

AGENDA

HALTOM CITY COUNCIL MEETING – March 13, 2023
Haltom City Hall, 5024 Broadway Avenue- Council Chambers
Work Session – 6:00 P.M. Regular Session – 7:00 P.M.

WORK SESSION - 6:00 P.M.

CALL TO ORDER (General Comments)

EXECUTIVE SESSION

Section 551.071 – Consultation with Attorney - 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: open meetings, open records, code of ethics and conflicts of interest, boards and commissions, nonconforming mobile home park, and regulations regarding over-the-counter sale of syringes.

Section 551.072 – Deliberation about Real Property - Deliberation regarding the purchase, exchange, lease or value of real property, and property owned or leased by the City.

Section 551.074 – Personnel - Deliberation regarding the appointment, employment, evaluation, reassignment, or duties of the City Secretary.

Section 551.087 – Deliberation Regarding Economic Development Negotiations – Deliberation regarding financial or other incentives to a business prospect.

WORKSESSION – 6:45 p.m.

- Review and discuss items on the Regular Agenda of March 13, 2023
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REGULAR SESSION – 7:00 P.M.

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE – Council Member Eric Morris

VISITORS/CITIZENS FORUM

This time is for any person to address the Council on any item that is posted on the agenda, except for items posted as public hearings which allow persons to speak when that agenda item is called. This is also the time for persons to speak to the Council about any matters that are not posted on the agenda. Please submit a completed Speaker's Request Form to the City Secretary and follow the instructions listed on the form. The Council cannot discuss, debate, or take formal action on any non-agenda issue brought forth, as it is not a posted agenda item in accordance with the open meetings law.

ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho

PRESENTATION – “Citizen Recognition” – Friends of the Library

FINANCIAL REPORTS

1. **Monthly Financial Report** – Review of Monthly Financial Report for December 31, 2022 – (J. Stevenson)

CONSENT AGENDA

2. **Minutes** – Consideration and/or action regarding approval of the Minutes of February 27, 2023. (A. Camacho)
3. **Ordinance No. O-2023-004-15 – CUP Z-007-22** –Consideration and/or action regarding the application of Cecilia Mares for a zone change from “C-2” Commercial District to “SF-2” Single Family Residential District located in the Earles Addition, Block 5, both the North and South ½ of lot 10 and 11 with the north half being 2812 Layton Avenue and the south half being 2808 Layton Avenue, being approximately 0.4178 acres of land, locally known as 2808 and 2812 Layton Avenue – **2nd Reading (G. Batchelor)**
4. **Ordinance No. O-2023-005-15 – CU 001-23** – Consideration and/or action regarding the application of Stephanie Cavalier for a Conditional Use Permit for Commercial Amusement (indoors) in the “C-2” Commercial District, containing approximately 33,945 square feet of lease

space on Lot 1R, Block 1 of the Diamond Oaks Plaza, with a property address being 4105 Denton Highway. – **2nd Reading (G. Batchelor)**

- Resolution No. R-2023-002-01- Opioid Settlement** – Consideration and/or action to approve Resolution No. R-2023-002-01 authorizing the City Manager to execute global opioid settlement documents relating to the Allergan, Walmart, CVS, and Walgreens settlements, and any future opioid settlements negotiated by the Attorney General and authorizing the City Manager to transmit those documents to the Attorney General. **(R. Phelps)**

REGULAR AGENDA

- Ordinance No. O-2023-006-15 Rezone Z-001-23** – Conduct a Public Hearing and consideration and/or action to approve the application of Anan Qadri for a zone change from “M-2” Heavy Industrial District to “C-3” Commercial District located on Lot 1 N ½, Block 12, of the Oak Knoll Addition, being approximately 0.2176 acres of land and Lot 1 S ½, Block 12, of the Oak Knoll Addition, bring approximately 0.2038 acres of land, locally known as 4306 North East 28th Street and 2113 Layton Avenue. **1st reading (G. Batchelor)**
- Public Works Equipment Purchase** - Consideration and/or action regarding the purchase of three (3) dump trucks and a backhoe. **(G. Van Nieuwenhuize)**

CITY STAFF REPORTS

- Staff Reports - March 2, 2023 Windstorm – B. Davis.

FUTURE AGENDA ITEMS

- Consideration and/or action to approve items to be placed on future agendas.

BOARDS/COMMISSIONS/COMMITTEES

- Resignations of Board/Commissions/Committee Members** – Consider approval of the resignations of Board/Commission/Committee Members.
- Appointment/Reappointment to Boards/Commissions/Committees** – Consider approval regarding appointments to Boards/Commissions/Committees.

EXCUSED ABSENCE OF COUNCIL MEMBERS

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

EXECUTIVE SESSION

See Posting on Page One (1) of Agenda.

RECONVENE TO REGULAR SESSION

- 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 10th DAY OF MARCH 2023, 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 _____, 2023.

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: March 13, 2023
Department: Finance
Subject: Monthly Financial Report For
Month ended December 31, 2022

BACKGROUND

Attached is the monthly financial report for the month ending December 31, 2022. These reports are submitted to the City Council for review and comment. It provides top-level analysis of the City's financial condition and results of operations for the fiscal year to date. All year-ending numbers are unaudited.

FISCAL IMPACT

This is a management tool that can be used in evaluating future spending decisions.

RECOMMENDATION

Staff recommends review of the attached report.

ATTACHMENTS

Monthly financial reports for the month ending December 31, 2022.

