

**AGENDA**  
**HALTOM CITY COUNCIL MEETING**  
**June 13, 2016**  
**CITY HALL - 5024 BROADWAY AVENUE**  
**Council Chambers – Work Session – 6:00 P.M./Regular Session – 7:00 P.M.**

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**WORK SESSION 6:00 P.M.**

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**COUNCIL PHOTOS** – The City Council will meet at 5:00 p.m. to take individual and group photos inside the Council Chamber.

**CALL TO ORDER (General Comments)**

- Discuss the use of Diamond Oaks as an amenity for visitors/businesses
- Veteran’s Memorial Committee presentation to City Council
- Fire Department Community Outreach presentation
- Discuss City Hall carpeting
- Discuss construction delays on monument signs
- Review and discuss items on the regular agenda of June 13, 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 and the Economic Development Corporation.

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**REGULAR SESSION 7:00 P.M.**

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**CALL TO ORDER**

**INVOCATION/PLEDGE OF ALLEGIANCE** – Council Member Stephanie Davenport

**ANNOUNCEMENTS/EVENTS** – Council Member Stephanie Davenport

**PRESENTATION** – Summer Reading Program – HC Public Library Board of Directors

**CONSENT AGENDA**

1. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meeting of May 23, 2016. **(A. Camacho)**

2. **Ordinance No. O-2016-013-10** – 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 - **2<sup>nd</sup> Reading – (J. French)**
3. **Ad Valorem Taxing** – Consideration and/or action regarding approval of a contract with the Tarrant County Tax Office to provide ad valorem tax assessing, billing, collecting and reporting for the 2016 Tax Year – **(J. Fung)**

#### **REGULAR AGENDA**

4. **Ordinance No. O-2016-019-03** – Conduct a public hearing and consideration and/or action regarding the amendment to the Hotel Occupancy Tax. – **1<sup>st</sup> Reading (J. Fung)**
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 “SF-2” Single Family Residential District to “C-2” Commercial District located on Lot 2, Block 4 of the North Eastridge Addition, being approximately 0.166 acres located south of Broadway Avenue and east of Aurora Street, locally known as 3272 Aurora Street – **1<sup>st</sup> Reading. (J. French)**
6. **Ordinance No. O-2016-015-15 (Z-006-16)** – Conduct a public hearing and consider action on the application of Billy Nguyen for a Zoning Change request from “C-3” Commercial District to “D” Duplex District located on a portion of Lot 8, Block 13 of the G. W. Burkitt’s Subdivision, being approximately 1.122 acres located south of Carnation Street and east of N. Beach Street, locally known as 4101 E. Belknap Street – **1<sup>st</sup> Reading. (J. French)**
7. **Ordinance No. O-2016-011-15** – Conduct a public hearing and consider action on amending Ordinance No. O-2002-032-15, the Zoning Ordinance of the City of Haltom City, Texas, 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 and providing clarification of related parking requirements.– **1<sup>st</sup> Reading (J. French)**
8. **Ordinance No. O-2016-017-15** – Conduct a public hearing and consider action on an amendment to Section 14-27 “Masonry requirements for designated commercial and industrial construction and residential construction” of Article I “In General” of Chapter 14 “Building, Structures and Appurtenances” to provide clarification of applicability; to reflect new street naming; to enhance minimum masonry requirements for all commercial and industrial property. – **1<sup>st</sup> 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**

9. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members.
10. **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**

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 10<sup>th</sup> DAY OF JUNE, 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:** June 13, 2016  
**Department:** City Secretary  
**Subject:** Minutes of May 23, 2016

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### **BACKGROUND**

On May 23, 2016, a Regular Meeting was held at City Hall, 5024 Broadway Avenue.

### **FISCAL IMPACT**

None.

### **RECOMMENDATION**

Staff recommends the City Council approve the Minutes of May 23, 2016.

### **ATTACHMENTS**

May 23, 2016 Minutes

**MINUTES  
HALTOM CITY COUNCIL MEETING  
CITY HALL, 5024 BROADWAY AVENUE  
May 23, 2016**

A Regular Meeting was held by the City Council of the City of Haltom City, Texas, on May 23, 2016, at 7:10 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 6 Stephanie Davenport

Council Place 7 Dr. An Truong

Council Place 4 Trae Fowler arrived at 6:54 p.m. Council Place 3 Scott Garrett was absent. Staff Present: Keith Lane, City Manager; Chuck Barnett, Assistant City Manager; Rex Phelps, Assistant City Manager, Wayne Olson, City Attorney; Donna Pliska, Assistant 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 6:04 p.m. Justin French presented the Community Home Program Ordinance and a discussion was held regarding the definition of "family," residential housing area footage, and legal housing issues. Mayor Averitt called for an Executive Session at 6:20 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 7:03 p.m.

## REGULAR MEETING

### CALL TO ORDER

Mayor Averitt called the meeting to order at 7:10 p.m.

### INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bob Watkins led a silent prayer, the Pledge of Allegiance, and the Texas Flag Pledge.

### ANNOUNCEMENTS AND EVENTS

Council Member Stephanie Davenport announced the following:

#### Library

**Computer classes are available.** Microsoft WORD classes use the same material for both classes. Class times are 8:30 – 10 a.m. on Tuesday, May 24<sup>th</sup> and Thursday, May 26<sup>th</sup>.

**16<sup>th</sup> Annual Writing Contest** continues, entries are poetry & short stories. The deadline is May 31, 2016. More information is found on the City Library webpage.

**Summer Reading Program Kick-off** is Friday, June 3<sup>rd</sup> at 2 p.m. The Perot Museum of Nature and Science is bringing their Tech Truck. Events are 5 days a week thru June and July.

