

AGENDA
HALTOM CITY COUNCIL MEETING
May 23, 2016
CITY HALL - 5024 BROADWAY AVENUE
Council Chambers – Work Session/Regular Session
WORK SESSION 6:00 P.M. - REGULAR SESSION 7:00 P.M.

WORK SESSION 6:00 P.M.

CALL TO ORDER (General Comments)

- Discuss the Community Home Program
- Review and discuss items on the regular agenda of May 23, 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, and pending litigation and settlement offers for the following cases:

- Donald Anthony Hains v. City of Haltom City
- Flynn v. Haltom City EDC
- Progressive County Mutual Ins. Co. v. City of Haltom City
- James H. Watson v. City of Haltom City
- Louis Engler v. City of Haltom City, et al
- EEOC Charge No. 450-2015-01583

Section 551.072 – Deliberations about Real Property

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

Section 551.074 - Personnel

Deliberation regarding the appointment, employment, evaluation, reassignment, or duties of the City Secretary.

REGULAR SESSION 7:00 P.M.

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE – Mayor Pro Tem Bob Watkins

ANNOUNCEMENTS/EVENTS – Council Member Stephanie Davenport

PRESENTATION

MedStar Service Presentation
“Fourteen for Fido” – Brianna Fagan

REGULAR AGENDA

1. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meeting of May 16, 2016 and May 18, 2016. **(A. Camacho)**

2. **Ordinance No. O-2016-013-10** – Conduct a Public Hearing and consideration and/or action regarding approval of an amendment to Section 70-150 in Article III of Chapter 70 of the Code of Ordinances, City of Haltom City, Texas; providing regulations restricting the locations where smoking and tobacco use is allowed in all Haltom City Parks; providing regulations related to the use of electronic vaping devices in all Haltom City Parks, and providing penalty for violation as a misdemeanor with a fine. **1st Reading (J. French)**
3. **Recreation Software Contract**– Consideration and/or action regarding approval to award Bid No. B2016-131-01 to REC1. **(C. Pruitt)**
4. **Resolution No. R-2016-017-03** – Consideration and/or action regarding the approval and adoption of the Rate Review Mechanism (RRM) process for Atmos Energy Corporation, Mid-Tex Division. **(J. Fung)**

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

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

EXECUTIVE SESSION

See Posting on Page One (1) of Agenda.

RECONVENE TO REGULAR SESSION

7. 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 20th DAY OF MAY, 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.

ORDINANCE NO. O-2016-011-15

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, DEFINING COMMUNITY HOME, COMMUNITY WELFARE SHELTER, AND OTHER ZONING DEFINITIONS; REVISING THE DEFINITIONS OF FAMILY, BOARDING HOUSE, AND OTHER ZONING DEFINITIONS; ADOPTING REGULATIONS FOR COMMUNITY HOMES; PROVIDING FOR THE CLASSIFICATION OF COMMUNITY HOME, COMMUNITY WELFARE SHELTER, AND BOARDING HOUSE USES IN CERTAIN ZONING DISTRICTS; PROVIDING CLARIFICATION OF LAND USES AND LAND USE CLASSIFICATIONS IN CERTAIN ZONING DISTRICTS; PROVIDING LOCATIONAL RESTRICTIONS FOR COMMUNITY HOMES; AND PROVIDING CLARIFICATION OF RELATED PARKING REQUIREMENTS; 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 Haltom City is empowered under the Texas Local Government code to adopt ordinances and rules for the orderly and beneficial operation of City government and the welfare of the citizens of Haltom City; and

WHEREAS, the City Council of Haltom City finds a compelling interest to add definitions of land uses and terms not presently defined in the Haltom City Zoning Ordinance; and

WHEREAS, the City Council of Haltom City finds a compelling interest to revise definitions of land uses and terms presently defined in the Haltom City Zoning Ordinance; and

WHEREAS, the City Council of Haltom City finds a compelling interest to regulate the location, size, number, and use of community homes and similar uses to orderly facilitate their purpose while conserving the single family character in established neighborhoods; and

WHEREAS, the City Council of Haltom City finds compelling interest to update the definition of family and bring the definition more into compliance with federal and state definitions; and

WHEREAS, it is the intent of the City Council of Haltom City to fully comply with the federal Fair Housing Amendments Act of 1988 ("FHAA"), as amended, and all other applicable state and federal legislation, which may require that reasonable accommodations be made in rules, policies, and practices to permit persons with handicaps or disabilities equal opportunity to use and enjoy a dwelling; 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, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of Haltom City, Texas has forwarded a recommendation to the City Council for amendment of the City's Zoning Ordinance as set forth herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code and all other laws dealing with notice, publication and procedural requirements for the amendment described herein.

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

SECTION 1.

The recitals above are true and correct and made a part of this ordinance for the purposes provided herein.

SECTION 2.

Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, is hereby amended by defining community home, community welfare shelter, and other zoning definitions; revising the definition of family, boarding house, and other zoning definitions; adopting regulations for community homes; providing for the classification of community home, community welfare shelter, and boarding house uses in certain zoning districts; providing clarification of land uses and land use classifications in certain zoning districts; and providing locational restrictions for community homes; 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.

SECTION 3.

Section 28, "Definitions" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by the deletion of the following definitions:

Apartment. A room or suite of rooms arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals.

Apartment hotel. Any building larger than an apartment house designed or built to be occupied as a series of separate apartments and by persons living independently of each other on a short-term basis.

Dwelling, multi-family (13 units per acre). A structure(s) or portion thereof used for occupancy by five or more families living independently of each other and containing five or more dwelling units but not to exceed 13 units per acre.

Family. One or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

Hotel, apartment. One or more buildings containing individual living units especially designed as longer term temporary quarters for transient guests. May include provisions for meals and personal services.