CITY COUNCIL MEMORANDUM

City Council Meeting: March 13, 2023
Department: City Secretary
Subject: Minutes of February 27, 2023
Regular Meeting

BACKGROUND

A Regular Meeting was held February 27, 2023 at City Hall.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends the City Council approve the Minutes of February 27, 2023.

ATTACHMENTS

Minutes of February 27, 2023

MINUTES
HALTOM CITY COUNCIL MEETING
February 27, 2023

A Regular Meeting by the City Council of the City of Haltom City, Texas, was held on February 27, 2023, at 6:00 p.m. at Haltom City Hall, 5024 Broadway Avenue, with the following members present:

Mayor An Truong

Dep. Mayor PT Marian Hilliard (virtual)

Council Place 4 Eric Morris

Council Place 6 Kyle Smith

Mayor Pro Tem Linda Thompson

Council Place 2 Tiffany Chandler

Council Place 5 Susan Soule

Council Place 7 Don Cooper

Staff Present: Rex Phelps, City Manager; Sidonna Foust, Assistant City Manager/Finance Director (ACM/FD); Bessie Bronstein, City Attorney; Art Camacho, City Secretary; Glenna Batchelor, Planning and Community Development Director; Erica Gill, Library Director; Brian Jacobs, Fire Chief; Cody Phillips, Police Chief; Toni Beckett, Human Resources and Risk Management Director; Christi Pruitt, Parks and Recreation Director; Jon Stevenson, Assistant Finance Director; Dave Klopfenstein, IT Director, and Greg Van Nieuwenhuize, Public Works Director.

WORKSESSION

CALL TO ORDER - Mayor Truong called the Worksession to order at 6:00 p.m. and called for an Executive Session at 6:01 p.m.

EXECUTIVE SESSION

Section 551.071 – Consultation with Attorney - 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: open meetings, open records, code of ethics and conflicts of interest, boards and commissions, Council elections, and nonconforming mobile home park.

Section 551.072 – Deliberation about Real Property - Deliberation regarding the purchase, exchange, lease or value of real property, and property owned or leased by the City.

Section 551.074 – Personnel - Deliberation regarding the appointment, employment, evaluation, reassignment, or duties of the City Manager.

Section 551.087 – Deliberation Regarding Economic Development Negotiations – Deliberation regarding financial or other incentives to a business prospect.

The Executive Session ended at 6:47 p.m.

REGULAR SESSION

CALL TO ORDER - Mayor Truong called the Council Meeting to order at 7:00 p.m. and recognized Deputy Mayor Pro Tem Hilliard by virtual connection.

INVOCATION AND PLEDGE OF ALLEGIANCE – Mayor Pro Tem Thompson gave the Invocation and led the Pledge of Allegiance and the Texas Flag Pledge.

VISITORS/CITIZENS FORUM – No citizen came forward.

ANNOUNCEMENTS – City Secretary Camacho read the following: Library is hosting AARP Tax Aide registration; Tarrant County Health and Goodwill Classes, Spring Break activities, and Friends of the Library recognition gathering. The Senior Center will host a variety of events and classes; Keep Haltom Beautiful is conducting a social media campaign on behalf of Waste Connections; the Carfest will be held on April 29th and the Mayor’s Cup on May 5th; registration for the adult basketball league and co-ed volleyball teams is currently open.

SERVICE AWARDS - Police Department – Police Chief Phillips recognized Police Officer Dwayne Bunch for twenty years of service. Public Works – Public Works Director Van Nieuwenhuize recognized Enrique Esparza for twenty years of service and also David Cummings for thirty years of service.

CIVILIAN BRAVERY AWARD – Fire Chief Jacobs first introduced Shift Commander Chase Hudson, who presented a PowerPoint illustrating an apartment fire in which ten-year old Bravery Award recipient Alyssa Dyar bravely responded by safely removing her baby nephew and mother and leading them to safety.

PRESENTATION – Beautification Board Historian Kathryn Gunter presented a proclamation to Waste Connection Service Administrator Abel Moreno in honor of their dedicated service.

FINANCIAL REPORTS

1. **Monthly Financial Report** – Review of Monthly Financial Report for November 30, 2022. Assistant Finance Director Stevenson presented the monthly financial report. No questions were asked.
2. **Quarterly Investment Report** – Review of the Quarter Investment Report ending December 31, 2022. Assistant Finance Director Stevenson presented the quarterly investment report. No questions were asked.

Mayor Truong called the meeting to attention regarding an item discussed in Executive Session needing to be determined and requested a motion. Mayor Pro Tem Thompson moved, seconded by Council Member Soule, to accept the discussed item (Section 551.074 – City Manager) in Executive Session and it be retroactive to the needed date based on Human Resources. ***The vote was unanimous. Motion carried.*** Mayor Truong stated Consent Agenda Item #4 – Ordinance No. 2023-002-04 - would need to be handled separately because a second Public Hearing is required.