**Family Movie Night** will be Monday, June 6<sup>th</sup> and Monday, June 11<sup>th</sup>, at 6:30 p.m. featuring the movie *The Good Dinosaur* on the 6<sup>th</sup> and *Hotel Transylvania 2* on the 13<sup>th</sup>.

**Coloring & Cookies for Grown Ups** will be held on Friday, June 3, 6:30 – 8 p.m. Materials are supplied, but citizens may bring their own coloring supplies.

**Story Times** continues on Thursdays, 11 – 11:45 a.m. for ages 3 and older. The first Thursday of each month also features a puppet show. Story Times are also held on Fridays, from 10:30 – 11:15 a.m., for ages 2 and younger.

**Super Science Saturdays** is where science meets fun on the first Saturday of each month. June's theme is Geology with class starting on Saturday, June 4<sup>th</sup>, 9 - 10:30 a.m. July's theme is Lenses, Prisms, and Optics, with class starting on Saturday, July 2<sup>nd</sup>, 9 – 10:30 a.m. It is for ages 6 – 12 and is free. No registration required.

**Bi-lingual Story Time** will be held every Wednesday from 10:30 – 11 a.m., starting June 8<sup>th</sup> which includes songs and stories in Spanish and English and a craft.

**Ladies' Night Out** on August 13<sup>th</sup> is an annual night of fun and there is an Early Bird Special, which you can buy your ticket at the discounted price of \$39 before June 18<sup>th</sup> and be placed in a drawing for a diamond necklace. After June 18<sup>th</sup> the ticket price goes up to \$45 and the eligibility for the necklace ends.

Citizens may call the Library at 817.222.7787 or visit the website at [www.haltomcitytx.com](http://www.haltomcitytx.com). Don't forget to download the library app!

#### Announcements and Events from Community Projects

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

**Bottled Water Drive** - Haltom City CERT will be holding their third annual Bottled Water Drive on Saturday June 4<sup>th</sup> from 9 am -1 pm. CERT will be cooking hot dogs, and encourages citizens to meet with the staff of Fire, Police, and Public Works. The event will be in the back parking lot of the Central Fire Station at 5525 Broadway.

Council Member Jeannine Nunn announced the following:

**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 28<sup>th</sup> Street) on Monday, May 30<sup>th</sup> at 10am. Plan to attend the free concert at the Haltom City

Memorial Day Celebration on Monday, May 30<sup>th</sup> at 6 pm at the American Legion Post #655 (2817 Carson St.). The Jazz Monsters will be playing popular music from the 1940s and 50s, as well as patriotic favorites. Council Member Nunn also gave a short history regarding the American Legion and the many programs and fundraisers they support. City Manager Keith Lane introduced Cody Phillips as Haltom City's new police chief.

## **PRESENTATION**

**MedStar** – Matt Zavadsky provided a handout to each Council Member and relayed information regarding the continued work partnership with Haltom City, service report increases, and new protocol procedures.

**“Fourteen for Fido” Brianna Fagan** – Josh Howard, Animal Control Officer, received a total donation of \$2,139.15 from the effort of 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)** Council Member Fowler moved, seconded by Council Member Davenport, to approve the Minutes of May 16, 2016 and May 18, 2016. ***The vote was unanimous. Motion carried.***
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. **1<sup>st</sup> Reading (J. French)** Planning and Community Development Director Justin French presented the proposed ordinance that included issuing tobacco and smoking restrictions to all city parks and restricting the tobacco usage, smoking, and vaping to the parking lot areas. Recreation Center Director Christi Pruitt also provided additional information in regard to obtaining the objective of tobacco/smoke/vaping free parks in Haltom City. Mayor Averitt opened the Public Hearing at 7:36 p.m. No citizen came forward. Mayor Averitt closed the Public Hearing at 7:36 p.m. Council Member Grow moved, seconded by Council Member Fowler, to approve Ordinance No. O-2016-013-10 – first reading. ***The vote was unanimous. Motion carried.***
3. **Recreation Software Contract**– Consideration and/or action regarding approval to award Bid No. B2016-131-01 to REC1. **(C. Pruitt)** Recreation Center Director Christi Pruitt presented the contract bid and a discussion was held regarding the monthly charge for net transactions. Council Member Truong moved, seconded by Council Member Nunn, to approve Bid Award B2016-131-01 to REC1. ***The vote was unanimous. Motion carried.***
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)** Assistant City Manager Rex Phelps presented the resolution and a discussion was held regarding the capital investment reason behind the proposed Atmos rate increase. Atmos Representative Marilyn Ackmann also provided additional information regarding the rate increase proposal because of aging infrastructure. Council Member Grow moved, seconded by Council Member Fowler, to approve Resolution No. R-2016-017-03. ***The vote was unanimous. Motion carried.***

**VISITORS/CITIZEN FORUM**

Bill Journey addressed the subject of Senior Citizen's abuse.

**BOARDS/COMMISSIONS**

- 5. **Resignations of Board Members** – Consider approval of the resignations of Board/Commission Members. There were no resignations.
- 6. **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. Herb Williams – Fire Services Board
  - 2. Jerry Gannaway – CCPD/Redlight Camera Citizens Advisory Board
  - 3. Larry Pinkerton – ZBA

***The appointments were approved unanimously.*** No other appointments or reappointments were made.

Mayor Averitt adjourned into Executive Session at 7:53 p.m.

**EXECUTIVE SESSION**

- 7. Executive Session adjourned at 8:20 p.m. Mayor Averitt called the Regular Meeting from Executive Session at 8:22 p.m. Council Member Grow moved, seconded by Council Member Nunn, to approve the salary reduction agreement as discussed in Executive Session. ***The vote was unanimous. Motion carried.***

**ADJOURNMENT**

Mayor Averitt adjourned the meeting at 8:25 p.m.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

\_\_\_\_\_

\_\_\_\_\_

Art Camacho, City Secretary

David Averitt, Mayor

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 13, 2016

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

**Subject:** Smoking & Tobacco Use in Parks  
Ordinance No. 2016-013-10  
Final Reading

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### BACKGROUND

On May 23, 2016, the City Council approved Ordinance No. O-2016-013-10 by a vote of 6-0-0.

