

AGENDA
HALTOM CITY COUNCIL MEETING
December 12, 2016 - CITY HALL - 5024 BROADWAY AVENUE
Council Chambers – Work Session – 6:00 P.M./Regular Session – 7:00 P.M.

WORK SESSION 6:00 P.M.

CALL TO ORDER (General Comments)

- Discuss Improvements to the Buffalo Ridge Park Crosswalk across Haltom Road (north of Big Fossil Creek)
- Review and discuss items on the regular agenda of December 12, 2016

EXECUTIVE SESSION

Chapter 551 of the Texas Government Code

As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:

Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, project schedule/construction contract with Tiseo Paving, dissolution/restructuring of the Haltom City Economic Development Corporation, the Haltom City Animal Shelter, and pending litigation and settlement offers for the following cases:

- Flynn v. Haltom City EDC
- Progressive County Mutual Ins. Co. v. City of Haltom City
- James H. Watson v. City of Haltom City

Section 551.072 – Deliberations about Real Property

Deliberation regarding the purchase, exchange, lease or value of real property owned or leased by the City.

REGULAR SESSION 7:00 P.M.

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE – Council Member Trae Fowler

ANNOUNCEMENTS/EVENTS – Council Member Stephanie Davenport

PRESENTATION – “Tree City, USA” – Courtney Blevins, Fort Worth Regional Forester

REGULAR AGENDA

1. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meetings of November 28, 2016 and December 1, 2016. (**A. Camacho**)
2. **Ordinance No. O-2016-031-01** – Consideration and/or action to approve Ordinance No. O-2016-031-01 – Oncor Franchise Agreement – **2nd Reading (J. Fung)**
3. **Ordinance No. O-2016-033-04** - Conduct a public hearing and consideration and/or action regarding approval of continuing the City’s Juvenile Curfew Regulations. **First Reading (S. Irvin)**
4. **Construction Administration Services Agreement** – Consideration and/or action to approve a construction services agreement with Halff Associates for the Carson Street Bridge Replacement Project (SH 121/Little Fossil Creek). (**G. Van**)
5. **Ordinance No. O-2016-014-15 (Z-005-16)** - Conduct a public hearing and consider action on the application of Lorenzo Garza for a Zoning Change request from “C-2” Commercial District and “SF-2” Single Family Residential District to “PD” Planned Development for all “C-2” Commercial District uses located on Lots 1 and 2, Block 4 of the North Eastridge Addition, being approximately 0.593 acres located south of Broadway Avenue and east of Aurora Street, locally known as 4300 Broadway Avenue and 3272 Aurora Street; and action on an

amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan. **First Reading (J. French)**

6. **Ordinance No. O-2016-026-15 (Z-008-16)** - Conduct a public hearing and consider action on the application of Roy Sullins for approval of a Zoning Change request from "SF-2" Single Family Residential District to "PD" Planned Development for all "C-3" uses plus office warehouse uses and a Masonry Variance located on Lot 24A, Block 6 of the Golden Gardens Addition, being 0.413 acres of land located north of Ellison Avenue and west of Carson Street, locally known as 2601 Carson Street, and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan. **First Reading (J. French)**
7. **Ordinance No. O-2016-030-15 (Z-014-16, CV-002-16)** - Conduct a public hearing and consider action on the application of Ernest Hedgcoth, on behalf of Andy Hickson with The Peak of Excellence, for approval of a Zoning Change request from "C-3" Commercial District to "PD" Planned Development for all "C-3" uses plus warehouse and office warehouse uses and a Masonry Variance located on Lots 3A-5A, Block 1 of the Parkdale Gardens Addition, being 1.025 acres of land located north of Midway Road and east of Carson Street, locally known as 2416 and 2420 Carson Street; and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan. **First Reading (J. French)**

VISITORS/CITIZENS FORUM

This time is set-aside for any person having business before the Council that is not scheduled on the agenda to speak to the Council. Please submit a completed Speaker's Request Form to the City Secretary and follow the instructions listed on the form. If a group is present and interested in the same issue, please choose a spokesperson. Council cannot discuss or debate any issue brought forth at this time, nor can any formal action be taken, as it is not a posted agenda item in accordance with the open meetings law.

BOARDS/COMMISSIONS

8. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members.
9. **Appointment/Reappointment to Boards and Commissions** – Consider approval regarding appointments to Boards/Commissions.

EXCUSED ABSENCE OF COUNCIL MEMBERS

10. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter.

EXECUTIVE SESSION

See Posting on Page One (1) of Agenda.

RECONVENE TO REGULAR SESSION

11. Take any action deemed necessary as a result of the Executive Session.

ADJOURNMENT

CERTIFICATION

I, ART CAMACHO, CITY SECRETARY OF THE CITY OF HALTOM CITY, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE OFFICIAL BULLETIN BOARDS IN CITY HALL ON THIS THE 9TH DAY OF DECEMBER, 2016 AT 5:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.



ART CAMACHO, CITY SECRETARY

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE CITY HALL BULLETIN BOARD ON ___ DAY OF _____, 2016. Name: _____ Title: _____



This facility is wheelchair accessible. Handicapped parking spaces are available. Request for sign interpretative services must be made 48 hours ahead of meeting. To make arrangements call 817-222-7754.

CITY COUNCIL MEMORANDUM

City Council Meeting: November 28, 2016
Department: City Secretary
Subject: Minutes of November 28, 2016 and
December 1, 2016

BACKGROUND

A Regular Meeting was held at City Hall, 5024 Broadway Avenue on November 28, 2016, and a Special Meeting was held at the Haltom City Northeast Center, 3201 Friendly Lane, on December 1, 2016.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends the City Council approve the Minutes of November 28, 2016 and December 1, 2016.

ATTACHMENTS

November 28, 2016 Minutes
December 1, 2016 Minutes

**MINUTES
HALTOM CITY COUNCIL MEETING
CITY HALL, 5024 BROADWAY AVENUE
November 28, 2016**

A Regular Meeting by the City Council of the City of Haltom City, Texas, was held on November 28, 2016, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present:

Mayor David Averitt

Council Place 1 Jeannine Nunn

Council Place 4 Trae Fowler

Council Place 7 Dr. An Truong

Council Place 2 Walter Grow was absent.

Mayor Pro Tem Bob Watkins

Council Place 3 Scott Garrett

Council Place 6 Stephanie Davenport

Staff Present: Keith Lane, City Manager; Rex Phelps, Assistant City Manager, Wayne Olson, City Attorney; Art Camacho, City Secretary; Justin French, Planning and Community Director; Jennifer Fung, Finance Director, Police Chief Cody Philips, Janet Carver, Purchasing Agent, Christi Pruitt, Parks and Recreation Director, and Greg Van Nieuwenhuize, Public Works Director.