CONSENT AGENDA

3. **Minutes** – Consideration and/or action regarding approval of the Minutes of January 23, 2023 and February 13, 2023.
5. **Ordinance No. O-2023-001-15 – CUP Z-005-22** – Consideration and/or action to approve Ordinance No. O-2023-001-15 for the application of Donald J. Craig for a zoning amendment request for the existing “PD-C-3” Planned Development Mixed Uses Commercial District located on Lot 1, Block 1 of the Supertrack Carwash Subdivision and being approximately 2.8634 acres, locally known as 5525 Denton Highway – ***2nd Reading.***

Mayor Pro Tem Thompson moved, seconded by Council Member Soule, to approve the Consent Agenda consisting of Agenda Items #3 – Minutes of January 23, 2023 and February 13, 2023; and Agenda Item #5 – Ordinance No. O-2023-001-15 – 2nd Reading. ***The vote was unanimous. Motion carried.***

4. **Ordinance No. O-2023-002-04** – Consideration and/or action to approve Ordinance No. O-2023-002-04 concerning teen curfew – ***2nd Reading.*** Mayor Truong opened the Public Hearing at 7:39 p.m. No citizen came forward. Mayor Truong closed the Public Hearing at 7:39 p.m. Mayor Pro Tem Thompson moved, seconded by Council Member Soule, to approve Ordinance No. O-2023-002-04 – teen curfew - 2nd reading. ***The vote was unanimous. Motion carried.***

REGULAR AGENDA

6. **Ordinance No. O-2023-004-15 – CUP Z-007-22** – Conduct a Public Hearing and consideration and/or action regarding the application of Cecilia Mares for a zone change from “C-2” Commercial District to “SF-2” Single Family Residential District located in the Earles Addition, Block 5, both the North and South ½ of lot 10 and 11 with the north half being 2812 Layton Avenue and the south half being 2808 Layton Avenue, being approximately 0.4178 acres of land, locally known as 2808 and 2812 Layton Avenue - ***1st Reading.*** Planning and Community Development Director Batchelor presented the ordinance and Mayor Truong opened the Public Hearing at 7:42 p.m. No citizen came

forward. Mayor Truong closed the Executive Session at 7:42 p.m. Mayor Pro Tem Thompson moved, seconded by Council Member Chandler, to approve Ordinance No. O-2023-004-15 – CUP Z-007-22 – known as 2808 and 2812 Layton Avenue – 1st reading. **The vote was unanimous. Motion carried.**

7. **Ordinance No. O-2023-005-15 – CU 001-23** – Conduct a Public Hearing and consideration and/or action regarding the application of Stephanie Cavalier for a Conditional Use Permit for Commercial Amusement (indoors) in the “C-2” Commercial District, containing approximately 33,945 square feet of lease space on Lot 1R, Block 1 of the Diamond Oaks Plaza, with a property address being 4105 Denton Highway. - **1st Reading.** Planning and Community Development Director Batchelor presented the ordinance, and a discussion was held with applicant Cavalier concerning safety and scanning procedures, adult and staff supervision, simulated weaponry, and the different skill levels and types of activity. Ms. Cavalier stated extreme effort and caution will be given toward supervising minors below the age of 18, including the presence of the parents during the entire activity. Mayor Truong opened the Public Hearing at 8:03 p.m. and the following citizens came forward: (1) Kathryn Gunter inquired about the location of the facility being so close to the building that will be soon operated by the Birdville Independent School District that it will merit proper insurance bonding. (2) Jeff Barlett stated he was glad to see the private sector providing entertainment and safety for the community. No other citizen came forward. Mayor Truong closed the Public Hearing at 8:06 p.m. Council Member Smith moved, seconded by Council Member Soule to approve Ordinance No. O-2023-005-15 – CU 001-23 – 1st reading. **The vote was unanimous. Motion carried.**
8. **Economic Development Assistance Grant** - Conduct a public hearing and consideration and/or action on awarding an Economic Development Assistance Grant to MMGC Properties dba Raggs Supply – Melanie McCray - for property located at 5951 Huddleston Street. Planning and Community Development Director Batchelor presented the grant and stated her presentation would also include the same information for the following agenda item grant. A discussion was held concerning the location and site definitions. Mayor Truong opened the Public Hearing at 8:17 p.m. No citizen came forward. Mayor Truong closed the Public Hearing at 8:17 pm. Mayor Pro Tem Thompson moved, seconded by Council Member Chandler, to approve the Economic Development Assistance Grant in the amount of \$7,500 as recommended by the committee to MMGC Properties dba Raggs Supply. **The vote was unanimous. Motion carried.**
9. **Property Enhancement Incentives Grant** – Consideration and/or action for approval of a Property Enhancement Incentives Grant to MMGC Properties dba Raggs Supply – Melanie McCray - for property located at 5951 Huddleston Street. Mayor Truong opened a Public Hearing at 8:18 p.m. No citizen came forward. Mayor Truong closed the Public Hearing at 8:18 p.m. Mayor Pro Tem Thompson moved, seconded by Council Member Chandler, to approve the Property Enhancement Incentives Grant in the amount of \$2,500 as recommended by the committee to MMGC Properties dba Raggs Supply. **The vote was unanimous. Motion carried.**

CITY STAFF REPORTS

- (1) City Hall Update – City Manager Phelps thanked members of the Bond Committee and Staff for their support and introduced Paul Chastant, who first commented on the groundbreaking ceremony, and then presented a PowerPoint illustrating the current site plans, first and second floor plans, and the efficiency of the building and color schemes.
- (2) Law Enforcement Center – Police Chief Phillips presented a PowerPoint illustrating the current first and second level updates and the exterior/interior renderings.

FUTURE AGENDA ITEMS

10. Consideration and/or action to approve items to be placed on future agendas. No items were presented.

BOARDS/COMMISSIONS/COMMITTEES

11. **Resignations of Board/Commissions/Committee Members** – Consider approval of the resignations of Board/Commission/Committee Members. No resignations were presented.

12. **Appointment/Reappointment to Boards/Commissions/Committees** – Consider approval regarding appointments to Boards/Commissions/Committees. There were no appointments or reappointments.

EXCUSED ABSENCE OF COUNCIL MEMBERS

13. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter. There were no absences.

EXECUTIVE SESSION – There was no Executive Session.

ADJOURNMENT

Mayor Truong adjourned the meeting at 8:47 p.m.