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

Consider final action on Ordinance No. O-2016-013-10.

### ATTACHMENT

Provided in the City Council packet of May 23, 2016

**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**, 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, of 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:

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

(a) *Definitions.* As used in this section, the following words and terms shall have the meanings 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."

## **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 directed to publish the descriptive caption, penalty clause and effective date clause of this ordinance in the official newspaper of the City of Haltom City one time within ten (10) days after first reading of this ordinance as required by Section 10-01 of the Charter of the City of Haltom City.

**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:

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Wayne K. Olson, City Attorney

## CITY COUNCIL MEMORANDUM/RESOLUTION

**City Council Meeting:** June 13, 2016

**Department:** Finance / Accounting

**Subject:** Ad Valorem Tax Assessing, Billing, Collecting and Reporting for the 2016 Tax Year (Fiscal Year 2017)

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### BACKGROUND

Since 1993, the City has contracted with the Tarrant County Tax Office (Tax Office) for the billing, collection and reporting of the ad valorem (property) taxes. In consideration for the services provided, the City compensates the Tax Office at the rate of \$0.95 per account for 2016 tax year. According to Tarrant County Tax Office, this rate is the lowest collection fee of any urban county in Texas. The collection rate for 2015 tax year was \$1.10 per account.

### FISCAL IMPACT

There are about 58,000 property tax accounts serviced by Tarrant County Tax Office for Haltom City. Using the same number of accounts at the rate of \$0.95, the fiscal impact for Fiscal Year 2017 will be \$55,100. This cost will be budgeted in the proposed FY2017 budget (01-43301-811) and will be due and payable during February 2017.

### RECOMMENDATION

Staff recommends approval of an agreement with the Tarrant County Tax Office to provide ad valorem tax billing, collecting and reporting for the 2016 Tax Year.

### 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 13<sup>th</sup> day of June, 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**

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David Averitt, Mayor

**ATTEST:**

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Art Camacho, City Secretary

**APPROVED AS TO FORM:**

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Wayne Olson, City Attorney

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 13, 2016  
**Department:** Finance  
**Subject:** Ordinance No. O-2016-019-03  
Hotel/Motel Tax (First Reading)

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### BACKGROUND

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.

The City Council has determined that public facilities and services in general benefit and are enjoyed by visitors to the City of Haltom City and that entertainment, meeting and other public convenience facilities are provided for the special use, convenience and benefit of visitors; and

In order to equally and uniformly allocate the cost of financing the establishment and maintenance of public convenience facilities the City has adopted a hotel occupancy tax to be paid by the persons for whom the facilities are being provided and who make use of the facilities from time to time. The current Hotel Occupancy Tax is 7%. A 10% late fee is added for late payment. This ordinance impose interest for late payment of hotel occupancy taxes. The interest rate is the maximum allowed by the state.

### FISCAL IMPACT

The City has engaged MuniServices, LLP to collect Hotels/Motels tax since 2004. Most hotels/motels pay the tax on time. The fiscal impact for the interest on late payment will not be significant.

### RECOMMENDATION

Staff recommends the City Council conduct a public hearing and approve the first reading of Ordinance No. O-2016-019-03 modifying Chapter 30, Article III, Hotel-Motel Tax of the Code of Ordinances by adding interest on late payment of Hotel Occupancy Tax. The second reading will be June 27, 2016.

### ATTACHMENT

Ordinance No. O-2016-019-03.

**ORDINANCE NO. O-2016-019-03**

**AN ORDINANCE AMENDING CHAPTER 30 "FINANCE AND TAXATION", ARTICLE III "HOTEL AND MOTEL TAX", OF THE HALTOM CITY CODE OF ORDINANCES BY IMPOSING AN INTEREST RATE FOR LATE PAYMENTS OF HOTEL OCCUPANCY TAXES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY 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 has determined that public facilities and services in general benefit and are enjoyed by visitors to the City of Haltom City and that entertainment, meeting and other public convenience facilities are provided for the special use, convenience and benefit of visitors; and

**WHEREAS**, in order to equally and uniformly allocate the cost of financing the establishment and maintenance of public convenience facilities the City has adopted a hotel occupancy tax to be paid by the persons for whom the facilities are being provided and who make use of the facilities from time to time; and

**WHEREAS**, the City Council desires to impose interest for late payment of hotel occupancy taxes.

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

**SECTION 1.**

Section 30-69 of the Haltom City Code of Ordinances is hereby amended by adding subsection (d) to read as follows:

**Sec. 30-69. - Collection.**

\* \* \*

(d) Any person who fails to pay the tax within the time period required in Paragraph (b) above shall be charged interest at the maximum rate allowed by state law.

**SECTION 2.**

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.

**SECTION 3.**

All rights and remedies of the City of Haltom City are expressly saved as to any and all violations of the provisions of Chapter 30 of the Code of Ordinance of the City of Haltom City (1998), as amended, or any other ordinances regarding hotel occupancy taxes 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 4.**

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 valid judgment or decree of any court of competent jurisdiction, such constitutionality 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 5.**

The City Secretary of the City of Haltom City is hereby directed to publish in the official newspaper of the City of Haltom City, 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.

