



Agenda City Council Meeting

City Council Chambers
Historic City Hall, 830 Boonville

Robert Stephens, Mayor

Zone Councilmembers

Phyllis Ferguson, Zone 1
Tom Prater, Zone 2
Mike Schilling, Zone 3
Craig Fishel, Zone 4

General Councilmembers

Jan Fisk, General A
Craig Hosmer, General B
Kristi S. Fulnecky, General C
Ken McClure, General D

Upcoming Council Meeting Agenda October 31, 2016 - 6:30 p.m.

Speakers must sign up with the City Clerk to speak to an issue on the agenda.
Speakers are to limit their remarks to three to five minutes.

Note: Sponsorship does not denote Council member approval or support.

1. **ROLL CALL.**
2. **APPROVAL OF MINUTES. October 17, 2016 – Regular And October 25, 2016 - Special**

Documents:

[10-17-2016.PDF](#)
[10-25-16 SPECIAL.PDF](#)
3. **FINALIZATION AND APPROVAL OF CONSENT AGENDAS. CITIZENS WISHING TO SPEAK TO OR REMOVE ITEMS FROM THE CONSENT AGENDAS MUST DO SO AT THIS TIME.**
4. **CEREMONIAL MATTERS.**

Swear in **Mindy Spitz** to the Tree City USA Citizen Advisory Committee.
5. **CITY MANAGER REPORT AND RESPONSES TO QUESTIONS RAISED AT THE PREVIOUS CITY COUNCIL MEETING.**
6. **SECOND READING AND FINAL PASSAGE. Citizens Have Spoken. May Be Voted**

On.

7. **Council Bill 2016-231. (Fisk)**

A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article I, In General, Section 2-5, Bonds on public works projects, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00.

Documents:

[2016-231.PDF](#)

8. **Council Bill 2016-232. (Hosmer)**

A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsection 13-3.104, Paragraph 8, Contract Performance and Payment Bonds, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00 in the City's Purchasing Manual.

Documents:

[2016-232.PDF](#)

9. **Council Bill 2016-233. (Fulnecky)**

A general ordinance amending the Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places, Article VI, Improvements, Division 1, generally, by repealing Sections 98-224, 'Authority to suspend or debar bidders'; 98-225, 'Procedure for suspension or debarment of bidders'; and 98-226, 'Grounds for suspension or debarment of bidders'; in their entirety, and reserving these sections for future use.

Documents:

[2016-233.PDF](#)

10. **Council Bill 2016-234. (McClure)**

A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsections 13-3.401 and 13-3.402, relating to procedures to suspend and/or debar bidders.

Documents:

[2016-234.PDF](#)

11. **Council Bill 2016-236. (Schilling)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement for a road improvement project with Greene County, Missouri, for the purpose of constructing roadway improvements on Republic Road between Golden Avenue and Route FF in the amount of \$1,248,000.

Documents:

[2016-236.PDF](#)

12. **RESOLUTIONS. Citizens May Speak. May Be Voted On.**

13. **Council Bill 2016-238. (Ferguson)**

A resolution endorsing the establishment of a 90-day pilot program to study a designated area within the West-Central Neighborhood for the purpose of assessing the impact of targeted enforcement of a one- and two-family unit, life safety housing inspection program and recommending improvements to existing City Code as a result of such study.

Documents:

[2016-238.PDF](#)

14. **Council Bill 2016-239. (Stephens)**

A resolution confirming the appointment of Rebekah Polly to serve on the Commercial Street Community Improvement District Board of Directors.

Documents:

[2016-239.PDF](#)

15. **EMERGENCY BILLS. Citizens May Speak. May Be Voted On.**

16. **Council Bill 2016-240. (Fisk)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the City of Joplin, Missouri, for use of the Joplin Jail for housing City inmates and declaring an emergency.

Documents:

[2016-240.PDF](#)

17. **PUBLIC IMPROVEMENTS.**

18. **GRANTS. Citizens May Speak. May Be Voted On.**

19. **Council Bill 2016-245. (Prater)**

A special ordinance authorizing the City Manager, or his designee, to accept an Environmental Workforce Development and Job Training Grant in the amount of \$200,000 from the United States Environmental Protection Agency for the purpose of creating job training programs that recruit, train, and place local unemployed and under-employed residents into full-time employment in the environmental field, and to enter into necessary agreements to carry out the grant; amending the budget of the Department of Workforce Development for Fiscal Year 2016-2017 in the amount of \$200,000 to appropriate the grant funds; and declaring that this bill qualifies for approval on one reading.

Documents:

[2016-245.PDF](#)

20. **AMENDED BILLS.**

21. **COUNCIL BILLS FOR PUBLIC HEARING. Citizens May Speak. Not Anticipated To Be Voted On.**

22. **Council Bill 2016-241. (Fishel)**

A general ordinance amending the Springfield Land Development Code, Section 36-306, 'Zoning Maps,' by rezoning approximately 0.68 acres of property, generally located at 519, 525 and 529 East Cherry Street from Planned Development No. 232, to a CC, Center City District; establishing Conditional Overlay District No. 113; and adopting an updated Official Zoning Map. (Staff and Planning and Zoning Commission recommend approval). (By: Family Violence Center, Inc. c/o Jason Murray; 519, 525 & 529 E. Cherry Street; Z-16-2016 Conditional Overlay

District No. 113.

Documents:

[2016-241.PDF](#)

23. **Council Bill 2016-242. (Schilling)**

A general ordinance amending Section 1-9 of the Springfield City Code, 'City Limits,' by annexing approximately 4.7 acres of Greene County right-of-way into the City of Springfield, Missouri, generally located between the 2700 and 3000 blocks of West Republic Street, generally referenced as Annexation A-2-16; and amending the Springfield City Code, Chapter 46, Section 46-1, 'Boundaries of wards, precincts and council zones,' by adding this property to the ward and precinct assigned them by the County Clerk.

Documents:

[2016-242.PDF](#)

24. **Council Bill 2016-243. (Fulnecky)**

A general ordinance amending Chapter 36 of the Springfield, Missouri, City Code, known as the Land Development Code, Article III – 'Zoning Regulations,' Division 1 'Intent, Purpose and General Provisions,' Section 36-303(30)(b) 'Utilities.'

Documents:

[2016-243.PDF](#)

25. **FIRST READING BILLS. Citizens May Speak. Not Anticipated To Be Voted On.**

26. **Council Bill 2016-244. Substitute No. 1. (McClure)**

A general ordinance amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers.

Documents:

[2016-244S1.PDF](#)

27. **Council Bill 2016-244. (McClure, Hosmer, Fulnecky, & Schilling)**

A general ordinance amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers. (The Finance and Administration Committee recommends approval.)

Documents:

[2016-244.PDF](#)

28. **PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.**

Mr. Robert A. Mondy wishes to address City Council.

29. **NEW BUSINESS.**

30. **UNFINISHED BUSINESS.**

31. **MISCELLANEOUS.**

32. **CONSENT AGENDA – FIRST READING BILLS. See Item #3.**

33. **Council Bill 2016-246. (Hosmer)**

A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement with the member agencies of the Central Ozarks Regional DWI Task Force.

Documents:

[2016-246.PDF](#)

34. **CONSENT AGENDA – ONE READING BILLS. See Item #3.**

35. **Council Bill 2016-247. (Stephens)**

A special ordinance authorizing the City Manager, or his designee, to enter into an agreement with the International Association of Chiefs of Police to provide a training program for the Springfield Police Department, and declaring an emergency pursuant to Charter Section 2.12 (1).

Documents:

[2016-247.PDF](#)

36. **CONSENT AGENDA – SECOND READING BILLS.**

37. **BOARD CONFIRMATIONS.**

Confirm the following reappointments to the Mayor's Commission on Human Rights and Community Relations: Larry Dinges and Angela Myers with terms to expire October 1, 2019.

38. **END OF CONSENT AGENDA.**

39. **ADJOURN.**

Persons addressing City Council are asked to step to the microphone and clearly state their name and address before speaking.

All meetings are recorded.

In accordance with ADA guidelines, if you need special accommodations when attending any City meeting, please notify the City Clerk's Office at 864 - 1443 at least 3 days prior to the scheduled meeting.

October 17, 2016
Springfield, Missouri

The City Council met in regular session October 17, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Pro Tem McClure. A moment of silence was observed.

Roll Call Present: Kristi Fulnecky, Mike Schilling, Tom Prater, Craig Fishel and Ken McClure. Absent: Craig Hosmer*, Jan Fisk, Phyllis Ferguson and Bob Stephens.

Minutes There being no additions, deletions or corrections, the minutes of October 3, 2016 were approved as presented.

Consent Agenda The Consent Agenda was finalized and approved as presented.

CEREMONIAL MATTERS

Recognizing Sheila Maerz Sponsor: Council. Council Bill 2016-229. A resolution recognizing Sheila Maerz for her dedicated years of service to the City of Springfield upon the occasion of her retirement.

Mr. Burris stated among Ms. Maerz many other achievements; she lead the development of the City's first ever collective bargaining agreement. Mr. Burris expressed his appreciation for Ms. Maerz and her work with the City.

Councilman Fishel expressed his appreciation for Ms. Maerz.

Councilman Schilling expressed his appreciation for Ms. Maerz.

*Councilman Hosmer entered the meeting at 6:39 p.m.

Council Bill 2016-229. Resolution 10289 was approved by the following vote: Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

City Managers report and responses to questions raised at the previous City Council meeting:

Greg Burris, City Manager, provided updates on questions raised from the previous Council meeting. Mr. Burris thanked Council for passing Sheila Maerz's resolution and stated her reception will be held on October 20, 2016. Mr. Burris thanked all who participated in the 27th Annual Treasures of the City event. Mr. Burris stated the public is invited to attend a Council workshop next Wednesday evening to learn more about the condition of the Historic Jefferson Avenue Footbridge. Mr. Burris noted the workshop will begin at 6 p.m., October 26, 2016, at the Savoy Ballroom on Commercial Street. Mr. Burris stated the month

of October is designated as Fire Prevention Month and the Springfield Fire Department has been distributing residential fire extinguisher to Parents as Teachers participants. Mr. Burris noted Police Chief Williams has provided the monthly crime statistics at the places of Council and is present to answer any questions. Mr. Burris made himself available for questions.

Councilman Fishel asked for clarification on the date of the footbridge workshop. Mr. Burris responded the workshop will be held on October 26, 2016.

The following bills appeared on the agenda under Second Reading Bills:

**Commercial Street Tax
Increment Financing
District Special
Allocation Fund**

Sponsor: Ferguson. Council Bill 2016-226. A special ordinance establishing a budget for the Commercial Street Tax Increment Financing District Special Allocation Fund for Fiscal Year 2016-17 in the amount of \$570,035.53; approving expenditures from said Special Allocation Fund for property acquisition costs and certain public improvement projects within the Commercial Street Increment Financing District in an amount not to exceed \$400,000.00; and also using certain rail credits obtained in the sale of the West Wye to BNSF in the amount of \$707,849.57 to partially fund the acquisition of a portion of Frisco Lane in connection with the aforementioned public improvement projects.

Councilman Schilling expressed his appreciation for the proposed and expressed his belief the proposed is a good use of the budget and will aid in economic growth.

Mayor Pro Tem McClure expressed his appreciation for the proposed.

Council Bill 2016-226. Special Ordinance 26804 was approved by the following vote: Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

RESOLUTIONS.

**Appointment of Six
Members to the Tax
Abatement and Tax
Increment Financing
Advisory Commission**

Sponsor: Stephens. Council Bill 2016-230. A resolution approving the Mayor's appointment of six members to the Tax Abatement and Tax Increment Financing Advisory Commission.

Mary Lily Smith, Director of Planning and Development, provided a brief overview of the proposed. Ms. Smith stated the proposed is a resolution to appoint six members to the Tax Increment Financing Advisory Commission (TIF). Ms. Smith noted the TIF commission is made up of 11 members, six of which are appointed by Council. Ms. Smith stated of the six members Council appoints, one will be a member of City Council and one will represent the Springfield-Greene County Library District. Ms. Smith noted members needed to be reappointed to the TIF

commission so they can act on a matter related to the Springfield Plaza TIF.

Council Bill 2016-230. Resolution 10290 was approved by the following vote: Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

GRANTS.

AMENDED BILLS.

COUNCIL BILLS FOR PUBLIC HEARING.

The following bills appeared on the agenda under First Reading Bills:

The following bills were read simultaneously:

Amending Springfield City Code, Chapter 2, Administration , Article I

Sponsor: Fisk. Council Bill 2016-231. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article I, In General, Section 2-5, Bonds on public works projects, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00.

Amending Springfield City Code, Chapter 2, Administration, Article VI, Finances

Sponsor: Hosmer. Council Bill 2016-232. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsection 13-3.104, Paragraph 8, Contract Performance and Payment Bonds, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00 in the City's Purchasing Manual.

David Holtmann, Interim Director of Finance, provided a brief overview of the proposed. Mr. Holtmann stated the proposed is to amend City Code related to bonds on Public Works projects. Mr. Holtmann noted the proposed will increase the minimum dollar amount of construction contracts that require performance, labor and material bonds. Mr. Holtmann stated the second part of the bill amends and increases the threshold to \$50,000 from the previous \$25,000.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

The following bills were read simultaneously.

Amending Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places

Sponsor: Fulnecky. Council Bill 2016-233. A general ordinance amending the Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places, Article VI, Improvements, Division 1, generally, by repealing Sections 98-224, 'Authority to suspend or debar bidders'; 98-

225, 'Procedure for suspension or debarment of bidders'; and 98-226, 'Grounds for suspension or debarment of bidders'; in their entirety, and reserving these sections for future use.

**Amending Springfield
City Code, Chapter 2,
Administration, Article
VI, Finances**

Sponsor: McClure. Council Bill 2016-234. A general ordinance amending the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsections 13-3.401 and 13-3.402, relating to procedures to suspend and/or debar bidders.

Kirk Juranas, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Juranas stated the proposed modifies the City Code to consolidate to the purchasing manual. Mr. Juranas noted the proposed consolidates the ability to suspend and debar in the purchasing manual and allows a department such as Public Works to have the Director act on the committee to make the decision on length of time of suspension or debarment. Mr. Juranas stated most incidents include criminal activity which would include cause debarment. Mr. Juranas made himself available for questions.

Councilwoman Fulnecky asked if the proposed is in response to an incident. Mr. Juranas responded in the negative. Mr. Juranas stated the question came up months ago and added it would be beneficial to have a person from the department on the team to be able to explain the situation.

Councilwoman Fulnecky asked who is involved in the committee. Mr. Juranas responded the committee was made up of four members including the City Manager, City Attorney, Director of Finance and the City Purchasing Agent. Mr. Juranas stated the proposed will allow the department director to become the fifth member on the committee.

Councilwoman Fulnecky asked if there is a right of appeal. Mr. Juranas responded in the affirmative. Mr. Juranas stated the contractor is notified in advance if they wish to make an appeal.

Councilwoman Fulnecky asked if the length of severity is five years. Mr. Juranas responded suspension is zero to six months and debarment is zero to five years.

Councilman Hosmer asked if the proposed is recodified under the ordinance. Mr. Juranas responded there were additional code restrictions in Section 98 being repealed and consolidated in the purchasing manual in Section 2-400.

Councilman Hosmer asked if the purchasing manual is approved by Council. Mr. Holtmann responded in the affirmative.

Councilman Hosmer asked if the provisions tell when a contractor will be debarred in the purchasing manual. Mr. Juranas responded in the affirmative.

Councilman Hosmer asked when the purchasing manual was approved. Mr. Holtmann responded the latest revision was approved by Council in October of 2000.

Councilman Hosmer asked if the language tracts the language that was repealed. Mr. Holtmann responded in the affirmative.

Mr. Juranas asked if Councilman Hosmer was asking specifically about causes for suspension or debarment. Councilman Hosmer responded in the affirmative. Mr. Juranas responded the suspension and debarment are being read directly from the current purchasing manual as the causes for debarment had not changed.

Councilman Hosmer asked if the manual will be the only document looked at if someone should be debarred. Mr. Juranas responded in the affirmative.

Councilman Hosmer asked if the purchasing manual includes habitual violators of the wage and hour law in the manual. Mr. Juranas responded in the negative and noted there is flexibility in the wording of the manual that allows other causes to be considered.

Councilman Hosmer asked for specificity concerning prevailing wage, wage violations and hour violations be looked at. Mr. Juranas responded those issues would be in violation of the contract and contractor.

Councilman Hosmer asked if other municipalities have wage and hour violations included in their list of causes for debarment. Mr. Juranas responded he was unsure.

Councilman Hosmer asked for information on how other municipalities handle wage and hour violations.

Mr. Burris asked if Councilman Hosmer was asking specifically wage and hour violations. Councilman Hosmer responded wage and hour violations, OSHA and prevailing wage violations.

Councilwoman Fulnecky asked if bid documents disclose OSHA, wage and hour violations. Mr. Juranas responded it is part of the reference material.

Councilman Hosmer expressed his concern for the bid manual not including wage and hour violations.

Mayor Pro Tem McClure asked for further information concerning OSHA, wage and hour violations and prevailing wage violations.

Mayor Pro Tem McClure asked if there are state law procedures for debarment in place. Mr. Juranas responded there are state laws in place and stated there is federal and state law concerning OSHA violations.

Mr. Burris stated information will be provided to Council.

Mayor Pro Tem McClure asked what the involvement was for the Development Issues Input Group (DIIG). Mr. Juranas stated the proposed was reviewed with DIIG and had input as their membership could be impacted and were in support of the proposed.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

**Cost Share Program
Third Supplemental
Agreement with
Missouri Highway and
Transportation
Commission and
Greene County**

Sponsor: Ferguson. Council Bill 2016-235. A special ordinance authorizing the City Manager, or his designee, to enter into a Cost Share Program Third Supplemental Agreement with the Missouri Highway and Transportation Commission and Greene County, for the purpose of allocating costs and establishing a contingency fund for additional costs for the City with respect to the Chestnut Expressway Overpass Bridge Improvement, Project No. 8P2196 and 8P2196B over the Burlington Northern Santa Fe Railway Company, Thayer Line, approximately 0.22 miles west of Route 65; and amending the 2016-2017 Fiscal Year budget for the Department of Public Works in the amount of \$1,286,899 to appropriate funds for this project.

Kirk Juranas, Assistant Director of Public Works, provided a brief overview of the proposed. Mr. Juranas stated the proposed is for the Chestnut Expressway bridge to relocate utilities. Mr. Juranas noted there were unstable foundation conditions under the existing roadway that caused expansion of the project. Mr. Juranas stated the Department of Transportation will share in the sale of the property. Mr. Juranas noted 61% of the funds can be taken from Surface Transportation Program funds. Mr. Juranas noted of the \$1.6 million, \$618,000 will come out of the 1/8th cent Transportation funds. Mr. Juranas noted if there is a need for additional funding, there is half a million dollars budgeted in the contingency fund instead of using local funds.

Councilman Fishel asked if the \$618,000 was part of the original tax issue passed by Council. Mr. Juranas responded it is included in part of the original budget.

Councilwoman Fulnecky expressed her appreciation for the proposed.

Mr. Juranas stated the project is requested to be accelerated for MoDOT to give notice to the contractor on November 7 and be completed by September 2017.

Mayor Pro Tem McClure asked if a Special City Council Meeting should be held on October 25, 2016 to vote on the proposed. Mr. Burris responded in the affirmative.

An opportunity was given for citizens to express their views. With no

appearances, the discussion was closed.

Intergovernmental Agreement for Road Improvement with Greene County

Sponsor: Schilling. Council Bill 2016-236. A special ordinance authorizing the City Manager, or his designee, to enter into an Intergovernmental Agreement for a road improvement project with Greene County, Missouri, for the purpose of constructing roadway improvements on Republic Road between Golden Avenue and Route FF in the amount of \$1,248,000.

Dan Smith, Director of Public Works, provided a brief overview of the proposed. Mr. Smith stated the proposed is a project cost share shared with Greene County located at Republic Road between Golden Avenue and West Bypass. Mr. Smith stated it is taking a two lane road to a five lane curb and gutter, including utility relocation, stormwater improvements and sidewalks. Mr. Smith noted notice to proceed will be given on December 1, 2016.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

Petitions, Remonstrances, and Communications.

The following items appeared under New Business:

Recommended

The Mayor recommends the following reappointments to the Mayor’s Commission on Human Rights and Community Relations: Larry Dinges and Angela Myers with terms to expire October 1, 2019.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk’s office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State’s office.

UNFINISHED BUSINESS.

MISCELLANEOUS.

The following bills appeared on the agenda under Consent Agenda First Reading Bills:

The following bills appeared on the agenda under Consent Agenda One Reading Bills:

Levy and Assess a Special Tax Against the Lots, Blocks and Parcels of Ground

Sponsor: Schilling. Council Bill 2016-237. A special ordinance to levy and assess a special tax against the lots, blocks, and parcels of ground hereinafter described to pay for the cost of the construction of sanitary sewers in the City of Springfield, Missouri, in Sanitary Sewer District No. 183 of Section No. 16, in the general vicinity of Grand Street and West Bypass as shown in “Exhibit A,” providing for inclusion of said district in the City Sewer Financial Assistance Program, and authorizing the City Clerk to issue special tax bills and deliver the same to the Director of Finance to be registered in his office in accordance with this

Ordinance; and declaring that this bill qualifies for approval in one reading.

Council Bill 2016-237. Special Ordinance 26805 was approved by the following vote: Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

The following bills appeared on the agenda under Consent Agenda Second Reading Bills:

Chapter 36, Permits and Fees, 'When Permit is Required', 'Fees'

Sponsor: Fisk. Council Bill 2016-227. A general ordinance amending the Springfield City Code Chapter 36 Land Development Code, Article 1 - Administration and Enforcement of Codes, Division 4 Permits and Fees, Section 36-128, 'When permit is required'; and 36-146 'Fees,' to correct inaccurate cross-references.

Council Bill 2016-227. General Ordinance 6308 was approved by the following vote: Ayes: Hosmer, Fulnecky, Schilling, Prater, Fishel and McClure. Nays: None. Absent: Fisk, Ferguson and Stephens. Abstain: None.

Confirmed

Confirm the following appointments to the Tree City USA Citizen Advisory Committee: Zach Clapper with term to expire December 1, 2016 and Mindy Spitz with term to expire December 1, 2017.

Confirmed

Confirm the following appointment, who has been serving as an alternate, to the Board of Adjustment: Derek Lee with term to expire January 1, 2017.

Confirmed

Confirm the following reappointments to the Park Board: Sarah McCallister with term to expire June 1, 2018, and Sidney Needem with term to expire June 1, 2019.

Adjourn

With no further business to come before Council, the meeting adjourned at approximately 7:15 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by Megan
Cunningham

**October 25, 2016
Springfield, Missouri**

The City Council met in special session October 25, 2016 in the 4th Floor Conference Room in the Busch Municipal Building at 12:00 p.m. The meeting was called to order by Mayor Bob Stephens.

Roll Call

Present: Craig Fishel, Craig Hosmer, Phyllis Ferguson, Mike Schilling, Tom Prater, and Bob Stephens. Absent: Ken McClure, Jan Fisk*, and Kristi Fulnecky.

**Cost Share
Program Third
Supplemental
Agreement with
Missouri Highway
and Transportation
Commission and
Greene County**

Sponsor: Ferguson. Council Bill 2016-235. A special ordinance authorizing the City Manager, or his designee, to enter into a Cost Share Program Third Supplemental Agreement with the Missouri Highway and Transportation Commission and Greene County, for the purpose of allocating costs and establishing a contingency fund for additional costs for the City with respect to the Chestnut Expressway Overpass Bridge Improvement, Project No. 8P2196 and 8P2196B over the Burlington Northern Santa Fe Railway Company, Thayer Line, approximately 0.22 miles west of Route 65; and amending the 2016-2017 Fiscal Year budget for the Department of Public Works in the amount of \$1,286,899 to appropriate funds for this project.

*Councilwoman Fisk entered the meeting at 12:01 pm.

Mayor Stephens noted public comment regarding the proposed was taken at the October 17, 2016 Council Meeting.

Council Bill 2016-235. Special Ordinance 26806 was approved by the following vote: Ayes: Fishel, Fisk, Hosmer, Ferguson, Schilling, Prater, and Stephens. Nays: None. Absent: McClure and Fulnecky. Abstain: None.

With no further business to come before City Council, the meeting adjourned at approximately 12:06 p.m.

Anita J. Cotter, CMC/MRCC
Acting City Clerk

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 10-11-16

Sponsored by: Fisk

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 231

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, Administration, Article I, In General,
2 Section 2-5, Bonds on public works projects, by increasing the minimum
3 dollar amount of construction contracts that require performance, labor
4 and materials bonds to \$50,000.00.
5 _____
6

7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
8 MISSOURI, as follows, that:
9

10 NOTE: Language being added is underlined and language being removed is
11 ~~stricken~~.
12

13 Section 1 – The Springfield City Code, Chapter 2, Administration, Article I, In
14 General, Section 2-5, Bonds on public works projects, is hereby amended as follows:
15

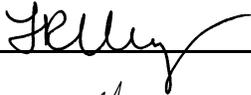
16 Sec. 2-5. - Bonds on public works projects.

- 17 (a) Whenever the city shall make a contract in excess of
18 ~~\$25,000.00~~\$50,000.00 with a contractor for public works as defined by
19 RSMo 107.170, it shall be the duty of the city manager to provide for and
20 to secure from the public works contractor a bond with good and sufficient
21 sureties in the full amount of the contract, which bond, among other
22 conditions which may be established in the specifications for the work,
23 shall be conditioned for the payment of costs of any and all materials,
24 lubricants, oil, gasoline, grain, hay, feed, coal and coke, repairs on
25 machinery, groceries and foodstuffs, equipment and tools consumed or
26 used in connection with the construction of the work, and all insurance
27 premiums both for compensation and for all other kinds of insurance on the
28 work, and for all labor performed in the work, whether by subcontractor or
29 otherwise.
30 (b) All bonds executed and furnished under the provisions of this section shall
31 be deemed to contain the requirements and conditions as set out in this
32 section, regardless of whether the requirements and conditions are set

79 Filed as Ordinance: _____

80

81

82 Approved as to form: _____  _____, Assistant City Attorney

83

84

85 Approved for Council action: _____  _____, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 231

FILED: 10-11-16

ORIGINATING DEPARTMENT: Finance

PURPOSE: To amend the Springfield City Code, Chapter 2, Administration, Article I, In General, Section 2-5, Bonds on public works projects, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00.

BACKGROUND: In Late 2014, in an effort to provide relief to contractors, the State of Missouri passed modifications to Missouri's Public Prompt Pay Act (34.057 RSMo) and Public Works Bonding Act (107.170 RSMo). These provisions revised and expanded the scope of Missouri's Public Prompt Payment Act and, among other benefits for contractors working on public works projects, reduced delays in payments due from public owners, provided clarification of the professionals protected through these Acts, and raised the floor value for requiring construction contractors to furnish a bond from \$25,000.00 to \$50,000.00. The immediate ordinance will update the City's bonding requirement, set out in Chapter 2, Article 1, Section 2-5 of the City Code, to match Missouri's statutory requirements by requiring bonds for construction contracts with the City that are estimated to exceed \$50,000.00. Depending upon the type and nature of the construction project, Section 2-5, Subsection (3) will continue to allow the City, in its discretion, to require a bond for projects with estimated costs of \$50,000.00 or less.

REMARKS: In conjunction with the immediate ordinance, a similar council bill is being presented to City Council to simultaneously amend the corresponding section of the City's Purchasing Manual, Subsection 13-3.104, Paragraph 8, Contract Performance and Payment Bonds, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00 in the Purchasing Manual also.

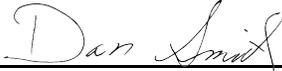
RECOMMENDATION: The Departments of Finance, Public Works, and Environmental Services recommend approval of the proposed amendments.

Submitted by:



Interim Director of Finance

Recommended by:



Dan Smith, Director of Public Works

Approved by:



City Manager



Steve Meyer, Director of Environmental Services

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 10-11-16

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016-232

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, Administration, Article VI, Finances,
2 Division 2, Purchasing, Section 2-401, known as the Purchasing Manual,
3 by amending Subsection 13-3.104, Paragraph 8, Contract Performance
4 and Payment Bonds, by increasing the minimum dollar amount of
5 construction contracts that require performance, labor and materials
6 bonds to \$50,000.00 in the City's Purchasing Manual.
7
8

9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
10 MISSOURI, as follows, that:

11 NOTE: Language being added is underlined and language being removed is
12 ~~stricken~~.
13

14
15 Section 1 – the Springfield City Code, Chapter 2, Administration, Article VI,
16 Finances, Division 2, Purchasing, Section 2-401, Subsection 13-3.104, Paragraph 8,
17 Contract Performance and Payment Bonds, is hereby amended as follows:
18

19 13-3.104 REGULATIONS GOVERNING COMPETITIVE BIDDING
20

21 8. Contract Performance and Payment Bonds - When a construction contract is
22 awarded, for an amount exceeding ~~\$25,000.00~~\$50,000.00, a bond shall be delivered
23 to the City and shall become binding on the parties upon the execution of the
24 contract; which bond shall be a performance, labor and materials bond satisfactory
25 to the City, executed by a surety company authorized to do business in this state or
26 otherwise secured in a manner satisfactory to the City, in an amount equal to 100%
27 of the price specified in the contract. If the amount of the contract is less than
28 ~~\$25,000.00~~\$50,000.00, such bond may be required at the recommendation of the
29 contracting department or the City Purchasing Agent.
30

31 Section 2 – Severability Clause. If any section, subsection, sentence, clause or
32 phrase of this ordinance is for any reason held to be invalid, such decision shall not
33 affect the validity of the remaining portions of this ordinance. The City Council hereby

34 declares that it would have adopted the ordinance and each section, subsection,
35 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
36 sections, sentences, clauses, or phrases be declared invalid.

37
38 Section 3 – Savings Clause. Nothing in this ordinance shall be construed to
39 affect any suit or proceeding now pending in any court or any rights acquired or liability
40 incurred nor any cause or cause of action occurred or existing, under any act or
41 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
42 impaired, or affected by this ordinance.

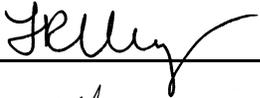
43
44 Section 4 – This ordinance shall be in full force and effect from and after
45 passage.

46
47 Passed at meeting: _____

48
49
50 _____
51 Mayor

52
53
54 Attest: _____, City Clerk

55
56 Filed as Ordinance: _____

57
58
59 Approved as to form: , Assistant City Attorney

60
61 Approved for Council action: , City Manager
62
63

EXPLANATION TO COUNCIL BILL NO: 2016- 232

FILED: 10-11-16

ORIGINATING DEPARTMENT: Finance

PURPOSE: To amend the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsection 13-3.104, Paragraph 8, Contract Performance and Payment Bonds, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00 in the City's Purchasing Manual.

BACKGROUND: In Late 2014, in an effort to provide relief to contractors, the State of Missouri passed modifications to Missouri's Public Prompt Pay Act (34.057 RSMo) and Public Works Bonding Act (107.170 RSMo). These provisions revised and expanded the scope of Missouri's Public Prompt Payment Act and, among other benefits for contractors working on public works projects, reduced delays in payments due from public owners, provided clarification of the professionals protected through these Acts, and raised the floor value for requiring construction contractors to furnish a bond from \$25,000.00 to \$50,000.00. The immediate ordinance will update the City's bonding requirement, set out in Subsection 13-3.104, Paragraph 8 of the City's Purchasing Manual, to match Missouri's statutory requirements by requiring bonds for construction contracts with the City that are estimated to exceed \$50,000.00. Depending upon the type and nature of the construction project, Paragraph 8 of Subsection 13-3.104 will continue to allow the City, if needed, to require a bond for projects with estimated costs of \$50,000.00 or less, if recommended by the City Purchasing Agent or the contracting department.

REMARKS: In conjunction with the immediate ordinance, a similar council bill is being presented to City Council to simultaneously amend the corresponding section of the City Code, Chapter 2, Administration, Article I, In General, Section 2-5, Bonds on public works projects, by increasing the minimum dollar amount of construction contracts that require performance, labor and materials bonds to \$50,000.00 in the City Code also.

RECOMMENDATION: The Departments of Finance, Public Works, and Environmental Services recommend approval of the proposed amendments.

Submitted by:



Interim Director of Finance

Recommended by:

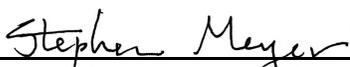


Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager



Steve Meyer, Director of Environmental Services

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 10-11-16

Sponsored by: Fulnecky

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 233

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 98, Streets, Sidewalks and Public
2 Places, Article VI, Improvements, Division 1, generally, by repealing
3 Sections 98-224, 'Authority to suspend or debar bidders'; 98-225,
4 'Procedure for suspension or debarment of bidders'; and 98-226, 'Grounds
5 for suspension or debarment of bidders'; in their entirety, and reserving
6 these sections for future use.

7 _____
8
9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
10 MISSOURI, as follows, that:

11
12 NOTE: Language being added is underlined and language being removed is
13 ~~stricken~~.

14
15 Section 1 – The Springfield City Code, Chapter 98, Streets, Sidewalks and Public
16 Places, Article VI, Improvements, Division 1, Generally, is hereby amended by repealing
17 Sections 98-224, Authority to suspend or debar bidders; 98-225, Procedure for
18 suspension or debarment of bidders; and 98-226, Grounds for suspension or debarment
19 of bidders; in their entirety, and reserving these sections for future use:

20
21 ~~Sec. 98-224. – Authority to suspend or debar bidders.~~

22
23 ~~—The purchasing committee established pursuant to chapter 4 of the city~~
24 ~~purchasing manual shall have authority to suspend or debar a person from~~
25 ~~consideration for bid awards involving any public works improvement project of the~~
26 ~~city, including boards and agencies. A suspension may be for up to six months. A~~
27 ~~debarment may be from six months to two years in length.~~

28
29 ~~Sec. 98-225. – Procedure for suspension or debarment of bidders.~~

30
31 ~~(a) Notice of suspension or debarment under section 98-224 shall be given by~~
32 ~~certified mail from the city manager or the chairperson of the board or agency at~~
33 ~~least 14 days prior to the effective date of the suspension or debarment.~~

- 34 ~~(b) The person to be suspended or debarred has a right to a hearing, if requested,~~
35 ~~within 14 days after mailing of notice.~~
- 36 ~~(c) The hearing shall be held promptly thereafter before the hearing officer. A~~
37 ~~hearing officer will be appointed by the city manager for this purpose. The~~
38 ~~hearing officer shall have all powers necessary to conduct the hearing.~~
- 39 ~~(d) The city attorney, on behalf of the city, or any party to the proceeding may~~
40 ~~request that the hearing officer issue subpoenas for witnesses or subpoenas~~
41 ~~duces tecum. The hearing officer shall cause a record of the case to be kept, and~~
42 ~~copies shall be made available to any interested person upon the payment of a~~
43 ~~fee. The hearing need not be conducted according to the rules of evidence. Any~~
44 ~~relevant matter may be admitted and considered by the hearing officer if it is the~~
45 ~~sort of evidence on which reasonable persons are accustomed to rely in the~~
46 ~~conduct of serious affairs. Objections to evidence shall be noted, and the hearing~~
47 ~~officer may rule on such objections.~~
- 48 ~~(e) The decision of the hearing officer shall be in writing and shall be subject to~~
49 ~~appeal under RSMo ch. 536. All decisions of the hearing officer shall be final~~
50 ~~decisions 30 days after the mailing of personal service of the decision.~~
- 51 ~~(f) Suspension or debarment will not be stayed during the pendency of any hearing~~
52 ~~or appeal except by an order of the circuit court.~~

53
54 ~~Sec. 98-226. – Grounds for suspension or debarment of bidders.~~

55 ~~The causes for suspension or debarment under section 98-224 include the following:~~

- 56 ~~(1) Conviction within the last ten years for commission of a criminal offense as an~~
57 ~~incident to obtaining or attempting to obtain a public or private contract or~~
58 ~~subcontract, or in the performance of such contract or subcontract.~~
- 59 ~~(2) Conviction within the last ten years under state or federal statutes for~~
60 ~~embezzlement, theft, forgery, bribery, falsification or destruction of records,~~
61 ~~receiving stolen property, or any other offense indicating a lack of business~~
62 ~~integrity or business honesty which affects responsibility as a contractor.~~
- 63 ~~(3) Conviction within the last ten years under state or federal statutes arising out of~~
64 ~~the submission of bids or proposals.~~
- 65 ~~(4) Violation within the last two years of contract provisions, as follows, of a~~
66 ~~character which is regarded by the director of the contracting department or~~
67 ~~board to be so serious as to justify debarment action:~~
- 68 ~~— a. Deliberate failure without good cause to perform in accordance with the~~
69 ~~specifications or within the time limit provided in the contract; or~~
- 70 ~~— b. A record of failure to perform or of unsatisfactory performance in accordance~~
71 ~~with the terms of one or more contracts, provided that failure to perform or~~
72 ~~unsatisfactory performance caused by acts beyond the control of the~~
73 ~~contractor shall not be considered to be a basis for debarment.~~

74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106

~~(5) Violation of general ethical standards in relation to gratuities or kickbacks involving city contracts.~~

~~(6) Any other cause the director of the contracting department, board or agency determines to be so serious and compelling as to affect responsibility as a contractor.~~

Section 2 – Sections 98-224, 98-225 and 98-226 shall be reserved for future use.

Section 3 – Savings Clause. Nothing in this ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or cause of action occurred or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 4 – This ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: J Kelly, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 233

FILED: 10-11-16

ORIGINATING DEPARTMENT: Finance

PURPOSE: Amending the Springfield City Code, Chapter 98, Streets, Sidewalks and Public Places, Article VI, Improvements, Division 1, generally, by repealing Sections 98-224, Authority to suspend or debar bidders; 98-225, Procedure for suspension or debarment of bidders; and 98-226, Grounds for suspension or debarment of bidders; in their entirety, and reserving these sections for future use.

BACKGROUND: The City Purchasing Manual addresses suspending and debarring bidders and is available for all City contracts, regardless of the department that issued the bid or contract. In conjunction with this Ordinance, the City Purchasing Manual is being amended and, as such, Chapter 98, Streets, Sidewalks and Public Places, Article VI, Improvements, Division 1, generally, by repealing Sections 98-224, Authority to suspend or debar bidders; 98-225, Procedure for suspension or debarment of bidders; and 98-226, Grounds for suspension or debarment of bidders, are no longer needed and would be duplicative. Sections 98-224, 98-225 and 98-226 are being added to Sections 98-227 - 98-240 as Reserved for future use.

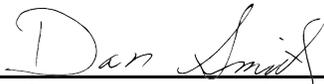
RECOMMENDATION: The Departments of Finance, Public Works, and Environmental Services recommend approval of the proposed amendments.

Submitted by:



Interim Director of Finance

Recommended by:



Dan Smith, Director of Public Works

Approved by:



City Manager



Steve Meyer, Director of Environmental Services

One-rdg. _____
P. Hrngs. _____
Pgs. 4
Filed: 10-11-16

Sponsored by: McClure

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 234

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 2, Administration, Article VI, Finances,
2 Division 2, Purchasing, Section 2-401, known as the Purchasing Manual,
3 by amending Subsections 13-3.401 and 13-3.402, relating to procedures
4 to suspend and/or debar bidders.
5 _____
6

7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
8 MISSOURI, as follows, that:

9
10 NOTE: Language being added is underlined and language being removed is
11 ~~stricken~~.

12
13 Section 1 – the Springfield City Code, Chapter 2, Administration, Article VI,
14 Finances, Division 2, Purchasing, Section 2-401, Subsection 13-3.401 is hereby
15 amended as follows:

16
17 13-3.401 RESOLUTION OF PROTEST

18
19 Whenever the City Purchasing Agent requests, the City ~~Purchasing~~Review
20 Committee shall meet and resolve contested solicitation or awards. The City
21 ~~Purchasing~~Review Committee shall be comprised of the following, or authorized
22 representatives from their respective Departments: (1) the City Manager; (2) the
23 Director of Finance; (3) the City Attorney; (4) and the City Purchasing Agent, or their
24 authorized representatives; and (5) the Director of the Department for which the
25 solicitation or award was made. The City ~~Purchasing~~Review Committee shall have
26 no authority to overturn bid awards, but may advise the City Purchasing Agent, ~~or~~
27 the Director of the Department for which the solicitation or award was made, and/or
28 the appropriate Administrative contracting department or boardBoard of changes or
29 guidelines to follow in the future.
30

31 Section 2 – the Springfield City Code, Chapter 2, Administration, Article VI,
32 Finances, Division 2, Purchasing, Section 2-401, Subsection 13-3.402 is hereby
33 amended as follows:

34
35 13-3.402 AUTHORITY TO SUSPEND OR DEBAR
36

37 The ~~City Purchasing Review~~ Committee shall have authority to suspend or debar a
38 person or company from consideration from bid awards. A suspension may be for
39 up to six months. A debarment may be from six (6) months up to two (2) five (5)
40 years in length.
41

42 Section 3 – Severability Clause. If any section, subsection, sentence, clause or
43 phrase of this ordinance is for any reason held to be invalid, such decision shall not
44 affect the validity of the remaining portions of this ordinance. The City Council hereby
45 declares that it would have adopted the ordinance and each section, subsection,
46 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
47 sections, sentences, clauses, or phrases be declared invalid.
48

49 Section 4 – Savings Clause. Nothing in this ordinance shall be construed to
50 affect any suit or proceeding now pending in any court or any rights acquired or liability
51 incurred nor any cause or cause of action occurred or existing, under any act or
52 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
53 impaired, or affected by this ordinance.
54

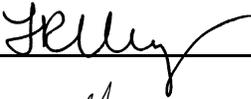
55 Section 5 – This Ordinance shall be in full force and effect from and after
56 passage.
57

58 Passed at meeting: _____
59

60
61 _____
62 Mayor
63

64
65 Attest: _____, City Clerk
66

67 Filed as Ordinance: _____
68

69
70 Approved as to form: , Assistant City Attorney
71

72
73 Approved for Council action: , City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 234

FILED: 10-11-16

ORIGINATING DEPARTMENT: Finance

PURPOSE: To amend the Springfield City Code, the Springfield City Code, Chapter 2, Administration, Article VI, Finances, Division 2, Purchasing, Section 2-401, known as the Purchasing Manual, by amending Subsections 13-3.401 and 13-3.402, relating to procedures to suspend and/or debar bidders.

BACKGROUND: This Ordinance will update the title of the City Review Committee (previously known as the City Purchasing Committee), involved with the resolution of protests involving prospective bidders, offerors or contractors, and for the handling of suspension and/or debarment from consideration for bid awards, and to reflect the Committee's purpose and membership makeup. It will add an additional member to the Committee for the Department involved with the solicitation or award, and allows for alternate representatives for each committee member. Additionally, it will increase the potential time of debarment. Currently, a bidder may be suspended for up to six months and debarred for six months to two years. The period of suspension is not being changed, but the potential debarment is being increased to a new maximum of five years – i.e., a debarment will be possible from six months up to five years with the passage of this Ordinance. This increased duration will better reflect the severity of conduct that results in being debarred from City bids, projects and contracting.

REMARKS: Since the Purchasing Manual is available and applicable for all City contracts, regardless of the department that issued the bid or contract, Chapter 98, Sections 98-224, Authority to suspend or debar bidders; 98-225, Procedure for suspension or debarment of bidders; and 98-226, Grounds for suspension or debarment of bidders; are not needed and are duplicative to the Purchasing Manual provisions referenced above. Therefore, in conjunction with the immediate Ordinance, these duplicative sections of the City Code are being repealed and reserved for future use by a separate ordinance. The Purchasing Division will continue to be responsible for monitoring compliance with all of the Purchasing Manual requirements.

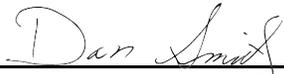
RECOMMENDATION: The Departments of Finance, Public Works, and Environmental Services recommend approval of the proposed amendments.

Submitted by:



Interim Director of Finance

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager



Steve Meyer, Director of Environmental Services

One-rdg. _____
P. Hrngs. _____
Pgs. 8
Filed: 10-11-16

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 236

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Intergovernmental
2 Agreement for a road improvement project with Greene County, Missouri,
3 for the purpose of constructing roadway improvements on Republic Road
4 between Golden Avenue and Route FF in the amount of \$1,248,000.
5 _____
6

7 WHEREAS, the City and Greene County ("County") desire to enter into an
8 agreement to share costs associated with completing roadway improvements from Golden
9 Avenue to Route FF on Republic Road as part of the West Republic Road Project; and
10

11 WHEREAS, these roadway improvements include a five-lane curb and gutter
12 roadway, stormwater drainage system, pedestrian sidewalks, and utility relocations; and
13

14 WHEREAS, these improvements will be of benefit to the citizens of the City and the
15 County.
16

17 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
18 SPRINGFIELD, MISSOURI, as follows, that:
19

20 Section 1 – The City Manager, or his designee, is hereby authorized to enter into an
21 Intergovernmental Cooperative Agreement with Greene County, Missouri, said agreement
22 to be in substantially the form as that document attached hereto and incorporated herein by
23 reference as "Exhibit A."
24

25 Section 2 – This Ordinance shall be in full force and effect from and after passage.
26

27 Passed at meeting: _____
28
29
30

31 _____
32 Mayor

33 Attest: _____, City Clerk
34

35 Filed as Ordinance: _____
36

37

38 Approved as to form: Amanda R. Callaway, Assistant City Attorney

39

40

41 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 236

FILED: 10-11-16

ORIGINATING DEPARTMENT: Public Works

PURPOSE: To authorize the City Manager, or his designee, to enter into an Intergovernmental Cooperative Agreement with Greene County ("County"), as described in "Exhibit A" and attached hereto for reference, for the purpose of sharing costs for the Republic Road improvement project between Golden Avenue and Route FF.

BACKGROUND INFORMATION: Republic Road serves both County and City residents as a primary arterial roadway and the County and City desire to enter into a Intergovernmental Cooperative Agreement for the purpose of improving same. Republic Road between Golden Avenue and Route FF represents a continuation of recent transportation improvements being performed by the City and the County and the County and the City have a mutual interest in improving and sharing the cost of the improvements. These improvements include: a five-lane curb and gutter roadway, a stormwater drainage system, pedestrian sidewalks and utility relocations ("Improvements").

The estimated total project cost for the Improvements is \$6,000,000. The total project cost will be shared approximately 79.2% by the County (\$4,752,000) and approximately 20.8% by the City (\$1,248,000). The City's share will be partially funded by the Springfield-Greene County Parks Sales Tax for Stormwater and Waterways (\$328,000) from funds previously budgeted for stormwater and waterway improvements. The remaining City portion (\$920,000) will be funded from budgeted reimbursement funds previously received from the Missouri Department of Transportation (MoDOT) for the City's advance funding of the National Avenue and James River Freeway Interchange Improvements completed in 2010.

The City intends to eventually annex the road affected by the Improvements in connection with the City's major thoroughfare plan.

This Ordinance Supports the following Field Guide 2030 goal(s): Chapter 12, Transportation; Major Goal 2, Operations and Maintenance The City of Springfield should continue to maintain streets, sidewalks, trails, and the airport, using the most effective strategies to maximize the efficient operation of the existing systems, keeping in mind safety, accessibility, sustainability, and collaboration; Objective 2a, Keep streets and sidewalks and trails in good condition with an emphasis on arterial streets; Objective 2d, The City of Springfield should coordinate operations and maintenance efforts with Greene County, the State of Missouri, rail, and transit to ensure a seamless connection to the regional system. Major Goal 3, Economic Development Encourage economic growth and vitality for Springfield and the region by providing transportation infrastructure and facilities that ensure opportunities for future economic development and promote desired growth; Objective 3b, Continue the development of north/south and east/west corridors that would facilitate linkages and relief routes within Springfield and between

surrounding communities. Develop a process for the continued planning and preservation of new roadway corridors and alignments in anticipation of future development, to improve connectivity, and to relieve congestion. Developing connections between Springfield and the surrounding communities should be a high priority and a collaborative effort, specifically through the coordination of each community's Major Thoroughfare Plan.

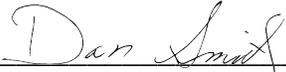
REMARKS: Public Works recommends approval of this Council bill.

Submitted by:



Kirk Juranas, Assistant Director of Public Works

Recommended by:



Dan Smith, Director of Public Works

Approved by:



Greg Burris, City Manager

Exhibit A

**INTERGOVERNMENTAL COOPERATIVE AGREEMENT
Republic Road (Farm Road 170) between Golden Avenue and Route FF**

THIS AGREEMENT made and entered into this ____ day of _____, 2016, by and between the CITY OF SPRINGFIELD, MISSOURI (hereinafter referred to as "City"), and GREENE COUNTY, MISSOURI (hereinafter referred to as "County"):

WITNESSETH:

WHEREAS, Section 70.220, RSMo. (2000) authorizes governments to cooperate with one another in various matters, and;

WHEREAS, Republic Road, also known as Farm Road 170, serves both County and City residents as a Primary Arterial roadway, and;

WHEREAS, the Republic Road corridor supports the economic vitality of the Springfield region by providing transportation accessibility and mobility for both people and freight, and;

WHEREAS, the section of Republic Road located between Golden Avenue and Route FF represents a continuation of recent transportation improvements being performed by both the City and County, and;

WHEREAS, The County and City have a mutual interest in improving Republic Road between Golden Avenue and Route FF (hereinafter referred to as the West Republic Road Project), and;

WHEREAS, The County and City have also have a mutual interest in sharing the cost of said improvements to the West Republic Road Project;

NOW, THEREFORE, the parties do hereby mutually covenant and agree as follows:

1. **ENGINEERING AND DESIGN BY THE COUNTY:** County shall, at its sole cost and expense, engineer and design all necessary improvements for the West Republic Road Project. These improvements shall include construction of a five-lane curb and gutter roadway, a stormwater drainage system, pedestrian sidewalks and utility relocations along West Republic Road, from Golden Avenue to Route FF, a total distance of approximately 5,900 feet, said improvements are shown on Exhibit A, attached hereto and incorporated herein by reference ("Improvements").

2. **RIGHT OF WAY ACQUISITION BY COUNTY:** County shall, at its sole cost and expense, acquire all necessary right of way and easements for said improvements.

3. **CONSTRUCTION OF IMPROVEMENTS BY COUNTY:** County shall, at its sole cost and expense, construct and inspect the Improvements. County shall also, at its sole cost and expense, reimburse the

various utility companies for any relocation of their facilities currently in private easement due to the Improvements. The estimated cost of construction and utility relocations is \$6,000,000.

4. **REIMBURSEMENT OF COST:** The City shall be responsible for \$1,248,000 of the cost of the construction of the Improvements. The City agrees to pay the County the sum of \$1,248,000 no later than 30-days after the Notice of Award of the construction contract by the County.

5. **PREVAILING WAGES:** Greene County acknowledges that all labor utilized in the construction of the aforementioned project shall be paid a wage of no less than the "prevailing hourly rate of wages" for work of a similar character in this locality, as established and amended at any time by the Department of Labor and Industrial Relations of the State of Missouri.

6. **CONFLICT OF INTEREST:** In accepting this contract, Greene County certifies that no member or officer of its firm or corporation is an officer or employee of the City of Springfield, Missouri, or any of its boards or agencies, and further that no officer or employee of the City has any financial interest, direct or indirect, in this contract. All applicable federal regulations and provisions of RSMo Section 105.450 et seq. shall not be violated.

7. **ASSIGNMENT:** Greene County shall not assign any interest in this contract, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the City thereto.

8. **NOTICES:** All notices required or permitted hereinunder and required to be in writing may be given by FAX or by first class mail addressed to City and Greene County. The date of delivery of any notice given by mail shall be the date falling on the second full day after the day of its mailing. The date of delivery of notice by FAX transmission shall be deemed to be the date transmission occurs, except where the transmission is not completed by 5:00 p.m. on a regular business day at the terminal of the receiving party, in which case the date of delivery shall be deemed to fall on the next regular business day for the receiving party.

9. **ENTIRE AGREEMENT:** This agreement contains the entire agreement of the parties. No modification, amendment, or waiver of any of the provisions of this agreement shall be effective unless in writing specifically referring hereto, and signed by both parties.

10. **JURISDICTION:** This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

11. **INDEPENDENT PARTIES:** The parties are independent, and nothing contained herein shall constitute or designate Greene County, or any of Greene County's contractors, agents, or employees, as agents or employees of the City.

12. **DISCRIMINATION:** Greene County agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation.

IN WITNESS WHEREOF the parties have caused this instrument to be duly executed the date first written above.

CITY OF SPRINGFIELD, MISSOURI

By:

Assistant City Manager

Date: _____

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefore.

Director of Finance or Acting Director

APPROVED AS TO FORM

City Attorney or Assistant City Attorney

GREENE COUNTY

By: _____
Bob Cirtin, Presiding Commissioner

By: _____
Harold Bengsch, Commissioner 1st District

By: _____
Roseann Bentley, Commissioner 2nd District

By: _____
Rick Artman, Administrator
Greene County Highway Department

Attest: _____
Shane Schoeller, County Clerk

AUDITOR CERTIFICATION

I, Cindy S. Stein, the duly appointed and acting Auditor of Greene County, Missouri, and in that capacity, do hereby certify on this ____ day of _____, 201__, that there is an unencumbered balance to the credit of the appropriation which is to be charged for the County's share of the costs described in the Agreement sufficient to meet the County's obligations under this Agreement and an unencumbered cash balance in the County treasury to the credit of the fund from which the County's financial obligation described in the Agreement shall be paid sufficient to meet the County's obligations under the Agreement.

Cindy Stein, Greene County Auditor

APPROVED AS TO FORM

John W. Housley, Greene County Counselor

Exhibit B

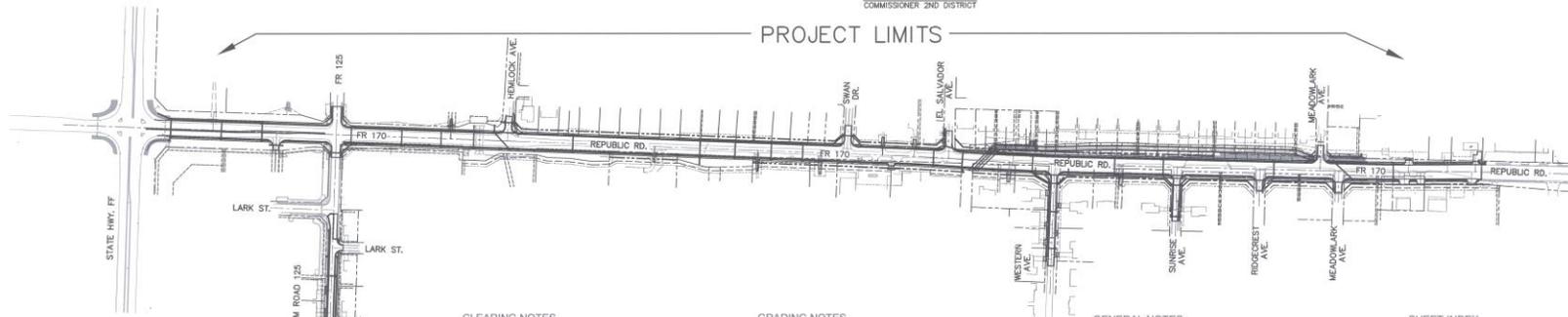
DESIGN DESIGNATION	
A.S.T. - 2007	FARM ROAD 170
V -	12,500 VPD
FUNCTIONAL CLASSIFICATION	45 MPH PRIMARY ARTERIAL
LENGTH OF PROJECT	
END OF PROJECT FR 170	STA 11+18
BEGINNING OF PROJECT FR 170	STA 69+45
APPROX. LENGTH	5867 FEET
TOTAL CORRECTIONS	0 FEET
NET LENGTH OF PROJECT	5867 FEET

GREENE COUNTY, MISSOURI HIGHWAY DEPARTMENT WEST REPUBLIC ROAD = FR 170 PAVING & DRAINAGE IMPROVEMENTS (Highway FF to Golden Ave.)

PROJECT No. 08039
BID No. 16-10546

GREENE COUNTY COMMISSION

ROBERT CURTIN
PRESIDING COMMISSIONER
HAROLD BENGSOCH
COMMISSIONER 1ST DISTRICT
ROSEANN BENTLEY
COMMISSIONER 2ND DISTRICT



LEGEND

	= EX. OVERHEAD ELECTRIC SERVICE		= EX. FIRE HYDRANT
	= EX. UNDERGROUND COMMUNICATIONS		= EX. MAILBOX
	= EX. POWER POLE		= EX. TREE
	= EX. GUY ANCHOR		= EX. SHRUB
	= EXISTING MANHOLE & SANITARY SEWER LINE		= EX. IRON FIRE (PROPERTY CORNER)
	= EX. WATER MAIN		= EX. SIGN
	= EX. WATER VALVE		= EX. LIGHT POLE
	= EX. WATER METER (POINT TRENCH)		= NEW WOOD PRIVACY FENCE
	= EX. WATER-GAS (POINT TRENCH)		= NEW CHAIN LINK FENCE
	= EX. GAS VALVE		
	= EX. TELEPHONE RISER		

UTILITY CONTACTS

CU	(WATER) MARK LOGAN	* 417-831-6246
CU	(GAS) ALLEN CAPPIS	* 417-831-6246
CU	(ELECT) ERIC COCHRAN	* 417-831-6812
SANITARY SEWERS	(SHE) BRIAN SHAYNE	* 417-836-2887
AT&T	(TELE) JOE CRW	* 417-836-2851
MEDIA/COM	(CABLE) KYLIE KELLER	* 417-486-8577
OZARK ELECTRIC	(ELECT) DAH LOKAMP	* 417-724-5007

CLEARING NOTES

1) CONTRACTOR SHALL REMOVE ALL TREES WITHIN THE RIGHT-OF-WAY UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
CLEARING SHALL CONSIST OF THE SATISFACTORY DISPOSAL OF VEGETATION BRANCHES, BRUSH AND RUBBISH OCCURRING WITHIN THE AREAS TO BE CLEARED.
GRUBBING SHALL CONSIST OF THE REMOVAL AND DISPOSAL OF ALL STUMPS AND ROOTS LARGER THAN 3 INCHES IN DIAMETER TO A DEPTH OF NOT LESS THAN 12 INCHES BELOW THE EXISTING GROUND SURFACE, AND MATTED ROOTS, AND OTHER VEGETATION WITHIN THE CLEARED AREAS. ALL EXCAVATIONS MADE FOR GRUBBING OPERATIONS SHALL BE BACKFILLED WITH SUITABLE MATERIALS AND COMPACTED IN THE MANNER SPECIFIED BELOW.
2) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY NECESSARY BURNING PERMITS OR FOR DISPOSAL OF CLEARED MATERIAL OFF-SITE IF A BURNING PERMIT CANNOT BE OBTAINED FOR THE SITE.
3) ANY EXISTING STRUCTURES, FENCES, RUBBISH, FOUNDATIONS, ETC., WITHIN THE LIMITS OF GRUBBING SHALL BE REMOVED AND DISPOSED OF, OFF-SITE BY THE CONTRACTOR.

CONSTRUCTION SITE HOUSEKEEPING

1) CONSTRUCTION SITE SHALL INCLUDE ALL AREAS WITHIN THE LIMITS OF CONSTRUCTION AND SHALL INCLUDE ALL RIGHTS-OF-WAY, PERMANENT EASEMENTS, AND TEMPORARY CONSTRUCTION ELEMENTS. THE CONTRACTOR SHALL KEEP THE AREA NEAT AND CLEAN AT ALL TIMES. THE AREA SHALL BE KEPT FREE OF CONSTRUCTION DEBRIS AND LITTER DURING THE LENGTH OF THE PROJECT. AREAS SHALL BE MOVED AND RESS SHALL BE KEPT IN CHECK FOR THE FOLLOWING INFRACTIONS:
(A) URBAN AREAS, UNLESS OTHERWISE DIRECTED BY THE ENGINEER, GRASS WITHIN THE CONSTRUCTION LIMITS SHALL BE KEPT AT A HEIGHT THAT CLOSELY MATCHES THE ADJACENT PRIVATE PROPERTIES.
(B) RURAL AREAS, UNLESS OTHERWISE DIRECTED BY THE ENGINEER, GRASS WITHIN THE CONSTRUCTION LIMITS SHALL BE KEPT AT A HEIGHT THAT CLOSELY MATCHES THE ADJACENT PRIVATE PROPERTIES OR MATCHES THE HEIGHT OF THE ADJACENT COUNTY MAINTAINED RIGHT-OF-WAY.
NO ADDITIONAL PAYMENTS WILL BE MADE FOR THE COMPLETION OF THIS WORK. THIS ITEM IS CONSIDERED INCIDENTAL TO THE SCOPE OF THE PROJECT.

GRADING NOTES

1) TOPSOIL WITHIN ALL AREAS TO BE CUT OR FILLED SHALL BE STRIPPED TO A DEPTH BELOW THE ROOTS OR EXISTING GROUND COVER.
TOPSOIL SHALL BE STOCKPILED & USED FOR FINISHED GRADING.
2) THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING EARTH WORK QUANTITIES.
3) EXCESS EXCAVATED MATERIAL, IF ANY, SHALL BE DEPOSITED OF BY THE CONTRACTOR.
NO CLASSIFICATION OF EXCAVATED MATERIALS WILL BE MADE. EXCAVATION WORK SHALL INCLUDE THE REMOVAL AND SUBSEQUENT HANDLING OF ALL MATERIALS EXCAVATED OR OTHERWISE REMOVED IN PERFORMANCE OF THE WORK, REGARDLESS OF THE TYPE CHARACTER COMPOSITION OR CONDITION THEREOF.
4) THE CONTRACTOR SHALL COMPLY WITH ALL LABEL, ORDINANCES, APPLICABLE SAFETY CODE REQUIREMENTS, AND REGULATIONS RELATIVE TO THE HANDLING, STORAGE, AND USE OF EXPLOSIVES AND THE PROTECTION OF LIFE AND PROPERTY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DAMAGE CAUSED BY THE BLASTING OPERATIONS. SUITABLE METHODS SHALL BE EMPLOYED TO CONFINE ALL MATERIALS STORED BY BLASTING WITHIN THE LIMITS OF THE EXCAVATION.
5) GRADING, CUT OR FILL, IN AREAS NOT INDICATED TO BE RESEDED OR SOODED, THE CONTRACTOR SHALL MAINTAIN ADEQUATE COVER OR SANITARY AND STORM SEWER IMPROVEMENTS.
6) THE CONTRACTOR SHALL LIMIT ANY AND ALL CONSTRUCTION ACTIVITIES WITHIN THE STREAM CHANNEL BETWEEN STA. 47+00-01 AND STA. 69+45-01 TO LOW FLOW PERIODS IN ORDER TO MANAGE SEDIMENT DISTURBANCE WITHIN THE CHANNEL.
7) CARE SHALL BE TAKEN TO KEEP ALL MACHINERY AND MATERIALS OUT OF THE WATERWAY BETWEEN STA. 47+00-01 AND STA. 69+45-01 AS MUCH AS POSSIBLE. FUEL, OIL AND OTHER PETROLEUM PRODUCTS, EQUIPMENT, CONSTRUCTION MATERIALS, AND ANY SOLID WASTE SHALL NOT BE STORED BELOW THE ORDINARY HIGH WATER MARK AT ANY TIME OR ANYWHERE WITHIN THE FLOODWAY BEYOND NORMAL WORKING AREAS.
8) THE CONTRACTOR SHALL RESTORE ALL STREAM BANKS BETWEEN STA. 47+00-01 AND STA. 69+45-01 TO A STABLE CONDITION IN ORDER TO PROTECT WATER QUALITY AS SOON AS POSSIBLE. SEEDING, MULCHING, FERTILIZATION AND EROSION/SEDIMENT INSTALLATION MEASURES SHALL BE COMPLETED INSIDE OF THE STREAM CHANNEL WITHIN THREE (3) DAYS OF THE COMPLETION OF FINAL CONSTRUCTION WORK.

GREENE COUNTY COMPACTION NOTES:

ALL ROADWAY SUBGRADEMENT, INCLUDING CURBS AND SIDEWALKS SHALL BE PROPERLY COMPACTED IN LAYERS NOT EXCEEDING 6 INCHES (LOOSE MEASUREMENT) AT THE RECOMMENDED MOISTURE CONTENT WITH COMPACTION TEST RESULTS PROVIDED TO THE GREENE COUNTY HIGHWAY DEPARTMENT. DENSITY AND MOISTURE REQUIREMENTS SHALL BE IN ACCORDANCE WITH THE MAXIMUM DENSITY AND OPTIMUM MOISTURE AS DETERMINED BY A STANDARD PROCTOR COMPACTION TEST. COMPACTION SHALL BE AT LEAST 90 PERCENT OF MAXIMUM DENSITY FOR SUBGRADEMENT UP TO WHEN 18 INCHES OF THE SUBGRADEMENT REMAINS. SUBGRADEMENT SHALL BE COMPACTED TO AT LEAST 90 PERCENT OF THE MAXIMUM DENSITY. ALL SUBGRADEMENT WITHIN 90 FEET OF ANY BRIDGE OR BOX CULVERT SHALL BE COMPACTED TO AT LEAST 90 PERCENT OF THE MAXIMUM DENSITY FOR A DEPTH OF 18 INCHES BELOW SUBGRADE. ALL AGGREGATE BASE ROCK SHALL BE COMPACTED TO AT LEAST 90 PERCENT OF MAXIMUM DENSITY.
ALL BACKFILL OF TRENCHES UNDER ANY ROADBED, CURB, SIDEWALK, OR ANY TRENCH WITHIN 2 FEET OF ANY OF THESE SHALL BE BACKFILLED WITH 1/2" TO 3/4" OF CLEAN SANDS, AGGREGATE OR FAVORABLE CONCRETE FILL. BACKFILL OF TRENCHES IN OTHER AREAS SHALL BE FAVORABLE CONCRETE FILL OR EARTH FILL COMPACTED TO AT LEAST 90 PERCENT OF MAXIMUM DENSITY.
COMPACTION TESTS WILL BE REQUIRED AT ANY TIME DEEMED NECESSARY BY THE GREENE COUNTY HIGHWAY DEPARTMENT. GREENE COUNTY HIGHWAY DEPARTMENT WILL ARRANGE FOR THE TESTS TO BE CONDUCTED AT NO EXPENSE TO THE CONTRACTOR, UNLESS A TEST FAILS TO MEET SPECIFIED COMPACTION REQUIREMENTS IN AREAS THAT AFFECT THE INITIAL TEST WILL BE AT THE CONTRACTOR'S EXPENSE AS AN ABSOLUTE MINIMUM, ONE TEST SHALL BE PERFORMED HORIZONTALLY EVERY 300 LINEAL FEET.

GENERAL NOTES:

1) IT IS THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT HORIZONTAL AND VERTICAL LOCATION OF EXISTING UNDERGROUND FACILITIES PRIOR TO BEGINNING INSTALLATION OF NEW FACILITIES. CONTACT THE ENGINEER FOR INSTRUCTIONS UNLESS ANY CORRECTIONS ARE DISCOVERED.
2) IT IS THE CONTRACTOR'S RESPONSIBILITY TO CORRECT ANY DAMAGE TO UNDERGROUND UTILITIES OR OTHER OBSTRUCTIONS WHICH IS DUE TO HIS OPERATIONS.
3) STREETS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE "DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS, GREENE COUNTY, MISSOURI," THE "MISSOURI STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION YEAR 2011 AND LATEST REVISIONS" ISSUED BY THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION & THE CITY OF SPRINGFIELD "DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS".
4) THE CONTRACTOR IS TO CONTACT THE CONSTRUCTION OFFICE OF THE GREENE COUNTY HIGHWAY DEPARTMENT (PHONE 417-869-8129) PRIOR TO ANY CONSTRUCTION FAILURE TO DO SO MAY RESULT IN REJECTION OF ANY WORK PRIOR TO CONTACT.
5) THE CONTRACTOR WILL KEEP THE PROJECT NEAT AND ORDERLY AT ALL TIMES WHILE BEING IN TAKING PLACE. ACCESS STREETS TO THE PROJECT SHALL BE KEPT CLEAN OF SOIL, DIRT, PAPER AND WASTE MATERIAL AT ALL TIMES. THE PROPER AMOUNT OF INSPECTIONS SHALL BE CALLED FOR AT THEIR PROPER TIMES, OR ANY OR ALL WORK MAY BE SELECTED.
6) THE CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITY FOR STREETS WITH THE APPROPRIATE UTILITY COMPANIES TO ALLOW INSTALLATION OF WATER MAINS, GAS MAINS, ELECTRIC LINES, TELEPHONE LINES, AND COMMUNICATION LINES AS NEEDED.
7) ALL CONSTRUCTION ACTIVITIES, INCLUDING PLACEMENT AND STORAGE OF MATERIALS, VEHICULAR AND PEDESTRIAN MOVEMENT, SHALL BE CONFINED TO THE LIMITS OF THE RIGHTS-OF-WAY AND EASEMENTS SHOWN ON THESE PLANS.

SHEET INDEX

1)	COVER SHEET
2, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J & 2K)	DETAIL SHEETS
3-13)	RIGHT-OF-WAY SHEETS
14-30)	PLAN & PROFILE SHEETS
40-60)	CROSS SECTION SHEETS
61)	INTERSECTION SHEET
62-65)	DRAINAGE SHEETS
67-74)	SOILING & STRIPPING SHEETS
75-78)	EROSION & SEDIMENT CONTROL SHEETS
79)	TRAFFIC CONTROL SHEETS



APPROVED DATE 9-6-16
GREENE COUNTY
STORMWATER ENGINEER

GREENE COUNTY HIGHWAY DEPARTMENT
SPRINGFIELD, MISSOURI
W. REPUBLIC RD. - FARM ROAD 170
COVER SHEET

PAVING & DRAINAGE IMPROVEMENTS
APPROVED DATE 9-6-16
HIGHWAY ADMINISTRATOR

SURVEY BY	DESIGN	DATE	SCALE	SHEET NO.
CMT	CMT			1
FIELD BY	DRAWN	CHECKED	HOR. DATE	SHEET 1
LEVEL BY	CHECKED	CMT	VERT. DATE	OF 79 SHEETS

CMT
Crawford, Murphy & Tilly
Engineers and
Consultants
1631 W. Jefferson, Springfield, Missouri 65807
Tel: 417-869-8009 Fax: 417-869-8129
09/26/2016 12:34:01-03

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 10-25-16

Sponsored by: Ferguson

COUNCIL BILL NO. 2016-238 RESOLUTION NO. _____

A RESOLUTION

1 ENDORSING the establishment of a 90-day pilot program to study a designated area
2 within the West-Central Neighborhood for the purpose of assessing the
3 impact of targeted enforcement of a one- and two-family unit, life safety
4 housing inspection program and recommending improvements to
5 existing City Code as a result of such study.
6
7

8 WHEREAS, community listening meetings have identified chronic nuisance
9 properties as a significant community concern; and
10

11 WHEREAS, the number of housing complaints in the City has been increasing;
12 and
13

14 WHEREAS, during nuisance related inspections housing inspectors are
15 increasingly identifying significant life safety issues; and
16

17 WHEREAS, the West Central Neighborhood has volunteered to assist in the pilot
18 program project; and
19

20 WHEREAS, the information collected during the pilot program will assist the City
21 with improving existing Code provisions and practices pertaining to certain types of
22 nuisance issues.
23

24 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
25 SPRINGFIELD, MISSOURI, as follows, that;
26

27 Section 1 –Council endorses the establishment of a 90-day work/study program
28 to fully evaluate the concept of one- and two-family unit life safety inspections.
29

30 Section 2 – Upon completion of the pilot program a report of the findings and
31 recommendations from the pilot program will be presented to Council for further
32 consideration.
33

34 Section 3 – This Resolution shall be in full force and effect from the date that the
35 pilot program is implemented and shall continue for a period of 90 days.

36
37
38
39
40
41
42
43
44
45
46
47
48

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Resolution: _____

Approved as to form: *Duke McDonald*, Assistant City Attorney

Approved for council action: *Jay Burt*, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016-238

FILED: 10-25-16

ORIGINATING DEPARTMENT: Building Development Services

PURPOSE: To endorse the establishment of a 90-day pilot program to study a designated area within the West-Central Neighborhood for the purpose of assessing the impact of targeted enforcement of a one- and two-family unit, life safety housing inspection program and recommending improvements to existing City Code as a result of such study.

BACKGROUND: Throughout the community listen process, citizens in eight of the nine meetings identified chronic nuisance properties as their number one concern. During this same period the number of housing complaints related to nuisance issues has increased. Inspections are also increasingly revealing life safety concerns for occupants of these properties.

The West Central Neighborhood Association has volunteered to assist the City by participating in a pilot program and identifying a geographic area in their neighborhood the study of which will provide the City with data for further analysis and review.

The exact impact with respect to the volume of cases and the amount of time on current staff to execute the pilot program is not known. The pilot program will assist the City in a focused evaluation of the nature and severity of nuisance concerns. One objective during the pilot program will be to thoughtfully evaluate existing procedures and practices for future improvement City-wide.

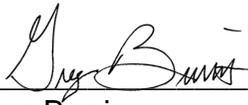
REMARKS: This Resolution is intended to initiate a program designed to collect and analyze information in a systematic manor to determine the impact and possible benefits for the community should Code changes be desirable for application City-wide.

Recommended by:

Approved by:



Chris Straw, Director
Building Development Services



Greg Burris
City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed: 10-25-16

Sponsored by: Stephens

COUNCIL BILL NO. 2016- 239

RESOLUTION NO. _____

A RESOLUTION

1 CONFIRMING the appointment of Rebekah Polly to serve on the Commercial Street
2 Community Improvement District Board of Directors.
3
4

5 WHEREAS, on June 15, 2009, the City Council passed Special Ordinance No.
6 25611 approving a petition requesting the formation of said Community Improvement
7 District (CID) and thereby establishing the same; and
8

9 WHEREAS, said petition established the qualifications and process for
10 appointing members to the CID Board through appointment by the Mayor with
11 confirmation by the City Council; and
12

13 WHEREAS, there is presently a need to appoint a new member to the CID Board
14 to fill an unexpired term; and
15

16 WHEREAS, the Mayor recommends the appointment of Rebekah Polly to serve
17 on the CID Board.
18

19 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
20 SPRINGFIELD, MISSOURI, as follows, that:
21

22 Section 1 – The City Council hereby confirms the appointment of Rebekah Polly
23 to the Commercial Street Community Improvement District Board of Directors, to fill an
24 unexpired term, said term to expire on July 31, 2019.
25

26 Section 2 - This Resolution shall be effective immediately upon adoption.
27

28 Passed at meeting: _____
29
30
31

Mayor

32
33
34 Attest: _____, City Clerk
35

36 Filed as Resolution _____

37
38 Approved as to form: Amanda R. Callaway, Assistant City Attorney

39
40 Approved for Council action: Greg Bennett, City Manager

EXPLANATION TO COUNCIL BILL NO. 2016- 239

FILED: 10-25-2016

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To confirm the appointment of Rebekah Polly to the Commercial Street Community Improvement District Board of Directors. (Staff and the Commercial Street Community Improvement District Board of Directors recommend approval.)

BACKGROUND: As required by the petition establishing the Commercial Street Community Improvement District (CID), the City Council must confirm appointments to the CID Board of Directors. The CID Board of Directors recommends the following appointment to the Board:

<u>Seat</u>	<u>Name</u>	<u>Qualification</u>	<u>Term Expires</u>	<u>Notes</u>
2	Rebekah Polly	Business owner not owning real property in the district.	7/13/2019	New appointment to fill unexpired term.

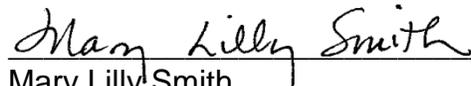
This bill supports the following *Field Guide 2030* goal: Chapter 3, Economic Development; Goal 7, to continue the development and revitalization of Center City Springfield.

REMARKS: Staff recommends approval.

Submitted by:



Matt D. Schaefer
Senior Planner



Mary Lilly Smith
Director, Planning and Development



Greg Burris
City Manager

One-rdg. X
P. Hrngs.
Pgs. 10
Filed: 10-25-16

Sponsored by: Fisk

First Reading:

Second Reading:

COUNCIL BILL NO. 2016-240

SPECIAL ORDINANCE NO.

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Intergovernmental
2 Agreement with the City of Joplin, Missouri, for use of the Joplin Jail for
3 housing City inmates and declaring an emergency.
4
5

6 WHEREAS, the City is in need of a detention facility to house the City's municipal
7 prisoners; and
8

9 WHEREAS, the city of Joplin, Missouri, has offered to work with the City to house
10 certain municipal prisoners of the City in the Joplin Jail during the term of a contract
11 between the parties.
12

13 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
14 SPRINGFIELD, MISSOURI, as follows, that:
15

16 Section 1 –The City Manager, or his designee, is hereby authorized to enter into
17 an Intergovernmental Agreement with the City of Joplin, Missouri; said agreement to be
18 in substantially the form as that document attached hereto and incorporated herein by
19 reference as "Exhibit A."
20

21 Section 2 –The City Council hereby finds and declares that an emergency exists
22 in that this Ordinance relates to the preservation of the public health, safety, and morals
23 pursuant to Sections 2.12(1) of the City Charter in that the housing of municipal
24 prisoners in a detention facility is crucial to the effective enforcement of City Ordinance
25 violations. Therefore, this Ordinance shall be in full force and effect from and after
26 passage.
27
28

29 Passed at meeting:
30
31
32
33

Mayor

34
35
36
37
38
39
40
41
42
43
44
45

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Amanda R. Callaway, Assistant City Attorney

Approved for Council action: Greg Burnett, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 240

FILED: 10-25-16

ORIGINATING DEPARTMENT: Springfield Police Department

PURPOSE: This bill authorizes the City Manager, or his designee, to enter into an Intergovernmental Agreement with the City of Joplin, Missouri, for use of the Joplin Jail to house certain municipal prisoners of the City and declaring an emergency pursuant to Charter Section 2.12(1).

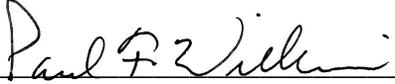
BACKGROUND INFORMATION: The Greene County Sheriff stopped accepting prisoners from Springfield and other Greene County municipalities as of April 3, 2015. The City of Springfield ("City") filed a petition on July 14, 2015, in seeking declaratory judgment on the Sheriff's contractual requirement to accept municipal prisoners according to the 1997 Intergovernmental agreement signed by the City, County, and then Sheriff. The lawsuit is pending, and the local Justice Center continues to be unavailable to house municipal prisoners.

Springfield police arrest offenders for criminal and traffic violations and encounter people with arrest warrants issued by the City's Municipal Court. Arrest warrants are issued to individuals who are alleged to have committed a violation of a City Ordinance or who have failed to appear before the Municipal Court to address a summons. Historically, individuals arrested for probable cause or on warrants would either post a bond or be held in the local jail to appear before the judge for arraignment to dispose of their citations. Without access to our local jail for municipal offenders, however, SPD continues to be forced to explore temporary options for housing the City's municipal prisoners. Without such efforts, all offenders arrested on municipal warrants would either be released on their own recognizance by the arresting officer, or after appearing before a judge and being issued a new Municipal Court date. Without a local jail option for municipal offenders, municipal judges are also left without the option of sentencing municipal offenders to jail.

The City requires a detention facility to house the City's municipal prisoners. The agreement with Joplin will allow the City to house municipal prisoners in the Joplin Jail at a cost of \$50.00 per day, per inmate.

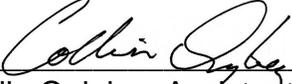
This Ordinance supports the following Field Guide 2030 goal(s): Chapter 11, Public Safety; Major Goal 1, Identify and maintain awareness of major threats to local public safety, including technology-based threats and large-scale disasters; Objective 1a, Maintain continual awareness of all threats to the community, including technology-based threats and those with potential large-scale impacts to citizens, coordinating modifications of response plans accordingly among all public safety agencies.

Submitted by:



Paul F. Williams, Chief of Police

Recommended by:



Collin Quigley, Assistant City Manager

Approved by:



Greg Burris, City Manager

Exhibit A

**INTERGOVERNMENTAL AGREEMENT
REGARDING THE
HOUSING OF SPRINGFIELD DETAINEES**

This Agreement made and entered into this ____ day of _____, 2016 by and between the City of Springfield, Missouri (Springfield) and the City of Joplin, Missouri (Joplin).

Witnesseth

WHEREAS, pursuant to Section 70.220 RSMo., political subdivisions are authorized to contract and cooperate with each other; and

WHEREAS, Springfield desires to house detainees with Joplin, at the Joplin Jail; and

WHEREAS, Joplin owns and has available a jail and desires to house Springfield's detainees.

NOW, THEREFORE, for the consideration herein expressed, it is agreed by and between the parties as follows:

1. **SERVICES PROVIDED BY JOPLIN.** If available, Joplin will furnish sufficient housing and security to maintain detainees as requested by Springfield. Detainees will be confined in the Joplin City Jail located in the Municipal Building at 303 East 3rd Street, Joplin, Missouri. Availability of housing and security will be determined at Joplin's discretion, solely. Detainees held by the City of Joplin by virtue of arrest by the Joplin Police Department and/or sentencing by the Municipal Court of Joplin will have priority over detainees referred to Joplin by Springfield. Joplin will be responsible for the staffing, supervision, and control of all day-to-day operations of the Joplin jail and will provide sufficient meals and recreational activities to Springfield's detainees. Such detainees will be arrested by Springfield Police Officers or sentenced by the Municipal Court of Springfield.

2. **SERVICES PROVIDED BY SPRINGFIELD.** Springfield agrees to be responsible for the transportation of detainees to and from Springfield, Missouri, to the Joplin Jail. Springfield shall deliver detainees to the Joplin Jail for booking. Springfield may deliver detainees to the

Joplin Jail 24 hours a day, seven days a week, including holidays. Springfield shall complete all necessary paperwork designated by Joplin for each detainee delivered for booking.

3. **COST.** Provided Joplin performs the services described in this Agreement, Springfield agrees to pay Joplin Fifty Dollars (\$50.00) per detainee, per day, amount not to exceed One-Hundred Thousand Dollars (\$100,000.00), for housing of Springfield's detainees in the Joplin Jail. Joplin shall send Springfield an invoice for the prior month on or before the 10th day of each month and Springfield shall pay the charges on the invoice within 30 days of receipt of the invoice.
4. **MEDICAL EXPENSES.** If, during a Springfield detainee's stay in the Joplin Jail, a detainee requires non-emergency medical attention, Joplin shall inform Springfield's Chief of Police, or his designee, prior to incurring medical expenses. In the case of an emergency medical situation, Joplin is authorized to obtain immediate medical aid, and notify Springfield's Chief of Police, or his designee. If a Springfield detainee is to be hospitalized, Joplin shall inform Springfield's Chief of Police, or his designee, immediately. If security at a hospital or medical facility is provided as a result medical treatment, and is necessary for public safety, Joplin agrees to provide security until Springfield is able to provide security.
5. **TERM.** This Agreement shall commence on the date above and continue for a period of one year. The parties may renew this Agreement for an additional one year period of time in writing and signed by all parties.
6. **INDEMNITY.** Joplin shall indemnify, defend, and hold harmless Springfield and its elected officials, officers, agents and employees from and against any and all claims, liabilities, awards of judgment, costs and expenses including, but not limited to reasonable attorney fees, and damages of any nature whatsoever resulting from, arising out of or incident to any act or omission of Joplin or its officers, agents or employees, in the performance of its obligations under this Agreement including in confining persons who have been presented by Springfield to and accepted by Joplin for confinement in the Joplin Jail while said persons are in the Joplin Jail or in the custody Joplin outside of the Joplin Jail.

Springfield shall indemnify, defend, and hold harmless Joplin and its elected officials, officers, agents and employees from and against any and all claims, liabilities, awards of judgment, costs and expenses including, but not limited to reasonable attorney fees, and damages of any nature whatsoever resulting from, arising out of or incident to any act or omission of Springfield or its officers, agents or employees, in the performance of its obligations under this Agreement including when detainees are not in the Joplin Jail or in the custody of Joplin outside of the Joplin Jail, such as the transportation of detainees to and from Springfield, Missouri, to the Joplin Jail.

7. **INSURANCE.** Without limiting any other obligations under this Agreement, Joplin shall secure and maintain at its own cost, throughout the duration of this Agreement, liability insurance of such type and in such amounts as may be necessary to protect it and the interests of Springfield to be indemnified under this Agreement against all risks of losses and liability which may arise out of the performance of this Agreement, including but not limited to, violations of detainees civil rights under the United States Constitution, the Missouri Constitution, federal or state statutes, or local law. The form and limits of such Insurance are subject to approval by Springfield. In no event shall the language or requirements of this Agreement constitute or be constructed as a waiver or limitation of Springfield or Joplin's rights of defenses with regard to each party's applicable sovereign, governmental, official immunities, or qualified immunity or any other protections as provided by federal and state constitution, statutes, and laws.
8. **TERMINATION.** This Agreement may be terminated at any time by either party with 60 days written notice to allow the safe transfer of detainees.
9. **CONFLICTS.** No salaried officer or employee of Springfield, and no member of the Springfield City Council, shall have a financial interest, direct or indirect, in this contract. A violation of this provision renders the contract void. Joplin covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services to be performed under this contract.

Joplin further covenants that in the performance of this contract, no person having such interest shall be employed.

10. **DISCRIMINATION.** Joplin agrees in the performance of this contract not to discriminate on the ground or because of race, creed, color, national origin or ancestry, sex, religion, handicap, age, status as a protected veteran or status as a qualified individual with a disability, or political opinion or affiliation.

11. **COMPLIANCE WITH LAWS.** Joplin and Springfield agree to comply with all applicable federal, state and local laws or rules and regulations applicable to the provision of services and products hereunder.

12. **GENERAL INDEPENDENT CONTRACTOR CLAUSE.** This agreement does not create an employee/employer relationship between the parties. It is the parties' intention that Joplin will be an independent contractor and not Springfield's employee for all purposes, including, but not limited to, the application of the Fair Labor Standards Act minimum wage and overtime payments, Federal Insurance Contribution Act, the Social Security Act, the Federal Unemployment Tax Act, the provisions of the Internal Revenue Code, Missouri revenue and taxation laws, Missouri workers' compensation and unemployment insurance laws. Joplin will retain sole and absolute discretion in the judgment of the manner and means of carrying out the Joplin's activities and responsibilities hereunder. This agreement shall not be construed as creating any joint employment relationship between Joplin and Springfield, and Springfield will not be liable for any obligation incurred by Joplin, including but not limited to unpaid minimum wages and/or overtime premiums. Joplin shall not be entitled to any of the benefits established for the employees of Springfield nor be covered by the Worker's Compensation Program of Springfield.

13. **ASSIGNMENT.** The rights, obligations, and duties of either Joplin or Springfield may not be assigned to any person, firm, or corporation without the express written consent of Joplin or Springfield first being obtained.

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

Director of Finance or Acting Director

One-rdg. X
P. Hrngs.
Pgs. 19
Filed: 10-25-16

Sponsored by: Prater

First Reading:

Second Reading:

COUNCIL BILL NO. 2016- 245

SPECIAL ORDINANCE NO.

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to accept an Environmental
2 Workforce Development and Job Training Grant in the amount of
3 \$200,000 from the United States Environmental Protection Agency for
4 the purpose of creating job training programs that recruit, train, and
5 place local unemployed and under-employed residents into full-time
6 employment in the environmental field, and to enter into necessary
7 agreements to carry out the grant; amending the budget of the
8 Department of Workforce Development for Fiscal Year 2016-2017 in
9 the amount of \$200,000 to appropriate the grant funds; and declaring
10 that this bill qualifies for approval on one reading.

11 _____
12
13 WHEREAS, on December 14, 2015, in Resolution No. 10254, City Council approved
14 applying for an Environmental Workforce Development and Job Training Grant
15 (“EWDJTG”) from the United States Environmental Protection Agency (“EPA”); and
16

17 WHEREAS, the Missouri Department of Natural Resources-Brownfield’s
18 Voluntary Cleanup Program, Gerken Environmental Services, Sunbelt Environmental
19 Services, Environmental Works, Keystone Building and Design, Euticals, C1 Trucking,
20 Southwest Missouri Safety Company and Greenfield Environmental Multistate Trust
21 collaborated with the City’s Departments of Workforce Development, Planning and
22 Development, and Environmental Services to develop an application; and
23

24 WHEREAS, in response to the application the EPA has awarded \$200,000 in
25 grant funds; and
26

27 WHEREAS, an amendment to the budget of the Department of Workforce
28 Development for Fiscal Year 2016-2017 has been approved and recommended by the
29 City Manager.
30

31 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
32 SPRINGFIELD, MISSOURI, as follows, that:
33

34 Section 1 – The City Manager, or his designee, is hereby authorized to accept an
35 EWDJTG in the amount of \$200,000 from the EPA as set out in “Exhibit A,” for the
36 purpose of creating job training programs that recruit, train, and place local unemployed
37 and under-employed residents into full-time employment in the environmental field and
38 to do all things necessary to carry out the grant including the execution of contracts,
39 provided the form of the contract is approved by the City Attorney.
40

41 Section 2 – The budget of the Department of Workforce Development for Fiscal
42 Year 2016-2017 is hereby amended in the accounts and in the amounts as shown on
43 Budget Adjustment No. 0015, a copy of which is attached hereto and incorporated
44 herein by reference as “Exhibit B.”
45

46 Section 3 – The City Council hereby finds that the budget adjustment made
47 above has been recommended by the City Manager.
48

49 Section 4 – The City Manager is directed to cause the appropriate accounting
50 entries to be made in the books and records of the City. In the event additional funding
51 is provided under this grant by the grantor, the Director of Finance is hereby authorized
52 to adjust this appropriation by an amount not to exceed 20 percent of the net
53 expenditure adjustment described in “Exhibit B.”
54

55 Section 5 – The City Council hereby finds and declares that this ordinance
56 authorizes the acceptance of grant funds from a state or federal agency and may be
57 passed as a one-reading ordinance pursuant to City Charter Section 2.16(25).
58 Therefore, this ordinance shall be in full force and effect from and after passage.
59

60 Passed at meeting: _____
61

62
63 _____
64 Mayor
65

66 Attest: _____, City Clerk
67

68 Filed as Ordinance: _____
69

70
71 Approved as to form: Rhonda Lewsader, Assistant City Attorney
72

73
74 Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 245

FILED: 10-25-16

ORIGINATING DEPARTMENT: Workforce Development

PURPOSE: To authorize the City Manager, or his designee, to accept an Environmental Workforce Development and Job Training Grant (“EWDJTG”) in the amount of \$200,000 from the United States Environmental Protection Agency (“EPA”) for the purpose of creating job training programs that recruit, train, and place local unemployed and under-employed residents into full-time employment in the environmental field; and amending the budget for the Department of Workforce Development for Fiscal Year 2016-2017 in the amount of \$200,000 to appropriate the grant funds.

BACKGROUND INFORMATION: On December 14, 2015, in Resolution No. 10254, City Council approved applying for an Environmental Workforce Development and Job Training Grant from the EPA. The Missouri Department of Natural Resources-Brownfield’s Voluntary Cleanup Program, Gerken Environmental Services, Sunbelt Environmental Services, Environmental Works, Keystone Building and Design, Euticals, C1 Trucking, Southwest Missouri Safety Company and Greenfield Environmental Multistate Trust collaborated with the City’s Departments of Workforce Development, Planning and Development, and Environmental Services to develop an application. In response to the application, the EPA has awarded \$200,000 in grant funds.

The purpose of the grant is to create job training programs that recruit, train and place low income and minority residents of waste-impacted communities, veterans, and those with little to no advanced education; residents of communities impacted by a variety of waste facilities, blighted properties, contaminated sites, and other environmental issues; into full-time, sustainable employment in various aspects of hazardous and solid waste management and remediation, water quality improvement, chemical safety, and pesticide management. Training will be based on local labor market assessments and employers’ hiring needs, with graduates securing multiple certifications.

The \$200,000 awarded by the EPA may be used for training, personnel costs, training materials, outreach, support services, etc., within the three-year funding period. Fifty-six (56) individuals are expected to enroll in training for the program in order to become certified in different environmental fields.

While there is no cost-sharing requirement for this grant, leveraging of resources may occur. A regional impact is anticipated by providing the opportunity for expanded training related to environmental issues outside the traditional scope of brownfield remediation.

This Ordinance authorizes the acceptance of grant funds from the state or federal government and may be passed as a one-reading ordinance under City Charter Section

2.16(25) as it relates to a contract for acceptance of grant funds from a state or federal agency.

Prepared By: Alma Price, Admin. Asst. to the Director

Submitted By:



Mary Ann Rojas, Director
Workforce Development Department

Approved By:



Greg Burris, City Manager

Exhibit A

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 97755901 MODIFICATION NUMBER: 0 PROGRAM CODE: JT	DATE OF AWARD 09/20/2016
		TYPE OF ACTION New	MAILING DATE 09/27/2016
		PAYMENT METHOD: ACH	ACH# 77569
		RECIPIENT TYPE: Municipal	
RECIPIENT: City of Springfield P.O. Box 8368 840 Boonville Ave. Springfield, MO 65802 EIN: 44-6000268		PAYEE: Same as Recipient P.O. Box 8368 840 Boonville Ave. Springfield, MO 65802	
PROJECT MANAGER Isaac Weber P.O. Box 8368 840 Boonville Ave. Springfield, MO 65802 E-Mail: iweber@springfieldmo.gov Phone: 417-841-3361	EPA PROJECT OFFICER Alma Moreno-Lahm 11201 Renner Boulevard Lenexa, KS 66219 E-Mail: moreno-lahm.alma@epa.gov Phone: 913-551-7380	EPA GRANT SPECIALIST Marc Kingston Grants Management Office, PLMG/RFMB/GRMS E-Mail: Kingston.Marc@epamail.epa.gov Phone: 913-551-7407	
PROJECT TITLE AND DESCRIPTION Springfield Environmental Workforce Development and Job Training Project This project provides funding for City of Springfield Missouri Career Center to recruit, train, and place unemployed and under-employed residents of the City of Springfield in environmental careers with the skills needed to safely conduct remediation work at solid and hazardous waste contaminated sites, as well as to deliver appropriate training in environmental sampling and monitoring; lead renovation, repair, and paint; asbestos worker and handler; stormwater management and chemical safety. Participants who complete the training will earn a total of six state certifications and six federal certifications. The targeted skills and certifications in the curriculum will meet the forecasted job openings of local employers who will potentially hire program graduates that will be able to put those skills to work over a number of environmental fields and industry occupations.			
BUDGET PERIOD 08/10/2016 - 08/09/2019	PROJECT PERIOD 08/10/2016 - 08/09/2019	TOTAL BUDGET PERIOD COST \$200,000.00	TOTAL PROJECT PERIOD COST \$200,000.00
NOTICE OF AWARD			
Based on your Application dated 06/14/2016 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$200,000. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS Grants Management Office 11201 Renner Boulevard Lenexa, KS 66219		ORGANIZATION / ADDRESS U.S. EPA, Region 7 Superfund Division 11201 Renner Boulevard Lenexa, KS 66219	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Deboraha K. Titus - Grants Management Officer			DATE 09/20/2016

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$	\$ 200,000	\$ 200,000
EPA In-Kind Amount	\$	\$	\$ 0
Unexpended Prior Year Balance	\$	\$	\$ 0
Other Federal Funds	\$	\$	\$ 0
Recipient Contribution	\$	\$ 0	\$ 0
State Contribution	\$	\$	\$ 0
Local Contribution	\$	\$	\$ 0
Other Contribution	\$	\$	\$ 0
Allowable Project Cost	\$ 0	\$ 200,000	\$ 200,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.815 - Environmental Workforce Development and Job Training Cooperative Agreements	CERCLA 311 (b)(3)(9) CERCLA: Sec. 104(k)(6) Solid Waste Disposal Act: Sec. 8001 Solid Waste Disposal Act: Sec. 8001(c)(1) Toxic Substances Control Act: Sec. 10	2 CFR 200 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
SPRINGF	1607W16043	16	E4	0700BG7	301D79	4115	G700OJ00		191,020
SPRINGF	1607W16043	16	E4	0700BG7	301D79XBP	4115	G700OJ00		1,000
SPIRNGF	1607W16043	1617	B	07	202BD4XUW	4115	G700OJ00		7,980
									200,000

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$11,120
2. Fringe Benefits	\$4,408
3. Travel	\$5,000
4. Equipment	\$0
5. Supplies	\$5,550
6. Contractual	\$166,922
7. Construction	\$0
8. Other	\$7,000
9. Total Direct Charges	\$200,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient 0.00 % Federal 100.00 %.)	\$200,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$200,000
15. Total EPA Amount Awarded To Date	\$200,000

Administrative Conditions

1. **General Terms and Conditions**

The recipient agrees to comply with the current EPA general terms and conditions available at:

<https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-march-29-2016-or-later>.

These terms and conditions are in addition to the assurances and certifications made as part of the award and the terms, conditions or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at:

<http://www.epa.gov/grants/grant-terms-and-conditions>

2. **Payment Frequency**

Recipient agrees to submit, at a minimum, a quarterly billing (payment) request(s) to the EPA, for all eligible, allowable, allocable, necessary and reasonable costs which are incurred for this project/program. A payment request is not required to be submitted in the event that the recipient has not incurred such costs during the quarterly period, but more frequent payments may be requested as costs are incurred.

3. **Pre-award Costs**

In accordance with 2 CFR 1500.8, the grantee may charge pre-award costs (both Federal and non-Federal matching shares) incurred from August 10, 2016 to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.

4. **DBE Reporting Requirements**

GENERAL COMPLIANCE, 40 CFR, Part 33

The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E

MBE/WBE reporting is required in annual reports. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subawards or loans in the "Other" category that exceed the threshold amount of \$150,000, including amendments and/or modifications.

Based on EPA's review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if recipient believes this award does not meet these conditions, it must provide **EPA R7 Grants Specialist listed on the award** with a justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements.

The recipient agrees to complete and submit a "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements" report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds \$150,000.

When completing the annual report, recipients are instructed to check the box titled "annual" in section 1B of the form. For the final report, recipients are instructed to check the box indicated for the "last report" of the project in section 1B of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

MBE/WBE reports should be sent to **R7Grants@epa.gov**. The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at http://www.epa.gov/osbp/dbe_reporting.htm

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33 Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

A recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBE and WBE participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements as described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

Accepting the Fair Share Objective/Goals of Another Recipient

The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient's financial assistance agreements in the current federal fiscal year from EPA is \$250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA by the **MISSOURI DEPARTMENT OF NATURAL RESOURCES (MDNR)** as follows:

Missouri	MBE	WBE
Services	10%	5%
Supplies	10%	5%
Equipment	10%	5%
Construction	10%	5%

By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals stated above and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market as **MDNR**.

Negotiating Fair Share Objective/Goals, 40 CFR. Section 33.404

The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is **not** accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C

Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

- (a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable

through outreach and recruitment activities. For Indian Tribal, State and Local and Government recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302

The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)

Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

Programmatic Conditions

1. Environmental Workforce Development and Job Training (EWDJT) Cooperative Agreement

A. Terms of the Agreement

1. The term of this agreement is three years from the date of award, unless otherwise extended by EPA at the cooperative agreement recipient's (CAR) request.
2. If after one year from the date of award, EPA determines that the CAR has not made sufficient progress in implementing its cooperative agreement, EPA may terminate this agreement under applicable Agency regulations.
3. The term "sufficient progress" means the applicant has: 1) established a program and begun marketing the program; 2) hired all key personnel; and 3) has completed the first round of training.
4. Unless approved with the award of this cooperative agreement, the CAR must receive written EPA approval of a final workplan within 60 calendar days following the date of the award. The CAR must receive written EPA approval of the final workplan prior to expenditure of federal funds under this cooperative agreement. Unless the Agency Award official, or designee grants a waiver, no financial reimbursement may be made without an EPA approved final workplan. If the recipient fails to obtain EPA approval of the final workplan within 60 days of award, EPA may terminate this agreement under applicable Agency regulations.

B. Substantial Involvement

1. Cooperative agreements permit substantial involvement between the EPA Project Officer and the selected applicant in the performance of the work supported. Unless waived by the EPA Project Officer, substantial Agency involvement for this cooperative agreement may include:
 - Close monitoring of the recipient's performance to verify the results proposed by the applicant;
 - Review and approval of changes to the workplan and/or budget;
 - Collaboration during performance of the scope of work;
 - Approving substantive terms of proposed professional services and equipment purchase contracts;
 - Approving qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient);
 - Review and comment on reports prepared under the cooperative agreement, per the terms and conditions; and
 - Review and comment on financial reports, monitoring all reporting, record-keeping procedures, and other program requirements.

C. Cooperative Agreement Recipient Roles and Responsibilities

1. The CAR is responsible for ensuring that all training is protective of human health and the environment and complies with all applicable state and federal laws. The CAR is also responsible for maintaining proper documentation of graduates' certifications. The CAR must ensure instructors delivering training, including training for certification programs, are certified by their states, or by EPA, as appropriate. EPA does not provide information on trainer certification and does not endorse specific instructors or training organizations. However, the EPA's Lead Program does provide a database of certified instructors who can deliver the new lead renovation, repair, and painting (RRP) training at <http://www.epa.gov/lead>.
2. The CAR must comply with proper procurement standards in acquiring a contractor, if applicable. The CAR is responsible for ensuring that contractors and subaward recipients comply with the terms of their agreements with the CAR, and that agreements between the CAR and subaward recipient(s) and contractor(s) are consistent with the terms and conditions of this agreement.
 - i. Funding may be used to acquire services or fund partnerships, provided the recipient follows procurement and subaward procedures under 2 CFR Parts 200 and 1500, as applicable. CARs must compete contracts for services and products, and conduct cost and price analyses to the extent required by these regulations. The regulations also contain limitations on consultant compensation. The fact that a CAR named a specific contractor or consultant in the proposal the EPA approved for an EWDJT grant, does not relieve it of its obligations to comply with competitive procurement requirements
 - ii. Subawards, as defined in 2 CFR 200.92, may be used to fund partnerships with nonprofit organizations and governmental entities. CARs may only make subawards to eligible entities as described in Section III (A) of the FY16 EWDJT Guidelines. The CAR may not subgrant to for-profit organizations. The CAR must obtain commercial services and products necessary to carry out this agreement under competitive procurement procedures as described in 2 CFR 200.317 through 200.326. The nature of the transaction between the recipient and the subawardee must be consistent with the standards for distinguishing between vendor transactions and subrecipient assistance, and the definitions of "subaward" and "subrecipient" at 2 CFR 200 and 1500, as applicable. EPA will not be a party to these transactions.
 - iii. The CAR must make clear in any solicitation for private or public funding that the CAR's organization, and not the EPA, is seeking funding. The CAR may not imply that EPA endorses any fund-raising activities in connection with its cooperative agreement.

iv. If the CAR plans on making any subawards under this agreement then they become a pass-through entity. As the pass-through entity, the CAR must report on its subaward monitoring activities under [2 CFR 200.331\(d\)](#), including the following information on subawards:

1. Summaries of results of reviews of financial and programmatic reports .
 2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
 3. Environmental results the subrecipient achieved .
 4. Summaries of audit findings and related pass-through entity management decisions.
 5. Actions the pass-through entity has taken to correct any deficiencies such as those specified at 2 CFR 200.331(e), 2 CFR 200.207 and the 2 CFR Part 200.338 Remedies for Noncompliance
3. The CAR agrees to clearly reference EPA investments in the project during all phases of community outreach, as outlined in the approved workplan. If any documents, fact sheets, and/or web materials are developed as part of this cooperative agreement, they shall include the following statement: "This project has been funded, wholly or in part, by EPA. The contents of this document do not necessarily reflect the views and policies of the EPA."

D. Trainee Recruitment , Placement, and Monitoring

1. The CAR must recruit trainees from the target geographic areas identified in their proposal , specifically areas where brownfields , Superfund sites, landfills, oil spills , recent disaster areas, wastewater treatment facilities, or solid/hazardous waste facilities are located . Grant funds must target unemployed or underemployed individuals from these areas . The intention is to link local residents who have completed the training with local remediation and environmental in their respective communities, providing an opportunity for them to benefit from employment. The CAR shall demonstrate their progress in meeting this term and condition in the quarterly progress report and final project report as stated below .
 - i. The CAR may extend recruitment outside of the target area, but priority should be given to unemployed and underemployed residents living in the target area . Additionally, while the grant funds may be used to train dislocated workers or provide refresher training, in HAZWOPER for example, the core training program should focus on those who have little or no advanced education , work experience, or who have various barriers to employment, and are unemployed or underemployed. Applicants who are providing dislocated workers refresher training or single environmental certifications must ensure these workers have adequate health and safety training.
2. The CAR is required to monitor and track all trainees for a minimum of one year following the completion of the training program and must report the results of this monitoring in their quarterly and final progress reports. The CAR is responsible for ensuring that funding is allotted to cover this task in their budget and that accomplishments are reported in the Assessment , Cleanup and Redevelopment Exchange System (ACRES).
3. The CAR is required to complete all training cycles at least 6 months before the grant's expiration to assist with reporting results into ACRES before the close of the grant award . The final year of the cooperative agreement is intended to focus on final job placement for those not yet placed in employment or who have not retained sustainable employment, tracking graduates, and reporting accomplishments to EPA electronically through ACRES .

E. Quarterly Progress Reporting

1. In accordance with EPA regulation 2 CFR 200.328, the CAR agrees to submit quarterly progress reports to the EPA Project Officer within thirty days after each reporting period . These reports shall cover work status, work progress, difficulties encountered, preliminary data results and a statement of activity anticipated during the subsequent reporting period , including a description of equipment, techniques, and materials to be used or evaluated. A discussion of subaward recipient

activities, expenditures along with a comparison of the percentage of the project completed to the project schedule, and an explanation of significant discrepancies shall be included in the report . The report shall also include any changes of key personnel concerned with the project .

Quarterly progress reports must clearly differentiate which activities were completed with EPA funds provided under the EWDJT grant, versus any other funding source used to help accomplish grant activities.

Quarterly progress reports must include :

- i. Documentation of progress in meeting the outputs/outcomes listed in the final workplan, deliverables completed to date as cited in the CAR's project narrative , and an explanation of any slippage in meeting these deliverables
- ii. An update on meeting project milestones and progress in meeting project deadlines/time line.
- iii. A summary of the number of individuals entering training , number of veterans entering training, number of individuals completing training , the number of individuals obtaining employment, number of individuals that did not obtain employment, number of individuals that did not obtain employment but are pursuing further education , the average hourly starting wage of those who have obtained employment, and leveraged funds to date.
- iv. Information regarding the location from where trainees were recruited and information regarding placement of graduates (i.e. job titles, starting salaries, and names of organizations where graduates were placed).
- v. A summary of the training completed to date including courses that were held and certifications provided.
- vi. A detailed budget summary with a table showing the approved budget for each task by object class, including the funds used to date for each task, the funds remaining for each task, and explanation notes, if applicable. Following budget headings may include: Current Approved Budget, Costs Incurred this Quarter, Costs Incurred to Date, and Total Remaining Funds.

F. Final Project Report

1. In accordance with 2 CFR Part 200.328, the CAR agrees to submit within 90 calendar days after the termination or expiration of the approved project period a final technical report , in narrative format, on the cooperative agreement and at least one reproducible copy suitable for printing to their designated EPA Project Officer. This report must clearly address the following items :
 - i. An overview of the project in terms of its overall process and outputs/outcomes completed.
 - ii. A summary of the results of the training program including the total number of persons recruited, the total number of persons entering and completing training, and the total number of persons placed in full-time employment. Additionally, information regarding those trainees pursuing further education , and the number of persons entering the environmental field must be provided .
 - iii. A description of how the trainees were recruited from environmentally -impacted communities.
 - iv. A summary of the post-tracking and follow-up activities that the CAR conducted for each trainee.
 - v. A summary of the cost per trainee and a description of the training provided .
 - vi. A description of how EPA involvement was referenced in outreach materials , if applicable.

- vii. Problems encountered which prohibited the completion of the project goals or objectives, if applicable.
- viii. Other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- ix. Future plans for continuation of the program following the expiration of the EPA cooperative agreement.

After review of the final report, the EPA Project Officer may request additional information of the CAR. In addition to the final report, the CAR must submit (if requested to do so by EPA's Project Officer) a copy of all tangible and intangible products that were created for the purpose of the funded project (i.e. videos, research findings, curriculum, presentations, etc.) If an exhibit or slide show was created or an item too large and/or expensive to duplicate, photos or transcripts of the product may be substituted

G. Eligible Use of Funds

1. The only required training is OSHA 29 CFR 1910.120 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER). The applicant is expected to provide additional training courses that specifically fit each applicant's training program based on the labor market needs identified by that applicant.

Eligible use of grant funds under this agreement, depending on training identified in the CAR's proposal to EPA, may include:

- Solid Waste Management or Cleanup training, such as integrated solid waste management, including, but not limited to household and industrial recycling management and operations; collection; operators of material recovery facility and/or recycling centers; electronics and household hazardous waste collection and recycling program operators; construction and demolition debris collection and recycling management; recycling center operators; training associated with solid and hazardous waste facility corrective action, landfill closures and capping activities; and waste minimization efforts.
- Superfund site cleanup and innovative and alternative treatment technologies training (i.e., "green remediation" technologies), such as phytoremediation, bioremediation, or soil amendments; advanced sampling instrument operator training; or training in the reuse of biosolids and other industry residuals associated with remediation of contaminated lands or solid waste facilities.
- Wastewater treatment training, such as wastewater treatment facility operations (treatment, collection, storage, and disposal), green infrastructure design, installation, operation and maintenance, stormwater management, low impact development (LID), decentralized wastewater treatment systems maintenance, or other related wastewater management topics.
- Emergency planning, preparedness, and response training, such as training for conducting hazards analysis on the chemical facility risks in the community, developing local emergency response plans, organizing and implementing exercises, outreach to the public, spill response and cleanup, including industrial and environmental (e.g., oil spills, natural disasters, etc.), first responder, disaster site worker certification, and National Incident Management System (NIMS) training.
- Enhanced environmental health and safety training, such as promoting chemical (substance, mixture, or article) safety awareness and stewardship; safe work practices (including an overview of the content of material safety datasheets (MSDS), information on exposure guideline limits (Occupational Exposure Limits and Recommended Exposure Limits), information contained within the NIOSH pocket guide to chemical hazards, or the OSHA/EPA Occupational Chemical Database); chemical inventories; inspection and proper chemical storage; engineering controls, such as well-designed ventilation to promote air exchange; use of correct personal protective equipment including respiratory protection, gloves, goggles, or coveralls; isolation of work areas; safe storage and handling of chemicals; promoting sanitation and hygiene; prevention of spills; universal hazard

communication; green chemistry; medical waste handling and disposal; and training in an overview of any existing chemical-specific worker training and certification programs, including but not limited to: lead abatement; lead renovation, repair, and painting (RRP); asbestos; diisocyanates (auto-refinishing and spray polyurethane foam); pesticide worker protection standards; PFCs; PBDEs/HBCD; and others.

- Integrated Pest Management (IPM) training for public housing and project-based rental assistance properties, including training in pesticide prevention and the safe application of pesticides.
- Personnel costs for instructors to conduct training, fringe benefits, and/or personnel costs for tasks associated with programmatic reporting requirements.
- Costs for screening and placement of individuals in the training program.
- Costs for training materials and work gear associated with the training curriculum.
- Development and refinement of existing curricula for training.
- Implementing job development outreach activities directed toward engaging prospective employers to be involved in the job training program and to hire graduates.
- Training in the assessment, inventory, analysis, and remediation of sites or facilities at which hazardous substances, pollutants, contaminants, and petroleum are located, transported, or disposed, including training for jobs in environmental sampling, demolition, underground storage tank removal, groundwater extraction, and site remediation associated with brownfields.
- Training participants in the use of techniques and methods for cleanup of hazardous substances, petroleum, and pollutants, such as asbestos abatement; lead abatement; lead renovation, repair, and painting (RRP); mold remediation; and cleaning up sites contaminated by the manufacturing of illegal drugs (e.g., methamphetamine labs), abandoned gas stations, or mine-scarred lands.
- Training in confined space entry.
- Training in first-aid, CPR, and blood-borne pathogens.
- Training in technologies that use alternative energy and training in the installation and maintenance of (solar, wind, or geothermal power) or alternative fuels (e.g., biofuels), including preparing sites for renewable energy installation.
- Training in chemistry, toxicology, and geology to the extent necessary to inventory, assess, remediate, and clean up contaminated sites.
- Training in the requirements and implementation of the All Appropriate Inquiries Final Rule, as required in CERCLA Section 101(35)(B) and 40 CFR 200 part 312, and due diligence.
- Training in radiation safety and the cleanup of uranium mine tailings.
- Training in HAZMAT, commercial driver's license (CDL), forklift, and machine operations associated with the transportation of hazardous waste.
- Training in freon removal or the removal of hazardous substances from white goods.
- Training in weatherization; Building Performance Institute (BPI) training; energy efficiency retrofitting; heating, ventilation, and air conditioning (HVAC); and energy auditing.
- Training in the use of compost and soil amendments and associated sampling, testing, and design considerations, and management techniques to support the assessment and cleanup of sites for urban agriculture and horticulture.
- Training participants in planning and conducting ecological restoration of contaminated

land, including general botanical classes or introductory horticultural classes related to land and stream restoration or indigenous species and native plant re-vegetation; landscaping; and soil science.

- Training in the various certifications of Leadership in Energy and Environmental Design (LEED).
- Training in building trades related to constructing beams, caps, synthetic barriers, pumping facilities, and similar structures to remediate contamination.
- Training in national historic preservation and tribal historic preservation regulations associated with cleanup projects.
- Training in vapor intrusion testing and mitigation.
- Training in site surveying, mapping, blueprint reading, computer-aided design and drafting (CADD), and geographic information systems (GIS).
- Insurance a trainee needs to participate in on-the-job training.
- Costs associated with health exams (e.g., pulmonary function tests), drug testing, or licensing fees directly related to the training and/or the placement of graduates in environmental work.
- Costs used to cover rental fees associated with training facilities or minor alteration of existing facilities. (Construction costs are not allowable.)
- Costs associated with eligible participant support costs, including transportation for trainees for site visits during training or to transport trainees to and from class.

Note: This list is not exhaustive and the CAR must inquire with their EPA Project Officer regarding other eligible uses of funds or types of training.

H. Prohibited Use of Funds

1. Funds awarded under Section 104(k)(6) of CERCLA are intended for job training activities and may not be used for:
 - Training in general construction skills and trades (e.g., carpentry, plumbing, electricity, etc.).
 - Training in natural resource extraction or related processes, such as hydraulic fracturing, oil refinery, or mining operations.
 - Training that seeks to test a product or is intended to expand a business, including training that seeks to expand construction and demolition debris recycling businesses.
 - Training in firefighting, unless it is a component of emergency response or environmental disaster response training.
 - Conducting site assessments or actual cleanups, except within the context of on-the-job training.
 - Conducting response activities often associated with cleanups (e.g., landscaping, demolition, and groundwater extraction), except within the context of on-the-job training assignments. Assessment, cleanup, and associated activity costs must be funded through other means.
 - General or life skills education activities, such as remedial classes in math and reading; job readiness training, such as developing resumes and acquiring interview skills; GED costs; website development; vehicle or medical insurance; or child care and daycare costs.

- Stipends for students, including on-the-job training costs, or scholarship funds to support students' enrollment in college courses. As noted above, stipends for student transportation expenses are eligible.
 - Membership fees, such as fees required to join placement service organizations or environmental organizations.
 - Providing food or light refreshments to employees, instructors, and trainees - except at graduation ceremonies.
 - Costs that are unallowable (e.g., lobbying, fundraising, alcoholic beverages) under 2 CFR Parts 200 and 1500, as applicable.
 - Matching any other federal funds (unless there is specific statutory authority for the match). None of the statutory authorities listed above provide this authority. Grant funds may be used to match state or local funds, if authorized by the relevant state statute or local ordinance.
 - Construction or substantial rehabilitation of buildings or other facilities to house training.
 - Foreign travel.
 - Environmental Workforce Development and Job Training grant proposal preparation costs.
 - Administrative costs, management fees, penalties, or fines.
 - Prohibited administrative costs are also all indirect costs even if the CAR has an approved or interim indirect cost rate with a cognizant federal auditing agency.
 - Prohibited Administrative costs include direct costs including those in the form of salaries, benefits, contractual costs, supplies, and data processing charges incurred to comply with most provisions of the "Uniform Administrative Requirements for Grants" contained in 2 CFR 200 and 1500. Direct costs for grant administration are ineligible even if the grantee is required to carry out the activity under the grant agreement.
 - Ineligible grant administration costs include expenses for :
 - o Preparation of applications for brownfields grants and sub-grants, including EWDJT grants;
 - o Record retention required under 2 CFR 1500.6;
 - o Record-keeping associated with supplied and equipment purchases required under 2 CFR 200.313;
 - o Preparing revisions and changes in the budgets, scopes of work, program plans and other activities required under 2 CFR 200.308;
 - o Maintaining and operating financial management systems required under 2 CFR 200.302;
 - o Preparing payment requests and handling payments under 2 CFR 200.305;
 - o Non-federal audits required under 2 CFR 200, Subpart F;
 - o Close out under 2 CFR 200.343.
2. The EPA has determined that the administrative cost prohibition does not apply to "programmatic" costs, (i.e. costs for activities that are integral to achieving the purpose of the grant), even if the Agency considered the costs to be "administrative" under the prior Brownfields Program
- i. The prohibition does not apply to direct costs of training. For example, costs for instructors salaries, program management salaries (to the extent that such costs are included in the scope of work for environmental workforce development and job training grants), materials (e.g. textbooks, equipment, and classroom supplies), necessary travel and transportation expenses, and medical tests required to qualify for hazardous substances related work are programmatic, not administrative.
 - ii. Costs for performance and financial reporting required under 2 CFR 200 and 1500

are eligible programmatic costs.

- iii. Clerical costs may be eligible as programmatic costs if supported by time records demonstrating that clerical personnel performed programmatic functions (e.g. student registration, copying course materials for use by trainees) under the cooperative agreement and these costs are not included in the CAR's indirect cost pool.

I. Conflict of Interest

1. The CAR shall establish and enforce conflict of interest provisions that prevent the award of subgrants that create real or apparent personal conflicts of interest or the appearance of the CAR's lack of impartiality. Such situations include, but are not limited to, situations in which an employee, official, consultant, contractor, or other individual associated with the CAR (affected party) approves or administers a subgrant to a subgrant recipient in which the affected party has a financial or other interest. A conflict of interest or appearance of impartiality may arise when the affected party, any member of his immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial interest or other interest in the subgrant recipient.

Affected employees will neither solicit nor accept gratuities, favors, or anything of monetary value from subgrant recipients. CARs may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by state or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by affected parties.

J. Leveraging

1. The CAR agrees to provide the proposed leveraged funding, including any voluntary cost-share contribution or overmatch, that is described in their proposal dated *[insert date of recipient's proposal]*. If the proposed leveraging does not materialize during the period of award performance, and the recipient does not provide a satisfactory explanation, the Agency may consider this factor in evaluating future proposals from the recipient. In addition, if the proposed leveraging does not materialize during the period of award performance then EPA may reconsider the legitimacy of the award; if EPA determines that the recipient knowingly or recklessly provided inaccurate information regarding the leveraged funding the recipient described in its proposal dated *[insert date of recipient's proposal]*, EPA may take action as authorized by 2 CFR 200.306 and 2 CFR Part 180 as applicable.

K. Payment and Closeout

1. The CAR may request payment from EPA pursuant to 2 CFR 200.305.

Closeout will be conducted in accordance with 2 CFR 200.343, as appropriate. The EPA will close out the award when it determines that all applicable administrative actions and all required work of the cooperative agreement have been completed. The CAR, within 90 days after the expiration or termination of the cooperative agreement, must submit all financial, performance, and other reports required as a condition of the grant. At the end of the cooperative agreement, the CAR must refund to the Federal agency any balance of unobligated (unencumbered) cash advanced on the cooperative agreement.

CITY OF SPRINGFIELD, MO
BUDGET ADJUSTMENT

Exhibit C

BA Number 0015

Revenues:

Fund	Dept	Org	Account	P&G	Location	Amount	Description
24350	21	28210	416010	TBD	00000	200,000.00	Federal Grant Revenue
Net Revenue Adjustment						200,000.00	

Expenditures:

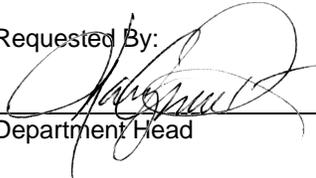
Fund	Dept	Org	Account	P&G	Location	Amount	Description
24350	21	28210	500110	TBD	00000	11,120.00	BASE SALARIES
24350	21	28210	500210	TBD	00000	1,729.93	LAGGERS GENERAL EMPLOYEE CONTRIBUTION
24350	21	28210	500250	TBD	00000	863.13	FICA CONTRIBUTION
24350	21	28210	500260	TBD	00000	1,776.90	HEALTH INS CONTRIBUTION
24350	21	28210	500280	TBD	00000	38.04	WORKMENS COMP CONTRIBUTION
24350	21	28210	502320	TBD	00000	810.00	MILEAGE
24350	21	28210	505690	TBD	00000	4,190.00	TRAVEL
24350	21	28210	501240	TBD	00000	2,550.00	OFFICE SUPPLIES
24350	21	28210	502370	TBD	00000	200.00	POSTAGE
24350	21	28210	502380	TBD	00000	800.00	PRINTING AND BINDING
24350	21	28210	502010	TBD	00000	1,000.00	ADVERTISING
24350	21	28210	501160	TBD	00000	1,000.00	FOOD SUPPLIES - HIRING EVENTS / GRADUATIONS
24350	21	28260	504580	TBD	00000	166,922.00	OTHER PROFESSIONAL SERVICES - TRAINING
24350	21	28390	502340	TBD	00000	3,425.00	PARTICIPANT COSTS - TRANSPORTATION ASSIST
24350	21	28410	502340	TBD	00000	3,575.00	PARTICIPANT COSTS - DRUG TESTING FEES
Net Expenditure Adjustment						200,000.00	

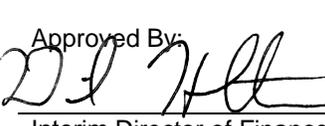
Fund Balance Appropriation:

Fund	Title	Amount

Explanation:

To appropriate federal grant revenue for the Springfield Environmental Workforce Development and Job Training Project

Requested By: 
 Department Head 10/25/16
 Date

Approved By: 
 Interim Director of Finance 10/25/16
 Date
 City Manager Date

Authorization:
 Council Bill No. 2016-245
 Ordinance No. _____
 1st Reading _____
 2nd Reading _____
 Journal Imp No. _____

One-rdg. _____
P. Hrngs. _____
Pgs. 24
Filed: 10-25-16

Sponsored by: Fishel

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 241

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield Land Development Code, Section 36-306, 'Zoning Maps,'
2 by rezoning approximately 0.68 acres of property, generally located at
3 519, 525 and 529 East Cherry Street from Planned Development No. 232,
4 to a CC, Center City District; establishing Conditional Overlay District No.
5 113; and adopting an updated Official Zoning Map. (Staff and Planning
6 and Zoning Commission recommend approval).
7
8

9 WHEREAS, an application has been filed for a zoning change of the property
10 described in "Exhibit C" of this Ordinance, generally located at 519, 525 and 529 East
11 Cherry Street, from Planned Development No. 232, to a CC, Center City District with
12 Conditional Overlay District No. 113; and
13

14 WHEREAS, Conditional Overlay District No. 113 will modify the requirements of
15 section 36-424, Center City District, by requiring that the property described on "Exhibit
16 C" comply with the requirements contained on "Exhibit A," which is attached hereto and
17 incorporated as if set out herein; and
18

19 WHEREAS, following proper notice, a public hearing was held before the
20 Planning and Zoning Commission, a copy of the Record of Proceedings from said public
21 hearing being attached hereto as "Exhibit B;" and said Commission made its
22 recommendation; and
23

24 WHEREAS, proper notice was given of a public hearing before the City Council,
25 and that said hearing was held in accordance with the law.
26

27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
28 SPRINGFIELD, MISSOURI, as follows, that:
29

30 Section 1 – That the property described in "Exhibit C" of this Ordinance be, and
31 the same hereby is, rezoned from Planned Development No. 232, or such zoning
32 district as is designated on the Official Zoning Map adopted by the City Council, to CC,
33 Center City District with Conditional Overlay District No. 113; that the requirements of

34 Conditional Overlay District No. 113 are hereby incorporated by reference as if set out
35 verbatim herein, and shall apply to the subject property, and the Springfield Land
36 Development Code, Section 36-306 thereof, Zoning Maps, is hereby amended,
37 changed and modified accordingly.

38
39 Section 2 – The City Council hereby directs the City Manager, or his designee, to
40 update the City's digital zoning map to reflect this rezoning, and City Council adopts the
41 map thereby amended as the Official Zoning Map of Springfield, Missouri, as provided
42 for in the Springfield Land Development Code, Section 36-306, Official Zoning Maps
43 and Rules of Interpretation.

44
45 Section 3 – The Official Zoning Map herein adopted shall be maintained and
46 archived in the same digital form in which this Council has approved its adoption.

47
48 Section 4 – This Ordinance shall be in full force and effect from and after
49 passage.

50
51 Passed at meeting: _____

52
53 _____
54 Mayor

55
56 Attest: _____, City Clerk

57
58 Filed as Ordinance: _____

59
60 Approved as to form: Richard T. Weder, Assistant City Attorney

61
62 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 241

FILED: 10-25-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 0.68 acre of property generally located at 519, 525 and 529 East Cherry Street from Planned Development No. 232 to a CC, Center City District and establishing Conditional Overlay District No. 113 (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: ZONING CASE NUMBER Z-16-2016/CONDITIONAL OVERLAY DISTRICT NO. 113

The applicant is proposing to rezone the subject property from a Planned Development No. 232 to a CC, Center City District and establish Conditional Overlay District No. 113. The intent of this application is to facilitate the redevelopment of the site for multi-family housing.

The subject property is within the Center City Activity Center as shown in the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*. Activity Centers are identified as areas of significant business and high-density housing. It is intended that additional development be concentrated in and around these activity centers to optimize transportation investments, citizen convenience, investor confidence and a compact growth pattern. Properties within Activity Centers are to be intensively and efficiently used. The subject property satisfies these criteria.

The accompanying Conditional Overlay District will require the standard off-street parking for multi-family residential uses since the proposed Center City zoning does not require off-street parking. The applicant is also requesting that the total required parking be reduced by 20% of the total number of parking spaces required by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each otherwise required off-street automobile space. The current off-street parking requirements allow a reduction of up to 10% of automobile parking if bicycle parking is provided; because of its proximity to the university and downtown, staff is supportive of a greater reduction of automobile parking with more bicycle parking similar to the UN, University Combining District and previous zoning cases in this area.

This Ordinance supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major; Goal 4, Develop the community in a sustainable manner; Objective 4a, Increase density in activity centers and transit corridor.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on October 13, 2016 and recommended approval, by a vote of 5 to 0, of the proposed zoning on the tract of land described on the attached sheet (see the attached Record of Proceedings "Exhibit B").

The Planning and Development staff recommends the application be approved (see the attached Zoning and Subdivision Report).

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Comprehensive Plan* recommends more density and intensity in the greater downtown area similar to the land uses within the Center City District.
2. The requested CC, Center City zoning is consistent with the existing CC zoning to the north of the subject property.
3. The accompanying Conditional Overlay District will provide off-street parking requirements for residential uses.

REMARKS:

The Planning and Development staff recommends the application be approved (see the attached Zoning and Subdivision Report).

Submitted by:


Daniel Neal, Senior Planner

Recommended by:


Mary Lilly Smith, Director

Approved by:


Greg Burris, City Manager

EXHIBITS:

- Exhibit A, Conditional Overlay District Provisions
- Exhibit B, Record of Proceedings
- Exhibit C, Legal Description
- Exhibit D, Development Review Staff Report

ATTACHMENTS:

- Attachment 1, Department Comments
- Attachment 2, Neighborhood Meeting Summary
- Attachment 3, Conditional Overlay District Provisions

Exhibit A

CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-16-2016 & CONDITIONAL OVERLAY DISTRICT NO. 113

The requirements of *Section 36-424. Center City District* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

1. The subject property will have to meet the off-street parking requirements for residential uses, however the number of parking spaces can be reduced by 20% by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile parking space.

Exhibit B

LEGAL DESCRIPTION
ZONING CASE Z-16-2016 CONDITIONAL OVERLAY DISTRICT NO. 113

ALL OF LOT SIXTEEN (16) IN JOHN LAIR'S ADDITION TO THE CITY OF
SPRINGFIELD, GREENE COUNTY, MISSOURI.

AND

ALL OF THE WEST 3.0 FEET OF THE SOUTH 54.0 FEET OF THE NORTH 98.0
FEET OF LOT TWENTY (20) AND ALL OF LOT EIGHTEEN (18) IN JOHN LAIR'S
ADDITION IN THE CITY OF SPRINGFIELD, GREENE COUNTY, MISSOURI.

Exhibit C

**RECORD OF PROCEEDINGS
Planning and Zoning Commission October 13, 2016**

Z-16-2016 w/COD #113
519, 525, & 529 East Cherry Street
Applicant: Jason Murray

Mr. Hosmer states that this is a request to rezone approximately 0.68 acre of property generally located at 519, 525 and 529 East Cherry Street from Planned Development No. 232 to a CC, Center City District and establishing Conditional Overlay District No. 113

The Growth Management and Land Use Plan element of the Comprehensive Plan also designates this area within the Greater Downtown land use district. This district, which pertains to the downtown and University Plaza portions of Center City, promotes high-intensity office, retail and housing, preferably in mixed-use buildings with a strong pedestrian orientation. The Major Thoroughfare Plan classifies Cherry Street as a Secondary Arterial roadway. A traffic study was not required. The applicant is also requesting that the total required parking can be reduced by 20% of the total number of parking spaces required by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile space. Staff is supportive of a greater reduction of automobile parking with more bicycle parking similar to the UN, University Combining District and previous zoning cases in this area. The accompanying Conditional Overlay District will provide off-street parking requirements for residential uses. Staff recommends approval

Mr. Ray opened the public hearing.

Mr. Jason Murray, PO Box 2965 representing the project. There are 2 lots that make up the project and would start with saving the 3 story brick on the east side and make them into new apartments and the remaining buildings on the other lot will be demolished at a later date. We will be putting parking on each side as well as an underground parking garage.

Mr. Essam Elkady, owner of 511 E. Cherry has concern over his 18 parking spots and uses the common driveway between 511 and 519 East Cherry and it has been used over 50 years and states that there is an easement by prescription. His concern is with the applicant possibly putting up a fence resulting in losing 9 parking spots and his tenants having to park along Cherry Street which is narrow. He states that he can prove the easement but would have to go through litigation so he would like the Commission to prevent Mr. Murray from putting in a fence.

Mr. Ray asked if staff was aware of this issue.

Mr. Hosmer states that they are aware of it and have had discussions with the adjacent property owner. The Planning and Zoning office have not found anything as far as an easement.

Mr. Elkady stated that it an easement by prescription and would be easy to prove in court.

Mr. Hosmer noted that we are only looking at the rezoning of the property, the details as far as the development will have to be worked out.

Mr. Elkady asked if there is anyway that a fence would not be built and eliminating his parking spaces.

Mr. Hosmer noted that there is no documentation prohibiting a fence.

Mr. Elkady noted that parking along Cherry Street would be disastrous and would not have enough parking as well as being very small and congested and Center City is not limited by any parking.

Mr. Rose asked Mr. Elkady if he has spoken with the developer about his concerns.

Mr. Elkady stated that he has spoken with Mr. Murray and that Mr. Murray does not want to talk about it because he does not know yet. He said he would have to go to court but would like a condition that prohibits a fence.

Mr. Coltrin asked about the driveway and parking on Mr. Murray's land.

Mr. Elkady stated that if Mr. Murray puts in a fence he will not use the parking because the tenants have to back through the land the he has been using for 50 years. He states that it is Mr. Murray's land, but by easement by prescription he has a right to use it.

Mr. Tom Rykowski stated that an easement by prescription is an operation of law by which overtime you acquire certain legal rights over another person's property based upon continued and uncontested use. However we cannot today state that Mr. Elkady does or does not have an easement by prescription and that is something that would have to be agreed to by the owner of the proposed development or go to court and get an order to do that. Even if there was an easement over the land it would not impact the zoning, but would impact his legal rights of development.

Mr. Elkady asked if the zoning could be put on hold until there was an agreement over the fence.

Mr. Rykowski noted that it would be the applicant's decision.

Mr. Rose asked if rezoning to Center City does not guarantee that a fence will not be built.

Mr. Hosmer stated that there could be a condition made on the zoning.

Mr. Ray stated that the rezoning does not have any impact, however you are correct that we could request a provision to not include a fence, however it up to the applicant and the other issue would be the request to reduce the required parking and how does that play into the situation.

Mr. Hosmer stated that Center City does not have any parking requirements, but typically when we have zoned to Center City District we require the applicant provide parking on-site.

Mr. Ray asked Mr. Murray to explain what the conversations have been about the development of the site.

Mr. Murray stated that Mr. Elkady was at the neighborhood meeting and expressed his concerns about the fence and he was told that there are no plans at this time to build a fence and has spoken with his

architect about the parking. Mr. Murray noted that Mr. Elkady also has access to a drive along the west side of his property noting that there are two ways in from Cherry Street.

Mr. Coltrin asked Mr. Murray how long the Family Violence Center has had the property.

Mr. Murray believes they have been there from the late 1990's.

Mr. Jerald Benson owner of 516 & 520 East Elm has concerns regarding the unlit area next to his property where people are parking and possible criminal activity and is worried if there will be any unlit parking on the new proposed property.

Mr. Ray closed the public hearing.

Mr. Ray noted that this is a difficult situation for the property owners, however at this time there is too much unknown about the possible development and doesn't believe there is any malicious attempt to cut off access. At this point it is not job of this commission to add a requirement for an exclusion of a fence for this rezoning purpose. Other matters regarding access to property and parking spaces will need to be addressed amongst the property owners.

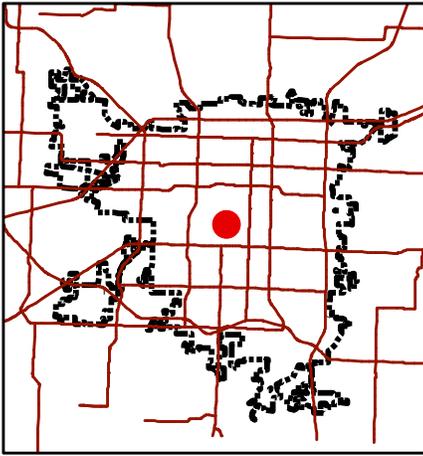
COMMISSION ACTION:

Mr. Doennig motioned that we accept Z-16-2016 w/COD #113 (519, 525, & 529 East Cherry Street). Mr. Rose seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.

Bob Hosmer, AICP
Principal Planner

Development Review Staff Report

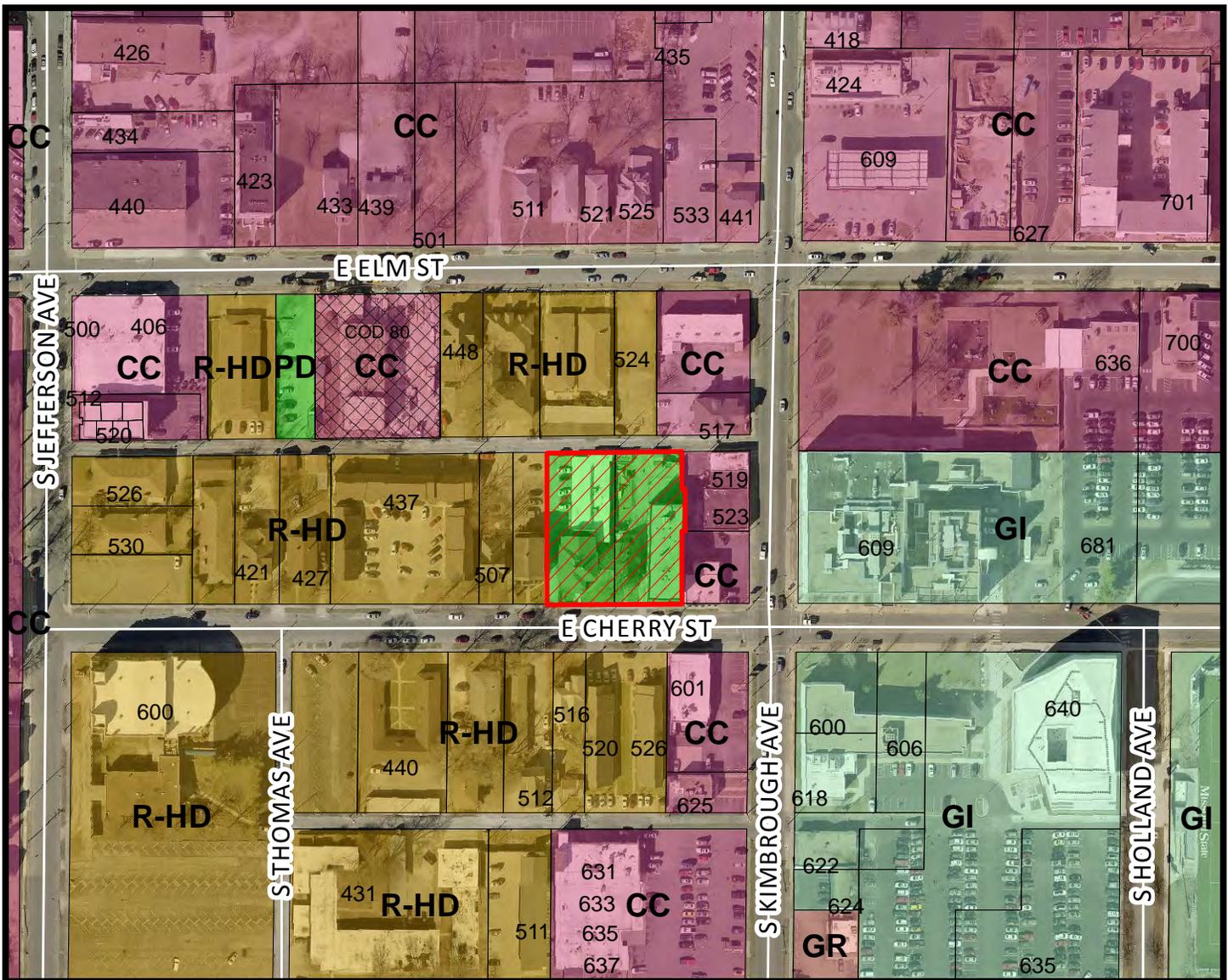
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802



Z-16-2016 and Conditional Overlay District No. 113

LOCATION: 519, 525 & 529 E. Cherry St.
CURRENT ZONING: Planned Development 232
PROPOSED ZONING: CC, Center City District w/ COD #113

LOCATION SKETCH



- Area of Proposal



1 inch = 200 feet

DEVELOPMENT REVIEW STAFF REPORT
ZONING CASE Z-16-2016 CONDITIONAL OVERLAY DISTRICT NO. 113

PURPOSE: To rezone approximately 0.68 acre of property generally located at 519, 525 and 529 East Cherry Street from Planned Development No. 232 to a CC, Center City District and establishing Conditional Overlay District No. 113

DATE: September 28, 2016

LOCATION: 519, 525 & 529 E. Cherry Street

APPLICANT: Family Violence Center, Inc. c/o Jason Murray

TRACT SIZE: Approximately 0.68 acre

EXISTING USE: Family Violence Center offices and housing

PROPOSED USE: Multi-family residential uses

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Comprehensive Plan* recommends more density and intensity in the greater downtown area similar to the land uses within the Center City District.
2. The requested CC, Center City zoning is consistent with the existing CC zoning to the north of the subject property.
3. The accompanying Conditional Overlay District will provide off-street parking requirements for residential uses.
4. Supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use Major Goal 4: Develop the community in a sustainable manner. Objective 4a, Increase density in activity centers and transit corridor.

RECOMMENDATION:

Staff recommends **approval** of this request.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	R-HD	Multi-family residential uses
East	CC	Commercial/retail sales uses
South	R-HD	Multi-family residential uses
West	R-HD	Multi-family residential uses

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* also designates this area within the Greater Downtown land use district. This district, which pertains to the downtown and University Plaza portions of Center City, promotes high-intensity office, retail and housing, preferably in mixed-use buildings with a strong pedestrian orientation. It suggests that the most appropriate zoning district for this location would be the Center City District.

STAFF COMMENTS:

1. The applicant is proposing to rezone the subject property from a Planned Development No. 232 to a CC, Center City District and establishing Conditional Overlay District No. 113. The intent of this application is to facilitate the redevelopment of the site for multi-family housing.
2. The subject property is within the Center City Activity Center as shown in the *Growth Management and Land Use Plan* element of the *Comprehensive Plan*. Activity Centers are identified as areas of significant business and high-density housing. It is intended that additional development be concentrated in and around these activity centers to optimize transportation investments, citizen convenience, investor confidence and a compact growth pattern. Properties within Activity Centers are to be intensively and efficiently used. The subject property would fit within these criteria.
3. This proposal did not require a Multi-Family Location and Design Guidelines assessment per CC, Center City District regulations.
4. The subject property is within walking and bicycling distance of the MSU campus, the downtown area and bus stops. In addition there is a good sidewalk system and marked bike routes in the area.
5. The CC, Center City District does not require off-street parking. The applicant is requesting a conditional overlay district that will require the standard off-street

parking for multi-family residential uses. The applicant is also requesting that the total required parking can be reduced by 20% of the total number of parking spaces required by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile space. The current off-street parking requirements allow a reduction of up to 10% of automobile parking if bicycle parking is provided; because of its proximity to the university and downtown, staff is supportive of a greater reduction of automobile parking with more bicycle parking similar to the UN, University Combining District and previous zoning cases in this area.

6. A traffic study was not warranted by Public Works Traffic Division since the rezoning from Planned Development No. 232 to the Center City District will not generate a significant amount of additional traffic.
7. A bufferyard is not required when the CC District is adjacent to the R-HD District.
8. The proposed rezoning was reviewed by City departments and comments are contained in Attachment 1

NEIGHBORHOOD MEETING:

The applicant held a neighborhood meeting with property owners, residents and any registered neighborhood association within 500 feet of the subject properties on September 12, 2016. A summary of the meeting is attached (Attachment 2).

PUBLIC COMMENTS:

The property was posted by the applicant at least 10 days prior to the public hearing. The public notice was advertised in the Daily Events at least 15 days prior to the public hearing. Public notice letters were sent out at least 10 days prior to the public hearing to all property owners within 185 feet. Seventeen (17) property owners within one hundred eighty-five (185) feet of the subject property were notified by mail of this request. Staff has received no objections to date.

CITY COUNCIL MEETING:

October 31, 2016

STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
DEPARTMENT COMMENTS
ZONING CASE Z-16-2016 & CONDITIONAL OVERLAY DISTRICT NO. 113

BUILDING DEVELOPMENT SERVICES COMMENTS:

No BDS issues with proposed rezoning to CC with a COD.

CITY UTILITIES:

City Utilities has no objection to the proposed rezoning. Adequate utilities are available. Note that although CC zoning has no building setbacks, adequate room for utility service should be taken into consideration.

CLEAN WATER SERVICES COMMENTS:

No objections to rezoning. Public sewer is currently available. Any further review to determine sewer capacity will require a site plan, proposed use and flow rates.

PUBLIC WORKS TRAFFIC DIVISION COMMENTS:

The City's Transportation Plan classifies Cherry Street as a Secondary Arterial roadway. The standard right of way width for Cherry Street is 35 feet from the centerline. However, downtown streets are not required to dedicate additional right of way per city ordinance. This is a City maintained street. The most recent traffic count on Cherry Street is 2,168 vehicles per day. There are two existing driveway access points along the property frontage on Cherry Street. There is sidewalk along Cherry Street. The existing infrastructure meets current city standards. On-street parking is allowed along the adjacent streets. There is no greenway trail in the area. There is one bus stop along Cherry Street. The proposed development is in an area that provides for multiple direct connections and provides for good connectivity in the area. There is currently an intersection project under construction at Cherry and Kimbrough. No other improvements are planned for Cherry Street.

Public Works Traffic Division	Response
Street classification	Secondary Arterial
On-street parking along streets	Yes
Trip generation - existing use	120 daily trips
Trip generation change - proposed use	180 daily trips
Existing street right of way widths	30 feet from the centerline
Standard right of way widths	35 feet from the centerline
Traffic study submitted	Not required
Proposed street improvements	Not required

STORMWATER COMMENTS:

The property is located in the Fassnight Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is aware of flooding problems in the area. The runoff from this area runs south into areas along Harrison that have had prior stormwater complaints. If the project increases the amount of impervious surfacing, detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not an option and may not be required as the site already is mostly impervious. There are no sinkholes on the proposed property.

Please note that re-development of the property will be subject to the following conditions at the time of development:

1. Post development peak run-off rates shall not exceed pre-development peak run-off rates for the 1, 10 and 100 year rain events. Any increase in impervious surfacing will require the development to meet current detention and water quality requirements.
2. Concentrated points of discharge from these improvements will be required to drain into a certified natural surface-water channel, public right-of-way, or a drainage easement.
3. Please keep in mind that more detailed stormwater calculations will have to be submitted before any permits can be approved.

Public Works Stormwater Division	Response
Drainage Basin	Fassnight Creek
Is property located in Floodplain	No
Is property located on a sinkhole	No

Additional Comments:

1. Current runoff drains away from Cherry towards Elm St. Drainage patterns for any runoff currently flowing across the site must not be blocked or altered by any future construction i.e. do not push water onto adjacent properties.

AFFIDAVIT OF NEIGHBORHOOD NOTIFICATION AND MEETING SUMMARY

1. Request change to zoning from: PLANNED DEVELOPMENT 232 to CENTER CITY
2. Meeting Date & Time: September 12, 2016 4-6:30pm
(existing zoning) (proposed zoning)
3. Meeting Location: 211 S. market Ave - suite 104, Springfield, Mo
4. Number of invitations that were sent: 87
5. How was the mailing list generated: CITY GENERATED
6. Number of neighbors in attendance (attach a sign-in sheet): 3 + 1 phone call
7. List the verbal comments and how you plan to address any issues:
(City Council does not expect all of the issues to be resolved to the neighborhood's satisfaction; however, the developer must explain why the issues cannot be resolved.)

See Attached

8. List or attach the written comments and how you plan to address any issues:

See Attached.

I, JASON MURRAY (*print name*), attest that the neighborhood meeting was held on 9-12-2016 (*month/date/year*), and is at least twenty-one (21) days prior to the Planning and Zoning Commission public hearing and in accordance with the attached "Neighborhood Notification and Meeting Process."


Signature of person completing affidavit

JASON MURRAY
Printed name of person completing affidavit

Neighborhood Meeting Notes

Rezoning: 519 & 525 E. Cherry St.
Springfield, MO 65806

Meeting Date: September 12, 2016

Attendees: 3 + 1 call in.

Mr. Essam Elkady
511 E. Cherry.

Comment:

Mr. Elkady was very happy that the existing user of the property will be moving and glad to see the property cleaned up and improved. His only concern was if we were to build a fence along the west property line some day. He is afraid that it would block access to part of his parking lot.

Response:

I told Mr. Elkady that I'm sure we could get along as good neighbors. And that I don't have any immediate plans to install a fence. I don't believe the fence issue is related to zoning. A fence could be added under the current zoning.

Mr. Dan Gray
C Arch Bay Co.
440 E. Cherry & 507 Kimbrough

Comment:

"Always concerned that any project has enough parking". Besides the parking comment he was generally positive about the property being renovated.

Response:

Phase 1 of my project is to renovate the existing brick building that sits on the east side of the property. This project isn't that big and will have lots of extra parking.

Phase 2 would be a new building with drives on each side and angled parking on each side. In addition to the parking lots, I plan to build a parking garage in the basement of the new building with an additional +-30 parking spots under the new building. With this parking garage my project will have an abundance of parking.

Mr. & Mrs. Jerald Benson
516 & 520 E. Elm

Comment:

"Would like to see lighting around the parking area to prevent drug deals. Trash dumpster needs to be secured from trash pickers." Mr. & Mrs. Benson were very nice and happy to see the property improved.

Response:

We plan to add lighting to the parking lot and a lock for the dumpster is easy.

Mr. Larry Edgar
441 S. Kimbrough

Comment:

Larry did not attend the meeting but called me on 9-13-2016. He was very happy to hear that the property was going to get improved and said, "Go for it!"

Response:

I always like to hear positive comments from the surrounding property owners.

NEIGHBORHOOD MEETING SIGN IN SHEET

DATE: SEPTEMBER 12, 2016

REZONING 519, 525, & 529 E. CHERRY ST.
REZONING FROM PD232 TO CENTER CITY

MEETING LOCATION:

211 S. MARKET AVE. - SUITE 104
SPRINGFIELD, MO 65806

Name	Address	Telephone	Concern
ESSA M ELKADY	511 E Cherry	417 316 0746	The Drive way shared between us
Dan Gray	507 Kimbrough 440 E Cherry	417-869-3112	C. ARCH BAY CO
JEDAL BENSON	576/520 E ELM	417 886-1177	
Larry Edgar	441 S. Kimbrough	417-829-6673	HAPPY - "Go For it"
	↳ Called me 9-13-2016		

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	9/12/16	Telephone No.	4173160746
YOUR NAME:	ESSAM FLKADY, Investments LLC		
YOUR ADDRESS:	511 East chery street		
PROJECT ADDRESS:			

COMMENTS:

The shared drive way between 511 E chery and the proposed zoning change I want to make sure it is not blocked since this will be fire hazard to my property and also putting fence will kill my parking and I have 9 units and 12 parking spots

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	9-12-14	Telephone No.	417-869-5112
YOUR NAME:	Dan Gray for C. Arch & Co		
YOUR ADDRESS:	440 E Cherry - 507 S Kimbrough		
PROJECT ADDRESS:	519-525-529 Cherry		
COMMENTS:	Always concerned that any project has enough parking.		

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	9/12/2010	Telephone No.	417 886-1177
YOUR NAME:	JERALD DENSON		
YOUR ADDRESS:	576 / 520 E ELM		
PROJECT ADDRESS:			
COMMENTS:	WOULD LIKE TO SEE LIGHTING AROUND PARKING AREA TO PREVENT DRUG DEALS. TRASH DUMPSTER NEEDS TO BE SECURE FOR TRASH PICKUPS.		

Called 9-13-16

NOTICE

Enclosed you have received a notice of a "Neighborhood Meeting" submitted by the applicant to discuss a change in land use or zoning in your neighborhood. For all development applications involving an advertised public hearing, City Council requires developers to hold a neighborhood meeting and invite the property owners within 500 feet of the property and to the officers of neighborhood association on file with the Department.

A "Neighborhood Meeting" is held early enough to provide adequate time for the developer to negotiate with the neighborhood in order to resolve any issues and provide any proposed changes to City staff to evaluate and include in City staff reports.

If the developer submits, an application for a change in land use or zoning the property will be posted, there will be public notifications in the newspaper and notification by mail to the property owners within 185 feet of the project.

The Land Use or Zoning Change Process:

1. Application
2. Neighborhood Meeting (500 feet notification from subject property)
3. Planning and Zoning Commission Public Hearing (185 feet notification from subject property)
4. 1st City Council Public Hearing (185 feet notification from subject property)
5. 2nd City Council Meeting to decide either to approve or to deny the change in land use or zoning

City staff is available to meet with you or your neighborhood association representative(s) to discuss the proposed change in land use or zoning and answer questions at 417-864-1611.

Staff submits a report with a recommendation one week prior to the date of the public hearing at the Planning and Zoning Commission. You can provide comments on the attached "Comment Card" by mail or by email at zoning@springfieldmo.gov. Please include your name, address and telephone number as well as the address of the project in your correspondence.

Bob Hosmer, AICP Principal Planner
City of Springfield Development Review Office
840 Boonville Ave, Springfield Missouri 65801

Comment Card: mail comments to the address above or email comments to zoning@springfieldmo.gov

DATE:	9-13-16	Telephone No.	417-829-6673
YOUR NAME:	Lenny Edger		
YOUR ADDRESS:	4411 S. Kimbrough Ave		
PROJECT ADDRESS:	519 + 525 Exchange		
COMMENTS:	Lenny called & was very excited. He says it is great & to "GO for it!!"		

ATTACHMENT 3
CONDITIONAL OVERLAY DISTRICT PROVISIONS
ZONING CASE Z-16-2016 & CONDITIONAL OVERLAY DISTRICT NO. 113

The requirements of *Section 36-424. Center City District* of the *Springfield Zoning Ordinance* shall be as modified herein for development within this district.

1. The subject property will have to meet the off-street parking requirements for residential uses, however the number of parking spaces can be reduced by 20% by providing bicycle parking spaces at a rate of two (2) bicycle spaces for each required off-street automobile parking space.

One-rdg. _____
P. Hrngs. _____
Pgs. 14
Filed: 10-25-16

Sponsored by: Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 242

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Section 1-9 of the Springfield City Code, 'City Limits,' by annexing
2 approximately 4.7 acres of Greene County right-of-way into the City of
3 Springfield, Missouri, generally located between the 2700 and 3000 blocks
4 of West Republic Street, generally referenced as Annexation A-2-16; and
5 amending the Springfield City Code, Chapter 46, Section 46-1,
6 'Boundaries of wards, precincts and council zones,' by adding this
7 property to the ward and precinct assigned them by the County Clerk.
8
9

10 WHEREAS, a verified petition requesting annexation was filed by the owners of
11 all fee interests of record in all tracts of real property located within the area proposed to
12 be annexed, as described in "Exhibit A" attached hereto; and
13

14 WHEREAS, said petition was presented to the City Council more than fourteen,
15 but less than sixty days prior to the public hearing thereon; and
16

17 WHEREAS, proper notice was published at least seven days prior to the public
18 hearing; and
19

20 WHEREAS, the City Council now makes a determination regarding the
21 annexation of said real property.
22

23 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
24 SPRINGFIELD, MISSOURI, as follows, that:
25

26 Section 1 – The City Council, after holding a public hearing, hereby determines
27 that the annexation of the property described in "Exhibit A" and depicted in "Exhibit B,"
28 each attached hereto and incorporated herein by this reference, is reasonable and
29 necessary to the proper development of the City, and the City has the ability to furnish
30 normal municipal services to the area annexed within a reasonable time.
31

32 Section 2 – Pursuant to the provision of Section 71.012 RSMo., the property
33 described in "Exhibit A," is hereby annexed into the City of Springfield, Missouri.

34 Section 3 – Section 1-9, 'City Limits,' is hereby amended by adding thereto the
35 land described in "Exhibit A," generally located between the 2700 and 3000 blocks of
36 West Republic Street, and contiguous to the city limits, which land shall be in addition to
37 all territory included within the corporate limits of the City.

38
39 Section 4 – Section 46-1, 'Boundaries of wards, precincts and council zones,' is
40 hereby amended by placing the property described on "Exhibit A" into the appropriate
41 ward and precinct as determined by the County Clerk in accordance with State law.

42
43 Section 5 – The City Clerk is directed to: (1) file three certified copies of this
44 annexation ordinance with the Clerk of Greene County; and (2) forward to the Missouri
45 Director of Revenue by U.S. registered mail or certified mail, a certified copy of this
46 Ordinance, accompanied by a map of the City clearly showing the territory added
47 thereto, and any other information that the Director of Revenue may require.

48
49 Section 6 – This Ordinance shall be in full force and effect from and after
50 passage.

51
52 Passed at meeting: _____

53
54
55 _____
56 Mayor

57 Attest: _____, City Clerk

58
59 Filed as Ordinance: _____

60
61 Approved as to form: Achalee J. Wether, Assistant City Attorney

62
63 Approved for Council action: Greg B. Burnett, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 242

FILED: 10-25-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To adopt an ordinance to annex approximately 4.7 acres of Greene County right-of-way into the City of Springfield, generally located in the 2700-3000 blocks of West Republic Street, generally referenced as Annexation A-2-16.

BACKGROUND INFORMATION: Greene County has petitioned the City of Springfield to annex right-of-way to be included within the corporate limits of the City of Springfield, Missouri, pursuant to Section 71.012, RSMo. This request includes the right-of-way of West Republic Street from Glenn Avenue to Golden Avenue and a small portion of Homewood Avenue ("Exhibit A"), which was part of a cost share agreement with Greene County in 2014 to widen the street to 5 lanes ("Exhibit B"). Currently, Republic Street in this area is maintained by Greene County.

The annexation of this right-of-way will fill in a gap between City boundaries along Republic Street. It will create a more logical boundary between the City and County and eliminate confusion between emergency responders.

An island of unincorporated Greene County will be created with this annexation which contains three separate properties at 4115, 4131 and 4193 S. Glenn Avenue. As required by state law, these property owners will receive notification of the annexation and an opportunity to be annexed in the future if desired.

City Council is required to hold a public hearing to determine whether the annexation is reasonable and necessary for the proper development of the City and whether the City has the ability to furnish normal services within a reasonable period of time. If no written objection is filed within fourteen (14) days of the public hearing, the City may annex the property by ordinance without further action (see "Exhibit B Attachment 2," Annexation Schedule).

City Council initiated this annexation request on October 3, 2016.

The annexation is consistent with the *Growth Management and Land Use Plan* of the *Comprehensive Plan*.

The annexation supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner; Objective 4a, Increase density in activity centers and transit corridors.

STAFF RECOMMENDATIONS:

1. The area to be annexed is contiguous to the City of Springfield.

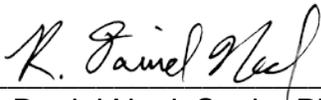
2. The *Growth Management and Land Use Plan* of the *Comprehensive Plan* supports the annexation because it enhances government efficiencies through rational and simplified city boundaries.

REMARKS:

The area to be annexed ("Exhibit A") is contiguous to the City of Springfield. See "Exhibit B" for the location of the right-of-way to be annexed.

Staff recommends approval of the annexation.

Submitted by:



R. Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Department and Agency Review

Attachment 2, Annexation Schedule

Exhibit A

STREET RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

ALL THAT PART OF SECTIONS 9 AND 16, TOWNSHIP 28 NORTH, RANGE 22 WEST, LOCATED IN GREENE COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16, ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 9;

THENCE NORTH 88°42'07" WEST, ALONG THE SECTION LINE, A DISTANCE OF 74.68 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 03°29'36" WEST A DISTANCE OF 66.78 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF REPUBLIC ROAD, ALSO KNOWN AS STATE HIGHWAY M, AS IT NOW EXIST;

THENCE NORTH 88°34'45" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 114.34 FEET;

THENCE NORTH 84°34'02" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 165.12 FEET;

THENCE NORTH 89°01'47" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 161.68 FEET;

THENCE NORTH 88°41'50" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 443.95 FEET;

THENCE SOUTH 46°48'51" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 42.80 FEET TO A POINT ON THE EAST RIGHT OF WAY OF GLENN AVENUE;

THENCE SOUTH 83°53'54" WEST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 50.55 FEET TO A POINT ON THE WEST RIGHT OF WAY OF GLENN AVENUE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF SAID REPUBLIC ROAD;

THENCE NORTH 43°10'36" WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 42.05 FEET;

THENCE NORTH 88°41'50" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 632.60 FEET;

THENCE SOUTH 46°59'30" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 42.95 FEET TO A POINT ON THE EAST RIGHT OF WAY OF HILLCREST AVENUE;

THENCE NORTH 88°41'50" WEST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 55.01 FEET TO A POINT ON THE WEST RIGHT OF WAY OF HILLCREST AVENUE AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY OF SAID REPUBLIC ROAD;

THENCE NORTH 43°00'04" WEST, ALONG SAID SOUTH RIGHT OF WAY, A DISTANCE OF 41.92 FEET;

THENCE NORTH 88°41'50" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 15.20 FEET;

THENCE SOUTH 81°33'46" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 284.70 FEET;

THENCE WESTERLY A DISTANCE OF 384.76 FEET, ALONG SAID RIGHT OF WAY, ALONG A 1181.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT WHICH HAS A CENTRAL ANGLE OF 18°40'00" AND A CHORD WHICH BEARS NORTH 89°06'13" WEST A DISTANCE OF 383.06 FEET;

THENCE SOUTH 66°12'05" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 51.91 FEET;

THENCE NORTH 72°07'20" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 6.13 FEET TO A POINT ON THE EAST RIGHT OF WAY OF GOLDEN AVENUE, ALSO KNOWN AS FARM ROAD 135;

THENCE SOUTH 17°52'40" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 53.38 FEET;

THENCE NORTH 89°53'56" WEST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 175.71 FEET TO A POINT ON THE WEST RIGHT OF WAY OF SAID GOLDEN AVENUE;

THENCE NORTH 43°18'05" WEST, ALONG THE EXISTING RIGHT OF WAY, A DISTANCE OF 140.09 FEET TO A POINT OF THE SOUTH RIGHT OF WAY OF SAID REPUBLIC ROAD;

THENCE NORTH 03°15'20" WEST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 123.80 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SAID REPUBLIC ROAD;

THENCE NORTH 46°49'03" EAST, ALONG THE EXISTING RIGHT OF WAY, A DISTANCE OF 120.64 FEET TO A POINT ON THE WEST RIGHT OF WAY OF GOLDEN AVENUE;

THENCE NORTH 10°55'46" EAST, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 19.14 FEET;

THENCE NORTH 89°58'02" EAST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 107.52 FEET TO A POINT ON THE EAST RIGHT OF WAY OF GOLDEN AVENUE;

THENCE SOUTH 43°10'56" EAST, ALONG THE EXISTING RIGHT OF WAY, A DISTANCE OF 104.39 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SAID REPUBLIC ROAD;

THENCE SOUTH 88°43'04" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 85.00 FEET;

THENCE SOUTH 74°40'54" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 103.08 FEET;

THENCE SOUTH 88°43'04" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 500.00 FEET;

THENCE SOUTH 83°00'26" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 82.35 FEET;

THENCE NORTH 45°55'04" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 39.90 FEET TO A POINT ON THE WEST RIGHT OF WAY OF HILLCREST AVENUE;

THENCE SOUTH 88°36'36" EAST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 60.13 FEET TO A POINT ON THE EAST RIGHT OF WAY OF HILLCREST AVENUE AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF SAID REPUBLIC ROAD;

THENCE SOUTH 38°20'18" EAST, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 39.16 FEET;

THENCE SOUTH 88°40'12" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 204.91 FEET;

THENCE NORTH 89°27'45" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 147.68 FEET;

THENCE SOUTH 88°38'14" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 84.19 FEET;

THENCE NORTH 46°44'37" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 45.07 FEET TO A POINT ON THE WEST RIGHT OF WAY OF GLENN AVENUE;

THENCE NORTH 87°18'10" EAST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 50.17 FEET TO A POINT ON THE EAST RIGHT OF WAY OF GLENN AVENUE AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF SAID REPUBLIC ROAD;

THENCE SOUTH 43°13'51" EAST, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 49.44 FEET;

THENCE SOUTH 88°38'19" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 373.82 FEET;

THENCE NORTH 02°03'55" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 5.63 FEET;

THENCE SOUTH 88°41'50" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 232.56 FEET;

THENCE NORTH 46°33'02" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 42.03 FEET TO A POINT ON THE WEST RIGHT OF WAY OF HOMEWOOD AVENUE;

THENCE SOUTH 82°28'26" EAST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 50.58 FEET TO A POINT ON THE EAST RIGHT OF WAY OF HOMEWOOD AVENUE AT THE INTERSECTION OF THE NORTH RIGHT OF WAY OF SAID REPUBLIC ROAD;

THENCE SOUTH 43°25'11" EAST, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 42.36 FEET;

THENCE SOUTH 88°38'14" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 355.85 FEET;

THENCE SOUTH 01°17'53" WEST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 35.09 FEET TO THE **POINT OF BEGINNING**;

EXCEPT ANY PART THEREOF PREVIOUSLY ANNEXED BY:

GENERAL ORDINANCE NUMBER: 4587;

GENERAL ORDINANCE NUMBER: 4889;

GENERAL ORDINANCE NUMBER: 5214;

GENERAL ORDINANCE NUMBER: 5255;

GENERAL ORDINANCE NUMBER: 5938,

GENERAL ORDINANCE NUMBER: 6250, INTO THE CITY OF SPRINGFIELD, MISSOURI.

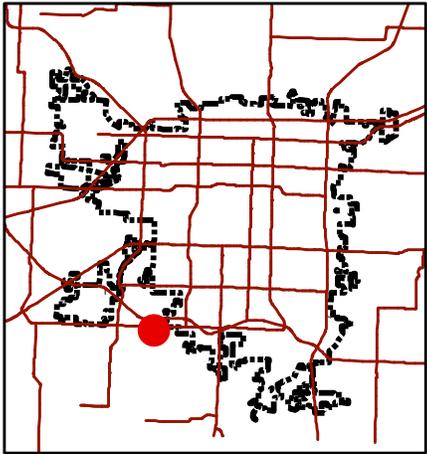
CONTAINING 4.7 ACRES MORE OR LESS.

Development Review Staff Report

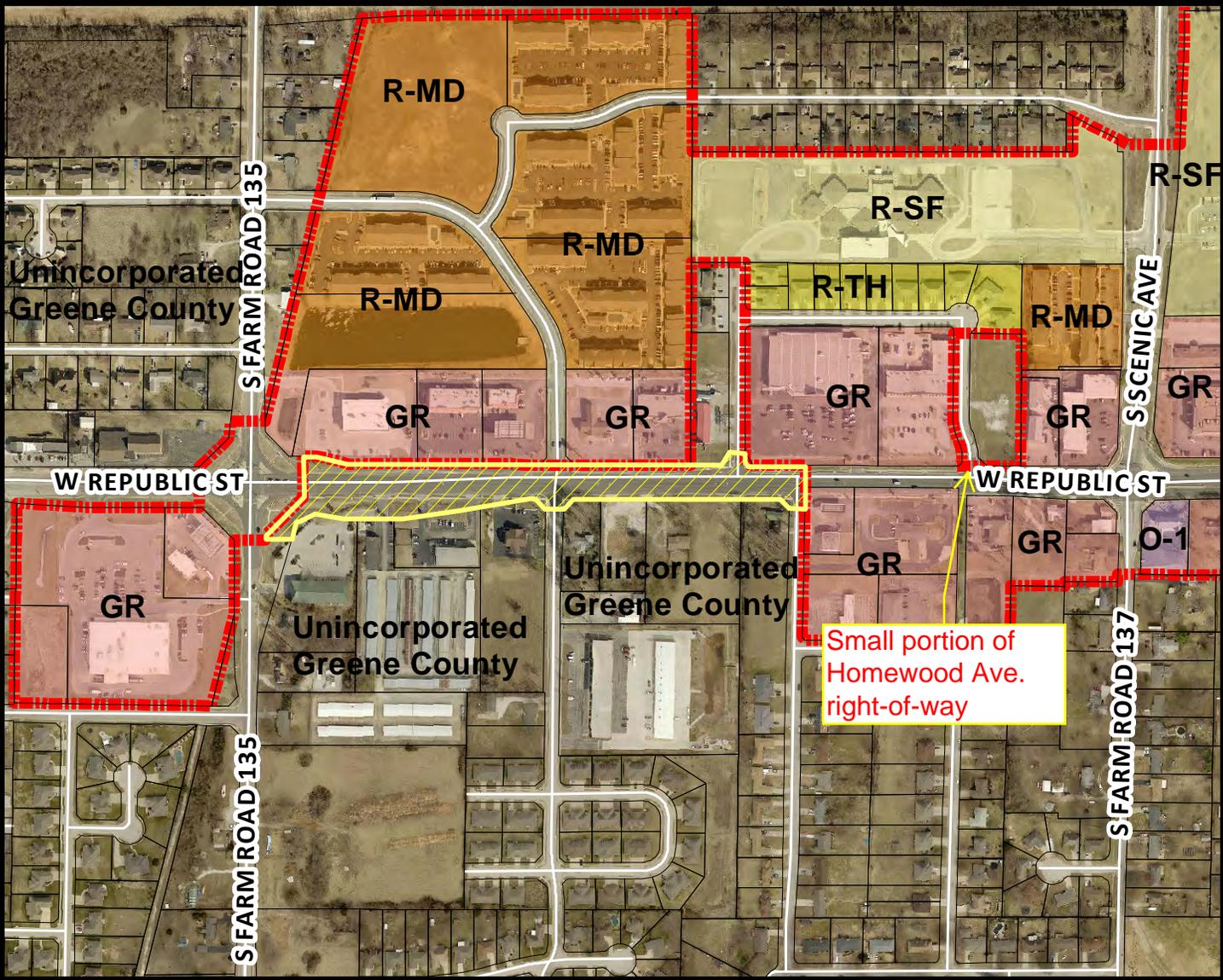
Department of Planning & Development - 417-864-1031
840 Boonville - Springfield, Missouri 65802

Annexation A-2-16

LOCATION: 2700-3000 block W. Republic St.
CURRENT ZONING: N/A



LOCATION SKETCH



 - Area of Proposal



1 inch = 500 feet

DEVELOPMENT REVIEW STAFF REPORT
ANNEXATION A-2-16

TRACT DESCRIPTION:

The legal description of the property involved in annexation A-2-16 is attached as Exhibit A.

EXISTING LAND USE:

The subject right-of-way is currently being used for Republic Street and other public utilities.

CURRENT ZONING:

Public right-of-way does not have a zoning classification.

COMPREHENSIVE PLAN:

The *Growth Management and Land Use Plan* element of the *Comprehensive Plan* states that City annexations should enhance governmental efficiencies through rational and simplified City boundaries and reduce any potential inter-jurisdictional conflict.

ENVIRONMENTAL CONSTRAINTS:

The proposed annexation area does not contain a sinkhole and is not within a floodplain area.

STREETS AND HIGHWAYS:

This proposed annexation includes Republic Street and adjacent street intersections which are currently being maintained by Greene County.

RURAL FIRE DISTRICT JURISDICTION:

The right-of-way to be annexed is currently served by the Battlefield Fire Protection District.

ATTACHMENT 1
DEPARTMENT & AGENCY REVIEW
ANNEXATION A-2-16

FIRE DEPARTMENT:

1. **Service** – The primary Fire Station responding to this area would be Station #6 located at 2620 W Battlefield, which is 1.67 miles from the NE corner of the property. Fire Station #9 located at 450 W Walnut Lawn is the secondary station responding to this location, which is 2.93 miles from the NE corner of the property.
2. **ISO area** – The proposed annexation is currently outside the recommended ISO 1.5 mile (ISO diamond) response distance by just over 3/16th of a mile for the 1st due unit. ***This is not significantly greater than the ISO recommendation, so it will not have a significant impact on our ISO rating.***
3. **Response times/Standards of Cover** – Estimated response time was calculated by actual driving time under normal driving conditions. The 1st due company has an estimated total response time of 6 minutes. The 2nd due company has an estimated total response time of 7 minutes and 45 seconds. It is likely the standard of coverage benchmark could be met for single company responses but it is unlikely the benchmark could be met for a full 1st alarm response which requires 3 engines, 2 Trucks, 1 Rescue and 2 Battalion Chiefs to arrive on scene within 11 minutes and 24 seconds. ***The department expects that it is able to meet the initial unit and the effective response force baseline and benchmarks, so it will not negatively affect our accreditation.***

		Estimated Total Response Time	Benchmark*	Baseline**
1 st Due Company	Station 6	5.5 – 6.5 minutes	6 minutes 20 seconds	8 minutes 13 seconds
Total Effective Response Force	Station 9, 8, 10, 1	11 – 13 minutes	10 minutes 20 seconds	13 minutes 18 seconds

4. **Water Supply** – Currently there is adequate water supply to service the proposed area to be annexed. There is one hydrant on the Southeast corner of Scenic and Republic and a second hydrant 300' west of the property on Republic. Depending on the specifics of the development, additional hydrants may be required. ***The Fire Department does not have any concerns with the water supply for this annexation.***
5. **Impact** - The Fire Department is unable to estimate the call activity after development occurs because the type of development is unknown, but is expected to be low under its current zoning. ***The Fire Department does not have any***

concerns with the operational impact to the department.

Fire Department Recommendation: *Based upon all of the relevant factors, the Fire Department is supportive of this annexation.*

POLICE DEPARTMENT:

Police Recommendations: No objections or impact to the PD.

SANITARY SERVICES:

No objections to annexing the right-of-way. Not all of the tracts south of here have been served by public sewer.

STORMWATER:

At this time no additional stormwater improvements will be required.

The property is located in the Galloway Creek drainage basin. The property is not located in a FEMA designated floodplain. Staff is not aware of any flooding problems in the area. If the project increases the amount of impervious surfacing; detention and water quality is required according to Chapter 96. Buyout in lieu of on-site stormwater detention is not required. There are natural channels along both sides of Republic Street for stormwater to drain into. There are no sinkholes on the proposed property.

Public Works Stormwater Division	Response
Which Drainage Basin is this located?	Galloway Creek
Is property located in Floodplain?	No
Is property located on a sinkhole?	No
Is stormwater buyout an option?	N/A

TRAFFIC ENGINEERING:

No traffic issues with annexing this property.

PUBLIC GROUNDS:

W. Republic – Approximately 1,542 lf of 4-lane road with center turn lane (1.46 lane miles), asphalt pavement:

The street is in good condition with curb and gutter on both sides, and approximately 2630 lf of sidewalks.

Also includes drainage infrastructure and approximately 780 lf of ditch behind the sidewalk on the south side of the street.

Using an annual maintenance cost of \$3,800 per lane mile: 1.46 lane miles * \$3800 = \$5,548 per year maintenance cost

Note: \$3,800 per lane mile is based on annual costs associated with Street Operations activities that maintain, repair, and replace a variety of typical street sections.

HEALTH DEPARTMENT:

No comments.

BUILDING DEVELOPMENT SERVICES:

No issues.

ECONOMIC DEVELOPMENT:

No significant economic impact is anticipated with this request because it is public right-of-way.

NON-CITY AGENCIES REVIEW
ANNEXATION A-2-16

CITY UTILITIES:

There will be no additional costs to City Utilities to provide services to the annexed area.

GREENE COUNTY:

The proposed annexation is consistent with City/County policies on annexation of county road right-of-way. The Greene County Highway Department supports Annexation A-2-16.

MoDOT:

MoDOT has no facilities adjacent to this area.

AT&T:

AT&T has no objections.

ATTACHMENT 2
ANNEXATION SCHEDULE
ANNEXATION A-2-16

ANNEXATION:

- Initiate annexationOctober 3, 2016
- City Council public hearing.....October 31, 2016
- City Council second reading and voteNovember 14, 2016

One-rdg. _____
P. Hrngs. _____
Pgs. 10
Filed: 10-25-16

Sponsored by: Fulnecky

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 243

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING Chapter 36 of the Springfield, Missouri, City Code, known as the Land
2 Development Code, Article III – ‘Zoning Regulations,’ Division 1 ‘Intent,
3 Purpose and General Provisions,’ Section 36-303(30)(b) ‘Utilities.’
4
5

6 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
7 MISSOURI, as follows, that:
8

9 Section 1 – Chapter 36 of the Springfield, Missouri, City Code, known as the
10 ‘Land Development Code,’ Article III – ‘Zoning Regulations,’ Division 1 – ‘Intent,
11 Purpose, and General Provisions,’ Section 36-303(30)(b) ‘Utilities’ – is hereby
12 amended as follows (Note: Underlined language is to be added. ~~Stricken~~ language is to
13 be removed):
14

15 (30) Utilities.
16

17 (b) Utility substation facilities. Utility substation facilities shall be
18 permitted in any district and shall comply with the following
19 requirements:
20

- 21 1. All utility substation facilities are exempt from the height
22 requirements of this article but shall meet all other lot size, bulk,
23 and open space requirements of this article.
24
- 25 2. When the facility is not contained within an enclosed building, a
26 fence or wall at least eight feet high shall be provided. ~~If the~~
27 ~~building, fence, or wall is painted, neutral colors shall be used.~~ The
28 fence or wall shall meet the front setback requirements of the
29 district up to a maximum of 25 feet. If a chainlink security fence is
30 provided and a front setback is required, a vegetative screen that
31 will reach the height of the fence within three years after planting
32 shall be planted between the fence and the street. A vegetative
33 screen is not required if the chainlink security fence is more than

34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

100 feet from the property line.

Section 2 – This Ordinance shall be in full force and effect from and after passage.

Passed at meeting: _____

Mayor

Attest: _____, City Clerk

Filed as Ordinance: _____

Approved as to form: Franklin Dyer Bonner II, City Attorney

Approved for Council action: [Signature], City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 243

FILED: 10-25-16

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend Chapter 36 of the Springfield, Missouri, City Code, known as the Land Development Code, Article III – ‘Zoning Regulations,’ Division 1 ‘Intent, Purpose and General Provisions,’ Section 36-303(30)(b) ‘Utilities’ in the Zoning Ordinance and to remove the requirement for a neutral color to be used on facility buildings, fences or walls. (Staff and Planning and Zoning Commission recommend approval).

BACKGROUND INFORMATION: ZONING ORDINANCE TEXT AMENDMENT – UTILITY SUBSTATION FACILITIES AMENDMENTS

Planning and Zoning Commission initiated amendments regarding utility substation facilities at their meeting on September 1, 2016.

Staff is requesting amendments to the design standards of utility substation facilities. The current requirements state that if a utility substation facility building, fence or wall is painted, that neutral colors shall be used. This language is vague and ambiguous. In addition, there are situations where alternate colors may be appropriate and staff requests that utility substations should not be limited to using neutral colors on all facilities.

Staff is proposing to modify the Utility substation facilities design standards section (36-303.(30)(b) of the Zoning Ordinance to remove the paint color requirement.

The Development Issues Input Group (DIIG), Springfield Downtown Association (DSA), Environmental Advisory Board (EAB) and all registered neighborhood associations were notified of these amendments and have made no objections to date.

This Ordinance supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 4, Develop the community in a sustainable manner.

FINDINGS FOR STAFF RECOMMENDATION:

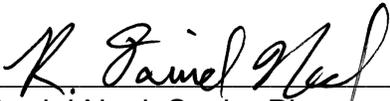
1. The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

REMARKS:

The Planning and Zoning Commission held a public hearing on October 13, 2016, and recommended approval, by a vote of 5 to 0, of the proposed changes to the Zoning Ordinance.

The Planning and Development Staff recommends approval of the proposed amendments.

Submitted by:



Daniel Neal, Senior Planner

Recommended by:



Mary Lilly Smith, Director

Approved by:



Greg Burris, City Manager

EXHIBITS:

Exhibit A, Record of Proceedings

Exhibit B, Development Review Staff Report

ATTACHMENTS:

Attachment 1, Proposed Changes to Zoning Ordinance (Redlined Version)

Attachment 2, Final Language after Proposed Changes (Clean Version)

Attachment 3, Existing Language in Zoning Ordinance (Current Text)

Exhibit A

**RECORD OF PROCEEDINGS
UTILITY SUBSTATION FACILITIES AMENDMENTS**

Utility Substation Facilities Amendments

Citywide

Applicant: City of Springfield

Mr. Hosmer stated that this is a request for Text Amendments to Section 36-303. (30) (b) Utility Substations Facilities. Staff is requesting amendments to the design standards of utility substation facilities. The current requirements state that if a utility substation facility building, fence or wall is painted that neutral colors shall be used.

Staff believes there are situations where alternate colors may be appropriate and proposes to modify this section of the Zoning Ordinance to remove the paint color requirement. Staff recommends approval.

Sec. 36-303. – General provisions. Note: Language to be deleted is stricken. Language to be added is underlined.

(30) Utilities.

(b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.

2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. If the building, fence, or wall is painted, neutral colors shall be used. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chain link security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chain link security fence is more than 100 feet from the property line.

Mr. Ray opened the public hearing.

No speakers.

Mr. Doennig closed the public hearing.

COMMISSION ACTION:

Mr. Rose motioned that we approve Utility Substation Facilities Amendments (Citywide). Mr. Doennig seconded the motion. The motion **carried** as follows: Ayes: Ray, Doennig, Rose, Ogilvy, and Coltrin. Nays: None. Abstain: None. Absent: Cline, Edwards, Shuler, and Cox.



Bob Hosmer, AICP
Principal Planner

Exhibit B

PURPOSE: To amend Subsection 36-303.(30)(b)2., Utility substation facilities., in the Zoning Ordinance to remove the requirement for a neutral color to be used on facility buildings, fences or walls.

REPORT DATE: September 28, 2016

APPLICANT: City of Springfield

FINDINGS FOR STAFF RECOMMENDATION:

1. The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

RECOMMENDATION:

Staff recommends **approval** of this request.

COMPREHENSIVE PLAN:

1. The *Growth Management and Land Use Element* of the *Comprehensive Plan* encourages innovative development and redevelopment through the use of incentives and appropriate regulations, to achieve desired residential and nonresidential development patterns.

STAFF COMMENTS:

1. Planning and Zoning Commission initiated amendments regarding utility substation facilities at their meeting on September 1, 2016. Staff is proposing to modify the Utility substation facilities design standards section (36-303.(30)(b)) of the Zoning Ordinance to remove the paint color requirement.
2. Staff is requesting amendments to the design standards of utility substation facilities. The current requirements state that if a utility substation facility building, fence or wall is painted that neutral colors shall be used. This language is vague and ambiguous. In addition, there are situations where alternate colors may be appropriate and that utility substations should not be limited to using neutral colors on all facilities.
3. The Development Issues Input Group (DIIG), Springfield Downtown Association (DSA), Environmental Advisory Board (EAB) and all registered neighborhood associations were notified of these amendments and have made no objections to date.

CITY COUNCIL MEETING
October 31, 2016
STAFF CONTACT PERSON:

Daniel Neal
Senior Planner
864-1036

ATTACHMENT 1
PROPOSED CHANGES TO ZONING ORDINANCE
UTILITY SUBSTATION FACILITIES

Note: Language to be deleted is ~~stricken~~. Language to be added is underlined.

Sec. 36-303. – General provisions.

(30) Utilities.

- (b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:
1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.
 2. ~~When the facility is not contained~~ within an enclosed building, a fence or wall at least eight feet high shall be provided. If the building, fence, or wall is painted, neutral colors shall be used. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.

ATTACHMENT 2

FINAL LANGUAGE AFTER PROPOSED CHANGES UTILITY SUBSTATION FACILITIES AMENDMENTS

Sec. 36-303. – General provisions.

(30) Utilities.

(b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.
2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.

ATTACHMENT 3

EXISTING LANGUAGE IN ZONING ORDINANCE UTILITY SUBSTATION FACILITIES AMENDMENTS

Sec. 36-303. – General provisions.

(30) Utilities.

(b) Utility substation facilities. Utility substation facilities shall be permitted in any district and shall comply with the following requirements:

1. All utility substation facilities are exempt from the height requirements of this article but shall meet all other lot size, bulk, and open space requirements of this article.
2. When the facility is not contained within an enclosed building, a fence or wall at least eight feet high shall be provided. If the building, fence or wall is painted, neutral colors shall be used. The fence or wall shall meet the front setback requirements of the district up to a maximum of 25 feet. If a chainlink security fence is provided and a front setback is required, a vegetative screen that will reach the height of the fence within three years after planting shall be planted between the fence and the street. A vegetative screen is not required if the chainlink security fence is more than 100 feet from the property line.

One-rdg. _____
P. Hrngs. _____
Pgs. 39
Filed: 10-25-16

Sponsored by: McClure

First Reading: _____
SUBSTITUTE
COUNCIL BILL NO. 2016-244

Second Reading: _____
GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code by repealing language contained in Chapter 118
2 Vehicles for Hire, and adding new regulations for Transportation Network
3 Companies and Drivers.
4 _____

5
6 WHEREAS, the transportation industry is adapting with the addition of new
7 technology; and

8
9 WHEREAS, transportation network companies are using digital networks and
10 software applications to connect drivers with passengers; and

11
12 WHEREAS, these regulations amend existing city code to prepare for this new
13 type of transportation for hire.

14
15 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
16 SPRINGFIELD, MISSOURI, as follows, that:

17
18 Section 1 - The Springfield City Code, Chapter 118 Vehicles For Hire, is hereby
19 amended as follows:

20
21 ARTICLE II. - TAXICABS, COURTESY CARS AND AIRPORT LIMOUSINES
22 DIVISION 1. - GENERALLY

23
24 Sec. 118-31. - Definitions.

25 The following words, terms and phrases, when used in this article, shall
26 have the meanings ascribed to them in this section, except where the context
27 clearly indicates a different meaning:

28
29 *Airport limousine* means a public vehicle operating with a legal agreement
30 with a mass transit facility and using the mass transit facility as its departure or
31 destination point, and which is not licensed by the U.S. Department of

32 Transportation or applicable state agency if such license would exempt the
33 vehicle from local regulation.

34
35 *Airport limousine fixed route.* An airport limousine shall be deemed to
36 operate over a designated fixed route where the destination and/or
37 commencement of each trip is from the same location.

38
39 *Color scheme* means the designation of the dome light color and any paint
40 and/or lettering to be placed on the doors of the taxicab or airport limousine, and
41 the insignia or logo of the taxicab or airport limousine company, and may consist
42 of a description of the paint of the entire taxicab or airport limousine.

43
44 *Courtesy car* means any vehicle operated to or from a motel or hotel
45 which is designed to carry patrons of the motel and hotel to or from fixed
46 locations in the city, or any vehicle used by an establishment arranging
47 sightseeing or other similar tours for the purpose of transporting patrons of such
48 establishment without charge.

49
50 *Cruising* means the continuous or repeated operation of any taxicab along
51 any street or alley for the purpose of obtaining or picking up passengers.

52
53 *Director* means the Director of Finance, or his or her designee.

54
55 *Driver* means the person who is driving or who is in actual physical control
56 of a taxicab, transportation network vehicle, courtesy car, or airport limousine,
57 whether as owner or agent, servant or employee of an owner, or other
58 designation.

59
60 *Driver's permit* means authorization by the city to a particular individual to
61 operate taxicabs, or airport limousines within the city upon meeting the criteria
62 set forth in this article.

63
64 *Immoral purpose* includes any of those acts prohibited by RSMo 567.010
65 et seq., as amended.

66
67 *Interest in taxicab, transportation network vehicle, or airport limousine*
68 *company.* A person shall be deemed to have an interest in a taxicab or airport
69 limousine company when he is a sole proprietor, partner or limited partner of the
70 firm or business holding a taxicab or airport limousine license under this article or
71 which is required to obtain a license under this article; has in his control, either
72 through direct ownership or through the ownership of a spouse or minor child, ten

73 percent or more of the outstanding stock of such taxicab or airport limousine
74 company; or has a security interest in over 50 percent of the tangible assets of
75 the firm or business.

76
77 *Licensee* means the holder of the taxicab or airport limousine company
78 license.

79
80 *Owner* and operator mean any person who derives, or has the right to
81 derive, income directly or indirectly from the operation of one or more taxicabs,
82 transportation network vehicles, courtesy cars, or airport limousines.

83
84 *Permittee* means the holder of a transportation network company permit.

85
86 *Rate zone* means the area of the city to which a certain trip rate of an
87 airport limousine applies.

88
89 *Specialty passenger service* means the use of specialty passenger
90 vehicles for the transportation of passengers at special events or activities or for
91 the transportation of passengers in areas established by the city manager or his
92 designee as special activity areas.

93
94 *Specialty passenger vehicles* means buses, motorized trolleys or similar
95 motor vehicles equipped to transport five or more passengers in three or more
96 rows of seats and the design of which exhibits unique or unusual characteristics
97 that add to the ambiance of a special event or special activity area in which
98 specialty passenger service is being allowed.

99
100 *Taxicab* means all motor vehicles operated as public carriers of
101 passengers for hire over other than fixed routes, but shall not include
102 transportation network vehicles.

103
104 *Taxicab company* means a person who owns controls or operates at least
105 one taxicab which transports passengers for hire.

106
107 *Taxicab owner* and owner mean any person who has any interest in the
108 title of a taxicab which is recognized under state law.

109
110 *Taximeter* means a mechanical instrument or device by which the charge
111 for hire of a taxicab, at a predetermined rate, is mechanically calculated and
112 registered, either for distance traveled or for waiting time, or both, and upon
113 which such charge shall be indicated by means of figures which are electrically

114 lighted each time the taximeter's flag is thrown from the non-earning to the
115 earning position.

116
117 Transportation network company driver means an individual who operates
118 a motor vehicle that is:

- 119 (1) owned, leased, or otherwise authorized for use by the individual;
120 (2) not a taxicab, courtesy car, or airport limousine; and
121 (3) used to provide transportation network company services.

122
123 Transportation network company means an entity for which a permit has
124 been issued pursuant to this chapter and operating in Springfield, Missouri, that
125 uses a digital network or online-enabled application service to connect
126 passengers to transportation network company services including prearranged
127 rides provided by transportation network company drivers. A transportation
128 network company is not deemed to own, control, operate or manage the vehicles
129 used by transportation network company drivers, and is not a taxicab
130 association.

131
132 Transportation network company services means transportation of a
133 passenger between points chosen by the passenger and prearranged with a
134 transportation network company driver through the use of a transportation
135 network company digital network or online-enabled application. Transportation
136 network company services shall begin when a transportation network company
137 driver accepts a request for transportation received through the transportation
138 network company's digital network or online-enabled application service,
139 continue while the transportation network company driver transports the
140 passenger in the transportation network vehicle, and end when the passenger
141 exits the transportation network vehicle. Transportation network company
142 service is not a taxicab or street hail service.

143
144 Transportation network vehicle means any vehicle used to provide a
145 transportation network service including any time when a driver is logged onto
146 the transportation network company's Internet-enabled application or digital
147 platform showing that the driver is available to pick up passengers, when a
148 passenger is in the vehicle, when the provider's dispatch records show that the
149 vehicle is dispatched, or when the driver has accepted a dispatch and is en route
150 to provide transportation network services to a passenger.

151
152 Transporting passengers for hire. A person transports passengers for hire
153 if he provides transportation for passengers and derives therefrom, directly or
154 indirectly, any financial benefit.

155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197

Vehicle permit means authorization by the city to the owner of the taxicab, or airport limousine to operate a particular vehicle as a taxicab, or airport limousine within the corporate limits of the city.

Waiting time means the time when a taxicab is not in motion, from the time of acceptance of a passenger to the time of discharge, but not including any time the taxicab is not in motion due to mechanical breakdown, traffic conditions or any cause other than the request, act or fault of a passenger.

(G.O. No. 5391, § 1, 7-6-2004)

Cross reference— Definitions generally, § 1-2.

Sec. 118-32. - Penalty.

Any person who violates the provisions of this article shall be subject to a fine and penalty under section 1-7 for each trip he makes while not in compliance, except that failure to have requisite permits and/or licenses shall constitute a separate violation for each day the person fails to comply with the provisions of this article.

Sec. 118-33. - Injunctive relief.

In addition to the penalties set forth in this article, the city attorney is hereby authorized to file and obtain injunctions on behalf of the city against persons who are violating provisions of this article. If the city seeks injunctive relief from the circuit court for violations of this article, penalty provisions set forth in this article shall not apply to any person violating this article.

Sec. 118-34. - Intent of article; findings.

The city council hereby finds and declares that it is the intent of this article to provide for a unified transportation system based upon considerations of public health, safety and welfare and a determination of public convenience and necessity. The city council further finds and declares that the operation of motor vehicles to carry passengers for hire in violation of the provisions of this article affects the public health, safety and welfare and constitutes a public nuisance because it involves the operation of a business on the streets of the city without obtaining the necessary authority, permits, or licenses.

Sec. 118-35. - Applicability of article; exceptions.

- 198 (a) This article shall apply whenever a passenger to be transported for hire is picked up
199 within the city limits, regardless of his destination, but shall not be applicable if the
200 passenger is picked up outside the city limits and is discharged within the city limits.
201 (b) This article shall not apply to transportation provided as follows:
202 (1) By any persons operating a transportation system which is funded in whole or in
203 part by a federal, state or local governmental agency.
204 (2) By renting a vehicle for a minimum period of two hours to not more than one
205 person, provided that a vehicle which is so rented shall not otherwise be used
206 as a taxicab, courtesy car, transportation network vehicle, or airport limousine
207 within the provisions of this article.
208 (3) If the passenger is picked up outside the city limits and is discharged within the
209 city limits.
210 (4) By any person who possesses a permit issued by the Interstate Commerce
211 Commission or state public service commission to transport passengers for
212 hire, over which person the city has no authority.
213 (5) By any business regulated in whole by the federal or state government and to
214 which local regulations would not apply.

215
216 Sec. 118-36. - License, permit, or other authorization required for transport of
217 passengers for hire.
218

219 It shall be unlawful for any person to carry passengers for hire in a motor
220 vehicle or operate or maintain a business which carries passengers for hire in
221 motor vehicles within the city, unless the person is authorized to operate such a
222 motor vehicle for hire under this Code or federal or state law.
223

224 Sec. 118-37. - Proof of insurance and inspection of vehicles prerequisite to issuance of
225 license or permit.
226

227 (1) The director of finance shall have the authority to issue or renew a license or
228 permit to operate a taxicab, transportation network, or airport limousine company as
229 provided in this article, but no license or permit shall be issued or renewed until the
230 applicant has produced proof of insurance as required by this article and all vehicles to
231 be operated by or on behalf of the a taxicab or airport limousine company have been
232 inspected and approved by the chief of police or his designee under this article, and
233 specifically section 118-498.
234

235 Sec. 118-38. - License and permit requirements.
236

237 It shall be unlawful for any person to engage in the business of transporting
238 passengers for hire within the city except as follows:

- 239 (1) ~~Any person operating a taxicab who has obtained a driver's permit to operate a~~
240 ~~taxicab,~~ who is operating a taxicab that has a valid vehicle permit, and either
241 holds a taxicab company license as required by section 118-36 or is employed
242 as an agent or employee of a licensed taxicab company or is operating his
243 vehicle under another's license as permitted by section 118-36.

- 244 (2) Any person operating an airport limousine who has obtained a permit to operate
245 an airport limousine and who has a valid current business license as required
246 by section 118-36.
- 247 (3) Any person operating a courtesy car whose operation is exempt from licensing
248 as provided by section 118-39.
- 249 (4) Any person operating a commercial trolley bike who either has a valid current
250 business license as required by section 106-611 or is employed as an agent or
251 employee of a licensed commercial trolley bike company.
- 252 (5) Any person operating a transportation network vehicle must be authorized to
253 access the digital network of a transportation network company that has
254 obtained a permit pursuant to the provisions of this article.

255
256 (G.O. No. 6209, § 4, 7-13-2015)

257
258 Sec. 118-39. - Exemption of courtesy cars from license requirement.

259 The operation of a courtesy car shall be exempt from the licensing
260 provisions of this article when operated in accordance with the following:

- 261 (1) The courtesy car shall be operated by a hotel, ~~or~~ motel, or adult or child
262 daycare facility as an adjunct of its business.
- 263 (2) The courtesy car shall carry no passengers other than employees of the hotel,
264 ~~or~~ motel, or adult or child daycare facility operating the courtesy car, except to
265 transport patrons of the hotel, ~~or~~ motel, or adult or child daycare facility ~~to and~~
266 ~~from an airport or bus station.~~
- 267 (3) The courtesy car shall serve only one hotel, ~~or~~ motel, or adult or child daycare
268 facility; provided, however, that two or more hotels, ~~or~~ motels, or adult or child
269 daycare facilities having the same ownership may be served by the same
270 courtesy car.
- 271 (4) No consideration shall be paid by the passenger or charged by the operator for
272 the services provided, except such services may be a service normally provided
273 to patrons of a motel or hotel. No additional charge may be made for providing
274 such service, either at the time the service is provided or on the customer's
275 ~~motel or hotel~~ bill.
- 276 (5) The vehicle shall be identified as a courtesy car with the name of each hotel, ~~or~~
277 motel, or adult or child daycare facility served by the courtesy car clearly shown
278 on the outside of the vehicle.
- 279 (6) The owner of the courtesy car shall comply with all laws of the state with
280 respect to vehicle safety, vehicle inspection and method of operation.
- 281 (7) The owner shall carry the minimum insurance requirements established under
282 this article for taxicabs, airport limousines and courtesy cars.

283
284 Sec. 118-40. - Application for license or permit.

285
286 Application for a taxicab, transportation network, or airport limousine
287 company license or permit under this article shall be made to the director of
288 finance. Such application shall be verified under oath and shall set forth the
289 following:

- 290 (1) A full identification of the applicant and all persons having an interest in the
291 license or permit if granted.
- 292 (2) The residence and business address and the citizenship of all members of any
293 firm or partnership and of all officers, directors and stockholders of any
294 corporation applying.
- 295 (3) Whether or not the applicant or any of the persons to be interested in the
296 license or permit, if granted, has been convicted of the violation of any national,
297 state or municipal law.
- 298 (4) Proof of financial responsibility, including but not limited to the following:
- 299 a. ~~Balance sheet and income statement prepared by a certified public~~
300 ~~accountant or public accountant and which contains the same information~~
301 ~~as the balance sheet and income statement required by section 118-48(2).~~
- 302 ba. Statement of any unpaid claims or unsatisfied judgments against the
303 applicant, other persons interested in the license or permit, if granted, or
304 any other person with whom the applicant has been either associated or
305 employed, for damages resulting from the negligent operation of a vehicle.
- 306 eb. Statement of any unpaid claims or unsatisfied judgments ~~not covered in~~
307 ~~subsection (4)a of this section~~ which have arisen in the past six years, and
308 an explanation of each transaction giving rise to such unpaid claims or
309 unsatisfied judgments.
- 310 dc. Submission of required proof of insurance, ~~bonds and security pursuant to~~
311 ~~sections 118-46 and 118-47.~~
- 312 ~~(5) The past experience that the applicant has had in rendering taxicab, airport~~
313 ~~limousine, courtesy car, or other public passengers-for-hire service in any~~
314 ~~municipality, including but not limited to the names of supervisors, the names~~
315 ~~and addresses of taxicab companies the applicant has operated for, dates of~~
316 ~~service and municipalities.~~
- 317 ~~(6)~~ Whether or not any permit or license issued to the applicant or other person
318 interested in the license or permit, if granted, has been revoked, and, if so, the
319 circumstances of such revocation.
- 320 ~~(7)~~ The number of taxicabs or airport limousines proposed to be operated.
- 321 ~~(8)~~ A complete description of the vehicles to be used in the proposed operation,
322 including but not limited to vehicle make, model, VIN and color scheme, and a
323 complete description of the proposed operation. This subsection shall not apply
324 to transportation network companies.
- 325 ~~(9)~~ The color scheme, name and characteristic insignia to be used to designate the
326 vehicles of the applicant as approved by the director ~~of finance~~. This subsection
327 shall not apply to transportation network companies.
- 328 a. The color scheme may not duplicate that of an already licensed taxicab or
329 airport limousine company, including the primary color to be placed on the
330 doors, or be so close in design as to cause confusion among the public as
331 to the identity of the taxicab or airport limousine company, and must be
332 consistently used on each and every vehicle operated under the taxicab or
333 airport limousine company license.
- 334 b. Any taxicab vehicle in service on January 31, 1996, shall not be required to
335 be changed to conform to the color scheme of the taxicab company, with

336 the exception of the dome light, to comply with this section. Any taxicab
337 vehicle placed in service after January 31, 1996, shall comply with this
338 section. If, at the time of the effective date of the ordinance from which this
339 article is derived, two taxicab companies are using the same or similar color
340 schemes, the taxicab company which first used the color scheme may
341 continue using the color scheme. All other taxicab companies shall
342 designate a different color scheme for future use; provided, however, no
343 two taxicab companies may designate a color that is a different shade of a
344 color designated by another company as its primary or main color. By way
345 of example, but not limitation, should one company designate yellow as its
346 primary, main or distinctive color, no other shade of yellow may be
347 permitted.

348 (9) An individual, together with the individual's name, address, e-mail address, and
349 telephone number, who is authorized to represent the company in the capacity
350 of a registered agent, and authorized to accept notices and tickets issued
351 pursuant to this Chapter.

352 (10) A statement identifying the manner in which proposed fares for transportation
353 network services are calculated.

354 (11) A statement signed by the applicant that they will obey all laws, rules,
355 regulations, policies, and procedures that govern companies regulated by this
356 chapter.

357 (12) A statement signed by the applicant that they will not knowingly allow drivers to
358 utilize their service until the drivers have met all requirements of this chapter
359 and are in good standing with the applicant, and have complied with all driver
360 requirements pursuant to state and local law.

361 (13) No transportation network company permittee shall disable, eliminate or
362 otherwise prevent access to the transportation network company's application
363 by the licensing official or designee of the licensee's official for purposes of
364 enforcing this chapter.

365 ~~(104) Such further information as the chief of police or director of finance may~~
366 ~~require.~~

367
368 Sec. 118-41. - Responsibilities of Taxicab, Transportation Network, and Airport
369 Limousine Companies for self-regulating drivers.

370 (1) A taxicab, transportation network, or airport limousine company shall be
371 responsible for conducting a background check prior to allowing a driver to provide
372 transportation for hire and/or transportation network services. A taxicab, transportation
373 network, or airport limousine company shall, at a minimum, verify that all drivers meet
374 the following requirements:

375 a. The driver is at least 18 years of age;

376 b. The driver has all required licenses under the laws of the state of
377 Missouri to operate a taxicab, transportation network company vehicle, or
378 airport limousine;

379 c. The driver has not been convicted within the past seven years of

380 1. Any felony; or

381 2. Misdemeanor involving driving under the influence, reckless
382 driving, hit and run, or any other driving related offense or any
383 misdemeanor violent offense or sexual offense.

384 d. The driver is not a match in the United States Department of Justice
385 National Sex Offender Public website; and

386 e. The driver has not had more than three moving violations in the prior
387 three-year period of time, or one of the following major violations in the
388 prior three-year period of time:

- 389 1. Attempting to evade the police,
- 390 2. Reckless driving, or
- 391 3. Driving on a suspended or revoked license.

392
393 (2) Taxicab, transportation network, and airport limousine companies shall
394 establish a zero tolerance policy on the use of drugs or alcohol while its drivers are
395 providing transportation for hire and/or transportation network services.

396 (3) Taxicab, transportation network, and airport limousine companies shall
397 promptly suspend any of its drivers from transporting passengers for hire upon receiving
398 a valid passenger complaint concerning a driver, and shall conduct a commercially
399 reasonable investigation to determine whether the complaint is valid. Such suspension
400 shall be for at least the time period reasonably necessary for the taxicab, transportation
401 network, or airport limousine company and the city (which city investigation shall not
402 exceed ten (10) business days), to investigate the complaint.

403 (4) Taxicab, transportation network, and airport limousine companies shall not
404 knowingly allow any driver to provide transportation for hire and/or transportation
405 network services for the company if that driver is currently suspended by another
406 taxicab, transportation network, or airport limousine company or that driver has been
407 removed or prohibited by that company from transporting passengers for hire.

408 (5) Taxicab, transportation network, and airport limousine companies shall keep
409 and maintain detailed records relevant to the requirements of this section for the
410 purposes of documentation and verifying enforcement and shall promptly make all such
411 records available to the Director upon request.

412 (6) If a person files a complaint with the city against a driver or a taxicab,
413 transportation network, or airport limousine company, or if the city is investigating non-
414 compliance or a code violation, the city may inspect the taxicab, transportation network,
415 or airport limousine company's records as reasonably necessary to investigate and
416 resolve any complaint or violation. The director shall provide at least 10 days' notice to
417 the company prior to the inspection.

418 (7) Taxicab and airport limousine companies shall make the drivers identification
419 available to passengers by posting the drivers identification in a conspicuous manner
420 inside the taxicab or airport limousine. Transportation network companies shall make
421 the transportation network company driver information available through the
422 transportation network company's digital network or application.

423
424 Sec. 118-442. - Granting or denial of license or permit.
425

426 Whenever any applicant for a taxicab, transportation network company, or
427 airport limousine company license or permit shall have complied with all the
428 conditions and regulations pertaining to the filing of his application, the director of
429 ~~finance~~ shall issue the license or permit unless the information contained in the
430 application demonstrates that it is not in the best interests of the public health
431 and safety of the residents of the city that a license or permit should be issued. If
432 an application for a license or permit is denied, the applicant shall have the right
433 to a hearing before a hearing officer designated by the city manager, in
434 accordance with the procedures set forth in section 118-434 for revocation of a
435 license or permit.

436
437 Sec. 118-423. - Transfer of license or permit.

438
439 No taxicab, transportation network, or airport limousine company license
440 or permit issued under this article or any interest in such license or permit shall
441 be transferred from one person to another. However, nothing in this section shall
442 prevent the cancellation, release or other termination of a security interest in the
443 tangible or intangible assets of the business entity holding the taxicab,
444 transportation network, or airport limousine company license or permit if such
445 cancellation, release or other termination of the security interest is executed by
446 and between the holder of the taxicab, transportation network, or airport
447 limousine company license or permit and the holder of the security interest or
448 approved assignee thereof.

449
450 Sec. 118-434. - Revocation and/or suspension of license or permit.

- 451
452 (a) The director of ~~finance~~ shall notify the licensee or permittee, and any person
453 holding a financial interest in the taxicab, transportation network, or airport
454 limousine company as shown on the records of the director of ~~finance~~ or the
455 application for a license or permit, of any violation of this article which he has
456 reason to believe exists and state whether based on such violation the director is
457 seeking to revoke or suspend the license or permit, by certified mail, to the address
458 listed by the taxicab, transportation network company, or airport limousine company
459 on its license or permit application. Within ten days of the notice of the violation, a
460 request in writing may be made to the director of ~~finance~~ by the person holding a
461 taxicab, transportation network, or airport limousine company license or permit, as
462 shown by the records of the finance department and on the application for a license
463 or permit, for an administrative hearing before a hearing officer designated by the
464 city manager. Such hearing shall be held under the rules of administrative
465 procedure, and the hearing officer shall take evidence and issue a ruling on whether
466 or not the taxicab, transportation network, or airport limousine company has violated
467 any of the following conditions. If such is found, the hearing officer may revoke
468 and/or suspend the license or permit to operate a taxicab, transportation network, or
469 airport limousine company. If no request in writing for a hearing is received within
470 the ten-day period, the director of ~~finance~~ shall have power to revoke and/or

471 suspend any such taxicab, transportation network, or airport limousine company
472 license or permit for the following reasons:

473 (1) The violation of any provision of this article.

474 ~~(2) When it has been proved to the director of finance by a preponderance of the~~
475 ~~evidence before him that the holder of such taxicab or airport limousine~~
476 ~~company license has discontinued operation for a period of more than 30~~
477 ~~consecutive days.~~

478 ~~(3) That such licensee or permittee has knowingly continued to employ or~~
479 ~~otherwise authorize a driver in violation of this article, a driver who has violated~~
480 ~~provisions of this article, or whose driving activity on behalf of the taxicab,~~
481 ~~transportation network, or airport limousine company is not covered by~~
482 ~~insurance as required under this article.~~

483 ~~(4) Whenever it shall appear that a license or permit issued under this article has~~
484 ~~been obtained by misrepresentation or fraud.~~

485 ~~(5) That the licensee or permittee has knowingly continued to employ or otherwise~~
486 ~~authorize a driver who has refused service to an individual without proper cause~~
487 ~~or that such person encourages such practice to be the method of operation or~~
488 ~~has violated the provisions of this article.~~

489 ~~(6) That the licensee failed to replace a canceled security or bond required by this~~
490 ~~article within 15 days, excluding Saturdays, Sundays or legal holidays, from the~~
491 ~~director of finance's receipt of notice of cancellation.~~

492 ~~(7) That the licensee or permittee has refused or permitted others under its license~~
493 ~~or permit to refuse to provide a receipt upon request to any passenger that~~
494 ~~contains the amount charged for service, the number assigned to the taxicab or~~
495 ~~airport limousine driver by the chief of police, director, and the number of the~~
496 ~~taxicab or airport limousine.~~

497 ~~(8) That the licensee or permit has charged or permitted others under its license or~~
498 ~~permit to charge fares in excess of those on file with the director, if applicable of~~
499 ~~finance as provided in section 118-127.~~

500 ~~(9) That such licensee or permittee has permitted the use of the same number~~
501 ~~assigned to a vehicle by the licensee or permittee pursuant to section 118-54~~
502 ~~for more than one vehicle at the same time.~~

503 (b) When a taxicab, transportation network, or airport limousine company license or
504 permit has been revoked and/or suspended, no vehicle shall continue to operate
505 under the name, logo, insignia or color scheme of such taxicab, transportation
506 network, or airport limousine company.

507 (c) The taxicab, transportation network, or airport limousine company license or permit
508 of any person shall be forthwith revoked by the director ~~of finance~~ whenever he
509 shall have received a certificate from any court or clerk thereof showing that such
510 person has failed to satisfy, within 30 days, any final judgment upon which
511 execution has been lawfully issued against such a person for damages on account
512 of bodily injury, death or damage to property resulting from the ownership,
513 maintenance, use or operation of a taxicab, transportation network vehicle,
514 courtesy car or airport limousine; except that this provision shall not apply to any
515 person who has presented an acceptable plan to settle such judgment.

516

517 Sec. 118-445. - Ownership of vehicles.

518
519 No taxicab₁ or airport limousine owner shall sell or lease, directly or
520 indirectly, to a taxicab₁ or airport limousine driver, a taxicab₁ or airport limousine
521 or sign for such taxicab₁ or airport limousine so as to obligate the taxicab₁ or
522 airport limousine owner on behalf of the taxicab₁ or airport limousine driver for the
523 payment of the vehicle to third parties.

524
525 Sec. 118-456. - Eligibility for license or permit after revocation.

526
527 Whenever a taxicab₁ transportation network, or airport limousine company
528 license or permit issued under this article has been revoked by the director of
529 finance for any of the reasons set forth in section 118-434, ~~excepting subsection~~
530 ~~(2) or (6)~~, no license or permit shall be issued to such person nor shall such
531 person be allowed an interest in a license or permit for a period of not less than
532 two years.

533
534 Sec. 118-467. - Vehicle insurance requirements.

535
536 (a) Before any license or permit is issued for the operation of a taxicab or airport
537 limousine, the taxicab or airport limousine company shall file with the director of
538 ~~finance~~ a policy of insurance issued by an insurance company duly licensed to
539 transact business in ~~the state~~ Missouri, covering separately or in a schedule
540 attached to such policy each vehicle licensed or permitted to be operated under the
541 direction and control of such company. Such policy shall cover legal liability for
542 bodily injuries or death of one person to the extent of ~~\$50,000.00~~25,000.00 and
543 subject to such limits as to injury or death of one person, of ~~\$100,000.00~~50,000.00
544 on account of any one accident resulting in injuries to or death of more than one
545 person, and of ~~\$25,000.00~~10,000.00 for damage to property on account of any one
546 accident.

547
548 (b) Until April 1, 2017, before any license or permit is issued for the operation of a
549 transportation network company, the transportation network company shall file with the
550 director a policy of insurance by an insurance company duly licensed or eligible to
551 transact business in Missouri, covering separately or in a schedule attached to such
552 policy each vehicle licensed or permitted to be operated under the direction and control
553 of such company. Such policy shall be consistent with the below:

554 1. The following automobile insurance requirements shall apply while a
555 transportation network company driver is logged onto the transportation
556 network company's digital network and is available to receive transportation
557 requests but is not engaged in transportation network services:

558 (a) primary automobile liability insurance in the amount of at least
559 \$50,000.00 for death and bodily injury per person, \$100,000.00 for death
560 and bodily injury per incident, and \$25,000.00 for property damage; and

561 (b) uninsured motorist coverage in an amount not less than the limits set
562 forth under state law; and

563 2. The following automobile insurance requirements shall apply while a
564 transportation network company driver is engaged in transportation network
565 services:
566 (a) primary automobile liability insurance in the amount of at least one
567 million dollars for death, bodily injury, and property damage; and
568 (b) uninsured motorist coverage in an amount not less than the limits set
569 forth under state law.
570 3. The coverage required in Sec. 118-46(b) may be satisfied by any of the
571 following:
572 (a) Automobile insurance maintained by the transportation network
573 company; or
574 (b) Automobile insurance maintained by the transportation network
575 company driver; or
576 (c) Any combination of paragraphs (a) and (b).
577
578 (c) From and after April 1, 2017, before any license or permit is issued for the operation
579 of a transportation network company, the transportation network company shall file
580 with the director a policy of insurance by an insurance company duly licensed or
581 eligible to transact business in Missouri that meets all requirements of Missouri law
582 concerning insurance requirements for transportation network companies (currently
583 set forth in Section 379.1702 RSMo. which is scheduled to take effect on April 1,
584 2017).
585 ~~(b)~~ (d) All such policies shall provide that they may not be canceled unless written notice
586 of proposed cancellation is delivered to the office of the director of finance at least
587 30 days prior to the date of the proposed cancellation. If the taxicab, transportation
588 network, or airport limousine company licensee, permittee, or other responsible
589 party shall fail within the period specified in such notice of cancellation to provide
590 proof of insurance as provided in subsection (a) of this section, then the license or
591 permit affected by such cancellation may be revoked as of the day such insurance
592 ceases to be in force and effect, and thereafter it shall be unlawful for such owner or
593 other responsible party to operate taxicabs, transportation network vehicles, or
594 airport limousines in the city. If the taxicab, transportation network, or airport
595 limousine company or responsible third party shall file a policy of insurance as
596 required by this section within 30 days after the date of such revocation, then such
597 revocation shall be lifted.
598 ~~(e)~~ (e) All taxicab or airport limousine companies shall annually file with the director of
599 finance a monthly list showing the year, make, model, VIN number, record of owner,
600 and company providing insurance coverage for each and every taxicab or airport
601 limousine in service under its license or permit. No taxicab or airport limousine shall
602 be placed in service or permitted to operate under the taxicab or airport limousine
603 license or permit unless it is shown on such list within 30 days of being placed in
604 service.
605 (f) If insurance maintained by a driver in subsection b(1) or b(2) of this section has
606 lapsed or does not provide the required coverage, insurance maintained by a
607 transportation network company shall provide the coverage required by this section
608 beginning with the first dollar of a claim and the transportation network company

609 shall have the duty to defend such claim. If the insurance maintained by the driver
610 does not otherwise exclude coverage for loss or injury while the driver is logged on
611 to any transportation network company's digital network or while the driver provides
612 transportation network services, but does not provide insurance coverage at the
613 minimum limits required by subsection b(1) or b(2) of this section, the transportation
614 network company shall maintain insurance coverage that provides excess coverage
615 beyond the driver's policy limits up to the limits required by subsection b(1) or b(2)
616 of this section, as applicable.

617 (g) Coverage under an automobile insurance policy maintained by the transportation
618 network company shall not be dependent on a personal automobile insurer first
619 denying a claim nor shall a personal automobile insurance policy be required to first
620 deny a claim.

621 (h) A transportation network company driver shall carry proof of coverage satisfying
622 subsections b(1) and b(2) of this section with him or her at all times during his or her
623 use of a vehicle in connection with a transportation network company's digital
624 network. Such proof of insurance may be kept electronically. In the event of an
625 accident, a transportation network company driver shall provide this insurance
626 coverage information to the directly interested parties, automobile insurers, and
627 investigating police officers, upon request. Upon such request, a transportation
628 network company driver shall also disclose to directly interested parties, automobile
629 insurers, and investigating police officers whether the driver was logged on to the
630 transportation network company's digital network or providing transportation
631 network services at the time of the accident.

632 (i) The transportation network company shall disclose in writing to transportation
633 network company drivers the following before they are allowed to accept a request
634 for transportation network company services on the transportation network
635 company's digital network:

636 1. The insurance coverage, including types of coverage and the limits for each
637 coverage, that the transportation network company provides while the transportation
638 network company driver uses a personal vehicle in connection with a transportation
639 network company's digital network; and

640 2. That the transportation network company driver's own automobile insurance
641 policy might not provide any coverage while the driver is logged on to the
642 transportation network company's digital network and is available to receive
643 transportation requests or is engaged in transportation network company services
644 depending on the policy's terms.

645 (j) A transportation network company shall make the following disclosure to a
646 prospective driver in the prospective driver's terms of service:
647 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION
648 NETWORK COMPANY SERVICES HAS A LIEN AGAINST IT, USING THE
649 VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES MAY
650 VIOLATE THE TERMS WITH THE LIEN HOLDER.
651 IF A TRANSPORTATION NETWORK COMPANY'S INSURER MAKES A
652 PAYMENT FOR A CLAIM COVERED UNDER COMPREHENSIVE COVERAGE
653 OR COLLISION COVERAGE, THE TRANSPORTATION NETWORK COMPANY
654 SHALL CAUSE ITS INSURER TO ISSUE THE PAYMENT DIRECTLY TO THE

655 BUSINESS REPAIRING THE VEHICLE OR JOINTLY TO THE OWNER OF THE
656 VEHICLE AND THE PRIMARY LIENHOLDER ON THE COVERED VEHICLE.

657 The disclosure set forth in this subsection shall be placed prominently in the
658 prospective driver's written terms of service, and the prospective driver shall
659 acknowledge the terms of service electronically or by signature.

660
661 ~~Sec. 118-47. - Proof of liquid assets or posting of security.~~

662
663 ~~Before any taxicab or airport limousine company license is issued for the~~
664 ~~operation of a taxicab or airport limousine, the applicant shall file with the director~~
665 ~~of finance proof of \$5,000.00 in liquid assets. The holder of the taxicab or airport~~
666 ~~limousine company license shall maintain the liquidity of these assets and not~~
667 ~~allow the value of the assets to fall below \$5,000.00. In lieu of this, the applicant~~
668 ~~may post security in the same denomination either by posting a bond by a~~
669 ~~corporate surety authorized to do business in the state or by posting an escrow~~
670 ~~agreement. The bond or the escrow shall state that it is for the benefit of all~~
671 ~~creditors of the applicant which are unsecured or which are not protected by the~~
672 ~~insurance required in section 118-46.~~

673
674 ~~Sec. 118-48. - Renewal of license or permit.~~

675
676 ~~The director of finance shall renew taxicab, transportation network, or~~
677 ~~airport limousine company licenses or permits annually as required by section~~
678 ~~118-36 to any applicant who can show the following:~~

- 679 (1) That all personal property taxes on vehicles, other than Transportation Network
680 Vehicles, operated as part of the business have been paid.
- 681 (2) ~~That the applicant has filed a balance sheet and income statement prepared by~~
682 ~~a certified public accountant, which statement shall cover the 12-month period~~
683 ~~ending December 31 of the preceding calendar year and shall show that the~~
684 ~~business has not less than \$5,000.00 in liquid assets.~~
- 685 (3) ~~The names and addresses of the owner, partners, limited partners,~~
686 ~~stockholders, officers and creditors of the corporation.~~
- 687 (4) ~~The percent of stock ownership of every stockholder.~~
- 688 (5) ~~Adequate proof that all taxicabs or airport limousines operated by or for the~~
689 ~~benefit of the taxicab or airport limousine company have been inspected and~~
690 ~~approved by the chief of police director or his designee within 12 months prior~~
691 ~~to the date of submission of the application.~~
- 692 (6) ~~That the applicant has a current valid taxicab, transportation network, or airport~~
693 ~~limousine company license or permit.~~
- 694 (7) ~~That the applicant has filed with the director of finance a dress code with which~~
695 ~~the applicant shall require its drivers to comply, which code shall include~~
696 ~~minimum requirements of dress and personal cleanliness which shall include a~~
697 ~~collared shirt, slacks or skirt, and a badge to be worn on the front of the shirt~~
698 ~~which shows at least the number assigned by the chief of police director to the~~
699 ~~driver and the name of the taxicab or airport limousine company under whose~~
700 ~~license the driver is operating a taxicab or airport limousine.~~

701 (86) That the applicant has tendered payment of all required fees.

702 (97) That the applicant has provided proof of insurance as required by section 118-
703 467.

704 Sec. 118-49. - Vehicle equipment and inspections.

705
706
707 (a) Required equipment. Every ~~vehicle~~ taxicab and airport limousine ~~governed by this~~
708 ~~article~~ shall have and maintain the following equipment:

709 (1) All appliances required by this Code and other ordinances of the city and the
710 laws of the state for motor vehicles.

711 (2) Two doors affording direct entrance and exit to and from both the front and rear
712 seats; provided, however, minivans may have one side door, which may be on
713 the nondriver's side, as a means of direct entrance and exit from rear seats.

714 (3) An adequate light in the passenger compartment, controlled by a switch control
715 in the passenger compartment.

716 (4) A speedometer in good working order.

717 (5) Cards containing the following:

718 a. A card located in the passenger compartment, not less than four inches by
719 six inches in size, which shall have plainly printed thereon the name of the
720 taxicab or airport limousine company, its business address and telephone
721 number, and the current schedule of fares on file with the director of finance
722 as provided in division 3 of this article to be charged for the conveyance of
723 passengers.

724 b. A separate card provided by the director of finance to be located in the
725 passenger compartment, not less than four inches by six inches in size,
726 which shall have plainly printed thereon the address and telephone number
727 where the customer may register complaints and comments about the
728 taxicab or airport limousine service, and a list of the rights of customers
729 granted by this article.

730 (6) The vehicle permit issued by the ~~chief of police~~ director.

731 (7) A permanent device for affixing the daily log sheet.

732 (8) A side-view mirror attached to both the left and right sides of the vehicle.

733 (9) A card located in the passenger compartment on which there shall be the
734 statement that it is unlawful to refuse service to any member of the general
735 public when presently unoccupied except for the reason that such person is
736 intoxicated, is using profanity, is abusive, desires to use the service to commit
737 unlawful acts, presents an unreasonable risk of harm or injury to the driver, or
738 cannot pay. However, this provision shall not apply to courtesy cars.

739 (10) A display of the number assigned to the taxicab or airport limousine by the
740 taxicab or airport limousine owner or taxicab or airport limousine company
741 under whose license or permit the vehicle is operated which has each number
742 no less than one inch in height and readily discernible by any person sitting in a
743 seat intended for use by a passenger.

744 (11) For taxicabs, a taximeter as follows: A taxicab shall be equipped with a
745 taximeter of a size and design approved by the ~~chief of police~~ director and
746 which conforms to the following requirements:

- 747 a. Each taximeter must be driven direct from the taxicab transmission or
748 connected with the speedometer driving shaft to the taximeter head itself.
- 749 b. Each taximeter must register upon visual counters the following miles:
750 1. Total miles.
751 2. Miles paid.
752 3. Number of units.
753 4. Number of trips.
754 5. Number of extras.
- 755 c. Each taximeter must be furnished with a tamperproof switch and system of
756 electrical distribution so that when the taximeter flag is in the vacant or
757 nonearning position the "vacant" sign on top of the taxicab will be lighted,
758 and when the meter flag is thrown to an earning position the fare indicator
759 of the taximeter will be lighted.
- 760 d. There shall be an electrical light or sign located on the top of each taxicab,
761 of a size and design approved by the ~~chief of police~~ director and which is
762 connected to the taximeter in the means prescribed in this article, so that
763 such light or sign will be electrically lighted when the taxicab is vacant.
- 764 (b) Annual inspection. ~~Every vehicle governed by this article~~ Taxicabs and airport
765 limousines shall be inspected annually by the ~~chief of police~~ director or his designee
766 for all items of equipment required by the provisions of this section or other
767 provisions of this article.
- 768 (c) Additional inspections; reinspections; issuance of inspection sticker. All Every
769 ~~vehicle~~ taxicabs and airport limousines involved in a motor vehicle accident in which
770 over \$500.00 damage was done to such vehicle shall be required to be reinspected.
771 Also, the city shall have access to any maintenance records of ~~any vehicle~~ all
772 taxicabs and airport limousines upon request and may order a reinspection at any
773 time after the expiration of 30 days from the date of a previous inspection, provided
774 there is reason to believe that the vehicle's operation does not comply with the
775 provisions of this article or that the vehicle is dangerous or unsafe or is not being
776 properly maintained or used. If the vehicle cannot be approved upon a reinspection,
777 the director ~~of finance~~ shall first order such vehicle's operation to be discontinued
778 for a period of 15 days in which the owner of the vehicle may request a second
779 reinspection. If the owner of the vehicle does not request the second reinspection or
780 if the vehicle cannot be approved upon the second reinspection, the director ~~of~~
781 ~~finance~~ shall revoke the license or permit corresponding to such vehicle. An
782 inspection sticker shall be issued for each vehicle which passes the required
783 inspection and shall be affixed on the vehicle by the city in a visible location.
- 784 (d) Inspection sticker required. It shall be unlawful to operate a taxicab or airport
785 limousine on the city streets without a current valid inspection sticker affixed thereto.
786 The inspection sticker shall be valid for a period not to exceed one year from the
787 date it is issued and shall not be transferred to any other vehicle.

788
789 Sec. 118-50. - Cleanliness and condition of vehicles.

790
791 Every vehicle governed by this article shall be kept in a clean and sanitary
792 condition ~~and shall be swept and dusted at least once a day~~. Every vehicle shall

793 be kept in such condition of repair as may be reasonably necessary to provide for
794 the safety of the public and for continuous and satisfactory operation. For
795 transportation network companies, a vehicle that does not meet the requirements
796 of this Section shall, upon request to the transportation network company, be
797 suspended from the platform until such time as the vehicle is returned to clean
798 and sanitary condition.
799

800 Sec. 118-51. - Refusal of service.

801
802 It shall be unlawful for a driver of a taxicab or airport limousine to refuse
803 service to a member of the general public except when such person is
804 intoxicated, uses profanity, is abusive, desires to use the service for an illegal
805 purpose, presents an unreasonable risk of harm or injury to the driver, or is
806 unable to pay the legal fare. However, a driver of a taxicab, courtesy car,
807 transportation network vehicle, or airport limousine shall not be required to
808 provide service to an individual under the age of 12 without an adult passenger
809 accompanying him or an individual who has as his destination point or departure
810 point a mass transit terminal facility with which the operator does not have an
811 operating agreement. A driver of a courtesy car shall not refuse service to any
812 patron of the establishment with which the courtesy car is operated in conjunction
813 unless such patron is intoxicated, uses profanity, is abusive, presents an
814 unreasonable risk of harm or injury to the driver, is violating any city ordinance, or
815 desires service for an illegal purpose.
816

817 Sec. 118-52. - Daily log of trips.

818
819 Every taxicab or airport limousine licensee shall provide at the beginning
820 of each driver's tour of duty a log sheet which is numbered in sequence. The
821 driver shall maintain such log sheet by departure time, departure location,
822 destination location, destination time and fare charged. The licensee shall collect
823 such log sheets at the end of every driver's tour of duty and maintain such
824 records for inspection by the ~~chief of police and the director of finance~~ for a
825 period of one year.
826

827 Sec. 118-53. - Records of vehicles.

828
829 Every taxicab or airport limousine licensee shall keep a record, in the
830 manner prescribed by the ~~director of finance~~, of all cars for which certificates are
831 on file with the ~~director of finance~~, showing the serial number, and, if operated,
832 the hours of operation, the name of the driver and the hours of work of each
833 driver, or, if the taxicab is not in operation, the reason therefor. Such records
834 shall be maintained for a period of one year and shall be available to the ~~chief of~~
835 ~~police and the director of finance~~ upon request.
836

837 Sec. 118-54. - Information to be displayed on vehicles.
838

839 (1) Every vehicle governed by this article, except transportation network vehicles,
840 shall have a serial number which shall be painted on the sides and back thereof in
841 figures of at least three inches in height. The name of the operating company shall be
842 painted thereon in a conspicuous manner. The rates on file with the director of finance
843 as required by this article shall be painted on both sides of all taxicabs in letters and
844 figures at least two inches in height. No legend except the name of the operating
845 company, vehicle number, rates and telephone number may be used on the sides of
846 any vehicle. The color scheme, name and characteristic insignia used to designate
847 vehicles shall not be changed except upon approval of the director of finance.

848 (2) Transportation network drivers shall keep and display a digital identification at
849 all times while logged into the transportation network company's digital network as
850 evidence that they are authorized to access the network.

851
852
853 Sec. 118-55. - Removal of vehicle markings upon sale or disposition of vehicle.

854
855 No taxicab or airport limousine company or taxicab or airport limousine
856 owner shall sell or otherwise dispose of any taxicab or airport limousine without
857 first removing or obliterating the vehicle markings required by section 118-54,
858 unless such vehicle is to be used as a taxicab or airport limousine of the same
859 company. Upon sale or other disposition, the taxicab or airport limousine
860 company or owner shall notify the director of finance of such sale or disposition
861 and the reason for the sale or disposition on the list required under section 118-
862 467.

863
864 ~~Sec. 118-56. - Office and telephone required.~~

865
866 ~~No holder of a taxicab or airport limousine company license shall operate~~
867 ~~in the city without having an office and a telephone in a commercially zoned~~
868 ~~location for receiving and dispatching calls.~~

869
870 Sec. 118-576. - Reports of violations by drivers.

871
872 A licensee or permittee under this article shall report to the police
873 department of finance any known violation by a driver of any of the operating
874 company's rules and any violation of any municipal, state or federal law
875 committed by a driver.

876
877 Sec. 118-587. - Use or possession of intoxicating beverages or controlled substances
878 by owner, driver or employees.

879
880 No taxicab, transportation network, or airport limousine owner, driver or
881 employee, while on duty, shall have in his possession intoxicating liquor or non-
882 intoxicating beer or controlled substances or drink or consume such items while
883 on duty. No driver shall knowingly purchase, carry or transport intoxicating liquor
884 or nonintoxicating beer or controlled substances. However, a passenger may

885 have in his possession unopened containers of intoxicating liquor or
886 nonintoxicating beer. No driver, owner or employee of any owner of a taxicab or
887 airport limousine company shall have in his possession at or near his office,
888 place of business or garage any intoxicating liquor or nonintoxicating beer or
889 controlled substances of any kind.

890

891 **Cross reference**— Alcoholic beverages, ch. 10.

892

893 Sec. 118-58.- Taxicabs and airport limousine shall not operate as transportation
894 network vehicles or provide transportation network services.

895

896 No taxicab or airport limousine shall operate as and no taxicab or airport
897 limousine owner shall allow a taxicab or airport limousine vehicle to operate as a
898 transportation network vehicle for the purpose of offering transportation network
899 services.

900

901

902 Sec. 118-59. - Use of vehicle for unlawful purpose.

903

904 No person shall use a vehicle governed by this article for any unlawful
905 purpose, nor shall any owner or driver knowingly permit such unlawful use. When
906 such unlawful use has occurred with the knowledge of the owner or driver of
907 such vehicle, and he shall be duly convicted thereof, the director of finance shall
908 revoke the permit to operate such vehicle and the ~~chief of police~~ director shall
909 also revoke the permit of such driver.

910

911 Sec. 118-60. - Refusal to pay fare.

912

913 No person shall hire or permit himself to be carried as a passenger for hire
914 in any taxicab, transportation network vehicle, courtesy car or airport limousine in
915 the city and refuse to pay the fare for such trip.

916

917 Sec. 118-61. - Disposition of property found in vehicles.

918

919 A driver shall deliver all lost or misplaced property found in the vehicle to
920 the holder of the taxicab or airport limousine company license for such vehicle at
921 the end of the driver's tour of duty. The taxicab or airport limousine company
922 shall keep such property for 24 hours, or a shorter time if the rightful owner of
923 such property requests the release of such property. At the end of 24 hours, the
924 taxicab or airport limousine company shall deliver such property, or the name
925 and address of the owner of and description of such property, to the city police
926 department. Unless returned to the property owner through other means,
927 transportation network drivers shall deliver all lost or misplaced property found in
928 the vehicle to the city police department at the end of 48 hours and if possible,
929 provide the name and address of the owner of and a description of such property
930 to the city police department.

931
932 Sec. 118-62. - Manner of operation of taxicabs.

933
934 Taxicabs shall be operated in the following manner:

- 935
936 (1) Determination of fare. A taxicab must use a taximeter in determining the fare to
937 be charged. No other or different fare shall be charged to a passenger than is
938 recorded on the reading face of such taximeter for a trip, except that any
939 taxicab may charge a rate lower than that so recorded.
- 940 (2) Operation of taximeter. A driver of a taxicab equipped with a taximeter, while
941 carrying passengers or under employment, shall not display the taximeter flag
942 affixed to such taximeter in such a position as to denote that such vehicle is not
943 employed or in such a position as to denote that he is employed at a rate of fare
944 different from that to which he is entitled under the provisions of this article. It
945 shall be the duty of each such driver to call the attention of passengers to the
946 amount registered, and the taxicab flag shall not be changed to the "vacant"
947 position until after the fare is paid.
- 948 (3) Acceptance of additional passengers. No driver of a taxicab having a passenger
949 in his taxicab shall solicit or accept for carriage any other passenger without the
950 consent of the original passenger. If two or more passengers are transported to
951 different destinations, the taximeter shall be reset at the end of each trip, and if
952 they are transported to the same destination only the original fare shall be
953 charged.
- 954 (4) Taxicab routes. No owner or driver of a taxicab shall cause or permit such
955 taxicab to be operated along routes in a manner similar to that of mass
956 transportation vehicles operating along definite routes or between specific
957 termini, or along fixed routes. Any owner or driver who operates, causes to be
958 operated, or permits to be operated any taxicab persistently and repeatedly to
959 and from, around or in the vicinity of any theater, railroad station, hotel or any
960 other place of public gathering, or repeatedly along a street when there is
961 nearby a suitably located taxicab stand, shall be construed to be operating such
962 taxicab along a route.

963
964 Sec. 118-63. - Number of passengers in taxicabs, transportation network vehicles, and
965 airport limousines.

966
967 There shall not be more passengers than that recommended by the
968 manufacturer of the vehicle, including the driver, carried in a taxicab,
969 transportation network vehicle, or airport limousine at one time. The front seat of
970 a taxicab, transportation network vehicle, or airport limousine shall only be
971 occupied by the driver and one passenger.

972
973 Sec. 118-64. - Manner of operation of airport limousines and courtesy cars.

974
975 (a) Courtesy cars. Courtesy cars shall be operated in the following manner:

- 976 (1) Restrictions on patronage. Drivers shall not offer service nor shall the owner
977 permit the offering of service to any person other than a patron of a motel or
978 hotel, or a patron of a business arranging sightseeing tours or other similar
979 tours.
- 980 (2) Trip origins and destinations. Trip origins and destinations shall be fixed
981 locations, which locations shall have been registered with the director of ~~finance~~
982 ~~prior~~ to the carrying of passengers to such locations. Courtesy cars shall not be
983 operated so that a trip destination or departure is to or from a mass transit
984 terminal facility with which the operator does not have an operating agreement.
- 985 (3) Payment of charges. The trip rate may either be charged to all patrons of the
986 motel, hotel or other temporary residence business or a business arranging
987 sightseeing tours or other similar tours when a person becomes a patron, or the
988 trip rate may be charged to only those patrons who engage the courtesy car or
989 to the owner of any business or facility which is the trip destination's approved
990 fixed location.
- 991 (4) Maximum number of passengers. The maximum number of passengers in a
992 courtesy car at any given time shall be that number set by the ~~chief of police~~
993 director when the vehicle is inspected under section 118-49.
- 994 (b) Airport limousines. Airport limousines shall be operated in the following manner:
- 995 (1) Route. Airport limousines shall operate over fixed routes only, and such
996 limousines shall operate closed-door from the point where the passenger is
997 picked up to the point where the passenger is delivered. Airport limousines shall
998 not be operated so that a trip departure is from a mass transit terminal facility
999 with which the operator does not have an operating agreement.
- 1000 (2) Rate of fare. The trip rate shall be charged each passenger in accordance with
1001 the rate zone corresponding to the destination or commencement of the trip for
1002 each passenger.
- 1003 (3) Maximum number of passengers. There shall not be more than 12 persons,
1004 inclusive of the driver, in an airport limousine at any given time.
- 1005 (4) Operating agreement with airport. An airport limousine may not operate without
1006 a valid operating agreement with the body, board or authority legally in charge
1007 of the airport.
- 1008 (5) Compliance with airport regulations. The owners, drivers and employees of an
1009 airport limousine service shall operate the airport limousines in a manner which
1010 will comply with all rules and regulations of the body, board or authority legally
1011 in charge of the airport, if such rules and regulations, and all amendments
1012 thereto, have been filed with the director of ~~finance~~ and ~~chief of police~~ prior to
1013 their effective date.

1014
1015 Sec. 118-65. - Specialty passenger service.
1016

1017 A specialty passenger service shall comply with all provisions of Chapter
1018 118 applicable to taxicabs including driver's licensing requirements unless
1019 specifically excluded or modified by this section.

- 1020 (1) In addition to the information required in the application for a taxicab company
1021 license, an applicant operating a specialty passenger service shall submit a

1022 plan describing the vehicle(s) to be used and stating the types of events or
1023 activities at which the service will operate. If the service is to be operated in a
1024 special activity area, the plan shall set out in detail the area of and manner of
1025 operation of the service in the area. Any plan is to include the place of and
1026 length of stops and shall set forth the streets to be used and shall affirm that no
1027 structures, traffic control devices or utility wires shall be an obstruction to the
1028 operation of the service. The director of ~~finance~~ shall have available a form
1029 setting out additional information needed in the plan. Further information may
1030 be requested before a final decision is reached.

1031 (2) The plan must be approved by the City Manager or his designee. A special
1032 activity area may be established if deemed appropriate to implement the plan.
1033 The impact to the City Utility bus service shall be considered and direct
1034 competition with established service routes is to be avoided unless the events
1035 or special activity area cannot be adequately served during a special event or
1036 during times of need for additional passenger service. If the plan is found to be
1037 in the best interest of the city and if all requirements are met to assure the
1038 public health and safety, the plan may be approved. If during the term of the
1039 license, public health or safety issues arise, the city may require a modification
1040 of the plan to address those issues. A request to amend the plan may be filed
1041 by the licensee during the license period and the review of the proposed
1042 amendment shall proceed as above outlined.

1043 (3) Paragraphs (a) (2), (7) and (11) of Section 118-49 shall not apply to a specialty
1044 passenger service. Specialty passenger vehicles shall have at least two means
1045 of ingress and egress accessible by passengers.

1046 (4) Section 118-52 shall not apply to specialty passenger service. A specialty
1047 passenger service must have an approved plan on file with the city authorizing
1048 all passenger transportation that is undertaken by the service. It is unlawful to
1049 transport passengers in violation of the approved plan, in the absence of a plan,
1050 in violation of any applicable provision of Chapter 118 or other provisions of the
1051 city code, state statutes or federal rule, regulation or law.

1052 (5) The requirements of Section 118-54 shall apply to a specialty passenger
1053 service; however, the proposed plan of operation may include a request to
1054 modify the requirements including a change of color scheme or legend so long
1055 as such change reasonably relates to the events or special activity area being
1056 served.

1057 (6) Section 118-62 shall not apply to specialty passenger service. The operation of
1058 the specialty passenger service shall be in line with the approved plan and
1059 approved fee schedule.

1060 (7) Section 118-63 shall not apply to specialty passenger service. The occupancy
1061 of a specialty passenger vehicle shall not exceed the manufacturers stated
1062 capacity. The capacity shall be prominently displayed.

1063
1064 (G.O. No. 5391, § 2, 7-6-2004)

1065 Section 118-66.-Manner of Operation of Transportation Network Companies

1067

1068 (1) A transportation network company shall not disclose a passenger's personally
1069 identifiable information to a third party unless: the passenger consents, disclosure is
1070 required by a legal obligation, or disclosure is required to protect or defend the terms of
1071 use of the service or to investigate violations of those terms. In addition to the
1072 foregoing, a transportation network company shall be permitted to share a passenger's
1073 name and/or telephone number with the transportation network company driver
1074 providing transportation network company services to such passenger in order to
1075 facilitate correct identification of the passenger by the transportation network company
1076 driver, or to facilitate communication between the passenger and the transportation
1077 network driver.

1078 (2) No transportation network driver shall solicit passengers for transportation in a
1079 transportation network vehicle on any public way or at any public airport. No such
1080 transportation network vehicle shall be parked on any public way for a time longer than
1081 is reasonably necessary to accept passengers in answer to a call for service, and no
1082 passenger shall be accepted for any trip in such vehicle without previous engagement
1083 for such trip at a fixed charge or donation through the business office or transportation
1084 network service from which the vehicle is operated.

1085 (3) Every transportation network vehicle operated on the streets of the city shall be
1086 maintained in clean and serviceable condition and in adequate repair. Every vehicle
1087 shall be substantially free from damage. All vehicles shall have no loose hanging metal,
1088 body molding or chrome stripping. The complete exhaust system shall be intact and in
1089 good working order. No vehicle shall operate with large dents or major body damage,
1090 nor shall it operate with large areas of unpainted or rusted metal. All vehicles shall have
1091 required fenders, bumpers, doors, door handles, lights and air conditioner, all of which
1092 shall be in good working order. All vehicles shall be equipped with brakes capable of
1093 stopping and holding the vehicle under all reasonable conditions, and shall have at least
1094 one door in addition to the driver's door affording direct entrance and exit to and from
1095 the passenger compartment. Failure to meet all above listed requirements shall cause
1096 the vehicle to be found unfit or unsuited for public use, and such vehicle may be ordered
1097 off the streets of the city.

1098
1099 118-67. - Audit Procedures

1100 (1) For the sole purpose of verifying that a transportation network company is in
1101 compliance with the requirements of this chapter and no more than annually, and with at
1102 least 7 days notice to the transportation network company, the director shall have the
1103 right to visually inspect a sample of records that the transportation network company is
1104 required to maintain. The sample shall be chosen randomly by the director in a manner
1105 agreeable to both parties. The audit shall take place at a mutually agreed location. Any
1106 record furnished to the director may exclude information that would tend to identify
1107 specific drivers or riders.

1108 (2) In response to a specific complaint against any transportation network company
1109 driver or transportation network company, the director, after providing at least 48 hours
1110 notice to the transportation network company, is authorized to inspect records held by
1111 the transportation network company that are necessary to investigate and resolve the
1112 complaint. Any record furnished may exclude information that would tend to identify

1113 specific drivers or riders, unless the identity of a driver or rider is necessary to resolve
1114 the complaint.

1115
1116 Secs. 118-668—118-80. - Reserved.

1117
1118 **DIVISION 2. - DRIVERS**

1119
1120 ~~Sec. 118-81. - Permit required; minimum age.~~

1121
1122 ~~No person shall drive a taxicab or airport limousine unless duly granted a~~
1123 ~~permit as provided in this division and having attained the age of 18 years.~~

1124
1125 ~~Sec. 118-82. - Application for permit.~~

1126 ~~(a) Every applicant for a permit as a driver of a taxicab or airport limousine shall make~~
1127 ~~application to the chief of police on forms to be supplied by the chief of police.~~
1128 ~~Driver permits, or the reasons for not granting a permit, shall be supplied to an~~
1129 ~~applicant within 15 days following the date the application is received by the chief of~~
1130 ~~police. However, an interim permit may be issued if, in a review of the application,~~
1131 ~~paperwork reveals no irregularities and the reviewing official has no reason to~~
1132 ~~believe that the application will not be approved.~~

1133 ~~(b) The applicant shall provide such information as the chief of police may require,~~
1134 ~~including, but without limitation, the following:~~

1135 ~~(1) The applicant's name, age, residence, race, nationality, place of birth,~~
1136 ~~citizenship, length of time resident in the city, marital status, height, weight, and~~
1137 ~~color of eyes and hair. The applicant shall include the addresses of all~~
1138 ~~residences for the five years preceding the application.~~

1139 ~~(2) Previous experience as a taxicab, airport limousine or other similarly classified~~
1140 ~~vehicle driver by date, employer and locality; and, if there is previous~~
1141 ~~experience, whether any license or permit was revoked or suspended and the~~
1142 ~~date, locality and reason for such revocation or suspension.~~

1143 ~~(3) Previous history of arrests and/or convictions for any felony, misdemeanor or~~
1144 ~~ordinance violation, including traffic violations, giving the particulars of each,~~
1145 ~~and prior terminations of employment or contracts as a taxicab or airport~~
1146 ~~limousine driver.~~

1147 ~~(4) The names and current telephone numbers and addresses of three persons~~
1148 ~~who have known the applicant personally for at least 12 months preceding the~~
1149 ~~date of the application.~~

1150 ~~(5) The fingerprints of the applicant.~~

1151 ~~(6) At least three recent photographs of the applicant, which shall be of such size~~
1152 ~~as may be required by the chief of police.~~

1153 ~~(7) Proof of legal age required to obtain any license required to operate a vehicle~~
1154 ~~licensed pursuant to this article.~~

1155 ~~(8) Demonstration of ability to speak and understand the English language and to~~
1156 ~~read and recognize street signage.~~

1157 ~~(3) Proof of a valid chauffeur's license issued to the applicant under the laws of the~~
1158 ~~state, or a valid license which would authorize the applicant to operate a taxicab~~

1159 or airport limousine under the laws of the state, and submission to the chief of
1160 police of the certificate of registration furnished the applicant under RSMo
1161 301.002 et seq. The number thereon shall be noted on the application for the
1162 permit.

1163 (10) ~~Submission of a certificate of physical examination by a physician licensed to~~
1164 ~~practice in the state, which shall recite the following matters:~~

1165 a. ~~The applicant is free of defective vision or has corrected vision to at least~~
1166 ~~20-20 in both eyes.~~

1167 b. ~~The applicant is free of defective hearing, epilepsy, vertigo, heart trouble,~~
1168 ~~and any other infirmity, physical or mental, which would render applicant~~
1169 ~~unfit for safe operation of a public vehicle.~~

1170 c. ~~The applicant is free from communicable diseases.~~

1171 (11) ~~As a part of the physical examination, a certificate or other public record~~
1172 ~~showing that the applicant has been tested and passed drug and alcohol~~
1173 ~~screening at least equal to the screening requirements set by the United States~~
1174 ~~Department of Transportation for motor carrier drivers with respect to the~~
1175 ~~number and types of drugs or controlled substances tested, which certificate~~
1176 ~~must have been issued no more than five days prior to the date of application.~~

1177 (12) ~~Whether the applicant has completed a course in first aid and life saving~~
1178 ~~administered under the American Red Cross or a course similar in content to~~
1179 ~~the American Red Cross administered first aid and life saving course. Such~~
1180 ~~completion of a course shall not be a requirement for the issuance of a driver's~~
1181 ~~permit, but such completion, when evidenced, shall be noted on the driver's~~
1182 ~~permit.~~

1183 (c) ~~As a part of the application, the applicant shall sign a release of information form~~
1184 ~~which shall permit the director or the chief of police to release information contained~~
1185 ~~in the application to any law enforcement agency.~~

1186

1187 ~~Sec. 118-83. - Examination of applicant for permit.~~

1188

1189 ~~After complying with the provisions of section 118-82, every applicant shall~~
1190 ~~be examined by the chief of police or his duly authorized subordinate as to the~~
1191 ~~applicant's knowledge of the provisions of this article, knowledge of the city, and~~
1192 ~~knowledge of local traffic regulations. An applicant shall not take the examination~~
1193 ~~more than twice in any 14-day period. Should an applicant fail to pass the~~
1194 ~~examination four times in a 28-day period, he shall not be permitted to take the~~
1195 ~~examination for a period of three months. The applicant may also be required by~~
1196 ~~the chief of police to demonstrate the skill and ability with which the applicant~~
1197 ~~operates a motor vehicle.~~

1198

1199 ~~Sec. 118-84. - Issuance and display of permit.~~

1200

1201 ~~Before issuing a permit to drive a taxicab or airport limousine, the chief of~~
1202 ~~police shall investigate the facts set out in the application and shall not grant a~~
1203 ~~permit to drive a taxicab or airport limousine to any person who has been~~
1204 ~~convicted of a violation of the criminal laws of any state or the United States~~

1205 defined as a felony and who has served any part of such sentence within five
1206 years of the date of such application, or who, in the opinion of the chief of police
1207 is not physically fit or otherwise qualified to operate a taxicab, courtesy car or
1208 airport limousine in the city; except that the chief of police may issue a license to
1209 such person when the person has shown evidence of criminal rehabilitation in
1210 accordance with RSMo 314.200. Upon being satisfied that the applicant is
1211 qualified and upon proof of payment of the fees required by this article, the chief
1212 of police shall issue a driver's permit to the applicant, which shall be valid for a
1213 period of three years; provided, however, nothing in this section shall be
1214 construed as requiring the issuance of a driver's permit to a person who is a
1215 resident of a halfway house or similar facility. The permit shall be prominently
1216 displayed in the taxicab or airport limousine at all times while the driver is
1217 operating the taxicab or airport limousine. The permit shall include a photograph
1218 of the driver and the number assigned to the driver by the chief of police.

1219
1220 ~~Sec. 118-85. - Notice of denial of permit.~~

1221
1222 ~~If a driver's permit is not granted by the chief of police, the chief of police~~
1223 ~~shall furnish the applicant the reasons for such refusal.~~

1224
1225 ~~Sec. 118-86. - Appeal of denial of permit.~~

1226
1227 ~~Whenever the chief of police shall have refused to authorize the issuance~~
1228 ~~of a driver's permit, the applicant, within ten days after the date of the notice of~~
1229 ~~such refusal, may file a request in writing to the chief of police for an appeal~~
1230 ~~before a hearing examiner designated by the city manager. The hearing~~
1231 ~~examiner shall conduct a hearing at which he may either consider such appeal~~
1232 ~~on the evidence produced before the chief of police or permit the introduction of~~
1233 ~~new evidence and new tests. In the event of an adverse decision, the applicant~~
1234 ~~shall have a right of appeal from the date of the city hearing examiner's decision~~
1235 ~~to circuit court pursuant to RSMo 536.010 et seq.~~

1236
1237 ~~Sec. 118-87. - Reapplication for permit after denial.~~

1238
1239 ~~When an applicant has been denied a driver's permit for reasons other~~
1240 ~~than failing the examination pursuant to section 118-83, no new application shall~~
1241 ~~be considered for a period of one year.~~

1242
1243 ~~Sec. 118-88. - Identification card.~~

1244
1245 ~~At the time of issuance of a driver's permit, the chief of police shall also~~
1246 ~~issue an identification card, upon which shall be affixed one of the photographs~~
1247 ~~and the number assigned to the driver and filed with the chief of police. The~~
1248 ~~identification card shall be carried at all times by the driver when the permittee is~~
1249 ~~driving a taxicab or airport limousine, and it shall be displayed on demand to any~~
1250 ~~police officer.~~

1251
1252 ~~Sec. 118-89. - Renewal of permit.~~

1253
1254 ~~(a) Drivers' permits issued pursuant to this division may be renewed every three years~~
1255 ~~by the chief of police if the permittee makes application as provided for in section~~
1256 ~~118-82. The permittee shall submit with the application for renewal a certificate of~~
1257 ~~physical examination as in the case of an original application, which certificate, in~~
1258 ~~order to be accepted, must have been issued within 30 days of the date of~~
1259 ~~application. The permittee shall also submit a certificate or other public record of~~
1260 ~~passing drug and alcohol screening as provided in section 118-82 (b)(11), which~~
1261 ~~certificate, in order to be accepted, must have been issued within five days prior to~~
1262 ~~the date of application. The chief of police may require submission of other facts as~~
1263 ~~he deems necessary.~~

1264 ~~(b) If a permittee does not make application for renewal of the driver's permit to the~~
1265 ~~chief of police prior to expiration of a current permit, the permittee shall be required~~
1266 ~~to pay a delinquent application fee. If the permittee fails to renew the driver's permit~~
1267 ~~within 30 days succeeding the expiration of a prior permit, the permittee shall be~~
1268 ~~required to make an original application.~~

1269
1270 ~~Sec. 118-90. - Smoking while carrying passengers.~~

1271
1272 ~~Drivers of taxicabs or airport limousines are prohibited from smoking while~~
1273 ~~carrying passengers who object to their smoking.~~

1274
1275 ~~Sec. 118-91. - Notification of change of address.~~

1276
1277 ~~Every holder of a driver's permit shall have his residence address on file~~
1278 ~~with the chief of police and in case of change shall notify the chief of police and~~
1279 ~~any taxicab or airport limousine companies for whom the driver is operating a~~
1280 ~~taxicab or airport limousine in writing within five days. Failure to notify the chief of~~
1281 ~~police of a change in address may result in revocation of the permit.~~

1282
1283 ~~Sec. 118-92. - Drivers to remain in or near vehicle; dress and appearance of driver;~~
1284 ~~wearing of badge.~~

1285
1286 ~~The driver of any taxicab or airport limousine shall remain in or beside the~~
1287 ~~vehicle at all times when such vehicle is standing upon the public streets, except~~
1288 ~~that the driver may aid a passenger already engaged by the driver with luggage~~
1289 ~~or from a building into the vehicle or out of the vehicle to a building or when~~
1290 ~~conducting business in conjunction with his employment. The driver shall also~~
1291 ~~maintain a neat and clean general appearance and shall be dressed at all times~~
1292 ~~while on duty in a collared shirt, slacks or skirt, and wear a badge on the front of~~
1293 ~~the shirt which lists at least the number assigned to the driver by the chief of~~
1294 ~~police and the taxicab or airport limousine company under whose license he is~~
1295 ~~operating the taxicab or airport limousine. At the discretion of the driver, the~~
1296 ~~badge may list the first and/or last name of the driver.~~

1297
1298 ~~Sec. 118-93. - Procedure for revocation of permit.~~

1299
1300 ~~Whenever a driver's permit is subject to revocation, a driver's permit may~~
1301 ~~only be revoked by the chief of police after ten days' written notice by registered~~
1302 ~~mail to the permittee and only after a hearing if the permittee makes a request of~~
1303 ~~the chief of police in writing within the ten-day period for a hearing before the~~
1304 ~~hearing examiner of the city.~~

1305
1306 ~~Sec. 118-94. - Altering or defacing permit, identification card, rate card or log sheet.~~

1307
1308 ~~No permittee shall deface any permit, identification card, rate card or daily~~
1309 ~~log sheet, or remove, tamper with or alter a rate card displayed in a taxicab or~~
1310 ~~airport limousine. In case of any violation of this provision, the chief of police shall~~
1311 ~~revoke the driver's permit. Such revocation shall be in addition to any other~~
1312 ~~penalty imposed.~~

1313
1314 ~~Sec. 118-95. - Revocation of permit for conviction of certain offenses, driving with~~
1315 ~~excessive blood alcohol level, or failure to pass drug test.~~

1316
1317 ~~Conviction of driving while intoxicated or driving when blood contains~~
1318 ~~alcohol of 0.08 percent or more by weight in a personal vehicle, or leaving the~~
1319 ~~scene of any accident, or operating a taxicab or airport limousine when blood~~
1320 ~~contains 0.05 percent or more by weight of alcohol, or failure to pass or submit to~~
1321 ~~a drug test requested by the director of finance or by the chief of police upon~~
1322 ~~probable cause, shall operate as a revocation of any driver's permit issued under~~
1323 ~~this division, and such driver shall not be eligible to receive a new permit for a~~
1324 ~~period of one year from the date of such conviction, except in accordance with~~
1325 ~~RSMo 314.200.~~

1326
1327 ~~(G.O. No. 5391, § 3, 7-6-2004)~~

1328
1329 ~~Sec. 118-96. - Violation marks.~~

1330
1331 ~~(a) For the purpose of regulating permittees under this division, the chief of police is~~
1332 ~~authorized to establish a system of violation marks for the violation of traffic~~
1333 ~~ordinances and ordinances pertaining to taxicabs, transportation network vehicles,~~
1334 ~~airport limousines and other public vehicles, in accordance with the following~~
1335 ~~classified schedule:~~

1336 ~~(1) Class I. Four violation marks shall be entered for each conviction of an offense~~
1337 ~~under any of the following sections:~~

106-19	One-way streets and alleys.
106-79	Obedience to police and fire department officials.
106-128	Immediate notice to police department.

106-129	Written reports required.
106-130	Reports when driver unable to report.
106-153	Obedience required.
106-157	Flashing signals.
106-181	Vehicles to keep to righthand side of street.
106-190	Passing other vehicles traveling in same direction.
106-191	Stopping for school bus.
106-203	Careless and imprudent driving.
106-231	Speed greater than reasonable and prudent.
106-232	Speed limit within central business districts and university district.
106-234	Speed limit outside central business district.
106-235	Speed limit on approach to certain intersections.
106-236	Speed limit in school zones.
106-281	Vehicles required to stop or yield right of way prior to entering through streets.
106-300	Stopping, standing or parking prohibited in specified places.
118-498	Vehicle inspection and equipment.
118-510	Refusal of service.
118-521	Daily log of trips.
118-543	Information to be displayed on vehicles.
118-	Use or possession of intoxicating beverages or controlled substances by owner,

587	driver or employees.
118-598	Use of vehicle for unlawful purpose.
118-621	Manner of operation.
118-88	Identification card.

1338 -

- 1339 ~~(2) Class II. One violation mark shall be entered for each conviction under any~~
1340 ~~traffic ordinance or ordinance governing taxicabs, transportation network~~
1341 ~~vehicles, airport limousines or other public vehicles not included in Class I.~~
1342 ~~(3) Class III. In addition to violation marks entered on convictions as provided in~~
1343 ~~Classes I and II, the chief of police may, after hearing, enter marks for minor~~
1344 ~~violations of rules and regulations, not exceeding one mark in any single case.~~
1345 ~~(b) When a permittee receives 12 violation marks in accordance with the schedule~~
1346 ~~provided in this section during any 12-month period, it shall be mandatory upon the~~
1347 ~~chief of police to suspend the permit of the driver for a period of 30 days. Upon~~
1348 ~~completion of the suspension period, a permittee shall have his total of violation~~
1349 ~~marks reduced by one-half.~~
1350 ~~(c) Whenever a permittee has accumulated sufficient violation marks to require a~~
1351 ~~second suspension within an 18-month period, the chief of police shall not suspend~~
1352 ~~but shall revoke the driver's permit, and such driver shall not be eligible to receive a~~
1353 ~~new permit for a period of one year from the date of such revocation.~~

1354

1355 ~~Sec. 118-97. -- Revocation of permit for driving while permit is suspended.~~

1356

1357 ~~Whenever a permittee is convicted of driving a vehicle for which a driver's~~
1358 ~~permit is required during a period for which the permit has been suspended, the~~
1359 ~~chief of police shall revoke the permit of such driver, and such driver shall not be~~
1360 ~~eligible to receive a new permit for a period of one year from the date of such~~
1361 ~~revocation.~~

1362

1363 ~~Sec. 118-98. -- Revocation of permit for other causes.~~

1364

- 1365 ~~(a) The chief of police shall revoke the permit of any driver whenever the chief finds any~~
1366 ~~of the following causes to exist:~~
1367 ~~(1) The permittee has obtained a permit by false statements in the application for~~
1368 ~~such permit or upon misrepresentation.~~
1369 ~~(2) The permittee has become physically or mentally incapable of driving a vehicle.~~
1370 ~~(3) The permittee has been convicted of a felony.~~
1371 ~~(4) The permittee has been convicted of a misdemeanor or ordinance violation~~
1372 ~~involving moral turpitude.~~
1373 ~~(b) In addition to the powers to revoke under subsection (a) of this section, the chief of~~
1374 ~~police shall have continuing jurisdiction as to permits granted under this division. In~~
1375 ~~the event of misconduct or acts on the part of a permittee which would be sufficient~~

1376 to justify the refusal of a permit in the case of an original application, the chief of
1377 police may revoke a license already granted.

1378
1379 ~~Sec. 118-99. - Notice of hearing involving permit or suspension or revocation of permit.~~

1380
1381 The chief of police director shall notify the driver of any hearing involving
1382 the driver's permit, of any suspension, or of any revocation of a driver's permit by
1383 registered mail directed to the last residence address of the driver on file with the
1384 chief of police director. Notice of suspension or revocation shall require the driver
1385 to surrender the driver's permit and identification card.

1386
1387 ~~Sec. 118-100. - Eligibility for permit after three revocations.~~

1388
1389 Whenever a permittee has had the driver's permit revoked three times, the
1390 permittee shall not be entitled thereafter to make application for a new permit
1391 except with the approval of the city manager.

1392
1393 ~~Sec. 118-100. - Authority to establish additional regulations.~~

1394
1395 The chief of police and director of finance are hereby authorized and
1396 empowered to establish and adopt such procedures required to carry out the
1397 intent of this article.

1398
1399 ~~Sec. 118-102. - Replacement of lost or stolen permits.~~

1400
1401 A charge of \$10.00 shall be paid to the director of finance by the holder of
1402 a driver's permit for the replacement of the permit when misplaced, lost or stolen.

1403
1404 ~~Secs. 118-40382—118-120. - Reserved.~~

1405
1406 DIVISION 3. - FEES, CHARGES AND RATES

1407
1408 Sec. 118-121. - Payment of fees and charges by licensees and permittees.

1409
1410 (a) It shall be unlawful for a person to operate a taxicab, transportation network
1411 company, airport limousine, or courtesy car service prior to the payment of all fees
1412 and charges required by this article and by the various provisions of this Code.
1413 Failure to pay any annual fees, charges or taxes established by this article or the
1414 various provisions of this Code is grounds for revocation of any permit or license
1415 issued to such person, and revocation shall not be deemed the exclusive remedy
1416 available to the city.

1417 (b) It shall be unlawful for a person to drive a taxicab, airport limousine or courtesy car
1418 prior to the payment of all fees and charges required by this article and by the
1419 various provisions of this Code, and this is grounds for revocation of any permit or
1420 license issued to such person, and revocation shall not be deemed the exclusive
1421 remedy available to the city.

1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466

Sec. 118-122. - Application fee for taxicab, transportation network company or airport limousine company license.

There is hereby established an application fee for a taxicab, transportation network company, or airport limousine company license or permit. Such fee shall be such amount as established by ordinance from time to time. Such fee shall be paid prior to the acceptance of the application for a license or permit by the director of finance. Failure to pay such fee shall be grounds for refusing to accept and process an application for a license or permit. The proceeds shall be used to defray the cost of processing the application for a taxicab, transportation network, or airport limousine company license or permit. The application fee shall not in any part be refunded to the applicant.

~~Sec. 118-123. - Application fee for driver's permit.~~

~~There is hereby established an application fee of such amount as established by ordinance from time to time for a driver's permit or renewal thereof. Such fee shall be paid to the director of finance, who shall then issue a receipt to the applicant. The chief of police shall not accept an application for a driver's permit without such a receipt. The application fee shall defray the cost of processing the application, the cost of any hearing, the cost of testing, and other administrative costs and shall include the initial annual driver's permit fee. If this application is withdrawn or if the permit is not issued to the applicant, the director of finance shall refund to the applicant an amount equal to one-half the cost of the driver's permit.~~

Sec. 118-1243. - License fee for taxicab or airport limousine company.

The taxicab or airport limousine company's license fee is hereby established as that fee which is set out in subsection 70-84(132).

~~Sec. 118-125. - Delinquent application fee for driver's permit.~~

~~There is hereby established a delinquent application fee for making application for a renewal of a driver's permit. Such fee shall be such amount as established by ordinance from time to time and shall be assessed in accordance with the provisions of sections 118-48 and 118-89.~~

Sec. 118-1264. - Vehicle inspection fee.

There is hereby established a vehicle inspection fee, which shall be assessed against the operator each time the vehicle is inspected or reinspected pursuant to this article. No approval of a vehicle shall be given until such inspection fee is paid to the director of finance or his authorized agent. Such fee

1467 shall be such amount as established by ordinance from time to time. This section
1468 shall not apply to Transportation Network Company vehicles.

1469
1470 Sec. 118-1275. - Taxicab rates.

- 1471
1472 (a) The maximum rates charged to passengers of any taxicab company shall be on file
1473 with the director of ~~finance~~. The rates shall be posted in each taxicab vehicle and
1474 visible to all passengers. Taxicab companies may only change the maximum rates
1475 to be charged to passengers by filing a notice with the director of ~~finance~~ 30 days in
1476 advance of any rate change. Failure to notify the director of ~~finance~~ of a change in
1477 rates 30 days in advance, or charging a passenger more than the rates on file, may
1478 result in a one-year suspension of the taxicab company license or the permit of the
1479 driver involved, or both. Notwithstanding the foregoing language, taxicab companies
1480 may change their rates only once every 180 days.
1481 (b) Notwithstanding the provisions of subsection (a), any taxicab company may charge
1482 a rate lower than those rates on file for the company with the director of ~~finance~~.
1483

1484 Sec. 118-1286. - Airport limousine rates.

- 1485 (a) The maximum rates charged to passengers of any airport limousine company shall
1486 be on file with the director of ~~finance~~. The rates shall be posted in each airport
1487 limousine and visible to all passengers. Airport limousines may only change the
1488 maximum rates to be charged to passengers by filing a notice with the director of ~~of~~
1489 ~~finance~~ 30 days in advance of any rate change. Failure to notify the director of ~~of~~
1490 ~~finance~~ of a change in rates 30 days in advance, or charging a passenger more
1491 than the rates on file, may result in a one-year suspension of the airport limousine
1492 company license or the permit of the driver involved, or both. Notwithstanding the
1493 foregoing language, airport limousine companies may change their rates only once
1494 every 180 days.
1495 (b) Notwithstanding the provisions of subsection (a), any airport limousine company
1496 may charge a rate lower than those rates on file for the company with the director of ~~of~~
1497 ~~finance~~.
1498

1499 Sec. 118-127. - Transportation network services rates

- 1500
1501 (a) Transportation network vehicles shall be for hire at a fare or fare structure that is
1502 available to the passenger in advance of requesting the trip. The transportation
1503 network company must provide a passenger with the total fare or a means to obtain
1504 a fare estimate under the current fare structure, inclusive of any dynamic pricing
1505 that will be applied to the trip. Within 24 hours of the conclusion of the trip, the
1506 transportation network company shall give the passenger a legible receipt showing:
1507 (1) The rate, if applicable;
1508 (2) Total fare;
1509 (3) The mileage;
1510 (4) The time;
1511 (5) The name of the transportation network company;
1512 (6) The first name of the driver; and

1559 Attest: _____, City Clerk

1560

1561 Filed as Ordinance: _____

1562

1563 Approved as to form: Amanda R. Callaway, Assistant City Attorney

1564

1565 Approved for Council action: [Signature], City Manager

SUPPLEMENTAL EXPLANATION TO SUBSTITUTE COUNCIL BILL NO: 2016- 244

FILED: 10-25-16

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: Amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers.

BACKGROUND INFORMATION: General Background re the bill:

The transportation industry is adapting with the addition of new technology. Transportation Network Companies (TNC's) are utilizing digital networks and software applications to connect drivers with passengers. Our current taxi regulations do not fit the advent of this new technology, and therefore TNC's are not able to operate in Springfield based on the lack of authorizing code provisions. The Springfield Convention and Visitor's Bureau has also noted that visitors to Springfield have inquired about the ability to utilize a TNC for transportation services.

The TNC topic was referred to the City Council Finance and Administration Committee. Council Bill No. 2016-064 was sent by the Committee to City Council on March 21, 2016. At that meeting Council Bill No. 2016-064 was tabled and the topic of TNCs was referred back to the Committee. The Committee met on August 19, 2016, September 20, 2016, and October 4, 2016. At the October 4, 2016, meeting the Committee voted to send the new Council Bill for Council Consideration.

Substitute Bill:

This proposed Council Bill contains several differences from the bill that the Committee approved on October 4, 2016. Subsequent to the final Committee meeting, City staff received comments from the industry and held a conference call to discuss feedback to the Committee-recommended version of the bill. Many of the changes are related to use of terminology and remove requirements that do not apply naturally to the TNC structure. Some of those differences are listed below:

- Changes to the requirement that the City provide 10 days notice to the company prior to inspection of a TNC, taxicab, or airport limousine company's records.
- Modifies the requirement that TNC owners do not sell or lease vehicles to TNC drivers.
- Removes the prohibition of TNC drivers against cruising an area while waiting for a ride to connect through the TNC's application.
- It does not amend the insurance amounts for TNCs required prior to April 1, 2017, as set forth in the Committee bill. However, it does provide that after Section 379.1702 RSMo, the state law governing TNC insurance, goes into effect on April 1, 2017, that the City's ordinance will rely upon and incorporate amounts listed in

the state law instead of listing the exact amounts of insurance required in Springfield's city code. This change will allow the state law to be amended which will then change the amount we require under our city code because our city code will only reference the state law instead of listing the specific amounts required.

REMARKS:

Submitted by:


Amanda Callaway, Assistant City Attorney

Recommended by:


Collin Quigley, Assistant City Manger

Approved by:


Greg Burris, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 39
Filed: 08-30-16

Sponsored by: McClure, Hosmer,
Fulnecky, and Schilling

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 244

GENERAL ORDINANCE NO. _____

AN ORDINANCE

1 AMENDING the Springfield City Code by repealing language contained in Chapter 118
2 Vehicles for Hire, and adding new regulations for Transportation
3 Network Companies and Drivers. (The Finance and Administration
4 Committee recommends approval.)
5 _____

6 WHEREAS, the transportation industry is adapting with the addition of new
7 technology; and

8
9 WHEREAS, transportation network companies are using digital networks and
10 software applications to connect drivers with passengers; and

11
12 WHEREAS, these regulations amend existing city code to prepare for this new
13 type of transportation for hire.

14
15 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
16 SPRINGFIELD, MISSOURI, as follows, that:

17
18 Section 1 - The Springfield City Code, Chapter 118 Vehicles For Hire, is hereby
19 amended as follows:

20
21 Note: Underlined language has been added and ~~stricken~~ language has been deleted.

22
23 ARTICLE II. - TAXICABS, COURTESY CARS AND AIRPORT LIMOUSINES
24 DIVISION 1. - GENERALLY

25
26 Sec. 118-31. - Definitions.

27 The following words, terms and phrases, when used in this article, shall
28 have the meanings ascribed to them in this section, except where the context
29 clearly indicates a different meaning:

30
31 *Airport limousine* means a public vehicle operating with a legal agreement
32 with a mass transit facility and using the mass transit facility as its departure or
33 destination point, and which is not licensed by the U.S. Department of

34 Transportation or applicable state agency if such license would exempt the
35 vehicle from local regulation.

36
37 *Airport limousine fixed route.* An airport limousine shall be deemed to
38 operate over a designated fixed route where the destination and/or
39 commencement of each trip is from the same location.

40
41 *Color scheme* means the designation of the dome light color and any paint
42 and/or lettering to be placed on the doors of the taxicab or airport limousine, and
43 the insignia or logo of the taxicab or airport limousine company, and may consist
44 of a description of the paint of the entire taxicab or airport limousine.

45
46 *Courtesy car* means any vehicle operated to or from a motel or hotel
47 which is designed to carry patrons of the motel and hotel to or from fixed
48 locations in the city, or any vehicle used by an establishment arranging
49 sightseeing or other similar tours for the purpose of transporting patrons of such
50 establishment without charge.

51
52 *Cruising* means the continuous or repeated operation of any taxicab along
53 any street or alley for the purpose of obtaining or picking up passengers.

54
55 *Director* means the Director of Finance, or his or her designee.

56
57 *Driver* means the person who is driving or who is in actual physical control
58 of a taxicab, transportation network vehicle, courtesy car, or airport limousine,
59 whether as owner or agent, servant or employee of an owner.

60
61 *Driver's permit* means authorization by the city to a particular individual to
62 operate taxicabs, transportation network vehicles, or airport limousines within the
63 city upon meeting the criteria set forth in this article.

64
65 *Immoral purpose* includes any of those acts prohibited by RSMo 567.010
66 et seq., as amended.

67
68 *Interest in taxicab, transportation network vehicle, or airport limousine*
69 *company.* A person shall be deemed to have an interest in a taxicab or airport
70 limousine company when he is a sole proprietor, partner or limited partner of the
71 firm or business holding a taxicab or airport limousine license under this article or
72 which is required to obtain a license under this article; has in his control, either
73 through direct ownership or through the ownership of a spouse or minor child, ten
74 percent or more of the outstanding stock of such taxicab or airport limousine

75 company; or has a security interest in over 50 percent of the tangible assets of
76 the firm or business.

77
78 *Licensee* means the holder of the taxicab or airport limousine company
79 license.

80
81 *Owner* and operator mean any person who derives, or has the right to
82 derive, income directly or indirectly from the operation of one or more taxicabs,
83 transportation network vehicles, courtesy cars, or airport limousines.

84
85 *Permittee* means the holder of a transportation network company permit.

86
87 *Rate zone* means the area of the city to which a certain trip rate of an
88 airport limousine applies.

89
90 *Specialty passenger service* means the use of specialty passenger
91 vehicles for the transportation of passengers at special events or activities or for
92 the transportation of passengers in areas established by the city manager or his
93 designee as special activity areas.

94
95 *Specialty passenger vehicles* means buses, motorized trolleys or similar
96 motor vehicles equipped to transport five or more passengers in three or more
97 rows of seats and the design of which exhibits unique or unusual characteristics
98 that add to the ambiance of a special event or special activity area in which
99 specialty passenger service is being allowed.

100
101 *Taxicab* means all motor vehicles operated as public carriers of
102 passengers for hire over other than fixed routes, but shall not include
103 transportation network vehicles.

104
105 *Taxicab company* means a person who owns controls or operates at least
106 one taxicab which transports passengers for hire.

107
108 *Taxicab owner* and owner mean any person who has any interest in the
109 title of a taxicab which is recognized under state law.

110
111 *Taximeter* means a mechanical instrument or device by which the charge
112 for hire of a taxicab, at a predetermined rate, is mechanically calculated and
113 registered, either for distance traveled or for waiting time, or both, and upon
114 which such charge shall be indicated by means of figures which are electrically

115 lighted each time the taximeter's flag is thrown from the non-earning to the
116 earning position.

117
118 Transportation network company driver means an individual who operates
119 a motor vehicle that is:

- 120 (1) owned, leased, or otherwise authorized for use by the individual;
121 (2) not a taxicab, courtesy car, or airport limousine; and
122 (3) used to provide transportation network company services.

123
124 Transportation network company means an entity for which a permit has
125 been issued pursuant to this chapter and operating in Springfield, Missouri, that
126 uses a digital network or software application service to connect passengers to
127 transportation network company services provided by transportation network
128 company drivers. A transportation network company is not deemed to own,
129 control, operate or manage the vehicles used by transportation network company
130 drivers, and is not a taxicab association.

131
132 Transportation network company services means transportation of a
133 passenger between points chosen by the passenger and prearranged with a
134 transportation network company driver through the use of a transportation
135 network company digital network or software application. Transportation network
136 company services shall begin when a transportation network company driver
137 accepts a request for transportation received through the transportation network
138 company's digital network or software application service, continue while the
139 transportation network company driver transports the passenger in the
140 transportation network vehicle, and end when the passenger exits the
141 transportation network vehicle. Transportation network company service is not a
142 taxicab or street hail service.

143
144 Transportation network vehicle means any vehicle used to provide a
145 transportation network service including any time when a driver is logged onto
146 the transportation network company's Internet-enabled application or digital
147 platform showing that the driver is available to pick up passengers, when a
148 passenger is in the vehicle, when the provider's dispatch records show that the
149 vehicle is dispatched, or when the driver has accepted a dispatch and is en route
150 to provide transportation network services to a passenger.

151
152 Transporting passengers for hire. A person transports passengers for hire
153 if he provides transportation for passengers and derives therefrom, directly or
154 indirectly, any financial benefit.

156 *Vehicle permit* means authorization by the city to the owner of the taxicab,
157 transportation network vehicle, or airport limousine to operate a particular vehicle
158 as a taxicab, transportation network vehicle, or airport limousine within the
159 corporate limits of the city.

160
161 *Waiting time* means the time when a taxicab is not in motion, from the time
162 of acceptance of a passenger to the time of discharge, but not including any time
163 the taxicab is not in motion due to mechanical breakdown, traffic conditions or
164 any cause other than the request, act or fault of a passenger.

165
166 (G.O. No. 5391, § 1, 7-6-2004)

167
168 **Cross reference**— Definitions generally, § 1-2.

169
170 Sec. 118-32. - Penalty.

171
172 Any person who violates the provisions of this article shall be subject to a
173 fine and penalty under section 1-7 for each trip he makes while not in
174 compliance, except that failure to have requisite permits and/or licenses shall
175 constitute a separate violation for each day the person fails to comply with the
176 provisions of this article.

177
178 Sec. 118-33. - Injunctive relief.

179
180 In addition to the penalties set forth in this article, the city attorney is
181 hereby authorized to file and obtain injunctions on behalf of the city against
182 persons who are violating provisions of this article. If the city seeks injunctive
183 relief from the circuit court for violations of this article, penalty provisions set forth
184 in this article shall not apply to any person violating this article.

185
186 Sec. 118-34. - Intent of article; findings.

187
188 The city council hereby finds and declares that it is the intent of this article
189 to provide for a unified transportation system based upon considerations of public
190 health, safety and welfare and a determination of public convenience and
191 necessity. The city council further finds and declares that the operation of motor
192 vehicles to carry passengers for hire in violation of the provisions of this article
193 affects the public health, safety and welfare and constitutes a public nuisance
194 because it involves the operation of a business on the streets of the city without
195 obtaining the necessary authority, permits, or licenses.

196
197 Sec. 118-35. - Applicability of article; exceptions.

- 199 (a) This article shall apply whenever a passenger to be transported for hire is picked up
200 within the city limits, regardless of his destination, but shall not be applicable if the
201 passenger is picked up outside the city limits and is discharged within the city limits.
202 (b) This article shall not apply to transportation provided as follows:
203 (1) By any persons operating a transportation system which is funded in whole or in
204 part by a federal, state or local governmental agency.
205 (2) By renting a vehicle for a minimum period of two hours to not more than one
206 person, provided that a vehicle which is so rented shall not otherwise be used
207 as a taxicab, courtesy car, transportation network vehicle, or airport limousine
208 within the provisions of this article.
209 (3) If the passenger is picked up outside the city limits and is discharged within the
210 city limits.
211 (4) By any person who possesses a permit issued by the Interstate Commerce
212 Commission or state public service commission to transport passengers for
213 hire, over which person the city has no authority.
214 (5) By any business regulated in whole by the federal or state government and to
215 which local regulations would not apply.
216

217 Sec. 118-36. - License, permit, or other authorization required for transport of
218 passengers for hire.
219

220 It shall be unlawful for any person to carry passengers for hire in a motor
221 vehicle or operate or maintain a business which carries passengers for hire in
222 motor vehicles within the city, unless the person is authorized to operate such a
223 motor vehicle for hire under this Code or federal or state law.
224

225 Sec. 118-37. - Proof of insurance and inspection of vehicles prerequisite to issuance of
226 license or permit.
227

228 (1) The director of ~~finance~~ shall have the authority to issue or renew a license or
229 permit to operate a taxicab, transportation network, or airport limousine company as
230 provided in this article, but no license or permit shall be issued or renewed until the
231 applicant has produced proof of insurance as required by this article and all vehicles to
232 be operated by or on behalf of ~~the~~ a taxicab or airport limousine company have been
233 inspected and approved ~~by the chief of police or his designee under this article, and~~
234 ~~specifically section 118-498.~~
235

236 Sec. 118-38. - License and permit requirements.
237

238 It shall be unlawful for any person to engage in the business of transporting
239 passengers for hire within the city except as follows:

- 240 (1) Any person ~~operating a taxicab who has obtained a driver's permit to operate a~~
241 ~~taxicab~~, who is operating a taxicab that has a valid vehicle permit, and either
242 holds a taxicab company license as required by section 118-36 or is employed
243 as an agent or employee of a licensed taxicab company or is operating his
244 vehicle under another's license as permitted by section 118-36.

- 245 (2) Any person operating an airport limousine who has obtained a permit to operate
246 an airport limousine and who has a valid current business license as required
247 by section 118-36.
- 248 (3) Any person operating a courtesy car whose operation is exempt from licensing
249 as provided by section 118-39.
- 250 (4) Any person operating a commercial trolley bike who either has a valid current
251 business license as required by section 106-611 or is employed as an agent or
252 employee of a licensed commercial trolley bike company.
- 253 (5) Any person operating a transportation network company who has obtained a
254 permit pursuant to the provisions of this article.

255
256 (G.O. No. 6209, § 4, 7-13-2015)

257
258 Sec. 118-39. - Exemption of courtesy cars from license requirement.

259 The operation of a courtesy car shall be exempt from the licensing
260 provisions of this article when operated in accordance with the following:

- 261 (1) The courtesy car shall be operated by a hotel, ~~or motel,~~ or adult or child
262 daycare facility as an adjunct of its business.
- 263 (2) The courtesy car shall carry no passengers other than employees of the hotel,
264 ~~or motel,~~ or adult or child daycare facility operating the courtesy car, except to
265 transport patrons of the hotel, ~~or motel,~~ or adult or child daycare facility ~~to and~~
266 ~~from an airport or bus station.~~
- 267 (3) The courtesy car shall serve only one hotel, ~~or motel,~~ or adult or child daycare
268 facility; provided, however, that two or more hotels, ~~or motels,~~ or adult or child
269 daycare facilities having the same ownership may be served by the same
270 courtesy car.
- 271 (4) No consideration shall be paid by the passenger or charged by the operator for
272 the services provided, except such services may be a service normally provided
273 to patrons of a motel or hotel. No additional charge may be made for providing
274 such service, either at the time the service is provided or on the customer's
275 ~~motel or hotel~~ bill.
- 276 (5) The vehicle shall be identified as a courtesy car with the name of each hotel, ~~or~~
277 or adult or child daycare facility served by the courtesy car clearly shown
278 on the outside of the vehicle.
- 279 (6) The owner of the courtesy car shall comply with all laws of the state with
280 respect to vehicle safety, vehicle inspection and method of operation.
- 281 (7) The owner shall carry the minimum insurance requirements established under
282 this article for taxicabs, airport limousines and courtesy cars.

283
284 Sec. 118-40. - Application for license or permit.

285
286 Application for a taxicab, transportation network, or airport limousine
287 company license or permit under this article shall be made to the director of
288 finance. Such application shall be verified under oath and shall set forth the
289 following:

- 290 (1) A full identification of the applicant and all persons having an interest in the
291 license or permit if granted.
- 292 (2) The residence and business address and the citizenship of all members of any
293 firm or partnership and of all officers, directors and stockholders of any
294 corporation applying.
- 295 (3) Whether or not the applicant or any of the persons to be interested in the
296 license or permit, if granted, has been convicted of the violation of any national,
297 state or municipal law.
- 298 (4) Proof of financial responsibility, including but not limited to the following:
- 299 a. ~~Balance sheet and income statement prepared by a certified public~~
300 ~~accountant or public accountant and which contains the same information~~
301 ~~as the balance sheet and income statement required by section 118-48(2).~~
- 302 ba. Statement of any unpaid claims or unsatisfied judgments against the
303 applicant, other persons interested in the license or permit, if granted, or
304 any other person with whom the applicant has been either associated or
305 employed, for damages resulting from the negligent operation of a vehicle.
- 306 eb. Statement of any unpaid claims or unsatisfied judgments ~~not covered in~~
307 ~~subsection (4)a of this section~~ which have arisen in the past six years, and
308 an explanation of each transaction giving rise to such unpaid claims or
309 unsatisfied judgments.
- 310 ec. Submission of required proof of insurance, ~~bonds and security pursuant to~~
311 ~~sections 118-46 and 118-47.~~
- 312 ~~(5) The past experience that the applicant has had in rendering taxicab, airport~~
313 ~~limousine, courtesy car, or other public passengers for hire service in any~~
314 ~~municipality, including but not limited to the names of supervisors, the names~~
315 ~~and addresses of taxicab companies the applicant has operated for, dates of~~
316 ~~service and municipalities.~~
- 317 ~~(6)~~5 Whether or not any permit or license issued to the applicant or other person
318 interested in the license or permit, if granted, has been revoked, and, if so, the
319 circumstances of such revocation.
- 320 ~~(7)~~6 The number of taxicabs, transportation network company vehicles, or airport
321 limousines proposed to be operated.
- 322 ~~(8)~~7 A complete description of the vehicles to be used in the proposed operation,
323 including but not limited to vehicle make, model, VIN and color scheme, and a
324 complete description of the proposed operation. This subsection shall not apply
325 to transportation network companies.
- 326 ~~(9)~~8 The color scheme, name and characteristic insignia to be used to designate the
327 vehicles of the applicant as approved by the director ~~of finance~~. This subsection
328 shall not apply to transportation network companies.
- 329 a. The color scheme may not duplicate that of an already licensed taxicab or
330 airport limousine company, including the primary color to be placed on the
331 doors, or be so close in design as to cause confusion among the public as
332 to the identity of the taxicab or airport limousine company, and must be
333 consistently used on each and every vehicle operated under the taxicab or
334 airport limousine company license.

335 b. Any taxicab vehicle in service on January 31, 1996, shall not be required to
336 be changed to conform to the color scheme of the taxicab company, with
337 the exception of the dome light, to comply with this section. Any taxicab
338 vehicle placed in service after January 31, 1996, shall comply with this
339 section. If, at the time of the effective date of the ordinance from which this
340 article is derived, two taxicab companies are using the same or similar color
341 schemes, the taxicab company which first used the color scheme may
342 continue using the color scheme. All other taxicab companies shall
343 designate a different color scheme for future use; provided, however, no
344 two taxicab companies may designate a color that is a different shade of a
345 color designated by another company as its primary or main color. By way
346 of example, but not limitation, should one company designate yellow as its
347 primary, main or distinctive color, no other shade of yellow may be
348 permitted.

349 (9) An individual, together with the individual's name, address, e-mail address, and
350 telephone number, who is authorized to represent the company in the capacity
351 of a registered agent, and authorized to accept notices and tickets issued
352 pursuant to this Chapter.

353 (10) A schedule of proposed fares for the transportation network services.

354 (11) A statement signed by the applicant that they will obey all laws, rules,
355 regulations, policies, and procedures that govern companies regulated by this
356 chapter.

357 (12) A statement signed by the applicant that they will not allow drivers to utilize
358 their service until the drivers have met all requirements of this chapter and are
359 in good standing with the director.

360 (13) No transportation network company permittee shall disable, eliminate or
361 otherwise prevent access to the transportation network company's application
362 by the licensing official or designee of the licensee's official for purposes of
363 enforcing this chapter.

364 ~~(104) Such further information as the chief of police or director of finance may~~
365 ~~require.~~

366
367 Sec. 118- 41. - Responsibilities of Taxicab, Transportation Network, and Airport
368 Limousine Companies for self-regulating drivers.

369 (1) A taxicab, transportation network, or airport limousine company shall be
370 responsible for conducting a background check prior to allowing a driver to provide
371 transportation for hire and/or transportation network services. A taxicab, transportation
372 network, or airport limousine company shall, at a minimum, verify that all drivers meet
373 the following requirements:

374 a. The driver is at least 18 years of age;

375 b. The driver has all required licenses under the laws of the state of
376 Missouri to operate a taxicab, transportation network company vehicle, or
377 airport limousine;

378 c. The driver has not been convicted within the past seven years of

379 1. Any felony; or

380 2. Misdemeanor involving driving under the influence, reckless
381 driving, hit and run, or any other driving related offense or any
382 misdemeanor violent offense or sexual offense.

383 d. The driver is not a match in the United States Department of Justice
384 National Sex Offender Public website; and

385 e. The driver has not had more than three moving violations in the prior
386 three-year period of time, or one of the following major violations in the
387 prior three-year period of time:

388 1. Attempting to evade the police,

389 2. Reckless driving, or

390 3. Driving on a suspended or revoked license.

391
392 (2) Taxicab, transportation network, and airport limousine companies shall
393 establish a zero tolerance policy on the use of drugs or alcohol while its drivers are
394 providing transportation for hire and/or transportation network services.

395 (3) Taxicab, transportation network, and airport limousine companies shall
396 immediately suspend any of its drivers from transporting passengers for hire upon
397 receiving a passenger complaint concerning a driver, and shall conduct a commercially
398 reasonable investigation to determine whether the complaint is valid. Such suspension
399 shall be for at least the time period reasonably necessary for the taxicab, transportation
400 network, or airport limousine company and the city to investigate the complaint.

401 (4) Taxicab, transportation network, and airport limousine companies shall not
402 allow any driver to provide transportation for hire and/or transportation network services
403 for the company if that driver is currently suspended by another taxicab, transportation
404 network, or airport limousine company or that driver has been removed or prohibited by
405 that company from transporting passengers for hire.

406 (5) Taxicab, transportation network, and airport limousine companies shall keep
407 and maintain detailed records relevant to the requirements of this section for the
408 purposes of documentation and verifying enforcement and shall promptly make all such
409 records available to the Director upon request.

410 (6) If a person files a complaint with the city against a driver or a taxicab,
411 transportation network, or airport limousine company, or if the city is investigating non-
412 compliance or a code violation, the city may inspect the taxicab, transportation network,
413 or airport limousine company's records as reasonably necessary to investigate and
414 resolve any complaint or violation.

415 (7) Taxicab and airport limousine companies shall make the drivers identification
416 available to passengers by posting the drivers identification in a conspicuous manner
417 inside the taxicab or airport limousine. Transportation network companies shall make
418 the transportation network company driver information available through the
419 transportation network company's digital network or application.

420
421 Sec. 118-442. - Granting or denial of license or permit.

422
423 Whenever any applicant for a taxicab, transportation network company, or
424 airport limousine company license or permit shall have complied with all the
425 conditions and regulations pertaining to the filing of his application, the director of

426 ~~finance~~ shall issue the license or permit unless the information contained in the
427 application demonstrates that it is not in the best interests of the public health
428 and safety of the residents of the city that a license or permit should be issued. If
429 an application for a license or permit is denied, the applicant shall have the right
430 to a hearing before a hearing officer designated by the city manager, in
431 accordance with the procedures set forth in section 118-434 for revocation of a
432 license or permit.

433
434 Sec. 118-423. - Transfer of license or permit.

435
436 No taxicab, transportation network, or airport limousine company license
437 or permit issued under this article or any interest in such license or permit shall
438 be transferred from one person to another. However, nothing in this section shall
439 prevent the cancellation, release or other termination of a security interest in the
440 tangible or intangible assets of the business entity holding the taxicab,
441 transportation network, or airport limousine company license or permit if such
442 cancellation, release or other termination of the security interest is executed by
443 and between the holder of the taxicab, transportation network, or airport
444 limousine company license or permit and the holder of the security interest or
445 approved assignee thereof.

446
447 Sec. 118-434. - Revocation and/or suspension of license or permit.

- 448
449 (a) The director ~~of finance~~ shall notify the licensee or permittee, and any person
450 holding a financial interest in the taxicab, transportation network, or airport
451 limousine company as shown on the records of the director ~~of finance~~ or the
452 application for a license or permit, of any violation of this article which he has
453 reason to believe exists and state whether based on such violation the director is
454 seeking to revoke or suspend the license or permit, by certified mail, to the address
455 listed by the taxicab, transportation network vehicle, or airport limousine company
456 on its license or permit application. Within ten days of the notice of the violation, a
457 request in writing may be made to the director ~~of finance~~ by the person holding a
458 taxicab, transportation network, or airport limousine company license or permit, as
459 shown by the records of the finance department and on the application for a license
460 or permit, for an administrative hearing before a hearing officer designated by the
461 city manager. Such hearing shall be held under the rules of administrative
462 procedure, and the hearing officer shall take evidence and issue a ruling on whether
463 or not the taxicab, transportation network, or airport limousine company has violated
464 any of the following conditions. If such is found, the hearing officer may revoke
465 and/or suspend the license or permit to operate a taxicab, transportation network, or
466 airport limousine company. If no request in writing for a hearing is received within
467 the ten-day period, the director ~~of finance~~ shall have power to revoke and/or
468 suspend any such taxicab, transportation network, or airport limousine company
469 license or permit for the following reasons:

- 470 (1) The violation of any provision of this article.
- 471 ~~(2) When it has been proved to the director of finance by a preponderance of the~~
- 472 ~~evidence before him that the holder of such taxicab or airport limousine~~
- 473 ~~company license has discontinued operation for a period of more than 30~~
- 474 ~~consecutive days.~~
- 475 (32) That such licensee or permittee has knowingly continued to employ a driver in
- 476 violation of this article, a driver who has violated provisions of this article, or
- 477 whose driving activity on behalf of the taxicab, transportation network, or airport
- 478 limousine company is not covered by insurance as required under this article.
- 479 (43) Whenever it shall appear that a license or permit issued under this article has
- 480 been obtained by misrepresentation or fraud.
- 481 (54) That the licensee or permittee has knowingly continued to employ a driver who
- 482 has refused service to an individual without proper cause or that such person
- 483 encourages such practice to be the method of operation or has violated the
- 484 provisions of this article.
- 485 (6) ~~That the licensee failed to replace a canceled security or bond required by this~~
- 486 ~~article within 15 days, excluding Saturdays, Sundays or legal holidays, from the~~
- 487 ~~director of finance's receipt of notice of cancellation.~~
- 488 (75) That the licensee or permittee has refused or permitted others under its license
- 489 or permit to refuse to provide a receipt upon request to any passenger that
- 490 contains the amount charged for service, the number assigned to the taxicab or
- 491 airport limousine driver by the ~~chief of police~~ director, and the number of the
- 492 taxicab or airport limousine.
- 493 (86) That the licensee or permit has charged or permitted others under its license or
- 494 permit to charge fares in excess of those on file with the director ~~of finance~~ as
- 495 provided in section 118-127.
- 496 (97) That such licensee or permittee has permitted the use of the same number
- 497 assigned to a vehicle by the licensee or permittee pursuant to section 118-54
- 498 for more than one vehicle at the same time.
- 499 (b) When a taxicab, transportation network, or airport limousine company license or
- 500 permit has been revoked and/or suspended, no vehicle shall continue to operate
- 501 under the name, logo, insignia or color scheme of such taxicab, transportation
- 502 network, or airport limousine company.
- 503 (c) The taxicab, transportation network, or airport limousine company license or permit
- 504 of any person shall be forthwith revoked by the director ~~of finance~~ whenever he
- 505 shall have received a certificate from any court or clerk thereof showing that such
- 506 person has failed to satisfy, within 30 days, any final judgment upon which
- 507 execution has been lawfully issued against such a person for damages on account
- 508 of bodily injury, death or damage to property resulting from the ownership,
- 509 maintenance, use or operation of a taxicab, transportation network vehicle,
- 510 courtesy car or airport limousine; except that this provision shall not apply to any
- 511 person who has presented an acceptable plan to settle such judgment.

512

513 Sec. 118-445. - Ownership of vehicles.

514

515 No taxicab, transportation network company, or airport limousine owner
516 shall sell or lease, directly or indirectly, to a taxicab, transportation network, or
517 airport limousine driver, a taxicab, transportation network vehicle, or airport
518 limousine or sign for such taxicab, transportation network vehicle, or airport
519 limousine so as to obligate the taxicab, transportation network company, or
520 airport limousine owner on behalf of the taxicab, transportation network
521 company, or airport limousine driver for the payment of the vehicle to third
522 parties.

523
524 Sec. 118-456. - Eligibility for license or permit after revocation.

525
526 Whenever a taxicab, transportation network, or airport limousine company
527 license or permit issued under this article has been revoked by the director of
528 finance for any of the reasons set forth in section 118-434, ~~excepting subsection~~
529 ~~(2) or (6)~~, no license or permit shall be issued to such person nor shall such
530 person be allowed an interest in a license or permit for a period of not less than
531 two years.

532
533 Sec. 118-467. - Vehicle insurance requirements.

534
535 (a) Before any license or permit is issued for the operation of a taxicab or airport
536 limousine, the taxicab or airport limousine company shall file with the director of
537 ~~finance~~ a policy of insurance issued by an insurance company duly licensed to
538 transact business in ~~the state~~ Missouri, covering separately or in a schedule
539 attached to such policy each vehicle licensed or permitted to be operated under the
540 direction and control of such company. Such policy shall cover legal liability for
541 bodily injuries or death of one person to the extent of ~~\$50,000.00~~ 25,000.00 and
542 subject to such limits as to injury or death of one person, of ~~\$100,000.00~~ 50,000.00
543 on account of any one accident resulting in injuries to or death of more than one
544 person, and of ~~\$25,000.00~~ 10,000.00 for damage to property on account of any one
545 accident.

546
547 (b) Before any license or permit is issued for the operation of a transportation network
548 company, the transportation network company shall file with the director a policy of
549 insurance by an insurance company duly licensed to transact business in
550 Missouri, covering separately or in a schedule attached to such policy each vehicle
551 licensed or permitted to be operated under the direction and control of such
552 company. Such policy shall be consistent with the below:

553 1. The following automobile insurance requirements shall apply while a
554 transportation network company driver is logged onto the transportation
555 network company's digital network and is available to receive transportation
556 requests but is not engaged in transportation network services:

557 (a) primary automobile liability insurance in the amount of at least
558 \$50,000.00 for death and bodily injury per person, \$100,000.00 for death
559 and bodily injury per incident, and \$25,000.00 for property damage; and

560 (b) uninsured motorist coverage in an amount not less than the limits set
561 forth under state law; and

562 2. The following automobile insurance requirements shall apply while a
563 transportation network company driver is engaged in transportation network
564 services:

565 (a) primary automobile liability insurance in the amount of at least one
566 million dollars for death, bodily injury, and property damage; and

567 (b) uninsured motorist coverage in an amount not less than the limits set
568 forth under state law.

569 3. The coverage required in Sec. 118-46(b) may be satisfied by any of the
570 following:

571 (a) Automobile insurance maintained by the transportation network
572 company; or

573 (b) Automobile insurance maintained by the transportation network
574 company driver; or

575 (c) Any combination of paragraphs (a) and (b).

576
577 ~~(b)~~(c) All such policies shall provide that they may not be canceled unless written notice
578 of proposed cancellation is delivered to the office of the director of finance at least
579 30 days prior to the date of the proposed cancellation. If the taxicab, transportation
580 network, or airport limousine company licensee, permittee, or other responsible
581 party shall fail within the period specified in such notice of cancellation to provide
582 proof of insurance as provided in subsection (a) of this section, then the license or
583 permit affected by such cancellation shall be revoked as of the day such insurance
584 ceases to be in force and effect, and thereafter it shall be unlawful for such owner or
585 other responsible party to operate taxicabs, transportation network vehicles, or
586 airport limousines in the city. If the taxicab, transportation network, or airport
587 limousine company or responsible third party shall file a policy of insurance as
588 required by this section within 30 days after the date of such revocation, then such
589 revocation shall be lifted.

590 ~~(e)~~(d) All taxicab, transportation network, or airport limousine companies shall annually
591 file with the director of finance a monthly list showing the year, make, model, VIN
592 number, record of owner, and company providing insurance coverage for each and
593 every taxicab, transportation network vehicle, or airport limousine in service under
594 its license or permit. No taxicab, transportation network vehicle, or airport limousine
595 shall be placed in service or permitted to operate under the taxicab, transportation
596 network vehicle, or airport limousine license or permit unless it is shown on such list
597 within 30 days of being placed in service.

598 (e) If insurance maintained by a driver in subsection b(1) or b(2) of this section has
599 lapsed or does not provide the required coverage, insurance maintained by a
600 transportation network company shall provide the coverage required by this section
601 beginning with the first dollar of a claim and the transportation network company
602 shall have the duty to defend such claim. If the insurance maintained by the driver
603 does not otherwise exclude coverage for loss or injury while the driver is logged on
604 to any transportation network company's digital network or while the driver provides
605 transportation network services, but does not provide insurance coverage at the

606 minimum limits required by subsection b(1) or b(2) of this section, the transportation
607 network company shall maintain insurance coverage that provides excess coverage
608 beyond the driver's policy limits up to the limits required by subsection b(1) or b(2)
609 of this section, as applicable.

610 (f) Coverage under an automobile insurance policy maintained by the transportation
611 network company shall not be dependent on a personal automobile insurer first
612 denying a claim nor shall a personal automobile insurance policy be required to first
613 deny a claim.

614 (g) A transportation network company driver shall carry proof of coverage satisfying
615 subsections b(1) and b(2) of this section with him or her at all times during his or her
616 use of a vehicle in connection with a transportation network company's digital
617 network. In the event of an accident, a transportation network company driver shall
618 provide this insurance coverage information to the directly interested parties,
619 automobile insurers, and investigating police officers, upon request. Upon such
620 request, a transportation network company driver shall also disclose to directly
621 interested parties, automobile insurers, and investigating police officers whether the
622 driver was logged on to the transportation network company's digital network or
623 providing transportation network services at the time of the accident

624 .
625 (h) The transportation network company shall disclose in writing to transportation
626 network company drivers the following before they are allowed to accept a request
627 for transportation network company services on the transportation network
628 company's digital network:

629 1. The insurance coverage, including types of coverage and the limits for each
630 coverage, that the transportation network company provides while the transportation
631 network company driver uses a personal vehicle in connection with a transportation
632 network company's digital network; and

633 2. That the transportation network company driver's own automobile insurance
634 policy might not provide any coverage while the driver is logged on to the
635 transportation network company's digital network and is available to receive
636 transportation requests or is engaged in transportation network company services
637 depending on the policy's terms.

638 (i) A transportation network company shall make the following disclosure to a
639 prospective driver in the prospective driver's terms of service:
640 IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION
641 NETWORK COMPANY SERVICES HAS A LIEN AGAINST IT, USING THE
642 VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES MAY
643 VIOLATE THE TERMS WITH THE LIEN HOLDER.
644 IF A TRANSPORTATION NETWORK COMPANY'S INSURER MAKES A
645 PAYMENT FOR A CLAIM COVERED UNDER COMPREHENSIVE COVERAGE
646 OR COLLISION COVERAGE, THE TRANSPORTATION NETWORK COMPANY
647 SHALL CAUSE ITS INSURER TO ISSUE THE PAYMENT DIRECTLY TO THE
648 BUSINESS REPAIRING THE VEHICLE OR JOINTLY TO THE OWNER OF THE
649 VEHICLE AND THE PRIMARY LIENHOLDER ON THE COVERED VEHICLE.

650 The disclosure set forth in this subsection shall be placed prominently in the
651 prospective driver's written terms of service, and the prospective driver shall
652 acknowledge the terms of service electronically or by signature.

653 ~~Sec. 118-47. — Proof of liquid assets or posting of security.~~

654
655
656 ~~Before any taxicab or airport limousine company license is issued for the~~
657 ~~operation of a taxicab or airport limousine, the applicant shall file with the director~~
658 ~~of finance proof of \$5,000.00 in liquid assets. The holder of the taxicab or airport~~
659 ~~limousine company license shall maintain the liquidity of these assets and not~~
660 ~~allow the value of the assets to fall below \$5,000.00. In lieu of this, the applicant~~
661 ~~may post security in the same denomination either by posting a bond by a~~
662 ~~corporate surety authorized to do business in the state or by posting an escrow~~
663 ~~agreement. The bond or the escrow shall state that it is for the benefit of all~~
664 ~~creditors of the applicant which are unsecured or which are not protected by the~~
665 ~~insurance required in section 118-46.~~

666
667 ~~Sec. 118-48. - Renewal of license or permit.~~

668
669 ~~The director of finance shall renew taxicab, transportation network, or~~
670 ~~airport limousine company licenses or permits annually as required by section~~
671 ~~118-36 to any applicant who can show the following:~~

- 672 (1) That all personal property taxes on vehicles operated as part of the business
673 have been paid.
- 674 (2) ~~That the applicant has filed a balance sheet and income statement prepared by~~
675 ~~a certified public accountant, which statement shall cover the 12-month period~~
676 ~~ending December 31 of the preceding calendar year and shall show that the~~
677 ~~business has not less than \$5,000.00 in liquid assets.~~
- 678 (3) ~~The names and addresses of the owner, partners, limited partners,~~
679 ~~stockholders, officers and creditors of the corporation.~~
- 680 (4) ~~The percent of stock ownership of every stockholder.~~
- 681 (5) ~~Adequate proof that all taxicabs or airport limousines operated by or for the~~
682 ~~benefit of the taxicab or airport limousine company have been inspected and~~
683 ~~approved by the chief of police director or his designee within 12 months prior~~
684 ~~to the date of submission of the application.~~
- 685 (6) ~~That the applicant has a current valid taxicab, transportation network, or airport~~
686 ~~limousine company license or permit.~~
- 687 (7) ~~That the applicant has filed with the director of finance a dress code with which~~
688 ~~the applicant shall require its drivers to comply, which code shall include~~
689 ~~minimum requirements of dress and personal cleanliness which shall include a~~
690 ~~collared shirt, slacks or skirt, and a badge to be worn on the front of the shirt~~
691 ~~which shows at least the number assigned by the chief of police director to the~~
692 ~~driver and the name of the taxicab or airport limousine company under whose~~
693 ~~license the driver is operating a taxicab or airport limousine.~~
- 694 (8) ~~That the applicant has tendered payment of all required fees.~~

695 (97) That the applicant has provided proof of insurance as required by section 118-
696 467.
697

698 Sec. 118-49. - Vehicle equipment and inspections.
699

700 (a) Required equipment. Every ~~vehicle~~ taxicab and airport limousine ~~governed by this~~
701 ~~article~~ shall have and maintain the following equipment:

702 (1) All appliances required by this Code and other ordinances of the city and the
703 laws of the state for motor vehicles.

704 (2) Two doors affording direct entrance and exit to and from both the front and rear
705 seats; provided, however, minivans may have one side door, which may be on
706 the nondriver's side, as a means of direct entrance and exit from rear seats.

707 (3) An adequate light in the passenger compartment, controlled by a switch control
708 in the passenger compartment.

709 (4) A speedometer in good working order.

710 (5) Cards containing the following:

711 a. A card located in the passenger compartment, not less than four inches by
712 six inches in size, which shall have plainly printed thereon the name of the
713 taxicab or airport limousine company, its business address and telephone
714 number, and the current schedule of fares on file with the director ~~of finance~~
715 as provided in division 3 of this article to be charged for the conveyance of
716 passengers.

717 b. A separate card provided by the director ~~of finance~~ to be located in the
718 passenger compartment, not less than four inches by six inches in size,
719 which shall have plainly printed thereon the address and telephone number
720 where the customer may register complaints and comments about the
721 taxicab or airport limousine service, and a list of the rights of customers
722 granted by this article.

723 (6) The vehicle permit issued by the ~~chief of police~~ director.

724 (7) A permanent device for affixing the daily log sheet.

725 (8) A side-view mirror attached to both the left and right sides of the vehicle.

726 (9) A card located in the passenger compartment on which there shall be the
727 statement that it is unlawful to refuse service to any member of the general
728 public when presently unoccupied except for the reason that such person is
729 intoxicated, is using profanity, is abusive, desires to use the service to commit
730 unlawful acts, presents an unreasonable risk of harm or injury to the driver, or
731 cannot pay. However, this provision shall not apply to courtesy cars.

732 (10) A display of the number assigned to the taxicab or airport limousine by the
733 taxicab or airport limousine owner or taxicab or airport limousine company
734 under whose license or permit the vehicle is operated which has each number
735 no less than one inch in height and readily discernible by any person sitting in a
736 seat intended for use by a passenger.

737 (11) For taxicabs, a taximeter as follows: A taxicab shall be equipped with a
738 taximeter of a size and design approved by the ~~chief of police~~ director and
739 which conforms to the following requirements:

- 740 a. Each taximeter must be driven direct from the taxicab transmission or
741 connected with the speedometer driving shaft to the taximeter head itself.
- 742 b. Each taximeter must register upon visual counters the following miles:
743 1. Total miles.
744 2. Miles paid.
745 3. Number of units.
746 4. Number of trips.
747 5. Number of extras.
- 748 c. Each taximeter must be furnished with a tamperproof switch and system of
749 electrical distribution so that when the taximeter flag is in the vacant or
750 nonearning position the "vacant" sign on top of the taxicab will be lighted,
751 and when the meter flag is thrown to an earning position the fare indicator
752 of the taximeter will be lighted.
- 753 d. There shall be an electrical light or sign located on the top of each taxicab,
754 of a size and design approved by the ~~chief of police~~ director and which is
755 connected to the taximeter in the means prescribed in this article, so that
756 such light or sign will be electrically lighted when the taxicab is vacant.
- 757 (b) Annual inspection. ~~Every vehicle governed by this article~~ Taxicabs and airport
758 limousines shall be inspected annually by the ~~chief of police~~ director or his designee
759 for all items of equipment required by the provisions of this section or other
760 provisions of this article.
- 761 (c) Additional inspections; reinspections; issuance of inspection sticker. All Every
762 ~~vehicle~~ taxicabs and airport limousines involved in a motor vehicle accident in which
763 over \$500.00 damage was done to such vehicle shall be required to be reinspected.
764 Also, the city shall have access to any maintenance records of ~~any vehicle~~ all
765 taxicabs and airport limousines upon request and may order a reinspection at any
766 time after the expiration of 30 days from the date of a previous inspection, provided
767 there is reason to believe that the vehicle's operation does not comply with the
768 provisions of this article or that the vehicle is dangerous or unsafe or is not being
769 properly maintained or used. If the vehicle cannot be approved upon a reinspection,
770 the director ~~of finance~~ shall first order such vehicle's operation to be discontinued
771 for a period of 15 days in which the owner of the vehicle may request a second
772 reinspection. If the owner of the vehicle does not request the second reinspection or
773 if the vehicle cannot be approved upon the second reinspection, the director ~~of~~
774 ~~finance~~ shall revoke the license or permit corresponding to such vehicle. An
775 inspection sticker shall be issued for each vehicle which passes the required
776 inspection and shall be affixed on the vehicle by the city in a visible location.
- 777 (d) Inspection sticker required. It shall be unlawful to operate a taxicab or airport
778 limousine on the city streets without a current valid inspection sticker affixed thereto.
779 The inspection sticker shall be valid for a period not to exceed one year from the
780 date it is issued and shall not be transferred to any other vehicle.

781
782 Sec. 118-50. - Cleanliness and condition of vehicles.

783
784 Every vehicle governed by this article shall be kept in a clean and sanitary
785 condition and shall be swept and dusted at least once a day. Every vehicle shall

786 be kept in such condition of repair as may be reasonably necessary to provide for
787 the safety of the public and for continuous and satisfactory operation. For
788 transportation network companies, a vehicle that does not meet the requirements
789 of this Section shall, upon notice to the transportation network company, be
790 deactivated from the platform.

791 Sec. 118-51. - Refusal of service.

792
793
794 It shall be unlawful for a driver of a taxicab or airport limousine to refuse
795 service to a member of the general public except when such person is
796 intoxicated, uses profanity, is abusive, desires to use the service for an illegal
797 purpose, presents an unreasonable risk of harm or injury to the driver, or is
798 unable to pay the legal fare. However, a driver of a taxicab, courtesy car,
799 transportation network vehicle, or airport limousine shall not be required to
800 provide service to an individual under the age of 12 without an adult passenger
801 accompanying him or an individual who has as his destination point or departure
802 point a mass transit terminal facility with which the operator does not have an
803 operating agreement. A driver of a courtesy car shall not refuse service to any
804 patron of the establishment with which the courtesy car is operated in conjunction
805 unless such patron is intoxicated, uses profanity, is abusive, presents an
806 unreasonable risk of harm or injury to the driver, is violating any city ordinance, or
807 desires service for an illegal purpose.

808
809 Sec. 118-52. - Daily log of trips.

810
811 Every taxicab or airport limousine licensee shall provide at the beginning
812 of each driver's tour of duty a log sheet which is numbered in sequence. The
813 driver shall maintain such log sheet by departure time, departure location,
814 destination location, destination time and fare charged. The licensee shall collect
815 such log sheets at the end of every driver's tour of duty and maintain such
816 records for inspection by the ~~chief of police and the director of finance~~ for a
817 period of one year.

818
819 Sec. 118-53. - Records of vehicles.

820
821 Every taxicab or airport limousine licensee shall keep a record, in the
822 manner prescribed by the ~~director of finance~~, of all cars for which certificates are
823 on file with the ~~director of finance~~, showing the serial number, and, if operated,
824 the hours of operation, the name of the driver and the hours of work of each
825 driver, or, if the taxicab is not in operation, the reason therefor. Such records
826 shall be maintained for a period of one year and shall be available to the ~~chief of~~
827 ~~police and the director of finance~~ upon request.

828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870

Sec. 118-54. - Information to be displayed on vehicles.

(1) Every vehicle governed by this article, except transportation network vehicles, shall have a serial number which shall be painted on the sides and back thereof in figures of at least three inches in height. The name of the operating company shall be painted thereon in a conspicuous manner. The rates on file with the director of finance as required by this article shall be painted on both sides of all taxicabs in letters and figures at least two inches in height. No legend except the name of the operating company, vehicle number, rates and telephone number may be used on the sides of any vehicle. The color scheme, name and characteristic insignia used to designate vehicles shall not be changed except upon approval of the director of finance.

(2) Transportation network vehicles shall display a valid vehicle permit in a manner prescribed by the director.

Sec. 118-55. - Removal of vehicle markings upon sale or disposition of vehicle.

No taxicab or airport limousine company or taxicab or airport limousine owner shall sell or otherwise dispose of any taxicab or airport limousine without first removing or obliterating the vehicle markings required by section 118-54, unless such vehicle is to be used as a taxicab or airport limousine of the same company. Upon sale or other disposition, the taxicab or airport limousine company or owner shall notify the director of finance of such sale or disposition and the reason for the sale or disposition on the list required under section 118-467.

~~Sec. 118-56. - Office and telephone required.~~

~~No holder of a taxicab or airport limousine company license shall operate in the city without having an office and a telephone in a commercially zoned location for receiving and dispatching calls.~~

Sec. 118-57. - Reports of violations by drivers.

A licensee or permittee under this article shall report to the police department of finance the violation by a driver of any of the operating company's rules and any violation of any municipal, state or federal law committed by a driver.

Sec. 118-58. - Use or possession of intoxicating beverages or controlled substances by owner, driver or employees.

871 No taxicab, transportation network, or airport limousine owner, driver or
872 employee, while on duty, shall have in his possession intoxicating liquor or non-
873 intoxicating beer or controlled substances or drink or consume such items while
874 on duty. No driver shall knowingly purchase, carry or transport intoxicating liquor
875 or nonintoxicating beer or controlled substances. However, a passenger may
876 have in his possession unopened containers of intoxicating liquor or
877 nonintoxicating beer. No driver, owner or employee of any owner of a taxicab or
878 airport limousine company shall have in his possession at or near his office,
879 place of business or garage any intoxicating liquor or nonintoxicating beer or
880 controlled substances of any kind.

881 **Cross reference**— Alcoholic beverages, ch. 10.

882
883 Sec. 118-58.- Taxicabs and airport limousine shall not operate as transportation
884 network vehicles or provide transportation network services.

885
886 No taxicab or airport limousine shall operate as and no taxicab or airport
887 limousine owner shall allow a taxicab or airport limousine vehicle to operate as a
888 transportation network vehicle for the purpose of offering transportation network
889 services.

890
891
892 Sec. 118-59. - Use of vehicle for unlawful purpose.

893
894 No person shall use a vehicle governed by this article for any unlawful
895 purpose, nor shall any owner or driver knowingly permit such unlawful use. When
896 such unlawful use has occurred with the knowledge of the owner or driver of
897 such vehicle, and he shall be duly convicted thereof, the director ~~of finance~~ shall
898 revoke the permit to operate such vehicle and the ~~chief of police~~ director shall
899 also revoke the permit of such driver.

900
901 Sec. 118-60. - Refusal to pay fare.

902
903 No person shall hire or permit himself to be carried as a passenger for hire
904 in any taxicab, transportation network vehicle, courtesy car or airport limousine in
905 the city and refuse to pay the fare for such trip.

906
907 Sec. 118-61. - Disposition of property found in vehicles.

908
909 A driver shall deliver all lost or misplaced property found in the vehicle to
910 the holder of the taxicab or airport limousine company license for such vehicle at
911 the end of the driver's tour of duty. The taxicab or airport limousine company
912 shall keep such property for 24 hours, or a shorter time if the rightful owner of

913 such property requests the release of such property. At the end of 24 hours, the
914 taxicab or airport limousine company shall deliver such property, or the name
915 and address of the owner of and description of such property, to the city police
916 department. Transportation network drivers shall deliver all lost or misplaced
917 property found in the vehicle to the city police department at the end of 24 hours
918 and if possible, provide the name and address of the owner of and a description
919 of such property to the city police department.

920
921 Sec. 118-62. - Manner of operation of taxicabs.

922 Taxicabs shall be operated in the following manner:

- 923
924
- 925 (1) Determination of fare. A taxicab must use a taximeter in determining the fare to
926 be charged. No other or different fare shall be charged to a passenger than is
927 recorded on the reading face of such taximeter for a trip, except that any
928 taxicab may charge a rate lower than that so recorded.
 - 929 (2) Operation of taximeter. A driver of a taxicab equipped with a taximeter, while
930 carrying passengers or under employment, shall not display the taximeter flag
931 affixed to such taximeter in such a position as to denote that such vehicle is not
932 employed or in such a position as to denote that he is employed at a rate of fare
933 different from that to which he is entitled under the provisions of this article. It
934 shall be the duty of each such driver to call the attention of passengers to the
935 amount registered, and the taxicab flag shall not be changed to the "vacant"
936 position until after the fare is paid.
 - 937 (3) Acceptance of additional passengers. No driver of a taxicab having a passenger
938 in his taxicab shall solicit or accept for carriage any other passenger without the
939 consent of the original passenger. If two or more passengers are transported to
940 different destinations, the taximeter shall be reset at the end of each trip, and if
941 they are transported to the same destination only the original fare shall be
942 charged.
 - 943 (4) Taxicab routes. No owner or driver of a taxicab shall cause or permit such
944 taxicab to be operated along routes in a manner similar to that of mass
945 transportation vehicles operating along definite routes or between specific
946 termini, or along fixed routes. Any owner or driver who operates, causes to be
947 operated, or permits to be operated any taxicab persistently and repeatedly to
948 and from, around or in the vicinity of any theater, railroad station, hotel or any
949 other place of public gathering, or repeatedly along a street when there is
950 nearby a suitably located taxicab stand, shall be construed to be operating such
951 taxicab along a route.

952
953 Sec. 118-63. - Number of passengers in taxicabs, transportation network vehicles, and
954 airport limousines.

955
956 There shall not be more passengers than that recommended by the
957 manufacturer of the vehicle, including the driver, carried in a taxicab.

958 transportation network vehicle, or airport limousine at one time. The front seat of
959 a taxicab, transportation network vehicle, or airport limousine shall only be
960 occupied by the driver and one passenger.
961

962 Sec. 118-64. - Manner of operation of airport limousines and courtesy cars.
963

964 (a) Courtesy cars. Courtesy cars shall be operated in the following manner:

- 965 (1) Restrictions on patronage. Drivers shall not offer service nor shall the owner
966 permit the offering of service to any person other than a patron of a motel or
967 hotel, or a patron of a business arranging sightseeing tours or other similar
968 tours.
- 969 (2) Trip origins and destinations. Trip origins and destinations shall be fixed
970 locations, which locations shall have been registered with the director of ~~finance~~
971 ~~prior~~ to the carrying of passengers to such locations. Courtesy cars shall not be
972 operated so that a trip destination or departure is to or from a mass transit
973 terminal facility with which the operator does not have an operating agreement.
- 974 (3) Payment of charges. The trip rate may either be charged to all patrons of the
975 motel, hotel or other temporary residence business or a business arranging
976 sightseeing tours or other similar tours when a person becomes a patron, or the
977 trip rate may be charged to only those patrons who engage the courtesy car or
978 to the owner of any business or facility which is the trip destination's approved
979 fixed location.
- 980 (4) Maximum number of passengers. The maximum number of passengers in a
981 courtesy car at any given time shall be that number set by the ~~chief of police~~
982 director when the vehicle is inspected under section 118-49.

983 (b) Airport limousines. Airport limousines shall be operated in the following manner:

- 984 (1) Route. Airport limousines shall operate over fixed routes only, and such
985 limousines shall operate closed-door from the point where the passenger is
986 picked up to the point where the passenger is delivered. Airport limousines shall
987 not be operated so that a trip departure is from a mass transit terminal facility
988 with which the operator does not have an operating agreement.
- 989 (2) Rate of fare. The trip rate shall be charged each passenger in accordance with
990 the rate zone corresponding to the destination or commencement of the trip for
991 each passenger.
- 992 (3) Maximum number of passengers. There shall not be more than 12 persons,
993 inclusive of the driver, in an airport limousine at any given time.
- 994 (4) Operating agreement with airport. An airport limousine may not operate without
995 a valid operating agreement with the body, board or authority legally in charge
996 of the airport.
- 997 (5) Compliance with airport regulations. The owners, drivers and employees of an
998 airport limousine service shall operate the airport limousines in a manner which
999 will comply with all rules and regulations of the body, board or authority legally
1000 in charge of the airport, if such rules and regulations, and all amendments
1001 thereto, have been filed with the director of ~~finance~~ and ~~chief of police~~ prior to
1002 their effective date.
1003

1004 Sec. 118-65. - Specialty passenger service.
1005

1006 A specialty passenger service shall comply with all provisions of Chapter
1007 118 applicable to taxicabs including driver's licensing requirements unless
1008 specifically excluded or modified by this section.

- 1009 (1) In addition to the information required in the application for a taxicab company
1010 license, an applicant operating a specialty passenger service shall submit a
1011 plan describing the vehicle(s) to be used and stating the types of events or
1012 activities at which the service will operate. If the service is to be operated in a
1013 special activity area, the plan shall set out in detail the area of and manner of
1014 operation of the service in the area. Any plan is to include the place of and
1015 length of stops and shall set forth the streets to be used and shall affirm that no
1016 structures, traffic control devices or utility wires shall be an obstruction to the
1017 operation of the service. The director of finance shall have available a form
1018 setting out additional information needed in the plan. Further information may
1019 be requested before a final decision is reached.
- 1020 (2) The plan must be approved by the City Manager or his designee. A special
1021 activity area may be established if deemed appropriate to implement the plan.
1022 The impact to the City Utility bus service shall be considered and direct
1023 competition with established service routes is to be avoided unless the events
1024 or special activity area cannot be adequately served during a special event or
1025 during times of need for additional passenger service. If the plan is found to be
1026 in the best interest of the city and if all requirements are met to assure the
1027 public health and safety, the plan may be approved. If during the term of the
1028 license, public health or safety issues arise, the city may require a modification
1029 of the plan to address those issues. A request to amend the plan may be filed
1030 by the licensee during the license period and the review of the proposed
1031 amendment shall proceed as above outlined.
- 1032 (3) Paragraphs (a) (2), (7) and (11) of Section 118-49 shall not apply to a specialty
1033 passenger service. Specialty passenger vehicles shall have at least two means
1034 of ingress and egress accessible by passengers.
- 1035 (4) Section 118-52 shall not apply to specialty passenger service. A specialty
1036 passenger service must have an approved plan on file with the city authorizing
1037 all passenger transportation that is undertaken by the service. It is unlawful to
1038 transport passengers in violation of the approved plan, in the absence of a plan,
1039 in violation of any applicable provision of Chapter 118 or other provisions of the
1040 city code, state statutes or federal rule, regulation or law.
- 1041 (5) The requirements of Section 118-54 shall apply to a specialty passenger
1042 service; however, the proposed plan of operation may include a request to
1043 modify the requirements including a change of color scheme or legend so long
1044 as such change reasonably relates to the events or special activity area being
1045 served.
- 1046 (6) Section 118-62 shall not apply to specialty passenger service. The operation of
1047 the specialty passenger service shall be in line with the approved plan and
1048 approved fee schedule.

1049 (7) Section 118-63 shall not apply to specialty passenger service. The occupancy
1050 of a specialty passenger vehicle shall not exceed the manufacturers stated
1051 capacity. The capacity shall be prominently displayed.
1052

1053 (G.O. No. 5391, § 2, 7-6-2004)

1054
1055 Section 118-66.-Manner of Operation of Transportation Network Companies
1056

1057 (1) A transportation network company shall not disclose a passenger's personally
1058 identifiable information to a third party unless: the passenger consents, disclosure is
1059 required by a legal obligation, or disclosure is required to protect or defend the terms of
1060 use of the service or to investigate violations of those terms. In addition to the
1061 foregoing, a transportation network company shall be permitted to share a passenger's
1062 name and/or telephone number with the transportation network company driver
1063 providing transportation network company services to such passenger in order to
1064 facilitate correct identification of the passenger by the transportation network company
1065 driver, or to facilitate communication between the passenger and the transportation
1066 network driver.

1067 (2) No transportation network driver shall solicit passengers for transportation in a
1068 transportation network vehicle on any public way or at any public airport or operate a
1069 transportation network vehicle so as to cruise in search of patronage. No such
1070 transportation network vehicle shall be parked on any public way for a time longer than
1071 is reasonably necessary to accept passengers in answer to a call for service, and no
1072 passenger shall be accepted for any trip in such vehicle without previous engagement
1073 for such trip at a fixed charge or donation through the business office or transportation
1074 network service from which the vehicle is operated.

1075 (3) Every transportation network vehicle operated on the streets of the city shall be
1076 maintained in clean and serviceable condition and in adequate repair. Every vehicle
1077 shall be substantially free from damage. All vehicles shall have no loose hanging metal,
1078 body molding or chrome stripping. The complete exhaust system shall be intact and in
1079 good working order. No vehicle shall operate with large dents or major body damage,
1080 nor shall it operate with large areas of unpainted or rusted metal. All vehicles shall have
1081 required fenders, bumpers, doors, door handles, lights and air conditioner, all of which
1082 shall be in good working order. All vehicles shall be equipped with brakes capable of
1083 stopping and holding the vehicle under all reasonable conditions, and shall have at least
1084 one door in addition to the driver's door affording direct entrance and exit to and from
1085 the passenger compartment. Failure to meet all above listed requirements shall cause
1086 the vehicle to be found unfit or unsuited for public use, and such vehicle may be ordered
1087 off the streets of the city.

1088
1089 118-67. - Audit Procedures

1090 (1) For the sole purpose of verifying that a transportation network company is in
1091 compliance with the requirements of this chapter and no more than annually, the
1092 director shall have the right to visually inspect a sample of records that the
1093 transportation network company is required to maintain. The sample shall be chosen
1094 randomly by the director in a manner agreeable to both parties. The audit shall take

1095 place at a mutually agreed location. Any record furnished to the director may exclude
1096 information that would tend to identify specific drivers or riders.

1097 (2) In response to a specific complaint against any transportation network company
1098 driver or transportation network company, the director is authorized to inspect records
1099 held by the transportation network company that are necessary to investigate and
1100 resolve the complaint. Any record furnished may exclude information that would tend to
1101 identify specific drivers or riders, unless the identity of a driver or rider is necessary to
1102 resolve the complaint.

1103
1104 Secs. 118-668—118-80. - Reserved.

1105
1106 **DIVISION 2. - DRIVERS**

1107
1108 ~~Sec. 118-81. - Permit required; minimum age.~~

1109
1110 ~~No person shall drive a taxicab or airport limousine unless duly granted a~~
1111 ~~permit as provided in this division and having attained the age of 18 years.~~

1112
1113 ~~Sec. 118-82. - Application for permit.~~

1114 ~~(a) Every applicant for a permit as a driver of a taxicab or airport limousine shall make~~
1115 ~~application to the chief of police on forms to be supplied by the chief of police.~~
1116 ~~Driver permits, or the reasons for not granting a permit, shall be supplied to an~~
1117 ~~applicant within 15 days following the date the application is received by the chief of~~
1118 ~~police. However, an interim permit may be issued if, in a review of the application,~~
1119 ~~paperwork reveals no irregularities and the reviewing official has no reason to~~
1120 ~~believe that the application will not be approved.~~

1121 ~~(b) The applicant shall provide such information as the chief of police may require,~~
1122 ~~including, but without limitation, the following:~~

1123 ~~(1) The applicant's name, age, residence, race, nationality, place of birth,~~
1124 ~~citizenship, length of time resident in the city, marital status, height, weight, and~~
1125 ~~color of eyes and hair. The applicant shall include the addresses of all~~
1126 ~~residences for the five years preceding the application.~~

1127 ~~(2) Previous experience as a taxicab, airport limousine or other similarly classified~~
1128 ~~vehicle driver by date, employer and locality; and, if there is previous~~
1129 ~~experience, whether any license or permit was revoked or suspended and the~~
1130 ~~date, locality and reason for such revocation or suspension.~~

1131 ~~(3) Previous history of arrests and/or convictions for any felony, misdemeanor or~~
1132 ~~ordinance violation, including traffic violations, giving the particulars of each,~~
1133 ~~and prior terminations of employment or contracts as a taxicab or airport~~
1134 ~~limousine driver.~~

1135 ~~(4) The names and current telephone numbers and addresses of three persons~~
1136 ~~who have known the applicant personally for at least 12 months preceding the~~
1137 ~~date of the application.~~

1138 ~~(5) The fingerprints of the applicant.~~

1139 ~~(6) At least three recent photographs of the applicant, which shall be of such size~~
1140 ~~as may be required by the chief of police.~~

- 1141 ~~(7) Proof of legal age required to obtain any license required to operate a vehicle~~
1142 ~~licensed pursuant to this article.~~
- 1143 ~~(8) Demonstration of ability to speak and understand the English language and to~~
1144 ~~read and recognize street signage.~~
- 1145 ~~(9) Proof of a valid chauffeur's license issued to the applicant under the laws of the~~
1146 ~~state, or a valid license which would authorize the applicant to operate a taxicab~~
1147 ~~or airport limousine under the laws of the state, and submission to the chief of~~
1148 ~~police of the certificate of registration furnished the applicant under RSMo~~
1149 ~~301.002 et seq. The number thereon shall be noted on the application for the~~
1150 ~~permit.~~
- 1151 ~~(10) Submission of a certificate of physical examination by a physician licensed to~~
1152 ~~practice in the state, which shall recite the following matters:~~
- 1153 ~~a. The applicant is free of defective vision or has corrected vision to at least~~
1154 ~~20-20 in both eyes.~~
- 1155 ~~b. The applicant is free of defective hearing, epilepsy, vertigo, heart trouble,~~
1156 ~~and any other infirmity, physical or mental, which would render applicant~~
1157 ~~unfit for safe operation of a public vehicle.~~
- 1158 ~~c. The applicant is free from communicable diseases.~~
- 1159 ~~(11) As a part of the physical examination, a certificate or other public record~~
1160 ~~showing that the applicant has been tested and passed drug and alcohol~~
1161 ~~screening at least equal to the screening requirements set by the United States~~
1162 ~~Department of Transportation for motor carrier drivers with respect to the~~
1163 ~~number and types of drugs or controlled substances tested, which certificate~~
1164 ~~must have been issued no more than five days prior to the date of application.~~
- 1165 ~~(12) Whether the applicant has completed a course in first aid and life saving~~
1166 ~~administered under the American Red Cross or a course similar in content to~~
1167 ~~the American Red Cross administered first aid and life saving course. Such~~
1168 ~~completion of a course shall not be a requirement for the issuance of a driver's~~
1169 ~~permit, but such completion, when evidenced, shall be noted on the driver's~~
1170 ~~permit.~~
- 1171 ~~(c) As a part of the application, the applicant shall sign a release of information form~~
1172 ~~which shall permit the director or the chief of police to release information contained~~
1173 ~~in the application to any law enforcement agency.~~

1174

1175 ~~Sec. 118-83. Examination of applicant for permit.~~

1176

1177 ~~After complying with the provisions of section 118-82, every applicant shall~~
1178 ~~be examined by the chief of police or his duly authorized subordinate as to the~~
1179 ~~applicant's knowledge of the provisions of this article, knowledge of the city, and~~
1180 ~~knowledge of local traffic regulations. An applicant shall not take the examination~~
1181 ~~more than twice in any 14-day period. Should an applicant fail to pass the~~
1182 ~~examination four times in a 28-day period, he shall not be permitted to take the~~
1183 ~~examination for a period of three months. The applicant may also be required by~~
1184 ~~the chief of police to demonstrate the skill and ability with which the applicant~~
1185 ~~operates a motor vehicle.~~

1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226

~~Sec. 118-84. - Issuance and display of permit.~~

~~Before issuing a permit to drive a taxicab or airport limousine, the chief of police shall investigate the facts set out in the application and shall not grant a permit to drive a taxicab or airport limousine to any person who has been convicted of a violation of the criminal laws of any state or the United States defined as a felony and who has served any part of such sentence within five years of the date of such application, or who, in the opinion of the chief of police is not physically fit or otherwise qualified to operate a taxicab, courtesy car or airport limousine in the city; except that the chief of police may issue a license to such person when the person has shown evidence of criminal rehabilitation in accordance with RSMo 314.200. Upon being satisfied that the applicant is qualified and upon proof of payment of the fees required by this article, the chief of police shall issue a driver's permit to the applicant, which shall be valid for a period of three years; provided, however, nothing in this section shall be construed as requiring the issuance of a driver's permit to a person who is a resident of a halfway house or similar facility. The permit shall be prominently displayed in the taxicab or airport limousine at all times while the driver is operating the taxicab or airport limousine. The permit shall include a photograph of the driver and the number assigned to the driver by the chief of police.~~

~~Sec. 118-85. - Notice of denial of permit.~~

~~If a driver's permit is not granted by the chief of police, the chief of police shall furnish the applicant the reasons for such refusal.~~

~~Sec. 118-86. - Appeal of denial of permit.~~

~~Whenever the chief of police shall have refused to authorize the issuance of a driver's permit, the applicant, within ten days after the date of the notice of such refusal, may file a request in writing to the chief of police for an appeal before a hearing examiner designated by the city manager. The hearing examiner shall conduct a hearing at which he may either consider such appeal on the evidence produced before the chief of police or permit the introduction of new evidence and new tests. In the event of an adverse decision, the applicant shall have a right of appeal from the date of the city hearing examiner's decision to circuit court pursuant to RSMo 536.010 et seq.~~

~~Sec. 118-87. - Reapplication for permit after denial.~~

1227 When an applicant has been denied a driver's permit for reasons other
1228 than failing the examination pursuant to section 118-83, no new application shall
1229 be considered for a period of one year.

1230
1231 ~~Sec. 118-88. -- Identification card.~~

1232
1233 At the time of issuance of a driver's permit, the chief of police shall also
1234 issue an identification card, upon which shall be affixed one of the photographs
1235 and the number assigned to the driver and filed with the chief of police. The
1236 identification card shall be carried at all times by the driver when the permittee is
1237 driving a taxicab or airport limousine, and it shall be displayed on demand to any
1238 police officer.

1239
1240 ~~Sec. 118-89. -- Renewal of permit.~~

- 1241
1242 ~~(a) Drivers' permits issued pursuant to this division may be renewed every three years~~
1243 ~~by the chief of police if the permittee makes application as provided for in section~~
1244 ~~118-82. The permittee shall submit with the application for renewal a certificate of~~
1245 ~~physical examination as in the case of an original application, which certificate, in~~
1246 ~~order to be accepted, must have been issued within 30 days of the date of~~
1247 ~~application. The permittee shall also submit a certificate or other public record of~~
1248 ~~passing drug and alcohol screening as provided in section 118-82 (b)(11), which~~
1249 ~~certificate, in order to be accepted, must have been issued within five days prior to~~
1250 ~~the date of application. The chief of police may require submission of other facts as~~
1251 ~~he deems necessary.~~
1252 ~~(b) If a permittee does not make application for renewal of the driver's permit to the~~
1253 ~~chief of police prior to expiration of a current permit, the permittee shall be required~~
1254 ~~to pay a delinquent application fee. If the permittee fails to renew the driver's permit~~
1255 ~~within 30 days succeeding the expiration of a prior permit, the permittee shall be~~
1256 ~~required to make an original application.~~

1257
1258 ~~Sec. 118-90. -- Smoking while carrying passengers.~~

1259
1260 Drivers of taxicabs or airport limousines are prohibited from smoking while
1261 carrying passengers who object to their smoking.

1262
1263 ~~Sec. 118-91. -- Notification of change of address.~~

1264
1265 Every holder of a driver's permit shall have his residence address on file
1266 with the chief of police and in case of change shall notify the chief of police and
1267 any taxicab or airport limousine companies for whom the driver is operating a
1268 taxicab or airport limousine in writing within five days. Failure to notify the chief of
1269 police of a change in address may result in revocation of the permit.

1270

1271 ~~Sec. 118-92. - Drivers to remain in or near vehicle; dress and appearance of driver;~~
1272 ~~wearing of badge.~~

1273

1274 ~~The driver of any taxicab or airport limousine shall remain in or beside the~~
1275 ~~vehicle at all times when such vehicle is standing upon the public streets, except~~
1276 ~~that the driver may aid a passenger already engaged by the driver with luggage~~
1277 ~~or from a building into the vehicle or out of the vehicle to a building or when~~
1278 ~~conducting business in conjunction with his employment. The driver shall also~~
1279 ~~maintain a neat and clean general appearance and shall be dressed at all times~~
1280 ~~while on duty in a collared shirt, slacks or skirt, and wear a badge on the front of~~
1281 ~~the shirt which lists at least the number assigned to the driver by the chief of~~
1282 ~~police and the taxicab or airport limousine company under whose license he is~~
1283 ~~operating the taxicab or airport limousine. At the discretion of the driver, the~~
1284 ~~badge may list the first and/or last name of the driver.~~

1285

1286 ~~Sec. 118-93. - Procedure for revocation of permit.~~

1287

1288 ~~Whenever a driver's permit is subject to revocation, a driver's permit may~~
1289 ~~only be revoked by the chief of police after ten days' written notice by registered~~
1290 ~~mail to the permittee and only after a hearing if the permittee makes a request of~~
1291 ~~the chief of police in writing within the ten-day period for a hearing before the~~
1292 ~~hearing examiner of the city.~~

1293

1294 ~~Sec. 118-94. - Altering or defacing permit, identification card, rate card or log sheet.~~

1295

1296 ~~No permittee shall deface any permit, identification card, rate card or daily~~
1297 ~~log sheet, or remove, tamper with or alter a rate card displayed in a taxicab or~~
1298 ~~airport limousine. In case of any violation of this provision, the chief of police shall~~
1299 ~~revoke the driver's permit. Such revocation shall be in addition to any other~~
1300 ~~penalty imposed.~~

1301

1302 ~~Sec. 118-95. - Revocation of permit for conviction of certain offenses, driving with~~
1303 ~~excessive blood alcohol level, or failure to pass drug test.~~

1304

1305 ~~Conviction of driving while intoxicated or driving when blood contains~~
1306 ~~alcohol of 0.08 percent or more by weight in a personal vehicle, or leaving the~~
1307 ~~scene of any accident, or operating a taxicab or airport limousine when blood~~
1308 ~~contains 0.05 percent or more by weight of alcohol, or failure to pass or submit to~~
1309 ~~a drug test requested by the director of finance or by the chief of police upon~~
1310 ~~probable cause, shall operate as a revocation of any driver's permit issued under~~
1311 ~~this division, and such driver shall not be eligible to receive a new permit for a~~

1312 period of one year from the date of such conviction, except in accordance with
1313 RSMo 314.200.

1314
1315 (~~G.O. No. 5391, § 3, 7-6-2004~~)

1316
1317 ~~Sec. 118-96. -- Violation marks:~~

1318
1319 ~~(a) For the purpose of regulating permittees under this division, the chief of police is~~
1320 ~~authorized to establish a system of violation marks for the violation of traffic~~
1321 ~~ordinances and ordinances pertaining to taxicabs, transportation network vehicles,~~
1322 ~~airport limousines and other public vehicles, in accordance with the following~~
1323 ~~classified schedule:~~

1324 ~~(1) Class I. Four violation marks shall be entered for each conviction of an offense~~
1325 ~~under any of the following sections:~~

106-19	One-way streets and alleys.
106-79	Obedience to police and fire department officials.
106-128	Immediate notice to police department.
106-129	Written reports required.
106-130	Reports when driver unable to report.
106-153	Obedience required.
106-157	Flashing signals.
106-181	Vehicles to keep to righthand side of street.
106-190	Passing other vehicles traveling in same direction.
106-191	Stopping for school bus.
106-203	Careless and imprudent driving.
106-231	Speed greater than reasonable and prudent.
106-232	Speed limit within central business districts and university district.
106-234	Speed limit outside central business district.

106-235	Speed limit on approach to certain intersections.
106-236	Speed limit in school zones.
106-281	Vehicles required to stop or yield right-of-way prior to entering through streets.
106-300	Stopping, standing or parking prohibited in specified places.
118-498	Vehicle inspection and equipment.
118-510	Refusal of service.
118-521	Daily log of trips.
118-543	Information to be displayed on vehicles.
118-587	Use or possession of intoxicating beverages or controlled substances by owner, driver or employees.
118-598	Use of vehicle for unlawful purpose.
118-621	Manner of operation.
118-88	Identification card.

- 1326 -
- 1327 ~~(2) Class II. One violation mark shall be entered for each conviction under any~~
- 1328 ~~traffic ordinance or ordinance governing taxicabs, transportation network~~
- 1329 ~~vehicles, airport limousines or other public vehicles not included in Class I.~~
- 1330 ~~(3) Class III. In addition to violation marks entered on convictions as provided in~~
- 1331 ~~Classes I and II, the chief of police may, after hearing, enter marks for minor~~
- 1332 ~~violations of rules and regulations, not exceeding one mark in any single case.~~
- 1333 ~~(b) When a permittee receives 12 violation marks in accordance with the schedule~~
- 1334 ~~provided in this section during any 12-month period, it shall be mandatory upon the~~
- 1335 ~~chief of police to suspend the permit of the driver for a period of 30 days. Upon~~
- 1336 ~~completion of the suspension period, a permittee shall have his total of violation~~
- 1337 ~~marks reduced by one-half.~~
- 1338 ~~(c) Whenever a permittee has accumulated sufficient violation marks to require a~~
- 1339 ~~second suspension within an 18-month period, the chief of police shall not suspend~~
- 1340 ~~but shall revoke the driver's permit, and such driver shall not be eligible to receive a~~
- 1341 ~~new permit for a period of one year from the date of such revocation.~~
- 1342
- 1343 ~~Sec. 118-97. - Revocation of permit for driving while permit is suspended.~~

1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387

~~Whenever a permittee is convicted of driving a vehicle for which a driver's permit is required during a period for which the permit has been suspended, the chief of police shall revoke the permit of such driver, and such driver shall not be eligible to receive a new permit for a period of one year from the date of such revocation.~~

~~Sec. 118-98. — Revocation of permit for other causes.~~

~~(a) The chief of police shall revoke the permit of any driver whenever the chief finds any of the following causes to exist:~~

- ~~(1) The permittee has obtained a permit by false statements in the application for such permit or upon misrepresentation.~~
- ~~(2) The permittee has become physically or mentally incapable of driving a vehicle.~~
- ~~(3) The permittee has been convicted of a felony.~~
- ~~(4) The permittee has been convicted of a misdemeanor or ordinance violation involving moral turpitude.~~

~~(b) In addition to the powers to revoke under subsection (a) of this section, the chief of police shall have continuing jurisdiction as to permits granted under this division. In the event of misconduct or acts on the part of a permittee which would be sufficient to justify the refusal of a permit in the case of an original application, the chief of police may revoke a license already granted.~~

~~Sec. 118-99. — Notice of hearing involving permit or suspension or revocation of permit.~~

~~The chief of police director shall notify the driver of any hearing involving the driver's permit, of any suspension, or of any revocation of a driver's permit by registered mail directed to the last residence address of the driver on file with the chief of police director. Notice of suspension or revocation shall require the driver to surrender the driver's permit and identification card.~~

~~Sec. 118-100. — Eligibility for permit after three revocations.~~

~~Whenever a permittee has had the driver's permit revoked three times, the permittee shall not be entitled thereafter to make application for a new permit except with the approval of the city manager.~~

~~Sec. 118-100. — Authority to establish additional regulations.~~

~~The chief of police and director of finance are hereby authorized and empowered to establish and adopt such procedures required to carry out the intent of this article.~~

~~Sec. 118-102. — Replacement of lost or stolen permits.~~

1388
1389 A charge of \$10.00 shall be paid to the director of finance by the holder of
1390 a driver's permit for the replacement of the permit when misplaced, lost or stolen.

1391
1392 Secs. 118-403~~82~~—118-120. - Reserved.

1393
1394 DIVISION 3. - FEES, CHARGES AND RATES

1395
1396 Sec. 118-121. - Payment of fees and charges by licensees and permittees.

1397
1398 (a) It shall be unlawful for a person to operate a taxicab, transportation network
1399 company, airport limousine, or courtesy car service prior to the payment of all fees
1400 and charges required by this article and by the various provisions of this Code.
1401 Failure to pay any annual fees, charges or taxes established by this article or the
1402 various provisions of this Code is grounds for revocation of any permit or license
1403 issued to such person, and revocation shall not be deemed the exclusive remedy
1404 available to the city.

1405 (b) It shall be unlawful for a person to drive a taxicab, transportation network vehicle,
1406 airport limousine or courtesy car prior to the payment of all fees and charges
1407 required by this article and by the various provisions of this Code, and this is
1408 grounds for revocation of any permit or license issued to such person, and
1409 revocation shall not be deemed the exclusive remedy available to the city.

1410
1411 Sec. 118-122. - Application fee for taxicab or airport limousine company license.

1412
1413 There is hereby established an application fee for a taxicab, transportation
1414 network, or airport limousine company license or permit. Such fee shall be such
1415 amount as established by ordinance from time to time. Such fee shall be paid
1416 prior to the acceptance of the application for a license or permit by the director of
1417 finance. Failure to pay such fee shall be grounds for refusing to accept and
1418 process an application for a license or permit. The proceeds shall be used to
1419 defray the cost of processing the application for a taxicab, transportation network,
1420 or airport limousine company license or permit. The application fee shall not in
1421 any part be refunded to the applicant.

1422
1423 ~~Sec. 118-123. - Application fee for driver's permit.~~

1424
1425 ~~There is hereby established an application fee of such amount as~~
1426 ~~established by ordinance from time to time for a driver's permit or renewal~~
1427 ~~thereof. Such fee shall be paid to the director of finance, who shall then issue a~~
1428 ~~receipt to the applicant. The chief of police shall not accept an application for a~~
1429 ~~driver's permit without such a receipt. The application fee shall defray the cost of~~
1430 ~~processing the application, the cost of any hearing, the cost of testing, and other~~
1431 ~~administrative costs and shall include the initial annual driver's permit fee. If this~~

1432 ~~application is withdrawn or if the permit is not issued to the applicant, the director~~
1433 ~~of finance shall refund to the applicant an amount equal to one-half the cost of~~
1434 ~~the driver's permit.~~

1435

1436 Sec. 118-1243. - License fee for taxicab or airport limousine company.

1437

1438 The taxicab or airport limousine company's license fee is hereby
1439 established as that fee which is set out in subsection 70-84(132).

1440

1441 ~~Sec. 118-125. - Delinquent application fee for driver's permit.~~

1442

1443 ~~There is hereby established a delinquent application fee for making~~
1444 ~~application for a renewal of a driver's permit. Such fee shall be such amount as~~
1445 ~~established by ordinance from time to time and shall be assessed in accordance~~
1446 ~~with the provisions of sections 118-48 and 118-89.~~

1447

1448 Sec. 118-1264. - Vehicle inspection fee.

1449

1450 There is hereby established a vehicle inspection fee, which shall be
1451 assessed against the operator each time the vehicle is inspected or reinspected
1452 pursuant to this article. No approval of a vehicle shall be given until such
1453 inspection fee is paid to the director of finance or his authorized agent. Such fee
1454 shall be such amount as established by ordinance from time to time.

1455

1456 Sec. 118-1275. - Taxicab rates.

1457

- 1458 (a) The maximum rates charged to passengers of any taxicab company shall be on file
1459 with the director of finance. The rates shall be posted in each taxicab vehicle and
1460 visible to all passengers. Taxicab companies may only change the maximum rates
1461 to be charged to passengers by filing a notice with the director of finance 30 days in
1462 advance of any rate change. Failure to notify the director of finance of a change in
1463 rates 30 days in advance, or charging a passenger more than the rates on file, may
1464 result in a one-year suspension of the taxicab company license or the permit of the
1465 driver involved, or both. Notwithstanding the foregoing language, taxicab companies
1466 may change their rates only once every 180 days.
- 1467 (b) Notwithstanding the provisions of subsection (a), any taxicab company may charge
1468 a rate lower than those rates on file for the company with the director of finance.

1469

1470 Sec. 118-1286. - Airport limousine rates.

- 1471 (a) The maximum rates charged to passengers of any airport limousine company shall
1472 be on file with the director of finance. The rates shall be posted in each airport
1473 limousine and visible to all passengers. Airport limousines may only change the
1474 maximum rates to be charged to passengers by filing a notice with the director of
1475 finance 30 days in advance of any rate change. Failure to notify the director of

1476 ~~finance~~ of a change in rates 30 days in advance, or charging a passenger more
1477 than the rates on file, may result in a one-year suspension of the airport limousine
1478 company license or the permit of the driver involved, or both. Notwithstanding the
1479 foregoing language, airport limousine companies may change their rates only once
1480 every 180 days.

1481 (b) Notwithstanding the provisions of subsection (a), any airport limousine company
1482 may charge a rate lower than those rates on file for the company with the director of
1483 ~~finance~~.

1484

1485 Sec. 118-127. - Transportation network services rates

1486

1487 (a) Transportation network vehicles shall be for hire at a charge fixed by written
1488 agreement in advance which shall entitle the passenger contracting for
1489 transportation network services to the exclusive use of the vehicle for the individual
1490 or group during the agreed term of the hiring or for transportation to the specific
1491 destination, whichever the case may be. The transportation network company must
1492 provide a passenger with the rate in advance of the ride. Within 24 hours of the
1493 conclusion of the trip, a driver shall give the passenger a legible receipt showing:

1494

(1) The rate;

1495

(2) Total fare;

1496

(3) How the fare was calculated;

1497

(4) The mileage;

1498

(5) The time;

1499

(6) The name and phone number of the company;

1500

(7) The name of the driver; and

1501

(8) The vehicle.

1502

The receipt may be submitted to the passenger electronically if the passenger is in
1503 agreement.

1504

1505 (b) Fares established for transportation network and sightseeing vehicles shall be filed
1506 with the director at least two (2) days before they shall become effective. It shall be
1507 unlawful to charge any fare for transportation network services other than the fares
1508 filed with the director in accordance with this section.

1509

1510 (c) Transportation network companies shall provide the passenger with a photo of the
1511 driver, including the make and model of the vehicle and license plate number that
1512 will be picking up the passenger. Further, the transportation network company will
1513 provide vehicles with GPS systems that will provide not only directions to the
1514 destination but will allow the transportation network vehicle to be monitored as to its
1515 route.

1516

1517 (d) Each transportation network company shall maintain accurate records disclosing the
1518 number of trips per vehicle and the hours used. Such records shall be provided to
1519 the director upon request.

1518

1519 Secs. 118-1298—118-150. - Reserved.

1520 Section 2 – The section and subsection numbers shown herein shall be used
1521 unless the City Clerk or the codifier of the City Code assign a different section or
1522 subsection number to the language.

1523
1524 Section 3 – Savings Clause. Nothing in this ordinance shall be construed to
1525 affect any suit or proceeding now pending in any court or any rights acquired or liability
1526 incurred nor any cause or causes of action occurred or existing, under any act or
1527 ordinance repealed hereby. Nor shall any right or remedy of any character be lost,
1528 impaired, or affected by this ordinance.

1529
1530 Section 4 – Severability Clause. If any section, subsection, sentence, clause, or
1531 phrase of this ordinance is for any reason held to be invalid, such decision shall not
1532 affect the validity of the remaining portions of this ordinance. The Council hereby
1533 declares that it would have adopted the ordinance and each section, subsection,
1534 sentence, clause, or phrase thereof, irrespective of the fact that any one or more
1535 sections, subsections, sentences, clauses, or phrases be declared invalid.

1536
1537 Section 5 – This ordinance shall be in full force and effect from and after
1538 passage.

1539
1540
1541 Passed at meeting: _____

1542
1543 _____
1544 Mayor

1545
1546 Attest: _____, City Clerk

1547
1548 Filed as Ordinance: _____

1549
1550 Approved as to form: Amanda R. Callaway, Assistant City Attorney

1551
1552 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 244

FILED: 10-25-16

ORIGINATING DEPARTMENT: City Manager's Office

PURPOSE: Amending the Springfield City Code by repealing language contained in Chapter 118 Vehicles for Hire, and adding new regulations for Transportation Network Companies and Drivers.

BACKGROUND INFORMATION: The transportation industry is adapting with the addition of new technology. Transportation Network Companies (TNC's) are utilizing digital networks and software applications to connect drivers with passengers. Our current taxi regulations do not fit the advent of this new technology, and therefore TNC's are not able to operate in Springfield based on the lack of authorizing code provisions. The Springfield Convention and Visitor's Bureau has also noted that visitors to Springfield have inquired about the ability to utilize a TNC for transportation services.

The TNC topic was referred to the City Council Finance and Administration Committee. Council Bill No. 2016-064 was sent by the Committee to City Council on March 21, 2016. At that meeting Council Bill No. 2016-064 was tabled and the topic of TNCs was referred back to the Committee. The Committee met on August 19, 2016, September 20, 2016, and October 4, 2016. At the October 4, 2016, meeting the Committee voted to send the new Council Bill for Council Consideration.

This proposed Council Bill contains several differences from the original bill presented to Council on March 21, 2016, which include but are not limited to:

- The minimum age requirement for a taxicab, airport limousine, or TNC driver is 18 years of age, which is our current minimum age.
- The City will no longer require a driver of a taxicab, airport limousine, or transportation network vehicle to obtain a permit issued by the City. The City will instead require the taxicab, transportation network, or airport limousine company to ensure their drivers meet certain requirements including:
 - the driver is at least 18 years of age;
 - the driver has the required license under Missouri law;
 - the driver has not been convicted within the last seven years of any felony or any misdemeanor involving driving under the influence, reckless driving, hit and run, or any other driving related offense or any misdemeanor violent offense or sexual assault;
 - the driver is not a match on the U.S. Department of Justice National Sex Offender Public website; and
 - the driver has not had more than three moving violations in the prior three-year period of time, or one of the following major violations in the prior

three-year period of time: attempting to evade the police, reckless driving, or driving on a suspended or revoked license.

- The insurance limits for taxicab companies and airport limousine companies has been amended to be \$50,000 for bodily injury or death of one person, \$100,000 for any one accident resulting in injuries to or death of more than one person, and \$25,000 for damage to property.
- The insurance limits for transportation network companies has been amended to be consistent with 2016 Senate Bill 947. The state mandatory minimum insurance requirements for TNC's will change on April 1, 2017 pursuant to Senate Bill 947. The same requirements will be enforced pursuant to this Ordinance from the date this Ordinance is enacted until April 1, 2017. On that date, Section 379.1702 RSMo will go into effect. The following automobile insurance requirements shall apply while a TNC driver is logged onto the network and available to receive requests but is not engaged in a prearranged ride: primary automobile liability insurance amount of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage. When the TNC driver is engaged in a prearranged ride, Springfield Code from the time of enactment until April 1, 2017 and thereafter pursuant to Section 379.1702 will require that TNC's and drivers will collectively, maintain primary automobile liability insurance in the amount of at least one million dollars for death, bodily injury, and property damage.

REMARKS: The bill is recommended by the City Council Finance & Administration Committee.

Submitted by:


Amanda Callaway, Assistant City Attorney

Recommended by:


Collin Quigley, Assistant City Manager

Approved by:


Greg Burris, City Manager

One-rdg. _____
P. Hrngs. _____
Pgs. 13
Filed: 10-25-16

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 246

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an Intergovernmental
2 Agreement with the member agencies of the Central Ozarks Regional
3 DWI Task Force.
4
5

6 WHEREAS, in 2013 the City entered into an agreement with regional
7 municipalities, the Missouri State Highway Patrol, and the Missouri Highways and
8 Transportation Commission to combine efforts to benefit the respective citizenry of each
9 participating jurisdiction by agreeing to create a Regional DWI Task Force; and
10

11 WHEREAS, the partnering agencies wish to execute an additional agreement
12 and agree to cooperate for the ultimate goal of DWI crash reduction and detection and
13 apprehension of DWI offenders in a manner that is beneficial to each of the parties.
14

15 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
16 SPRINGFIELD, MISSOURI, as follows:
17

18 Section 1 - The City Manager, or his designee, is hereby authorized to enter into
19 an Intergovernmental Agreement with the member agencies of the Central Ozarks
20 Regional DWI Task Force; said agreement to be substantially in the same form and
21 content as that document attached hereto and incorporated herein by reference as
22 "Exhibit A."
23

24 Section 2 - This Ordinance shall be in full force and effect from and after
25 passage.
26

27 Passed at meeting: _____
28
29

30 _____
31 Mayor

32 Attest: _____, City Clerk
33

34
35
36
37
38
39
40
41

Filed as Ordinance: _____

Approved as to form: Amanda R. Callaway, Assistant City Attorney

Approved for Council action: Greg Burns, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016- 246

FILED: 10-25-16

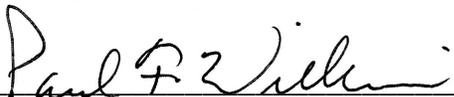
ORIGINATING DEPARTMENT: Police

PURPOSE: To authorize the City Manager, or his designee, to enter into an Intergovernmental Agreement with the member agencies of the Central Ozarks Regional DWI Task Force.

BACKGROUND INFORMATION: By entering into an intergovernmental agreement with member agencies of the Central Ozarks Regional DWI Task Force, the Springfield Police Department (SPD) will be allowed to participate in regional DWI enforcement efforts. The enforcement efforts include sobriety checkpoints and enforcement saturation patrols. When enforcement efforts are conducted in other jurisdictions SPD will take a support (non-custodial) role and assist the host jurisdiction. The agreement also allows SPD to request assistance from other member agencies for enforcement efforts held within Springfield's boundaries.

REMARKS: This agreement is coordinated by MODOT Division of Highway Safety. Expenditures related to Central Ozarks Regional DWI Task Force events will be paid for by MODOT DWI/Sobriety Checkpoint grant funds already received by member agencies. The Springfield Police Department is a recipient of MODOT enforcement grant monies.

Submitted by:



Paul F. Williams, Chief of Police



Greg Burris, City Manager

Exhibit A

INTERGOVERNMENTAL AGREEMENT FOR THE CENTRAL OZARKS REGIONAL DWI TASK FORCE

THIS INTERGOVERNMENTAL AGREEMENT is made by and between the Sheriff's Offices of Cedar, Christian, Greene, Lawrence, Stone, and Webster Counties; the municipal agencies of Billings, Bolivar, Branson, Branson West, Fair Grove, Forsyth, Fordland, Kimberling City, Hollister, Merriam Woods, Nixa, Ozark, Reed Spring, Republic, Springfield, and Strafford; the Missouri State Highway Patrol and the Missouri Highways and Transportation Commission. Such entities will be referred to herein as "participating agencies" collectively, and "participating agency" individually.

WHEREAS, it is recognized that it is mutually beneficial to the citizens of each of the counties participating in this agreement for cooperation toward the goal of detection and apprehension of DWI offenders and reduction of DWI crashes in each of the participating communities.

WHEREAS, Article VI, section 16 of the Constitution of the State of Missouri allows any municipality or political subdivision of this state to contract and cooperate with other municipalities or political subdivisions for a common service.

WHEREAS, Revised Missouri Statute Section 70.220 authorizes cooperative action between municipalities and political subdivisions, or with an elective or appointed official thereof, for a common service.

WHEREAS, Revised Missouri Statute Section 70.815 authorizes the governing body of any political subdivision, by ordinance, order or other ruling, to enter into a contract or agreement with any other political subdivision, for the provision of police services by one political subdivision to another on request. The scope of the agreement may be general or specific, and may or may not provide for compensation for such services. Officers providing

police services in another jurisdiction pursuant to such an agreement shall have the same powers of arrest as officers of the requesting political subdivision, and shall have the same immunity as if acting within their own jurisdiction.

WHEREAS, the Central Ozarks Regional DWI Task Force (Task Force) is funded by grant monies distributed by the Missouri Department of Transportation. In addition to the grant funds provided to the Task Force, it is contemplated by this agreement that each participating agency may provide funding for aspects of Task Force activities that are not funded by the grant.

WHEREAS, it is the intent of the participating agencies that each participating agency will only authorize properly certified law enforcement personnel or peace officers in their department or agency to participate in Task Force activities, other than tasks that may constitute clerical duties. Further, it is the intent of the participating agencies that the individual members of each participating agency will conform to the requirements of the Central Ozarks Regional DWI Task Force grant and board of director protocols when participating in any Task Force project.

WHEREAS, the Sheriff and the authorized agents of the political subdivision have determined that it is in the public interest of these participating agencies to enter into this Intergovernmental Agreement, as authorized by Article VI, section 16 of the Constitution of the State of Missouri, Statute Section 70.220, RSMo and Statute Section 70.815, RSMo.

DEFINITION OF TERMS:

These terms shall have the following meanings when used in this agreement:

1. "Law Enforcement Personnel" means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

2. "Peace Officer" means any police officer, sheriff, deputy sheriff, marshal or public safety officer.
3. "Political subdivision" means any agency or unit of this state empowered by law to maintain a law enforcement agency.

NOW, THEREFORE, BE IT AGREED AS FOLLOWS:

1. Each participating agency shall select a member of their agency to serve on the governing board of the Central Ozarks Regional DWI Task Force. The board will consist of one voting member of each participating agency. Regular attendance at board meetings is deemed to be a critical component of this agreement.
2. The board will consider projects submitted by participating members. Projects will be approved by a majority of the voting members present at a meeting. A quorum must be present to consider and approve a project.
3. Task Force projects must be located within one of the participating agency's jurisdictional boundaries.
4. When a Task Force project is presented to the board, the board member from the jurisdiction proposing the project shall present a request that includes: the proposed date(s) of the project, the hours proposed for the project, the manpower believed necessary to complete the project, the procedures that will be followed for the project and the general scope of the project. Such projects will be approved or declined based on the procedure set out in Section 2 above.
5. Participating agencies agree that peace officers and law enforcement officers participating in a Task Force project pursuant to this agreement shall have the same powers and authority as peace officers of the requesting jurisdiction, and shall have the same immunity as if acting within their own jurisdiction.

6. Each participating agency shall be responsible for all claims, damages and losses sustained by its own law enforcement personnel. This agreement shall not be so construed as to create any relationship between the law enforcement personnel of one participating agency and another participating agency. Each participating agency hereto agrees to procure insurance coverage in an amount reasonably sufficient to satisfy the liability for damages reasonably foreseeable from the activities herein contemplated, or shall be self-insured.

7. A participating agency shall not be liable to another participating agency for any action, failure to act, delay, mistake, failure to respond, negligence, or failure to effectively combat or handle any police problem arising out of any assistance requested or provided hereunder.

8. This agreement shall not be construed as an agreement for the benefit of any third party.

9. The participating agencies agree that all individual personnel performing duties under this agreement will be provided all regular benefits of employment by their employing agency, including but not limited to the cost of wages, overtime/compensation time, liability insurance, worker's compensation, and injury, death, and retirement benefits. Each party shall be responsible for all claims, damages, and losses sustained by its own employees.

10. The participating agencies agree that when manpower is being distributed for board approved projects, effort will be made to utilize law enforcement personnel or peace officers from the jurisdiction where the project is being held to complete tasks that would potentially lead to the arrest of a suspect. Law enforcement personnel or peace officers from supporting agencies would be assigned to non-arrest roles, such as; car counter, tow officer, driver, and arrestee or passenger escort. The goal of this agreement is to reduce the possibility of a member from a supporting agency being subpoenaed to court in the

host agency, which would create potential hardship associated with travel expense and missed shifts at their own agency.

11. Each participating agency assisting the host agency shall reserve the right to determine the number of its own employees assigned to assist the host agency with a Task Force project. Further, each participating agency assisting the host agency shall have the ultimate discretion to direct and supervise its employees assigned to the Task Force project. Each participating agency has the right to refuse to send assistance to the host agency to assist with a Task Force project if conditions within its own jurisdiction dictate.

12. This Agreement shall become effective upon the execution of this Agreement by authorized agents for the participating agencies and the corresponding political subdivision and the enacting of necessary ordinances or orders to implement said Agreement. This Agreement shall last for a period beginning on January 1, 2017 shall extend through December 31, 2020, provided, however, any party hereto may terminate this Agreement upon six months written notice.

13. This Agreement constitutes the entire understanding between the participating agencies and supersedes any prior agreements, written or verbal, and may only be amended or modified by a writing executed with the same formality of this Agreement.

14. This Agreement shall be binding upon the participating agencies and their successors in office or position. This Agreement shall be construed in accordance with and governed by the laws of the State of Missouri. Should any part of this Agreement be adjudicated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

15. The Task Force shall consist only of the agencies listed in this agreement and with authorized signatures from the agency and political subdivision authorizing such participation. However, it is anticipated by the parties to the agreement that should any other law

enforcement agency wish to join the Task Force after its creation, a majority vote of the Board will allow such an agency to join the Task Force. A separate document will be created to document the participation of an additional agency.

16. This Agreement may be signed in one or more counterparts, each of which shall constitute an original, but all of which together shall be one and the same document. For purposes of executing this Agreement, a document signed and transmitted by facsimile machine or telecopier is to be treated as an original document. The signature of any party thereon, for purposes hereof, is to be considered as an original signature, and the document transmitted is to be considered to have the same binding effect as an original signature or an original document. At the request of any party, any facsimile or telecopied document is to be re-executed in original form by the parties who executed the facsimile or telecopy document. No party may raise the use of a facsimile machine or a telecopier or the fact that any signature was transmitted through the use of a facsimile or telecopier machine as a defense to the enforcement of this Agreement or other document executed in compliance with this section.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by the party's duly authorized representatives as set forth below.

THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY

Approved as to form:

Damon Phillips

Damon Phillips

Keck & Austin LLC

Date: 9/21/16

Amanda Callaway

Assistant Springfield City Attorney

Date: _____

AUTHORIZED SIGNATURES FOR PARTICIPATING AGENCIES

Agency

By: _____

Its: _____

Date: _____

Agency

By: _____

By: _____

Date: _____

Agency

By: _____

By: _____

Date: _____

Agency

By: _____

By: _____

Date: _____

Agency

By: _____

By: _____

Agency

By: _____

By: _____

Date: _____

Agency

By: _____

By: _____

Date: _____

Date: _____

Agency

By: _____

By: _____

Date: _____

One-rdg. X
P. Hrngs. _____
Pgs. 14
Filed: 10-25-16

Sponsored by: Stephens

First Reading: _____

Second Reading: _____

COUNCIL BILL NO. 2016- 247

SPECIAL ORDINANCE NO. _____

AN ORDINANCE

1 AUTHORIZING the City Manager, or his designee, to enter into an agreement with the
2 International Association of Chiefs of Police to provide a training
3 program for the Springfield Police Department, and declaring an
4 emergency pursuant to Charter Section 2.12(1).
5 _____
6

7 WHEREAS, the Springfield Police Department and the International Association
8 of Chiefs of Police ("IACP") wish to enter into an agreement for IACP to provide a
9 training course titled, Faculty Development Workshop ("FDW"); and
10

11 WHEREAS, the FDW is a two week 'train the trainer' course, which will allow
12 SPD to conduct the Leadership in Police Organizations ("LPO") training internally.
13

14 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
15 SPRINGFIELD, MISSOURI, as follows, that:
16

17 Section 1 –The City Manager, or his designee, is hereby authorized to enter into
18 an agreement with the IACP, said agreement to be in substantially the same form as
19 that document attached hereto and incorporated herein by reference as "Exhibit A."
20

21 Section 2 –The City Council hereby finds and declares that an emergency exists
22 in that this Ordinance relates to the preservation of the public health, safety, and morals
23 pursuant to Sections 2.12(1) of the City Charter in that the training further enhances the
24 functions of the police department which preserve the public health, safety, and morals
25 on a daily basis. Therefore, this Ordinance shall be in full force and effect from and after
26 passage.
27

28 Passed at meeting: _____
29

30 _____
31 Mayor

32 Attest: _____, City Clerk
33

34
35
36
37
38
39
40

Filed as Ordinance: _____

Approved as to form: Amanda R. Callen, Assistant City Attorney

Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL NO: 2016 - 247

FILED: 10-25-16

ORIGINATING DEPARTMENT: Police

PURPOSE: To authorize the City Manager, or his designee, to enter into a contract with the International Association of Chiefs of Police to provide training for the Springfield Police Department, and declaring an emergency pursuant to Charter Section 2.12(1).

BACKGROUND INFORMATION: The International Association of Chiefs of Police ("IACP") offers cutting edge training titled, Leadership in Police Organizations ("LPO"). The LPO training is modeled after the training concept of dispersed leadership and delivers modern behavioral science concepts and theories tailored specifically to law enforcement. SPD has contracted with IACP to conduct this training program for SPD personnel, at a cost of approx. \$36,000 per class. IACP offers a Faculty Development Workshop ("FDW") to agencies who wish to continue LPO training internally. The FDW is a two week "train the trainer" course which will allow SPD to conduct the training throughout the department without the expense of contracting with IACP for each training session.

This bill qualifies as a one reading emergency pursuant to Charter Section 2.12(1) because it pertains to the immediate preservation of public peace, property, health, and safety in that it involves the training of the Springfield Police Department.

REMARKS: The total cost of the FDW training is \$22,000. The cost of the LPO/FDW training for SPD personnel will be paid for out of a combination of POST funds and federal forfeiture funds. The training will be held at the Springfield Police Fire Training Center.

Submitted by:

Approved by:



Paul F. Williams, Chief of Police



Greg Burris, City Manager

**CONTRACTUAL AGREEMENT BETWEEN
THE INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE, INC. AND THE
SPRINGFIELD POLICE DEPARTMENT**



AGREEMENT

This Agreement is entered into between the Springfield Police Department, with offices at 321 E. Chestnut Expressway, Springfield, Missouri 65802, hereinafter referred to as the "Agency," and the International Association of Chiefs of Police, Incorporated, with offices at 44 Canal Center Plaza, Suite 200, Alexandria, Virginia 22314, hereinafter referred to as the "Association."

AGREEMENT

This Agreement is entered into between the Springfield Police Department, with offices at Springfield Police Department, with offices at 321 E. Chestnut Expressway, Springfield, Missouri 65802, hereinafter referred to as the "Agency," and the International Association of Chiefs of Police, Incorporated, with offices at 44 Canal Center Plaza, Suite 200, Alexandria, Virginia 22314, hereinafter referred to as the "Association."

WITNESSETH

1. The Agency and the Association, for and in consideration of the mutual covenants hereinafter set forth and the compensation to be paid to the Association as hereinafter specified, agree to the following:
2. Subject and Scope of Training Program. The Association will conduct a total of ten (10) days of training to develop potential leadership instructors in a Leadership in Police OrganizationsSM Faculty Development Workshop (FDW). The FDW will consist of two (2), five (5)-day sessions, with a maximum enrollment of six (6) students. The course of instruction will be presented on eight (8) individual days, each day consisting of eight (8) hour instruction blocks, and two (2) individual Fridays, each day consisting of six (6) hour instruction blocks.
3. Dates of Training. The Association will conduct the FDW during the weeks of November 28 – December 2, and December 5 – 9, 2016.
4. Facilities and Equipment. The training will be conducted at the Springfield Training Academy 2622 West Battlefield Road, Springfield, Missouri 65802, at no cost to the Association. The Agency will provide, at no cost to the Association, the necessary audio-visual and specialized equipment to conduct the proposed training.

5. Finalizing Planning. The Association will provide a list of instructors and a finalized class schedule within twenty-one (21) days of the day this Agreement is received by the Association, after execution by the Agency. In the event a given instructor is not available for any reason, the Association will substitute an alternative instructor of comparable knowledge, experience, credentials, and competence. The unavailability of a particular instructor shall not be grounds to terminate this Agreement.
6. Number of Participants. The Association will provide instruction and training materials, except text books, for a maximum of six (6) participants. The Agency will provide to the Association a complete roster of students and their contact information no later than four (4) weeks prior to the start of the first week of instruction.
7. Evaluation of Training. The Association shall administer a student critique at the conclusion of each training week to be filled out by the students and returned to the Association within five (5) days of the end of training.
8. Program Cancellation and or Rescheduling. Should it become necessary for the Agency to cancel this training for any reason, said cancellation must take place no later than thirty (30) days prior to the scheduled start date of the contract training. Should cancellation become necessary beyond this date, a ten percent (10%) cancellation fee will be assessed to the Agency. If, no later than thirty (30) days prior to the scheduled start date, the Agency requests the Association to reschedule the training, then the Association will make a good faith effort to find alternative dates, but provides no guarantee that rescheduling may be possible. If the class is rescheduled through mutual agreement of the parties, the Agency agrees to pay all costs associated with the rescheduling to include: airfare, hotel rebooking, cancellation fees, and Association administrative support hours

(not to exceed \$2,000.00), associated with the rescheduling of instructors and changes to the travel arrangements.

9. Association as an Independent Contractor. In all matters pertaining to this Agreement, the Association shall be acting as an independent contractor, and neither the Association, nor any officer, employee, nor agent of the Association will be deemed an employee of the Agency. The selection of the personnel of the Association or as designated by the Association in the performance of this Agreement, shall be made by the Association.
10. Non-Discrimination. The Association shall not, in the performance of this Agreement, discriminate against any person because of that person's age, race, color, sex, sexual orientation, national origin, disability, or religion. The Agency agrees to notify the Association of the names of any students who will require accommodations due to a disability. Such notification shall occur no later than fourteen (14) days prior to the start of the training.
11. Time and Manner of Payment. The Agency will pay to the Association the sum of twenty-two thousand, five hundred, and ninety dollars (\$22,590.00). Said payment shall occur within thirty (30) days of the conclusion of the FDW, currently scheduled to conclude on December 9th, 2016. This amount includes reimbursement to the Association for instructor's fees, travel, transportation and lodging, training materials, staff hours, and course certificates. No costs are included for student travel, transportation, lodging, meals, or text books.
12. Integration. This instrument embodies the whole Agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. This Agreement shall supersede all previous communications, representations, or agreements,

either verbal or written, between the parties hereto.

13. Severability. It is understood and agreed to by the parties hereto that if any part, term, or provision of this Agreement is by the courts held to be illegal, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provisions held to be illegal.
14. Modification. There may be no modification of this Agreement, except in writing, signed by both parties, and executed with the same formalities as this Agreement.
15. Time of Acceptance. The terms of this Agreement are subject to acceptance by the Agency within fifteen (15) working days of the date of execution by the Association. Failure to execute this Agreement by the Agency within said fifteen (15) days will void this Agreement, unless said fifteen (15)-day period is extended by mutual consent of the Agency and Association and made a part of this Agreement. Any extension of said fifteen (15)-day period is effective only if it is in writing, signed by both parties, and executed with the same formalities as this Agreement.
16. Solicitation. For the term of this Agreement and for a period of twelve (12) months after its cancellation, expiration, or termination, the Agency agrees that it will not attempt to solicit, hire, engage, accept services from, or otherwise employ, whether for pay or otherwise, and whether as an employee, independent contractor, or otherwise, the instructor(s) presenting the program that is the subject-matter of this Agreement for the purposes of presenting any programs and/or instruction offered by the Association. If the Agency breaches this clause, and the Association institutes any action to enforce it, then the twelve (12)-month period shall begin from the date the court, or other authority,

issues its order enforcing this clause.

17. Signatures. The signatories on behalf of the Association and the Agency are that they represent and act on behalf of their respective parties and that each is acting in reliance upon this representation in the execution of this Agreement.
18. Jurisdiction. This agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Missouri. Should any part of this agreement be litigated, venue shall be proper only in the Circuit Court of Greene County, Missouri.

ADDITIONAL DOCUMENTS INCLUDED AS A PART OF THIS AGREEMENT:

ATTACHMENT A – LICENSING AGREEMENT

IN WITNESS WHEREOF, the Agency causes this Agreement to be executed by the proper officers on this _____ day of _____, 2016.

Springfield Police Department

By: _____
City Manager or his/her designee

Approved as to form:

City Attorney or Assistant City Attorney

CERTIFICATE OF DIRECTOR OF FINANCE

I certify that the expenditure contemplated by this document is within the purpose of the appropriation to which it is to be charged and that there is an unencumbered balance of appropriated and available funds to pay therefor.

Director of Finance or Acting Director

IN WITNESS WHEREOF, the Association has caused this Agreement to be executed by the proper officer on this _____ day of _____, 2016.

International Association of Chiefs of Police, Inc.

By: _____
Gwen Boniface
Deputy Executive Director

ATTACHMENT A

Licensing Agreement

This Agreement is made this ____ day of _____ by and between the International Association of Chiefs of Police, Alexandria, Virginia, a not-for-profit corporation (hereafter, IACP), and the Springfield Police Department, Springfield, Missouri 65802, a law enforcement agency (hereafter, Agency).

Recitals. R-1. Whereas IACP has devoted significant resources to the development of the Leadership in Police OrganizationsSM (LPO) Training Materials (defined herein), a leadership development program; and

R-2. Whereas IACP is the owner of all right, title, and interest in and to the subject works (described herein) of the program (described herein), including copyright rights; and

R-3. Whereas IACP wishes to license the Agency to use the works for the development of leaders within the Agency and such other agencies with whom the Agency may partner to deliver the training, with IACP's permission, and to ensure the quality of any training associated with the program; and

R-4. Whereas "Leadership in Police OrganizationsSM", "LPOSM", "Leadership in Public Safety OrganizationsSM" and "LPSOSM" are trademarked marks owned by IACP; and

R-5. Whereas IACP also wishes to license to Agency the use of said trademarks;

The parties do hereby enter into the following agreement:

1. Definition of "Program." The "program" that is the subject-matter of this Agreement consists of the following components:

- The revised LPOSM text contained in volumes 1, 2 and 3, dated January 2010 and 2016, and subsequent updates;
- The following lesson plans and as applicable case study solutions:
 - Course overview, lessons 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28;
- The video clips listed in the document titled "SharePoint Approved Video List".
- The materials for which specific permissions for use have been granted to IACP and its partner organizations.
- The following power point presentations:
 - Course overview

- Area one overview
- Lessons 1-28

Collectively, the aforementioned are designated as the “LPOSM 2016 Training Materials.”

2. Definition of “Subject Works.” The “subject works” consist of the following:

The narrative contained in volumes 1, 2, and 3 of the aforementioned text and the lesson plans and power points presentations listed in paragraph 1.

IACP is not claiming any copyright ownership in any work(s) that may be a part of the “subject works”, if any, which are in the public domain; which are the copyright property of any third party; or which are works of the Federal Government that cannot be copyrighted.

3. Grant of License. IACP hereby grants Agency the right to use the program and IACP’s trademarked marks for use in the delivery of leadership training, strictly in accord with the terms and conditions of this Agreement and for no other use or purpose. Unauthorized use of the program and/or marks may result in the immediate termination of this Agreement, the immediate withdrawal of authority to use the marks, and statutory damages and other remedies for copyright and/or trademark infringement.

4. Obligations of Agency. (a) The program may only be used by Agency instructors who: (i) have been certified by IACP upon completion of an IACP-sponsored Faculty Development Workshop; (ii) agree to be bound by the terms of this Agreement; and (iii) maintain an average score of 4.0 or above on student evaluations. Failure of any instructor at any time to abide by these terms and conditions may result in his or her being de-certified by IACP, in which case the Agency may no longer use that instructor in the delivery of the program.

(b) Agency shall see to it that no instructor uses the program or the marks outside of the delivery of leadership training pursuant to this Agreement. For example, instructors may not use the program or marks in any consulting work they may do, for or without compensation; in conjunction with programs offered by any academic institution, unless said program is approved by IACP; in concert with any third party that is not IACP or the Agency. The foregoing examples are intended to be illustrative only and not exclusive. Agency must immediately notify IACP if it comes to the Agency’s attention that any of its instructors are not abiding by these terms. Failure to do so may result in IACP’s immediate cancellation of this Agreement with Agency.

(c) Agency shall submit any promotional, advertising, and/or marketing materials (to include certificates), to be used in any medium, for IACP’s prior written approval, which approval shall not unreasonably be delayed or denied by IACP. Agency shall see that no instructor engaged by it engages in any promotion, advertising, or marketing of the program without first submitting his, her, or its materials to IACP for review and approval.

(d) In presenting the program, the Agency, through its instructors, shall use only the LPOSM 2016 training materials and subject works that are the subject matter of this Agreement. If the Agency (or an instructor) wishes to use any additional or new materials, not listed herein, s/he or it must first submit the new or additional material to the IACP Education Team at least 45 days in advance of when the material is to be used. If the Education Team does not approve the material (such approval not to be unreasonably withheld or delayed), then the Agency or instructor may not use the material. If the material the department wishes to use is voluminous and IACP has to engage the services of a subject-matter expert to review the material, the Agency will compensate IACP for said review at a price agreed upon by the parties.

(e) The Agency must provide the IACP with a list of all classes to be held, the location of the class, class roster [to include the number of students, the agency of each student, if not the contracting Agency, and each student's individual contact information], and the specific dates of all classes, at least 30 days prior to the first day of class.

(f) Instructors must maintain an average score of 4.0 on student evaluations. Agency will see that instructors pass out evaluation forms to students and will provide the IACP a copy of all evaluations within 14 days of the last day of class.

(g) Agency will be responsible for obtaining permission to use any copyrighted material it uses in the program, the copyright to which is not already owned by IACP, and shall provide proof of such permission to IACP when requested. Agency will reimburse IACP for any damages, including attorneys' fees that IACP may be obligated to pay as a result of Agency's breach of this provision.

(h) Agency will allow an IACP employee or IACP consultant to conduct an on-site audit of the program, including attendance at and observation of classes. Such audits will be performed no more frequently than once every two years. In the event IACP has to engage a subcontracted subject-matter expert to assist with the on-site review, the Agency and IACP will agree to a reasonable cost for which the Agency will be responsible.

5. Obligations of IACP. IACP will:

(a) Provide corrections to and an update of the program during 2016.

(b) Provide notification of, and access to, any subsequent updates made to the program and/or LPOSM 2016 Training Materials.

(c) Provide mentoring and instructional assistance to an Agency requesting it, with reasonable notice, the cost of such assistance, including IACP's time and expenses, to be billed to the Agency by IACP at IACP's then current rates.

(d) Provide access to the SharePoint website used by other LPOSM agencies and instructors who are parties to agreements such as this.

(e) Invite participating agencies to any meetings or training sessions in which the program is discussed.

(f) Give priority placement in Faculty Development Workshops to agencies which are parties to agreements such as this. If necessary, IACP may limit the number of persons an agency can send to a particular workshop or even, depending on circumstances, deny placement to any personnel from a given agency to a particular workshop.

(g) Market licensed programs on the IACP website training calendar, and in a print article in *Police Chief Magazine* that will highlight the LPOSM program development within each state.

6. Term of Agreement. The term of this Agreement shall commence on the date first above written and shall continue indefinitely until cancelled by either party. Either party may cancel this Agreement at any time by giving 30 days' notice to the other; or, either party may cancel this Agreement immediately if allowed by other terms herein, or if the non-cancelling party materially breaches a material provision of this Agreement.

Springfield Police Department

City Manager or his/her designee

Approved as to form:

City Attorney or Assistant City Attorney

International Association of Chiefs of Police

Gwen Boniface
Deputy Executive Director

Cecelia Rosser
Director, Education Team