RESPECTFULLY SUBMITTED BY:

APPROVED BY:

Art Camacho, City Secretary

An M. Truong, Mayor

CITY COUNCIL MEMORANDUM

City Council Meeting: March 13, 2023
Department: Planning & Community Development
Subject: Ordinance No. O-2023-004-15 – Rezone
2nd Reading

BACKGROUND

Consider action on the application of Cecilia Mares for a zone change from “C-2” Commercial District to “SF-2” Single Family Residential District located in the Earles Addition, Block 5, both the North and South ½ of lot 10 and 11 with the north half being 2812 Layton Avenue and the south half being 2808 Layton Avenue, being approximately 0.4178 acres of land, locally known as 2808 and 2812 Layton Avenue.

The applicant is requesting both 2808 and 2812 Layton be rezoned from “C-2” Commercial to “SF-2” Single Family Residential. There is currently a residence at 2812 Layton. They intend to build a lot on 2808 Layton. Both lots are currently owned by the same family.

The CLUP lists this property as Low Density Residential which states the property should be detached single family residential dwellings. This will be a home that will serve this purpose.

RECOMMENDATION

The Planning and Zoning Commission recommended unanimous approval of Ordinance No. O-2023-004-15 with a 7-0-0 vote at the January 24, 2023 meeting.

The City Council voted unanimously to approve No. O-2023-004-15 with a 7-0-0 vote at the February 27, 2023 meeting.

ATTACHMENT

Ordinance No. O-2023-004-15
P & Z Staff Report



STAFF REPORT

CITY OF HALTOM CITY

MEETING DATE: 1/24/2023	TO: P&Z Commission	FROM: Glenna Batchelor Director Planning and Community Development	SUBJECT: Z-007-22 2808 Layton Ave Rezone
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Z-007-22

Application of Cecilia Mares for a zone change from “C-2” Commercial District to “SF-2” Single Family Residential District located in the Earles Addition, Block 5, both the North and South ½ of lot 10 and 11 with the north half being 2812 Layton Avenue and the south half being 2808 Layton Avenue, being approximately 0.4178 acres of land, locally known as 2808 and 2812 Layton Avenue.

EXISTING ZONING/LAND USE

“C-2” Commercial District

ADJACENT ZONING/USES

North – “SF-2” Single Family / Religious Institution

South – “M-2” Heavy Industrial / Auto Sales

West – “C-1” Commercial / Religious Institution

“M-2” Heavy Industrial / Religious Institution

East – “SF-1” Single Family / Residential

PURPOSE

The applicant is requesting both 2808 and 2812 Layton be rezoned from “C-2” Commercial to “SF-2” Single Family Residential. There is currently a residence at 2812 Layton. They intend to build a lot on 2808 Layton. Both lots are currently owned by the same family.

The CLUP lists this property as Low Density Residential which states the property should be detached single family residential dwellings. This will be a home that will serve this purpose.

TRANSPORTATION

The subject site has frontage on Layton Avenue and East Loraine. The proposed zoning change is not anticipated to significantly impact the adjacent roadway systems as long as the developer complies with all relevant City ordinances.

DRAINAGE

Based on available information, this property is located in flood zone X and no significant drainage impacts are expected to result from development of this site, as long as the developer complies with all relevant City ordinances.

WATER & SANITARY SEWER

Water and sanitary sewer services are available to the subject site.

FIRE PREVENTION

Fire Station #2, located at 5700 Midway Rd., provides protection to this site. The estimated fire response time is in keeping with the City’s recommended standards.

FRANCHISE UTILITIES & STREET LIGHTS

At the subject site overhead utilities provide service to this residence which are located on the east and west of Layton Avenue.

ROUGH PROPORTIONALITY DETERMINATION

The developer is responsible for 100% of all paving, water, sanitary sewer, and drainage infrastructure needed to support the development in accordance with the City’s design criteria.

COMPREHENSIVE LAND USE PLAN

The City’s Comprehensive Land Use Plan (CLUP) designates the subject site as Low Density Residential and the proposed zoning change and use is consistent with this land use suggested by the CLUP.

NOTIFICATION

The legal notice regarding the public hearing was published in the January 8th, 2023, *Fort Worth Star Telegram*.

Notification was mailed to all property owners within 200 feet on February 11th; Eleven (11) property owners were notified.

- 0 In Favor / No Objections
- 0 Opposed
- 0 Returned to Sender

ATTACHMENTS

1. Application
2. Floor Plan
3. GIS Aerial Map
4. Photos of Subject Site & Surrounding Properties
5. List of Property Owners within 200'
6. Draft Ordinance

ORDINANCE NO. O-2023-004-15

CASE NO. Z-007-22

AN ORDINANCE 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-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 0.4178 acres of land located in the Earles Addition, both the North and South ½ of lot 10 and 11 with the north half being 2812 Layton Avenue and the south half being 2808 Layton Avenue, being approximately 0.4178 acres of land (hereinafter-referenced as the "Property"), has filed an application to rezone the property from its present classification of "C-2" Commercial District to "SF-2" Single Family Residential District; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on January 24, 2023 and the City Council of the City of Haltom City, Texas held a public hearing on February 13, 2023 with respect to the Zoning Change described herein; and

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

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 the property located east of Layton Avenue, containing approximately 0.4178 acres of land located in the Earles Addition, both the North and South ½ of lot 10 and 11 with the north half being 2812 Layton Avenue and the south half being 2808 Layton Avenue, to amend the existing “C-2” Commercial District to “SF-2” Single Family Residential District.

SECTION 2.

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 3.