**SECTION 6.**

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

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Attorney

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 13, 2016

**Department:** Planning & Community Development

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

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### BACKGROUND

Conduct a public hearing and consider action on the application of Lorenzo Garza for a Zoning Change request from “SF-2” Single Family Residential District to “C-2” Commercial District located on Lot 2, Block 4 of the North Eastridge Addition, being approximately 0.166 acres located south of Broadway Avenue and east of Aurora Street, locally known as 3272 Aurora Street; amending the Future Land Use Plan within the 2010 Comprehensive Land Use Plan.

The applicant requests to rezone the subject site to the “C-2” Commercial District in order to replat it with the property located immediately north and develop a retail center oriented to Broadway Avenue. City staff has discussed with the applicant their option of rezoning to “PD” Planned Development District, which will require the applicant to present a site plan and proposed improvements for the development site. At this time, the applicant is only seeking a straight rezoning.

### FISCAL IMPACT

None.

### RECOMMENDATION

On May 24, 2016, the P&Z recommended approval of Z-005-16 by a vote of 3-2-0.

The City’s Comprehensive Land Use Plan (CLUP) designates the subject site as Low Density Residential, while the adjacent property immediately north fronts to Broadway Avenue and is designated Retail, Office, Service Commercial. The proposed zoning change is inconsistent with the Low Density Residential uses 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. 0-2016-014-15

**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 0.166 acres of land located on Lot 2, Block 4 of the North Eastridge Addition, locally known as 3272 Aurora 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 “C-2” Commercial District; and

**WHEREAS**, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on May 24, 2016 and the City Council of the City of Haltom City, Texas held a public hearing on June 13, 2016 with respect to the Zoning Change and Comprehensive Land Use Plan 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 0.166 acres of land from “SF-2” Single Family Residential District to “C-3” Commercial

District, located south of South of Broadway Avenue and east of Aurora Street, locally known as 3272 Aurora Street, and being Lot 2, Block 4 of the North Eastridge Addition.

## **SECTION 2.**

The City of Haltom City Comprehensive Land Use Plan 2010, dated July 26, 2010, as amended, is hereby amended as shown on Exhibit "A" attached hereto and fully incorporated by reference.

## **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 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:

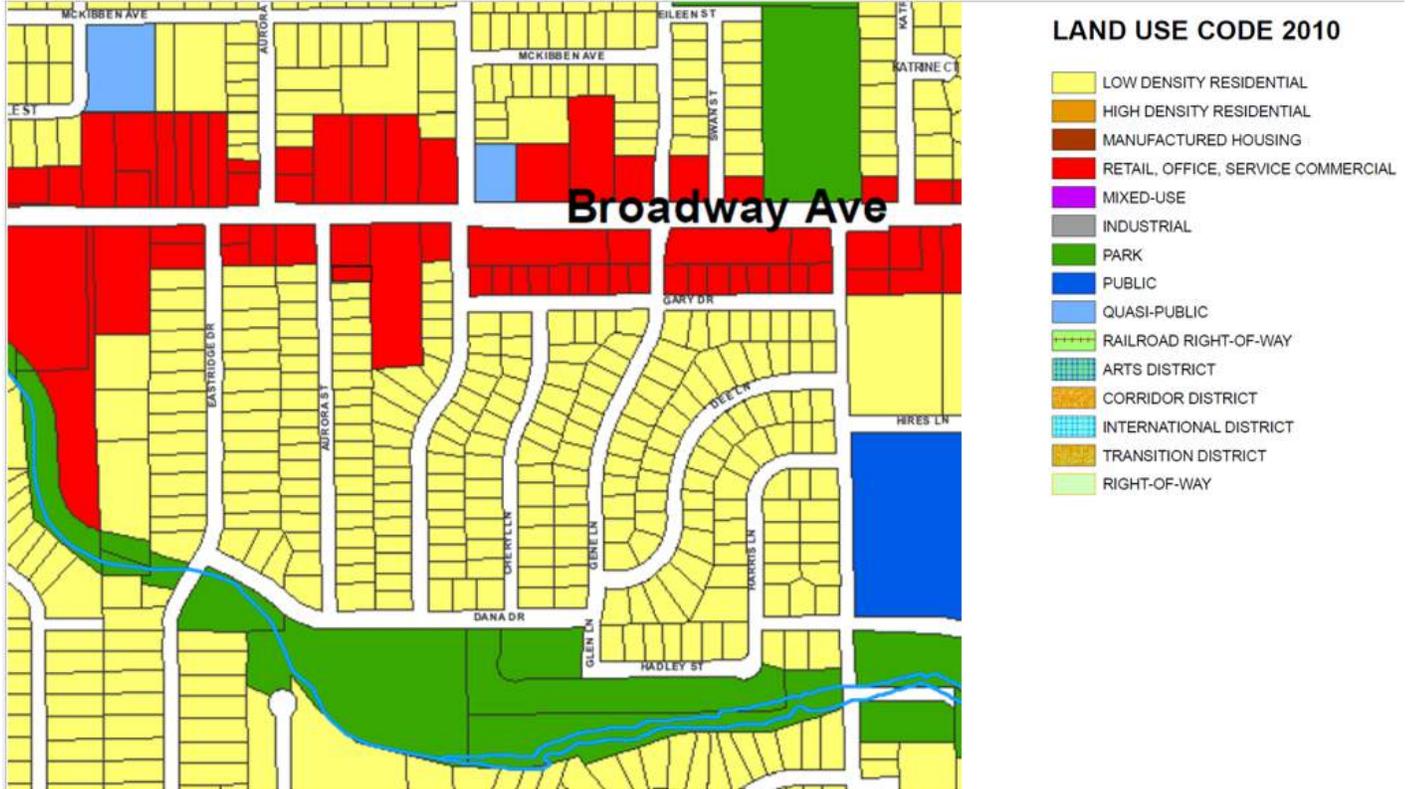
\_\_\_\_\_  
City Secretary

EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
City Attorney

## Exhibit "A" Future Land Use Map



## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 13, 2016

**Department:** Planning & Community Development

**Subject:** Ordinance No. O-2016-015-15  
*First Reading (Z-006-16)*

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### BACKGROUND

Conduct a public hearing and consider action on the application of Billy Nguyen for a Zoning Change request from “C-3” Commercial District to “D” Duplex District located on a portion of Lot 8, Block 13 of the G. W. Burkitt’s Subdivision, being approximately 1.122 acres located south of Carnation Street and east of N. Beach Street, locally known as 4101 E. Belknap 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 in order to plat three residential lots for the construction three duplexes (two-family dwellings).