WORKSESSION

CALL TO ORDER

Mayor Averitt called the Worksession to order at 6:02 p.m. Finance Director Jennifer Fung presented the monthly financial report for October 2016 and a discussion was held regarding the Water/Sewer Impact Fee. The Consent Agenda was open for discussion and City Attorney Wayne Olson advised the Council that no action can be taken on Consent Agenda Item # 3 because a franchise ordinance amendment requires 15 days for official passage. This item will be placed on the December 12th Council Meeting for final approval. No changes were made to the Regular Agenda. The Worksession ended at 6:09 p.m. Mayor Averitt called for an Executive Session at 6:09 p.m.

EXECUTIVE SESSION

Chapter 551 of the Texas Government Code

As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:

Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, project schedule/construction contract with Tiseo Paving, dissolution/restructuring of the Haltom City Economic Development Corporation, and pending litigation and settlement offers for the following cases:

- Flynn v. Haltom City EDC
- Progressive County Mutual Ins. Co. v. City of Haltom City
- James H. Watson v. City of Haltom City

Section 551.072 – Deliberations about Real Property

Deliberation regarding the purchase, exchange, lease or value of real property owned or leased by the City.

Mayor Averitt closed the Executive Session at 6:55 p.m.

REGULAR MEETING

CALL TO ORDER

Mayor Averitt called the meeting to order at 7:02 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Council Member Scott Garrett gave the Invocation and led the Pledge of Allegiance and the Texas Flag Pledge.

ANNOUNCEMENTS/EVENTS

Council Member Davenport read the following announcements:

Public Library

Story Time, GED Classes, Super Science Saturdays, Bi-lingual Story Time, Family Movie Night and Coloring and Cookies for Grown Ups activities and their dates and times are found on the Library's website.

A Special "Holiday Bedtime Story Time" is Thursday, December 15th at 6:30 p.m. that will include stories, a puppet show, and a visit with Mr. & Mrs. Claus.

Parks and Recreation

Early registration for Lil' Ballers, ages 4-6, ends December 2nd and the cost is \$45 per player. Late registration is available December 5th – 10th and the cost will be \$65 per player. All practices and games are held at the Haltom Recreation Center and coaches are needed, so please apply.

Community Projects

The **Christmas on Broadway** holiday special event is Saturday, December 3rd from 3 p.m. to 6 p.m. This free, family friendly event features carriage rides, bounce houses, a petting zoo, Christmas crafts and games, and much more. Santa and Mrs. Claus will be there along with our local elementary school choirs and special performances from Haltom High School students, "NEED" will be collecting non-perishable foods, "Giving Christmas" will be collecting new, unwrapped toys and wrapping paper, and BISD Clothes Connection will be collecting "gently used" winter coats and clothes to give back to the Haltom City community in need. Beautification Board members will be giving out free tree seedlings at Christmas on Broadway, so be sure to pick one up at their table to support our city being a Tree City USA.

The Neighbourhood Decorating contest is December 12th through 15th. Be sure to have your homes decorated for the holidays. Eighteen winners across the entire city will be chosen. Thank you to Keep Haltom City Beautiful for keeping this holiday tradition going. The 2017 Haltom City Community Calendars will be available the 2nd week in December at City Hall, the Public Library, and the Recreation Center. Calendars are free, but please limit to one per household.

Parks and Recreation

Early registration for Lil' Ballers, ages 4-6, ends December 2nd. The cost is \$45 per player. Late registration is available December 5th – 10th and the cost is \$65 per player. All practices and games are held at the Haltom Recreation Center. Coaches are needed.

CONSENT AGENDA

Consent Agenda Item # 3 was removed for reasons given in the prior Worksession.

2. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meeting of November 14, 2016.
4. **Ordinance No. O-2016-028-15 (Z-010-16)** - Consider action on the application of Vian Boutaloth for a Zoning Change request from "M-1" Industrial District to "M-2"

Heavy Industrial District located on Lot 2A of the Jack Williams Subdivision Addition, being approximately 0.641 acres located north of Midway Road and east of Weaver Street, locally known as 2604 Weaver Street – **2nd Reading.**

5. **Ordinance No. O-2016-029-15 (Z-012-16)** - Consider action on the application of Ernest Hedgcoth on behalf of Richey Road Partnership for a Zoning Change request from “SF-2” Single Family Residential District to “M-2” Heavy Industrial District located on Lot 17, Block 16 of the Parkdale Gardens Addition, being approximately 0.345 acres located north of Airport Freeway and west of Moneda Street, locally known as 2221 Moneda Street, and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan – **2nd Reading.**
6. **Ordinance No. O-2016-024-15** - Consider action on an amendment to Ordinance No. O-2002-032-15, the Zoning Ordinance of the City of Haltom City, Texas, by adopting regulations for certain land uses; providing and amending certain land use definitions; providing for and amending the classification of certain land uses in certain zoning districts; and providing and amending restrictions and parking requirements – **2nd Reading.**
7. **Public Works Vehicle Purchase** – Consideration and/or action regarding the purchase of a Tandem Axle 12/14 yard dump truck for Public Works/Street Department as provided in the 2017 Fiscal Budget.

Council Member Garrett commented on the availability of funding for the Public Works Vehicle purchase and moved, seconded by Council Member Davenport, to approve the Consent Agenda as presented. **The vote was unanimous. Motion carried.**

REGULAR AGENDA

8. **Cancellation/rescheduling of the December 26, 2016 City Council Meeting** – Consideration and/or action regarding approval of canceling/rescheduling the December 26, 2016 City Council Meeting. City Manager Keith Lane presented the agenda item that included the Christmas holiday dates for City Hall and also stated that no staff member had any pressing item for the December 26th meeting. Council Member Fowler moved, seconded by Council Member Truong, to cancel the December 26th Council Meeting and move any agenda items to the January 9, 2017 Council Meeting. **The vote was unanimous. Motion carried.**
9. **Recreation Center Sign Bid** – Consideration and/or action to approve the purchase or repair bid of the electronic message center of the Recreation Center sign. Parks and Recreation Director Christi Pruitt presented the agenda item and a discussion was held regarding the timeline for completion, future message board vendors and their warranties, the possible use of local vendors, current sign protection, and funding source. Council Member Fowler moved, seconded by Council Member Garrett, to approve the award bid for the replacement of the electronic message sign for the Recreation Center to Comet Signs for \$26,000. **The vote was unanimous. Motion carried**

VISITORS/CITIZENS FORUM

No citizen came forward.

BOARDS/COMMISSIONS

10. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members. There were no resignations.

11. **Appointment/Reappointment to Boards and Commissions** – Consider approval regarding appointments to Boards/Commissions. No appointments or reappointments were made.