And by the addition of the following definitions:

Apartment. A room or suite of rooms designed as a dwelling unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

Apartment hotel or extended stay hotel. One or more buildings containing individual living units intended or designed to be used, or which are used or hired out for compensation to be occupied, or which are occupied, for sleeping purposes by transient guests, including for stays in excess of thirty (30) consecutive days, and which may provide provisions for personal

services and contain kitchen facilities for food preparation including, but not limited to, facilities such as burners, stoves, ovens, or refrigerators.

Apartment house, cottage house, or row house. Any building designed or built to be a series or row of separate apartments that share side walls and occupied by families living independently of each other.

Boarding home facility. An establishment defined by Texas Health and Safety Code, Chapter 260, as amended.

Boarding house or lodging house. A building other than a hotel, motel, extended stay hotel, apartment hotel, bed and breakfast inn, apartment house, boarding home facility, community home, or apartment, providing lodging with or without meals and for compensation or through a nonprofit organization, where lodging or meals for five (5) or more persons unrelated by blood, marriage, adoption, or guardianship are provided for compensation. A boarding house or lodging house includes, but is not limited to, uses such as fraternity houses, sorority houses, or dormitories associated with an institution of higher education.

Community home. A community-based residential home, as defined by Texas Human Resources Code Chapter 123, that is operated by: a) the Department of Aging and Disability Services; b) a community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities; c) an entity subject to the Texas Nonprofit Corporation Law as described by Section 1.008(d), Business Organizations Code; or d) an entity certified by the Department of Aging and Disability Services as a provider under the ICF-IID medical assistance program. A community home is also an assisted living facility licensed under Chapter 247, Texas Health and Safety Code, provided 1) that the exterior structure retains compatibility with the surrounding residential dwellings; and 2) the person

establishing or operating an assisted living facility holds a license issued under Chapter 247, Texas Health and Safety Code.

Community welfare shelter. A non-profit facility providing temporary boarding, lodging, counseling, and care to at least one person (and his or her dependents) who may or may not be defined or described as a person with a disability under state or federal law and being a victim of domestic violence and/or a young unwed mother of a new born child.

Dwelling, multi-family. A structure(s) or portion thereof used for occupancy by five or more families living independently of each other and containing five or more dwelling units.

Family. One or more persons related by blood, marriage, guardianship, or adoption; or a group of not more than four (4) persons unrelated by blood, marriage, adoption, or guardianship, occupying a single dwelling unit and expressly excluding occupants of a lodging house, boarding house, fraternity, and sorority houses.

SECTION 4.

Section 9, “Matrix of Uses” in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by deletion of the following from the table of uses:

KEY:

P = Permitted

C = Conditional

SE = Special Exception

A. Residential uses:	SF-1	SF-2	D	MF-1	MF-2	MHD	TH	O	C-1	C-2	C-3	C-4	C-5	M-1	M-2
Assisted living center				C	C				P	P	P	P			
Single family detached dwelling unit	P	P	P												
Duplex dwelling unit			P												
Townhouse							P								
Triplex or fourplex dwelling unit				P	P										
Multi-family dwelling unit				P	P										

And the addition of the following to the table of uses:

KEY:

P = Permitted

C = Conditional

SE = Special Exception

A. Residential uses:	SF-1	SF-2	D	MF-1	MF-2	MH	TH	O	C-1	C-2	C-3	C-4	C-5	M-1	M-2
Apartment house, cottage house, or row house				C											
Assisted living facility (in residential character)	p***	p***	p***												
Assisted living facility (not in residential character)				C	C				P	P	P	P		P	P
Community home	p***														
Mobile home dwelling															
One-family dwelling - attached (townhouse)							P								
One-family dwelling - detached	P	P	P												
Two-family dwelling (duplex)			P												
Three-family dwelling (Triplex)				P	P										
Four-family dwelling (Fourplex or Quadplex)				P	P										
Multi-family dwelling				P	P										
C. Educational and Institutional uses:															
Boarding Home Facility	P	P	P	P	P	P	P	P	P	P	P	P	P		
Boarding House or lodging house			P												
Community Welfare Shelter	P		P												

*** Refer to Sec. 29.AA for supplementary district regulations

SECTION 5.

Section 16.C, "Area Requirements" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by the addition of the following:

C. Area requirements.

Parking requirements:	Three off-street parking spaces per three-bedroom unit
	Four off-street parking spaces per four-bedroom unit
	See Section 16.E for additional parking requirements

SECTION 6.

Section 17.C, "Area Requirements" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by the addition of the following:

C. Area requirements.

Parking requirements:	Three off-street parking spaces per three-bedroom unit
	Four off-street parking spaces per four-bedroom unit
	See Section 17.E for additional parking requirements

SECTION 7.

Section 29, "Supplementary District Regulations" in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by the addition of the following:

- AA. *Community home.* It is the purpose and intent of this subsection to regulate community homes so as to protect and promote the health, safety, and general welfare of the residents of a community home, the citizens of the City, and visitors thereto, and to establish reasonable and uniform regulations that allow community homes to locate in neighborhoods. Residents of community homes are intended to benefit from being situated within the neighborhood rather than an area of more intense uses. These regulations are intended to balance the right of the citizens of the City to maintain a decent moral society and, on the other hand, the right of individuals to live freely in accordance with the guidelines of the Constitution of the United States and United States Supreme Court rulings pursuant thereto.

These regulations are intended to fully comply with the federal Fair Housing Amendments Act of 1988 ("FHAA"), as amended, and all other applicable state and federal legislation, which may require that reasonable accommodations be made in rules, policies, and practices to permit persons with handicaps or disabilities equal opportunity to use and enjoy a dwelling.