### FISCAL IMPACT

None.

### RECOMMENDATION

On May 24, 2016, the P&Z recommended denial of Z-006-16 by a vote of 3-2-0.

The City’s Comprehensive Land Use Plan (CLUP) designates the subject site and neighboring property located south of Carnation Street as being in the International District, while properties located north of Carnation Street are in the Transition District. The 2010 CLUP defines the International District as a sub-district of the Belknap Corridor which builds on the City’s international cultural and epicurean retail/restaurant uses. It also includes a mix of retail, office and urban residential, townhouse, loft uses. The 2010 CLUP defines the Transition District as a sub-district that provides a transition from intense commercial to adjacent single family, and the Transition District includes single family to townhouse density uses. The proposed zoning change is inconsistent with the Corridor District uses suggested by the CLUP. Therefore, a request to amend the Future Land Use Plan accompanies this zoning change that proposes to remove the subject site from the International District and designate it within the Transition District.

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. 0-2016-015-15

**ORDINANCE NO. O-2016-015-15**

**CASE NO. Z-006-16**

**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 1.122 acres of land located within Lot 8, Block 13 of the G. W. Burkitt's Subdivision, locally known as a portion of 4101 E. Belknap Street (hereinafter-referenced as the "Property" described in Exhibit 'A'), has filed an application to rezone the property from its present classification of "C-3" Commercial District to "D" Duplex Residential District; and

**WHEREAS**, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on May 24, 2016 and the City Council of the City of Haltom City, Texas held a public hearing on June 13, 2016 with respect to the Zoning Change and Comprehensive Land Use Plan 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 1.122 acres of land from “C-3” Commercial District to “D” Duplex Residential District, located south of Carnation Street and east of N. Beach Street, locally known as 4101 E. Belknap Street, and being a portion of Lot 8, Block 13 of the G. W. Burkitt’s Subdivision.

**SECTION 2.**

The City of Haltom City Comprehensive Land Use Plan 2010, dated July 26, 2010, as amended, is hereby amended as shown on Exhibit “B” attached hereto and fully incorporated by reference.

**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 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'**  
**Metes and Bounds Description of the Property**

SITUATED in Haltom City, in the Joel Walker Survey, Abstract No. 1694 of Tarrant County, Texas and being a part of Lot 8, Block 13 of G.W. Burkitt's Subdivision, an addition to Haltom City, Texas, according to the Final Plat thereof, recorded in Cabinet A, Page 1106, Plat Records, Tarrant County, Texas (P.R.T.C.T.) as well as being a part of that certain tract of land described in a deed to VN Plaza Management & IG, LLC, recorded in Instrument No. D214076883, Deed Records, Tarrant County, Texas (D.R.T.C.T.) and said parcel being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod found on the south right-of-way line of Carnation Avenue (30' wide R.O.W), for the most northerly northeast corner of the above described Lot 8, Block 13 and said point also being the current northwest corner of Lot 1, Block 13 of G.W. Burkitt's Subdivision, an addition to Haltom City, Texas, according to the plat thereof, recorded in Volume 1321, Page 47, D.R.T.C.T. as well as the center of a once 20' wide alley, now abandoned and vacated by City Council on December 16, 1982 (Item No. 241);

THENCE: South 00 deg. 13 min. 27 sec. West, along the common line of said Lot 8 and Lot 1, with the center of said vacated 20' alley, a distance of 135.80 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701" (hereinafter referred to as "with cap"), set for an inside ell corner of said Lot 8 and the southwest corner of said Lot 1;

THENCE: DUE WEST, departing from the common line of said Lot 8 and Lot 1, over & across said Lot 8, a distance of 10.00 feet to a 1/2 inch iron rod, with cap, set for corner on the west line of said vacated alley;

THENCE: South 00 deg. 13 min. 27 sec. West, continuing over & across said Lot 8, along the west line of said vacated alley, a distance of 135.67 feet to a 1/2 inch iron rod, with cap, set for an inside ell corner of said Lot 8 and same being the northeast corner of Lot 14 of J.F. Spivey Addition, an addition to Haltom City, according to the plat thereof, recorded in Volume 388-D, Page 401, D.R.T.C.T.;

THENCE: DUE WEST, along the common line of said Lot 8 and J.F. Spivey addition, a distance of 175.00 feet to a 1/2 inch iron rod, with cap, set for the most westerly southwest corner of said Lot 8 and same being the southeast corner of Lot 6B4, Block 6, an addition to Haltom City, according to the plat thereof, recorded in Volume 1943, Page 238, D.R.T.C.T.;

THENCE: North 00 deg. 13 min. 27 sec. East, along the common line of said Lot 8 and Lot 6B4, a distance of 271.47 feet to an "X" set in concrete for the northwest corner of said Lot 8, on the south right-of-way line of the above mentioned Carnation Avenue;

THENCE: DUE EAST, along the common line of said Lot 8 and Carnation Avenue, a distance of 185.00 feet to the POINT OF BEGINNING and containing 48,865 square feet or 1.122 acres of land.