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 4.

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 5.

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 6.

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 7.

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 8.

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 9.

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 _____, 2023.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2023.

Mayor
ATTEST:

City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

CITY COUNCIL MEMORANDUM

City Council Meeting: March 13, 2023
Department: Planning & Community Development
Subject: Ordinance No. O-2023-005-15 – CU 001-23
Commercial Indoor Amusement
2nd Reading

BACKGROUND

Consider action on the application of Stephanie Cavalier for a Conditional Use Permit for Commercial Amusement (indoors) in the “C-2” Commercial District, containing approximately 33,945 square feet of lease space on Lot 1R, Block 1 of the Diamond Oaks Plaza, with a property address being 4105 Denton Highway.

The applicant is requesting to open and indoor commercial amusement center that focus on indoor airsoft play. There will be times the business is open to the public and times they will have events not open to the public. Primarily Friday – Sunday with weekdays hosting league play and evening events. They will offer memberships for those that are seeking regular play.

The facility will also include a showroom consisting of airsoft devices, safety equipment, rentals, and other necessities related to airsoft. In addition, several local manufactures of real firearms, which have previous relationships with the project’s creators, have pledged an interest in establishing training weapons with those manufactures because of the facility. The showroom aims to be a one-stop shop for all training, recreational, and competitive clientele.

General hours of operation for the business will be:

Monday	9:00 am – 7:30 pm
Tuesday	9:00 am – 7:30 pm
Wednesday	9:00 am – 7:30 pm
Thursday	9:00 am – 7:30 pm
Friday	9:00 am – 9:00 pm
Saturday	7:30 am – 10:30 pm
Sunday	7:30 am – 7:30 pm

RECOMMENDATION

The Planning and Zoning Commission recommended approval of Ordinance No. O-2023-005-15 with a 5-1-0 vote at the February 14, 2023 meeting.

The City Council recommended unanimous approval of Ordinance No. O-2023-005-15 with a 7-0-0 vote at the February 27, 2023 meeting with metal detectors being required.

ATTACHMENT

Ordinance No. O-2023-005-15
P & Z Staff Report



STAFF REPORT

CITY OF HALTOM CITY

MEETING DATE: 2/14/23	TO: P&Z Commission	FROM: Glenna Batchelor Director of Planning and Community Development	SUBJECT: CU-001-23 Commercial Amusement Indoor 4105 Denton
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CU-001-23

Consider action on the application of Stephanie Cavalier for a Conditional Use Permit for Commercial Amusement (indoors) in the “C-2” Commercial District, containing approximately 33,945 square feet of lease space on Lot 1R, Block 1 of the Diamond Oaks Plaza, with a property address being 4105 Denton Highway.

EXISTING ZONING/LAND USE

“C-2” Commercial District – Strip Center

ADJACENT ZONING/USES

- North - “C-2” Commercial District (Used Car Lot)
- South - “C-3” Commercial District (Gas Station)
“C-F” Community Facilities (Church)
- West - “C-2” Commercial District (Park)
“SF-2” Single Family District (Residential)
- East - “SF-2” Residential District (Single Family Homes & Church)

ANALYSIS

The applicant is requesting to open and indoor commercial amusement center that focus on indoor airsoft play. There will be times the business is open to the public and times they will have events not open to the public. Primarily Friday – Sunday with weekdays hosting league play and evening events. They will offer memberships for those that are seeking regular play.

The facility will also include a showroom consisting of airsoft devices, safety equipment, rentals, and other necessities related to airsoft. In addition, several local manufactures of real firearms, which have previous relationships with the project’s creators, have pledged an interest in establishing training weapons with those manufactures because of the facility. The showroom

aims to be a one-stop shop for all training, recreational, and competitive clientele.

General hours of operation for the business will be:

Monday	9:00 am – 7:30 pm
Tuesday	9:00 am – 7:30 pm
Wednesday	9:00 am – 7:30 pm
Thursday	9:00 am – 7:30 pm
Friday	9:00 am – 7:30 pm
Saturday	7:30 am – 10:30 am
Sunday	7:30 pm – 7:30 pm

TRANSPORTATION

The site has access on Denton Highway and Stanley Keller Boulevard. The proposed use will not significantly increase the average daily trips to and from the subject site and is not anticipated to significantly impact the adjacent roadway systems as long as the developer complies with all relevant City ordinances. Denton Highway is listed as a principle arterial according to the current Thoroughfare Plan.

DRAINAGE

Based on available information, this property is located in flood zone X and no significant drainage impacts are expected to result from development of this site, as long as the developer complies with all relevant City ordinances.

WATER & SANITARY SEWER

Water and sanitary sewer services are available to the subject site.

FIRE PREVENTION

The Fire Station #1, located at 5525 Broadway Avenue, provides protection to this site. The estimated fire response time is in keeping with the City's recommended standards.

FRANCHISE UTILITIES & STREET LIGHTS

Overhead utilities exist on the north side of the subject site's frontage to Stanley Keller Boulevard. Overhead utilities are also on the eastern and western side of Denton Highway. There are streetlights on both sides of Denton Highway.

COMPREHENSIVE LAND USE PLAN

The City's Comprehensive Land Use Plan (CLUP) designates the subject site as Retail, Office, Service Commercial which is intended to build on the City's commerce including offices and office buildings and general retail. The proposed use can be considered a Retail or Commercial Service use.

NOTIFICATION

The legal notice regarding the public hearing was published in the January 22, 2023 *Fort Worth Star Telegram*.

Notification was mailed to all property owners within 200 feet on February 3, 2023; thirty-one (31) property owners were notified.

