



THE CITY OF CHANDLER CITY COUNCIL WILL MEET FOR A REGULAR SCHEDULED MEETING  
**TUESDAY, MAY 13, 2014** IN THE CITY HALL OF CHANDLER, TEXAS AT **6PM**

### AGENDA

- A. CALL TO ORDER
- B. PLEDGE TO THE FLAG
- C. INVOCATION
- D. ROLL CALL AND ANNOUNCE IF A QUORUM IS PRESENT
- E. AGENDA CHANGES

**VISITORS/CITIZENS FORUM:** At this time, any person (Limited to the first five to sign up, each will be allowed 3 minutes). with business before the Council not scheduled on the agenda may speak to the Council. **No formal action may be taken on these items.**

**F. REGULAR SESSION:** Subjects to be discussed or upon which any formal action may be taken are as follows:

1. Canvass and approve Election results submitted by Election Judge Rick Ford.
2. Consider and act on Final Plat for Family Dollar (FP-14-02)
3. Consider and act on amending Plat for Old Main Street Market (RP-2014-01)
4. Consider and act on Suddenlink Communications Remittance of a Peg Fee.
5. Consent Agenda: All matters listed under "Consent Agenda" are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.
  - a. Minutes as written for Regular Council Meeting of April 8 , 2014
  - b. April Financial Report
  - c. April Police Report
  - d. Monthly Library Statistics
6. Presentation of Certificates to Citizen Academy Class.

### G. Adjournment

In compliance with the Americans with Disabilities Act, the City of Chandler will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Shirley Parmer, City Secretary at 903 849-6853.

**CERTIFICATION**

I certify that a copy of the May 13, 2014, agenda of items to be considered by the Chandler City Council was posted on the City Hall bulletin board on May 7, 2014.

\_\_\_\_\_  
Shirley Parmer, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Title



# CITY OF CHANDLER

## Staff Report

**PROJECT:** FP-14-02 Family Dollar Final Plat

**DATE:** PZ: 5-6-14 CC: 5-13-14

**REQUEST:** The property owner is requesting approval of a final plat in order to build a new Family Dollar Store.

**APPLICANT:** Doug George, 3D Development Partners

**PROPERTY OWNER:** Greg Kidd / Jerry Kidd Oil Co.

**PROPERTY DESCRIPTION:** A 3.066 acre unplatted parcel of a 70 acre tract located in the Simon Weiss survey Abstract 799. Located in the 700 Block of Hwy 31 East

**ZONING:** B-1

**SIZE:** Total 3.066 acres  
Lot 1 - 1.015 acres  
Lot 2 – 2.051 acres

**OVERVIEW:** Family Dollar will be relocating the existing Family Dollar Store to a new building on Lot 1. The company has a policy that does not allow them to own excess land. Therefore they are creating a separate lot 2 for the purpose of gifting it to the city of Chandler.

The City of Chandler's Future Land Use Plan identifies this area as a portion of a linear park area that runs along the creek area to the south.

**RECOMMENDED ACTION:** The plat as submitted conforms with all of Chandler's Subdivision Rules and Regulations. The Planning and Zoning Commission voted to recommend approval of the plat as submitted.

**CITY CONTACT:** John Taylor, City Administrator

**ATTACHMENTS:** Final Plat  
Letter of Intent

Field Notes  
3.066 Acre Tract  
Simon Weiss Survey, Abstract No. 799

BEING a 3.066 acre tract in the Simon Weiss Survey, A-799, in Chandler, Henderson County, Texas, being all of the remnant of a called 68.73 tract from Victor A. Driscoll, Jr., Michael H. Driscoll, Nancy Schaefer, Virginia Breedlove, Grace Billy Presley, Richard Brooks Hardee, and Jack Y. Hardee to Steven Greg Kidd and Luster Kidd described in a Deed recorded in Volume 1842, Page 347 of the Deed Records of Henderson County, Texas, part of a called 82.62 acre tract from Steven Greg Kidd and Luster Kidd to Jerry Kidd Oil Company described in a Deed recorded in Volume 2907, Page 940 of said Henderson County Deed Records, said 3.066 acre tract being more completely described as follows:

BEGINNING at a 1/2" iron rod found in the South right of way line of State Highway No. 31, (100-foot wide right of way), in the North boundary line of said 82.62 acre tract, and at the Northeast corner of a called 1.255 acre tract from James Luster Kidd to James Thomas Robertson described in a Deed recorded in Volume 2688, Page 393 of said Henderson County Deed Records;

THENCE North 70 degrees 39 minutes 16 seconds East, a distance of 23.54 feet along said South right of way line and said North boundary line to a 1/2" iron rod found for the Northwest corner of the remainder of a called 1.0225 acre tract from Jerry Franklin Houston and wife, Joyce Houston to Up Enterprises, Inc. described in a Deed recorded in Volume 1631, Page 738 of said Henderson County Deed Records;

THENCE South 19 degrees 17 minutes 22 seconds East, a distance of 119.78 feet along the North boundary line of said 82.62 acre tract and the West boundary line of said remainder of called 1.0225 acre tract to a 1/2" iron rod found for the Southwest corner of same;

THENCE North 76 degrees 42 minutes 35 seconds East, a distance of 52.40 feet continuing along said North boundary line and along the South boundary line of said remainder of called 1.0225 acre tract to a 1/2" iron rod found;

THENCE North 70 degrees 48 minutes 28 seconds East, a distance of 13.01 feet continuing along said North boundary line and said South boundary line to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 19 degrees 29 minutes 26 seconds East, a distance of 7.90 feet continuing along said North boundary line and said South boundary line to a 1/2" iron rod found;

THENCE North 70 degrees 40 minutes 42 seconds East, a distance of 21.31 feet continuing along said North boundary line and said South boundary line to a 1/2" iron rod found;

THENCE North 19 degrees 32 minutes 00 seconds West, a distance of 10.14 feet continuing along said North boundary line and said South boundary line to a 1/2" iron rod found;

THENCE North 70 degrees 39 minutes 28 seconds East, a distance of 78.45 feet continuing along said North boundary line and said South boundary line to a 1/2" iron rod found;

THENCE North 42 degrees 02 minutes 34 seconds East, a distance of 78.54 feet continuing along said North boundary line and said South boundary line to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE North 19 degrees 11 minutes 23 seconds West, a distance of 85.53 feet continuing along said North boundary line and along the East boundary line of said remainder of called 1.0225 acre tract to a 1/2" iron rod found for the Northeast corner of same, in said South right of way line of State Highway No. 31;

THENCE North 70 degrees 40 minutes 13 seconds East, a distance of 175.09 feet continuing along said North boundary line and along said South right of way line to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 19 degrees 11 minutes 15 seconds East, a distance of 296.24 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 70 degrees 27 minutes 53 seconds West, a distance of 116.55 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 68 degrees 11 minutes 11 seconds West, a distance of 202.07 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 63 degrees 39 minutes 46 seconds West, a distance of 117.48 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 40 degrees 18 minutes 33 seconds West, a distance of 20.64 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 69 degrees 27 minutes 53 seconds West, a distance of 137.56 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 18 degrees 20 minutes 48 seconds East, a distance of 10.31 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 66 degrees 50 minutes 40 seconds West, a distance of 73.83 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE South 72 degrees 23 minutes 41 seconds West, a distance of 26.68 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687 in the West boundary line of said 82.62 acre tract and the East boundary line of a called 1.706 acre tract to Billy Jerrald Roy et ux, Sylvia Ann described in a Deed recorded in Volume 693, Page 669 of said Henderson County Deed Records;

THENCE North 01 degree 33 minutes 04 seconds West, a distance of 7.76 feet along said West boundary line and said East boundary line to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687;

THENCE North 18 degrees 03 minutes 41 seconds West, a distance of 84.48 feet to a 1/2" iron rod set with red plastic cap stamped K.L.K. #4687 for the Southwest corner of aforementioned 1.255 acre Robertson tract and the most Westerly Northwest corner of said 82.62 acre tract;

THENCE North 57 degrees 23 minutes 37 seconds East, a distance of 240.19 feet along the South boundary line of said 1.255 acre tract and the North boundary line of said 82.62 acre tract to a 1/2" iron rod found for the Southeast corner of said 1.255 acre tract at an interior ell corner in the North boundary line of said 82.62 acre tract;

THENCE North 13 degrees 20 minutes 00 seconds West, a distance of 201.50 feet along the East boundary line of said 1.255 acre tract and the North boundary line of said 82.62 acre tract to the PLACE OF BEGINNING containing 3.066 acres of land.

OWNERS STATEMENT:  
WE, JERRY KIDD OIL COMPANY ARE THE OWNERS OF THE TRACT OF LAND SHOWN HEREON AND DO ACCEPT THIS AS ITS PLAN FOR THE SUBDIVIDING INTO LOT AND BLOCK AND DO DEDICATE TO THE PUBLIC THE EASEMENTS AS SHOWN.

Steven Greg Kidd, Kidd Jones Oil Company

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

NOTARY PUBLIC

APPROVED BY THE CITY OF CHANDLER, HENDERSON COUNTY, TEXAS ON THIS DAY \_\_\_\_ OF \_\_\_\_\_, 2014.

MAYOR

CITY SECRETARY

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, HENDERSON COUNTY, TEXAS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

PLANNING AND ZONING CHAIRMAN

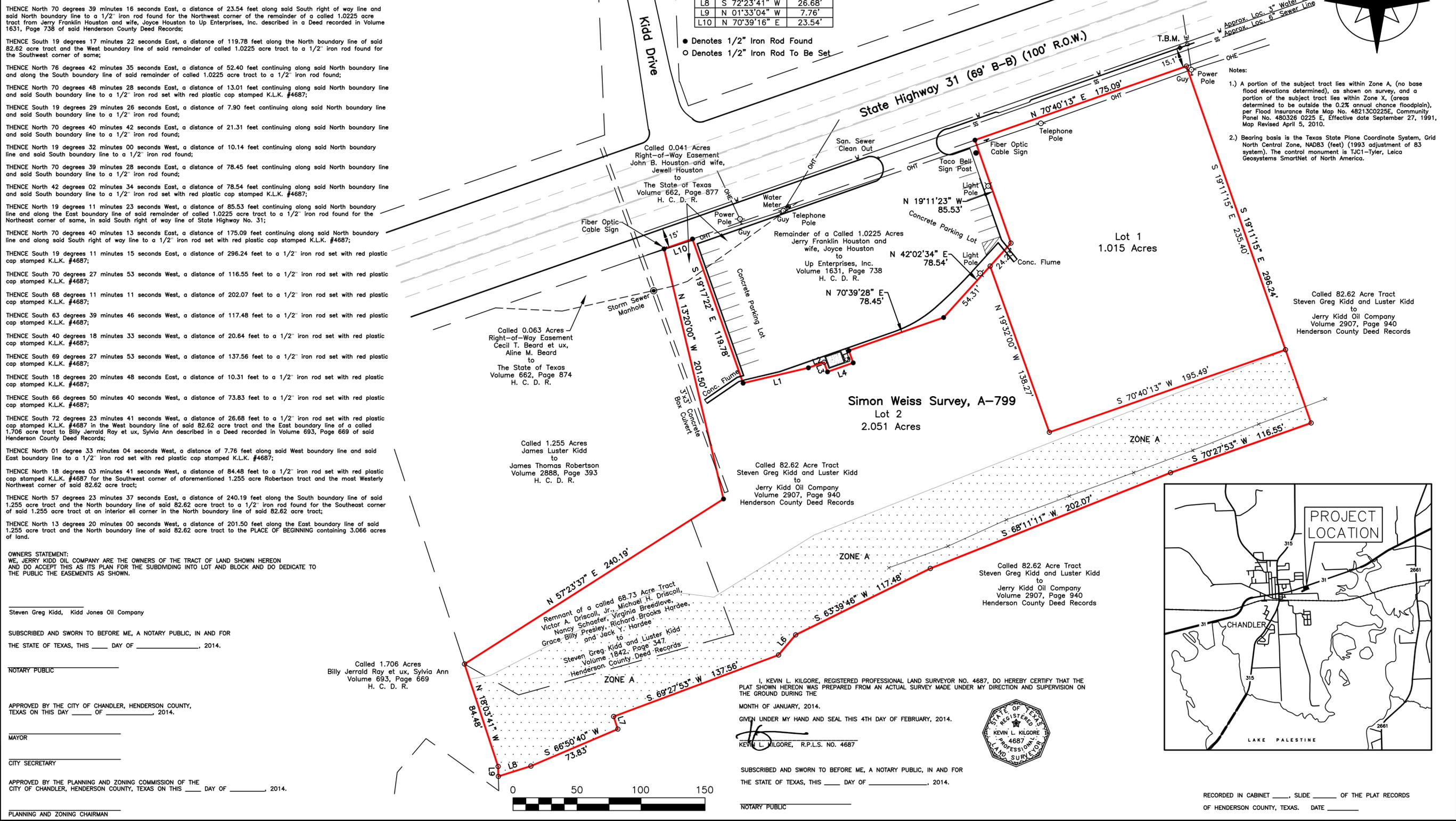
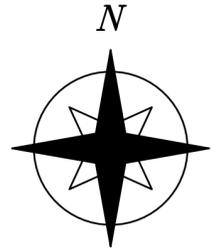
201402 boundary-topo.dwg

("NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.")

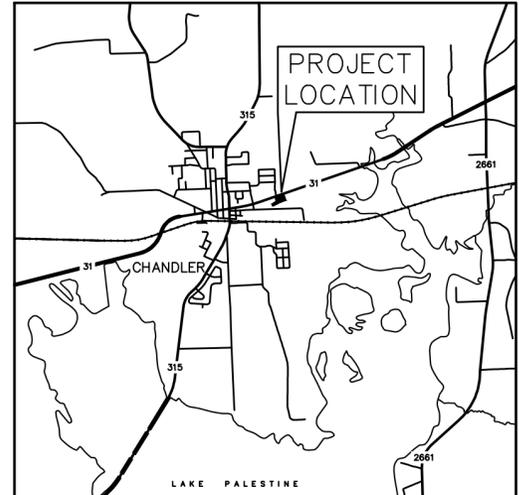
NO	BEARING	DISTANCE
L1	N 76°42'35" E	52.40'
L2	N 70°48'28" E	13.01'
L3	S 19°29'26" E	7.90'
L4	N 70°40'42" E	21.31'
L5	N 19°32'00" W	10.14'
L6	S 40°18'33" W	20.64'
L7	S 18°20'48" E	10.31'
L8	S 72°23'41" W	26.68'
L9	N 01°33'04" W	7.76'
L10	N 70°39'16" E	23.54'

● Denotes 1/2" Iron Rod Found  
○ Denotes 1/2" Iron Rod To Be Set

UTILITY COMPANIES AND CONTACT INFORMATION	
CITY OF CHANDLER: Water and Sanitary Sewer	- Stanley McCurley (903) 849-4145
ATMOS ENERGY: Gas	- Wedge Turner (903) 571-1887
ONCOR ELECTRIC: Electric	- Mike Phillips, Engineer (903) 203-1868
AT&T: Telephone	- Tim Whiteside (903) 235-4841
CENTURYLINK: Telephone	- (903) 894-4117 or (903) 894-4127
NORTHLAND CABLE TV FLINT: Television Cable	- (903) 566-8757



- Notes:
- 1.) A portion of the subject tract lies within Zone A, (no base flood elevations determined), as shown on survey, and a portion of the subject tract lies within Zone X, (areas determined to be outside the 0.2% annual chance floodplain), per Flood Insurance Rate Map No. 48213C0225E, Community Panel No. 480326 0225 E, Effective date September 27, 1991, Map Revised April 5, 2010.
  - 2.) Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD83 (feet) (1993 adjustment of 83 system). The control monument is TJC1-Tyler, Leica Geosystems SmartNet of North America.



I, KEVIN L. KILGORE, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4687, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY DIRECTION AND SUPERVISION ON THE GROUND DURING THE

MONTH OF JANUARY, 2014.  
GIVEN UNDER MY HAND AND SEAL THIS 4TH DAY OF FEBRUARY, 2014.



KEVIN L. KILGORE, R.P.L.S. NO. 4687

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.

NOTARY PUBLIC

RECORDED IN CABINET \_\_\_\_ SLIDE \_\_\_\_ OF THE PLAT RECORDS OF HENDERSON COUNTY, TEXAS. DATE \_\_\_\_

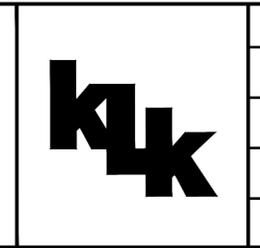
NO.	DATE	REVISIONS	REMARKS
1	201402		

**Final Plat Showing**  
**Lots 1 and 2 of 3D Development Addition**  
**3.066 Acres - Simon Weiss Survey, A-799**  
**Chandler, Henderson County, Texas**

**KL Kilgore & Company, Inc.**  
www.kilkilgore.com

6712 Paluxy Drive  
Tyler, Texas 75703  
(903)581-7800  
Fax (903)581-3756

- SURVEYING
  - PLANNING
  - MAPPING
- TBPLS FIRM NO. 10044500



DESIGNED BY:	
DRAWN BY:	R.T.W.
CHECKED BY:	K.L.K.
DATE:	4-16-14
SCALE:	1" = 50'

**3D Development  
4900 Woodway Dr, Suite 1125  
Houston, TX 77056**

April 16, 2014

City of Chandler, TX  
P.O. Box 425  
Chandler, TX 75758

**RE: Letter of Intent**

To whom it may concern:

3D Development would like to plat a 3.066 acre property for the purpose of developing a new Family Dollar Store in the 700 block of Hwy 31 East, Chandler, TX. Details are as follows:

- Proposed Plat of Property – 3.066 acres with 2 lots
- Lot 1 (1.02 ac) will be used to develop a Family Dollar Store
- Lot 2 (2.05 ac) will be gifted to the City of Chandler
- Because 3D Development is not currently the owner of the property (but is under contract to purchase the property), the filing of any approved plat would be contingent upon the consummation of the sale of the property from the Kidd family to 3D Development.

We appreciate your review and consideration of our proposed plat. Enclosed please find a Development Services Application for the plat as well as the corresponding platting fee.

Regards,



Doug George  
3D Development



# CITY OF CHANDLER

## Staff Report

**PROJECT:** Old Main Street Market Replat of Lots 1 and 2

**DATE:** PZ: 5-6-14 CC: 5-13-14

**REQUEST:** The property owner is requesting approval of a replat of lots 1 and 2 of Old Main Street Market in order to complete additional phases of the development.

**APPLICANT:** Stan Copeland

**PROPERTY OWNER:** SC and DB Properties

**PROPERTY DESCRIPTION:** 105 W. Main Street

**ZONING:** B-1

**SIZE:** .452 acres

**OVERVIEW:** The property was originally platted as 2 lots; however, as Phase 2 was developed it became clear that in order to not have setback issues the lots needed to be combined into one lot.

All other elements of the plat remain the same.

**RECOMMENDED ACTION:** The plat conforms with all of Chandler's Subdivision Rules and Regulations and was recommended for approval by the Planning and Zoning Commission.

**CITY CONTACT:** John Taylor, City Administrator

**ATTACHMENTS:** Replat

**KNOW ALL MEN BY THIS PRESENTS:**

THAT I, PHILIP CORNETT, REGISTERED PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT SHOWN HEREON WAS PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION AND BEARINGS, DISTANCES, AREAS, AND MONUMENTS ARE AS SHOWN.

PHILIP CORNETT, REGISTERED PROFESSIONAL LAND SURVEYOR, 5515

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, by \_\_\_\_\_, this the \_\_\_\_\_ day of \_\_\_\_\_, 2014

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

ACCEPTED BY THE CITY COUNCIL OF THE CITY OF CHANDLER, TEXAS.

MAYOR

DATE

THE UNDERSIGNED, THE CITY SECRETARY OF THE CITY OF CHANDLER, TEXAS, HEREBY CERTIFIES THAT THE FORGOING REPLAY OF OLD MAIN STREET MARKET SUBDIVISION OR ADDITION TO THE CITY OF CHANDLER WAS SUBMITTED TO THE CITY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, AND THE CITY COUNCIL BY FORMAL ACTION ACCEPTED THE DEDICATION OF STREETS, ALLEYS, EASEMENTS, AND PUBLIC PLACES AS SHOWN AND SET FORTH IN AND UPON SAID MAP OR PLAT AND SAID CITY COUNCIL FURTHER AUTHORIZED THE MAYOR TO NOTE THE ACCEPTANCE THEREOF BY SIGNING HIS NAME AS HEREIN ABOVE SUBSCRIBED.

WITNESS MY HAND THIS \_\_\_\_\_ DAY \_\_\_\_\_, 2014.

CITY SECRETARY, CITY OF CHANDLER

I am the owner of the tract of land shown herein and do accept this as its Plan for the subdivision into lots and blocks and do dedicate to the public forever the streets, alleys, and easements as shown.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, by \_\_\_\_\_, this the \_\_\_\_\_ day of \_\_\_\_\_, 2014

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

**LEGEND**

⊙	VALVE	✱	LIGHT POLE
—S—	SANITARY SEWER	✱	GUY ANCHOR
⊠	PEDESTAL BOX	○	MAN HOLE
—X—	FENCE	⊙	FIRE HYDRANT
—P—	POWER LINE	♿	HANDICAPPED PARKING
⊠	WATER METER	□	PROPERTY CORNER
•	POWER POLE	⊠	ELECTRIC
—W—	WATER LINE	—G—	GAS LINE

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, TEXAS.

PLANNING AND ZONING COMMISSION

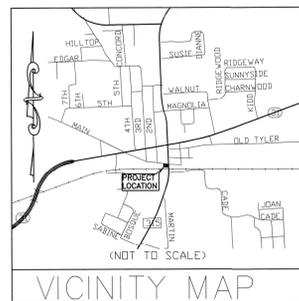
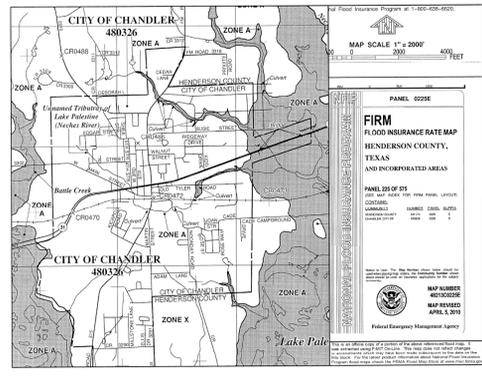
SECRETARY, PLANNING AND ZONING COMMISSION

RECORDED IN CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_ OF THE PLAT RECORDS OF SMITH COUNTY, TEXAS, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014

BEARINGS ORIENTED TO THE SOUTH LINE OF A CALLED 0.912 ACRE TRACT RECORDED IN VOLUME 2825, PAGE 539 OF THE REAL PROPERTY RECORDS OF HENDERSON COUNTY, TEXAS

**FLOOD NOTE**

THE SUBJECT TRACT LIES IN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FIRM (FLOOD INSURANCE RATE MAP) MAP NO. 48213C0225E WITH AN EFFECTIVE DATE OF APRIL 5, 2010.



**AS SURVEYED LEGAL DESCRIPTION**

All that certain lot, tract or parcel of land, part of the Santiago Calderon Survey, Abstract No. 136, Henderson County, Texas, being oil of Lots 1 and 2, Old Main Street Market as shown by plat of same, recorded in Cabinet F, Slide 238 of the Plat Records, Henderson County, Texas being more completely described as follows, to-wit:

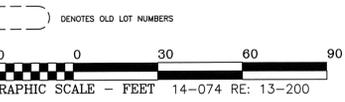
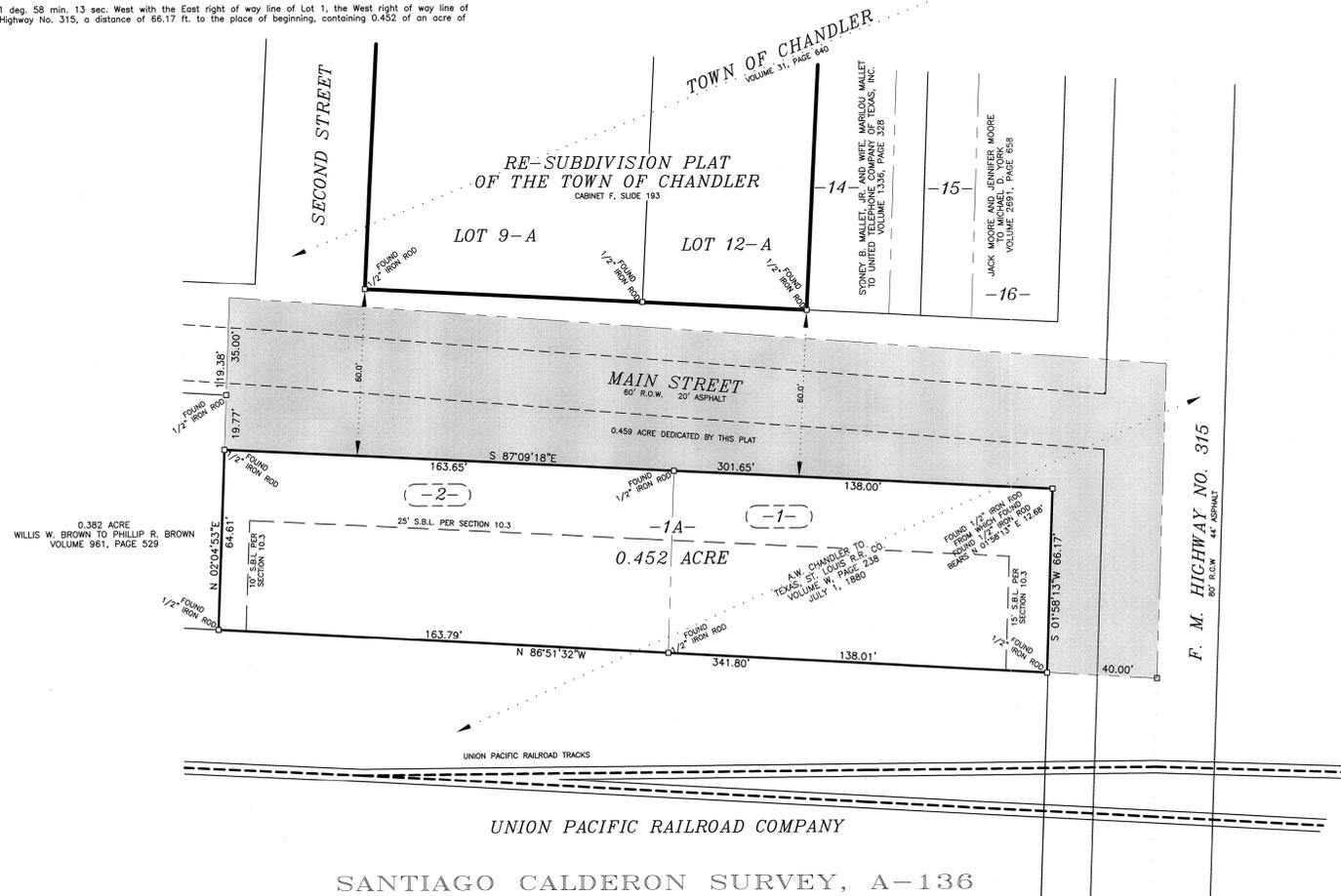
BEGINNING at a 1/2" iron rod (found) for the Southeast corner of the above mentioned Lot 1, with the West right of way line of Farm to Market Highway No. 315 and in the North right of way line of Union Pacific Railroad;

THENCE North 86 deg. 51 min. 32 sec. West with the North right of way line of Union Pacific Railroad, the South line Lot 1, at 138.01 ft. pass a 1/2" iron rod (found) for the Southwest corner of same, the Southeast corner of the above mentioned Lot 2 and continue a total distance of 301.80 ft. to a 1/2" iron rod (found) for the Southwest corner of same, the Southeast corner of the Phillip R. Brown 0.382 acre tract described in Volume 961, Page 529;

THENCE North 02 deg. 04 min. 53 sec. East with the East line of the 0.382 acre tract, the West line of Lot 2, a distance of 64.61 ft. to a 1/2" iron rod (found) for the Northwest corner of same, in the South right of way line of Main Street;

THENCE South 87 deg. 09 min. 18 sec. East with the South right of way line of Main Street, the North line of Lot 2, at 163.65 ft. pass a 1/2" iron rod (found) for the Northeast corner of same, the Northwest corner of Lot 1 and continue a total distance of 301.65 ft. to a 1/2" iron rod (found) for the Northeast corner of same, in the West right of way line of Farm to Market Highway No. 315;

THENCE South 01 deg. 58 min. 13 sec. West with the East right of way line of Lot 1, the West right of way line of Farm to Market Highway No. 315, a distance of 66.17 ft. to the place of beginning, containing 0.452 of an acre of land.



JOHN COWAN & ASSOCIATES, INC.  
2012 ANTHONY DRIVE  
TYLER, TEXAS 75701  
PHONE (903) 581-2238  
FAX (903) 561-0600

**GENERAL NOTES**

1. ALL LOTS COMPLY WITH THE MINIMUM SIZE REQUIREMENTS OF THE ZONING DISTRICTS.
2. ALL COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE HOA/POA.
3. NOTICE - SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
4. THE PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS, IF ANY, ON THIS PROPERTY.

**REPLAT OF  
LOTS 1 AND 2 OF  
OLD MAIN STREET MARKET  
CABINET F, SLIDE 238  
CITY OF CHANDLER, HENDERSON COUNTY, TEXAS**



# CITY OF CHANDLER

## Staff Report

- PROJECT:** Remittance of a Public Education and Government “PEG” Fee by Franchise Authority
- DATE:** Council: 5-13-14
- REQUEST:** Consider and act on a Resolution to waive the Suddenlink PEG fees.
- OVERVIEW:** The Texas Public Utility Commission granted Suddenlink a certificate to provide Video Service in our community that became effective on 12/31/13. With this state certificate we would also receive a 1% PEG fee that would be passed on to the customers.

Section 66.006 (b) of the Public Utility and Regulatory Act provides that, to fund capital expenses associated with Public, Educational and Governmental facilities, and in lieu of in-kind contributions and grants (collectively “PEG fees”), a municipality may elect to receive 1% of a cable service provider’s gross revenues or the per subscriber fee that was paid to it under the incumbent cable service provider’s agreement. Since there was no PEG fee in our prior agreement with Northland, our community can choose to avoid adding a new fee to our customer’s bills and receive no PEG fees. If we choose to opt out of this 1% PEG fee we must adopt the attached Resolution and submit a request to Suddenlink to have this fee removed.

If the city decides to receive the PEG fee, the City will be subject to certain obligations per Section 66.006 (c) of the Public Utility and Regulatory Act with regard to the fee:

- PEG funds must be kept in a separate bank account and those funds may not be commingled with others; and
- that Municipalities must maintain a record of each deposit to and disbursement from the PEG account, including the payee and purpose of the disbursement; and
- that PEG funds must be used consistent with Federal Law – i.e. for capital purposes, not for operating expenses and must be for the production of a local video channel.

- RECOMMENDED ACTION:** Staff recommends adoption of the Resolution R-051314 to waive the PEG fee to help keep our customer’s bills as low as possible.

**ATTACHMENTS:**

Resolution R-051314

**RESOLUTION R-051314**

**A RESOLUTION OF THE CITY OF CHANDLER ELECTING NOT TO REQUIRE THE REMITTANCE OF A PEG FEE BY THE HOLDERS OF A STATE ISSUED CERTIFICATE OF FRANCHISE AUTHORITY**

**WHEREAS**, Section 66.005 of the Public Utility and Regulatory Act requires the holder of a certificate of franchise authority to pay a franchise fee of 5 percent of gross revenues; and

**WHEREAS**, Section 66.006(b) of the Public Utility and Regulatory Act provides that, to fund capital expenses associated with Public, Educational and Governmental facilities, and in lieu of in-kind contributions and grants (collectively "PEG fee"), a municipality may elect to receive one percent of a cable service provider's gross revenues or the per subscriber fee that was paid to it under the incumbent cable service provider's agreement; and

**WHEREAS**, the holder of a state-issued certificate is entitled to recover any fee imposed by the state and paid to the municipality from the cable service provider's customers; and

**WHEREAS**, under the incumbent cable service provider's agreement the City of Chandler does not collect any per subscriber PEG fee; and

**WHEREAS**, the City of Chandler does not wish to further burden its citizens with the additional fee authorized by section 66.006(b) of the Public Utility and Regulatory Act;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF CHANDLER, TEXAS THAT:**

1. The City elects that the holder of a state-issued certificate of franchise authority shall remit the same per subscriber fee to the City as provided for under the incumbent cable service provider's agreement.
2. The City elects not to burden subscribers with a new PEG fee under Section 66.006(b) of the Public Utility Regulatory Act.
3. The Mayor shall send a certified copy of this Resolution to Suddenlink.
4. This Resolution takes effect immediately upon its adoption.

**PASSED AND APPROVED THIS THE 13<sup>TH</sup> DAY OF MAY 2014.**

---

Ann Hall, Mayor

**ATTEST:**

---

Shirley Parmer, City Secretary