## Exhibit "B" Future Land Use Map



## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 13, 2016

**Departments:** Planning & Community Development

**Subject:** Community Home Program &  
Zoning Ordinance Amendments  
Ordinance No. 2016-011-15

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### BACKGROUND

For the 2016 fiscal year, the City Council tasks the Planning and Zoning Commission and City staff with developing a zoning ordinance amendment to implement a Community Home Program.

The Planning and Zoning Commission held workshops on January 12<sup>th</sup>, February 2<sup>nd</sup>, 9<sup>th</sup>, and 23<sup>rd</sup>, March 22<sup>nd</sup>, and April 12<sup>th</sup>.

Prior to conducting a public hearing to consider the zoning ordinance amendment drafted by the Commission and City staff, the Commission requested that it be reviewed by the City Attorney's Office. On May 10, 2016, the Commission recommended approval of the ordinance with the edits made by the City Attorney's Office.

The legal notice regarding the May 10<sup>th</sup> public hearing and this public hearing was published in the April 22, 2016, *Fort Worth Star Telegram*.

### FISCAL IMPACT

None.

### RECOMMENDATION

On May 10, 2016, the P&Z recommended approval of Ordinance No. O-2016-011-15 with edits from the City Attorney by a vote of 6-0-0. Staff recommends approving Ordinance No. O-2016-011-15, amending Zoning Ordinance No. O-2002-032-15 and implementing a Community Home Program.

### ATTACHMENT

Ordinance No. O-2016-011-15

**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 heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, codified as Appendix B of the Code of Ordinances of the City of Haltom City, 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**, the City Council 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 of established neighborhoods; and

**WHEREAS**, to achieve the purposes of this ordinance the City Council desires to update the definition of family to bring the definition more into compliance with federal and state law; and

**WHEREAS**, the city council desires to amend the Zoning Ordinance 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; and

**WHEREAS**, it is the intent of the City Council 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 Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on May 10, 2016 and the City Council of the City of Haltom City, Texas held a public hearing on June 13, 2016 with respect to the revisions contained in this Ordinance; 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 amendments 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.**

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 revising the following definitions to read as follows:

*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, but not as a permanent residence, 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, or ovens.

*Apartment house, cottage house, or row house.* Any building with 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, for five (5) or more persons unrelated by blood, marriage, adoption, or guardianship. A boarding house or lodging house includes, but is not limited to, uses such as fraternity houses, sorority houses, and dormitories.

*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, Texas 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 considered to be 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 an 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, guardianship, or adoption, occupying a single dwelling unit and expressly excluding occupants of a lodging house, boarding house, fraternity house, and sorority house.

### SECTION 3.

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 permitted uses:

KEY:  
P = Permitted  
C = Conditional  
SE = Special Exception

A. Residential uses:	F-1	F-2		F-1	F-2	HD	H		-1	-2	-3	-4	-5	-1	-2
Assisted living center															
Single family detached dwelling unit															
Duplex dwelling unit															
Townhouse															
Triplex or fourplex dwelling unit															
Multi-family dwelling unit															

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

KEY:  
P = Permitted  
C = Conditional  
SE = Special Exception

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

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

#### SECTION 4.

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 5.

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 6.

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 specific 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 live in a safe and peaceful environment and, on the other hand, the right of individuals to live freely in accordance with the guidelines of the laws and 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, in 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, but rather to designate a safe and reasonable location to facilitate the operation of a successful community home in a 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. *Provisions of services.* 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 corporation 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, the appropriate licensing agency, or nonprofit corporation 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 directed by the Building Official and the Fire Marshal.
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 provisions in this subsection governing the use of community homes 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 7.

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 the deletion of the following from the schedule of minimum parking spaces:

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 schedule of minimum parking spaces:

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 8.

Section 35 “Board of Adjustment”, Subsection B, “Jurisdiction and powers,” in Appendix B – Zoning of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by adding a new subsection 11 to read as follows:

11. Hear an appeal of an emergency order of closure of an assisted living facility under Section 29.AA., or a request for a reasonable accommodation from the rules, policies, and practices for the location of community homes in this ordinance to permit persons with handicaps or disabilities equal opportunity to use and enjoy a dwelling.
  - a. A request for reasonable accommodation may be made to the Board by any person with a disability, the person’s representative, a developer, or a provider of housing for individuals with disabilities. The request shall state the reason for the accommodation from the zoning and development regulations and the basis for the request.

- b. The Board shall conduct a hearing to determine whether the request for reasonable accommodation should be granted. The applicant or applicant's representative shall have the burden to demonstrate that:
  - (1) The applicant (or the person on whose behalf the applicant is requesting the accommodation) suffers from a disability as defined by the Fair Housing Act, as amended; and
  - (2) The applicant (or the person on whose behalf the applicant is requesting the accommodation) demonstrates that the accommodation is both reasonable and necessary. An accommodation under this section is "necessary" if, without the accommodation, the applicant will be denied an equal opportunity to obtain the housing of his or her choice.
- c. If the applicant demonstrates the matter set out in paragraph b. above, the request for reasonable accommodations shall be granted by the Board unless the Board finds from evidence presented at the hearing that the accommodation would fundamentally alter the City's land use and zoning patterns or the impact of the use on its surroundings would be greater than that of other uses permitted in the zoning district.

## **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:** June 13, 2016

**Departments:** Planning & Community Development

**Subject:** Masonry Ordinance Amendment  
Ordinance No. 2016-017-15  
First Reading

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### BACKGROUND

On March 7, 2016, the City Council met for general discussion in regards to masonry requirements on commercial and industrial construction.

On May 16, 2016, the City Council conducted a workshop on potential amendments to the masonry ordinance.

The legal notice regarding this public hearing was published in the May 25, 2016, *Fort Worth Star Telegram*.

### FISCAL IMPACT

None.

### RECOMMENDATION

Conduct a public hearing and consider action on an amendment to Section 14-27 "Masonry requirements for designated commercial and industrial construction and residential construction" of Article I "In General" of Chapter 14 "Building, Structures and Appurtenances" to provide clarification of applicability; to reflect new street naming; to enhance minimum masonry requirements for all commercial and industrial property; 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 a penalty for violations hereof; providing a savings clause; providing for publication in the official newspaper; and providing an effective date.

### ATTACHMENT

Ordinance No. O-2016-017-15

**ORDINANCE NO. O-2016-017-15**

**AN ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF HALTOM CITY, TEXAS BY AMENDING SECTION 14-27 "MASONRY REQUIREMENTS FOR DESIGNATED COMMERCIAL AND INDUSTRIAL CONSTRUCTION AND RESIDENTIAL CONSTRUCTION" OF ARTICLE I "IN GENERAL" OF CHAPTER 14 "BUILDING, STRUCTURES AND APPURTENANCES" TO PROVIDE CLARIFICATION OF APPLICABILITY; TO REFLECT NEW STREET NAMING; TO ENHANCE MINIMUM MASONRY REQUIREMENTS FOR ALL COMMERCIAL AND INDUSTRIAL PROPERTY; 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 has adopted Ordinance No. O-2010-006-15, providing requirements and standards for masonry construction of commercial, industrial, and residential buildings located within the City of Haltom City, Texas; and

**WHEREAS**, the City Council of Haltom City also adopted Ordinance No. O-2013-004-15, providing that masonry requirements apply to all commercial and industrial structures on identified major corridors and thoroughfares; and

**WHEREAS**, the City Council of Haltom City considers it desirable and in the best interest of the public health, safety, morals and general welfare of the citizens of the City to revise Section 14-27 of the Haltom City Code of Ordinances to provide masonry requirements for residential, commercial and industrial construction within the City of Haltom City, Texas; and

**WHEREAS**, it is the intent of this ordinance that minimum masonry requirements shall apply to all commercial and industrial structures regardless of street frontage; and

**WHEREAS**, it is the intent of this ordinance that enhanced masonry requirements shall apply to all commercial and industrial structures on lots or tracts with frontage to identified major corridors and thoroughfares as designated in this ordinance in subsection (c)(1); 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.**

Section 14-27, "Masonry requirements for designated commercial and industrial construction and residential construction" in Article I. – In General of Chapter 14 – Buildings, Structures and Appurtenances of the Code of Ordinances of the City of Haltom City, Texas, as amended, is hereby amended by the following changes:

Sec. 14-27. - Masonry requirements for designated commercial and industrial construction and residential construction.

(a) Definitions. For the purpose of this section the following definitions shall apply:

Commercial and Industrial masonry construction shall include all construction of stone material, brick material, concrete masonry units or concrete panel construction which is composed of solid, cavity, faced, or veneered-wall construction. A metal building which is clad in stone material or brick material or coated with stucco shall be considered masonry construction. The standards for acceptable non-residential masonry construction types are listed below:

- (1) Stone material: Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.

- (2) Brick material: Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the requirements found in the building code presently adopted and used by the City.
- (3) Concrete masonry units: Concrete masonry units used for masonry construction shall meet the applicable specifications found in the edition of the building code presently adopted and used by the city.
- (4) Concrete panel construction: Concrete finish or pre-cast panel (tilt wall) construction shall be fluted, exposed aggregate, stucco, or other approved architectural concrete finish. Smooth or untextured concrete finishes are not acceptable.
- (5) Stucco: Any various plasters used as a covering for walls; a coating for exterior walls in which cement is largely used; or any material used for covering walls and put on wet, but when dry becomes exceedingly hard and durable. Eifs synthetic stucco is not included.
- (6) Cementitious fiber concrete: Cementitious fiber concrete used for masonry construction shall consist of fiber cement made of cement, sand, and cellulose fiber and must be durable, paintable and crack resistant. The material must receive approval from the building official prior to construction.

Glass wall construction shall include glass curtain wall or glass block construction. Glass curtain wall shall be defined as an exterior wall which carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

Residential masonry construction shall include all construction of stone material, brick material, stucco, or cementitious fiber cement lap siding. The standards for acceptable residential masonry construction types are listed below:

- (1) Stone material: Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.
- (2) Brick material: Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the requirements found in the building code presently adopted and used by the city.
- (3) Stucco: Any various plasters used as a covering for walls; a coating for exterior walls in which cement is largely used; or any material used for covering walls and put on wet, but when dry becomes exceedingly hard and durable. Eifs synthetic stucco is not included.
- (4) Cementitious fiber concrete: Cementitious fiber concrete used for masonry construction shall consist of fiber cement lap siding made of cement, sand, and cellulose fiber and must be durable, paintable and crack resistant.

- (b) Construction standards. The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new construction or additions to existing buildings on all property located within all zoning districts.
- (c) Commercial and industrial masonry requirement.
  - (1) Designated commercial and industrial buildings. The masonry requirements set forth below shall apply to all commercial and industrial structures that abut or have any frontage to the following streets:
    - Airport Freeway (SH 121 and frontage roads)—All
    - Anderson Lane—Glenview Drive to Interstate Highway 820
    - Broadway Avenue—All
    - Carson Street—East Belknap Street to Midway Road
    - Denton Highway (US 377)—All
    - East Belknap Street—All
    - Fossil Creek Boulevard—All
    - Fossil Ridge Circle—All
    - Fossil Vista Drive—All
    - Glenview Drive—All
    - Haltom Road—All
    - High Pointe Drive—All
    - Interstate Highway 820 (and frontage roads)—All
    - Midway Road—East Belknap Street to Carson Street
    - North Beach Street—All
    - Northeast 28th Street (SH 183)—All
    - Northern Cross Boulevard—All
    - Old Denton Road—Haltom Road to Interstate Highway 820
    - Springlake Parkway—All
    - Watauga Road—All
    - Western Center Boulevard—All

- (2) New construction on street listed in subsection (c)(1): All buildings to which this subsection applies shall be of exterior fire resistant construction and have 100 percent of the total exterior walls above grade level, excluding doors and windows, constructed of commercial and industrial masonry construction or glass wall construction as provided in this section.
  - (3) New construction not on street listed in subsection (c)(1): All buildings to which this subsection applies shall be of exterior fire resistant construction and have 100 percent of the total exterior front façade walls above grade level, excluding doors and windows, constructed of commercial and industrial masonry construction or glass wall construction as provided in this section. Such buildings shall also have wainscoting that is a minimum of four feet (4') in height from finished grade on all other exterior walls above grade level, excluding doors and windows, constructed of commercial and industrial masonry construction other than stucco or cementitious fiber concrete or glass wall construction as provided in this section.
  - (4) Additions to non-conforming buildings: Any building with a proposed addition that exceeds 25 percent of the building's existing floor area shall meet the commercial and industrial masonry construction requirements of this section.
  - (5) Temporary construction buildings: Temporary buildings used for construction purposes shall be allowed to be placed or erected on property without complying with this Ordinance provided a permit is first obtained from the building inspector. No permit shall be issued by the building inspector for a period of time in excess of that reasonably necessary to complete the construction. Upon completion or abandonment of construction or expiration of the permit, all temporary buildings shall be removed.
  - (6) All building materials shall be noted and described on the plans submitted in any application for building permit.
  - (7) Portable classroom buildings at public schools: Portable classroom buildings at public schools are exempt from the masonry requirements of this ordinance.
- (d) Residential Masonry Requirement.
- (1) All one-story dwelling units constructed or moved in to the City after December 5, 1985 shall have at least seventy-five percent (75%) of the exterior wall surface constructed of residential masonry construction or glass wall construction as provided in this Ordinance.
  - (2) Every two-story or more dwelling units(s) constructed or moved into the City after December 5, 1985 shall have at least fifty percent (50%) of its exterior wall surface constructed of residential masonry construction or glass wall construction.

(3) All additions to dwelling units constructed or moved into the City prior to December 5, 1985 shall consist of exterior wall materials of like nature to those used in the existing structure.

(e) Variance or waiver.

(1) The City Council may grant a variance or waiver from the requirements of this section where the applicant demonstrates the following:

- a. Special conditions exist, e.g., the piece of property involved is unique and is not configured the same as every other lot or tract in the area or the property contains properties or attributes not common to other similarly situated properties. For example, the uniqueness of the shape or design makes it impossible to comply with the provisions of this section.
- b. In addition, the applicant must show that the need for the variance has not been self-created. An applicant may not come before the City Council and seek a variance to cure a problem that the applicant himself created by prior development activity.
- c. The applicant must further show that any hardship is not financial alone. The fact that it will cost a great deal of money to correct the problem is not sufficient grounds for the granting of a variance if that is the only reason for which it is sought. Financial hardship can be one of a number of reasons for which a variance is granted.
- d. The applicant must show that the literal enforcement of the terms of this section will work a hardship on his property denying him reasonable use of the property.
- e. That the variance requested is the minimum necessary; and
- f. Finally, no special privilege is granted which is denied to other similarly situated uses.

(2) In order to grant a variance, the City Council must make affirmative findings to all of the above identified criteria.

- a. The applicant for a variance or waiver must provide in the application, a specific explanation of the grounds or reasons upon which the variance or waiver request is based.
- b. At the time the variance or waiver application is filed, the applicant shall pay a fee in accordance with the City's adopted fee schedule to defray the costs of handling and processing the application. This fee shall not be refundable regardless of the disposition of the application.
- c. Notice shall be sent by United States mail, return receipt requested, not less than ten days before the public hearing, to all property owners (as the ownership appears in the most current tax rolls for the city) whose property is located within 200 feet of any portion of

the boundary of the property for which a variance or waiver has been requested.

- d. The terms and conditions of the variance or waiver, if granted, shall be noted on the permit.
- (3) If a variance or waiver application is denied by the City Council, no other variance or waiver of like kind relating to the same building or proposed building shall be considered or acted upon by the City Council for a period of six months subsequent to the denial.

## **SECTION 2.**

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 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 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 4.**

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 5.**

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 6.**

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 7.**

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:** June 13, 2016  
**Department:** City Secretary  
**Subject:** Boards and Commissions  
Resignation of Members

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### **BACKGROUND**

The City Council will consider action regarding the resignations from Boards and Commissions. Current ZBA member Brent Weast does not wish to be reappointed to Place 6.

### **FISCAL IMPACT**

None.

### **RECOMMENDATION**

None.

### **ATTACHMENT**

Email from Brent Weast.

## CITY COUNCIL MEMORANDUM

**City Council Meeting:** June 13, 2016  
**Department:** City Secretary  
**Subject:** Boards and Commissions  
Appointments/Reappointments

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### BACKGROUND

The City Council will consider action regarding the appointment/reappointment of board and commission members. Councilmembers serving in Places 3, 4, 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 Mayor appoints all five members to the Public Arts Program Committee. The list below indicates places that are vacant.

### FISCAL IMPACT

None.

### RECOMMENDATION

None.

### ATTACHMENTS

*Applications:* Jill Davis, Liz Bradley, Zachariah Ammons, Juanita Adam, Emmanuel Chenny, James White, Willis Odell, David McConnell, Loretta DuBois, 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), Public Arts Program Committee – 5 appointments.

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

Councilmember Place 2: Fire Services (vacant)