, in order for your opinion to be taken into account, return this form with your comments prior to the date of the public hearing. *(This in no way prohibits you from attending and participating in the public hearing.)* You may mail it to the address below or drop it off in person:

Planning Department
PO Box 1378
Azle, Texas 76098
Attn: David Hawkins, AICP

The process includes two public hearings designed to provide opportunities for citizen involvement and comment. Prior to the public hearings, landowners within two hundred (200) feet of the subject property are notified of the request by way of this notice. The first public hearing is held before the Planning and Zoning Commission. The Commission is informed of the percent of responses in support and in opposition. Second, the petition is forwarded to the City Council for final action. Should the Commission recommend denial, or if the owners of more than twenty (20) percent of the land area within two hundred (200) feet of the site submit written opposition, then six out of seven votes of the City Council are required to approve the request. ***These forms are used to calculate the percentage of landowner opposition.***

Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition:

Signature: Valentina Castillo

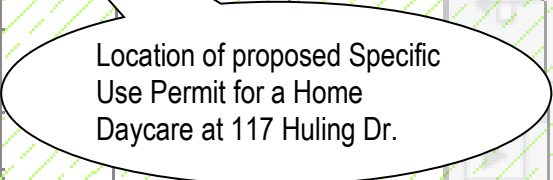
Printed Name: Valentina Castillo

Mailing Address: 113 Huling Dr.

City, State Zip: Azle TX 76020

Telephone Number: (817) 204-8314

Physical Address of Property within 200 feet: 113 Huling Dr



NOTICE OF PUBLIC HEARING

SUP2023-01

The Planning and Zoning Commission of the City of Azle will hold a public hearing on **Thursday, August 17, 2023** to consider making a recommendation to the City Council regarding a Specific Use Permit request to operate an in home daycare for property located at 117 Huling Drive and also known as Lot 18, Block 1, M. G. Huling Addition. The property is located on the east side of Huling Drive approximately four hundred fifty feet (450') south of S. Stewart Street. The applicant is requesting a Specific Use Permit to allow the daycare facility with a maximum of 12 children.

The public hearing will start at 6:00 p.m. in the City Council Chambers located at 505 W. Main, Azle, Texas. *Because you own property within two hundred feet (200') of the subject property, the Planning and Zoning Commission would like to hear how you feel about this request and invites you to attend the public hearing.* Please, in order for your opinion to be taken into account, return this form with your comments prior to the date of the public hearing. *(This in no way prohibits you from attending and participating in the public hearing.)* You may mail it to the address below or drop it off in person:

Planning Department
PO Box 1378
Azle, Texas 76098
Attn: David Hawkins, AICP

The process includes two public hearings designed to provide opportunities for citizen involvement and comment. Prior to the public hearings, landowners within two hundred (200) feet of the subject property are notified of the request by way of this notice. The first public hearing is held before the Planning and Zoning Commission. The Commission is informed of the percent of responses in support and in opposition. Second, the petition is forwarded to the City Council for final action. Should the Commission recommend denial, or if the owners of more than twenty (20) percent of the land area within two hundred (200) feet of the site submit written opposition, then six out of seven votes of the City Council are required to approve the request. ***These forms are used to calculate the percentage of landowner opposition.***

Please circle one:

In favor of request

Neutral to request

Opposed to request

Reasons for Opposition: Causes lots of traffic on our already little road.