 0 In Favor / No Objections

 0 Opposed

 0 Returned to Sender

ATTACHMENTS

1. Application
2. Letter of Intent/Business Plan
3. GIS Aerial Map with Zoning
4. Site Plan
5. List of Property Owners within 200'
6. Draft Ordinance with Exhibit "A"

ORDINANCE NO. O-2023-005-15

CASE NO. CU-001-23

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY APPROVING A CONDITIONAL USE PERMIT FOR COMMERCIAL AMUSEMENT (INDOORS) ON 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-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 6.313 acres of land located on Lot 1R, Block 1 of the Diamond Oaks Plaza Subdivision on a portion of the property, locally known as 4105 Denton Highway (hereinafter-referenced as the "Property"), has filed an application for approval of a Conditional Use Permit to allow a commercial amusement (indoors) operation; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on February 14, 2023 and the City Council of the City of Haltom City,

Texas held a public hearing on February 27, 2023 with respect to the Conditional Use permit described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the approval of the Conditional Use Permit.

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 approving a Conditional Use Permit on the property consisting of approximately 6.313 acres of land located on Lot 1R, Block 1 of the Diamond Oaks Plaza Subdivision to allow the operation of a commercial amusement (indoors) business on that portion of the property containing approximately 33,945 square feet of lease space, locally known as 4105 Denton Highway.

SECTION 2.

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 Conditional Use Permit as set forth above.

SECTION 3.

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit "A" Site Plan attached hereto and shall further be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City, Texas.

SECTION 4.

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 5.

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 6.

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 7.

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 8.

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 9.

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 _____, 2023.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2023.

Mayor
ATTEST:

City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

CITY COUNCIL RESOLUTION

City Council Meeting:	March 13, 2023
Department:	Police Department
Subject:	Res. No. R-2023-002-01 Opioid Settlement

BACKGROUND

This settlement arises out of suits related to alleged improper manufacture, distribution, marketing, and sales of opioids in a manner which encouraged misuse and abuse. This litigation is wide ranging, and includes many opioid manufacturers, distributors, and retailers. This settlement would apply only to claims against Allegan, Walmart, CVS, and Walgreens. There is a time deadline of April 18, 2023 to enter into the proposed settlement. In order to participate in this settlement and receive funding, Haltom City would have to execute the settlement participation forms and the "Texas Term Sheet" by that same deadline date.

FISCAL IMPACT

The exact amount Haltom City would receive has not been determined, but it is estimated to be \$30,000 and Tarrant County may engage in distributing part of their funding.

RECOMMENDATION

Staff recommends the City Council authorize the City Manager to execute on the City's behalf the Subdivision Settlement Participation Forms as related to settlements with Allegan, Walmart, CVS, and Walgreens attached hereto.

ATTACHMENTS

Resolution No. R-2023-002-01
Texas Term Sheet
Settlement Participation Form (4)
List of Approved Items

CITY OF HALTOM CITY, TEXAS

RESOLUTION NO. R-2023-002-01

A RESOLUTION OF THE CITY OF HALTOM CITY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE GLOBAL OPIOID SETTLEMENT DOCUMENTS RELATING TO THE ALLERGAN, WALMART, CVS, AND WALGREENS SETTLEMENTS AND ANY FUTURE OPIOID SETTLEMENTS NEGOTIATED BY THE STATE ATTORNEY GENERAL; AUTHORIZING THE CITY MANAGER TO TRANSMIT THOSE DOCUMENTS TO THE ATTORNEY GENERAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City (“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 has obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses; and,

WHEREAS, the actions, conduct, and misconduct of these Defendants have resulted in significant financial cost to the City; and,

WHEREAS, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (the “Texas Term Sheet”) approving the allocation of any and all opioid settlement funds within the State of Texas; and,

WHEREAS, the State of Texas has negotiated a settlement agreement with defendants Allergan Finance, LLC and Allergan Limited (collectively “Allergan”), resolving litigation and potential litigation between Allergan and the State and its subdivisions; and,

WHEREAS, the State of Texas has negotiated a settlement agreement with defendant Walmart Inc., (“Walmart”), resolving litigation and potential litigation between Walmart and the State and its subdivisions; and,

WHEREAS, the State of Texas has negotiated a settlement agreement with defendants CVS Health Corporation and CVS Pharmacy, Inc., (collectively “CVS”), resolving litigation and potential litigation between CVS and the State and its subdivisions; and,

WHEREAS, the State of Texas has negotiated a settlement agreement with

defendant Walgreens Company, (“Walgreens”), resolving litigation and potential litigation between Walgreens and the State and its subdivisions; and

WHEREAS, it is anticipated that future litigation may occur involving other drug manufacturers, distributors, and pharmacies related to fraudulent and/or reckless marketing, sales, or distribution of opioids that could result in a significant financial cost to the City.

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

SECTION 1.

The City Council finds that there is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City. The City Council supports in its entirety and hereby reaffirms the previously adopted allocation method for opioid settlement proceeds as set forth in the Texas Term Sheet, attached hereto as Exhibit A. The City Council understands that the purpose of the Texas Term Sheet is to permit collaboration between the State of Texas and political subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined in Exhibit A. The City Council also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under the Texas Term Sheet between the State of Texas and political subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic in this City and throughout Texas.

SECTION 2.

The City Council hereby authorizes the City Manager to execute on the City’s behalf the Subdivision Settlement Participation Forms as related to settlements with Allergan, Walmart, CVS, and Walgreens attached hereto as Exhibit B.

SECTION 3.

