



**Special Called
City Council Meeting
September 13, 2016**



City of Robinson

111 W. Lyndale, Robinson, TX 76706-5619
Phone (254) 662-1415 ❖ Fax (254) 662-1035

SPECIAL CALLED MEETING PUBLIC NOTICE

THE ROBINSON CITY COUNCIL WILL MEET ON TUESDAY, SEPTEMBER 13, 2016, AT 6:00 P.M. IN THE COUNCIL ROOM AT ROBINSON CITY HALL, 111 WEST LYNDALE, ROBINSON, TEXAS TO CONSIDER AND ACT ON THE ITEMS ON THE FOLLOWING AGENDA.

1. Call to order.
2. Invocation.
3. Roll call.
4. Consider and possible action on Ordinance 2016-009 adopting a budget and making appropriations for the support of the City of Robinson for Fiscal Year 2016-2017.
5. Consider and possible action on Ordinance 2016-010 adopting tax rate and levying property taxes for 2016.
6. Consider and possible action to ratify the property tax increase reflected by the adoption of the budget which requires raising more revenue from property taxes than in the previous year.
7. Consider and possible action on Ordinance 2016-011 establishing Utility Rates.
8. Consider and possible action regarding Interlocal Cooperative Agreement between the City of Robinson and the City of Waco for use of the City of Waco MHZ trunked voice radio system.
9. ***Executive Session:*** A closed meeting will be held pursuant to *Section 551.071 of the Government Code (V.C.T.A.)* so that the City Council can seek and receive legal advice and counsel from its attorneys regarding pending or threatened litigation, settlement offers, claims, or other matters for which the attorneys' duties to their client under the Texas State Bar Disciplinary Rules of Professional Conduct conflicts with the Open Meetings Act (Ch.551, Gov. Code), including, but not limited to: *Thompson v City of Robinson*.

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10. Consideration and possible action on settlement of *Thompson v City of Robinson* litigation.

11. Adjourn.

****The Governing Body reserves the right to go into Executive Session on any of the above items as provided by Government Code Chapter 551.***

****Public Hearings will be held in accordance with procedures set forth in Resolution R-95-011, adopted by the City Council on June 13, 1995.***

Note: Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services should contact Jana Lewellen, City Secretary at 254-662-1415 at least twenty-four (24) hours before this meeting so that appropriate arrangements can be made.



COUNCIL AGENDA ITEM MEMORANDUM

Date Submitted: 09/08/2016

Meeting Date: 09/13/2016

Item #3

CALL TO ORDER:

INVOCATION:

ROLL CALL:

	PRESENT	ABSENT
ROGERS	_____	_____
STIVENER	_____	_____
LEUSCHNER	_____	_____
ECHTERLING	_____	_____
MASTERGEORGE	_____	_____
JANICS	_____	_____
BAKER	_____	_____



COUNCIL AGENDA ITEM MEMORANDUM

Date Submitted: 09/08/2016

Meeting Date: 09/13/2016

Agenda Item #4

DEPT./DIVISION SUBMISSION & REVIEW:

Craig Lemin, City Manager

ITEM DESCRIPTION: Consider and possible action on Ordinance 2016-009 adopting a budget and making appropriations for the support of the City of Robinson for Fiscal Year 2016-2017.

STAFF RECOMMENDATION: Approve Ordinance 2016-009 as presented.

ITEM SUMMARY: The attached Ordinance is to approve planned expenditures and fund the municipal government of the City of Robinson for its fiscal year beginning October 1, 2016 and ending September 30, 2017.

ATTACHMENTS:

Budget Summary

Ordinance

**Combined Summary of Revenues and Expenditures/Expenses
FY 2016-17**

DESCRIPTION	GOVERNMENTAL FUNDS			PROPRIETARY FUNDS		TOTAL ALL FUNDS
	GENERAL FUND	DEBT SERVICE FUND	SPECIAL PURPOSE FUNDS	WATER FUND	WASTE WATER FUND	
BEGINNING BALANCE	2,479,976	122,768	193,217	1,903,204	786,568	5,485,733
<u>REVENUES</u>						
Taxes	4,671,480	923,902	21,500	-	-	5,616,882
Sanitation Charges For Service	674,764	-	-	-	-	674,764
License and Permits	38,900	-	13,400	-	-	52,300
Fines & Forfeitures	250,718	-	-	-	-	250,718
Intergovernmental	28,000	-	-	-	-	28,000
Contributions and Donations	-	-	-	-	-	-
Other Financial Services	55,000	-	-	17,000	20,000	92,000
Interest on Investments	16,800	1,800	394	24,000	9,000	51,994
Water Charges & Fees	-	-	-	4,837,462	-	4,837,462
Wastewater Charges & Fees	-	-	-	-	2,042,316	2,042,316
TOTAL REVENUES	5,735,662	925,702	35,294	4,878,462	2,071,316	13,646,436
TRANSFERS FROM OTHER FUNDS	375,798					375,798
<u>EXPENDITURES / EXPENSES</u>						
Personnel Services	3,751,282	-	4,845	757,154	328,141	4,841,422
Supplies	255,479	-	7,000	176,915	24,200	463,594
Maintenance	359,088	-	1,600	299,330	195,445	855,463
Other Services & Charges	1,537,444	-	4,000	1,074,815	380,580	2,996,839
Capital Outlay	304,467	-	-	321,700	103,000	729,167
Appropriations (Debt)	12,405	925,706	-	1,891,766	681,908	3,511,785
TOTAL EXPENDITURES/EXPENSES	6,220,165	925,706	17,445	4,521,680	1,713,274	13,398,270
REVENUE OVER (UNDER) EXPENDITURES/EXPENSES	(108,705)	(4)	17,849	356,782	358,042	623,964
TRANSFERS TO OTHER FUNDS	-	-	-	266,060	112,327	378,387
ENDING BALANCE	2,371,271	122,764	211,066	1,993,926	1,032,283	5,731,310

ORDINANCE NO. 2016-009

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF ROBINSON, TEXAS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY'S INDEBTEDNESS, ADOPTING THE ANNUAL BUDGET OF THE CITY OF ROBINSON FOR THE 2016-2017 FISCAL YEAR; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the budget, appended here as Exhibit A, for the fiscal year beginning October 1, 2016 and ending September 30, 2017, was duly presented to the City Council by the City Manager and a Public Hearing was ordered and a public notice of said hearings was caused to be given and said public hearings was held on September 6, 2016;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROBINSON, TEXAS

SECTION 1. The appropriation for the period of time beginning October 1, 2016, and ending September 30, 2017, shall be distributed among the various funds established incident thereto as follows:

(a)	General Fund	\$ 6,220,165
(b)	Debt Service Fund	\$ 925,706
(c)	Water Fund	\$ 4,521,680
(d)	Wastewater Fund	\$ 1,713,274
(e)	Court Building Security Fund	\$ 3,000
(f)	Court Technology Fund	\$ 5,600
(g)	Hotel/Motel Tax Fund	\$ 4,000
(h)	Juvenile Case Manager Fund	\$ 4,845
(i)	Capital Project Fund	\$ 323,200
(j)	Water Capital Project Fund	\$ 10,998,850
(k)	Sewer Capital Project Fund	\$ <u>3,320,800</u>
	TOTAL ALLOCATION OF ALL FUNDS	\$28,041,526

SECTION 2. That the budget, as shown in words and figures in Exhibit A, is hereby approved in all respects and adopted as the City's budget for the fiscal year beginning October 1, 2016 and ending September 30, 2017.

SECTION 3. That there is hereby appropriated the amount shown in said budget necessary to provide for a sinking fund for the payment of the principal and interest and the retirement of the bonded debt of said city.

SECTION 4. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given as required by law.

SECTION 5. Should any part, portion, section or provision of this ordinance be declared to be invalid or inoperative or void for any reason by a court of competent jurisdiction, such decision, opinion or judgement shall in no way affect the remaining parts, portions, sections or provisions of this ordinance which provisions shall remain and continue to be in full force and effect.

PASSED this 13th day of SEPTEMBER, 2016 by a vote of ____ AYES to ____ NAYS with ____ Abstentions.

Mayor Bert Echterling

ATTEST:

Jana Lewellen, City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

Date Submitted: 09/08/2016

Meeting Date: 09/13/2016

Agenda Item #5

DEPT./DIVISION SUBMISSION & REVIEW:

Craig Lemin, City Manager

ITEM DESCRIPTION: Consider and possible action on Ordinance 2016-010 adopting the tax rate and levying property taxes for 2016.

STAFF RECOMMENDATION: Approve Ordinance 2016-010 as presented.