Signature: Jennifer Waldrip

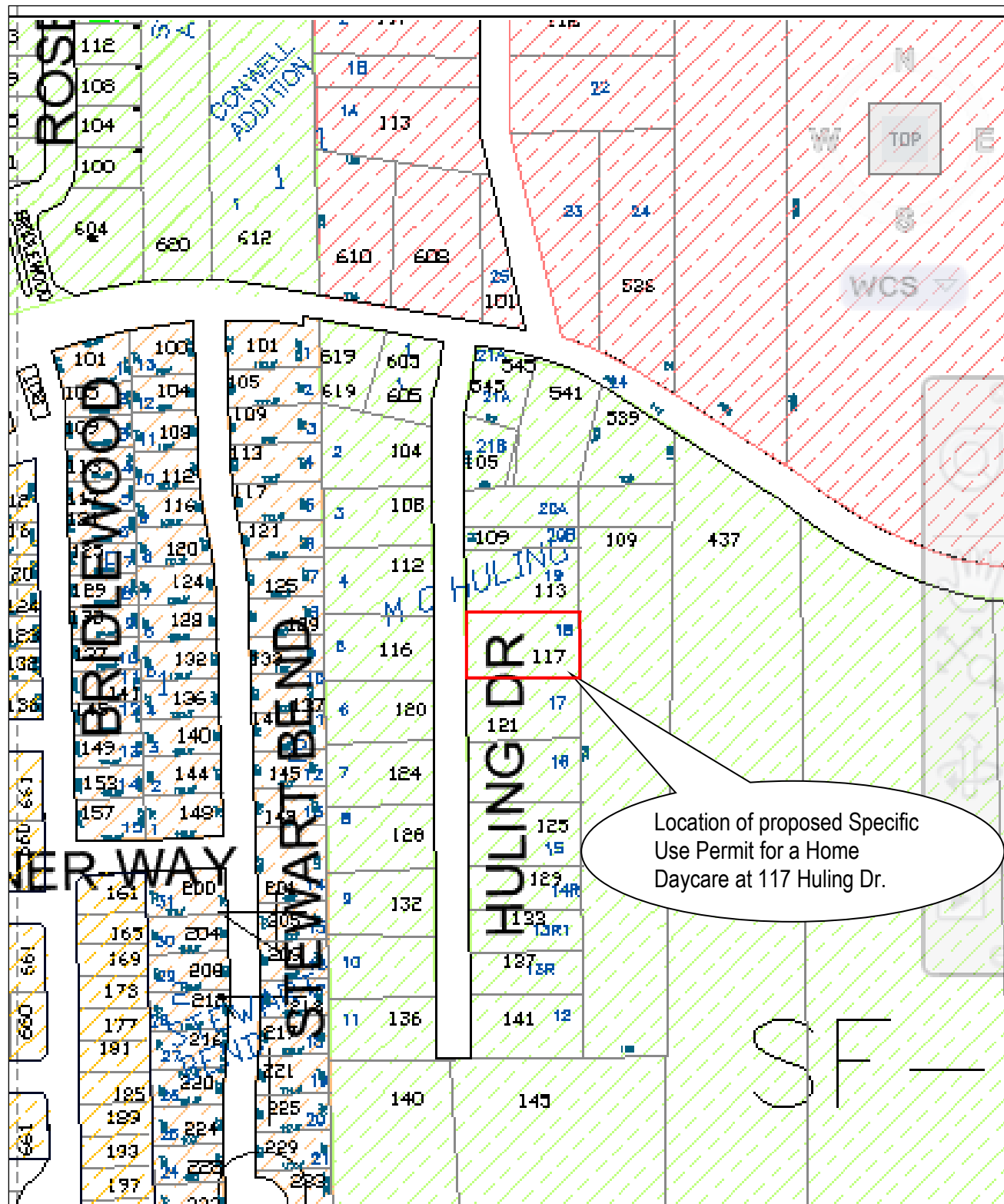
Printed Name: Jennifer Waldrip

Mailing Address: 132 Huling Dr

City, State Zip: Azle, TX 76020

Telephone Number: 817-564-5942

Physical Address of Property within 200 feet: 132 Huling Dr





Presenter: David Hawkins, Director of Planning and Development

Agenda Item: Food Truck Park Update.

Background and Explanation:

Council requested Staff to look into possibly creating a food truck park. This discussion item is a follow-up to the last meeting with City Council on August 15, 2023 on the development of a new food truck park to be located at the City-owned property on Church St. and Locust Drive. Staff will provide updates on costs, services, and timeline.

Board/Commission/Committee Recommendation:

Staff Recommendation:

Attachments:

None