Upon execution of the Subdivision Settlement Participation Forms, the City Manager is authorized to send executed copies, along with this Resolution (including all exhibits), to the Office of the Attorney General, as required for participation in these settlements.

SECTION 4.

The City Council further authorizes the City Manager to execute on the City’s behalf any future opioid lawsuit settlements proposed by the State Attorney General that are deemed to be beneficial in assisting the City offset financial costs incurred from fraudulent and/or reckless marketing, sales, or distribution of opioids.

SECTION 5.

This Resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED on this ____ day of _____ 2023.

APPROVED:

Dr. An M. Truong, Mayor

ATTEST:

Art Camacho, City Secretary

EXHIBIT A
TEXAS TERM SHEET

EXHIBIT B

SUBDIVISION SETTLEMENT PARTICIPATION FORMS

CITY COUNCIL MEMORANDUM

City Council Meeting: March 13, 2023
Department: Planning & Community Development
Subject: Ordinance No. O-2023-006-15 – Z-001-23
Rezone M-2 to C-3
1st Reading

BACKGROUND

Public hearing and consider action on the application of Anan Qadri for a zone change from “M-2” Heavy Industrial District to “C-3” Commercial District located on Lot 1 N ½, Block 12, of the Oak Knoll Addition, being approximately 0.2176 acres of land and Lot 1 S ½, Block 12, of the Oak Knoll Addition, bring approximately 0.2038 acres of land, locally known as 4306 North East 28th Street and 2113 Layton Avenue.

The applicant, Anan Qadri, requests to rezone the subject site from the current “M-2” Heavy Industrial district to “C-3” Commercial District. The applicant is making improvements to the property and correcting nonconforming aspects of the property since he purchased it. Along with the improvements the new owner is planning on starting a retail type business at 4306 NE 28th Street and plans to use 2113 Layton Avenue as the office space.

RECOMMENDATION

The Planning and Zoning Commission recommended approval of Ordinance No. O-2023-006-15 with a 6-0-0 vote at the February 28, 2023 meeting.

ATTACHMENT

Ordinance No. O-2023-006-15
P & Z Staff Report



STAFF REPORT

CITY OF HALTOM CITY

MEETING DATE: 2/28/2023	TO: P&Z Commission	FROM: Glenna Batchelor Director Planning and Community Development	SUBJECT: Z-001-23 4306 NE 28 th & 2113 Layton Rezone
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Z-001-23

Application of Anan Qadri for a zone change from “M-2” Heavy Industrial District to “C-3” Commercial District located on Lot 1 N ½, Block 12, of the Oak Knoll Addition, being approximately 0.2176 acres of land and Lot 1 S ½, Block 12, of the Oak Knoll Addition, bring approximately 0.2038 acres of land, locally known as 4306 North East 28th Street and 2113 Layton Avenue.

EXISTING ZONING/LAND USE

“M-2” Heavy Industrial District

ADJACENT ZONING/USES

North – “M-2” Heavy Industrial / Industrial

South – “SF-2” Single Family Residential / Residential District

West – “M-2” Heavy Industrial / Auto Sales

East – “M-1” Industrial / Vacant

PURPOSE

The applicant, Anan Qadri, requests to rezone the subject site from the current “M-2” Heavy Industrial district to “C-3” Commercial District. The applicant is making improvements to the property and correcting nonconforming aspects of the property since he purchased it. Along with the improvements the new owner is planning on starting a retail type business at 4306 NE 28th Street and plans to use 2113 Layton Avenue as the office space.

TRANSPORTATION

The subject site has frontage on NE 28th St and Layton Ave. The proposed zoning change is not anticipated to significantly impact the adjacent roadway systems as long as the developer complies with all relevant City ordinances.

DRAINAGE

Based on available information, this property is located in flood zone X zone and no significant drainage impacts are expected to result from development of this site, as long as the developer complies with all relevant City ordinances.

WATER & SANITARY SEWER

Water and sanitary sewer services are available to the subject site.

FIRE PREVENTION

Fire Station #2, located at 5700 Midway Rd., provides protection to this site. The estimated fire response time is in keeping with the City’s recommended standards.

FRANCHISE UTILITIES & STREET LIGHTS

At the subject site overhead utilities provide service to this property which are located on the south side of NE 28th Street with streetlights located intermittently on the north and south side of NE 28th Street.

ROUGH PROPORTIONALITY DETERMINATION

The developer is responsible for 100% of all paving, water, sanitary sewer, and drainage infrastructure needed to support the development in accordance with the City’s design criteria.

COMPREHENSIVE LAND USE PLAN

The City’s Comprehensive Land Use Plan (CLUP) designates the subject site as Retail, Office, Service Commercial and the proposed zoning change and use is consistent with this land use suggested by the CLUP.

NOTIFICATION

The legal notice regarding the public hearing was published in the February 12th, 2023, *Fort Worth Star Telegram*.

Notification was mailed to all property owners within 200 feet on February 15th, 2023, Nineteen (19) property owners were notified.