ITEM SUMMARY: To support the municipal government of the City of Robinson, a tax rate of \$.499500 will be established for the fiscal year beginning October 1, 2016 and ending September 30, 2016. The General Fund operations and maintenance rate will be set at \$0.374555 with the remaining \$0.124945 for interest and sinking fund debt service.

***REQUIRED MOTION: I move that the property tax rate be increased by the adoption of a tax rate of 0.499500, which is effectively a 6.54 percent increase in the tax rate.**

ATTACHMENTS:

Tax Data

Ordinance

Property Tax Information

TAXABLE VALUE

TAX VALUE	2015 Actual	2016 Proposed
NET TAXABLE VALUE	673,460,422	734,885,292
New Construction Included	14,705,306	13,402,020

PROPERTY TAX CALCULATION

TOTAL TAXABLE VALUE		673,460,422	734,885,292
Proposed Tax Rate	x	0.505321	0.499500
Tax Levy		3,403,137	3,670,752
Collection Rate	x	1.0000	1.0000
NET COLLECTIONS		3,403,137	3,670,752
Collections from New Constr.		74,309	66,943
Increase (Decrease) from Previous Year			267,615

PROPERTY TAX ALLOCATIONS

TOTAL 2016 TAX RATE	O & M LEVY	DEBT SERVICE LEVY	TOTAL LEVY
\$0.499500	2,752,550	918,202	3,670,752
	@	@	@
	0.374555	0.124945	0.499500
		Effective Tax Rate	0.468849
		Amt. Over (Under) Effective Rate	0.030651
		Rollback Tax Rate	0.503473
		Amt. Over (Under) Rollback Rate	

Note: The City Charter of the City of Robinson does not provide for a debt limit. Under provisions of state law, the maximum tax rate is limited to \$2.50 per \$100 assessed valuation.

Tax Rate Limit	\$	2.5000
Proposed Tax Rate	\$	0.4995
Available Tax Rate	\$	2.0005

ORDINANCE NO. 2016-010

AN ORDINANCE LEVYING PROPERTY TAXES FOR 2016 FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF ROBINSON, TEXAS, AND DESIGNATING SPECIFIC PURPOSES FOR SUCH LEVY, PROVIDING FOR EXEMPTIONS FROM SUCH TAX, FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Article 11, Section 5 of the *Texas Constitution* provides that cities having a population of more than 5,000 inhabitants may levy, assess, and collect such taxes as may be authorized by law and which shall not exceed 2 1/2% of the taxable value of such city; and

WHEREAS, The City of Robinson, Texas (hereinafter sometimes referred to as the "City"), has a population as determined by the 2010 census, and adjusted by 2.5% to 11,614.

WHEREAS, The City of Robinson, Texas, has adopted the powers of a Home Rule Municipality; and

WHEREAS, Section 302.001 of the *Texas Property Tax Code* reads as follows:

"A home-rule municipality may levy special or general
Property taxes for lawful purposes"

WHEREAS, it is the desire of this City Council to establish a property tax for the City for calendar year 2016 to fund its 2016-2017 fiscal year budget;

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

1. That the above recitals are true and correct.
2. That a motion was made and seconded that the tax rate be increased by the adoption of a tax rate of **\$.499500 on each \$100.00 valuation of property, which is effectively a 6.54 percent increase in the tax rate; and** that there is hereby levied and there shall be collected tax for calendar year 2016 for the use and support of the municipal government of the City of Robinson, Texas, upon all property, real, personal, and mixed, within the corporate limits of such city subject to taxation, a tax of \$.499500 on each \$100 valuation of property, said tax being so levied and apportioned to the specific purposes herein set forth:
 - A. For debt service, a tax rate of \$0.124945 per \$100 valuation.
 - B. For the maintenance and operation expenditures of the City, to be deposited into the City's general fund and then to be used in accordance with the budget adopted by this City Council for the City's Fiscal Year from October 1, 2016, and ending September 30, 2017, a tax rate of \$0.374555 per \$100 valuation.

C. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

D. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 8.21 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$2.66.

E. THE TAX RATE WILL EXCEED THE EFFECTIVE TAX RATE OF \$0.468849.

3. The taxes levied under this Ordinance shall become due as provided in the *Texas Property Tax Code*, and if not paid on or before January 31, 2017, shall immediately become delinquent.