These regulations are also intended to deter property uses and activities which directly or indirectly cause adverse secondary effects, including the depreciation of property values, on the immediate neighborhood surrounding the community home. It is not the purpose or intent of these regulations to restrict or deny lawful access by individuals to housing or to deny persons access to housing but rather to designate a safe and reasonable location to facilitate the operation of a successful community home and single family neighborhood. A person commits an offense if he or she causes or permits the operation or establishment of a community home in violation of any of the following restrictions:

1. A community home shall provide the following services to persons with disabilities who reside in the home:
 - a. food and shelter;
 - b. personal guidance;
 - c. care;
 - d. habilitation services; and
 - e. supervision.
2. *Limitation on number of residents.*
 - a. Not more than six persons with disabilities and two supervisors may reside in a community home at the same time.

- b. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

3. *Evidence of license, contract, or certification.* A community home, including an assisted living facility, must provide evidence of a license, contract, or certification with the Department of Aging and Disability Services, the Department of State Health Services, or other state agency, or evidence of incorporation as a nonprofit in the State of Texas.

4. *Orderly facilitation of purposeful housing standard.* A community home may not be established within one-half mile of an existing community home. The intent of this paragraph is to prevent oversaturation of community homes, which may be detrimental to the community home residents' ability to benefit from living within a neighborhood, rather than an area of more intense uses.

5. *Limitation on number of motor vehicles.* Except as otherwise provided in the Haltom City Zoning Ordinance, the residents of a community home may not keep for the use of the residents of the home, either on the premises of the home or on a public right-of-way adjacent to the home, motor vehicles in numbers that exceed the number of bedrooms in the home.

6. *Ensuring safety of residents.* The Department of Aging and Disability Services or the appropriate licensing agency or nonprofit shall make every reasonable effort to ensure the safety of residents of a community home operated by or under the regulatory jurisdiction of the department and the residents of a neighborhood that is affected by the location of the community home.

7. *Certificate of occupancy required.* Prior to commencing use of a building for a community home, a certificate of occupancy must be obtained in accordance with Section 37 of the Haltom City Zoning Ordinance.

8. *Annual life safety inspection.* Community homes shall be subject to annual life safety inspections by the Haltom City Fire Marshal or his or her designee.

9. *Automatic fire sprinkler system required.* Community homes shall be equipped with an automatic fire sprinkler system and be in compliance with the applicable Haltom City Building, Residential, and Fire Codes as required by the Building Official and the Fire Marshall.

10. *Emergency closure.* Pursuant to Texas Health and Safety Code Chapter 247, the Haltom City Fire Marshal or his or her designee may immediately close an assisted living facility in circumstances in which:

- (A) the facility is established or operating in violation of Texas Health and Safety Code Section 247.021; and

(B) the continued operation of the facility creates an immediate threat to the health and safety of a resident of the facility.

The emergency order to close the facility may be appealed, in whole or in part, to the Board of Adjustment in accordance with the procedures set forth in Section 35.

11. *Reasonable Accommodation.* The Zoning Ordinance of the City of Haltom City, Texas, shall not be construed to limit a person’s right to request a reasonable accommodation on the basis of a disability. A person requesting a reasonable accommodation from this ordinance on the basis of a disability may file a request for reasonable accommodation with the Board of Adjustment in accordance with the procedures set forth in Section 35.

SECTION 8.

Section 31.D, “Schedule of Minimum Parking Spaces” in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by deletion the following to the schedule of minimum parking spaces:

KEY:

Use	Number of Spaces	Required for Each	Additional Requirements
Residential:			
One family dwelling	2	dwelling unit	adjacent spaces (not tandem)
Four-family, multiple dwelling (5 or more)	2	family unit	
Commercial:			
Boarding House	1	per proprietor and each sleeping unit	

And the addition of the following to the table of uses:

KEY:

Use	Number of Spaces	Required for Each	Additional Requirements
Residential:			
One-family dwelling detached	2	dwelling unit	adjacent spaces (not tandem)
One-family dwelling attached (townhouse)	2.25	dwelling unit	adjacent spaces (not tandem); see Section 15.D
Community home	1	per proprietor and each sleeping unit	adjacent spaces (not tandem)
Multi-family, Apartment	see Sections 16.C and 17.C		see Sections 16.E and 17.E
Institutional/Commercial:			
Assisted living facility	1	sleeping unit	
Community welfare shelter, boarding house	1	per proprietor and each sleeping unit	adjacent spaces (not tandem)

SECTION 9.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas, 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.

SECTION 10.

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 11.

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 12.

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 13.

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, 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 14.

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

CITY COUNCIL MEMORANDUM

City Council Meeting: May 23, 2016
Department: City Secretary
Subject: Minutes of May 16, 2016 and May 18, 2016.

BACKGROUND

On May 16, 2016, a Regular Meeting was held at City Hall, 5024 Broadway Avenue. On May 18, 2016, a Special Meeting was held at the Northeast Center, 3201 Friendly Lane.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends the City Council approve the Minutes of the meeting of May 16, 2016 and May 18, 2016.

ATTACHMENTS

May 16, 2016 Minutes
May 18, 2016 Minutes

**MINUTES
HALTOM CITY COUNCIL MEETING
CITY HALL, 5024 BROADWAY AVENUE
May 16, 2016**

A Regular Meeting was held by the City Council of the City of Haltom City, Texas, on May 16, 2016, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present:

Mayor David Averitt

Mayor Pro Tem Bob Watkins

Council Place 1 Jeannine Nunn

Council Place 2 Walter Grow

Council Place 3 Scott Garrett

Council Place 4 Trae Fowler

Council Member 6 Stephanie Davenport

Council Place 7 Dr. An Truong

Staff Present: Keith Lane, City Manager; Chuck Barnett, Assistant City Manager; Rex Phelps, Assistant City Manager, Dean Roggia, City Attorney; Art Camacho, City Secretary; Justin French, Planning and Community Development Director; Jennifer Fung, Finance Director; Janet Carver, Purchasing Agent, Steve Ross, Fire Chief, and Greg Van Nieuwenhuize, Public Works Director.

WORKSESSION

CALL TO ORDER

Mayor David Averitt called the Worksession to order at 6:03 p.m. and opened the Worksession with a discussion on the Investment Policy. Finance Director Jennifer Fung presented several changes requested by the Council that will be instilled in the Investment Policy when it is presented for its annual consideration. A discussion was held regarding the Masonry Ordinance and the requirements for wainscoting material and variance fees. The item will be presented to the Council for approval at the June 13th Council meeting. Mayor Averitt called for an Executive Session at 6:32 p.m.

EXECUTIVE SESSION

Section 551.071

As authorized by Chapter 551 of the Texas Government Code, 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, construction contract with Tiseo Paving, litigation, and settlement offers and/or claims for the following cases:

- Donald Anthony Hains v. City of Haltom City
- Flynn v. Haltom City EDC
- Progressive County Mutual Ins. Co. v. City of Haltom City
- James H. Watson v. City of Haltom City
- Louis Engler v. City of Haltom City, et al
- EEOC Charge No. 450-2015-01583

Section 551.072 – Deliberations about Real Property

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

Section 551.074 - Personnel

Deliberation regarding the appointment, employment, evaluation, reassignment, or duties of the City Secretary.

The Executive Session ended at 7:15 p.m.

REGULAR MEETING

CALL TO ORDER

Mayor Averitt called the meeting to order at 7:20 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Council Member Trae Fowler gave the Invocation and led the Pledge of Allegiance and the Texas Flag Pledge.

ANNOUNCEMENTS AND EVENTS

Council Member Stephanie Davenport announced the following:

Library

Coloring & Cookies for Grown Ups will be held on Friday, June 3rd, 6:30 – 8:00 p.m.

Super Science Saturdays are held the first Saturday each month. The theme for June is *Geology* and the event will be held Saturday, June 4th, 9:00 - 10:30 a.m., for ages 6 – 12. It is free and no registration is required.

Family Movie Night - Monday, June 6th, 6:30 p.m. - Movie: *The Good Dinosaur*, and Monday, June 13th, the movie *Hotel Transylvania 2*.

16th Annual Writing Contest – For poetry & short story with the deadline of May 31st.

Story Times

Thursdays, 11 – 11:45 a.m., - ages 3 & older, 1st Thursday of each month puppet show.

Fridays, 10:30 – 11:15 a.m., - ages 2 & younger.

Summer Reading Program Kickoff is Friday, June 3rd at 2 p.m. The Perot Museum of Nature and Science is bringing their Tech Truck, and there are events five days a week during the months of June and July.

Bi-lingual Story Time will be held every Wednesday from 10:30 – 11:00 a.m., starting June 8th and will include songs and stories in Spanish and English, and a craft.

Computer classes are now available for citizens.

The Computer Basic has two classes and they are all the same class material.

The Internet Basics classes are the same material for both classes and will be held on Tuesday, May 17th and Thursday, May 19th and the class times are from 8:30 – 10 a.m.

The Microsoft WORD classes are also the same material for both classes and will be held on Tuesday, May 24th and Thursday, May 26th and the class times are from 8:30 – 10 a.m.

Ladies Night Out – the annual night of fun is soon approaching and there is an Early Bird Special, which you can buy your ticket at the discounted price of \$39 before June 18th and be placed in a drawing for a diamond necklace. After June 18th, the ticket price goes up to \$45 and the eligibility for the necklace ends.

Announcements and Events from Community Projects

Congratulations to Spicer Elementary school for winning the Clean Campus award for spring 2016! Keep Haltom City Beautiful will present the school with a \$250 check and award for having the cleanest campus in Haltom City and for submitting their campus activities and photographs that support the mission of KHCB.

The 342 Images of Haltom City photo entries have been taken down from the Haltom City library and are available for pick-up at the Recreation Center. Entries not picked up by Friday, June 3rd will be discarded.

Haltom City will once again be hosting the [Arts Council Northeast](#) Masterworks concert series this June, and the two concerts will be held at the Haltom City Public Library. Friday, June 10th will see the South African multi-cultural group "Boitumelo" performing. On June 24th children's entertainer "Mr. Blue Shoes" will take the stage. Both concerts will take place from 3:30 - 4:30 p.m. These concerts are free and open to everyone!

Applebee's Fundraiser – The Fire Services Board will be hosting an all-you-can-eat breakfast fundraiser at Applebee's at 6645 NE Loop 820 on Saturday, May 21st from 8:00 a.m. to 10:00 a.m. The menu will be pancakes, eggs, sausage, potatoes, orange juice, coffee and soft drinks. The tickets are \$10 and must be purchased in advance from a Fire Services Board member or they may be purchased at the Haltom City Fire Administration Office at 5525 Broadway Avenue, second floor. All proceeds will support the Haltom City Fire Department Services and Programs.

Birdville Cemetery Reunion - The Birdville Cemetery Reunion will be Saturday, May 21st from 11 a.m.-1 p.m. at 6000 Cemetery Rd. in Haltom City. The special guest will be local author Andrew Sanders. Sanders has written a book about the history and the people of the "Garden of Eden" right here in our neighborhood. The Garden of Eden is located south of Haltom City and has been owned by the Sanders family for more than 100 years. The event is free and hosted by the Birdville Museum and Historical Society.

Memorial Day Program - The American Legion Post #655 will be hosting a Memorial Day program to honor our fallen veterans at the New Trinity Cemetery (4001 NE 28th Street) on Monday, May 30th at 10 a.m.

Plan to attend the FREE Concert at the Haltom City Memorial Day Celebration on Monday, May 30th at 6:00 p.m. at the American Legion Post #655 (2817 Carson St.). The Jazz Monsters will be playing popular music from the 1940's and 50's, as well as patriotic favorites.

Water Drive - The Haltom City CERT will be holding their Third annual Water Drive on Saturday June 4th from 9 a.m. -1 p.m. Collection will be in the back parking lot of Haltom City Fire-Rescue, 5525 Broadway.

PRESENTATION

MedStar – "EMS Week Proclamation" – Fire Chief Steve Ross presented a proclamation celebrating "EMS Week" to Chris Cunningham, of MedStar, who thanked the Haltom City Council, Police and Fire Departments for their assistance and cooperation.

GFOA Award – Finance Director Jennifer Fung received the "Distinguished Budget Award" from the Government Finance Officers of America on behalf of Haltom City.

REGULAR AGENDA

1. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meeting of April 25, 2016. **(A. Camacho)** Council Member Dr. An Truong moved, seconded by Council Member Stephanie Davenport, to approve the Minutes of April 25, 2016. ***The vote was unanimous. Motion carried.***
2. **(P-007-16) Golden Gardens Addition Replat Lots 1R & 2R, Block 10** - Conduct a public hearing and consider action on the application of Huck Newberry on behalf of B & B9, LLC for approval of a replat creating Lots 1R and 2R, Block 10 of the Golden Gardens Addition from portions of Lots 1-4 and Lot 15, Block 10 of the Golden Gardens Addition, located in the "C-3" Commercial District, containing approximately 1.682 acres, and locally known as 5600 and 5612 E. Belknap Street and unaddressed parcels. **(J. French)** Planning and Community Director Justin French presented the plat and a discussion was held regarding specifics of the plat request. Mayor Averitt opened the Public Hearing at 7:35 p.m. No citizen came forward. Mayor Averitt closed the Public Hearing at 7:36 p.m. Council Member Walter Grow moved, seconded by Council Member Davenport, to approve (P-007-16) Golden Gardens Addition Replat Lots 1R & 2R, Block 10. ***The vote was unanimous. Motion carried.***

3. **Ordinance No. O-2016-012-15 (CU-003-16)** - Conduct a public hearing and consider action on the application of Duong Huynh for a Conditional Use Permit request with site plan approval, for automobile and light truck repair shop located on Lot 6R of the E. R. Alexander Addition, being approximately 1.926 acres located south of McNutt Street and southeast of E. Belknap Street, locally known as 4100 McNutt Street – ***First Reading (J. French)*** Planning and Community Director Justin French presented the ordinance and a discussion was held regarding the current status of the property, improvement suggestions, and parking requirements. Mayor Averitt opened the Public Hearing at 7:55 p.m. No citizen came forward. Mayor Averitt closed the Public Hearing at 7:56 p.m. Council Member Scott Garrett moved, seconded by Mayor Pro Tem Bob Watkins, to approve sending the Ordinance No. O-2016-012-15 (CU-003-16) back to the Planning and Zoning for reconsideration on their June 14th meeting – with no application costs. ***The vote was unanimous. Motion carried.***
4. **Water and Wastewater Utility Parts Bid** – Consideration and/or action regarding award of bid for the purchase of the City’s estimated annual requirements of water and wastewater utility parts Bid No. B2016-215-001. (**G. Van Nieuwenhuize, J. Carver**) Public Works Director Greg Van Nieuwenhuize and Purchasing Agent Janet Carver presented the parts bid and a discussion was held regarding the category allowing a local company (Atlas) supplying iron fittings to be accepted, though at a higher price, in lieu of travel time for picking up the parts in Fort Worth at the Act Pipe Company. Council Member Fowler moved, seconded by Council Member Truong, to approve the Water and Wastewater Utility Parts Bid – Bid No. B2016-215-001, with the acceptance of the iron fittings category to be the Atlas Company of Haltom City. ***The vote was unanimous. Motion carried.***
5. **Asbestos Study** – Consideration and/or action to enter into an asbestos survey agreement with Industrial Hygiene and Safety Technology, Inc. (**G. Van Nieuwenhuize, J. Carver**) Public Works Director Greg Van Nieuwenhuize and Purchasing Agent Janet Carver presented the survey study agreement and a discussion was held regarding the survey being conducted prior to any building remodeling and possible action after the survey is completed. Council Member Garrett moved, seconded Council Member Davenport, to approve the asbestos survey agreement with Industrial Hygiene and Safety Technology. ***The vote was unanimous. Motion carried.***
6. **Bid Award for Cheryl Street (Monna Street to Jerri Lane) Paving Improvements** – Consideration and/or action regarding approval to award Bid No. B2016-311-001 to Reliable Paving. (**G. Van Nieuwenhuize**) Public Works Director Greg Van Nieuwenhuize presented the bid award and a discussion was held regarding the funding amount and source, and the scope of the project. Council Member Grow moved, seconded by Council Member Garrett, to approve Bid No. B2016-311-001 to Reliable Paving. ***The vote was unanimous. Motion carried.***
7. **Resolution No. R-2016-016-01** – Consideration and/or action regarding approval of Resolution No. R-2016-016-01 – Public Arts Program Committee. (**K. Lane**) Mayor Averitt presented the resolution and a discussion was held regarding the differences in this committee and the “Arts in the City” program and the importance of artistic imagery. Council Member Grow moved, seconded by

Council Member Garrett, to approve Resolution No. R-2016-016-01 – Public Arts Program Committee. **Council Members Nunn, Grow, Garrett, Fowler, Davenport and Truong voted aye. Mayor Pro Tem Watkins voted nay. Motion carried.**

8. **General and Special Election Results** – Consideration and/or action regarding approving Resolution No. R-2016-015-01, tabulating and canvassing the results of the May 7, 2016 General and Special elections. **(A. Camacho)** City Secretary Art Camacho presented the resolution that included the official election data from Tarrant County Elections for the General and Special Election. Council Member Grow moved, seconded by Council Member Garrett, to approve Resolution No. R-2016-015-01 - May 7, 2016 General and Special elections. **The vote was unanimous. Motion carried.**
9. **Oath of Office**
Newly Elected Officers – City Secretary Art Camacho administered the Oath of Office to Council Member Place 3 Scott Garrett, Council Member Place 4 Trae Fowler, Council Member Place 5 Bob Watkins, and Council Member Place 6 Stephanie Davenport.
Certificates of Election – City Secretary Art Camacho presented the Certificates of Election to each of the elected candidates and after a comment by Mayor Averitt, each candidate addressed the citizens and other members of the Council by thanking them for their support and their commitment to their position.
10. **Mayor Pro Tem** – Consideration and/or action regarding election of the Mayor Pro Tem. **(A. Camacho)** Council Member Fowler moved, seconded by Council Member Nunn, to elect Council Member Place 5 – Bob Watkins – to the position of Mayor Pro Tem again. **The vote was unanimous. Motion carried.**

VISITORS/CITIZEN FORUM

No citizen came forward.

BOARDS/COMMISSIONS

11. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members. There were no resignations.
12. **Appointment/Reappointment to Boards and Commissions** – Consider approval regarding appointments to Boards/Commissions. Mayor Pro Tem Bob Watkins (Place 5) made the following appointments:
 1. Patsy Sullivan – Library Board
 2. Penny Clowers – Parks and Recreation Board
 3. Steve Chapman – Planning and Zoning Commission
 4. Birdi Blocker – Beautification Board**The appointments were approved unanimously.** No other appointments or reappointments were made.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

Mayor Averitt adjourned the meeting on May 16, 2016 at 9:08 p.m. and a reception followed in the City Hall hallway for the elected candidates and citizens.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

Art Camacho, City Secretary

David Averitt, Mayor

MINUTES
HALTOM CITY COUNCIL and CITY STAFF
BUDGET OVERVIEW
Haltom City Northeast Center
3201 Friendly Lane, Haltom City, Texas 76117
May 18, 2016

A Budget Overview was held by the City Council on May 18, 2016, at 6:00 p.m. at the Northeast Center, 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 6 Stephanie Davenport

Council Place 7 Dr. An Truong

Council Place 1 Jeannine Nunn and Council Place 4 Trae Fowler were absent.

City Staff Present: Keith Lane, City Manager; Chuck Barnett, Assistant City Manager; Rex Phelps, Assistant City Manager; Art Camacho, City Secretary; Justin French, Planning and Community Development Director; Lesly Smith, Library Director; Toni Beckett, Human Resources and Risk Management Director; Steve Ross, Fire Chief; Jennifer Fung, Finance Director; Bryan Lee, Fleet Manager; Christi Pruitt, Recreation Center Director, and Greg Van Nieuwenhuize, Public Works Director.

CALL TO ORDER

Mayor Averitt called the Worksession to order at 6:01 p.m.

BUDGET OVERVIEW

Budget Overview – City Manager Keith Lane presented the Budget Overview on a PowerPoint that included the following:

- Vision Statement and City's Mission
- Council's Long-Term Strategic Goals and Policy on Strategic Planning
- Comments/questions directed at the Mission/Goals/ and Strategic Planning
- Performance Measurement/Management and Community Engagement
- Discussed Strategies with Staff, Current Outsourcing, and Part-Time Employees
- Alternative Funding Sources and Mitigation of Healthcare Costs and FLSA
- Updating and Automating Plans and Services
- Projects – both Short and Long-Term
- Law Enforcement Center, City Hall, Fire Station 3, and Haltom Road Park
- Critical Issues and Positions Cut in Fiscal '16

City Manager Lane also presented a Performance Management/Measurement list for providing direction and information in determining the Council and Staff's pursuit of these goals. This information also included benchmarks to assist Staff in measuring their efficiency toward these objectives. A discussion on many of the items listed was held and more discussion will be forthcoming in future budget meetings.

ADJOURNMENT

Mayor Averitt adjourned the Worksession at 7:55 p.m.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

Art Camacho, City Secretary

David Averitt, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: May 23, 2016

Departments: Planning & Community Development,
Public Works, Parks & Recreation

Subject: Smoking & Tobacco Use in Parks
Ordinance No. O-2016-013-10

BACKGROUND

Following numerous complaints of use of electronic vaping devices in City Parks from citizens and visitors to Haltom City Parks, the City Council held a workshop on April 25, 2016, to discuss the need for revisions to Section 70-150, Article III - Parks and Playgrounds Regulations, of Chapter 70 - Parks, Recreation and Cultural Facilities, of the Code of Ordinances.

On July 9, 2001, the City Council adopted Ordinance No. O-2001-039-10, which limited the use of tobacco products in Broadway Park to the Broadway Park parking lot. The proposed ordinance amends Ordinance No. O-2001-039-10 so the Broadway Park tobacco use standard applies to all City Parks and the use of electronic vaping devices at all City Parks is similarly restricted to City Park parking lots.

The legal notice regarding this public hearing was published in the May 5, 2016, *Fort Worth Star Telegram*.

FISCAL IMPACT

None.

RECOMMENDATION

Conduct a public hearing and consider action on an amendment to Section 70-150 in Article III of Chapter 70 of the Code of Ordinances, City of Haltom City, Texas; providing regulations restricting the locations where smoking and tobacco use is allowed in all Haltom City Parks; providing regulations related to the use of electronic vaping devices in all Haltom City Parks; providing penalty for violation as a misdemeanor with a fine; providing for severability; providing a savings clause; providing for publication; and providing an effective date.

ATTACHMENT

Ordinance No. O-2016-013-10

ORDINANCE NO. O-2016-013-10

AN ORDINANCE AMENDING SECTION 70-150 IN ARTICLE III OF CHAPTER 70 OF THE CODE OF ORDINANCES, HALTOM CITY, TEXAS; PROVIDING REGULATIONS RESTRICTING THE LOCATIONS WHERE SMOKING AND TOBACCO USE IS ALLOWED IN ALL HALTOM CITY PARKS; PROVIDING REGULATIONS RELATED TO THE USE OF ELECTRONIC VAPING DEVICES IN ALL HALTOM CITY PARKS; PROVIDING PENALTY FOR VIOLATION AS A MISDEMEANOR WITH A FINE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; 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;

WHEREAS, the City Council of the City of Haltom City has previously adopted on July 9, 2001, Ordinance No. O-2001-039-10, which regulates and restricts the use of tobacco products in Broadway Park; and

WHEREAS, several cities within the State of Texas have passed amendments regarding the use of tobacco products and smoking regulations based on recent studies of the adverse impact to tobacco users, smokers and those who are in the presence of those who are smoking; and

WHEREAS, it is recognized throughout the country that tobacco use and smoking is injurious to the health of tobacco users, smokers and those who are in the presence of those who are smoking, including locations where the public gathers, such as in City park facilities; and

WHEREAS, the City Council has investigated and determined that electronic vaping devices permit users of the devices to inhale vapor containing variable amounts of nicotine and other harmful toxicants; and

WHEREAS, the City Council has determined that any prohibition of smoking within the City should include a prohibition of using electronic vaping devices; and

WHEREAS, the City Council has determined that the 2012 National Youth Tobacco Survey shows that the use of electronic vaping devices by U.S. high school students has doubled from the previous year to 2.8%; and

WHEREAS, the City Council has determined that medical and pharmacological experts have opined that electronic vaping devices contain nicotine in a liquid form that may escape from the devices and be ingested by minors which may cause symptoms

such as hyperactivity, flushing, sweating, headache, dizziness, rapid heart rate, vomiting, diarrhea, burning and irritation of the skin and, in severe cases, may result in a coma or death; and

WHEREAS, the City Council has determined that studies have shown that use of electronic vaping devices and smoking traditional tobacco products are contrary to the 2008 Haltom City Parks and Open Space Master Plan objectives to ensure that all park facilities meet the most current safety guidelines and to provide citizens with well-balanced recreational experiences that include both active and passive opportunities; and

WHEREAS, the City Council has determined that electronic vaping devices are a threat to the safe enjoyment of Haltom City parks by park visitors; and

WHEREAS, the City Council has determined that electronic vaping devices are currently not regulated by the State of Texas or the federal government; and

WHEREAS, the City is authorized to adopt ordinances, not inconsistent with state law, that are necessary to protect the public health, safety, and welfare of the City; and

WHEREAS, the City Council has determined that it is in the best interest and welfare of the citizens of Haltom City to prohibit smoking in all Haltom City parks as outlined herein, to include the use of an electronic vaping device in the definition of smoking.

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

SECTION 1.

Section 70-150, Article III, "PARKS AND PLAYGROUNDS REGULATIONS", of Chapter 70, "PARKS, RECREATION AND CULTURAL FACILITIES", of the Code of Ordinances, City of Haltom City, Texas is hereby amended to read as follows:

ARTICLE III. PARKS AND PLAYGROUNDS REGULATIONS.

Sec. 70-150. – Use of tobacco products prohibited in Haltom City parks.

- (a) *Definitions.* As used in this article, the following words and terms shall have the meaning ascribed thereto:

City means the City of Haltom City, Texas.

Electronic vaping device shall mean any electronically powered or battery powered device designed to simulate the smoking of tobacco, cigarettes, pipes or cigars. An electronic vaping device includes personal vaporizers, electronic cigarettes (e-cigarettes), electronic pipes (e-pipes), electronic cigars (e-cigars) and any other type of electronic nicotine delivery system or any part thereof.

Parking lot means that portion of any Haltom City park paved or constructed with an all-weather surface designed for vehicular traffic and the parking of vehicles.

Smoking or to smoke means the possession of a burning tobacco, weed or other plant product or the use of an electronic vaping device.

Tobacco product means a cigarette (including anything made of tobacco or tobacco mixed with another ingredient and wrapped or covered with a material other than tobacco), cigar, pipe, smoking tobacco (including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette), chewing tobacco (including Cavendish, Twist, plug, scrap, or any kind of tobacco suitable for chewing), snuff or other preparations of pulverized tobacco, or an article or product that is made of tobacco or a tobacco substitute.

- (b) *Use prohibited in all Haltom City parks.* A person commits an offense if the person consumes, smokes, chews, ingests or otherwise uses a tobacco product or an electronic vaping device in a Haltom City park, except in the parking lot.
- (c) *Posting of signs prohibiting tobacco products.* The City Manager or the City Manager's designee shall cause conspicuous signs to be posted at the bleachers, concession stands, and walkways from the parking lot at all Haltom City parks. The signs shall contain words or other language and symbols, including the universal symbol for no smoking, which clearly prohibit smoking and the use of tobacco products.
- (d) *Posting of signs prohibiting the use of electronic vaping devices in all Haltom City parks.* The City Manager or the City Manager's designee shall cause conspicuous signs to be posted at walkways from the parking lot at all Haltom City parks. The signs shall contain the following text:

"Use of electronic vaping devices is prohibited in this Haltom City Park beyond this point per City Ordinance No. O-2016-013-10."
- (e) *Penalties.* Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and the person shall be fined as provided in section 1-5, and each day's failure or refusal to comply with the said provisions will constitute a separate offense.

SECTION 2.

Violation of this ordinance shall be punishable by a fine in accordance with section 1-5 of the Code of Ordinances, Haltom City, Texas. Each separate violation shall be punishable hereunder and each day each such violation shall be allowed to exist or continue shall constitute a separate violation punishable hereunder.

SECTION 3.

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 phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of any other ordinances affecting smoking in certain places which 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 5.

The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this ordinance as an alternative method of publication provided by law.

SECTION 6.

This ordinance shall be effective _____.

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:

Wayne K. Olson, City Attorney

CITY COUNCIL MEMORANDUM/RESOLUTION

City Council Meeting: May 23, 2016

Department: Parks & Recreation

Subject: Bid Award - Bid No. B2016-131- 01
Recreation Software Contract

BACKGROUND

The Recreation Division submitted a decision package in the FY2016 budget for new Recreation management software. The City Council approved that request in the amount of \$30,000.

The current software was purchased and implemented in 2006. It is very antiquated and does not currently meet the needs of the Recreation division. The company has failed to update the software and keep in line with current technology trends.

The Recreation Supervisor began researching software products and contacting neighboring cities about their software in 2015. Several demos were viewed by Recreation staff during that time. The RFP for the new software went out on March 21. Seven proposals were received.

The IT Director, Purchasing Agent, and Recreation Supervisor reviewed each proposal and selected their top three choices. Each choice was reviewed carefully and pushed through to the next level or was thrown out on technicalities or lack of required/desired features.

The Recreation Supervisor scheduled demos of the top two choices with Recreation and IT staff. Staff was asked for feedback after each demo in order to make the best choice.

FISCAL IMPACT

Funding is designated in the Computer Software Account No.: 11-47012-411.

RECOMMENDATION

Staff recommends the City Council award the bid to REC1, as it is the most comprehensive, user-friendly, and fiscally responsible choice.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated staff recommendations are hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 23rd day of May, 2016, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

David Averitt, Mayor

ATTEST:

Art Camacho, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: May 23, 2016

Department: Finance

Subject: Resolution No. R-2016-017-03
Atmos Rate Case - Just and Reasonable Rate

BACKGROUND

The City, along with other similarly situated cities served by Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC”). The Rate Review Mechanism (“RRM”) Tariff was originally adopted by ACSC member cities in 2007 as an alternative to the Gas Reliability Infrastructure Program (“GRIP”), the statutory provision that allows Atmos to bypass the City’s rate regulatory authority to increase its rates annually to recover capital investments. The RRM Tariff has been modified several times, most recently in 2013.

The 2016 RRM filing is the fourth RRM filing under the renewed RRM Tariff. On March 1, 2016, Atmos made a filing requesting \$35.4 million additional revenues on a system-wide basis. Because the City of Dallas has a separate rate review process, exclusion of Dallas results in the Company requesting \$28.6 million from other municipalities.

Environs customers (ratepayers outside municipal limits) remain under the Railroad Commission’s exclusive original jurisdiction and have their rates set through the GRIP process. If the Company had used the GRIP process rather than the RRM process it would have received a \$41 million increase, or about \$11 million more than will be approved by the Resolution. ACSC and the Company have reached an agreement, reflected in the Resolution, to reduce the Company’s request by \$5.5 million, such that the Resolution approving new rates reflects an increase of \$29.9 million on a system-wide basis, or \$21.9 million for Mid-Tex Cities, exclusive of the City of Dallas.

The ACSC Executive Committee and its designated legal counsel and consultants recommend that all Cities adopt the Resolution with its attachments approving the negotiated rate settlement resolving the 2016 RRM filing, and implementing the rate change.

FISCAL IMPACT

The tariffs attached to the Resolution approve rates that will increase the Company's revenues by \$29.9 million for the Mid-Tex Rate Division, effective for bills rendered on or after June 1, 2016. The monthly residential customer charge will be \$19.10. The consumption charge will be \$0.11378 per Ccf. The monthly bill impact for the typical residential customer consuming 46.8 Ccf will be an increase of \$1.26, or about 2.43%. The typical commercial customer will see an increase of \$3.81, or 1.43%.

RECOMMENDATION

Staff recommends the City Council approve Resolution No. R-2016-017-13 approving and adopting Rate Review Mechanism (RRM) process for Atmos Energy Corporation, Mid-Tex Division.

ATTACHMENTS

Resolution No. R-2016-017-13.
Attachment to Atmos RRM

RESOLUTION NO. R-2016-017-03

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY HALTOM CITY, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2016 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Haltom City, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, on March 1, 2016, Atmos Mid-Tex filed its 2016 RRM rate request with ACSC Cities; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2016 RRM filing through its Executive Committee, assisted by ACSC’s attorneys and consultants, to resolve issues identified in the Company’s RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$29.9 million on a system-wide basis; and

WHEREAS, the attached tariffs implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That the City Council finds that the settled amount of an increase in revenues of \$29.9 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2016 RRM filing is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$29.9 million in revenue over the amount allowed under currently approved rates, as shown in the Proof of Revenues attached hereto and incorporated herein as Attachment B; such tariffs are hereby adopted.

Section 4. That the ratemaking treatment for pensions and other post-employment benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment C, attached hereto and incorporated herein.

Section 5. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2016 RRM filing.

Section 6. That to the extent any resolution or resolution previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 7. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or

invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 9. That consistent with the City Resolution that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after June 1, 2016.

Section 10. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 23rd day of May, 2016.

David Averitt, Mayor

ATTEST:

Art Camacho, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Wayne Olson, City Attorney

CITY COUNCIL MEMORANDUM

City Council Meeting: May 23, 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: May 23, 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 3, 4, 5, and 6 are due to make appointments and/or reappointments to the following boards: Beautification, CCPD/Red-Light Camera, Fire Services, Library, Parks, Planning and Zoning, and Zoning Board of Adjustment. The list below indicates places that are vacant.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

Applications: James White, Herb Williams, David McConnell, Loretta DuBois, Larry Pinkerton, Jerry Gannaway, Harlan Streater, Suzanne Norris, Bonnie Richards, Teresa Cabano, Thomas Sanders, Diana Williams, Dorothy Tyler, David Wood, and Anastasia Taylor.

Mayor: Beautification (vacant), ZBA Alternate (vacant)

Councilmember Place 1: CCPD/Red-light Camera (vacant)

Councilmember Place 2: Fire Services (vacant)