EXCUSED ABSENCE OF COUNCIL MEMBERS

12. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter. Mayor Pro Tem Watkins moved, seconded by Council Member Nunn, to approve the excused absence of Council Member Walter Grow. ***The absence was unanimously approved.***

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

Mayor Averitt adjourned the meeting at 7:31 p.m.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

Art Camacho, City Secretary

David Averitt, Mayor

MINUTES
HALTOM CITY COUNCIL WORKSESSION
Haltom City Northeast Center
3201 Friendly Lane, Haltom City, Texas 76117
December 1, 2016

A Worksession was held by the City Council on December 1, 2016, at 6:00 p.m. at City Hall, Haltom City, Texas, with the following members present:

Mayor David Averitt

Mayor Pro Tem Bob Watkins

Council Place 2 Walter Grow

Council Place 3 Scott Garrett

Council Place 4 Trae Fowler

Council Place 6 Stephanie Davenport

Council Place 7 Dr. An Truong

Council Place 1 Jeannine Nunn was absent.

City Staff Present: Keith Lane, City Manager; Rex Phelps, Assistant City Manager; Art Camacho, City Secretary; Charles Napp, Fire Marshal; Jennifer Fung, Finance Director; Justin French, Planning and Community Development Director; Lesly Smith, Library Director; Cody Phillips, Police Chief; Toni Beckett, Human Resources and Risk Management Director; Christi Pruitt, Parks Director, and Greg Van Nieuwenhuize, Public Works Director.

CALL TO ORDER

Mayor Averitt called the Worksession to order at 6:03 p.m.

1. General Discussion on:
 - Need for Municipal Facilities
2. Presentation of:
 - Conceptual Plan on Development of the EDC-Owned 43 Acre Tract @Haltom Road and Glenview

City Manager Keith Lane introduced the subject matter and gave a PowerPoint presentation indicating the need for aging infrastructure building replacement, several possible building projection costs, and a developed customized concept for Haltom City municipal facilities and surrounding businesses. A discussion was held regarding the value of the 43 acre tract, different structural assessments, other possible use of the property, retail sales interest, vendor and business development input, bond funding, timeline for a bond proposal for the citizens, and the possible establishing of a bond committee.

ADJOURNMENT

Mayor Averitt adjourned the Worksession at 8:05 p.m.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

Art Camacho, City Secretary

David Averitt, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: December 12, 2016

Department: Finance

Subject: Ordinance No. O-2016-031-01
Granting Oncor Electric Delivery
Company LLC an Electric Power
Franchise Agreement - Second
Reading

BACKGROUND

In 1996, the City Council granted Texas Utilities Electric Company and its successor an electric power franchise to use the present and future streets, alleys, highways, public utility easement, public ways and other public property of Haltom City. The agreement will expire on December 31, 2016. This ordinance will grant the franchise agreement with Oncor Electric Delivery Company LLC (Company), a successor of Texas Utilities Electric Company, for twenty years.

The current franchise fee factor is 0.003293 per each kilowatt hour of electricity delivered and the franchise fee based on "Discretionary Service Charges" is 4%. There is no change in the franchise rate nor frequency of payment. The Company will continue making annual franchise payment as per agreement.

The first public hearing was conducted on November 14, 2016 and the Council unanimously approved the first reading of the ordinance.

FISCAL IMPACT

Oncor Electric Delivery Company LLC paid the City \$1,371,688 for electric franchise fee for fiscal year 2016. The electric franchise fees for FY2017 is estimated at \$1,372,000.

RECOMMENDATION

Staff recommend the City Council to approve the ordinance on the second reading.

ATTACHMENT

Ordinance No. O-2016-031-01 was not changed and was provided in the agenda packet for the November 14, 2016 Council meeting.

CITY COUNCIL MEMORANDUM

City Council Meeting: December 12, 2016

Department: Police

Subject: Ordinance No. O-2016-033-04
Teen Curfew Ordinance, 1st Reading

BACKGROUND

The City Council originally passed a curfew ordinance in 1997, which was subsequently renewed in 2000, 2004, 2007, 2010 and 2013. Texas Local Government Code 370.002 requires reviewing the ordinance and holding public hearings every three (3) years to ensure the ordinance's continued effectiveness in deterring juvenile crime and disorder issues within the City.

The Police Department believes the continuation of a curfew ordinance to be in the best interest of the public's health, safety, and welfare as it assists in the reduction of disorder and crimes committed by juvenile offenders and encourages school attendance.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends the City Council approve Ordinance No. O-2016-033-04 continuing the City's juvenile curfew regulations on first reading.

ATTACHMENTS

Ordinance No. O-2016-033-04

ORDINANCE NO. O-2016-033-04

AN ORDINANCE CONTINUING THE CITY'S JUVENILE CURFEW REGULATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Code previously adopted juvenile curfew regulations, codified as Section 66-12 of the Haltom City Code; and

WHEREAS, Section 370.002 of the Texas Local Government Code requires the City to review the curfew ordinance and hold public hearings every three years; and

WHEREAS, the City Council has reviewed these juvenile curfew regulations and their effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, the City Council conducted public hearings on December 12, 2016 and January 9, 2017 on the need to continue the ordinance; and

WHEREAS, the City Council has determined that the ordinance is effective in addressing the problems it was intended to remedy.

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

SECTION 1.

Section 66-12 of the Haltom City Code (1998), as amended, is hereby continued as is with no changes.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of Haltom City, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

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

SECTION 4.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 12th DAY OF DECEMBER, 2016.

PASSED AND APPROVED ON SECOND READING THIS 9th DAY OF JANUARY, 2017.

APPROVED:

David Averitt, Mayor

ATTEST:

Arturo Camacho, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

CITY COUNCIL MEMORANDUM

City Council Meeting: December 12, 2016

Department: Public Works

Subject: Enter into a Construction Administration Agreement for Engineering Services for the Carson Street Bridge and Little Fossil Creek Channel Improvements Project

BACKGROUND

In 2011, Haltom City entered into a Local Transportation Project Advance Funding Agreement (the "LPAFA") for the reconstruction and replacement of the Carson Street bridge and associated drainage channel improvements under the bridge. The Carson Street bridge is situated over Little Fossil Creek and below the SH 121 bridge structure. The replacement of the Carson Street bridge and the corresponding drainage channel improvements are a portion of the overall Little Fossil Creek Improvements Project (Phase I). The entire Phase I was designed by the engineering firm of Half Associates, Inc. The Carson Street bridge replacement and corresponding channel improvements were removed from the overall project so that the City would not have to collaborate with and obtain the approval of two (2) different governmental entities (TxDOT and the US Army Corps of Engineers). By removing the Carson Street bridge replacement and corresponding channel work from the overall project, the City only needed to obtain TxDOT's approval.

In April of this year, the City Council approved an Amendment to the 2011 LPAFA which amended the construction costs (currently estimated at \$4.35M of which the City is responsible for \$3.9M) and the responsibility for the environmental assessment and mitigation (which had previously been completed and approved by the US Army Corps of Engineers as part of the overall project).

Presently, TxDOT has scheduled the Carson Street bridge replacement bid opening for early February 2017. Prior to the actual bid opening, TxDOT has a variety of requirements that must be met by both their staff and the City. One of the items that the City is responsible for is to secure the services of an engineering firm for construction phase services for the duration of the construction of the project.

Construction phase services, also known as construction administration, for this project include: Texas Department of Licensing and Regulation plan submission & inspection, presentations at the Pre-Bid Meeting, Pre-Construction Meeting, various meetings with

other entities (the public, City Council, etc.), responses to all contractor Requests for Information, demolition plan review, evaluation of unforeseen conditions, construction engineering, etc.

Because Halff Associates designed the overall project, worked with TxDOT through their approval process and remains under contract with the City for the engineering/floodplain modeling that is required of FEMA to change the Flood Insurance Rate Maps, it is logical to enter into an agreement with Halff Associates for the project's construction administration services.

Staff has negotiated a not to exceed (without prior written City approval) \$60,000 contract with Halff Associates. The engineering sections of the contract have been reviewed by staff and the non-engineering sections of the contract have been reviewed and approved by the City Attorney's Office.

FISCAL IMPACT

The FY2017 Budget identifies two (2) accounts to accommodate this type of expenditure during the project's construction phase. There is \$250,000 in Account 32-47009-331-00-CLITF (Capital Projects Account) and \$250,000 in Account 46-47009-331-00-CLITF (Drainage Capital Projects). Therefore, there is adequate funding for this contract.

RECOMMENDATION

Staff recommends that the City Council approve a construction services agreement with Halff Associates, Inc. for the Carson Street Bridge Replacement Project (SH 121/Little Fossil Creek).

ATTACHMENT

None.

CITY COUNCIL MEMORANDUM

City Council Meeting: December 12, 2016

Department: Planning & Community Development

Subject: Ordinance No. O-2016-014-15
First Reading (Z-005-16)

BACKGROUND

Conduct a public hearing and consider action on the application of Lorenzo Garza for a Zoning Change request from “C-2” Commercial District and “SF-2” Single Family Residential District to “PD” Planned Development for all “C-2” Commercial District uses located on Lots 1 and 2, Block 4 of the North Eastridge Addition, being approximately 0.593 acres located south of Broadway Avenue and east of Aurora Street, locally known as 4300 Broadway Avenue and 3272 Aurora Street; and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan.

The applicant requested to rezone the southern end of subject site to the “C-2” Commercial District in order to replat it with the property located immediately north and develop a retail use oriented to Broadway Avenue. Following a 3-2 P&Z recommendation to approve that request, the City Council elected to not approve the rezoning and directed the applicant to consider changing the requested zoning to “PD”.

The applicant is now requesting approval of a Planned Development for all “C-2” Commercial uses and has submitted a development plan intended to appease neighboring residents and City Council. The applicant’s development plan includes removing drive approaches along Aurora Street to limit access to Broadway Avenue. The applicant will install a sidewalk along the subject site’s frontage to Aurora Street and Broadway Avenue. The development plan complies with all minimum standards and exceeds minimum standards in the areas listed below.

Design Standard	Required	Proposed
Landscape Buffer along southern property line	10’ buffer width with six trees	20’ buffer width with 15 trees
Landscape Buffer along Aurora Street	None required	Approximately four-foot minimum width & 25’ wide buffer with trees
Landscape Buffer along Broadway Avenue	15’ buffer width with two trees and two shrubs	18’ buffer width with two trees and four shrubs
Landscape Buffer along east property line	None required	Approximately four-foot minimum width with grass
Fencing along Aurora Street	None required	Four-foot tall wrought iron fence along Aurora Street
Dumpster Screening	Minimum 6’ tall fencing	Minimum 8’ tall fencing

FISCAL IMPACT

None.

RECOMMENDATION

On November 8, 2016, the P&Z recommended approval of Z-005-16 by a vote of 5-0-0 with stipulations that the proposed play area be removed, that trees replace the removed play area, and that the three-foot opening in the wrought iron fence Aurora Street be removed.

The City's Comprehensive Land Use Plan (CLUP) designates the southern portion of the subject site as Low Density Residential, while the northern portion fronts to Broadway Avenue and is designated Retail, Office, Service Commercial. The proposed zoning change for the southern end of the subject site is inconsistent with the Low Density Residential use suggested by the CLUP; however the proposed zoning is consistent with the northern portion of the subject site. A request to amend the Future Land Use Plan accompanies this zoning change that will designate the southern portion as Retail, Office, Service Commercial like the north portion is designated already.

The CLUP states, "In granting a zoning change that differs from the Plan, the Planning and Zoning Commission and the City Council should consider whether an amendment to the Future Land Use Plan should also be approved. This requires careful consideration to be sure that the change is in accordance with the principles, goals and objectives of the Land Use Element of the Comprehensive Plan".

ATTACHMENTS

P&Z Staff Report with Attachments
Ordinance No. O-2016-014-15

ORDINANCE NO. O-2016-014-15

CASE NO. Z-005-16

AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN AND FUTURE LAND USE MAP IN ORDINANCE NO. O-2010-011-15, AS AMENDED, AND AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE CITY OF HALTOM CITY, TEXAS; AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2010-011-15, as amended, the Comprehensive Land Use Plan 2010, which is the primary document on which to base all zoning, platting and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Land Use Map; and

WHEREAS, the City Council now deems it necessary to update the Haltom City Comprehensive Land Use Plan as provided herein, and that such amendment is in accordance with the growth goals, objectives and planning principles set forth in the Comprehensive Land Use Plan as well as health, safety, traffic and environmental considerations; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas,

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

WHEREAS, in accordance with Section 39 of the Zoning Ordinance, the owner of property consisting of approximately 0.593 acres of land located on Lots 1 and 2, Block 4, of the North Eastridge Addition, locally known as 4300 Broadway Avenue and 3272 Aurora Street (hereinafter-referenced as the “Property”), has filed an application to rezone the property from its present classification of “C-2” Commercial District and “SF-2” Single Family Residential District to “PD” Planned Development for all “C-2” Commercial uses; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on November 8, 2016 and the City Council of the City of Haltom City, Texas held a public hearing on December 12, 2016 with respect to the Zoning Change and amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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

SECTION 1.

Ordinance No. O-2002-032-15, as amended, is hereby amended by rezoning approximately 0.593 acres of land from “C-2” Commercial District and “SF-2” Single Family Residential District to “PD” Planned Development for all “C-2” uses, located south of Broadway Avenue and east of Aurora Street, locally known as 4300 Broadway Avenue and 3272 Aurora Street, and being Lots 1 and 2, Block 4, of the North Eastridge Addition.

SECTION 2.

The City of Haltom City Comprehensive Land Use Plan 2010, dated July 26, 2010, is hereby amended and a new Future Land Use Plan, attached hereto as Exhibit “A” and fully incorporated by reference, is adopted.

SECTION 3.

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

SECTION 4.

The official zoning map of the City of Haltom City is hereby amended and the City Secretary is directed to revise the zoning map to reflect the zoning classification as set forth above.

SECTION 5.

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit “B” Design Standards and Exhibit “C” Development Plan attached hereto and shall further be subject to all the applicable regulations contained in the

Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed. Ordinance No. O-2010-011-15 is hereby amended.

SECTION 7.

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

SECTION 8.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. O-2002-032-15 or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10.

The City Secretary of the City of Haltom City, Texas, is hereby directed to publish in the official newspaper of the City of Haltom City, Texas, the caption, Section 1, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City, Texas.

SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF _____, 2016.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2016.

Mayor
ATTEST:

City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Exhibit "A" Future Land Use Map

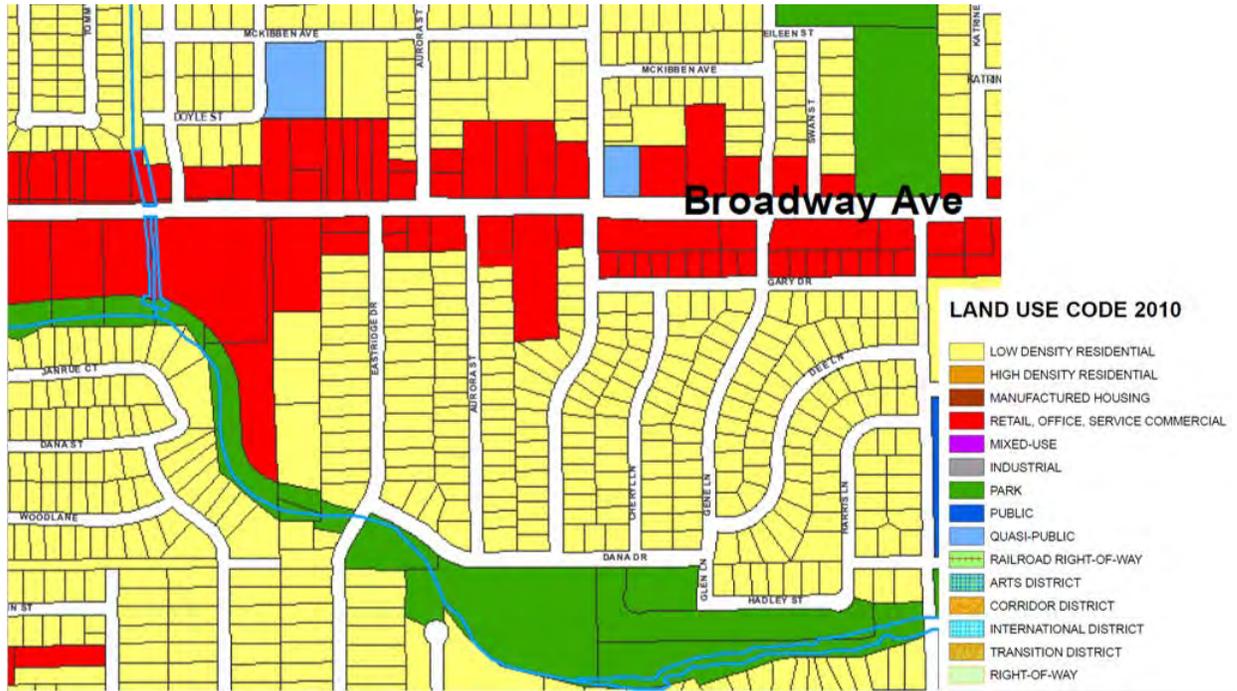


Exhibit "B"

Design Standards

1. The landscape buffer along the southern property line must be 20 feet in width with 15 trees planted in the area that may be utilized for drainage. Newly planted trees shall be a minimum of 6 feet in height and 2 caliper inches in size at installation.
2. A landscape buffer must be provided along Aurora Street with a minimum width of approximately four feet. A 25' wide landscape buffer area must be between the building and Aurora Street and must contain at least two trees.
3. The landscape buffer along Broadway Avenue must be 18 feet in width and contain two trees and four shrubs. Newly planted trees shall be a minimum of 6 feet in height and 2 caliper inches in size at installation.
4. A landscape buffer must be provided along the east property line with a minimum width of approximately four feet. A future 20' to 24' cross access drive is allowed across this buffer.
5. The existing wood stockade fence along the south property line is to remain, and a new four-foot tall wrought iron fence without an opening may be installed along the west property line and must terminate before the 35'x35' visibility triangle in the northwest corner of the subject site if installed.
6. The dumpster screening fence must be eight feet in height.
7. In the situation that any provision in Exhibit "B" Design Standards is inconsistent with any provision in Exhibit "C" Development Plan, the provision in Exhibit "B" shall control.

Exhibit "C"
Development Plan

(See next page)

CITY COUNCIL MEMORANDUM

City Council Meeting: December 12, 2016

Department: Planning & Community Development

Subject: Ordinance No. O-2016-026-15
First Reading (Z-008-16)

BACKGROUND

Conduct a public hearing and consider action on the application of Roy Sullins for approval of a Zoning Change request from “SF-2” Single Family Residential District to “PD” Planned Development for all “C-3” uses plus office warehouse uses and a Masonry Variance located on Lot 24A, Block 6 of the Golden Gardens Addition, being 0.413 acres of land located north of Ellison Avenue and west of Carson Street, locally known as 2601 Carson Street, and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan.

The applicant requests to rezone the subject site to allow for the construction of a 5,250 square-foot office warehouse in accordance with the development plan and design standards attached to the proposed ordinance. Per Section 9 of the Zoning Ordinance, office warehouse is allowed by-right in the “M-1” Industrial District and allowed through approval of planned development or a conditional use permit in the “C-3” Commercial District. No properties abutting the subject site are compatible uses or zones; however, several industrial uses are present on the Carson Street corridor, including the applicant’s development in the southeast corner of Carson Street and Wall Avenue.

Per Section 27.A of the zoning ordinance, “the purpose of the Planned Development District is to permit flexibility and encourage a more creative, efficient, and aesthetically desirable design and placement of buildings, open spaces and circulation patterns, and to best utilize special site features such as topography, size, and shape. It is intended that the flexibility permitted by the zoning category extends to discretionary approval, in conjunction with development plan review, not limited to, but including such requirements as those relating to parking, building line setbacks, square footage of buildings and structures, protective screening, or sign placement, and other specifications in order to achieve the purposes and objectives stated in conformance with good planning practices.”

The applicant’s development plan proposes deviations to the typical design standards of the “C-3” Commercial District and identifies alternate standards. In addition to the zoning standards referenced, the applicant’s planned development proposes a waiver to the 80 percent masonry requirement for developments fronting Carson Street. All is captured in the below table.

Design Standard	Required	Proposed
Landscape Buffer along Carson Street	Two 6' tall trees and two shrubs	One tree on Carson, two trees along Ellison, and no shrubs
Landscape Buffer along north property line	10' buffer with one 6' tall tree for every 25 linear feet of buffer length	10' side yard with 85 linear feet paved and 83 linear feet grassed with no plantings (see development plan)
Landscape Buffer along west property line	10' buffer with one 6' tall tree for every 25 linear feet of buffer length	10' side yard paved with no plantings
Interior Side Yard	15' minimum where adjacent to residential zoning	10' minimum
Rear Yard	20' minimum where adjacent to residential zoning	10' minimum
Residential Screening Fence Material in "C-3" Commercial District	6' to 8' wood stockade fence or equivalent opaque screen (Metal panel prohibited)	6' Metal panel fence
Maximum height of decorative fence in street side yard	4 feet	6 feet
Minimum off-street parking	15 parking spaces (1:350 SF of office warehouse)	12 parking spaces (1:438 SF of office warehouse)
No Parking Areas	No parking shall be allowed within an 18'x18' square or either side of each drive approach	Parking allowed as shown in the development plan
Loading/Unloading	Loading/unloading within drive lanes is prohibited	Loading/unloading may occur within the drive lane shown on the development plan
Masonry Standard	80% for all exterior walls of a building abutting Carson Street	100% masonry on east elevation facing Carson and south elevation facing Ellison; Entire north and west facades to be metal panel exterior

In lieu of providing a dumpster within an enclosure, the applicant has received written approval from Waste Services to have hand pick-up of garage as is typical with residential development. Any future change in Waste Services agreement with the property that requires a dumpster at this site will likely take away a proposed parking space or two.

FISCAL IMPACT

None.

RECOMMENDATION

On November 8, 2016, the P&Z recommended approval of Z-008-16 by a vote of 5-0-0 with stipulations that the building exterior facing Ellison Avenue and Carson Street have 100 percent masonry coverage, any decorative fence along Ellison Avenue must be setback at least five feet from the south property line, outside storage is prohibited, no pavement shall be between the proposed building and the south property line, and two trees shall be planted or preserved south of the proposed building. The Commission also recommended that a sidewalk along the Ellison Avenue frontage be constructed and no payment into the Safe Pathways Fund be accepted in lieu of this sidewalk construction.

The City's Comprehensive Land Use Plan (CLUP) designates the subject site as Office, Retail, Service Commercial. While the underlying "C-3" Commercial District zoning proposed is consistent with the uses suggested by the CLUP, the proposed office warehouse use is typically associated with the Industrial land use designation which is not consistent with that suggested by the CLUP. Therefore, a request to amend the Future Land Use Plan accompanies this zoning change that will designate the subject site as Retail, Office, Service Commercial.

The CLUP states, "In granting a zoning change that differs from the Plan, the Planning and Zoning Commission and the City Council should consider whether an amendment to the Future Land Use Plan should also be approved. This requires careful consideration to be sure that the change is in accordance with the principles, goals and objectives of the Land Use Element of the Comprehensive Plan".

ATTACHMENTS

P&Z Staff Report with Attachments
Ordinance No. 0-2016-026-15

ORDINANCE NO. O-2016-026-15

CASE NO. Z-008-16

AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN AND FUTURE LAND USE MAP IN ORDINANCE NO. O-2010-011-15, AS AMENDED, AND AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE CITY OF HALTOM CITY, TEXAS; AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2010-011-15, as amended, the Comprehensive Land Use Plan 2010, which is the primary document on which to base all zoning, platting and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Land Use Map; and

WHEREAS, the City Council now deems it necessary to update the Haltom City Comprehensive Land Use Plan as provided herein, and that such amendment is in accordance with the growth goals, objectives and planning principles set forth in the Comprehensive Land Use Plan as well as health, safety, traffic and environmental considerations; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas,

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

WHEREAS, in accordance with Section 39 of the Zoning Ordinance, the owner of property consisting of approximately 0.413 acres of land located on Lot 24A, Block 6 of the Golden Gardens Addition, locally known as 2601 Carson Street (hereinafter-referenced as the "Property"), has filed an application to rezone the property from its present classification of "SF-2" Single Family Residential District to "PD" Planned Development for all "C-3" Commercial uses plus office warehouse uses; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on November 8, 2016 and the City Council of the City of Haltom City, Texas held a public hearing on December 12, 2016 with respect to the Zoning Change and amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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

SECTION 1.

Ordinance No. O-2002-032-15, as amended, is hereby amended by rezoning approximately 0.413 acres of land from “SF-2” Single Family Residential District to “PD” Planned Development for all “C-3” uses plus office warehouse uses, located north of Ellison Avenue and west of Carson Street, locally known as 2601 Carson Street, and being Lot 24A, Block 6 of the Golden Gardens Addition.

SECTION 2.

The City of Haltom City Comprehensive Land Use Plan 2010, dated July 26, 2010, is hereby amended and a new Future Land Use Plan, attached hereto as Exhibit “A” and fully incorporated by reference, is adopted.

SECTION 3.

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

SECTION 4.

The official zoning map of the City of Haltom City is hereby amended and the City Secretary is directed to revise the zoning map to reflect the zoning classification as set forth above.

SECTION 5.

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit “B” Design Standards and Exhibit “C” Development Plan attached hereto and shall further be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed. Ordinance No. O-2010-011-15 is hereby amended.

SECTION 7.

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

SECTION 8.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. O-2002-032-15 or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10.

The City Secretary of the City of Haltom City, Texas, is hereby directed to publish in the official newspaper of the City of Haltom City, Texas, the caption, Section 1, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City, Texas.

SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF _____, 2016.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2016.

Mayor
ATTEST:

City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Exhibit "B"

Design Standards

1. The landscape buffer along Carson Street must have one six-foot tall tree, and the four six-foot tall trees must be planted or preserved along Ellison Avenue.
2. The minimum interior side yard setback where adjacent to residential zoning to the north shall be 10 feet.
3. The minimum rear yard setback where adjacent to residential zoning to the west shall be 10 feet.
4. A 10-foot landscape buffer adjacent to residential zoning is not required along the west property line.
5. A 10-foot landscape buffer adjacent to residential zoning shall only be required the first 82.99 feet from the 15-foot landscape buffer along Carson Street and no trees or shrubs are required in the 10-foot buffer.
6. The existing fences adjacent to commercial property may remain, and a new 6' tall R-panel fence shall be installed where the subject site is abuts residential zoning as shown on the development plan to terminate 15 feet from property lines with street frontage.
7. The building must have 100 percent masonry exteriors facing Carson Street and facing Ellison Avenue. All other portions of the building may have a metal panel exterior.
8. No dumpster is required as long as hand pick up of garbage is provided.
9. A six-foot decorative fence may encroach into the street side yard to the existing property line but must be at least five feet from the south property line.
10. Outside storage is prohibited.
11. Required off-street parking shall be 12 parking spaces and loading/unloading at this site shall not occur within the public right-of-way but can occur within the drive lane on site.
12. Parking is allowed within the 18'x18' no parking areas beside drive approaches as shown in the development plan.

13. In the situation that any provision in Exhibit "B" Design Standards is inconsistent with any provision in Exhibit "C" Development Plan, the provision in Exhibit "B" shall control.

Exhibit "C"
Development Plan

(See next page)

CITY COUNCIL MEMORANDUM

City Council Meeting: December 12, 2016

Department: Planning & Community Development

Subject: Ordinance No. O-2016-030-15
First Reading (Z-014-16, CV-002-16)

BACKGROUND

Conduct a public hearing and consider action on the application of Ernest Hedgcoth, on behalf of Andy Hickson with The Peak of Excellence, for approval of a Zoning Change request from “C-3” Commercial District to “PD” Planned Development for all “C-3” uses plus warehouse and office warehouse uses and a Masonry Variance located on Lots 3A-5A, Block 1 of the Parkdale Gardens Addition, being 1.025 acres of land located north of Midway Road and east of Carson Street, locally known as 2416 and 2420 Carson Street; and action on an amendment to O-2010-011-15, amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan.

The applicant requests to rezone the subject site to allow the construction of a 5,971 square-foot office warehouse building, a 5,250 square-foot office warehouse building, and a 2,100 square-foot warehouse building in accordance with the development plan and design standards attached to the proposed ordinance. Per Section 9 of the Zoning Ordinance, office warehouse is allowed by-right in the requested “M-1” Industrial District and allowed through approval of planned development or a conditional use permit in the “C-3” Commercial District. No properties abutting the subject site are zoned for industrial uses; however, several industrial uses are present on the Carson Street Corridor, primarily between Airport Freeway and Midway Road.

Per Section 27.A of the zoning ordinance, “the purpose of the Planned Development District is to permit flexibility and encourage a more creative, efficient, and aesthetically desirable design and placement of buildings, open spaces and circulation patterns, and to best utilize special site features such as topography, size, and shape. It is intended that the flexibility permitted by the zoning category extends to discretionary approval, in conjunction with development plan review, not limited to, but including such requirements as those relating to parking, building line setbacks, square footage of buildings and structures, protective screening, or sign placement, and other specifications in order to achieve the purposes and objectives stated in conformance with good planning practices.”

The applicant’s development plan proposes deviations to the typical design standards of the “C-3” Commercial District and identifies alternate standards. In addition to the zoning standards referenced, the applicant’s planned development proposes a variance to the 80 percent masonry requirement for developments abutting Carson Street. All requested deviations are captured in the below table.

Design Standard	Required	Proposed
Landscape Buffer along east property line	10' buffer with one 6' tall tree for every 25 linear feet of buffer length	7.5' rear yard designed for drainage and having no plantings
Landscape Buffer along south property line	10' buffer with one 6' tall tree for every 25 linear feet of buffer length	5' side yard designed for drainage and having no plantings
Rear Yard along east property line	20' minimum where adjacent to residential zoning	7.5' minimum
Interior Side Yard along south property line	15' minimum where adjacent to residential zoning	5' minimum
Fence Material in "C-3" Commercial District	6' to 8' wood stockade fence or equivalent opaque screen (metal panel prohibited)	6' metal panel fence to screen dumpster
Screening Fence abutting Residential Zoning	6' to 8' wood stockade fence or equivalent opaque screen (metal panel prohibited)	Existing chain link fence to remain
No Parking Area	No Parking in 18'x18' areas on both sides of each drive approach	Parking Space #8 & a portion of #9 are located within no parking area
Masonry Standard	80% masonry for all exterior walls of building	100% masonry on west elevations facing Carson; 4' tall masonry wainscoting on other elevations facing the parking lots; Remaining exteriors to be metal panel

In addition, the applicant requests to pay \$3,900.00 into the Safe Pathways Fund in lieu of constructing this sidewalk. Adjacent properties to the north and south do not presently have sidewalks and the City Engineer has no objections to accepting payment in lieu of sidewalk construction, so the funds may be used to construct sidewalks in areas of the City with higher demand for sidewalks.

FISCAL IMPACT

None.

RECOMMENDATION

On November 8, 2016, the P&Z recommended approval of Z-014-16 by a vote of 5-0-0 with stipulation that wainscoting is not required on the back sides of the buildings. The Commission also recommended that a sidewalk along the Carson Street frontage be constructed and no payment into the Safe Pathways Fund be accepted in lieu of this sidewalk construction. During the P&Z public hearing, the applicant verbally changed his request to include a deviation to allow the existing chain link fences abutting residential in lieu of a 6' to 8' wood stockade fence or equivalent opaque screen.

The City's Comprehensive Land Use Plan (CLUP) designates the subject site as Office, Retail, Service Commercial. While the underlying "C-3" Commercial District zoning proposed is consistent with the uses suggested by the CLUP, the proposed office warehouse use is typically associated with the Industrial land use designation which is not consistent with that suggested by the CLUP. However, the proposed uses are consistent with the present development pattern along some portions of Carson Street. Therefore, a request to amend the Future Land Use Plan accompanies this zoning change that will designate the subject site as Industrial.

The CLUP states, "In granting a zoning change that differs from the Plan, the Planning and Zoning Commission and the City Council should consider whether an amendment to the Future Land Use Plan should also be approved. This requires careful consideration to be sure that the change is in accordance with the principles, goals and objectives of the Land Use Element of the Comprehensive Plan".

ATTACHMENTS

P&Z Staff Report with Attachments
Ordinance No. 0-2016-030-15

ORDINANCE NO. O-2016-030-15

CASE NO. Z-014-16

AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE PLAN AND FUTURE LAND USE MAP IN ORDINANCE NO. O-2010-011-15, AS AMENDED, AND AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE CITY OF HALTOM CITY, TEXAS; AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2010-011-15, as amended, the Comprehensive Land Use Plan 2010, which is the primary document on which to base all zoning, platting and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan provides guidance for future development in conformance with the adopted Future Land Use Map; and

WHEREAS, the City Council now deems it necessary to update the Haltom City Comprehensive Land Use Plan as provided herein, and that such amendment is in accordance with the growth goals, objectives and planning principles set forth in the Comprehensive Land Use Plan as well as health, safety, traffic and environmental considerations; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas,

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

WHEREAS, in accordance with Section 39 of the Zoning Ordinance, the owner of property consisting of approximately 1.025 acres of land located on Lots 3A-5A, Block 1, of the Parkdale Gardens Addition, locally known as 2416 and 2420 Carson Street (hereinafter-referenced as the “Property”), has filed an application to rezone the property from its present classification of “C-3” Commercial District to “PD” Planned Development for all “C-3” Commercial uses plus office warehouse and warehouse uses; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on November 8, 2016 and the City Council of the City of Haltom City, Texas held a public hearing on December 12, 2016 with respect to the Zoning Change and amendments described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 and 213 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property and the amendment of the Comprehensive Land Use Plan.

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

SECTION 1.

Ordinance No. O-2002-032-15, as amended, is hereby amended by rezoning approximately 1.025 acres of land from “C-3” Commercial District to “PD” Planned Development for all “C-3” uses plus office warehouse and warehouse uses, located north of Midway Road and east of Carson Street, locally known as 2416 and 2420 Carson Street, and being Lots 3A-5A, Block 1, of the Parkdale Gardens Addition.

SECTION 2.

The City of Haltom City Comprehensive Land Use Plan 2010, dated July 26, 2010, is hereby amended and a new Future Land Use Plan, attached hereto as Exhibit “A” and fully incorporated by reference, is adopted.

SECTION 3.

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

SECTION 4.

The official zoning map of the City of Haltom City is hereby amended and the City Secretary is directed to revise the zoning map to reflect the zoning classification as set forth above.

SECTION 5.

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit “B” Design Standards and Exhibit “C” Development Plan attached hereto and shall further be subject to all the applicable regulations contained in the

Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed. Ordinance No. O-2010-011-15 is hereby amended.

SECTION 7.

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

SECTION 8.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 9.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. O-2002-032-15 or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10.

The City Secretary of the City of Haltom City, Texas, is hereby directed to publish in the official newspaper of the City of Haltom City, Texas, the caption, Section 1, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City, Texas.

SECTION 11.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF _____, 2016.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2016.

Mayor
ATTEST:

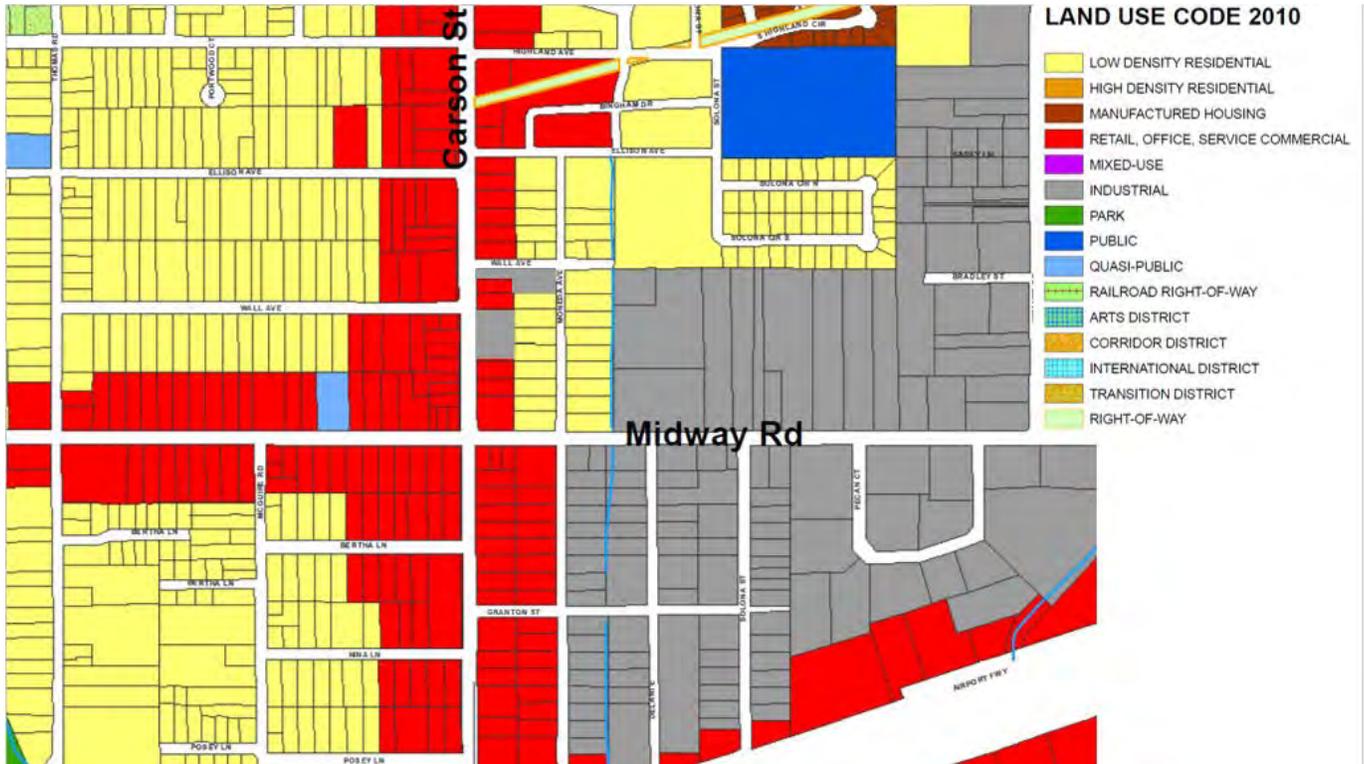
City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Exhibit "A" Future Land Use Map



**Exhibit “B”
Design Standards**

1. The landscape buffer along the east property lines shall be established grass and at least 7.5 feet in width. No other plantings are required and the buffer area may be utilized for drainage.
2. The landscape buffer along the south property line shall be established grass and at least five feet in width. No other plantings are required and the buffer area may be utilized for drainage.
3. The rear yard setback where adjacent to residential zoning shall be a minimum of 7.5 feet.
4. The side yard setback along the south property line where adjacent to residential zoning shall be a minimum of five feet.
5. No screening fence is required where the subject site abuts residential zoning and the existing four-foot chain-link fencing shall remain along the perimeter.
6. Each of the three buildings shall have a 100 percent masonry exterior facing Carson Street and a 4-foot masonry wainscoting along all other exteriors facing interior to the parking lots. All other portions of each building exterior may be metal paneling.
7. The dumpster shall be screened by a six-foot tall metal panel fence.
8. In the situation that any provision in Exhibit “B” Design Standards is inconsistent with any provision in Exhibit “C” Development Plan, the provision in Exhibit “B” shall control.

Exhibit "C"
Development Plan

(See next page)

CITY COUNCIL MEMORANDUM

City Council Meeting: December 12, 2016
Department: City Secretary
Subject: Boards and Commissions
Resignation of Members

BACKGROUND

The City Council will consider action regarding the resignations from Boards and Commissions

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENT

None.

CITY COUNCIL MEMORANDUM

City Council Meeting: December 12, 2016
Department: City Secretary
Subject: Boards and Commissions
Appointments/Reappointments

BACKGROUND

The City Council will consider action regarding the appointment/reappointment of board and commission members. Councilmembers serving in Places 4 and 6 are due to make appointments and/or reappointments to the following boards: Beautification, Library, and Parks. The Mayor appoints all five members to the Public Arts Program Committee.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

Applications: Kyle Crouse, Zachariah Ammons, Teresa Cabano, Diana Williams, David Wood, John Thornton, Troy Depue, Kyle Smith, and Anastasia Taylor.

Mayor: Beautification (vacant), Public Arts Program Committee – 2 appointments vacant.

Councilmember Place 1: ZBA (vacant)

Councilmember Place 3: P&Z (vacant)

Councilmember Place 4: Beautification (current member Denise Ford), Library (current member Teresa Cabano), Parks (current member Don Cooper)

Councilmember Place 6: Beautification (vacant), Parks (current member Dana Coffman)