4. All taxes shall become a lien upon the property which is assessed hereunder, and the City hereby designates the McLennan County Tax Assessor-Collector to assess and collect taxes on behalf of the City and to be hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and all Ordinances of the City of Robinson, Texas, including this Ordinance, and shall, by virtue of the tax rolls, fix and establish a lien by levying on such property for the payment of such taxes, penalty, and interest. All interest and penalties collected from delinquent taxes shall bear interest from the date of delinquency at the rate prescribed by the *Texas Property Tax Code*.

5. All receipts by the City not specifically appropriated by the Ordinance shall be made to the general fund of the City.

6. All monies collected under this Ordinance shall be for the specific items named above in Section 2, and the same are hereby appropriated and set apart for the specific purposes named above in Section 2.

7. That this City Council hereby declares as exempt from the taxes levied by this Ordinance for 2016 (I) \$10,000 of the value of the resident homestead of those persons over age 65, and (II) \$10,000 of the value of the resident homestead of those persons who are "disabled" as defined in the *Texas Property Tax Code*. No one resident homestead shall be entitled to both such exemptions, it being the intent of this Ordinance that the maximum total amount of such exemptions as to any one resident homestead shall be \$10,000 and not \$20,000.

8. It is officially found and determined that the meeting at which this Ordinance was passed is open to the public as required by law, and that notice of the time, place, and subject of such meeting has been given as required by law.

PASSED this 13th day of SEPTEMBER, 2016 by a vote of ____ AYES to ____ NAYS with ____ Abstentions.

Bert Echterling, Mayor

ATTEST:

Jana Lewellen, City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

Date Submitted: 09/08/2016

Meeting Date: 09/13/2016

Agenda Item #6

DEPT./DIVISION SUBMISSION & REVIEW:

Craig Lemin, City Manager

ITEM DESCRIPTION: Consider and possible action to ratify the property tax increase reflected by the adoption of the budget which requires raising more revenue from property taxes than in the previous year.

STAFF RECOMMENDATION: Ratify the property tax revenue increase reflected in the budget.

ITEM SUMMARY: State Truth in Taxation requires that anytime the City Council adopts a tax rate and budget that increases property tax revenue, they must take a separate vote to ratify the increase.

***Suggested Motion: “I move to ratify the property tax revenue increase reflected in the FY 2016-2017 budget.”**

ATTACHMENTS: N/A



COUNCIL AGENDA ITEM MEMORANDUM

Date Submitted: 09/08/2016

Meeting Date: 09/13/2016

Agenda Item #7

DEPT./DIVISION SUBMISSION & REVIEW:

Craig Lemin, City Manager

ITEM DESCRIPTION: Consider and possible action on Ordinance 2016-011 establishing Utility Rates.

STAFF RECOMMENDATION: Approve Ordinance 2016-011 as presented.

ITEM SUMMARY: The attached ordinance reestablishes water and sewer rates for FY 2016-2017 as prescribed by ordinance.

ATTACHMENTS:

Ordinance

ORDINANCE NO. 2016-011

AN ORDINANCE OF THE CITY OF ROBINSON, TEXAS ESTABLISHING THE SCHEDULE OF RATES TO BE COLLECTED FROM THE VARIOUS UTILITY SERVICES OF THE CITY OF ROBINSON; PROVIDING A REPEALING CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROBINSON, TEXAS:

SECTION 1. WATER SERVICES: For the furnishing of water services by the City of Robinson, the said services shall be charged for by the City of Robinson in accordance with the rates hereinafter established and set out; and the following are established as the monthly rates to be charged:

RESIDENTIAL RATES:

MINIMUM BILL - Residential	\$46.25
First 10,000 gallons	\$4.93 per 1,000 gal.
All over 10,001 gallons	\$5.18 per 1,000 gal.

COMMERCIAL RATES:

MINIMUM BILL - Commercial	3/4"	\$50.92
(Based on water meter size)	1"	\$54.30
	1 1/2"	\$57.69
	2"	\$61.10
	3"	\$64.49
	4"	\$67.89
First 10,000 gallons		\$5.09 per 1,000 gal.
All over 10,001 gallons		\$5.34 per 1,000 gal.

BULK WATER RATES:

Meter Set:	\$100.00
Flat Rate:	\$75.00
1 st 25,000 gal.	6.80 / Thous.
25,000 to 50,000 gal.	7.63 / Thous.
Over 50,000 gal.	8.48 / Thous.