- 0 In Favor / No Objections
- 0 Opposed
- 0 Returned to Sender

ATTACHMENTS

1. Application
2. Cover Letter
3. Site Plan
4. GIS Aerial Map
5. Photos of Subject Site & Surrounding Properties
6. List of Property Owners within 200'
7. Draft Ordinance

ORDINANCE NO. O-2023-006-15

CASE NO. Z-001-23

AN ORDINANCE 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-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 0.2176 acres of land located on the N 1/2 Lot 1, Block 12 of the Oak Knoll Addition, locally known as 4306 North East 28th Street and property consisting of approximately 0.2038 acres of land located on S 1/2 Lot 1, Block 12 of the Oak Knoll Addition (hereinafter-referenced as the "Properties"), has filed an application to rezone the property from its present classification of "M-2" Heavy Industrial District to "C-3" Commercial District; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on February 28, 2023 and the City Council of the City of Haltom City, Texas held a public hearing on March 13, 2023 with respect to the Zoning Change described herein; and

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

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 the properties located south of North East 28th Street, containing approximately 0.2176 acres of land located on the N 1/2 Lot 1, Block 12 of the Oak Knoll Addition, locally known as 4306 North East 28th Street and property consisting of approximately 0.2038 acres of land located on S 1/2 Lot 1, Block 12 of the Oak Knoll Addition, to amend the existing “M-2” Heavy Industrial to “C-3” Commercial District.

SECTION 2.

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 3.

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 4.

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 5.

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 6.

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 7.

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 8.

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 9.

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 _____, 2023.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF _____, 2023.

Mayor
ATTEST:

City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

CITY COUNCIL MEMORANDUM / RESOLUTION

City Council Meeting: March 13, 2023

Department: Finance / Purchasing / Public Works

Subject: PW Equipment Purchase:
3 Dump Trucks
1 Backhoe

BACKGROUND

The FY2022 budget and FY2023 budget allows for the purchase of various pieces of equipment to be used by the Public Works Department (PWD).

All PWD equipment identified in the FY2022 budget has been purchased except for two (2) dump trucks. During FY2022, staff learned that the “lead time” on dump trucks was 18 months to 2 years. As such, these 2 dump trucks were carried over to FY2023. This situation has been previously discussed with the Council. Besides the purchase of these 2 dump trucks, the remaining PWD equipment purchases identified in the FY2023 budget are one dump truck and one backhoe. All of these items are to be primarily used in either the Construction Division or the Water and Sanitary Sewer Maintenance Division.

The proposed dump truck purchases will replace existing 2002 model year Peterbuilt dump trucks – all of which have high mileage and have accumulated significant maintenance costs. The anticipated delivery date for 2 of the dump trucks (2024 model year Peterbuilt dump trucks) is in July and the third dump truck (also a 2024 model year Peterbuilt dump truck) is anticipated to be delivered prior to the end of the year. The dump trucks are warranted as follows: 1-year unlimited miles on the truck and 2-year unlimited miles on the engine/drivetrain.

The proposed backhoe purchase will replace an existing 2009 John Deere backhoe – which is regularly in Fleet Services being repaired. Because of how often this backhoe is down, the Water and Sanitary Sewer Maintenance Division periodically rents a backhoe or borrows another City’s backhoe. [Current rental rates are in excess of \$3,500 per month and presently, there is a waiting list to rent a backhoe.] The anticipated delivery date for this backhoe (also a John Deere) is in July and its warranty is 60 months or 2,500 hours whichever comes first.

FISCAL IMPACT

The requested equipment purchases are as follows:

Equipment Type	Proposed Purchase Amount	Vendor
3 Peterbuilt Dump Trucks	\$ 524,616.15 [\$ 174,872.05 Each]	Texas BuyBoard
1 John Deere Backhoe	\$ 129,798.51	Sourcewell

While the backhoe is within budget, the dump trucks exceeded the budget; however, there is funding available for the overages in the Water & Sanitary Sewer Fund.

RECOMMENDATION

Staff recommends the purchase of the above indicated equipment in the amounts indicated and from the vendors designated in the above table. The City is a member of both the Sourcewell and Texas BuyBoard cooperatives and purchases through these cooperatives satisfy all state and local bidding requirements.

In addition, staff recommends the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.

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 13th day of March 2023, 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

Dr. An M. Truong, Mayor

ATTEST:

Art Camacho, City Secretary

CITY COUNCIL MEMORANDUM

City Council Meeting: March 13, 2023
Department: City Secretary
Subject: Future Agenda Items

BACKGROUND

No current items have been presented at the time of the printing of the packet.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

None.

CITY COUNCIL MEMORANDUM

City Council Meeting: March 13, 2023
Department: City Secretary
Subject: Board/Commission/Committee
Resignation of Members

BACKGROUND

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

No resignations have been presented at the time of the printing of the agenda packet.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

None.

CITY COUNCIL MEMORANDUM

City Council Meeting: March 13, 2023
Department: City Secretary
Subject: Boards/Commissions/Committees
Appointments/Reappointments

BACKGROUND

The City Council will consider action to appoint/reappoint board, commission, and committee members. Councilmembers and Mayor are to appoint or reappoint members for their corresponding places on boards, commissions, and committees. Appointments must have notification of Recommendation prior to voting at the Council meeting.

The following appointments/reappointments are due for Councilmembers:

Place 3 – Park & Recreation (Shelley Montgomery – reappoint).

Place 7 – CCPD (Vacant – appoint)

The following appointments/reappointments are due for Mayor:

Planning and Zoning: Alternate 2 VACANT (appoint)

Crime Control & Prevention District: Council Contact VACANT (appoint)

FISCAL IMPACT

None.

RECOMMENDATION

The following appointments have posted on the Agenda to be voted by the Council:

ATTACHMENTS

Appointment Applications received: Mario Deleon, 2023; David Wymer, 2023; Debbie Hardin, 2022; Jonathan Warren Sr., 2022; Deborah (Debi) Geltmeier, 2022; Ana Maria Aguilar DeYoung, 2022; Willis O'Dell, 2020; Britt Ford, 2019; Katherine Ochoa, 2019; Johnathan Gatto, 2019.

Reappointment Applications received: