

ORDINANCE NO. O-17-19

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, ADDING A NEW CHAPTER 16, NAMING OF CITY PROPERTY AND CITY PROGRAMS, OF THE MISSOURI CITY CODE; PROVIDING RULES AND REGULATIONS RELATED TO THE NAMING OF CITY PROPERTY AND CITY PROGRAMS; PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY.

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

Section 1. The Missouri City Code is hereby amended by adding a new Chapter 16 thereof to provide as follows:

“CHAPTER 16 – NAMING OF CITY PROPERTY AND CITY PROGRAMS

ARTICLE I. – IN GENERAL

Sec. 16-1. – Definitions.

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

City facility means a building, facility, structure, or portion thereof, owned, operated or controlled by the city, including any sub-facility thereon. This term specifically excludes city parks and city streets.

City park means any land, building, facility, or portion thereof, owned, operated or controlled by the city for park or recreational purposes, including any sub-facility or natural feature such as a lake, river, creek or stream, thereon.

City program means a program provided by the city to accomplish a specific purpose.

City property means a city facility, city park or city street.

Donor means a person who provides one or more of the following to the city: (i) a contribution of a minimum of 50 percent of the cost of constructing or improving a city facility, a city park, or a portion thereof, provided that such cost is at least \$100,000; (ii) an endowment for the continued maintenance of a city facility, a city park, or a portion thereof, provided that the cost for such continued maintenance is at least \$50,000; or

(iii) a conveyance, in fee simple, of unencumbered land for use as a city facility or city park. This term specifically excludes a person who provides funds or land pursuant to federal, state, or local law, including, but not limited to, a parkland dedication pursuant to Chapter 82 of this code.

Exceptional contribution means one or more of the following: (i) demonstrated excellence, courage or exceptional service; (ii) death in the line of duty serving the city, the state, or the United States; (iii) attainment of national or international prominence and achievement; or (iv) significant impact on government, education, science or the arts.

Naming rights means the exclusive right to place the name of a third-party on a designated city facility, city park, or a portion thereof.

Naming rights agreement means a mutually beneficial contractual agreement between the city and a sponsor that reflects the business arrangement and obligations for naming rights.

Sponsor means a person who provides cash or in-kind services to the city in exchange for naming rights pursuant to a naming rights agreement. A sponsor does not include: (i) a donor or any other person making a contribution to the city who is not granted naming rights pursuant to a naming rights agreement; or (ii) a governmental entity.

Sub-facility means a city-owned structure of a permanent nature within a city facility or city park, including, but not limited to, a wall, a monument, a plaza, an interior room in a building, a pavilion, or a large water feature. This term specifically excludes park benches, memorial pavers, trees, and other non-permanent structures located within a city facility or city park.

Sec. 16-2. – Applicability.

- (a) Except as provided by subsection (b) of this section, this chapter applies to the naming or renaming of city property and city programs. City property and city programs shall not be named or renamed except in accordance with the requirements set forth in this chapter.
- (b) This chapter does not apply to the naming or renaming of city property or city programs solely in the name of the city.
- (c) Except as otherwise provided in this chapter, the designation of the name of specific city property or a specific city program shall not preclude the renaming of such city property or city program at a later date.

Sec. 16-3. – Naming criteria.

Except as otherwise provided in this chapter, one or more of the following criteria shall be the basis for naming or renaming city property and city programs:

- (1) An individual who is at least 70 years of age and who has made an exceptional contribution to the city;
- (2) An individual who has been deceased for at least five years and who made an exceptional contribution to the city;
- (3) An elected or appointed official who has been out of office for at least one full term and such official has made an exceptional contribution to the city;
- (4) A resident of the city who has made an exceptional contribution to the city;
- (5) A former employee of the city who has made an exceptional contribution to the city;
- (6) A donor;
- (7) A naming rights agreement;
- (8) To commemorate a national, state or local historical or cultural event;
- (9) To commemorate an economic development or redevelopment activity in fulfillment of the city's mission;
- (10) In relation to native wildlife or nature;
- (11) To describe a term such as "friendship" or "independence;"
- (12) In relation to a geographical location, such as a subdivision or a recognizable area; or
- (13) To commemorate a historical landmark, as designated by the Fort Bend County Historical Commission.

Sec. 16-4. - Review and approval of applications.

- (a) Upon receipt of a complete application filed pursuant to articles II or III of this chapter, relating to city facilities and city streets, as applicable, the director of the public works department or his designee will review the application and prepare a recommendation for the city council on whether the application meets the requirements set forth in this chapter and the financial impact, if any, of implementing the proposed name.

- (b) Upon receipt of a complete application filed pursuant to articles IV or V of this chapter, relating to city parks and city programs, as applicable, the director of the parks and recreation department or his designee will review the application and prepare a recommendation for the parks board on whether the application meets the requirements set forth in this chapter, and the financial impact, if any, of implementing the proposed name. The parks board will hold a public hearing on the proposed name before submitting a final recommendation to the city council.
- (c) Upon receipt of a complete application filed pursuant to article V of this chapter, relating to city programs, as applicable, the city manager or his designee will review the application and prepare a recommendation for the city council on whether the application meets the requirements set forth in this chapter, and the financial impact, if any, of implementing the proposed name.
- (d) The city council may approve, after a public hearing, an application to name or rename city property or a city program if the proposed naming or renaming is consistent with the requirements of this chapter.
- (e) Upon the approval of a new city street name, the applicant, other than a councilmember, shall pay the costs associated with installing a new city street sign.

Sec. 16-5. – Denial, modification or revocation of an application.

Except as otherwise provided in subsection 16-114, the city council may deny, modify or revoke an application filed or approved pursuant to this chapter if one or more of the following conditions are met:

- (1) The application contains false or misleading information or required information is omitted;
- (2) The proposed name advocates a political party or religion;
- (3) The proposed name when taken in form and context is deemed to be unsuitable for and contrary to community standards of appropriateness for governmental or family publications;
- (4) The proposed name promotes an illegal activity as defined by federal, state or local law;
- (5) The proposed name promotes, suggests or glorifies violence or acts of a violent nature;
- (6) The proposed name demeans, intimidates or maliciously portrays any gender, racial or ethnic group or other protected class;

- (7) The proposed name duplicates the name of another city property or city program;
- (8) The proposed naming or renaming is prohibited by a legal or contractual mandate;
- (9) The proposed naming or renaming violates federal, state or local law; or
- (10) The proposed naming or renaming will for any reason bring disrepute upon the city.

Sec. 16-6. – Notification.

If an application to name or rename city property is approved by the city council, the director of the public works department or his designee will notify any affected city departments, utilities, and governmental entities of the new name of the city property.

ARTICLE II. – CITY FACILITIES

DIVISION 1. – PROCEDURE FOR NAMING OR RENAMING CITY FACILITIES

Sec. 16-21. Council initiated applications.

- (a) A member of the city council may initiate the naming or renaming of a city facility by submitting, in writing, the following information to the city secretary:
 - (1) The current name, if applicable, or address of the city facility to be named or renamed;
 - (2) The proposed name of the city facility, provided that, if the proposed name of the city facility is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided; and
 - (3) Applicable documentation that demonstrates how the proposed name is consistent with the criteria set forth in section 16-3.
- (b) The city secretary will forward the information received pursuant to subsection (a) of this section to the director of the public works department or his designee who will review the submitted information in accordance with subsection 16-4(a).

Sec. 16-22. – Applications initiated by persons other than councilmembers.

A donor seeking to name or rename a city facility or a person, other than a donor or a councilmember, seeking to rename a city facility shall submit an application to name or rename a city facility, as applicable, to the director of the public works department or

his designee in an application form provided by the director. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant;
- (2) The current name, if applicable, and location of the city facility proposed to be named or renamed;
- (3) The proposed name of the city facility;
- (4) If the proposed name of the city facility is the name of an entity, the applicant shall also provide the following information:
 - (a) If the entity is a corporation, the full name and address of each director, officer, and each shareholder, or, if the corporation has more than five shareholders, the full name and address of at least five major shareholders;
 - (b) If the entity is a partnership, the full name and address of each partner and the type of partnership;
 - (c) If the entity is an unincorporated association, the full name and address of each associate and officer of such association;
 - (d) Proof of entity form and current status, including, but not limited to:
 - i. A current and valid certificate of existence or certificate of authority from the state office of the secretary of state;
 - ii. A current and valid certificate of good standing from the state comptroller of accounts;
 - iii. All assumed names used and copies of all filings related to such names from the county clerk's office;
 - iv. A certificate of incorporation; and
 - v. A nonprofit certificate (IRS determination letter);
 - (e) The entity's federal tax identification number; and
 - (f) Proof that the entity is not delinquent in state, local, and federal taxes;
- (5) Applicable documentation that demonstrates how the proposed name is consistent with the criteria set forth in section 16-3;

- (6) For a person seeking to rename a city facility, other than a donor or a councilmember, a petition that bears the signatures of at least ten percent (10%) of the number of qualified voters who voted at the last mayoral city election; and
- (7) Any other information that may be requested by the city to fully evaluate and review the application.

ARTICLE III. – CITY STREETS

DIVISION 1. – PROCEDURE FOR NAMING CITY STREETS

Sec. 16-41. – Naming city streets.

New city streets shall be named in accordance with the platting regulations set forth or adopted in Chapter 82 and all applicable city ordinances.

DIVISION 2. – PROCEDURE FOR RENAMING CITY STREETS

Sec. 16-51. – Council initiated applications.

(a) A member of the city council may initiate the renaming of a city street by submitting, in writing, the following information to the city secretary:

- (1) The current name or location of the city street proposed to be renamed;
- (2) The proposed name of the city street, provided that, if the name of the city street is the name of an entity, the information set forth in section 16-22(4) shall be provided; and
- (3) Applicable documentation that demonstrates how the proposed renaming is consistent with the criteria set forth in section 16-3.

(b) The city secretary will forward the information received pursuant to subsection (a) of this section to the director of the public works department or his designee who will review and evaluate the submitted information in accordance with subsection 16-4(a).

Sec. 16-52. – Applications initiated by persons other than councilmembers.

A person, other than a councilmember, seeking to rename a city street shall file an application to rename a city street with the director of public works or his designee on an application form provided by the director. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant;

- (2) The current name and location of the city street that the applicant seeks to rename;
- (3) The proposed name of the city street, provided that, if the proposed name is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided;
- (4) A petition that bears the signatures of at least 90 percent (90%) of the number of owners of property abutting the city street to be renamed;
- (5) Applicable documentation that demonstrates how the proposed name is consistent with the criteria set forth in section 16-3; and
- (6) Any other information that may be requested by the city to fully evaluate and review the application.

ARTICLE IV. – CITY PARKS

DIVISION 1. - PROCEDURE FOR NAMING OR RENAMING CITY PARKS

Sec. 16-71. – Council initiated applications.

- (a) A member of the city council may initiate the naming or renaming of a city park by submitting, in writing, the following information to the city secretary:
 - (1) The current name, if applicable, or location of the city park proposed to be named or renamed;
 - (2) The proposed name of the city park, provided that, if the proposed name is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided; and
 - (3) Applicable documentation that demonstrates how the proposed naming or renaming is consistent with the criteria set forth in section 16-3.
- (b) The city secretary will forward the information received pursuant to subsection (a) of this section to the director of the parks and recreation department or his designee who will review the submitted information in accordance with subsection 16-4(b).

Sec. 16-72. – Applications initiated by persons other than councilmembers.

A person, other than a councilmember, seeking to name or rename a city park shall submit an application to name or rename, as applicable, such park to the director of the

parks and recreation department or his designee in an application form provided by the director. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant;
- (2) The current name, if applicable, and location of the city park proposed to be named or renamed;
- (3) The proposed name of the city park, provided that, if the proposed name is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided;
- (4) Applicable documentation that demonstrates how the proposed name meets the criteria set forth in section 16-3;
- (5) For a person seeking to name or rename a city park, other than a donor or a councilmember, a petition that bears the signatures of at least ten percent (10%) of the number of qualified voters who voted at the last mayoral city election; and
- (6) Any other information that may be requested by the city to fully evaluate and review the application.

ARTICLE V. – CITY PROGRAMS

DIVISION 1. – PROCEDURE FOR NAMING OR RENAMING CITY PROGRAMS

Sec. 16-91. – Council initiated application.

- (a) A member of the city council may propose the naming or renaming of a city program by submitting, in writing, the following information to the city secretary:
 - (1) The current name of the city program, if applicable;
 - (2) The proposed name of the city program, provided that, if the proposed name is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided; and
 - (3) Applicable documentation that demonstrates how the proposed naming or renaming is consistent with the criteria set forth in section 16-3.
- (b) The city secretary will forward the information received pursuant to subsection (a) of this section to the city manager or his designee who will review the submitted information in accordance with subsection 16-4(c). If the proposed naming or renaming of a city program relates to a parks and recreation department program, the city secretary will forward the information to the director of the parks and

recreation department who will review the submitted information in accordance with subsection 16-4(b).

Sec. 16-92. - Applications initiated by persons other than councilmembers.

A person, other than a councilmember, seeking to name or rename a city program shall file an application to name or rename the city program, as applicable, with the city manager or his designee on an application form provided by the city manager. If the proposed naming or renaming relates to a parks and recreation department program, an application to name or rename, as applicable, shall be filed with the director of the parks and recreation department or his designee on a form provided by the director of the parks and recreation department. The application shall include the following information:

- (1) The name, address, telephone number, and email address of the applicant;
- (2) The current name of the city program, if applicable;
- (3) The proposed name of the city program, provided that, if the proposed name of the city program is the name of an entity, the information set forth in subsection 16-22(4) shall also be provided;
- (4) Applicable documentation that demonstrates how the proposed naming or renaming is consistent with the criteria set forth in section 16-3; and
- (5) Any other information that may be requested by the city to fully evaluate and review the application.

ARTICLE VI. – NAMING RIGHTS

DIVISION 1. – PROCEDURE FOR GRANTING NAMING RIGHTS

Sec. 16-111. – Applicability.

- (a) This article applies to the granting of naming rights to a designated city facility or city park.
- (b) This article does not apply to an existing naming rights agreement, until the term of said agreement expires.

Sec. 16-112. – Request for proposals for naming rights.

- (a) The city may identify city facilities and city parks that may be eligible for an assignment of naming rights.

- (b) Before the city may enter into a naming rights agreement for an eligible city facility or city park, the city will solicit proposals for naming rights through a request for proposals, which will be publicly noticed for a minimum of ten (10) business days prior to the designated closing date of the submission of proposals. Public notice shall consist, at a minimum, of posting the request for proposals on the city's website. The request for proposals shall contain any information that the city may need to fully review and evaluate whether a submitted proposal provides the best value to the city as provided in subsection 16-113(c).

Sec. 16-113. – Review and approval of proposals.

- (a) The city manager or his designee will review the proposals submitted pursuant to subsection 16-112(b) and provide a recommendation to city council on the proposal that provides the best value to the city in accordance with the criteria provided in subsection (c) of this section.
- (b) If the proposals submitted pursuant to subsection 16-112(b) relate to a city park, the director of the parks and recreation department or his designee will review such proposals and provide a recommendation to the parks board on the proposal that provides the best value to the city in accordance with the criteria provided in subsection (c) of this section. The parks board will hold a public hearing on the submitted proposals before submitting a final recommendation to the city council.
- (c) To determine whether a proposal submitted pursuant to subsection 16-112(b) provides the best value to the city, the city council may consider the following information:
 - (1) The proposed cash or in-kind services to the city;
 - (2) The reputation of the respondent;
 - (3) The respondent's past relationship with the city;
 - (4) The long-term benefit to the city to enter into a naming rights agreement with the respondent;
 - (5) Whether the respondent's mission, products, services, and marketing goals are consistent with the city's vision, mission, strategic goals, policies, and ordinances; and
 - (6) Any criteria specifically listed in the request for proposals.
- (d) The city council may authorize the city manager to negotiate a naming rights agreement with the potential sponsor who provides the best value to the city and

who meets the requirements of this article. All naming rights agreements shall be subject to approval by the city council.

Sec. 16-114. – Denial of proposals.

The city council may deny a proposal submitted pursuant to this article if one or more of the following conditions are met:

- (1) The proposal meets one or more of the conditions provided in section 16-5;
- (2) The proposal does not provide the best value to the city;
- (3) The proposal seeks naming rights for a sexually oriented business, as defined in section 18-701 of this code;
- (4) The proposal seeks naming rights for a person who has entered into a contract with the city to provide services related to the city facility or city park subject to naming rights, or on a closely related public improvement or property, except that this provision shall not apply to:
 - (a) a person who provides such services at no cost to the city; or
 - (b) a person who has completed such services to the satisfaction of the city and a 12-month period has expired from the date of such completion and the date the person submits a proposal seeking naming rights pursuant to subsection 16-112(b);
- (5) The proposal might appear to result in a conflict of interest; provided that the city council may exercise discretion in determining whether the potential conflict is significant enough to warrant denying approval of the proposal; or
- (6) The respondent's public image might detract from the property subject to naming rights.

Sec. 16-115. - Conditions of naming rights agreements.

A naming rights agreement shall be subject to the following conditions:

- (1) A naming rights agreement shall not relinquish to a sponsor any aspect of the city's right to manage or control the city facility or city park;
- (2) A naming rights agreement shall not result in a loss of the city's jurisdiction or authority;
- (3) The term of a naming rights agreement shall be not less than five (5) years and not more than ten (10) years;

- (4) A naming rights agreement shall be reviewed and approved as to form by the city attorney; and
- (5) Any signs, branding, publicity, and advertising provided for by a naming rights agreement shall conform to all applicable city ordinances and policies.”

Section 2. Repeal. Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 3. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 19th day of June, 2017.

PASSED, APPROVED and ADOPTED on second and final reading this 3rd day of July, 2017.

/s/Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

/s/Maria Jackson, City Secretary

/s/E. Joyce Iyamu, City Attorney