SECTION 2. These charges for the water services shall be made monthly and shall be added to and placed upon the utility bill for each residence, apartment and commercial establishment for which there is a water connection for the City Water System.

SECTION 3. Water customers will be billed on a monthly basis with payment past due twenty-four (24) days after the date of billing. Thereafter, the City of Robinson may refuse to

furnish water or sewer service to the account. Whenever the delinquent account is processed for cut off, an administrative fee of \$35.00 shall be charged to the account for the processing, and will also cover office hour reconnection. If reconnection takes place after regular office hours or on a Saturday, Sunday or holiday, an additional reconnection fee of \$25.00 is added, so that the total charge to the account is \$60.00.

In no event shall the re-connection charge for water services be less than the actual cost to the City for disconnecting and reconnecting water service. In the event the charges established in (A) and (B) above are less than the City’s actual cost, then the reconnect fee shall be increased to the City’s actual cost of reconnecting the account.

SECTION 4. That no free service shall be allowed. The City, its agents or instrumentalities shall pay the same rates and charges herein provided.

SECTION 5. WATER SERVICE CONNECTIONS: The City of Robinson shall install and maintain all water service connections, complete, including meters and meter boxes, in the streets and alleys, or easements both inside and outside of the City Limits of the City of Robinson and shall charge for the installation and maintenance of such complete service connection, in accordance with the following schedule:

<u>Tap size</u>	<u>Fee</u>
3/4 inch	\$400.00
1 inch	\$500.00
1 ½ inch	\$600.00
2 inch	Price to be calculated per order

Road crossing fee

\$300.00 gravel road
\$900.00 paved road

On services larger than two (2) inches in diameter, an estimate will be made of the total cost of the service by the City and such estimated amount shall be deposited with the City of Robinson before work is started on such connection with the final cost adjusted upon completion of the work. If the actual cost is higher than the estimated cost, the increased cost shall be paid to the City before service is furnished through the connection. If the actual cost is less than the estimated cost, the City will refund the difference to the party making the original deposit.

SECTION 6. WATER SERVICE DEPOSITS: The deposits to be required for persons desiring service on the city’s water system shall be as follows:

A.	Refundable water deposit	\$75.00
B.	Turn on charge	\$10.00
C.	Transfer service charge	\$25.00
D.	Connect Fee for new tap	\$25.00

SECTION 7. SANITARY SEWER SERVICES: For the furnishing of sanitary sewer services by the City of Robinson, the said services shall be charged for by the city in accordance with the rates hereinafter established and set out; and the following are established as the monthly rates to be charged:

RESIDENTIAL RATES: \$41.73 per month base rate - Plus \$0.77 per thousand gallons water usage on average of December, January and February water use. **MAXIMUM RESIDENTIAL MONTHLY FEE \$44.73.**

COMMERCIAL MINIMUM RATES:	3/4"	\$45.07
(Based on water meter size) (base rate)	1"	\$46.33
	1 1/2"	\$47.57
	2"	\$48.83
	3"	\$50.07
	4"	\$51.32

Plus \$0.85 per thousand gallons water usage each month. NO MAXIMUM ON COMMERCIAL

SECTION 8. SANITARY SEWER CONNECTIONS: The City of Robinson shall install and maintain all sanitary sewer service connections and shall charge for the installation and maintenance of such service as follows:

RESIDENTIAL AND COMMERCIAL SEWER TAP \$565.00

SECTION 9. SANITARY SEWER SERVICE DEPOSITS: The deposits to be required for persons desiring service on the city's sanitary sewer system shall be as follows:

RESIDENTIAL AND COMMERCIAL CUSTOMERS \$35.00

SECTION 10. SOLID WASTE COLLECTIONS: For the furnishing of solid waste collection through the City of Robinson's contract with Progressive Waste Solutions, the said services shall be charged for by the city in accordance with the rates hereinafter established and set out; and the following are established as the monthly rates to be charged:

Residential:	\$12.40 plus fuel cost surcharge
Commercial	Handload service \$15.64 to \$26.42 per month
Quotes on dumpster service by request to contract provider	
Gate fee for Chipper Site	\$10 per visit

Increases in contractor costs, such as fuel surcharges, will be passed along to the customer.

SECTION 11. The rates and charges herein provided for the Water System, the Sanitary Sewer System, and for Solid Waste Collection shall be effective as of the October 1, 2016 billing.

SECTION 12. All ordinances, orders or resolutions or parts thereof heretofore passed and adopted by the City Council in conflict herewith, shall be and the same are hereby repealed.

SECTION 13. This ordinance shall take effect and be in force immediately from and after its passage.

PASSED this 13th day of SEPTEMBER, 2016 by a vote of ____ AYES to ____ NAYS with ____ Abstentions.

Mayor Bert Echterling

ATTEST:

Jana Lewellen, City Secretary



COUNCIL AGENDA ITEM MEMORANDUM

Date Submitted: 08/29/2016

Meeting Date: 09/13/2016

Agenda Item #8

DEPT./DIVISION SUBMISSION & REVIEW:

Rusty Smith, Chief of Police

ITEM DESCRIPTION: Consider and possible action regarding Interlocal Cooperative Agreement between the City of Robinson and the City of Waco for use of the City of Waco 800 MHZ trunked voice radio system.

STAFF RECOMMENDATION: Recommended approval of an Interlocal Cooperative Agreement between the City of Robinson and the City of Waco, for use of the City of Waco 800 MHZ trunked voice radio system

ITEM SUMMARY: The City of Waco is required to enter into agreements with federal, state, and other agencies' regional radio systems and to have access to federal, state, and interoperability radio frequencies. The City of Robinson, having access to the City of Waco's 800 MHz radio system, may have access to these interoperability channels, thus requiring an agreement between the City of Robinson and the City of Waco. Subject to the terms of this Memorandum of Understanding (MOU), the City of Waco grants the City of Robinson a revocable license to use the Radio Equipment described in the radio inventory on the City of Waco's 800 MHz Trunked Voice Radio System as a "Day-to-Day" and/or "Interoperability" subscriber for the sole purpose of radio communication on specified talk groups or channels which will be enumerated in a template plan to be approved by the City of Waco prior to radio unit programming.

FISCAL IMPACT: City of Robinson will pay the City of Waco \$25.00/month/radio for each day to day user that is operated on Waco's system.

ATTACHMENTS:

Interlocal Agreement

INTERLOCAL COOPERATION AGREEMENT BETWEEN CITY OF ROBINSON AND THE CITY OF WACO, TEXAS, FOR THE USE OF CITY OF WACO 800 MHZ TRUNKED VOICE RADIO SYSTEM

THIS AGREEMENT ("Agreement") is entered into this ____ day of _____ by and between **City of Robinson** and the City of Waco, Texas, sometimes collectively referred to as "parties", pursuant to and authorized by Chapter 791 of the Texas Government Code.

WHEREAS, there is a common need between and among the parties for reliable radio communications interoperability; and

WHEREAS, the City of Waco will program those radios owned by **City of Robinson** for operation on the Waco system; and

WHEREAS, it is to the mutual benefit of both Waco and **Robinson** that their public safety radios be interoperable.

WHEREAS, **City of Robinson** will pay the City of Waco for maintenance and/or programming of radios per the fee schedule attached as Exhibit B (pending).

NOW THEREFORE, in consideration of the premises, terms, and agreements herein set forth, the parties agree as follows:

1. Recitals and Preambles. All the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this Agreement.

2. Memorandum of Understanding. Approval of this Interlocal Agreement is conditioned on **City of Robinson** executing a Memorandum of Understanding which outlines additional terms and conditions of this Agreement. A copy of that Memorandum of Understanding is attached as Exhibit A.

3. Payment. **City of Robinson** will pay the City of Waco \$25.00/month/radio for each day to day user that is operated on Waco's system. Should future costs make it necessary for Waco to increase this monthly charge, **City of Robinson** will have the opportunity to stay on Waco's system at the adjusted rate. If **City of Robinson** should increase or decrease the number of radios on the City of Waco system, the billing cycle shall be adjusted accordingly. At the time of this agreement, the **City of Robinson** will have **85** radios on the system at a cost of **\$25.00 per month** per radio.

4. Hold Harmless. To the extent allowed by law, the parties hereby mutually and individually release and hold harmless each other, respectively, its officers, agents, employees, and volunteers, from and against any and all liability, claims, suits, demands, or causes of action which may arise due to any loss or damage to personal property, or personal injury, and/or death occurring as a consequence of the performance of this Agreement.

5. **Entire Agreement.** This agreement constitutes the entire agreement between the parties, and all negotiations and all understandings between the parties are merged herein.

6. **Amendments.** This Agreement can be supplemented and/or amended only by a dated written document executed and mutually agreed upon by each party.

7. **Venue.** The obligations and undertakings of each of the parties to this Agreement shall be performable at Waco, McLennan County, Texas.

8. **Choice of Law.** This Agreement is governed by the laws of the State of Texas.

9. **Authorization.** The parties agree and represent that their respective governing bodies have authorized the execution of this Agreement and such execution is correct and proper in all respects.

EXECUTED this _____ day of _____

City of Robinson

APPROVED:

By: _____

ATTEST:

By: _____

APPROVED:

CITY OF WACO, TEXAS

ATTEST:

Dale Fisseler, City Manager

Esmeralda Hudson, City Secretary

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney

EXHIBIT A

City of Waco Day-to-Day and Interoperability Subscriber MOU
MEMORANDUM OF UNDERSTANDING FOR
CITY OF WACO 800 MHZ TRUNKED VOICE
RADIO SYSTEM INTEROPERABILITY and DAY-
TO-DAY SUBSCRIBER ACCESS

Effective Date:

Type of access requested:

(circle one)

Day to Day

Interoperability

Both

Address: _____

Attn: _____

Telephone: _____

The City of Waco is required to enter into agreements with federal, state, and other agencies' regional radio systems and to have access to federal, state, and interoperability radio frequencies. Local agencies having access to the City of Waco's 800 MHz radio system may have access to these interoperability channels, thus requiring an agreement between the Subscriber Agency and the City of Waco.

- 1) Subject to the terms of this Memorandum of Understanding (MOU), the City of Waco hereby grants the governmental agency identified above a revocable license to use the Radio Equipment described in the radio inventory on the City of Waco's 800 MHz Trunked Voice Radio System as a "Day-to-Day" and/or "Interoperability" subscriber for the sole purpose of radio communication on specified talk groups or channels which will be enumerated in a template plan to be approved by the City of Waco prior to radio unit programming.
- 2) Day-to-day radio communications means the above named agency will use the City of Waco's radio system as their primary radio communications platform for internal radio communications within their own agency.
- 3) An interoperability subscriber agency is an agency which is not a City of Waco department or operation, or day-to-day subscriber but has been granted permission for system radio use under this MOU to communicate as needed with City of Waco subscribers. Interoperability radio communications means radio communication between the external subscriber and City of Waco departments and their personnel during joint operations, public safety critical incident responses, or other limited interoperability purposes approved by the City of Waco.

- 4) Day-to-day subscriber fees will be outlined in an Interlocal Agreement (ILA) if the governmental agency requires day-to-day operational radio communication on the City's 800 MHz radio system, and this MOU will be attached to the ILA as a part of that agreement.
- 5) Interoperability subscribers will be assessed a fee for use of the City of Waco's 800 MHz Trunked Voice Radio System. Interoperability subscribers shall not use the City of Waco's 800 MHz Trunked Voice Radio System as their primary radio communications platform for internal radio communications within their own agency. Interoperability subscribers will not be issued their own private talk groups or channels.
- 6) Programming of day-to-day and interoperability subscriber radios for use on the City of Waco's 800 MHz Trunked Voice Radio System must be done by the City of Waco Radio Shop unless otherwise agreed upon. Due to the critical necessity of safeguarding the system key, tight control over programming will be exercised.
- 7) Each radio device assigned to the City of Waco's 800 MHz system will be identified individually with a unique ID and Unit Alias. The Radio System Manager will be notified of any unit changes such as unit numbers. Subscribers will be inventoried on a periodic basis using unit serial number and alias.
- 8) The City of Waco Radio System Manager will be notified in the event a device is lost, stolen, causing interference, or removed from service. In any event, the Radio System Manager will disable the unit until such time the unit is recovered, repaired or replaced.
- 9) Emergency ID functionality on the City of Waco's 800 MHz Trunked Voice Radio System will not be programmed into interoperability subscriber radios.
- 10) Interoperability subscribers must identify themselves when initiating conversations on the City of Waco's 800 MHz Trunked Voice Radio System by giving their agency name (or acronym approved by the City of Waco) followed by their unit number. Example: "XYZ PD, Unit 101 to Waco PD Dispatch".

- 11) When operating radios on the City of Waco's 800 MHz Trunked Voice Radio System, all users must abide by all applicable rules and regulations of the Federal Communications Commission, Texas Statewide interoperability Channel Plan (TSICP), and City of Waco Standard Operating Procedures, protocols set forth by individual talk group owners, and decisions and directives of the City of Waco Radio System Manager. All violations by units of external subscriber agencies must be immediately resolved by the external agency to the satisfaction of the Radio System Manager or shall be grounds for immediate disconnection of the external agencies' radio equipment from the City of Waco's 800 MHz Trunked Voice Radio System, and termination of this MOU. The external agency shall reimburse the City of Waco upon receipt of any costs, fines or penalties assessed against the City of Waco as a result of a violation of an FCC rule or regulation by that agency's subscriber.
- 12) Radio equipment and accessories shall be approved by the City of Waco Radio System Manager prior to use on the City of Waco's 800 MHz Trunked Voice Radio System. All costs of an external agency to acquire or maintain radios or other equipment, train personnel, or to connect to the City of Waco's 800 MHz Trunked Voice Radio System shall be borne and paid by that agency.
- 13) All subscriber agency personnel who will be operating approved radio equipment on the City of Waco's 800 MHz Trunked Voice Radio System will be required to undergo user training as set forth by the City of Waco Radio System Manager.
- 14) The failure of the City of Waco to perform its obligations under this MOU shall be excused to the extent caused by the occurrence of an event or act not within the control of the City of Waco, or the Radio System Manger.
- 15) This MOU is effective as of the Effective Date stated above, and shall remain in effect until terminated by either party upon 10 days prior written notice.
- 16) Within 30 days upon termination, the City of Waco's 800 MHz Trunked Voice Radio System programming shall have been removed from the subscriber agencies' equipment and certification provided that the programming has been removed.
- 17) The subscriber agency acknowledges that radio systems are subject to periodic outages, equipment failures, and other conditions which may prevent or interfere with radio communications. In no event shall the City of Waco or any City agency be liable to a subscriber agency for any claim or cause of action arising out of or related to a failure of the City of Waco's 800 MHz Trunked Voice Radio System.
- 18) The person executing this MOU on behalf of the subscriber agency warrants and

represents that he or she has been duly authorized and empowered to execute and enter into this MOU on behalf of that agency, that all action necessary to approve this MOU has been taken, and that this MOU is a binding obligation of the subscriber agency.

- 19) This MOU constitutes the entire understanding of the parties related to this subject matter hereof, and there shall be no modifications or waivers hereof except in writing, signed by both parties. The MOU is made under and shall be governed by the laws of the State of Texas, and is performable in McLennan County, Texas.

AGREED TO BY:

(Subscriber Agency / Department Name)

Signature: _____

Printed Name: _____

Title: _____

AND

(Subscriber Agency / Department Name)

Signature: _____

Printed Name: _____

Title: _____



COUNCIL AGENDA ITEM MEMORANDUM

Date Submitted: 09/08/2016

Meeting Date: 09/13/2016

Item #9

DEPT./DIVISION SUBMISSION & REVIEW:

Bert Echterling, Mayor

ITEM DESCRIPTION: Executive Session: A closed meeting will be held pursuant to Section 551.071 of the Government Code (V.C.T.A.) so that the City Council can seek and receive legal advice and counsel from its attorneys regarding pending or threatened litigation, settlement offers, claims, or other matters for which the attorneys' duties to their client under the Texas State Bar Disciplinary Rules of Professional Conduct conflicts with the Open Meetings Act (Ch.551, Gov. Code), including, but not limited to: *Thompson v City of Robinson.*

STAFF RECOMMENDATION: N/A

ITEM SUMMARY: N/A

FISCAL IMPACT: N/A

ATTACHMENTS:



COUNCIL AGENDA ITEM MEMORANDUM

Date Submitted: 09/08/2016

Meeting Date: 09/13/2016

Item #10

DEPT./DIVISION SUBMISSION & REVIEW:

Bert Echterling, Mayor

ITEM DESCRIPTION: Consideration and possible action on settlement of *Thompson v City of Robinson* litigation.

STAFF RECOMMENDATION: N/A

ITEM SUMMARY: N/A

FISCAL IMPACT: N/A

ATTACHMENTS: