

City of Carrollton

1945 E. Jackson Road
Carrollton, TX 75006



REGULAR WORKSESSION & MEETING

Tuesday, December 6, 2022

5:45 PM

CITY HALL, 2nd Floor

City Council

Mayor Steve Babick
Mayor Pro Tem Andrew Palacios
Deputy Mayor Pro Tem Nancy S. Cline
Councilmember Christopher Axberg
Councilmember Adam Polter
Councilmember Richard Fleming
Councilmember Young Sung
Councilmember H.A. "Rusty" Pendleton

*****PRE-MEETING / EXECUTIVE SESSION*******5:45 P.M. – COUNCIL BRIEFING ROOM**

1. Receive **information and discuss Agenda.**
2. Council will convene in **Executive Session** pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional Conduct regarding confidential communication with the City Council.
3. Council will **reconvene in open session** to consider action, if any, on matters discussed in the Executive Session.

*****WORKSESSION*****

4. Receive **Legislative Update.**
5. Receive **A Briefing And Update On The Accomplishments And Future Strategy Of The NOTICE Program.**
6. Discuss **Denton County Library Participation.**
7. **Mayor And Council Reports And Information Sharing.**

*****REGULAR MEETING 7:00 PM*******INVOCATION - Deputy Mayor Pro Tem Nancy Cline****PLEDGE OF ALLEGIANCE - Mayor Pro Tem Andrew Palacios****PRESENTATIONS**

8. Present **Certificates To The 2022 Environmental Leadership Award Recipients And To The 2022 Environmental Distinction Award Recipient.**
9. Present **Certificates To Mayor's Advisory Council Graduates.**

PUBLIC COMMENT

- 10. Hearing of any citizen/visitor on items listed on the regular meeting agenda. Citizens wishing to address the Council regarding items not on the posted agenda will be called to speak during the Public Forum.**
- Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping, and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

CONSENT AGENDA

*(*All items marked with a single asterisk are part of a Consent Agenda and require no deliberation by the Council. Each Council member has the prerogative of removing an item from this agenda so that it may be considered separately. Contracts and agreements are available in the City Secretary's Office.)*

BIDS & PURCHASES

- *11. Consider Authorizing The City Manager To Purchase P25 Radios from Motorola Solutions Through DIR For The P25 Radio Refresh In An Amount Not To Exceed \$3,450,344.68.**

CONTRACTS & AGREEMENTS

- *12. Consider Authorizing The City Manager To Approve A Construction Contract With ICARUS Construction And Consulting, LLC For Installation Of A Residential Screening Wall Along Webb Chapel Road, Between Belt Line Road And Gateway Lane, In An Amount Not To Exceed \$616,054.45.**
- *13. Consider Authorizing The City Manager To Approve A Construction Contract With La Banda, LLC For The Denton Drive Drainage Improvements From Hutton Branch To Keneipp Road In An Amount Not To Exceed \$1,216,030.00.**
- *14. Consider Authorizing The City Manager To Approve A Contract With 3D Paving And Contracting, LLC For The Nob Hill Addition Section 1 Street Replacement Project In An Amount Not To Exceed \$4,779,864.00.**

- *15.** Consider Authorizing The City Manager To Execute Change Order No. 2 With Tegrity Contractors, Inc. For Modifications To The Entryway Monument Sign Project, In An Amount Not To Exceed \$77,686.57, Increasing The Total Project Amount To An Amount Not To Exceed \$507,974.17.
- *16.** Authorize The City Manager To Enter Into An Agreement With Protiviti Government Service, Inc. Through An Interlocal Agreement With GSA For Professional Management Services In An Amount Not To Exceed \$1,075,830.
- *17.** Consider Authorizing The City Manager To Enter Into A Contract With CDW-G for Cisco Phone Network Flex Services Through DIR In An Annual Amount Of \$60,603 For Three Years For A Total Contract Amount Not To Exceed \$181,809.

ORDINANCE

- *18.** Consider Approval Of An Ordinance Restating And Amending Chapter 34 Of The Carrollton Code Of Ordinances Relating To Boards, Commissions, And Committees.
- *19.** Consider An Ordinance Amending The Operating Budget For Fiscal Year October 1, 2022, Through September 30, 2023.
- *20.** Consider An Ordinance Amending Title III, Chapter 31.01 Of The Comprehensive Fee Schedule Of The Carrollton Code Of Ordinances To Establish A Permit Fee For A Lodging License For Short-Term Rental And Bed And Breakfast Properties.
- *21.** Consider An Ordinance Amending The Carrollton Code Of Ordinances Regarding Title IX, Chapter 97 - 'Hotel Code' To Regulate Short-Term Rentals.
- *22.** Consider An Ordinance Amending The Carrollton Code Of Ordinances Regarding Title III, Section 38.30 and Section 38.31 - 'Hotel Occupancy Tax' Related To Short-Term Rentals.

RESOLUTIONS

- *23.** Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Professional Services Contract With Burgess & Niple, Inc. For Engineering Design Services Related To The Country Villas Street Reconstruction Project In An Amount Not To Exceed \$463,230.00.

- *24.** Consider A Resolution Authorizing The City Manager To Execute A Lease With The MAD Concepts Group For The Use Of City-Owned Property For A Restaurant At 1309 South Broadway.
- *25.** Consider A Resolution Authorizing The City Manager To Execute An Amended And Restated Subrecipient Interlocal Agreement With Dallas Area Rapid Transit For The Downtown Carrollton Multi-Modal Transit Hub Federal Transit Administration Grant.
- *26.** Consider A Resolution Authorizing The City Manager To Enter Into A Master Interlocal Agreement With Dallas County To Provide Future Funding For Road And Bridge Transportation-Related Improvements And/Or Maintenance Programs.
- *27.** Consider A Resolution Authorizing The City Manager To Execute An Interlocal Cooperation Agreement With Dallas County Regarding Sale of Individual Tax Foreclosure Properties Jointly Vested In The Name Of Dallas County, The City Of Carrollton, and Independent School Districts.
- *28.** Consider A Resolution Authorizing The City Manager To Enter Into An Agreement With Twin City Security, Inc Through An Interlocal Agreement With Tarrant Regional Water District For Court Security Services In An Annual Amount Of \$58,009.50 For Four Years In A Total Amount Not To Exceed \$232,038.00.
- *29.** Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement With Denton County For Library Services For Fiscal Year 2023.

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

- 30.** Hold A Public Hearing And Consider A Resolution To Adopt The Program Year 2021 Consolidated Annual Performance And Evaluation Report On The Use Of Community Development Block Grant Funds.
- 31.** Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit For A Smoke Shop Retailer On A 0.48-Acre Tract Zoned (DTC) Downtown Transit Center District Urban General, And Located At 1208 East Belt Line Road, Suite 112 On The Southwest Corner Of Belt Line Road And Myers Street; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2022-146 Vapor Depot.

- 32.** Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit For An Automobile Paint and Body Shop On An Approximately 1.62-Acre Tract Zoned (FWY) Freeway District And Located At 1875 North IH-35E On The Northwest Corner Of IH-35E And Booth Drive; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2022-142 Texas Collision Centers.
- 33.** Hold A Public Hearing And Consider An Ordinance Amending The Text Of Article XXXI “Changes And Amendments” Of The Comprehensive Zoning Ordinance To Amend Section B “Hearing Before The Planning And Zoning Commission” And Section C “Hearing Before City Council” Related To Public Notice For Zoning Ordinance Text Amendments. Case No. PLZT 2022-165 CZO Text Amendment For Public Hearing Notice For CZO Text Changes/City Of Carrollton.

PUBLIC FORUM

- 34.** Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.
- Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping, and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

ADJOURNMENT

CERTIFICATE - I certify that the above agenda giving notice of meeting was posted on the bulletin board at the City Hall of Carrollton, Texas on the 2nd day of December 2022 at 12:00pm.

Chloe Sawatzky

Chloe Sawatzky, City Secretary

This building is wheelchair accessible. For accommodations or sign interpretive services, please contact City Secretary's Office at least 72 hours in advance at 972-466-3003. Opportunities and services are offered by the City of Carrollton without regard to race, color, age, national origin, religion, sex or disability.

Pursuant to Section 551.071 of the Texas Government Code, the City Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda. Further, the Texas Open Meetings Act, codified in Chapter 551 of the Texas Government Code, does not require an agenda posting where there is a gathering of a quorum of the City Council at a regional, state or national convention or workshop, social function, convention, workshop, ceremonial event or press conference. The City Secretary's Office may occasionally post agendas for social functions, conventions, workshops, ceremonial events or press conference; however, there is no legal requirement to do so and in the event a social function, convention, workshop, ceremonial event or press conference is not posted by the City Secretary's Office, nothing shall preclude a quorum of the City Council from gathering as long as "deliberations" within the meaning of the Texas Open Meetings Act do not occur.

FIREARMS PROHIBITED at City Council meetings pursuant to Texas Penal Code Sections 46.035(c) and 30.05.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo File Number: 6003

Agenda Date: 12/6/2022

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 4.

CC MEETING: December 6, 2022

DATE: December 2, 2022

TO: Erin Rinehart, City Manager

FROM: Krystle Boise, Strategic Services Director

Receive **Legislative Update**.

The City's legislative consultant - Robert Howden of Waterloo Capitol Public Affairs - will provide an update of the upcoming 88th Legislative Session.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 5972

Agenda Date: 12/6/2022

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 5.

CC MEETING: December 6, 2022

DATE: November 21, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Receive A **Briefing And Update On The Accomplishments And Future Strategy Of The NOTICE Program.**

BACKGROUND:

Staff desires to brief City Council regarding the NOTICE Program and future Program strategies and goals.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 5996

Agenda Date: 12/6/2022

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 6.

CC MEETING: December 6, 2022

DATE: November 30, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Scheu, Library Director
Chrystal Davis, Assistant City Manager

Discuss **Denton County Library Participation.**

BACKGROUND:

The purpose of this work session item is for staff to present an update on Denton County library usage and discuss future participation.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo File Number: 5231

Agenda Date:

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 7.

Mayor And Council Reports And Information Sharing.



Agenda Memo

File Number: 5984

Agenda Date: 12/6/2022

Version: 1

Status: Presentations

In Control: City Council

File Type: Presentation

Agenda Number: 8.

CC MEETING: December 6, 2022

DATE: November 21, 2022

TO: Erin Rinehart, City Manager

FROM: Cory Heiple, Environmental Services Director
Marc Guy, Assistant City Manager

Present **Certificates To The 2022 Environmental Leadership Award Recipients And To The 2022 Environmental Distinction Award Recipient.**

BACKGROUND:

The presentation of the Environmental Distinction Award and the Environmental Leadership Awards provides an opportunity for the City of Carrollton to formally recognize regulated industries that strive for environmental excellence in their operations. This is the 20th year that the Environmental Services Department has presented these awards.

In 2022, thirteen facilities are receiving an Environmental Leadership Award:

- Buzzballz
- Century Products
- ElectroPlate Circuitry - Capital
- Image Industries
- International Paper - Belt Line
- QPC
- Quantum Clean

- Ralcorp
- Texas Finishing Company
- United 1 Laboratories
- Wash Solutions
- Western Extrusions
- WMC Industries

The Environmental Distinction Award recognizes companies that champion environmental sustainability in the community. Candidates for the Environmental Distinction award must be environmentally compliant and must demonstrate process improvement, minimized environmental impacts and community involvement.

IMPACT ON COMMUNITY SUSTAINABILITY:

This recognition exemplifies the City’s resolve to promote environmental excellence and to improve the quality and vitality of the community.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff requests that Mayor Steve Babick and Councilmember Adam Polter present certificates of recognition to the Environmental Leadership Award recipients and to the 2022 Environmental Distinction Award recipient.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo File Number: 5997

Agenda Date: 12/6/2022

Version: 1

Status: Presentations

In Control: City Council

File Type: Presentation

Agenda Number: 9.

CC MEETING: December 6, 2022

DATE: November 30, 2022

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Present **Certificates To Mayor's Advisory Council Graduates.**



Agenda Memo

Agenda Date:

Version: 1

Status: Public Forum

In Control: City Council

File Type: Public Forum

Agenda Number: 10.

Hearing of any citizen/visitor on items listed on the regular meeting agenda. Citizens wishing to address the Council regarding items not on the posted agenda will be called to speak during the Public Forum.

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Agenda Memo
File Number: 5998

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *11.

CC MEETING: December 6, 2022

DATE: November 22, 2022

TO: Erin Rinehart, City Manager

FROM: Chris Chiancone, CIO
Chrystal Davis, Assistant City Manager

Consider **Authorizing The City Manager To Purchase P25 Radios from Motorola Solutions Through DIR For The P25 Radio Refresh In An Amount Not To Exceed \$3,450,344.68.**

BACKGROUND:

Our current P25 Radios that include mobiles, portable and control stations are out of warranty and were purchased in 2014. This includes radios for Public Safety and Public Works.

The proposed refresh will replace the entire radio fleet for all departments that currently use radios. Life expectancy of these radios will be 5-7 years in service.

Motorola Solutions is a Texas DIR vendor and satisfies purchasing requirements under the contract DIR-TSO-4101. We have worked with this vendor on several purchases, and we have been pleased with their service and equipment. The total amount of the project includes a 10% contingency.

FINANCIAL IMPLICATIONS:

The P25 Radio Refresh Project will be funded out of the following account:

CAPITAL REFRESH ACCOUNT
151001-122410199 - IT/Public Safety Radio

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will align with Council goals and objectives by operating the city government as a customer service business and promoting and reflecting a positive image of our community.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to purchase P25 Radios from Motorola Solutions in an amount not to exceed \$3,450,344.68. The P25 Radio Refresh proposal was reviewed and approved by the Technology Committee.



Agenda Memo
File Number: 5942

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *12.

CC MEETING: December 6, 2022

DATE: November 28, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Consider Authorizing The City Manager To Approve A Construction Contract With ICARUS Construction And Consulting, LLC For Installation Of A Residential Screening Wall Along Webb Chapel Road, Between Belt Line Road And Gateway Lane, In An Amount Not To Exceed \$616,054.45.

BACKGROUND:

This contract will provide for the construction of a new screening wall along the west side of Webb Chapel Road. The project consists of replacing the existing private residential wood fences with approximately 1,500 linear feet of 8-foot tall, simulated wood fence with brick columns along Webb Chapel Road between Belt Line Road and Gateway Lane/city limit. The duration of construction is 120 calendar days.

In March 2019, City Council approved prioritization of the Webb Chapel wall as the highest-priority for the citywide Screening Wall In-Fill Program. Due to increasing construction costs and utility conflicts, the Re-Development Committee recommended seeking alternative wall designs. In June 2021, the Committee selected the option of simulated wood, 8 feet in height with brick columns.

FINANCIAL IMPLICATIONS:

Three (3) bids were received on September 28, 2022. The lowest bid, in the amount of \$616,054.45, was submitted by ICARUS Construction and Consulting, LLC. The engineer’s estimate for the project was \$698,500.00. ICARUS Construction and Consulting, LLC has not previously performed a construction project for the City of Carrollton. However, their references have checked out with satisfactory results, and they appear capable of completing this project in the allotted time. Funding is available in the Streets Consolidated account.

IMPACT ON COMMUNITY SUSTAINABILITY:

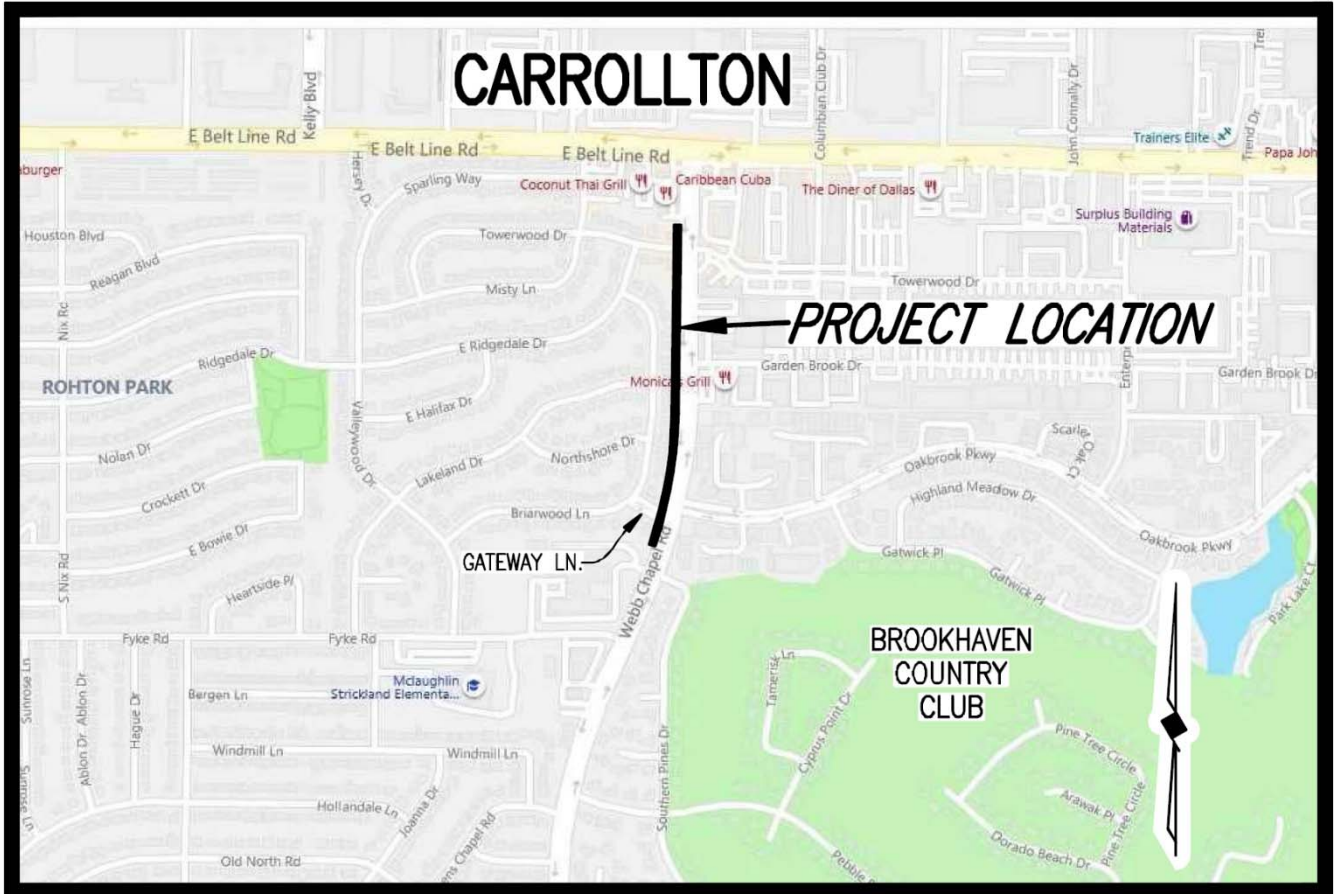
This project will support the City Council’s strategic objectives and vision of building a community that families and businesses want to call home by:

Sustaining quality of life - The replacement of the existing wood fences of various designs and character with a single, unified concept should improve the appearance of the Webb Chapel Road corridor, which is also a gateway into Carrollton.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council award of the construction contract for the installation of a new screening wall along Webb Chapel Road to ICARUS Construction and Consulting, LLC in an amount not to exceed \$616,054.45.

Location Map



BID TABULATION

#	CONTRACTOR	BID AMOUNT
1	ICARUS CONSTRUCTION & CONSULTING	\$616,054.45
2	SWIFT CORPORATION, LLC	\$839,080.00
3	GROD CONSTRUCTION, LLC	\$849,838.50
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Screening Wall at Webb Chapel Road



Trex Seclusions[®]
MILES OF STYLE

Featuring "Trex Seclusions" in Saddle



Agenda Memo File Number: 5955

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *13.

CC MEETING: December 6, 2022

DATE: November 7, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Consider Authorizing The City Manager To Approve A Construction Contract With La Banda, LLC For The Denton Drive Drainage Improvements From Hutton Branch To Keneipp Road In An Amount Not To Exceed \$1,216,030.00.

BACKGROUND:

In September 2021, the City contracted with Lockwood, Andrews, & Newnam, Inc. to design the Duncan Heights NOTICE neighborhood reconstruction project. The project will convert the neighborhood from asphalt streets and open bar ditches to concrete, curb and gutter streets and a closed underground storm sewer system. On October 25, 2022, City Council approved a development agreement with EGAJ, LLC for construction services related to the Duncan Heights NOTICE project to route the storm sewer system through the proposed Northside Place subdivision development, which would save the City approximately \$1 million in drainage construction costs. This project is a continuation of the drainage improvements to allow for the cost savings drainage path.

This contract will provide for the construction of drainage improvements downstream of the development and Duncan Heights reconstruction project along Denton Drive and Northside Drive - from Hutton Branch to Keneipp Road. These improvements will accommodate the increased flow from the Duncan Heights neighborhood. The project consists of approximately 1,370 linear feet of storm sewer line.

The duration of construction is 120 calendar days. Project signs will be placed while the site is under construction. All impacted residents will be notified in writing regarding the construction schedule prior to the start of construction.

FINANCIAL IMPLICATIONS:

Four (4) bids were received on August 10, 2022. The low bid, in the amount of \$1,216,030.00, was submitted by La Banda, LLC. The engineer's estimate for the project was \$1,100,000.00. City staff contacted references for La Banda, and they were very favorable.

IMPACT ON COMMUNITY SUSTAINABILITY:

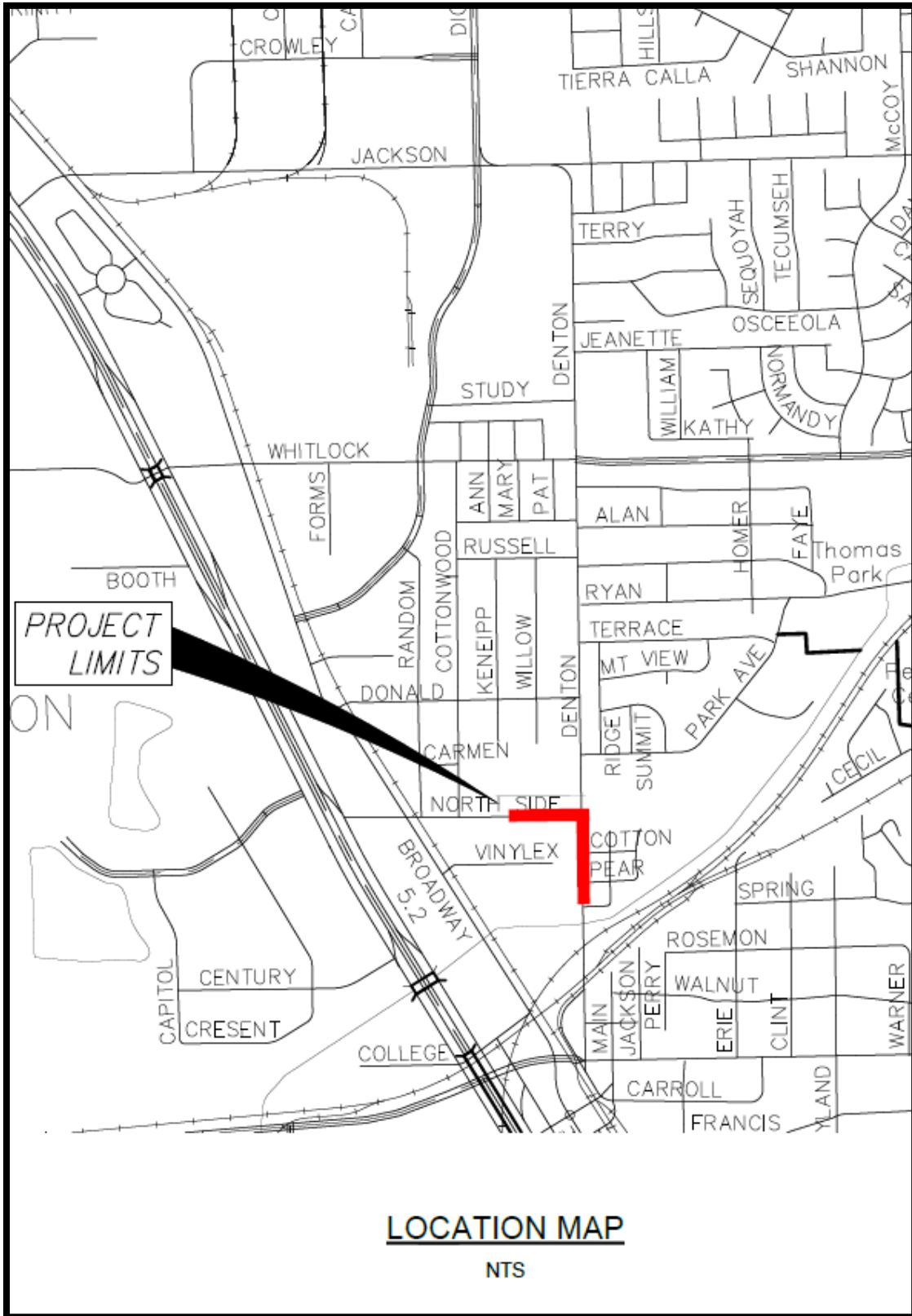
This project will support the City Council's strategic objectives and vision of building a community that families and businesses want to call home by:

Sustaining day-to-day operations - The improvements to the Denton Drive drainage should reduce the need for non-scheduled or emergency repairs.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council award the construction contract for the Denton Drive Drainage Improvements Project to La Banda, LLC in an amount not to exceed \$1,216,030.00.

Location Map



LOCATION MAP

NTS

Bid Tabulation

BIDDER'S LIST (LOWEST TO HIGHEST)

PROJECT: Denton Drive Drainage Improvements
Days/Complete: 120 days

Date: August 10, 2022
Estimated Cost: \$1,100,000.00

#	CONTRACTOR	BID AMOUNT	
1	LA BANDA, LLC	\$1,216,030.00	
2	TEXAS STANDARD CONSTRUCTION, LTD.	\$1,258,691.39	
3	M-CO CONSTRUCTION, INC.	\$1,414,216.15	
4	ATKINS BROTHERS EQUIPMENT COMPANY, INC.	\$1,426,690.00	
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Agenda Memo
File Number: 5979

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *14.

CC MEETING: December 6, 2022

DATE: November 17, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Consider Authorizing The City Manager To Approve A Contract With 3D Paving And Contracting, LLC For The Nob Hill Addition Section 1 Street Replacement Project In An Amount Not To Exceed \$4,779,864.00.

BACKGROUND:

The Nob Hill reconstruction project is part of the 2013 bond program. The neighborhood poses a unique situation for design and construction because of multiple large retaining walls on private property. The project has been sequenced so that the section 1 reconstruction project does not contain areas with the larger retaining walls. The overall Nob Hill reconstruction project consists of three phases: alleys, section 1, and section 2. The alley phase has been completed with the exception of one alley that has a large retaining wall on private property.

This contract provides for the reconstruction of nine streets in the Nob Hill section 1 phase, including Spyglass Drive, Spyglass Court, Railhead Place, Reunion Circle, Haney Street, Lookout Place, Gold Rush Lane, Station Place and Indigo Court. The project consists of the reconstruction of approximately 6,180 linear feet of pavement, 5,000 linear feet of water mains and 5,300 linear feet of sanitary sewer mains.

The duration of construction is 450 calendar days. Construction will be performed such that all of the streets will not be under construction at the same time. Project signs will be placed at the entrances to the subdivision while it is under construction. All residents will be notified in writing regarding the construction schedule prior to the start of work. Also, a neighborhood meeting with the homeowners and the contractor will be held prior to construction. Additional handouts will be distributed as required during the project.

Due to the complexity of the retaining walls, staff and the design teams sequenced the reconstruction

project in early 2022 so that all of the major retaining walls would be included in the section 2 phase of the project. In February 2022, City Council approved a contract amendment to provide an in-depth engineering and structural analysis of certain retaining walls. Once the review is complete, staff will determine a construction schedule for section 2.

FINANCIAL IMPLICATIONS:

Seven (7) bids were received on October 26, 2022. The low bid, in the amount of \$4,779,864.00, was submitted by 3D Paving and Contracting, LLC. The engineer's estimate for the project was \$5,640,000.00. 3D Paving and Contracting has performed numerous projects in Carrollton, most recently the Northcrest Estates Sections 1 and 2 NOTICE project and the Green Ridge/Myerwood street reconstruction project. Funding is available in the Streets Consolidated account.

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will support the City Council's strategic objectives and vision of building a community that families and businesses want to call home by:

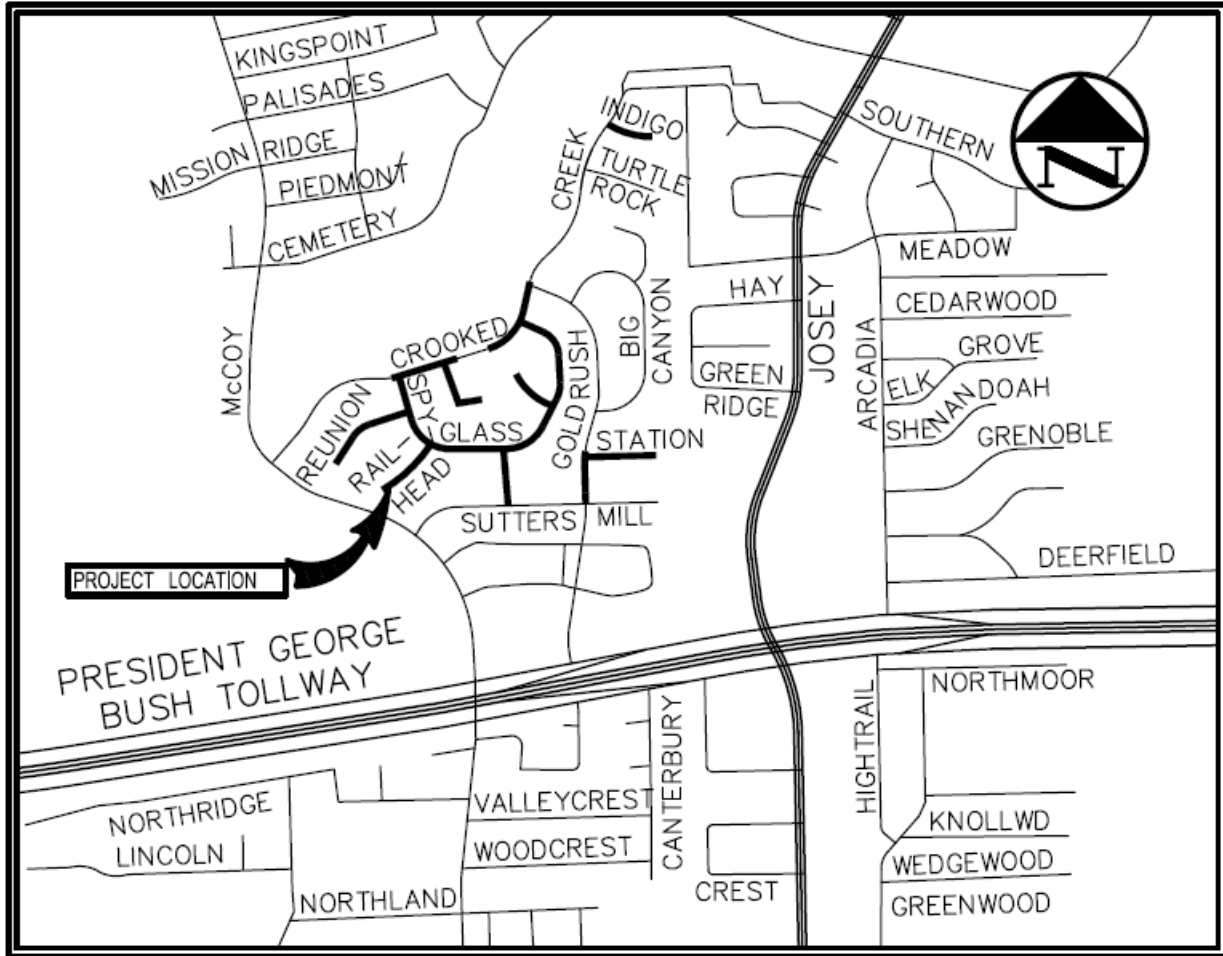
Sustaining quality of life - Improvements in the subdivision should improve the appearance of the neighborhood and promote residents to provide ongoing maintenance of their properties.

Sustaining day-to-day operations - The replacement of substandard street pavement, water and sewer lines should reduce the need for non-scheduled or emergency repairs.

STAFF RECOMMENDATION/ACTION DESIRED:

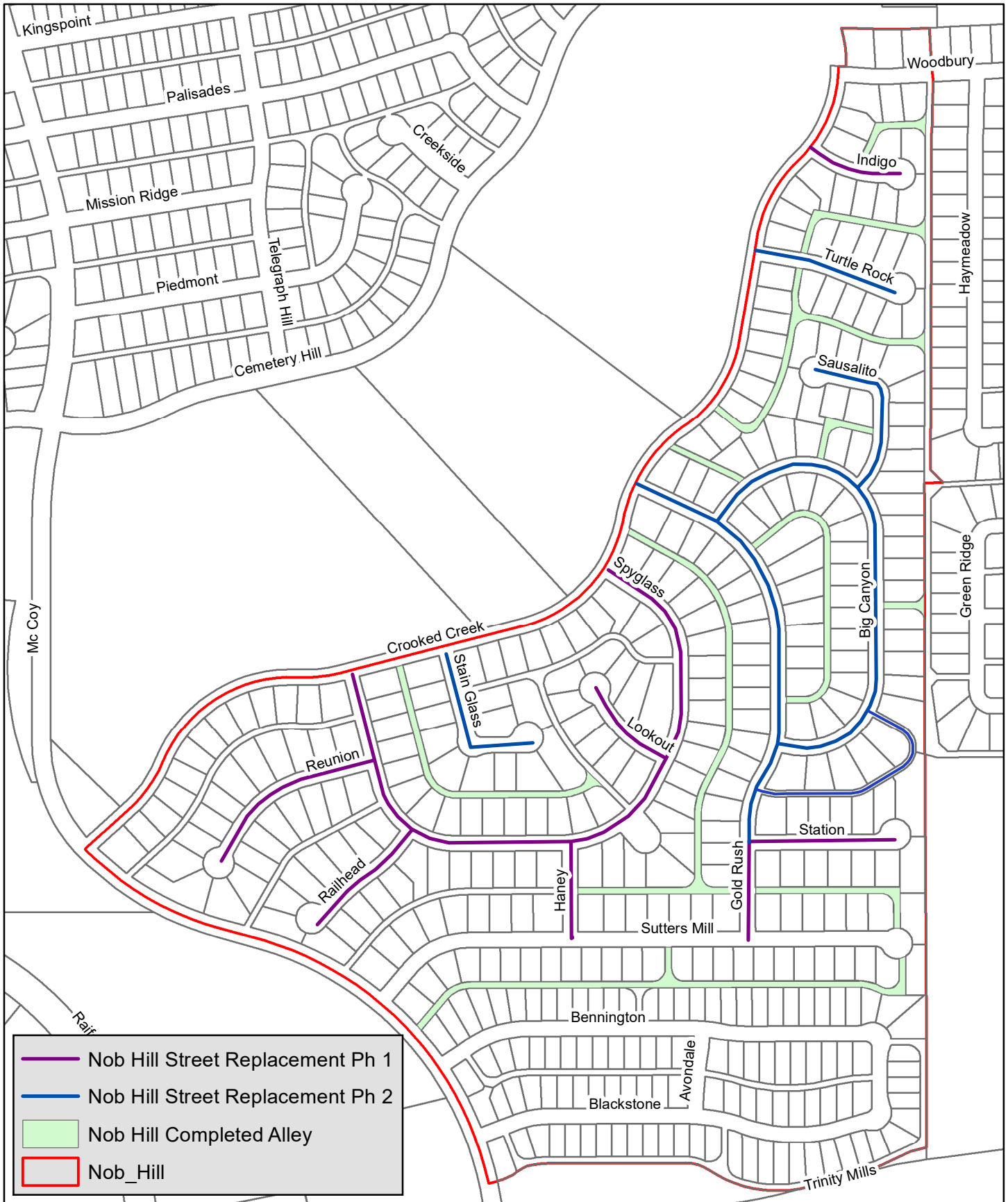
Staff recommends that City Council authorize award of the construction contract for the Nob Hill Addition Section 1 Street Replacement Project to 3D Paving and Contracting, LLC in an amount not to exceed \$4,779,864.00.

Location Map



VICINITY MAP

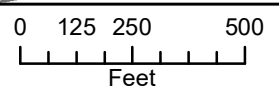
(NOT TO SCALE)



- Nob Hill Street Replacement Ph 1
- Nob Hill Street Replacement Ph 2
- Nob Hill Completed Alley
- Nob Hill



Nob Hill Improvements



M.Natseway Engineering Technician



Agenda Memo
File Number: 5989

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *15.

CC MEETING: December 6, 2022

DATE: November 23, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Consider **Authorizing The City Manager To Execute Change Order No. 2 With Tegrity Contractors, Inc. For Modifications To The Entryway Monument Sign Project, In An Amount Not To Exceed \$77,686.57, Increasing The Total Project Amount To An Amount Not To Exceed \$507,974.17.**

BACKGROUND:

The City Council awarded a contract on June 21, 2022, to Tegrity Contractors, Inc. in the amount of \$409,700.00 for the City’s Entryway Monument Sign Replacement and Enhancement Program. The scope of the project is to update and/or construct 18 entryway monument signs.

This change order will cover the following items:

1. The current design height of each monument sign is 4 feet. However, the height of the electric meter for the LED lighting is required to be 4 feet 6 inches or taller. The recommendation is to increase the height of each monument sign by one foot to hide the electric meters (approximately \$37,400).
2. At monument sign locations P1 (Old Denton Road @ Carrollton Parkway) and NR1 (Marsh Lane, north of Hebron Parkway) on the attached map, trenchless boring is required to provide irrigation and electrical services from the side of the roadway to the median sign location. (approximately \$38,000). Staff is in negotiations with TxDOT regarding permission to place the P1 sign in the Old Denton Road median.
3. Additional topsoil is needed to bring the proposed landscaping of several monument sites to proper grade (approximately \$2,200).

FINANCIAL IMPLICATIONS:

Tegrity Contractors, Inc. submitted a proposal to the City to cover the above-mentioned items in an

amount not to exceed \$77,686.57. The revised contract amount will be \$507,974.17, which includes previously approved change order no. 1 in the amount of \$20,587.60. Funding is available in the Neighborhood Partnership/CIP Tax fund.

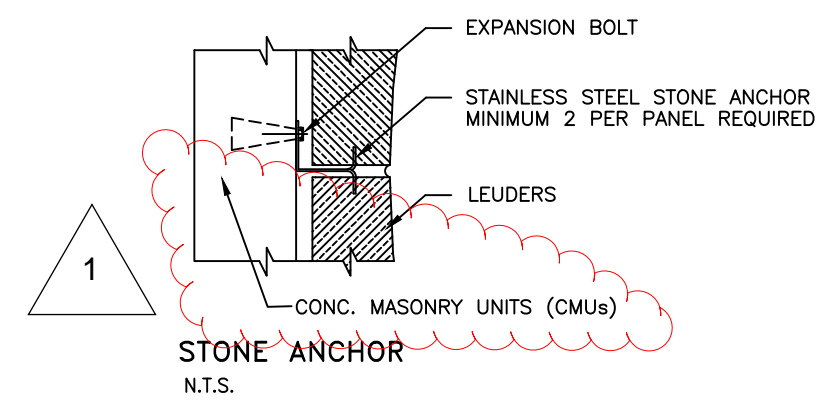
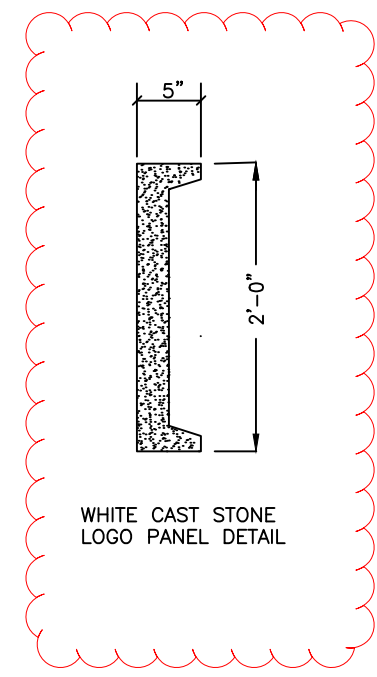
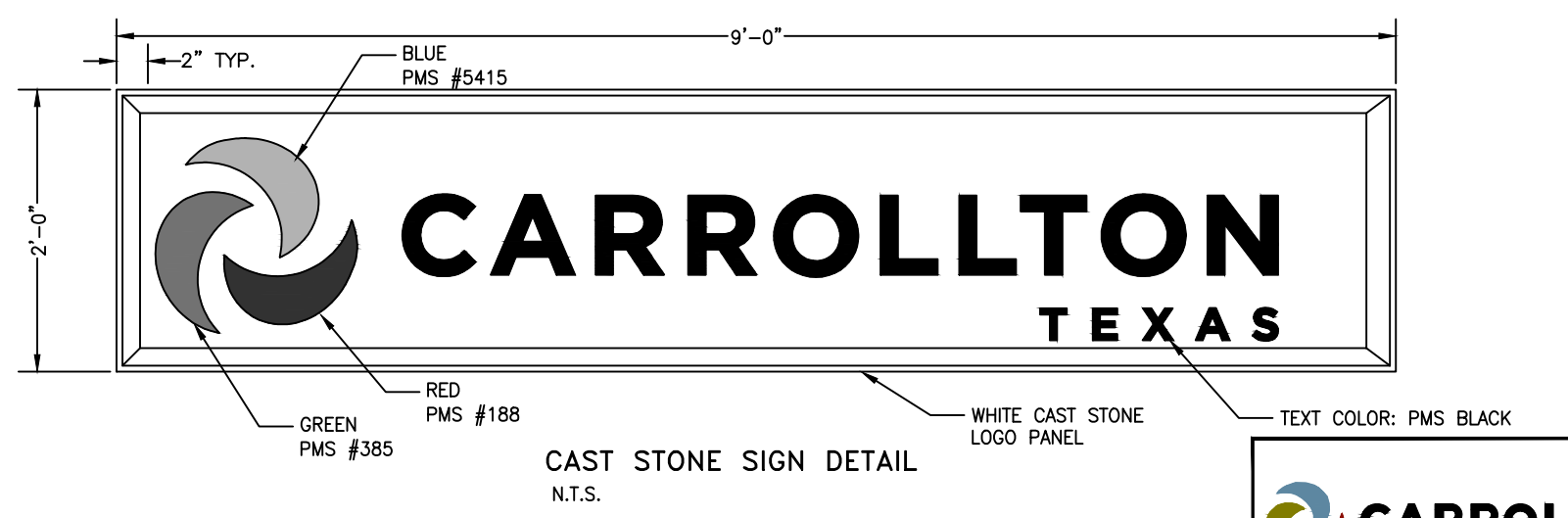
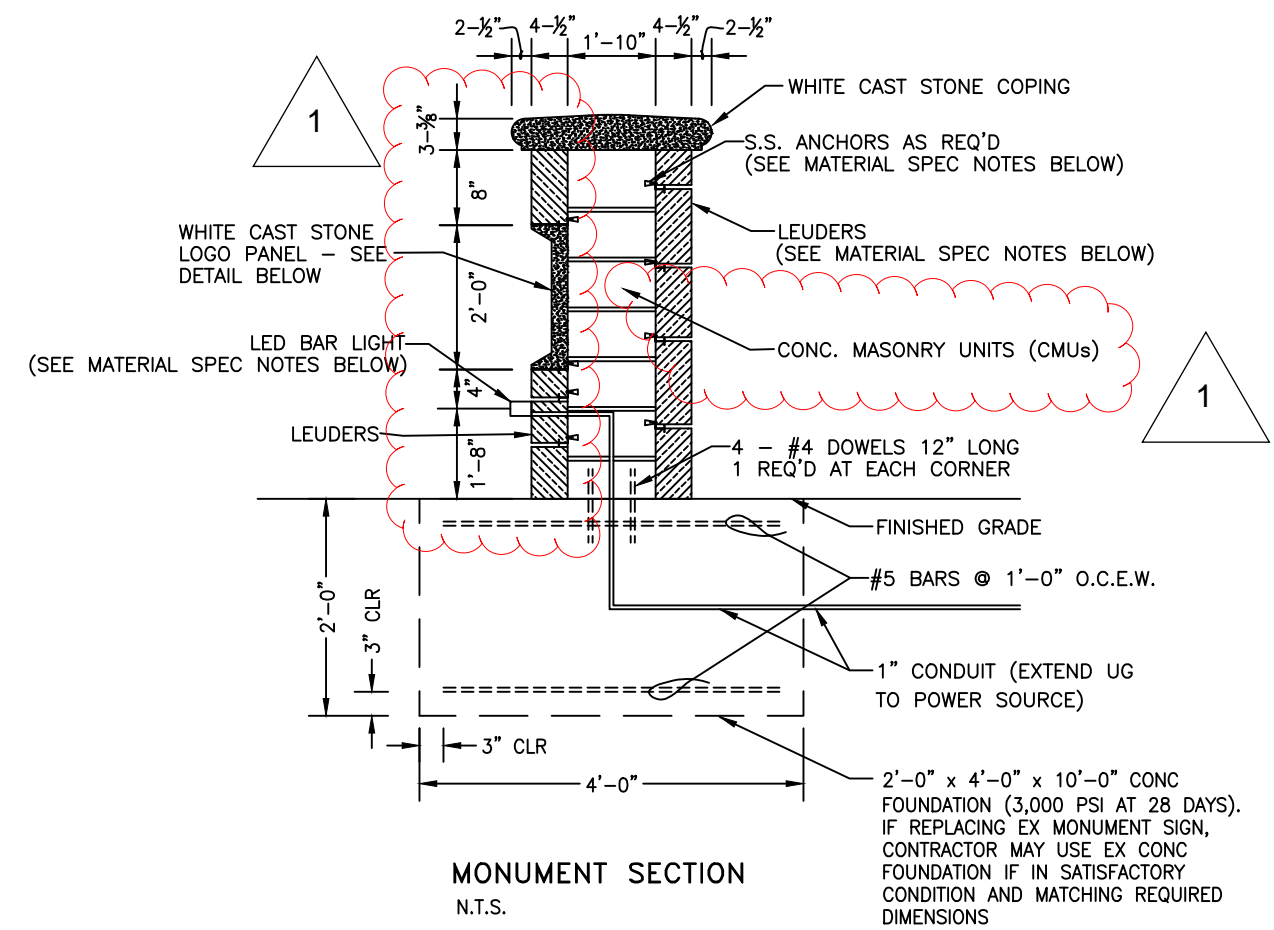
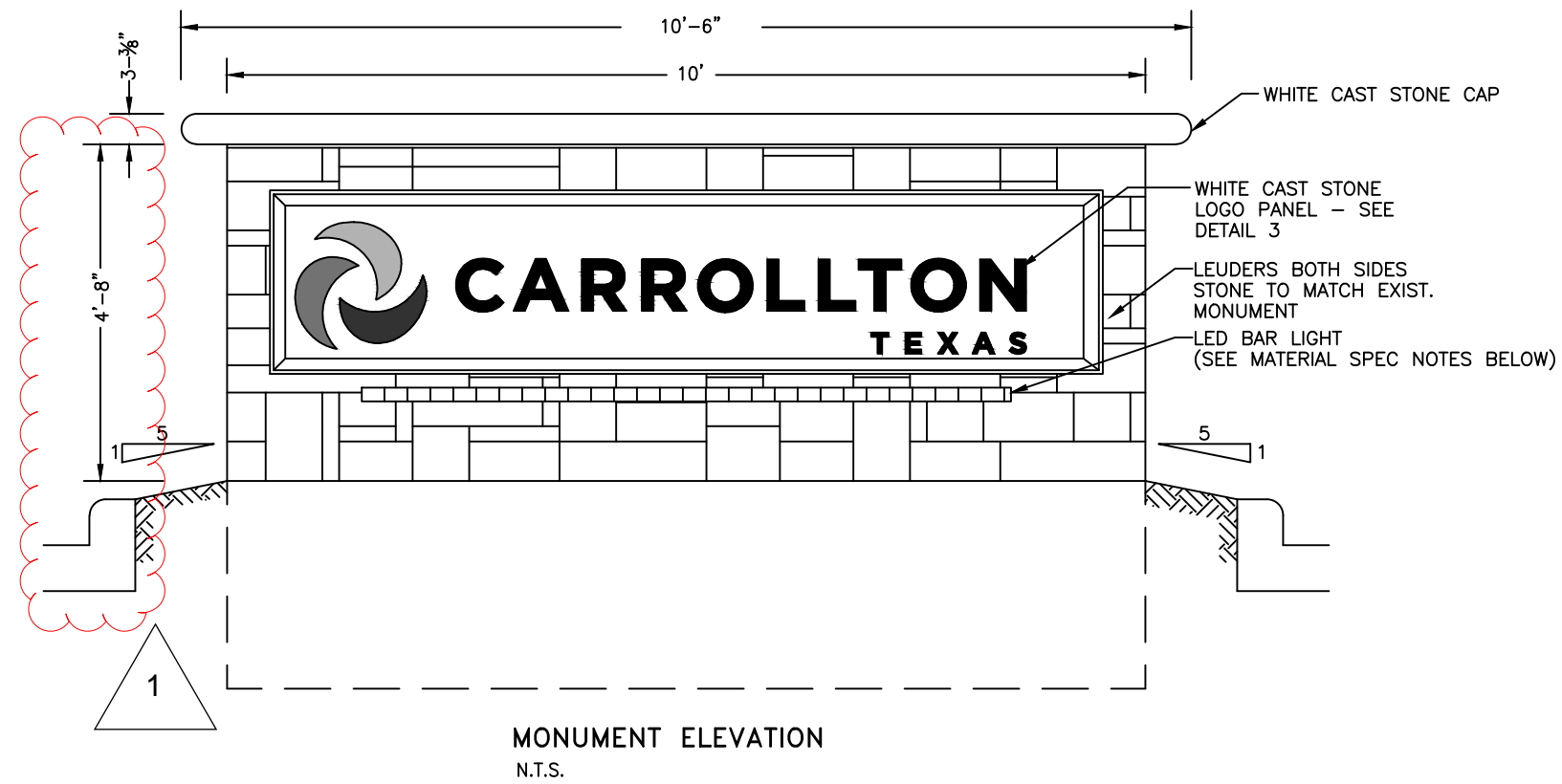
IMPACT ON COMMUNITY SUSTAINABILITY:

This project will support the City Council's strategic objectives and vision of building a community that families and businesses want to call home by:

Sustaining quality of life - The renovation and construction of the entryway monument signs is intended to improve the appearance of key City gateways and establish a standard entryway branding theme throughout the City.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council authorize the City Manager to execute change order no. 2 with Tegrity Contractors, Inc. for the Entryway Monument Sign Program in an amount not to exceed \$77,686.57.



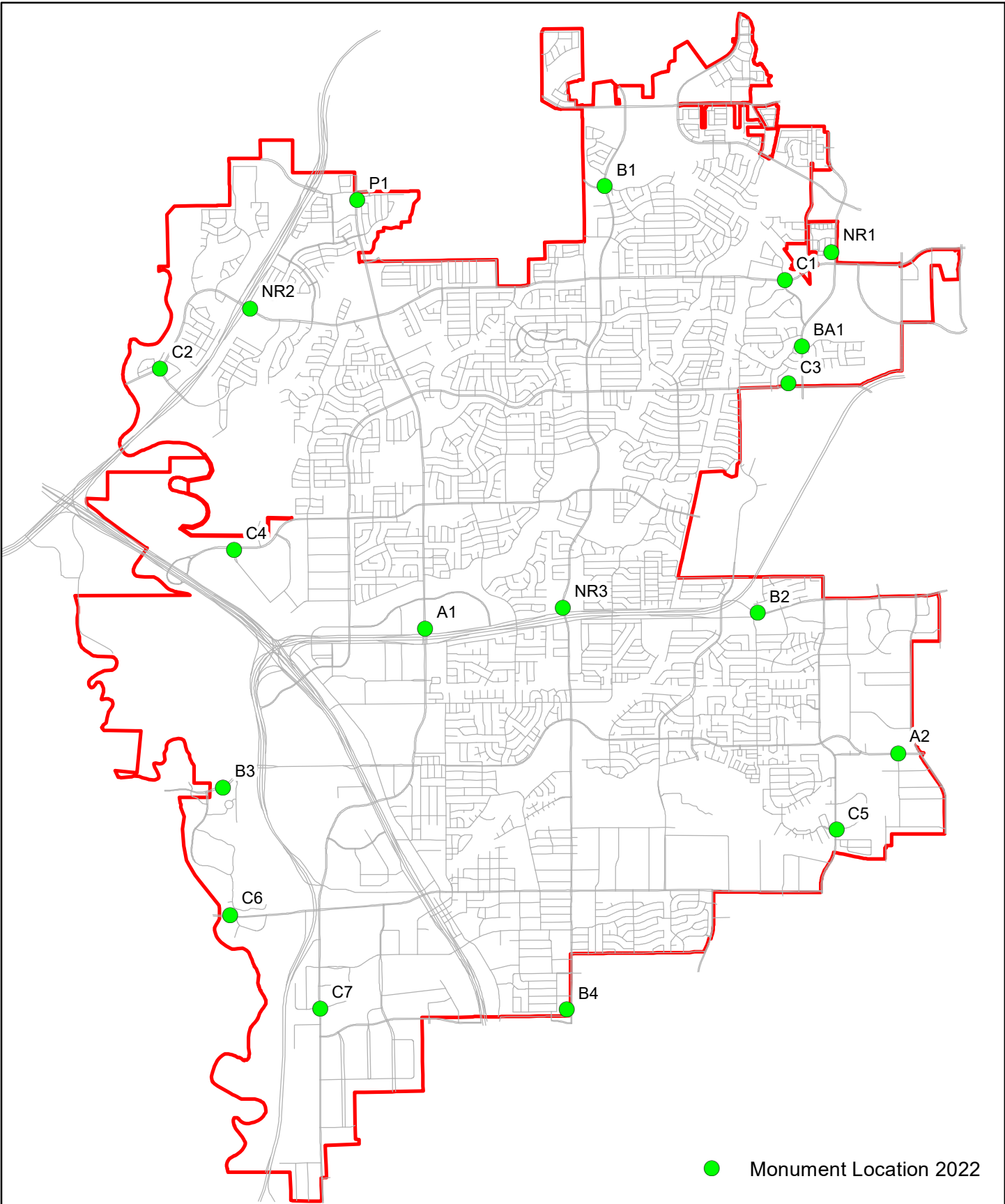
- MATERIAL SPECIFICATION NOTES:
- LED LIGHT BAR: MANUFACTURED BY SUPER BRIGHT LEDS, WATERPROOF LINEAR LED BAR FIXTURE (PART #WLF-CW60SMD) OR APPROVED EQUAL. TOTAL LIGHTBAR LENGTH 6 FT MIN., 8 FT MAX.
 - LEUDERS: AS MANUFACTURED BY DALLAS ROCK MATERIALS, OR APPROVED EQUAL. SEE SECTION H SPECIAL SPECIFICATIONS.
 - ANCHORS: HOHMANN & BARNARD STAINLESS STEEL STONE ANCHORS (#435)
 - SEE SECTION H SPECIAL SPECIFICATIONS FOR ADDITIONAL SPECIFICATIONS



ENGINEERING DEPARTMENT
1945 E. JACKSON ROAD
CARROLLTON, TEXAS 75006
WWW.CITYOFCARROLLTON.COM
(972)466-3200

GATEWAY MONUMENTS
MONUMENT DETAILS

SCALE: N.T.S.	SHEET: 6 OF 7
DESIGNED BY: COC	
DRAWN BY: COC	
Rev. 1 Oct. 22	





Agenda Memo
File Number: 5995

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *16.

CC MEETING: December 6, 2022

DATE: November 29, 2022

TO: Erin Rinehart, City Manager

FROM: Melissa Everett, Finance Director
Diana Vaughn, Chief Financial Officer

Authorize The City Manager To Enter Into An Agreement With Protiviti Government Service, Inc. Through An Interlocal Agreement With GSA For Professional Management Services In An Amount Not To Exceed \$1,075,830.

BACKGROUND:

During the Fiscal Year 2023 Budget Cycle, Council approved an addition-to-base (ATB) that funded the upgrade of the city’s current Enterprise Reporting Program (ERP) System to Infor CloudSuite Public Sector Financial & Supply Management Software, and in September, Council approved for the City Manager to enter into said contract. To ensure a successful project, staff will be using an integrated project management approach that blends the project management with staff augmentation, both of which were included as part of the ATB. Due to the size, sensitivity and complexity of the migration, the best option is to use a third party, Protiviti Government Services, Inc., as our project management company. The project is expected to last less than 18 months, and this contract provides for the appropriate support for the project. Protiviti Government Services, Inc is an approved vendor via GSA Authorized contact number PSC R704 to provide professional services. The Finance and Information Technology Departments have worked closely with each other to ensure the best fit is found.

FINANCIAL IMPLICATIONS:

The total amount of the contract is for \$1,024,600, and staff has included a 5% contingency for unplanned expenses. Funds for the project were approved in the Fiscal Year 2023 budget in the Information Technology Capital Budget (854105).

IMPACT ON COMMUNITY SUSTAINABILITY:

Maintaining a sound financial system ensures the City will produce accurate financial statements,

ensure proper financial planning and help maintain our AAA Bond Rating.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the city manager to negotiate and enter into a contract with Protiviti Government Services, Inc. for the services related to the implementation of Infor CloudSuite Public Sector Financial & Supply Management Software in an amount not to exceed \$1,075,830.



Agenda Memo
File Number: 5999

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *17.

CC MEETING: December 6, 2022

DATE: November 22, 2022

TO: Erin Rinehart, City Manager

FROM: Chris Chiancone, CIO
Chrystal Davis, Assistant City Manager

Consider **Authorizing The City Manager To Enter Into A Contract With CDW-G for Cisco Phone Network Flex Services Through DIR In An Annual Amount Of \$60,603 For Three Years For A Total Contract Amount Not To Exceed \$181,809.**

BACKGROUND:

The Cisco Phone Network Flex Services provides telephony services for all city departments and includes voicemail, call forwarding, and IVR services to various departments.

Currently our Cisco Phone Network Flex Services Contract ends on 7/24/2025.

The requested amount of \$60,603 will be paid annually to CDW-G over the next three years, in a total amount not to exceed \$181,809.00.

We are currently doing a needs assessment and review of services to be prepared for future upgrade of our phone system before 7/2025.

CDW-G is a Texas DIR vendor and satisfies purchasing requirements under the contract DIR-TSO-4167. We have worked with this vendor on several purchases, and we have been pleased with their service and equipment. The total amount of the project includes a 10% contingency.

FINANCIAL IMPLICATIONS:

The Cisco Phone Network Flex Services will be funded out of the following account:

OPS RENEWAL ACCOUNT	BUDGET AMOUNT
Cisco Flex licensing	\$65,000.00 Annually

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will align with Council goals and objectives by operating the city government as a customer service business and promoting and reflecting a positive image of our community.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to sign a contract with CDW-G in an annual amount of \$60,603 for three years for a total amount not to exceed \$181,809.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo File Number: 5980

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *18.

CC MEETING: December 6, 2022

DATE: November 17, 2022

TO: Mayor and City Council

FROM: Meredith Ladd, City Attorney

Consider Approval Of An Ordinance Restating And Amending Chapter 34 Of The Carrollton Code Of Ordinances Relating To Boards, Commissions, And Committees.

BACKGROUND:

Several departments have recognized areas where this ordinance could be improved. These suggestions have been compiled and the entire chapter restated for continuity. Many of the changes are simply clean-up. In CIPAC, Section 34.050(B)(2) was removed, as it was not something that the committee has been tasked with. A secretary for each board, except PNZ, which is established in the zoning code, is provided. The day, time, and frequency of the meeting for MHAC was revised, so that the committee members could attend Council meetings that fell on the 4th Tuesday of the month. The start time of P&Z was changed.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of this Ordinance.

ORDINANCE NO _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING AND RESTATING CHAPTER 34, “MUNICIPAL BOARDS, COMMISSIONS AND ADVISORY COMMITTEES” OF THE CODE OF ORDINANCES OF THE CITY BY DESIGNATING A SECRETARY TO CERTAIN BOARDS; REVISING THE RESPONSIBILITIES OF THE CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE; REVISING THE MEETING TIME FOR THE PLANNING AND ZONING COMMISSION; REVISING THE RULES OF PROCEDURE FOR ALL BOARDS, COMMISSIONS, AND ADVISORY COMMITTEES; REVISING THE DAY AND FREQUENCY OF MEETINGS FOR THE MUSEUM AND HISTORIC ADVISORY COMMITTEE; REPEALING ALL CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION.

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

SECTION 1.

The Code of Ordinances, City of Carrollton, Texas is hereby revised by amending Chapter 34, “Municipal Boards, Commissions, and Advisory Committees”, to read as follows:

“CHAPTER 34. - MUNICIPAL BOARDS, COMMISSIONS, AND ADVISORY COMMITTEES

GENERAL PROVISIONS

Sec. 34.001. - Establishment by City Council.

The following Municipal Boards, Commissions, and Advisory Committees are established by ordinance of the City Council:

Capital Improvements Plan Advisory Committee
Civil Service Commission
Library Board
Museum and Historic Advisory Committee
Neighborhood Advisory Commission
Parks and Recreation Board
Planning and Zoning Commission
Property Standards Board
Traffic Advisory Committee

Sec. 34.002. – Membership – Generally.

(A) Members. Members of all Municipal Boards, Commissions, and Advisory Committees shall be appointed by the City Council. Section 2.09 of the City Charter controls the qualifications, removal, and vacancy of all members of the Municipal Boards, Commissions, and Advisory Committees established in this Chapter. Any further membership criteria may be provided by the City Council in the creation, establishment, or amendment of a Municipal Board, Commission, or Advisory Committee.

(B) Officers.

(1) The City Council may select the Chairperson of each Municipal Board, Commission, and Advisory Committee, who shall serve until the expiration of that person's term or until replaced as chairperson by the City Council. If the City Council does not select the Chairperson, the Municipal Board, Commission, or Advisory Committee shall elect a Chairperson for a term of one (1) year, or until replaced as Chairperson by the City Council.

(2) The Municipal Board, Commission, or Advisory Committee shall elect a Vice-Chairperson for a term of one (1) year. Such selection shall occur at a regular meeting of the Municipal Board, Commission, or Advisory Committee.

(3) The Chairperson shall preside over all meetings of the respective Municipal Board, Commission, or Advisory Committee. The Vice-Chairperson shall perform the duties of the Chairperson in his or her absence or inability to act.

(C) Alternates. The City Council may select one or more alternates for any Municipal Board, Commission, or Advisory Committee, as it deems appropriate.

(D) Subcommittees. A subcommittee may be appointed for special purposes by the Chairperson of all Municipal Board, Commission, and Advisory Committee, except Property Standards Board and Planning and Zoning Commission, with the consent of the majority of the body. These committees are automatically dissolved upon completion of assignment. The Chairperson of the applicable Municipal Board, Commission, or Advisory Committee may request that the City Council appoint members to the subcommittee who are not on the body.

(E) Term. Members of all Municipal Boards, Commissions, and Advisory Committees serve at the pleasure of the City Council. Members shall be appointed for terms of two (2) years, or until a successor is appointed. Any member may be re-appointed no more than twice to the same Municipal Board, Commission, or Advisory Committee by the City Council upon completion of his or her term, except as otherwise provided herein.

(F) Attendance. Three (3) consecutive absences that are not excused by the applicable Municipal Board, Commission, or Advisory Committee, or the absence of a member from more than twenty-five percent (25%) of the posted meetings in any six (6)-month period, shall cause

the applicable Municipal Board, Commission, or Advisory Committee to review the attendance record of the member and make a recommendation to the City Council on the appointment.

Sec. 34.003. – Meetings – Generally.

(A) Regular meetings. Each Municipal Board, Commission, or Advisory Committee will hold regular meetings in conformance with the schedule set forth below, in its respective section, unless otherwise provided for herein.

(B) Special Meetings. Special meetings may be held as provided below, provided the meeting is properly noticed and posted in accordance with the Texas Open Meetings Act. All members shall be notified at least three (3) days in advance of any special meeting, and the notice shall specify the purpose of said meeting.

(C) Quorum. A majority of the members of the Municipal Board, Commission, or Advisory Committee present at a meeting shall constitute a quorum.

(D) Voting. All members present shall vote upon every motion, except when a member is required to abstain pursuant to state law. The vote of each member shall be recorded in the minutes. Any member refusing to vote shall be entered on the record as voting “no.” All votes shall either be by electronic means or show of hands; no secret ballots may be cast.

(E) Public Comment. The Chairperson may allow public input on a posted agenda item. If a large delegation is present to speak, the Chair may ask the delegation to appoint a speaker to represent them. The Chair may set a time limit for individual speakers, or a total time limit providing equally for the support and opposition of an item. In the event the Chair establishes a time limit, he or she shall announce such limit when opening the agenda item for discussion. Citizens wishing to speak on an item not on the agenda shall be directed to City Council meetings for a public forum.

Sec. 34.004. – Rules of Procedure; Minutes.

(A) Governance Policy. In addition to the provisions set forth in this Chapter, all Municipal Boards, Commissions, and Advisory Committees shall comply with the relevant provisions contained in the City Council’s Governance Policy and Rules of Procedure.

(B) Compliance with Chapter. No Municipal Board, Commission, or Advisory Committee shall have authority, unless otherwise specifically provided herein or by other law, to adopt rules and/or by-laws regarding its own governance or rules of procedure.

(C) Minutes. Accurate minutes of each Municipal Board, Commission, or Advisory Committee shall be prepared by the applicable secretary or liaison and considered for approval at the next meeting. Minutes of meetings of Municipal Boards, Commissions, and Advisory Committees shall be kept on file in the City Secretary’s office after approval by the respective Municipal Board, Commission, or Advisory Committee.

Sec. 34.005. - Secretary.

The City Manager shall designate a person to serve as secretary of each Municipal Board, Commission, and Advisory Committee, but the secretary shall not be a member thereof. The secretary of each Municipal Board, Commission, or Advisory Committee shall keep a record of the activities, actions, and its determinations and perform such other duties as are consistent with or may be necessary for the enforcement of this chapter, or as required by each Municipal Board, Commission, or Advisory Committee.

PROPERTY STANDARDS BOARD

Sec. 34.020. - Creation; composition; meetings.

(A) Creation. There is hereby created a board to be known as the Property Standards Board, consisting of nine (9) members.

(B) Members. Preference shall be given to the following:

(1) At least three (3) citizens from the construction industry, such as:

- (a) A master plumber or plumbing contractor.
- (b) A licensed mechanical (HVAC) contractor.
- (c) A home builder.
- (d) A general contractor.
- (e) A licensed architect or engineer.

(2) Other interested citizens.

(C) Meetings. The Board shall meet at 6:30 P.M. on the fourth Thursday of each month, as needed.

(D) Additional Requirements.

(1) The concurring vote of seventy-five percent (75%) of the member of the Board is necessary to:

(a) reverse an order, requirement, decision, or determination of an administrative official, as provided in Sec. 34.021(A); or

(b) decide in favor of an applicant on a matter on which the Board is required to pass under the Comprehensive Zoning Ordinance or authorize a variation or exception from the terms of the Comprehensive Zoning Ordinance, as provided in Sec. 34.021(B).

(2) When the board is acting under its authority related to substandard buildings under Texas Local Government Code Chapter 214.001, as amended, or under Chapters

97, 99, or 150, or any other special ordinance adopted by the City, seven (7) members of the board shall constitute a quorum. A majority of the members of the board present shall be required to enter any order.

Sec. 34.021. - Scope and Authority of Board.

(A) Administrative Decisions.

(1) The Board shall hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of building, electrical, plumbing, and mechanical codes as well as the housing code, the commercial property maintenance code, fence regulations ordinance, and visibility ordinance.

(2) The Board shall also hear and decide appeals or orders, decisions, or determination as made by the Fire Marshal relative to the application and interpretation of the Fire Code.

(3) Appeals shall be taken within fifteen (15) calendar days' after the decision has been rendered by the city official, by filing with that officer and the Board a notice of appeal specifying the grounds thereof, accompanied by the required filing fee.

(B) Zoning. The Board shall perform the functions of the Board of Adjustment found in the City's Comprehensive Zoning Ordinance, Article XXXII and in Texas Local Government Code, Sections 211.008—211.011.

(C) Sign Code. The Board shall perform the functions of the Board of Adjustment found in the Chapter 151 of this Code.

(D) Apartment Crime Reduction Program. The Board shall conduct the hearings provided in Chapter 99 of this Code and shall have authority after the hearing to affirm or deny the decision of the City Manager.

(E) Substandard and Dangerous Buildings. The Board shall conduct hearings as provided in Chapter 150 of this Code and shall have the authority after hearing to order repair, demolition, receivership, vacation, relocation, and closure of substandard and dangerous buildings and structures and assess expenses and civil penalties in compliance with Chapter 214 of the Texas Local Government Code.

(F) Hotel Code. The Board shall conduct the hearings provided in Chapter 97 of this Code and shall have the authority after hearing to order denial or revocation of a lodging license, determine tier classification, and assess expenses and civil penalties as allowed by law.

(G) Tree Preservation. The Board shall conduct the hearings as provided in Chapter 155 of this Code.

(H) Housing Code. The Board shall conduct the hearings provided in Chapter 96 of this Code and shall have the authority after hearing to adopt, modify, or reverse the decision of a City official.

Sec. 34.022. - References to the Board of Adjustment shall mean the Property Standards Board.

All references to the Board of Adjustment in the Carrollton Comprehensive Zoning Ordinance, the Subdivision Ordinance, and any other place in the Carrollton City Code shall mean the Property Standards Board.

LIBRARY BOARD

Sec. 34.040. - Establishment; composition.

There is hereby created and established for the City a Library Board, composed of nine (9) members.

Sec. 34.041. - Powers and duties.

The powers and duties of the Library Board shall be as follows:

(A) Receive suggestions and recommendations from the citizens of the city respecting the development and improvement of the library and library services. The Board will make recommendations to the City Council regarding the same, if deemed necessary or desirable.

(B) Serve as an Advisory Board to the City Council, City Manager, the Director of Library Services and the community, but shall not have the responsibility or authority over the public officials or employees of the city in the implementation of policies or operations of the library.

(C) Make periodic reports to the City Council.

(D) Perform any other duties as may be requested by the City Manager, the Director, or the City Council.

Sec. 34.042. – Meetings.

Regular meetings may be held every other month, as needed, on the first Monday of the month, at 6:30 P.M. at Josey Ranch Library, or as otherwise directed by the secretary of the Library Board.

Sec. 34.043. – Secretary.

The Library Director, or designee, shall be secretary of the Library Board.

CAPITAL IMPROVEMENTS PLAN ADVISORY COMMITTEE

Sec. 34.050. - Creation; responsibility.

(A) Membership. There is hereby created a Committee to be known as the Capital Improvements Plan Advisory Committee, consisting of eleven (11) members as follows:

- (1) A member of the Planning and Zoning Commission;
- (2) A member of the Traffic Advisory Committee;
- (3) A member of the Parks and Recreation Board;
- (4) A member of the Library Board;
- (5) A citizen of the city residing in each of the four (4) council places; and
- (6) Three (3) residents of the city residing in any portion of the City.

(B) Responsibility. The Committee shall serve in an advisory capacity and is established to perform the following functions:

- (1) Advise and assist the Council in developing the capital improvement plan, including the financial planning standards and criteria for prioritizing capital projects;
- (2) Advise and assist the Council in assessing debt issuance plans;
- (3) Advise and assist the Council in developing the annual capital budget; and
- (4) Advise and assist the Council in a bond referendum master planning process.

Sec. 34.051. – Meetings.

Regular meetings may be held, as needed, on the third Wednesday of the month, at 6:30 P.M. in City Hall, or as otherwise directed by the secretary of the Committee.

PARKS AND RECREATION BOARD

Sec. 34.060. - Establishment; organization.

(A) Establishment. The Parks and Recreation Board consisting of nine (9) members is hereby established.

(B) Duties and responsibility - generally. The Board shall serve in an advisory capacity concerning the acquisition, maintenance, operation and use of parks, playgrounds, and open spaces within the City. The Board will make an annual report to the City Council.

(C) Meetings. The Board may hold six (6) meetings per year, every other month, as needed, on the fourth Monday of the month, at 6:30 p.m., at the Crosby Recreation Center, or as otherwise directed by the secretary of the Board.

Sec. 34.061. – Secretary.

The Parks and Recreation Director, or designee, shall be secretary of the Parks Board.

NEIGHBORHOOD ADVISORY COMMISSION

Sec. 34.070. – Creation; Membership; Organization.

(A) Creation. There is hereby created a commission to be known as the Neighborhood Advisory Commission, consisting of nine (9) members, each active in his or her respective neighborhood organization, as follows:

(B) Membership. Members may be appointed as follows:

(1) One citizen of the city residing north of Frankford Road (seat 4).

(2) One citizen of the city residing between Whitlock Lane/Keller Springs Road and Frankford Road (seat 2).

(3) One citizen of the city residing south of Whitlock Lane/Keller Springs Road (seat 5).

(4) Six (6) citizens of the city residing in any portion of the city (seats 1, 3, 6, 7, 8, and 9).

(C) Forfeiture. Any citizen no longer meeting the residency requirements of subsection (B) of this Section 34.070 immediately forfeits membership in the Commission.

(D) Recusal. No member shall vote or participate in any discussion that involves or affects that member's homeowners or neighborhood association, there being a presumed financial impact upon the member that creates a conflict of interest for such member.

(E) Neighborhood liaisons. Members act as the liaison between homeowners/neighborhood associations and the City regarding the responsibilities of the Commission. Each member shall comply with the requirements of the Texas Open Meetings Act and understand that no member of the Commission speaks on behalf of or has the power to bind the City.

Sec. 34.071. - Meetings.

The Commission may hold six (6) meetings per year, every other month, as needed, on the second Thursday of the month, at 6:30 p.m., at City Hall, or as otherwise directed by the secretary of the Commission.

Sec. 34.072. - Responsibilities.

The Commission shall serve in an advisory capacity and is established to perform the following functions:

- (A) Advise and assist the City Council in activities related to the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, including the review of the annual Action Plan and Consolidated Annual Performance and Evaluation Report (CAPER), development of an Analysis of Impediments to Fair Housing and a Consolidated Plan as required by Federal law and promotion of activities that bolster Neighborhood Integrity efforts throughout the City;
- (B) Review proposals and make decisions regarding the Neighborhood Enhancement Matching Grant Program (NEMGP) and Sign Topper projects;
- (C) Plan and implement a periodic Citizen's Event to facilitate partnerships between the City and involved citizen groups to help foster vital neighborhood communities;
- (D) Provide periodic reports to City Council;
- (E) Develop and maintain an active Homeowners and Neighborhood Association mentoring program, including annual reports by commissioners and workshops for neighborhoods
- (F) Facilitate and receive reports from the Carrollton Animal Shelter Advisory Committee
- (G) Perform other duties as may be requested by the City Council or the City Manager, or his/her designee.
- (H) Review and recommend grant funding under the Community Funding Grant program.
- (I) Perform all duties objectively and in the best interest of the citizens of the City.

Sec. 34.073. - Secretary.

The Director of Environmental Services, or designee, shall be secretary of the Commission.

PLANNING AND ZONING COMMISSION

Sec. 34.080. - Composition.

- (A) The Planning and Zoning Commission shall be composed of nine (9) members.
- (B) The Commission should endeavor to include at least one (1) member who is a representative of the real estate, development, or building industry, who is not an employee or official of a political subdivision or governmental entity.
- (C) In addition to the Chairperson and Vice-Chairperson, the Commission shall elect a First Vice-Chairperson for term of one (1) year. Such election shall occur at a regular meeting when the Vice-Chairperson is elected. The First Vice-Chairperson shall perform the duties of the Vice-Chairperson in the absence of the Chairperson and Vice-Chairperson.

Sec. 34.081. - Duties generally.

- (A) The Commission shall, from time to time, either at its discretion or as requested by the City Council, submit its reports, plans and recommendations for the orderly growth, development and welfare of the city in accordance with chapter 283, Acts of the Regular Session of the Legislature, 1927, being articles 211.001 to 211.013 of the Tex. Local Govt. Code, as amended.
- (B) The Commission shall also perform other duties as may be prescribed by ordinance or state law, or as follows:
 - (1) Recommend the boundaries of the various districts and appropriate regulations to be enforced therein under the Comprehensive Zoning Ordinance (incorporated by reference in Chapter 153 of this Code), the ordinances of the city or the laws of the state, to the City Council and to recommend approval or denial of zoning changes and regulations under this subchapter, the ordinances of the city or the laws of the state;
 - (2) Hear, recommend or determine any matter relating to zoning, planning or subdivision control as may be specified or required under the Comprehensive Zoning Ordinance, the ordinances of the city, or the laws of the state;
 - (3) Hear and determine matters related to plats and division of land, as established by the Comprehensive Subdivision Ordinance, the ordinances of the City or the laws of the state;
 - (4) Exercise such duties and powers as may be now or hereafter conferred by the Comprehensive Zoning Ordinance, the ordinances of the city, or applicable laws of the state;
 - (5) Determine the classification of any use, new or otherwise not listed or identified within the Comprehensive Zoning Ordinance, for the purpose of establishing the

appropriate zoning district into which such use should be placed, the applicability of the parking standards, or any other regulations of the Comprehensive Zoning Ordinance may be applied to such use. Such determination shall be made in accordance with the provisions established in Article V, Section B of the Comprehensive Zoning Ordinance;

(6) Interpret the intent of the Official Zoning Map where uncertainty exists because the physical features on the ground vary from those on the Official Zoning Map and none of the rules set forth in Article III of the Comprehensive Zoning Ordinance apply. The Commission's decision in such matter shall be final; and

(7) Interpret, upon request by the Building Official, the intent or meaning of any provision of the Comprehensive Zoning Ordinance where uncertainty exists regarding the interpretation of such provision. The Commission's decision on such matter shall be final;

(8) Recommend a Comprehensive Plan, and amendments thereto, for adoption by the City Council relative to the future development of the City; and

(9) Perform the duties of the Capital Improvements Advisory Committee as required by Chapter 395 of the Tex. Local Govt. Code.

Sec. 34.82. - Secretary.

The Director of Development Services, or designee, shall be secretary of the Commission.

Sec. 34.83. - Meetings.

(A) Meetings of the Commission will be held on the first Thursday of the month at 6:30 pm, at City Hall, as often as necessary to conduct the business coming before the Commission and at such other times as the Chairperson may determine.

(B) The Commission may hold a briefing session prior to a regular or special meeting, at which time the members of the Commission may ask questions of the staff regarding any posted item on the meeting agenda, but public comment is not permitted.

(C) Whenever a public hearing is closed, it shall be proper for the Commission to take the matter under advisement and announce its decision. No hearing shall be continued to a subsequent meeting, however, without setting a definite date when such hearing will be resumed and the matter is taken under advisement.

TRAFFIC ADVISORY COMMITTEE

Sec. 34.100. - Created; composition; appointment of members.

(A) There is hereby created and established by the City a Traffic Advisory Committee composed of seven (7) members appointed by the City Council.

(B) The Committee should endeavor to include at least one (1) member who is an engineer, or had an engineering background, who is not an employee or official of a political subdivision or governmental entity.

Sec. 34.101. - Powers and duties.

The powers and duties of the Committee shall be as follows:

(A) The Committee shall receive and consider information of a traffic or transportation enhancement nature and make recommendations to encourage and promote safety and enhance transportation within the city.

(B) The Committee shall make recommendations regarding the planning and implementation of transportation projects by the City, as well as various organizations involved in transportation and traffic safety.

(C) The Committee shall perform any other duties as may be requested by the City Manager or the City Council.

(D) The Committee shall serve as an advisory committee to the City Council.

Sec. 34.102. - Meetings.

The Committee may hold monthly meetings, as needed, on the second Monday of the month, at 7:00 p.m., at City Hall, or as otherwise directed by the secretary of the Committee.

Sec. 34.103. - Secretary.

The Director of Engineering, or designee, shall be secretary of the Committee.

MUSEUM AND HISTORIC ADVISORY COMMITTEE

Sec. 34.110. – Creation; Purpose; Meetings.

(A) Establishment, members. There is hereby created the Museum and Historic Advisory Committee (“MHAC”) to consist of nine (9) members, to be appointed by the City Council. To the extent possible, one (1) representative of the heirs of Pearl Perry Gravley will be a member emeritus of MHAC but will have no vote on any matter before MHAC.

(B) Purpose. Members of MHAC should be persons interested in history, art, or architecture and shall advise and make recommendations to the City Council on Museum and Historical Preservation, with the goal of preserving the City’s landmarks and built environment, and to protect architecturally and/or culturally significant resources for future generations. Specific to the A. W. Perry Homestead Museum, this goal will be achieved through the preservation of the home built on A.W. Perry land, completed in 1909, and the collection, preservation and

exhibition of furnishings, personal belongings, pictures, and related artifacts which shall be determined to be best representative of pioneer life during the period from 1890 to 1910.

(C) Meetings. MHAC may hold bimonthly meetings, as needed, on the second Wednesday of the month, at 6:00 p.m., at the Crosby Recreation Center, or as otherwise directed by the secretary.

(D) Voting. Recommendations may be made to City Council upon a majority vote of a quorum of MHAC.

(E) Open Meetings Act. Prior to a meeting, members of MHAC may individually inspect the exterior of a historical property at issue on an agenda but shall otherwise comply with the requirements of the Open Meetings Act.

Sec. 34.111. – Responsibilities of MHAC for the A.W. Perry Homestead Museum.

(A) MHAC is charged with responsibility for providing advice to city staff on the maintenance of the A.W. Perry Homestead building and grounds immediately adjacent thereto (“Museum Property”), with all staffing and equipment support on the Museum Property provided by the city. The park area will be maintained by the parks and recreation department with ~~the~~ MHAC having the right to review plans involving additions to or changes to the Museum Property. No athletics fields, playgrounds or recreational equipment or facilities will be placed upon the Museum Property.

(B) The museum will be used by the city and MHAC for public purposes consistent with the use of the property in general. The museum will house objects of history which best exemplify the pioneer spirit of the community in particular and the State of Texas in general. The property shall never be commercialized, sold, exchanged, or encumbered by the city. The city will annually provide funds sufficient for the maintenance and care of the Museum Property in a state of good repair and add such trees, shrubs, or flowers, based upon the advice of ~~the~~ MHAC that will make the Museum Property attractive.

(C) MHAC will provide general advice on the control of the Museum Property. MHAC will develop operating procedures for the Museum Property. Such procedures will be submitted to the City Council for approval and will generally follow the guidelines of the dedication instrument. The procedures drafted by MHAC and approved by the City Council will provide the specific delegations of responsibility and authority for control of the Museum Property.

Sec. 34.112. - Secretary.

The Recreation Manager, or designee, shall be secretary of MHAC.”

SECTION 2.

This Ordinance shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those

ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 3.

If any section, subsection, sentence, paragraph, clause, phrase or provision in this Ordinance, or application thereof to any person or circumstance, shall be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4.

Any and all resolutions adopted by the City Council prior to this date that conflict with the terms of this Ordinance are hereby repealed to the extent that such resolution conflicts with the terms set forth herein.

SECTION 5.

This Ordinance shall become and be effective on and after its adoption.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this 6th day of December, 2022.

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd, City Attorney



Agenda Memo File Number: 5990

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *19.

CC MEETING: December 6, 2022

DATE: November 28, 2022

TO: Erin Rinehart, City Manager

FROM: Melissa Everett, Finance Director
Chrystal Davis, Assistant City Manager

Consider An **Ordinance Amending The Operating Budget For Fiscal Year October 1, 2022, Through September 30, 2023.**

BACKGROUND:

The City of Carrollton annually allocates grant funding to various community partners to assist with organizational objectives and provide funding for special events. This allocation is typically completed during the budget process, where applications are submitted and reviewed by the Community Funding Committee. The Committee's recommendations are then brought to Council where a final decision is made. Council approved an additional \$10,000 for funding during the FY2023 budget for any unplanned expenses.

The City was recently approached by the Korean Society of Dallas, who submitted an application through the special event funding program with a request of \$25,000. This request was taken to the Community Funding Committee on November 22, 2022, who recommended allocating the requested amount to the Korean Society of Dallas. To provide the funds to the Korean Society of Dallas, the City will need to increase funds dedicated to special events by \$15,000, to provide the needed \$25,000. In order to increase the spending authority of the City, a Budget amendment must be passed to authorize the increased expenditure. After this budget amendment, the General Fund Balance will retain sufficient fund balance to continue to meet adopted financial standards.

FINANCIAL IMPLICATIONS:

This budget amendment will reflect the following changes:

- Decrease the General Fund balance by \$15,000 with an increase to non-recurring uses of funds.

IMPACT ON COMMUNITY SUSTAINABILITY:

This amendment ensures that the City continues to serve its citizens by providing funding for community events with community partners.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends adopting the attached Ordinance amending the City's Approved Annual Operating Budget to provide Staff the authority to fund the requested amount by the Korean Society of Dallas.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE OPERATING BUDGET FOR THE CITY OF CARROLLTON, TEXAS FOR THE FISCAL YEAR OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023, FOR THE PURPOSE OF PROVIDING APPROPRIATIONS IN THE OPERATING BUDGET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (“City”) is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council of the City (“City Council”) passed and approved Ordinance Number 4098 dated September 13, 2022, adopting and approving an operating and capital budget for the City of Carrollton, Texas, authorizing appropriations for the fiscal year October 1, 2022 through September 30, 2023; and

WHEREAS, the City Council passed and approved Ordinance Number 4110 dated November 15, 2022, adopting and approving an amendment to the operating and capital budgets for the City of Carrollton, Texas, authorizing appropriations for the fiscal year October 1, 2022 through September 30, 2023.

WHEREAS, state law authorizes a municipality to make changes in the municipal operating and capital budget due to unforeseen conditions and for municipal purposes; and

WHEREAS, the City Council finds that the proposed changes in the 2022-2023 budget are for municipal purposes and in the best interest of the citizens of the City of Carrollton;

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

SECTION 1

The above and foregoing premises are found to be true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2

The City Council hereby adopts and approves an amendment to the Operating Budget for the City of Carrollton, Texas for the fiscal year beginning October 1, 2022 through September 30, 2023, making the following changes.

- 1) In the General Fund, decrease fund balance by increasing non-recurring uses of funds by \$15,000.

SECTION 3

This Ordinance shall become effective on and after its adoption.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this 6th day of December 2022.

CITY OF CARROLLTON, TEXAS

By:

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM

Meredith Ladd, City Attorney

APPROVED AS TO CONTENT:

Melissa Everett, Finance Director



Agenda Memo
File Number: 5983

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *20.

CC MEETING: December 6, 2022

DATE: November 22, 2022

TO: Erin Rinehart, City Manager

FROM: Cory Heiple, Environmental Services Director
Marc Guy, Assistant City Manager

Consider An **Ordinance Amending Title III, Chapter 31.01 Of The Comprehensive Fee Schedule Of The Carrollton Code Of Ordinances To Establish A Permit Fee For A Lodging License For Short-Term Rental And Bed And Breakfast Properties.**

BACKGROUND:

This agenda item is a companion item to the proposed ordinance revision of Chapter 97 - ‘Hotel Code’ and follows the worksessions held during the October 11, 2022, and November 1, 2022, City Council meetings which discussed the proposed adoption of an ordinance to regulate short-term rentals. This amendment presents revisions to the Comprehensive Fee Schedule that adopts a permit fee for the lodging license of short-term rental and bed and breakfast properties.

FINANCIAL IMPLICATIONS:

The permit fee for short-term rental business operations located within single-family neighborhoods adopts measures comparable to hotel and motel tax rates since they provide a similar service. This permit fee ensures operations of a similar nature to hotels and motels pay licensing fees according to the services they provide.

IMPACT ON COMMUNITY SUSTAINABILITY:

Collecting permit fees for operations similar in nature to hotels and motels is consistent with the existing permit fee structure. The proposed fees have been benchmarked against neighboring cities, and help offset the costs of administering this new program.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council adoption of an ordinance that amends Title III, Chapter 31.01 of the Comprehensive Fee Schedule regarding short-terms rentals.

(D) *Environmental Services Department.*

(1) *Animal Services Division:*

City registration fees:

- Dogs and cats, unaltered\$20.00/year
- Dogs and cats neutered or spayed\$5.00/year
- Dangerous dogs\$50.00/year
- Potbellied pigs\$10.00/year
- Duplicate (replacement) license tags\$2.00/each
- Adoption fee\$5.00/animal (previously vetted)
- Adoption fee\$10.00/animal (non-vetted)
- Adoption fee\$60.00/pre-vetted animal
- Overnight boarding fee\$10.00/day
- Quarantine fee\$10.00/day
- 1st impoundment within a 12-month period\$20.00
- 2nd impoundment within a 12-month period\$50.00
- 3rd or more impoundment within a 12-month period\$100.00
- Livestock impoundment fee\$50.00/head
- Feed and care for livestock\$15.00/day
- Owner's release to city\$20.00
- Home quarantine checks for two visits\$30.00
- Euthanasia of animals\$20.00
- Rabies testing\$40.00
- Vet clinic dead animal removal service\$50.00/month
- Permit to keep chickens\$20.00/year

(2) *Environmental Quality Division*

Temporary food permit, per 14 days\$75.00

Food permits:

Heavy food prep establishment permit for heavy food prep establishments and mobile hot trucks, as defined under the Carrollton Food Establishment Policy, per year\$400.00

Light food prep establishment permit for light food prep establishments, mobile lunch trucks and food service carts, as defined under the Carrollton Food Establishment Policy, per year\$320.00

No food prep establishment permit and pre-packaged food mobile permit, as defined under the Carrollton Food Establishment Policy, per year\$200.00

Additional food establishment permit for each additional food service, food store, or food vending operation contained within a structure holding a heavy or light food prep establishment permit, per year\$300.00

Farmer's market permits:

Farmer's market operator permits, per year\$150.00

Farmer's market food vendor permit, per year\$50.00

Farmer's market concession vendor permit, per year\$150.00

Food manager certification (renewable every three years)\$15.00

Replacement food manager certificate\$5.00

State accredited food handlers certification\$10.00

Re-inspection fee for food establishments failing to meet code standards at first inspection, per hour, two-hour minimum\$40.00

On-site food service worker class, per class\$80.00

Variance application fee for dogs in restaurant outside patio, non-refundable\$150.00

Industrial pretreatment program (IPP):

IPP permit, per year\$400.00

IPP sampling and analysisActual cost + 15%

Administrative fee for IPP sampling and analysis, per event\$50.00

Spill response and cleanups:

Administrative fee for any spill response\$50.00

City conducted spill mitigation or cleanupActual cost + admin. fee

Sampling and analysis for complaints, spill and enforcement activitiesActual cost + 15%

Liquid waste hauler program (LWH):

LWH vehicle permit, per year\$150.00

LWH additional vehicle permit per owner, per year\$100.00

LWH trip ticket books\$25.00

On-site LWH inspection\$80.00

Late payment fee for any permit, spill response, inspection, sampling or IPP fee, per month\$50.00

Follow-up re-inspection for noncompliance after initial inspection and re-inspection (non-food establishments), per hour, two-hour minimum\$40.00

Follow-up re-inspection fee for noncompliance after initial inspection and re-inspection (single-family and duplex residential property), per hour\$40.00

Municipal setting designation:

- (1) An application will not be accepted until the initial filing fee has been paid. An application will not be placed on a city council agenda until the additional processing fee has been paid.
- (2) The applicant shall pay the fees to the designated city official. The designated city official shall deposit fees received in the official city depository not later than the next business day following receipt of the funds.
- (3) No refund of the fees may be made.
- (4) The initial filing fee for a municipal setting designation ordinance is \$2,500.00. The applicant is further required to pay all fees associated with mailed and published notices of the application. The designated city official shall not mail notices or advertise the public meeting until the estimated cost of mailing notices and advertising the public meeting is paid by the applicant. The designated city official shall not place a municipal setting designation ordinance on a City Council agenda until an additional technical processing fee of \$5,000.00 is paid.

Pool code:

Health permit fee for first pool at a location/facility\$100.00
per year

Health permit fee for each additional pool at a location/facility\$50.00
per year

Health permit fee for each spa at a location/facility\$50.00
per year

Health permit fee for first interactive water feature and fountain (IWFF) at a location/facility\$150.00
per year

Health permit fee for each additional IWFF at a location/facility\$150.00
per year

(3) *Community Services Division*

Administrative fee for mowing and cleaning property and abating any property maintenance violation, per violation \$150.00

Apartment license fee, per year, for each unit on premises (occupied or unoccupied); \$13.00 per unit, minimum of \$250.00 per year

Single-family rental registration fee \$50.00 per year

Follow-up re-inspection fee for noncompliance after initial inspection and re-inspection (single-family and duplex residential property), per hour \$40.00

Sign removal fee (as established in section 151.98), per sign \$30.00

Filing of compliance order at county court of record:

Standard filing by first class mail filing fee established by county plus \$40.00

Expedited filing by next day personal delivery filing fee established by county plus
\$100.00

Hotel code:

Lodging License Fee (Hotel) per year, for each unit on premises (occupied or unoccupied) \$13.00; minimum of \$250.00 per year

Bed and Breakfast Lodging License Fee... \$250.00 per year

Short-term Rental Lodging License Fee... \$250.00 per year

Re-inspection fee during license period, per hour \$45.00, two-hour minimum

Appeals to Property Standards Board \$200.00

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING SECTION 31.01 OF CHAPTER 31, THE COMPREHENSIVE FEE SCHEDULE OF THE CARROLLTON CITY CODE; CONTAINING A SAVINGS CLAUSE AND A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1.

Section 31.01 (D) of Chapter 31, Comprehensive Fee Schedule, of Title III, Administration, of the Carrollton Code of Ordinances is amended to read as follows:

“(D) *Environmental Services Department.*

(1) *Animal Services Division:*

City registration fees:

Dogs and cats, unaltered\$20.00/year

Dogs and cats neutered or spayed\$5.00/year

Dangerous dogs\$50.00/year

Potbellied pigs\$10.00/year

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Quarantine fee\$10.00/day

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3rd or more impoundment within a 12-month period\$100.00

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Owner's release to city\$20.00
Home quarantine checks for two visits\$30.00
Euthanasia of animals\$20.00
Rabies testing\$40.00
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Permit to keep chickens\$20.00/year

(2) *Environmental Quality Division*

Temporary food permit, per 14 days\$75.00

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Additional food establishment permit for each additional food service, food store, or food vending operation contained within a structure holding a heavy or light food prep establishment permit, per year\$300.00

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IPP sampling and analysisActual cost + 15%

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LWH trip ticket books\$25.00

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Late payment fee for any permit, spill response, inspection, sampling or IPP fee, per month\$50.00

Follow-up re-inspection for noncompliance after initial inspection and re-inspection (non-food establishments), per hour, two-hour minimum\$40.00

Follow-up re-inspection fee for noncompliance after initial inspection and re-inspection (single-family and duplex residential property), per hour\$40.00

Municipal setting designation:

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- (2) The applicant shall pay the fees to the designated city official. The designated city official shall deposit fees received in the official city depository not later than the next business day following receipt of the funds.
- (3) No refund of the fees may be made.
- (4) The initial filing fee for a municipal setting designation ordinance is \$2,500.00. The applicant is further required to pay all fees associated with mailed and published notices of the application. The designated city official shall not mail notices or advertise the public meeting until the estimated cost of mailing notices and advertising the public meeting is paid by the applicant. The designated city official shall not place a municipal setting designation ordinance on a City Council agenda until an additional technical processing fee of \$5,000.00 is paid.

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per year

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Health permit fee for first interactive water feature and fountain (IWFF) at a location/facility\$150.00
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Health permit fee for each additional IWFF at a location/facility\$150.00
per year

(3) *Community Services Division*

Administrative fee for mowing and cleaning property and abating any property maintenance violation, per violation \$150.00

Apartment license fee, per year, for each unit on premises (occupied or unoccupied); \$13.00 per unit, minimum of \$250.00 per year

Single-family rental registration fee \$50.00 per year

Follow-up re-inspection fee for noncompliance after initial inspection and re-inspection (single-family and duplex residential property), per hour \$40.00

Sign removal fee (as established in section 151.98), per sign \$30.00

Filing of compliance order at county court of record:

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plus \$100.00

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unoccupied) \$13.00; minimum of \$250.00 per year

Bed and Breakfast Lodging License Fee... \$250.00 per year

Short-term Rental Lodging License Fee... \$250.00 per year

Re-inspection fee during license period, per hour \$45.00, two-hour
minimum

Appeals to Property Standards Board \$200.00”

SECTION 2.

All Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance shall
be and are hereby repealed.

SECTION 3.

All other provisions of the Carrollton Code of Ordinances not expressly amended as stated
herein shall remain in full force and effect.

SECTION 4.

The provisions of this Ordinance are severable in accordance with Section 10.07 of the
Code of Ordinance, City of Carrollton, Texas.

SECTION 6.

This Ordinance shall become effective on and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas
this 6th day of December 2022.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd,
City Attorney

APPROVED AS TO CONTENT:

Cory Heiple,
Environmental Services Director



Agenda Memo
File Number: 5981

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *21.

CC MEETING: December 6, 2022

DATE: November 22, 2022

TO: Erin Rinehart, City Manager

FROM: Cory Heiple, Environmental Services Director
Marc Guy, Assistant City Manager

Consider An **Ordinance Amending The Carrollton Code Of Ordinances Regarding Title IX, Chapter 97 - 'Hotel Code' To Regulate Short-Term Rentals.**

BACKGROUND:

This agenda item follows the worksessions held during the October 11, 2022, and November 1, 2022, City Council meetings which discussed the proposed adoption of amendments to Chapter 97 - 'Hotel Code' of the City's Code of Ordinances. This amendment revises the Hotel Code by creating a registration, permitting, inspection and regulatory process for short-term rental and bed and breakfast properties.

The proposed amendments provide for the public health of short-term renters to ensure clean, livable conditions and provide an enforcement process to ensure the quiet, peaceful enjoyment of property by neighboring residents and property owners.

The goals of this provision are to:

- Define short-term rentals;
- Integrate a registration, inspection, and enforcement process similar to the current hotel and bed and breakfast ordinance to allow Code Enforcement staff to better respond to short-term rental-related complaints; and
- Provide clear procedural and administrative direction for violations, including an appeal procedure to allow due process for short-term rental business owners.

IMPACT ON COMMUNITY SUSTAINABILITY:

The regulation of short-term rental business operations located within single-family neighborhoods provides for the peaceful enjoyment of the community. Providing an equitable solution for operations

that constitute a public health, safety, or nuisance concern reduces nuisances suffered by adjacent property owners and the public health risk for tenants of these properties.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council adoption of the proposed ordinance to amend Title IX, Chapter 97 of the Carrollton Code of Ordinances for the regulation of short-term rental properties.

CHAPTER 97. HOTEL, SHORT-TERM RENTAL, BED AND BREAKFAST CODE

Sec. 97.01. Purposes.

The purpose of this chapter is [to] ensure the continued availability of transient lodging within the City of Carrollton, the maintenance of clean hotels, **short-term rentals, and bed & breakfast operations**, and to protect health, safety, and welfare. The purpose of this chapter is to require the issuance of a lodging license to operate, conduct, or own a hotel, **short-term rental, or bed and breakfast** within the City of Carrollton regardless of the date of the hotel's construction, **establishment of a short-term rental or bed and breakfast**; to establish standards for the issuance of said license; to establish rules and regulations under which such license shall remain in force, be denied or revoked; and providing penalties for violations. This chapter is remedial and essential to the public interest, safety, health, and welfare, and this chapter shall be liberally construed to effectuate its purposes.

Sec. 97.02. Definitions.

For the purpose of this chapter, the following terms, words, and derivations shall have the meaning given, unless the context clearly indicates or requires a different meaning:

Advertise means an act of drawing the public's attention in order to promote the availability of a residential property for use as a short-term rental or as a bed and breakfast. Said advertising may be found in any medium, including but not limited to newspapers, magazines, brochures, websites, or mobile applications.

Bed and Breakfast means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days and which is permanently occupied by the property owners listed on the county appraisal districts records for which the property is located.

Bedroom means a living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the City of Carrollton's adopted building codes.

Booking Service means any reservation and/or payment service provided by a person or entity that facilitates a hotel, short-term rental, or bed and breakfast transaction between the Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the hotel, short-term rental or bed and breakfast transaction.

Calls for service (CFS) includes but is not limited to any and all calls to emergency services, (police, fire, medical, code enforcement, and development services) that result in a city employee being dispatched or directed to the hotel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be attributed or traced to the hotel premises. Calls for service include any self-initiated activity or investigation based on the observation(s) of an emergency services representative that results in a written report. Multiple calls regarding the same event shall be treated as a single call for service for purposes of calculating the CFS room ratio. Calls from employees of the hotel are excluded from being used to determine the calls for service room ratio. Calls for service include but are not limited to:

1. Commission of crimes that are drug related or drug related arrests;
2. Commission of crimes that are prostitution related or prostitution related arrests;
3. Commission of crimes that are a breach of the peace;
4. All fire alarms at a hotel;
5. Immediate public safety and health issues at a hotel; or
6. Noncompliance with federal law, state law or city codes and ordinances.

Calls for service room ratio is defined as the number of calls for service divided by the total number of guest rooms in a hotel during the time-period as set forth in section 97.04(A) herein.

Clean condition means free from:

1. Chemical contamination;
2. Microbial contamination;
3. Insect or rodent contamination;
4. Displaying or undergoing spoilage, putrefaction; or
5. Trash, debris, dirt, or refuse.

Provided, however, such condition shall not be attributable to the hotel unless it exists in a room within two days after it was cleaned according to the schedule maintained by the hotel.

~~*Code conviction limit* is determined by the relationship between the number of convictions of city code violations in a court of law compared to the number of guest rooms in a hotel. The code conviction limit for hotels with less than 60 guest rooms is defined as more than five convictions of city code violations in a court of law within a period of 12 consecutive calendar months. The code conviction limit for hotels with 60 or more guest rooms or more is defined as the number of convictions of city code violations in a court of law equal to ten percent of the total number of guest rooms rounded to the next highest integer in a hotel within a period of 12 consecutive calendar months.~~

Commissioned security officers are officers who have successfully undertaken and passed a state and national criminal history check and passed the 30-hour training class provided by the Private Security Bureau of the Texas Department of Public Safety.

Designated city official or *DCO* means the City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

Drug related includes but is not limited to the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving away or providing a place to use or fortification of a place involving any illegal or controlled drug, narcotic, or drug paraphernalia.

Hosting Platform means a person or entity that participates in the hotel, short-term rental, or bed and breakfast business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform and allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the Owner or to the Hosting Platform.

Hotel means, within the meaning of this article, any hotel, motel, lodging house or inn in the city having three or more rooms where transient guests are ~~fed~~ or lodged for pay.

Hotel room or *room* means the portion of the hotel which may be used by a guest as a temporary residence, including single rooms and suites.

Law means any federal, state statute, or city ordinance, court decision or regulation.

Let or *let for occupancy* to permit, provide, or offer possession or occupancy of a dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to recorded or unrecorded agreement or contract for the sale of land.

Manager shall mean any person who manages the business operations of any hotel on behalf of the owner and/or management company, whose duties may include the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, handling guest affairs or overseeing security.

Occupant means any individual person living, sleeping, or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract, or other legal document to be considered an occupant.

Operator means any person who is the proprietor of any hotel whether in the capacity of the owner, lessee, receiver, sub-lessee, franchisee, mortgagee in possession, hotel management company, or agent of any of the aforementioned, who offers or accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling units.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person means an individual, corporation, business trust, estate trust, partnership or any other group acting as a unit.

Premises means property, a lot, plot, or parcel of land, including any structures or portions of structures thereon.

Prostitution related includes but is not limited to those that involve prostitution or prostitution related crimes such as pimping or pandering in violation of city and/or state codes.

Short-term rental (STR) means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days that is not permanently occupied by the property owners listed on the county appraisal districts records for which the property is located.

Sec. 97.03. Lodging license to operate.

- (A) It shall be unlawful to operate a hotel, short-term rental, or bed and breakfast without a lodging license. The application shall be submitted with the lodging license fee, as identified in Chapter 31, Comprehensive Fee Schedule.
- (B) An application for an annual lodging license shall be filed with the DCO on a yearly basis by the owner or operator of each hotel, short-term rental, or bed and breakfast. ~~The initial deadline for submitting the application shall be within 45 days upon passage of the ordinance [from which this chapter is derived].~~ The lodging license shall be issued or denied within 60 days upon receipt of the completed application. ~~This initial license shall be effective until March 31, 2010 unless it is revoked earlier. Applications thereafter must be submitted by the designated date established by the DCO. no later than January 31st of each year, or if this date falls on a Saturday or Sunday, on the next business day.~~ The lodging license shall be issued or denied within 60 days upon receipt of the completed application. All subsequent licenses shall be effective until ~~March 31st of the following year.~~ **for the period of time designated by the DCO.** The operator or owner shall re-apply for additional periods of one year thereafter ~~by January 31st of each year.~~
- (C) In the event that a new hotel, short-term rental, or bed and breakfast applies for a license during the year ~~(after January 31st application deadline),~~ the license will be issued or denied within 60 days and the lodging license shall be effective **for the period of time designated by the DCO.** ~~until March 31st of the subsequent year.~~ The application fee will be prorated based on the number of months remaining ~~before the March 31st~~ **before** expiration of the license. ~~Any subsequent license shall be applied for in accordance with the January 31st deadline above.~~
- (D) Application for a lodging license shall be filed on forms provided by the city and containing the following information:
 - 1. Owner and operator's name, address, and work and home telephone number, driver's license number, or identification card number and state of issuance of the owner;
 - 2. If owner and/or operator is a partnership, the name of all partners, the principal business address, and telephone number of each partner;

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3. If owner and/or operator is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the person in charge of the local office of such corporation, if any, and the names of the registered agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, additionally the place of incorporation;
 4. Name, address and telephone number of the property managers and operators and owners;
 5. Provide official criminal history from each state of residence documenting for each owner, operator and property manager that has been convicted of or is continuing on or has completed parole or probation for a crime during the last five years which relates directly to the operation of a hotel, **short-term rental, bed and breakfast**, whether as an owner, operator, or manager, or from any offense constituting a misdemeanor or felony involving weapons, narcotics, assault, or crimes of moral turpitude;
 6. Street address of the hotel, **short-term rental, or bed and breakfast**;
 7. Number of hotel, **short-term rental, or bed and breakfast** guest rooms;
 8. Maximum number of persons who can be accommodated at any given time;
 9. Be signed by the owner or operator or the owner or operator's **agent**;
 10. **The City registration number for Hotel Occupancy Tax;**
 11. **For short-term rentals, bed and breakfasts a copy of the proposed host rules for the renters;**
 12. **A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the short-term rental or bed and breakfast;**
 13. **A dimensioned floor plan of the proposed short-term rental or bed and breakfast identifying bedrooms, other living spaces and emergency evacuation routes;**
 14. **Proof of insurance as required in Section 97.11;**
 15. **The name and contact information for the short-term rental or bed and breakfast's property owner's association, if any, of which the premises is covered by the dedicatory instruments;**
 16. **An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a hotel, short-term rental, bed, and breakfast. If called a local responsible party must be able to and shall be present at the premises within one (1) hour of call from the DCO. A local party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release the owner of any liability under this chapter.**
 17. **The owner, or operator of a short-term rental or bed and breakfast must provide the name and website link to all internet platforms that host advertisements or take reservations for lodging at their short-term rental at short-term rental or bed and breakfast at any time during a 12-month period from the date of application.**
 - ~~10-18.~~ **All material contained herein on the application must be maintained current with the city at all times by the owner, operator, and property manager. Any material misrepresentation in the application for the lodging license or a failure to provide the required information shall be grounds for denial or revocation of the application or lodging license.**
- (E) The application for a lodging license hereunder shall constitute the consent of the applicant and owner to an inspection of the entire licensed premises at reasonable times by the Code Enforcement Officers, Building Inspectors, Sanitarian Inspectors, Fire Inspectors and other authorized departments of the City of Carrollton for the purpose of determining whether there is any violation on the premises sought to be permitted of any

ordinances of the City of Carrollton or any law of the State of Texas. Any inspection of occupied guest rooms at the time of the annual inspection for the lodging license shall not occur before 10:00 a.m. **nor later than 7:00 p.m.**

- (F) **The** lodging license shall not be transferable or assignable from one person, firm, partnership, corporation or entity to another person, firm, partnership, corporation, or entity; provided, however, a change in an operator or manager by an owner shall not require a new license as long as the required information provided to the city is updated and the new operator or manager is not ineligible for licensing under this chapter.
- (G) Whenever a change in the owner occurs at an existing hotel, **short-term rental, or bed and breakfast**, the new owner shall apply for a lodging license within ten business days after closing on the sale of the property. If the prior operator's lodging license for the hotel, **short-term rental, or bed and breakfast**, was denied or revoked, a provisional lodging license may be issued to the new owner or operator with special conditions designated by the DCO while the new operator or owner's application for license is pending a decision.
- (H) The owner shall display the lodging license in the hotel, **short-term rental, bed and breakfast** in an open and conspicuous public place in the lobby at or near the check in ~~desk~~ **area**.
- (I) Failure to obtain a lodging license or maintain a lodging license at all times may result in revocation of the hotel's certificate of occupancy.
- (J) Once the lodging license is obtained, the DCO may routinely inspect:
 - 1. The exterior of the structures and all of the common grounds of all hotels, **short-term rentals, bed and breakfasts**;
 - 2. Any or all unoccupied ~~hotel~~ **guest** rooms and any and all occupied ~~hotel~~ **guest** rooms with permission of the occupant. The occupant and any representative of the hotel, **short-term rental, bed and breakfast** shall be permitted to be present, but may not hinder or interfere, with said inspection;
 - 3. Any or all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms, and all other portions of the facility;
 - 4. Any portion or portions of the hotel, **short-term rental, bed and breakfast** upon receipt of a complaint from any person, city department, employee, or division that any portion of the premises may be in violation of any applicable law;
 - 5. All hotels, **short-term rentals, bed and breakfasts** in the city to determine whether they are uninhabitable, dangerous, or otherwise in violation of applicable laws;
 - 6. In the event the DCO is denied entry by the guest, that denial is a violation of this chapter and the DCO may use the resources provided by law to gain entry;
 - 7. The DCO, upon presentation of proper identification to the occupant in charge of any ~~hotel~~ **guest** room, may enter, with the occupant's permission, any ~~hotel~~ **guest** room; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to person, loss of life, or severe property damage, the DCO may, after presentation of proper identification enter a ~~hotel~~ **guest** room at any time. Whenever the DCO is denied entry to inspect any premises under this provision the DCO may use the resources provided by law to gain entry. The occupant and any representative of the hotel, **short-term rental, or bed and breakfast** shall be permitted to be present, but may not hinder, during such entry and inspection;
 - 8. The DCO shall be allowed to examine records of the hotel, including maintenance and housekeeping logs, registration records, and pesticide records.
- (K) Continued maintenance and compliance with this chapter are conditions that are necessary to retain a lodging license and to obtain any renewal of a license.

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- (L) The fee set for obtaining a Lodging License for a hotel, short-term rental, or bed and breakfast is set forth in the Carrollton Code of Ordinances, Title III Comprehensive Fee Schedule, Section 31.01.

Sec. 97.04. Classification of hotels by CFS room ratio.

- (A) Upon receipt of the lodging license application, the DCO shall determine the calls for service (CFS) room ratio of all hotels located within the City of Carrollton during the previous calendar year, or during actual operations if less than 12 months during the previous calendar year.
- (B) Based upon the CFS room ratio determined by the DCO, all hotels shall be classified during that year according to the following tier system:
1. *Tier 1.* Less than or equal to 1.0 CFS/room/year, or
 2. *Tier 2.* Greater than 1.0 CFS/room/year.
- (C) A hotel which has not previously operated in Carrollton shall be presumed to be a Tier 1 hotel until the next ~~January 31st~~ registration period or until the DCO classifies it.
- (D) Upon completion of the annual lodging license inspection and review of all calls for service, the DCO shall notify each hotel owner and/or operator within the city, in writing by personal service, certified mail or other method which provides confirmation of delivery, of the CFS room ratio which shall be used as the classification for that hotel for that ensuing lodging license year.
- (E) The city may monitor the CFS room ratio for each hotel on an ongoing basis. The city may change the status of any Tier 1 hotel during a calendar year upon notice in writing to the owner by personal service, certified mail or other method which provides confirmation of delivery that the CFS room ratio of such hotel has increased proportionately such that the CFS room ratio, if annualized, would fall within the Tier 2 level. This notice shall include:
1. The designation assigned to the hotel;
 2. As allowed by law, data specifying the types of CFS identified as having occurred on the property during the period reviewed, including the incident numbers assigned to such CFS, and the date and time of each call to allow the owner to understand the basis of the designation;
 3. The requirement of a mandatory inspection to be conducted by the DCO; and
 4. The opportunity and procedures by which the owner may challenge the data provided to the owner pursuant to this subsection upon which the designation is based.
- (F) Upon such notice of initial classification or reclassification the owner or operator shall have ten calendar days from the date of notice to show proof to the DCO that the revised CFS room ratio is erroneous. After receipt of such information from the owner or operator, the DCO shall classify the hotel as a Tier 1 or Tier 2 within ten calendar days of receipt of such information. The owner or operator or manager may appeal the DCO's decision pursuant to section 97.07 of the Hotel Code.
- (G) The owner or operator shall have 30 calendar days from the date of notice of tier classification or reclassification (or from the date of the decision of the appeal if there was an appeal) to implement completely the changes in operation required by the revised classification. Failure to comply with this provision may result in revocation of the lodging license.

Sec. 97.05. Lodging license—Grounds for denial.

- (A) The lodging license shall be denied to ~~Tier 1 and Tier 2~~ hotels, short-term rentals, or bed and breakfast for any of the following reasons the DCO may discover or deem advisable or necessary in the course of the review of the application:

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1. The hotel, **short-term rental, or bed and breakfast** as constructed or as proposed to be operated by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations and codes;
 2. The owner, operator and/or their manager is or has been a registered sex offender;
 3. There are uncorrected code violations on the property;
 4. The applicant has knowingly made a material misstatement in the application for the lodging license;
 5. Tier 2 hotels may also be denied a lodging license if their CFS room ratio fails to meet the Tier 1 CFS room ratio within 12 months of being notified of their Tier 2 standing;
 6. Based on the initial CFS room ratio determined by the DCO directly after passage of this ordinance, a hotel with a CFS room ratio of 2.0 or greater shall be denied a lodging license.
 7. **A Short Term Rental or Bed and Breakfast may be denied a lodging license if the owner or operator has received and been convicted for more than two citations for violations of this chapter or any other provision of the Code of Ordinances within the preceding 12-month time period.**
- (B) The owner, operator or manager may appeal the DCO's decision pursuant to section 97.07 of the Hotel, **Short-Term Rental, Bed and Breakfast** Code.

Sec. 97.06. Lodging license—Revocation.

- (A) A ~~Tier 1 or Tier 2~~ hotel's, **short-term rental, or bed and breakfast's** lodging license shall be revoked by the Property Standards Board ("Board") if the owner, operator or manager is convicted of a drug related or prostitution related crime.
- (B) A ~~Tier 1 or Tier 2~~ hotel, **short-term rental, or bed and breakfast** lodging license shall be revoked by the Property Standards Board ("Board") upon good cause shown that the operation of the hotel, **short-term rental, or bed and breakfast** is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the neighboring community to the extent that it is a public nuisance. Decision for revocation shall be based on, but is not restricted to, the following:
1. Non-compliance with federal, state and or city codes and ordinances;
 2. Drug-related calls for service and/or drug-related arrests;
 3. Prostitution-related calls for service and/or prostitution-related arrests;
 4. Calls for fire, police, emergency medical service;
 5. The operator, owner and/or the manager have failed to correct a violation within the time period ordered by the city;
 6. Any other conditions, problems, issues, concerns or facts that are deemed relevant to the owner, operator or manager to the property;
 7. There are uncorrected code violations on the property;
 8. **False statements were intentionally made by the owner, operator, or company operating a hotel, short-term rental or bed and breakfast regarding matter(s) in the application for a Lodging License or in a hearing concerning the Lodging License;**
 9. **The owner, operator, or company operating a hotel, short-term rental or bed and breakfast fails to notify the DCO in writing of any material change in the information contained in the Lodging License application within thirty (30) days of the change.**
 10. **The owner, operator, or company fails to pay a fee required by this chapter at the time the payment is due; and/or**

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11. The owner, operator, or company operating a hotel, short-term rental, or bed and breakfast fails to pay any hotel occupancy tax in accordance with Title III, Chapter 38 – Taxation of the Carrollton Code of Ordinances.
- (C) A short-term rental or bed and breakfast may also have their lodging license revoked if they have received and been convicted for more than two citations for violations of this chapter or any other provisions of the City Code within the preceding 12-month period.
- (D) In the event a short-term rental or bed and breakfast which has its lodging license revoked by the Property Standards Board, no second or additional permit shall be issued for a short-term Rental or bed and breakfast on the premises for one year of the date such license was revoked.
- (E) In processing a revocation, the DCO shall prepare an investigation report that details the circumstances that have led to the request for a revocation. It may include, but not be restricted to, any or all of the following:
1. Frequency or occurrence of violation(s), arrest(s), or call(s) for service;
 2. Seriousness of the violation(s), arrests(s), or call(s) for service;
 3. History of code violations(s);
 4. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem;
 5. The impact of the violation(s), arrest(s), or call(s) for service on the surrounding property and community; and/or
 6. The financial impact to the city.
- ~~(D)~~(F) Upon good cause shown in the investigation report, the DCO shall file a written revocation request at the office of the city building official containing the following:
1. A heading in the words: "Before the Property Standards Board of the City of Carrollton."
 2. A caption reading: "Revocation of a Lodging License—~~Tier 1 Hotel or Tier 2 H Hotel~~, **Short-Term Rental, or Bed and Breakfast**" giving the names and addresses of owners and operators (as shown on the most recent license application) and the physical address of the hotel, **short-term rental, or bed and breakfast**.
 3. A brief statement in ordinary and concise language of why the license should be revoked together with any material facts claimed to support the contentions of the DCO.
 4. The signature of the DCO and his official mailing address.
- ~~(E)~~(G) *Processing revocation.* Upon receipt of any revocation request filed pursuant to this section, the building official shall present it at the next regular or special meeting of the Property Standards Board.
- ~~(F)~~(H) *Scheduling and noticing for revocation hearing.*
1. *Notice of hearing.*
 - (a) Notice of the hearing before the Property Standards Board shall be delivered to the owner, operator, manager and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the County Clerk of the county where the property is located.
 - (b) Notice shall be by one of the following methods at least 20 calendar days prior to the hearing:
 1. Personal service;
 2. Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned;

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3. If the owner, operator or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.
 2. *Contents of notice.* The notice of hearing shall contain the following:
 - (a) The street address or a legal description of the property.
 - (b) The place, date, and time of the hearing.
 - (c) A statement that the owner, operator, lienholders, or mortgagee will be required to submit proof at the hearing of the scope of work that may be required to comply with the ordinances of the city and the time it will take to reasonably perform the work.
 - (d) A brief summary of the action of the DCO related to the property including a copy of his filed revocation request and the investigation report on this hotel, **short-term rental, or bed and breakfast.**

~~(G)~~(I) *Hearing.*

1. The DCO shall present evidence to the Property Standards Board of the condition of the property, the code compliance history, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports his request for the revocation of the lodging license.
2. The owner of any interest in the property may present evidence on relevant issues and has the burden to demonstrate the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.
3. Any party may examine or cross-examine any witness before the Property Standards Board. Strict rules of evidence or procedure are not required, but the Property Standards Board has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.

~~(H)~~(J) Enforcement of the revocation shall be stayed during the pendency of a revocation hearing and decision.

~~(I)~~(K) *Findings and orders of the Property Standards Board for a revocation hearing.* After hearing evidence from any interested party regarding revocation of the lodging license the Property Standards Board may:

1. Uphold the revocation for a lodging license; or
2. For cases of revocation based solely on continuing code violations uphold the revocation for a lodging license until the code violations have been corrected; or
3. Overturn the request for revocation and grant the lodging license.

~~(J)~~(L) Upon a confirmation and final decision issued by the Property Standards Board, the DCO shall post on the hotel, **short-term rental, or bed and breakfast** premises a copy or copies of the revocation of the lodging license. The notice shall be sent by certified mail to the owners, operator and/or manager indicating the decision of the Property Standards Board.

~~(K)~~(M) Upon a confirmation and final decision issued by the Property Standards Board the DCO shall file in the office of the County Clerk of the county where the property is located a certificate describing the hotel, **short-term rental, or bed and breakfast** property and the final action of the Property Standards Board evoking the lodging license.

~~(L)~~(N) A posted notice of the revocation of the lodging license may only be removed by an authorized DCO. Any removal, covering, defacing, altering or tampering by unauthorized person(s) may be prosecuted as a misdemeanor violation of this chapter.

~~(M)~~(O) Whenever a lodging license has been revoked by the city, the operator and/or owner of the hotel, **short-term rental, or bed and breakfast** for which the lodging license was issued shall surrender such license to the city. The operations of the hotel, **short-term rental, or bed and breakfast** shall cease within ten calendar days of the posting of the notice of revocation of the lodging license.

~~(N)~~(P) The action of the Property Standards Board under this section may be appealed to a State District Court of the county in which the property, which is the subject of the action, is located if such appeal is filed within 30 calendar days of the Property Standard Board's action. Such appeal shall be decided based on a de novo appeal to determine the existence of a public nuisance for revocation.

Sec. 97.07. Appeal process for denial of a hotel, short-term rental, or bed and breakfast lodging license or tier classification.

- (A) *Filing appeal.* Any owner, operator or manager of a hotel, short-term rental, or bed and breakfast that had its lodging license denied by the DCO, or who has undergone tier classification by the DCO may appeal this action of the DCO to the Property Standards Board. The owner, operator and/or manager must file at the office of the city building official a written appeal containing the following:
1. A heading in the words: "Before the Property Standards Board."
 2. A caption reading: "Appeal of Denial for a Lodging License" or "Appeal of Tier Classification," giving the names of all appellants participating in the appeal.
 3. A brief statement setting forth the legal interest of each of the appellants in the hotel, short-term rental, or bed and breakfast involved in the denial or classification change of a lodging license.
 4. A brief statement in ordinary and concise language of that action protested, together with any material facts claimed to support the contentions of the appellant.
 5. A brief statement in ordinary and concise language of the relief sought and reasons why it is claimed the denial or classification change should be reversed, modified or otherwise set aside.
 6. The signatures of all parties named as appellants and their official mailing addresses.
 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
 8. Produce all documents that they relied upon.

The appeal shall be filed within 30 days from receipt of the denial or classification change by the DCO.

- (B) *Processing of appeal.* Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next available regular or special meeting of the Property Standards Board.
1. *Notice of hearing.*
 - (a) Notice of the hearing before the Board shall be delivered to the owner and operator as listed on the application, and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the County Clerk of the county where the property is located.
 - (b) Notice shall be by one of the following methods at least 15 calendar days prior to the hearing:
 1. Personal service delivered; or
 2. Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned; or
 3. If the owner, operator or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.

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- (C) *Hearing.*
1. The DCO shall present to the Property Standards Board evidence of the property condition, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports denial of the lodging license or change in classification of tier.
 2. The owner of any interest in the property may present evidence on relevant issues and has the burden of proof to demonstrate the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.
 3. Any party may examine or cross-examine any witness before the Property Standards Board. Strict rules of evidence or procedure are not required, but the Board has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.
- (D) Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- (E) Enforcement of the denial for a lodging license or Tier reclassification of a hotel, **short-term rental, or bed and breakfast** shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.
- (F) *Findings and orders of the Property Standards Board for a denial hearing or tier re-classification hearing.* After hearing evidence from any interested party the Property Standards Board may:
1. For a denial hearing find:
 - (a) And uphold the denial for a lodging license until the code violations or other conditions identified have been corrected; or
 - (b) Overturn the denial and grant a lodging license.
 2. For a tier re-classification hearing find:
 - (a) The hotel is classified as a Tier 1 hotel; or
 - (b) The hotel is classified as a Tier 2 hotel.
- (G) At the conclusion of the appeal or after the time allowed to appeal the decision of the DCO has elapsed without an appeal, the DCO shall file in the office of the County Clerk of the county where the property is located a certificate describing the hotel property and the final action of the Property Standards Board or of the DCO if no appeal was filed.
- (H) The action of the Property Standards Board under this section may be appealed to a State District Court of the county in which the property, which is the subject of the action, is located if such appeal is filed within 30 days of the Property Standards Board's action. Such appeal shall be decided based on a de novo appeal to determine the existence of a public nuisance for denial or tier reclassification.
- (I) **An appeal of the revocation or denial by the Property Standards Board to the State District Court of the county in which the property is located does not stay the effect or the use of any enforcement measure unless specifically ordered by the DCO.**

Sec. 97.08. Limitation on continuous and cumulative occupancy in a hotel, short-term rental, bed and breakfast.

- (A) The sleeping accommodations of a hotel shall be let only for the use of transient occupants and shall not be used or occupied under any permanent basis, and no such occupant shall be deemed to be a resident of the hotel.
- (B) It shall be unlawful for a Tier 1 hotel to let or otherwise provide any room therein to any person for more than 365 consecutive days.

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- (C) It shall be unlawful for a Tier 2 hotel to let or otherwise provide any room therein to any person for more than 60 days in any 180 consecutive day period.
- (D) It shall be unlawful for a short-term rental or bed and breakfast to advertise, let or otherwise provide any room therein to any person for more than 30 days.
- ~~(D)~~(E) It shall be unlawful for the owner, operator, or property manager, to allow registration under a different name in order to avoid the continuous and cumulative occupancy provision defined in this chapter.
- ~~(E)~~(F) Any property left in a room by a person or party that has checked out shall be removed by the owner, property manager, or operator of the hotel, short-term rental or bed and breakfast before the room may be occupied by another party and be stored or disposed of in accordance with applicable laws.

Sec. 97.09. Hotel, Short-Term Rental, Bed and Breakfast Premises requirements.

- (A) Each property owner, operator, or manager shall cause to be maintained a complete register for each person to whom any room at a hotel, short-term rental, or bed and breakfast is let. The register shall contain the following information:
1. Correct name and permanent address, designating street and number, city, state and country;
 2. Actual dates of occupancy indicating check-in time, checkout time, and room number where applicable;
 - ~~3. Correct license or registration number, state of registration and make of any vehicle or conveyance;~~
 - ~~3.4.~~ Number of individuals staying in the room;
 - ~~4.5.~~ Amount of the bill and method of payment; and
 - ~~5.6.~~ Register records shall be maintained for a period of two years for each person who lets any room at a hotel, short-term rental, or bed and breakfast.
- (B) Tier 2 hotel property owners, operators, or managers shall require any person to whom any room at a hotel is let to provide evidence of his or her identity and address of residence, and, in addition thereto, the full and true name and address of each member of his party.
- (C) No Tier 2 hotel, short-term rental, or bed and breakfast property owner, operator, or manager shall allow or permit any hourly charge for any guest room within said establishment.
- (D) No Tier 2 hotel, short-term rental, or bed and breakfast property owner, operator, or property manager shall allow or permit any guest room or rooms within the hotel to be rented more than twice in any 24-hour period commencing at 12:01 a.m.
- (E) No hotel, short-term rental, or bed and breakfast property owner, operator, or manager shall knowingly let, allow or permit any room on the premises to be used for any illegal purpose including but not limited to:
1. Prostitution;
 2. Gambling;
 3. Drug use, sale or manufacture of drugs;
 4. Sale of alcoholic beverages.
- (F) A property owner, operator and/or manager providing false information to city authorities regarding the identity of and hours of occupancy by any occupant shall be prima facie evidence of premises being used for illegal purposes including but not limited to:
1. Prostitution;
 2. Gambling;

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3. Drug use, sale or manufacture of drugs;
 4. Sale of alcoholic beverages.
- (G) **Hotel** Room rates shall be posted in a prominent location in all guest rooms. Guests shall not be charged in excess of posted rates. A range of rates is acceptable in the posting.
- (H) For **hotel** guest complaints the telephone number and address for the DCO shall be posted in a prominent location in all **hotel** guest rooms and public reception area.
- (I) A representative of the property owner, operator or manager **of a hotel** shall be present and accessible to the DCO in person, on a 24-hour basis.
- (J) Tier 2 hotels are required to have 24-hour on-site security provided by commissioned security officers.
- (K) All commissioned security officers while working for a Tier 2 hotel must be in uniform and must be registered with the Private Security Bureau of the Texas Department of Public Safety.
- (L) Commissioned security officers working for a Tier 2 hotel must have a Class B security contractor license issued from the Private Security Bureau of the Texas Department of Public Safety.
- (M) **Tier 2 hotels must maintain records for the correct license or registration number, state of registration and make of any vehicle or conveyance for any guest registered at the hotel.**

Sec. 97.10. Hotel, Short-Term Rental, Bed and Breakfast housekeeping and premises conditions.

- (A) The hotel, **short-term rental, bed and breakfast** premises and guest rooms shall fully comply with all City of Carrollton Construction, Fire, and Health, Safety and Property Maintenance Codes.
- (B) *Mattress condition/cleanliness.* Mattresses shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, non-defective condition (e.g., without broken springs, indentations, sags, etc.). Any coverings placed over mattresses to prevent stains and excess wear must be removable and not permanently attached to the mattress or box spring (e.g., not stapled, nailed, or pinned or tied down to the mattress or box spring).
- (C) *Linen condition/cleanliness.* Linens provided by the hotel, **short-term rental, bed and breakfast** shall be maintained in a sanitary condition and be free of stains, holes, rips or odors in excess of normal wear and tear. Linens shall be replaced upon each change of occupancy or at least once a week when occupancy does not change. Linens shall be cleaned with appropriate sanitizing material to insure disinfection. Linens include but are not restricted to pillowcases, sheets, quilts, bedspreads, blankets, comforters, and towels.
- (D) Linens furnished by the guest shall be maintained in a sanitary condition and be free of stains, holes, rips or odors in excess of normal wear and tear. Guest linens observed at time of hotel, **short-term rental, bed and breakfast** room inspections which do not meet the standards establish in this section require the hotel, **short-term rental, bed and breakfast** to give written notice to the guest to abate the violation within seven days. If the guest fails to abate the violation the hotel, **short-term rental, bed and breakfast** shall remove the guest's linen and replace it with the hotel, **short-term rental, bed and breakfast** linen at the end of the notice period. The hotel, **short-term rental, bed and breakfast** shall keep written documentation of the inspections and notices issued for each room and guest.
- (E) *Bathroom condition/cleanliness.* Bathroom fixtures (e.g., toilet, bathtub, sink, shower, mirror) shall be maintained without cracks, chips, or stains. Floors shall be washed with water and a sanitizer at change of occupancy or at least once a week when occupancy does not change. Daily cleaning schedules shall be maintained in the **owners, or** manager's office.
- (F) *Carpet condition/cleanliness.* Carpeting shall be free of stains, holes, rips or odors in excess of normal wear and tear, and shall be maintained in a sanitary, non-defective condition.

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- (G) *Floor condition/cleanliness.* Non-carpeted floor surfaces shall be made of non-absorbent material. All surfaces and tile grouting shall be maintained without cracks, rips or missing elements.
- (H) *Wall condition/cleanliness.* Wall surfaces shall be maintained in a clean and sanitary condition.
- (I) *Mold/mildew.* All surfaces, including carpeting and flooring, and fixtures shall be free from mold and mildew.
- (J) *Electrical equipment.* For the purpose of this chapter, electrical equipment shall include furniture items installed by the property owner, operator or manager, including air conditioners, televisions, lamps, etc. All electrical items must be properly maintained and be in operable condition.
- (K) *Furniture condition.* All furniture items shall be maintained in proper working condition, without structural defects.
- (L) *Window coverings.* Shades, draperies or blinds shall be appropriately hung to cover all windows and appropriate light fixtures. All shades, draperies, blinds, shall be free of stains, holes, rips or odors in excess of normal wear and tear, and be maintained in a sanitary, non-defective condition.
- (M) *Storage rooms.* No more than ten percent of designed guest rooms may be used for storage room purposes.
- (N) *Minimum occupancy.* A minimum of 90 percent of all **hotel** guest rooms must be available or in use for occupancy at all times.
- (O) *Windows.* All windows designed to be opened shall be operable and have an operable window security or locking device.
- (P) All windows and mirrors shall be intact and free of cracks.
- (Q) *Viewports.* Each door **of a hotel guest room** shall have a viewport or window convenient to the door.
- (R) *Door locks.* All **hotel** rooms are required to be outfitted with exterior electronic/magnetic locks for guests to gain access to their rooms or by locks that meet with the approval of the DCO.
- (S) *Exterior lighting.* The exterior of the hotel property, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated at least between one hour after sundown and one-half hour before sunrise. Illumination shall be a minimum of one-tenth of one foot-candle throughout the property and shall not exceed four-tenths of one foot-candle of light measured at the property line.
- (T) *Pest control.* All hotel premises shall be treated for insects at least once a year by an exterminator licensed by the state.
- (U) *Pest control maintenance.* All hotel, **short-term rental, bed and breakfast** premises shall be maintained so that they are free from rodents, insects, and vermin and free from conditions that encourage or harbor rodents, insects, and vermin.
- (V) Interference with emergency telephone calls.
1. A hotel, **short-term rental, bed and breakfast** owner, operator and/or manager commits an offense if the hotel owner, operator and/or manager knowingly prevents or interferes with another individual's ability to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.
 2. A hotel, **short-term rental, bed and breakfast** owner, operator and/or manager commits an offense if they recklessly render unusable a telephone that would otherwise be used by another individual to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.
 3. In this section, "emergency" means a condition or circumstance in which any individual is or is reasonably believed by the individual making a telephone call to be in fear of assault or their health or safety are at risk.

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- (W) The hotel shall maintain a detailed list of required duties for premises inspection, the employee or position responsible for such inspection and a schedule for performance and a record of compliance. Such list shall include a requirement for at least weekly inspection of the entire premises for operational safety devices, fire extinguishers and damage to the exterior of the hotel and parking areas and daily inspection and cleanup of the grounds, including trash and garbage containers for trash and debris not placed within such containers and records shall not[e] the date and time of compliance and the signature or initials of the person carrying out such duties.
 - (X) The hotel shall maintain a detailed list of duties for housekeeping personnel and a schedule and log for cleaning rooms, replacing linens, inspecting for damage and other housekeeping duties. Such list and schedule shall conform to other requirements of this chapter and the log shall state the date and time of compliance and the initials of the housekeeping staff person who carried out such duties. Room inspections shall occur at least once a week for any guest rooms occupied by guests staying in excess of ten days.
 - (Y) The hotel shall maintain a list of duties for inspection of rooms and repair of damage or replacement of damaged items and a schedule for inspection by maintenance personnel which shall be at least weekly and in any event before occupancy by a new tenant. If not included in the duties of housekeeping personnel, such list shall include inspection to ensure that smoke alarm devices and telephones are operational as well as air conditioning units, plumbing, and door locks being operational and in good repair. A log shall be maintained noting date and time of such inspection and listing defects and repairs or replacements.
 - (Z) The hotel shall post rules and include such rules in material provided a guest or posted in each room to the effect that if any criminal activity in a room occurs or if a guest engages in criminal activity on the grounds, such guest will be immediately evicted. Such rules shall be strictly enforced.

Sec. 97.11. Short-Term Rental, Bed and Breakfast Proof of Insurance Required

It shall be unlawful for the owner of premises operating a short-term rental or bed and breakfast to operate without host protection or other liability insurance commensurate with the operations of the short-term rental or bed and breakfast that provides coverage of up to \$1 million per occurrence. A certificate of insurance must be on file with the DCO. Proof of insurance shall be required at the time of application and notice of cancellation of insurance must be made to the DCO within 30 days.

Sec. 97.12. Parking Restrictions

- (A) It shall be unlawful for the guest, owner, operator, or manager of a hotel to allow an occupant to park a motor vehicle on a residential street adjacent to or near the hotel.
- (B) It shall be unlawful for the owner, operator, or manager of a hotel to allow an occupant, to occupy a motor home, recreational vehicle, boat, commercial vehicle or otherwise prohibited motor vehicle on the premises of a hotel.
- (C) It shall be unlawful for the owner or operator of a short-term rental or bed and breakfast to permit, allow, or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface.
- (D) The maximum amount of motor vehicles allowed to be parked at a short-term rental or bed and breakfast shall be limited to the number of available off-street parking spaces.
- (E) It shall be unlawful for the occupant of a short-term rental or bed and breakfast to park a motor vehicle on a residential street near a short-term rental or bed and breakfast.
- (F) It shall be unlawful for an occupant of a short-term rental or bed and breakfast, or an owner thereof to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, commercial vehicle, or otherwise prohibited motor vehicle on the premises of a short-term rental or bed and breakfast or on a residential street near a short-term rental or bed and breakfast.

Sec. 97.13. Restrictions on Number of Occupants for Short-Term Rentals, Bed and Breakfast's

- (A) It shall be unlawful for an owner or operator of a short-term rental or bed and breakfast to rent, allow, provide, or advertise for more persons which exceed the "Occupancy load and overcrowding" requirements found in Section 96.06(A)(4) of the Carrollton Code of Ordinances regulating the number of individuals occupying a Single-Family and Multi-Family structure.
- (B) It shall be unlawful for the owner, operator, or occupant to allow, suffer or permit the number of occupants living, sleeping within or possessing a short-term rental to exceed the maximum occupancy shown on the short-term rental or bed and breakfast lodging license.
- (C) A visual inspection of more than the allowed persons staying at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.

Sec. 97.14. Physical Conversion of Short-Term Rental or Bed and Breakfast Premises is Prohibited

- (A) It shall be unlawful for an owner or operator of a short-term rental or bed and breakfast to convert a garage to a living space, remodel, renovate, enlarge or otherwise modify premises to add additional bedrooms for use as a short-term rental or bed and breakfast.
- (B) It shall be unlawful for an owner or person to pave or otherwise cover pervious soil to create additional on-premises parking without approval from the DCO.

Sec. 97.15. Short-Term Rental, Bed and Breakfast Additional Requirements

- (A) *Sound Equipment Restrictions.* It shall be unlawful for an owner, operator or occupant of a short-term rental or bed and breakfast to use or allow the use of amplified sound equipment that produces sound audible beyond the property line of the premises between the hours of 10:00 p.m. and 7:00 a.m.
- (B) *On-Premises Curfew.* It shall be unlawful for an owner, operator to allow the congregation of occupants outside at the premises between the hours of 10:00 p.m. and 7:00 a.m.
- (C) *Trash Requirements.* It shall be unlawful for an owner, operator, or occupant of a short-term rental or bed and breakfast to place or allow to be placed trash on the premises before the evening prior to scheduled trash collection, or on a day not scheduled for collection by the city or its authorized solid waste vendor.
- (D) *Special Events Prohibited.*
 - 1. It shall be unlawful for an owner or occupant to advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert, or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as a 'banquet hall').
 - 2. It shall be unlawful for the owner, operator, or occupant of a short-term rental or bed and breakfast to allow, suffer, or permit a banquet hall or special event as described to be held on the premises.
- (E) *Notice to Occupants.* An owner or operator of a short-term rental or bed and breakfast shall provide a notice of instructions (also known as "host rules") to occupants staying at the premises in a form developed by the DCO. The notice shall instruct the occupants as to all applicable city regulations pertaining to short-term rentals and bed and breakfast. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on amplified sound, and curfew times.
- (F) *License Displayed.* A copy of the approved lodging license shall be posted at a conspicuous location inside the front entrance(s) to a short-term rental or bed and breakfast.

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- (G) *Use of Assigned Lodging License Number Required.* It shall be unlawful for an owner or operator to advertise a short-term rental or bed and breakfast in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application without including the current lodging license number assigned by the DCO.
- (H) *Use of Unauthorized Permit Number Prohibited.* It shall be unlawful for an owner or person to use, advertise or promote or allow the use, advertisement or promotion of a short-term rental or bed and breakfast using a lodging license not assigned to the owner or operator, or to a different address, or to a different dwelling unit.

Sec. 97.16. Hotel Occupancy Taxes; Request for Occupancy History

It shall be unlawful for the owner or operator of the premises used for a hotel, short-term rental, or bed and breakfast to fail to pay hotel occupancy taxes required under State law and Title III, Chapter 38 of the Carrollton Code of Ordinances. Upon request by the DCO or the Finance Department of the City of Carrollton, the owner or operator of the premises used as a hotel, short-term rental, or bed and breakfast shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for an owner or operator to fail to provide said information requested in a timely manner.

Sec. 97.17. Enforcement

- (A) Each violation of this chapter shall constitute a separate offense.
- (B) Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this chapter except where expressly required by this chapter.
- (C) Any condition which is reasonably believed to be imminently dangerous to the life, limb, health or safety of the occupants of the property or to the public, may result in a court summons. Such conditions include but are not limited to non-functional smoke detectors, lack of or non-functional interior door locking devices, windows which do not open, or which open but fail to stay open, sewer leaks, inoperable telephones, or telephones that fail to connect to the emergency 911 telephone number.
- (D) Upon reasonable notice provided to the owner, operator or manager of a hotel, **short-term rental, bed and breakfast** or other responsible person, imminently dangerous conditions may be immediately abated by the DCO. Actions taken to abate the imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the DCO to be necessary. In the event use of occupancy is restricted, the owner, operator or the property manager shall discontinue the use within the time prescribed by the DCO after receipt of such notice.
- (E) If entry onto the property and access to rooms or units constituting an imminently dangerous condition in violation of this chapter is denied to the DCO by the owner, operator or manager of the property, the DCO may seek a court order and/or inspection and abatement warrant from a court of competent jurisdiction to authorize the immediate abatement of the imminently dangerous conditions.
- (F) Costs for any abatement performed by, or on behalf of the city, including the cost of police services provided and including the relocation of occupants of the property shall be recoverable by the city.
- (G) Expenses incurred pursuant to this chapter shall be charged against the real estate and attached as a lien on which the work is done, or improvements made and charged to the owner of the property for the same.
- (H) A hotel, **short-term rental, or bed and breakfast** owner, operator or manager will have 30 calendar days to address and abate all other code violations not considered imminently dangerous as stated in this section or longer, as the case may be, if the owner, operator, or manager is unable to remedy the code violation through no fault of its own.
- (I) At the time of reinspection by the DCO, the DCO will charge the hotel a base reinspection fee as found in [section] 31.01(D)(3)(a) of the City of Carrollton Code ordinance fee schedule plus a \$13.00 fee for each hotel

room that has to be reinspected. Reinspection fee for short-term rentals or bed and breakfast will be charged as found in [section] 31.01(D)(3)(b) of the City of Carrollton Code ordinance fee schedule.

- (J) The owner or operator of a short-term rental or bed and breakfast use that was not registered with the City of Carrollton for hotel occupancy tax prior to January 1, 2023 and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this Chapter, shall discontinue the short-term rental or bed and breakfast use no later than January 1, 2024.
- (K) The owner or operator of a short-term rental or bed and breakfast use that was registered with the City of Carrollton for hotel occupancy tax prior to January 1, 2023, and who is unable to obtain a permit for said use or fails or refuses to obtain a lodging license for the use following the effective date of this Chapter, shall discontinue the short-term rental or bed and breakfast use no later than January 1, 2024.
- (L) If the lodging license for a hotel, short-term rental or bed and breakfast use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.
- (M) *Notices by the City.* A notice given by the city pursuant to this article is deemed to have been delivered by the city on the date that it is delivered in person; posted on or near the front door of the structure if personal delivery cannot be obtained; or delivered by certified mail to the owner, operator, or company at the address provided by the registrant in the application for the Lodging License. If notice is returned as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered delivered.
- ~~(H)~~(N) At the option of the city, the city may proceed under the alternative procedure set forth in V.T.C.A., Local Government Code, Alternative Procedure for Administrative Hearing, Section 54.044 et seq., or as it may be amended, and the remainder of V.T.C.A., Local Government Code, Chapter 54 Enforcement of Municipal Ordinances, Subchapter C Quasi-Judicial Enforcement of Health and Safety Ordinances, Section 54.031 et seq., as amended. The hearing must be held within 30 days after notice of the hearing and shall be conducted in accordance with the statute. Notice of the hearing shall be in accordance with V.T.C.A., Local Government Code, Section 54.035, as amended. Pursuant to Section 54.044 et seq., the DCO shall act as the hearing officer who shall have the authority granted by the statute including the authority to set the amount and disposition of the administrative penalties, costs, and fees. The hearing officer shall take all action required by statute in these proceedings. Each violation of this chapter shall constitute a separate violation for each day or part of a day during which the violation is committed, continued, or permitted, unless otherwise provided. The civil penalty for a violation of a provision of this chapter may not exceed \$1,000.00. Administrative costs and fees shall be established by the city on an actual incurred basis for that specific case. The order of the hearing officer shall comply with Section 54.044(h), as amended. Anyone aggrieved by an order may seek judicial review in accordance with Section 54.044(k), as amended.

Sec. 97.12.18. Penalty.

An operator, owner, manager, or responsible person who violates any provisions of this chapter is guilty of a misdemeanor, and upon conviction is punishable as set forth in section 10.99 for each act of violation and for each day or part of a day during which the violation is committed, continued or licensed.

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, ADOPTING AMENDMENTS TO CHAPTER 97 OF THE CITY OF CARROLLTON CODE OF ORDINANCES REGARDING THE REGULATION OF BED AND BREAKFAST AND SHORT-TERM RENTAL PROPERTIES; ESTABLISHING DEFINITIONS; ESTABLISHING LICENSE REQUIREMENTS; ESTABLISHING SPECIFIC VIOLATIONS; PROVIDING FOR MINIMUM STANDARDS AND NOTICE OF VIOLATION; PROVIDING FOR APPLICATION OF STANDARDS; ESTABLISHING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (the “City”) is a Home-Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, Section 54.004 of the Texas Local Government Code provides that a home rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, the City is further authorized to enact and enforce minimum standards relating to the use and occupancy of structures pursuant to Subchapter A of Chapter 214 of the Texas Local Government Code; and

WHEREAS, the regulation and licensure of permitted short-term rental business operations within the City is necessary and essential to the economic health of the community and the preservation and protection of the public welfare; and

WHEREAS, the regulation and licensure of permitted short-term rental properties will preserve and protect public health, safety, and well-being of the community; and

WHEREAS, the implementation of these regulations will also assist with the preservation and protection of property values and the City’s tax base within the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, health, and safety of the City to adopt updated regulations relating to the safety of structures.

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

SECTION 1.

All the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

Chapter 97 of the Code of Ordinances of the City of Carrollton, Texas, is hereby amended in its entirety and shall read as follows:

“CHAPTER 97. HOTEL, SHORT TERM RENTAL, BED AND BREAKFAST CODE

Sec. 97.01. Purpose.

The purpose of this chapter is to ensure the continued availability of transient lodging within the City of Carrollton, the maintenance of clean hotels, short-term rentals, and bed and breakfast operations, and to protect health, safety, and welfare. The purpose of this chapter is to require the issuance of a lodging license to operate, conduct, or own a hotel, short-term rental, or bed and breakfast within the City of Carrollton regardless of the date of the hotel's construction, establishment of a short-term rental or bed and breakfast; to establish standards for the issuance of said license; to establish rules and regulations under which such license shall remain in force, be denied or revoked; and providing penalties for violations. This chapter is remedial and essential to the public interest, safety, health, and welfare, and this chapter shall be liberally construed to effectuate its purposes.

Sec. 97.02. Definitions.

For the purpose of this chapter, the following terms, words, and derivations shall have the meaning given, unless the context clearly indicates or requires a different meaning:

Advertise means an act of drawing the public's attention in order to promote the availability of a residential property for use as a short-term rental or as a bed and breakfast. Said advertising may be found in any medium, including but not limited to newspapers, magazines, brochures, websites, or mobile applications.

Bed and Breakfast (“B&B”) means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days and which is permanently occupied by the property owners listed on the county appraisal districts records for which the property is located.

Bedroom means a living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the City of Carrollton's adopted building codes.

Booking Service means any reservation and/or payment service provided by a person or entity that facilitates a hotel, short-term rental, or bed and breakfast transaction between the Owner

and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the hotel, short-term rental or bed and breakfast transaction.

Calls for service (CFS) includes but is not limited to any and all calls to emergency services, (police, fire, medical, code enforcement, and development services) that result in a city employee being dispatched or directed to the hotel. This shall include any calls for service within the surrounding neighborhood that, through information or investigation, can be attributed or traced to the hotel premises. Calls for service include any self-initiated activity or investigation based on the observation(s) of an emergency services representative that results in a written report. Multiple calls regarding the same event shall be treated as a single call for service for purposes of calculating the CFS room ratio. Calls from employees of the hotel are excluded from being used to determine the calls for service room ratio. Calls for service include but are not limited to:

1. Commission of crimes that are drug related or drug related arrests;
2. Commission of crimes that are prostitution related or prostitution related arrests;
3. Commission of crimes that are a breach of the peace;
4. All fire alarms at a hotel;
5. Immediate public safety and health issues at a hotel; or
6. Noncompliance with federal law, state law or city codes and ordinances.

Calls for service room ratio is defined as the number of calls for service divided by the total number of guest rooms in a hotel during the time-period as set forth in section 97.04(A) herein.

Clean condition means free from:

1. Chemical contamination;
2. Microbial contamination;
3. Insect or rodent contamination;
4. Displaying or undergoing spoilage, putrefaction; or
5. Trash, debris, dirt, or refuse.

Provided, however, such condition shall not be attributable to the hotel unless it exists in a room within two days after it was cleaned according to the schedule maintained by the hotel.

Commissioned security officers are officers who have successfully undertaken and passed a state and national criminal history check and passed the 30-hour training class provided by the Private Security Bureau of the Texas Department of Public Safety.

Designated city official or *DCO* means the City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

Drug related includes but is not limited to the manufacture, cultivation, importation into the state, transportation, possession, possession for sale, sale, furnishing, administering, or giving

away or providing a place to use or fortification of a place involving any illegal or controlled drug, narcotic, or drug paraphernalia.

Hosting Platform means a person or entity that participates in the hotel, short-term rental, or bed and breakfast business by providing, and collecting or receiving a fee for, Booking Services through which an Owner may offer premises for an occupant on a short-term basis. Hosting Platforms usually, though not necessarily, provide Booking Services through an online platform and allows an Owner to advertise the premises through a website provided by the Hosting Platform and the Hosting Platform conducts a transaction by which potential occupants arrange their use and their payment, whether the would-be occupant pays rent directly to the Owner or to the Hosting Platform.

Hotel means, within the meaning of this article, any hotel, motel, lodging house or inn in the city having three or more rooms where transient guests are lodged for pay.

Hotel room or *room* means the portion of the hotel which may be used by a guest as a temporary residence, including single rooms and suites.

Law means any federal, state statute, or city ordinance, court decision or regulation.

Let or let for occupancy to permit, provide, or offer possession or occupancy of a dwelling unit, rooming unit, building, premise, or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement, or license, or pursuant to recorded or unrecorded agreement or contract for the sale of land.

Manager shall mean any person who manages the business operations of any hotel on behalf of the owner and/or management company, whose duties may include the collection of rental charges, issuing of keys, direction of maintenance personnel, assigning of rooms to guests, handling guest affairs or overseeing security.

Occupant means any individual person living, sleeping, or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named in any lease, contract, or other legal document to be considered an occupant.

Operator means any person who is the proprietor of any hotel whether in the capacity of the owner, lessee, receiver, sub-lessee, franchisee, mortgagee in possession, hotel management company, or agent of any of the aforementioned, who offers or accepts payment for rooms, guestrooms, sleeping accommodations, or board and lodging, and retains the right of access to, and control of, the dwelling units.

Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Person means an individual, corporation, business trust, estate trust, partnership or any other group acting as a unit.

Premises means property, a lot, plot, or parcel of land, including any structures or portions of structures thereon.

Prostitution related includes but is not limited to those that involve prostitution or prostitution related crimes such as pimping or pandering in violation of city and/or state codes.

Short-term rental ("STR") means a residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days that is not permanently occupied by the property owners listed on the county appraisal districts records for which the property is located.

Sec. 97.03. Lodging license to operate.

- (A) It shall be unlawful to operate a hotel, STR, or B&B without a lodging license. The application shall be submitted with the lodging license fee, as identified in Chapter 31, Comprehensive Fee Schedule.
- (B) An application for an annual lodging license shall be filed with the DCO on a yearly basis by the owner or operator of each hotel, short-term rental, or bed and breakfast. The lodging license shall be issued or denied within 60 days upon receipt of the completed application. Applications must be submitted by the designated date established by the DCO. The lodging license shall be issued or denied within 60 days upon receipt of the completed application. All subsequent licenses shall be effective for the period of time designated by the DCO. The operator or owner shall re-apply for additional periods of one year thereafter.
- (C) In the event that a new hotel, STR, or B&B applies for a license during the year the license will be issued or denied within 60 days and the lodging license shall be effective for the period of time designated by the DCO. The application fee will be prorated based on the number of months remaining before expiration of the license.
- (D) Application for a lodging license shall be filed on forms provided by the city and containing the following information:
 - 1. Owner and operator's name, address, and work and home telephone number, driver's license number, or identification card number and state of issuance of the owner;
 - 2. If owner and/or operator is a partnership, the name of all partners, the principal business address, and telephone number of each partner;
 - 3. If owner and/or operator is a corporation, the person registering must state whether it is organized under the laws of this state or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the person in charge of the local office of such corporation, if any, and the names of the registered

- agent, all officers and directors or trustees of such corporation, and, if a foreign corporation, additionally the place of incorporation;
4. Name, address and telephone number of the property managers and operators and owners;
 5. Provide official criminal history from each state of residence documenting for each owner, operator and property manager that has been convicted of or is continuing on or has completed parole or probation for a crime during the last five years which relates directly to the operation of a hotel, STR, or B&B, whether as an owner, operator, or manager, or from any offense constituting a misdemeanor or felony involving weapons, narcotics, assault, or crimes of moral turpitude;
 6. Street address of the hotel, STR, or B&B;
 7. Number of hotel, STR, or B&B guest rooms;
 8. Maximum number of persons who can be accommodated at any given time;
 9. Be signed by the owner or operator or the owner or operator's agent;
 10. The City registration number for Hotel Occupancy Tax;
 11. For STRs and B&Bs, a copy of the proposed host rules for the renters;
 12. A plot plan of the premises identifying the location of parking spaces to be used in conjunction with the STR or B&B;
 13. A dimensioned floor plan of the proposed STR or B&B identifying bedrooms, other living spaces and emergency evacuation routes;
 14. Proof of insurance as required in Section 97.11;
 15. The name and contact information for the STR or B&B's property owner's association, if any, of which the premises is covered by the dedicatory instruments;
 16. An owner must designate the name and contact information of a local responsible party who can be contacted regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a hotel, STR, or B&B. If called a local responsible party must be able to and shall be present at the premises within one (1) hour of call from the DCO. A local party must be authorized to make decisions regarding the premises and its occupants. A local responsible party may be required to, and shall not refuse to, accept service of citation for any violations on the premises. Acceptance of service shall not act to release the owner of any liability under this chapter.
 17. The owner, or operator of a STR or B&B must provide the name and website link to all internet platforms that host advertisements or take reservations for lodging at their STR or B&B at any time during a 12-month period from the date of application.
 18. All material contained herein on the application must be maintained current with the city at all times by the owner, operator, and property manager. Any material misrepresentation in the application for the lodging license or a failure to provide the required information shall be grounds for denial or revocation of the application or lodging license.

(E) The application for a lodging license hereunder shall constitute the consent of the applicant and owner to an inspection of the entire licensed premises at reasonable times by the Code Enforcement Officers, Building Inspectors, Sanitarian Inspectors, Fire Inspectors, and

other authorized departments of the City of Carrollton for the purpose of determining whether there is any violation on the premises sought to be permitted of any ordinances of the City of Carrollton or any law of the State of Texas. Any inspection of occupied guest rooms at the time of the annual inspection for the lodging license shall not occur before 10:00 a.m. nor later than 7:00 p.m.

- (F) The lodging license shall not be transferable or assignable from one person, firm, partnership, corporation, or entity to another person, firm, partnership, corporation, or entity; provided, however, a change in an operator or manager by an owner shall not require a new license as long as the required information provided to the city is updated and the new operator or manager is not ineligible for licensing under this chapter.
- (G) Whenever a change in the owner occurs at an existing hotel, STR, or B&B, the new owner shall apply for a lodging license within ten business days after closing on the sale of the property. If the prior operator's lodging license for the hotel, STR, or B&B, was denied or revoked, a provisional lodging license may be issued to the new owner or operator with special conditions designated by the DCO while the new operator or owner's application for license is pending a decision.
- (H) The owner shall display the lodging license in the hotel, STR, or B&B in an open and conspicuous public place in the lobby at or near the check in area.
- (I) Failure to obtain a lodging license or maintain a lodging license at all times may result in revocation of a hotel's certificate of occupancy and revocation of a lodging license for a hotel, STR, or B&B.
- (J) Once the lodging license is obtained, the DCO may routinely inspect:
 1. The exterior of the structures and all of the common grounds of all hotels, STRs, or B&Bs;
 2. Any or all unoccupied guest rooms and any and all occupied guest rooms with permission of the occupant. The occupant and any representative of the hotel, STR, or B&B shall be permitted to be present, but may not hinder or interfere, with said inspection;
 3. Any or all storage areas, community buildings, swimming pools, athletic facilities, club rooms, equipment rooms, and all other portions of the facility;
 4. Any portion or portions of the hotel, STR, or B&B upon receipt of a complaint from any person, city department, employee, or division that any portion of the premises may be in violation of any applicable law;
 5. All hotels, STRs, or B&Bs in the city to determine whether they are uninhabitable, dangerous, or otherwise in violation of applicable laws;
 6. In the event the DCO is denied entry by the guest, that denial is a violation of this chapter and the DCO may use the resources provided by law to gain entry;
 7. The DCO, upon presentation of proper identification to the occupant in charge of any guest room, may enter, with the occupant's permission, any guest room; provided, however, that in cases of emergency where extreme hazards are known

to exist which may involve imminent injury to person, loss of life, or severe property damage, the DCO may, after presentation of proper identification enter a guest room at any time. Whenever the DCO is denied entry to inspect any premises under this provision the DCO may use the resources provided by law to gain entry. The occupant and any representative of the hotel, STR, or B&B shall be permitted to be present, but may not hinder, during such entry and inspection;

8. The DCO shall be allowed to examine records of a hotel, including maintenance and housekeeping logs, registration records, and pesticide records.
- (K) Continued maintenance and compliance with this chapter are conditions that are necessary to retain a lodging license and to obtain any renewal of a license.
- (L) The fee set for obtaining a lodging license for a hotel, STR, or B&B is set forth in the Carrollton Code of Ordinances, Title III Comprehensive Fee Schedule, Section 31.01.

Sec. 97.04. Classification of hotels by CFS room ratio.

- (A) Upon receipt of the lodging license application, the DCO shall determine the calls for service (CFS) room ratio of all hotels located within the City of Carrollton during the previous calendar year, or during actual operations if less than 12 months during the previous calendar year.
- (B) Based upon the CFS room ratio determined by the DCO, all hotels shall be classified during that year according to the following tier system:
1. *Tier 1.* Less than or equal to 1.0 CFS/room/year, or
 2. *Tier 2.* Greater than 1.0 CFS/room/year.
- (C) A hotel which has not previously operated in Carrollton shall be presumed to be a Tier 1 hotel until the next registration period or until the DCO classifies it.
- (D) Upon completion of the annual lodging license inspection and review of all calls for service, the DCO shall notify each hotel owner and/or operator within the city, in writing by personal service, certified mail or other method which provides confirmation of delivery, of the CFS room ratio which shall be used as the classification for that hotel for that ensuing lodging license year.
- (E) The city may monitor the CFS room ratio for each hotel on an ongoing basis. The city may change the status of any Tier 1 hotel during a calendar year upon notice in writing to the owner by personal service, certified mail or other method which provides confirmation of delivery that the CFS room ratio of such hotel has increased proportionately such that the CFS room ratio, if annualized, would fall within the Tier 2 level. This notice shall include:
1. The designation assigned to the hotel;
 2. As allowed by law, data specifying the types of CFS identified as having occurred on the property during the period reviewed, including the incident numbers

assigned to such CFS, and the date and time of each call to allow the owner to understand the basis of the designation;

3. The requirement of a mandatory inspection to be conducted by the DCO; and
4. The opportunity and procedures by which the owner may challenge the data provided to the owner pursuant to this subsection upon which the designation is based.

(F) Upon such notice of initial classification or reclassification the owner or operator shall have ten calendar days from the date of notice to show proof to the DCO that the revised CFS room ratio is erroneous. After receipt of such information from the owner or operator, the DCO shall classify the hotel as a Tier 1 or Tier 2 within ten calendar days of receipt of such information. The owner, operator, or manager may appeal the DCO's decision pursuant to section 97.07 of this chapter.

(G) The owner or operator shall have 30 calendar days from the date of notice of tier classification or reclassification (or from the date of the decision of the appeal if there was an appeal) to implement completely the changes in operation required by the revised classification. Failure to comply with this provision may result in revocation of the lodging license.

Sec. 97.05. Lodging license—grounds for denial.

(A) The lodging license shall be denied to hotels, STR, or B&B for any of the following reasons the DCO may discover or deem advisable or necessary in the course of the review of the application:

1. The hotel, STR, or B&B as constructed or as proposed to be operated by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations and codes;
2. The owner, operator, and/or their manager is or has been a registered sex offender;
3. There are uncorrected code violations on the property;
4. The applicant has knowingly made a material misstatement in the application for the lodging license;
5. Tier 2 hotels may also be denied a lodging license if their CFS room ratio fails to meet the Tier 1 CFS room ratio within 12 months of being notified of their Tier 2 standing;
6. Based on the initial CFS room ratio determined by the DCO directly after passage of this ordinance, a hotel with a CFS room ratio of 2.0 or greater shall be denied a lodging license.
7. A STR or B&B may be denied a lodging license if the owner or operator has received and been convicted for more than two citations for violations of this chapter or any other provision of the Code of Ordinances within the preceding 12-month time period.

(B) The owner, operator, or manager may appeal the DCO's decision pursuant to section 97.07 of this chapter.

Sec. 97.06. Lodging license—revocation.

- (A) A hotel, STR, or B&B's lodging license shall be revoked by the Property Standards Board ("Board") if the owner, operator, or manager is convicted of a drug related or prostitution related crime.
- (B) A hotel, STR, or B&B lodging license shall be revoked by the Board upon good cause shown that the operation of the hotel, STR, or B&B is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the neighboring community to the extent that it is a public nuisance. Decision for revocation shall be based on, but is not restricted to, the following:
 - 1. Non-compliance with federal, state, and/or city codes and ordinances;
 - 2. Drug-related calls for service and/or drug-related arrests;
 - 3. Prostitution-related calls for service and/or prostitution-related arrests;
 - 4. Calls for fire, police, emergency medical service;
 - 5. The operator, owner and/or the manager have failed to correct a violation within the time period ordered by the city;
 - 6. Any other conditions, problems, issues, concerns, or facts that are deemed relevant to the owner, operator, or manager to the property;
 - 7. There are uncorrected code violations on the property;
 - 8. False statements were intentionally made by the owner, operator, or company operating a hotel, short-term rental or bed and breakfast regarding matter(s) in the application for a Lodging License or in a hearing concerning the Lodging License;
 - 9. The owner, operator, or company operating a hotel, short-term rental or bed and breakfast fails to notify the DCO in writing of any material change in the information contained in the Lodging License application within thirty (30) days of the change.
 - 10. The owner, operator, or company fails to pay a fee required by this chapter at the time the payment is due; and/or
 - 11. The owner, operator, or company operating a hotel, STR, or B&B fails to pay any hotel occupancy tax in accordance with Title III, Chapter 38 – Taxation of the Carrollton Code of Ordinances.
- (C) A STR or B&B may also have their lodging license revoked if they have received and been convicted for more than two citations for violations of this chapter or any other provisions of the City Code within the preceding 12-month period.
- (D) In the event a STR or B&B which has its lodging license revoked by the Board, no second or additional permit shall be issued for a STR or B&B on the premises for one year of the date such license was revoked.
- (E) In processing a revocation, the DCO shall prepare an investigation report that details the circumstances that have led to the request for a revocation. It may include, but not be restricted to, any or all of the following:

1. Frequency or occurrence of violation(s), arrest(s), or call(s) for service;
 2. Seriousness of the violation(s), arrests(s), or call(s) for service;
 3. History of code violations(s);
 4. Any activity, action or effort taken by the responsible party to obstruct or interfere with correction of the problem;
 5. The impact of the violation(s), arrest(s), or call(s) for service on the surrounding property and community; and/or
 6. The financial impact to the city.
- (F) Upon good cause shown in the investigation report, the DCO shall file a written revocation request at the office of the city building official containing the following:
1. A heading in the words: "Before the Property Standards Board of the City of Carrollton."
 2. A caption reading: "Revocation of a Lodging License—Hotel, short-term rental, or bed and breakfast" giving the names and addresses of owners and operators (as shown on the most recent license application) and the physical address of the hotel, STR, or B&B.
 3. A brief statement in ordinary and concise language of why the license should be revoked together with any material facts claimed to support the contentions of the DCO.
 4. The signature of the DCO and his official mailing address.
- (G) *Processing revocation.* Upon receipt of any revocation request filed pursuant to this section, the building official shall present it at the next regular or special meeting of the Board.
- (H) *Scheduling and noticing for revocation hearing.*
1. *Notice of hearing.*
 - (a) Notice of the hearing before the Board shall be delivered to the owner, operator, manager, and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the County Clerk of the county where the property is located.
 - (b) Notice shall be by one of the following methods at least 20 calendar days prior to the hearing:
 1. Personal service;
 2. Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned;
 3. If the owner, operator, or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.
 2. *Contents of notice.* The notice of hearing shall contain the following:
 - (a) The street address or a legal description of the property.
 - (b) The place, date, and time of the hearing.

- (c) A statement that the owner, operator, lienholders, or mortgagee will be required to submit proof at the hearing of the scope of work that may be required to comply with the ordinances of the city and the time it will take to reasonably perform the work.
- (d) A brief summary of the action of the DCO related to the property including a copy of his filed revocation request and the investigation report on this hotel, STR, or B&B.

(I) *Hearing.*

- 1. The DCO shall present evidence to the Board of the condition of the property, the code compliance history, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports his request for the revocation of the lodging license.
- 2. The owner of any interest in the property may present evidence on relevant issues and has the burden to demonstrate the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.
- 3. Any party may examine or cross-examine any witness before the Board. Strict rules of evidence or procedure are not required, but the Board has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.

(J) Enforcement of the revocation shall be stayed during the pendency of a revocation hearing and decision.

(K) *Findings and orders of the Board for a revocation hearing.* After hearing evidence from any interested party regarding revocation of the lodging license the Board may:

- 1. Uphold the revocation for a lodging license; or
- 2. For cases of revocation based solely on continuing code violations uphold the revocation for a lodging license until the code violations have been corrected; or
- 3. Overturn the request for revocation and grant the lodging license.

(L) Upon a confirmation and final decision issued by the Board, the DCO shall post on the hotel, STR, or B&B premises a copy or copies of the revocation of the lodging license. The notice shall be sent by certified mail to the owners, operator and/or manager indicating the decision of the Board.

(M) Upon a confirmation and final decision issued by the Board the DCO shall file in the office of the County Clerk of the county where the property is located a certificate describing the hotel, STR, or B&B property and the final action of the evoking the lodging license.

(N) A posted notice of the revocation of the lodging license may only be removed by an authorized DCO. Any removal, covering, defacing, altering, or tampering by unauthorized person(s) may be prosecuted as a misdemeanor violation of this chapter.

- (O) Whenever a lodging license has been revoked by the city, the operator and/or owner of the hotel, STR, or B&B for which the lodging license was issued shall surrender such license to the city. The operations of the hotel, STR, or B&B shall cease within ten calendar days of the posting of the notice of revocation of the lodging license.
- (P) The action of the Board under this section may be appealed to a State District Court of the county in which the property, which is the subject of the action, is located if such appeal is filed within 30 calendar days of the Board's action. Such appeal shall be decided based on a de novo appeal to determine the existence of a public nuisance for revocation.

Sec. 97.07. Appeal process for denial of a hotel, short-term rental, or bed and breakfast lodging license or tier classification.

- (A) *Filing appeal.* Any owner, operator or manager of a hotel, STR, or B&B that had its lodging license denied by the DCO, or who has undergone tier classification by the DCO may appeal this action of the DCO to the Board. The owner, operator and/or manager must file at the office of the city building official a written appeal containing the following:
 - 1. A heading in the words: "Before the Property Standards Board."
 - 2. A caption reading: "Appeal of Denial for a Lodging License" or "Appeal of Tier Classification," giving the names of all appellants participating in the appeal.
 - 3. A brief statement setting forth the legal interest of each of the appellants in the hotel, STR, or B&B involved in the denial or classification change of a lodging license.
 - 4. A brief statement in ordinary and concise language of that action protested, together with any material facts claimed to support the contentions of the appellant.
 - 5. A brief statement in ordinary and concise language of the relief sought and reasons why it is claimed the denial or classification change should be reversed, modified, or otherwise set aside.
 - 6. The signatures of all parties named as appellants and their official mailing addresses.
 - 7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
 - 8. Produce all documents that they relied upon.

The appeal must be filed within 30 days from receipt of the denial or classification change by the DCO.

- (B) *Processing of appeal.* Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next available regular or special meeting of the Board.
 - 1. *Notice of hearing.*
 - (a) Notice of the hearing before the Board shall be delivered to the owner and operator as listed on the application, and any lienholder or mortgagee that can be discovered with a reasonably diligent search of the instruments on file in the office of the County Clerk of the county where the property is located.

- (b) Notice shall be by one of the following methods at least 15 calendar days prior to the hearing:
 1. Personal service delivered; or
 2. Certified mail, return receipt requested, and regular mail. Notice shall be sufficient if the return receipt is returned; or unsigned for any reason, and the regular mail is not returned; or
 3. If the owner, operator, or lienholder of interest in the property cannot be located, by publication in a newspaper of general circulation in the city.

- (C) *Hearing.*
 1. The DCO shall present to the Board evidence of the property condition, the extent of danger or hazard to health, safety and welfare, and all other evidence that supports denial of the lodging license or change in classification of tier.
 2. The owner of any interest in the property may present evidence on relevant issues and has the burden of proof to demonstrate the scope of any work that may be required to comply with city ordinances and the time it will reasonably take to perform the work.
 3. Any party may examine or cross-examine any witness before the Board. Strict rules of evidence or procedure are not required, but the Board has the authority to enforce strict decorum and may cause the removal of anyone who causes a disruption.

- (D) Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

- (E) Enforcement of the denial for a lodging license or Tier reclassification of a hotel, STR, or B&B shall be stayed during the pendency of an appeal therefrom that is properly and timely filed.

- (F) *Findings and orders of the Board for a denial hearing or tier re-classification hearing.* After hearing evidence from any interested party, the Board may:
 1. For a denial hearing find:
 - (a) And uphold the denial for a lodging license until the code violations or other conditions identified have been corrected; or
 - (b) Overturn the denial and grant a lodging license.
 2. For a tier re-classification hearing find:
 - (a) The hotel is classified as a Tier 1 hotel; or
 - (b) The hotel is classified as a Tier 2 hotel.

- (G) At the conclusion of the appeal or after the time allowed to appeal the decision of the DCO has elapsed without an appeal, the DCO shall file in the office of the County Clerk of the county where the property is located a certificate describing the property and the final action of the Board or of the DCO if no appeal was filed.

- (H) The action of the Board under this section may be appealed to a State District Court of the county in which the property, which is the subject of the action, is located if such appeal is filed within 30 days of the Board's action. Such appeal shall be decided based on a de novo appeal to determine the existence of a public nuisance for denial or tier reclassification.
- (I) An appeal of the revocation or denial by the Board to the State District Court of the county in which the property is located does not stay the effect or the use of any enforcement measure unless specifically ordered by the DCO.

Sec. 97.08. Limitation on continuous and cumulative occupancy in a hotel, short-term rental, bed and breakfast.

- (A) The sleeping accommodations of a hotel shall be let only for the use of transient occupants and shall not be used or occupied under any permanent basis, and no such occupant shall be deemed to be a resident of the hotel.
- (B) It shall be unlawful for a Tier 1 hotel to let or otherwise provide any room therein to any person for more than 365 consecutive days.
- (C) It shall be unlawful for a Tier 2 hotel to let or otherwise provide any room therein to any person for more than 60 days in any 180 consecutive day period.
- (D) It shall be unlawful for a STR or B&B to advertise, let or otherwise provide any room therein to any person for more than 30 days.
- (E) It shall be unlawful for the owner, operator, or property manager, to allow registration under a different name in order to avoid the continuous and cumulative occupancy provision defined in this chapter.
- (F) Any property left in a room by a person or party that has checked out shall be removed by the owner, property manager, or operator of the hotel, STR, or B&B before the room may be occupied by another party and be stored or disposed of in accordance with applicable laws.

Sec. 97.09. Hotel, short-term rental, bed and breakfast premises requirements.

- (A) Each property owner, operator, or manager shall cause to be maintained a complete register for each person to whom any room at a hotel, STR, or B&B is let. The register shall contain the following information:
 - 1. Correct name and permanent address, designating street and number, city, state, and country;
 - 2. Actual dates of occupancy indicating check-in time, checkout time, and room number where applicable;
 - 3. Number of individuals staying in the room;
 - 4. Amount of the bill and method of payment; and

5. Register records shall be maintained for a period of two years for each person who lets any room at a hotel, STR, or B&B.
- (B) Tier 2 hotel property owners, operators, or managers shall require any person to whom any room at a hotel is let to provide evidence of his or her identity and address of residence, and, in addition thereto, the full and true name and address of each member of his party.
 - (C) No hotel, STR, or B&B property owner, operator, or manager shall allow or permit any hourly charge for any guest room within said establishment.
 - (D) No hotel, STR, or B&B property owner, operator, or property manager shall allow or permit any guest room within the hotel to be rented more than twice in any 24-hour period commencing at 12:01 a.m.
 - (E) No hotel, STR, or B&B property owner, operator, or manager shall knowingly let, allow, or permit any room on the premises to be used for any illegal purpose including but not limited to:
 1. Prostitution;
 2. Gambling;
 3. Drug use, sale, or manufacture of drugs; and/or
 4. Sale of alcoholic beverages.
 - (F) A property owner, operator and/or manager providing false information to city authorities regarding the identity of and hours of occupancy by any occupant shall be prima facie evidence of premises being used for illegal purposes including but not limited to:
 1. Prostitution;
 2. Gambling;
 3. Drug use, sale, or manufacture of drugs; and/or
 4. Sale of alcoholic beverages.
 - (G) Hotel Room rates shall be posted in a prominent location in all guest rooms. Guests shall not be charged in excess of posted rates. A range of rates is acceptable in the posting.
 - (H) For hotel guest complaints the telephone number and address for the DCO shall be posted in a prominent location in all hotel guest rooms and public reception area.
 - (I) A representative of the property owner, operator or manager of a hotel shall be present and accessible to the DCO in person, on a 24-hour basis.
 - (J) Tier 2 hotels are required to have 24-hour on-site security provided by commissioned security officers.

- (K) All commissioned security officers while working for a Tier 2 hotel must be in uniform and must be registered with the Private Security Bureau of the Texas Department of Public Safety.
- (L) Commissioned security officers working for a Tier 2 hotel must have a Class B security contractor license issued from the Private Security Bureau of the Texas Department of Public Safety.
- (M) Tier 2 hotels must maintain records for the correct license or registration number, state of registration and make of any vehicle or conveyance for any guest registered at the hotel.

Sec. 97.10. Hotel, short-term rental, and bed and breakfast housekeeping and premises conditions.

- (A) The hotel, STR, or B&B premises and guest rooms shall fully comply with all City of Carrollton Construction, Fire, and Health, Safety and Property Maintenance Codes.
- (B) *Mattress condition/cleanliness.* Mattresses shall be free of stains, holes, rips, or odors in excess of normal wear and tear, and be maintained in a sanitary, non-defective condition (e.g., without broken springs, indentations, sags, etc.). Any coverings placed over mattresses to prevent stains and excess wear must be removable and not permanently attached to the mattress or box spring (e.g., not stapled, nailed, or pinned or tied down to the mattress or box spring).
- (C) *Linen condition/cleanliness.* Linens provided by the hotel, STR, or B&B shall be maintained in a sanitary condition and be free of stains, holes, rips, or odors in excess of normal wear and tear. Linens shall be replaced upon each change of occupancy or at least once a week when occupancy does not change. Linens shall be cleaned with appropriate sanitizing material to insure disinfection. Linens include but are not restricted to pillowcases, sheets, quilts, bedspreads, blankets, comforters, and towels.
- (D) Linens furnished by the guest shall be maintained in a sanitary condition and be free of stains, holes, rips, or odors in excess of normal wear and tear. Guest linens observed at time of hotel, STR, or B&B room inspections which do not meet the standards establish in this section require the hotel, STR, or B&B to give written notice to the guest to abate the violation within seven days. If the guest fails to abate the violation the hotel, STR, or B&B shall remove the guest's linen and replace it with the hotel, STR, or B&B linen at the end of the notice period. The hotel, STR, or B&B shall keep written documentation of the inspections and notices issued for each room and guest.
- (E) *Bathroom condition/cleanliness.* Bathroom fixtures (e.g., toilet, bathtub, sink, shower, mirror) shall be maintained without cracks, chips, or stains. Floors shall be washed with water and a sanitizer at change of occupancy or at least once a week when occupancy does not change. Daily cleaning schedules shall be maintained in the owners or manager's office.

- (F) *Carpet condition/cleanliness.* Carpeting shall be free of stains, holes, rips, or odors in excess of normal wear and tear, and shall be maintained in a sanitary, non-defective condition.
- (G) *Floor condition/cleanliness.* Non-carpeted floor surfaces shall be made of non-absorbent material. All surfaces and tile grouting shall be maintained without cracks, rips, or missing elements.
- (H) *Wall condition/cleanliness.* Wall surfaces shall be maintained in a clean and sanitary condition.
- (I) *Mold/mildew.* All surfaces, including carpeting and flooring, and fixtures shall be free from mold and mildew.
- (J) *Electrical equipment.* For the purpose of this chapter, electrical equipment shall include furniture items installed by the property owner, operator or manager, including air conditioners, televisions, lamps, etc. All electrical items must be properly maintained and be in operable condition.
- (K) *Furniture condition.* All furniture items shall be maintained in proper working condition, without structural defects.
- (L) *Window coverings.* Shades, draperies, or blinds shall be appropriately hung to cover all windows and appropriate light fixtures. All shades, draperies, blinds, shall be free of stains, holes, rips, or odors in excess of normal wear and tear, and be maintained in a sanitary, non-defective condition.
- (M) *Storage rooms.* No more than ten percent of designed guest rooms may be used for storage room purposes.
- (N) *Minimum occupancy.* A minimum of 90 percent of all hotel guest rooms must be available or in use for occupancy at all times.
- (O) *Windows.* All windows designed to be opened shall be operable and have an operable window security or locking device.
- (P) All windows and mirrors shall be intact and free of cracks.
- (Q) *Viewports.* Each door of a hotel guest room shall have a viewport or window convenient to the door.
- (R) *Door locks.* All hotel rooms are required to be outfitted with exterior electronic/magnetic locks for guests to gain access to their rooms or by locks that meet with the approval of the DCO.

- (S) *Exterior lighting.* The exterior of the hotel property, including adjacent public sidewalks and parking lots under the control of the operator, shall be illuminated at least between one hour after sundown and one-half hour before sunrise. Illumination shall be a minimum of one-tenth of one foot-candle throughout the property and shall not exceed four-tenths of one foot-candle of light measured at the property line.
- (T) *Pest control.* All hotel, STR, or B&B premises shall be treated for insects at least once a year by an exterminator licensed by the state.
- (U) *Pest control maintenance.* All hotel, STR, or B&B premises shall be maintained so that they are free from rodents, insects, and vermin and free from conditions that encourage or harbor rodents, insects, and vermin.
- (V) Interference with emergency telephone calls.
1. A hotel, STR, or B&B owner, operator and/or manager commits an offense if the owner, operator and/or manager knowingly prevents or interferes with another individual's ability to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.
 2. A hotel, STR, or B&B owner, operator and/or manager commits an offense if they recklessly render unusable a telephone that would otherwise be used by another individual to place an emergency telephone call or to request assistance in an emergency from a law enforcement agency, medical facility, or other agency or entity the primary purpose of which is to provide for the safety of individuals.
 3. In this section, "emergency" means a condition or circumstance in which any individual is or is reasonably believed by the individual making a telephone call to be in fear of assault or their health or safety are at risk.
- (W) The hotel, STR, or B&B shall maintain a detailed list of required duties for premises inspection, the employee or position responsible for such inspection and a schedule for performance and a record of compliance. Such list shall include a requirement for at least weekly inspection of the entire premises for operational safety devices, fire extinguishers, and damage to the exterior of the hotel, STR, or B&B and related parking areas and daily inspection and cleanup of the grounds, including trash and garbage containers for trash and debris not placed within such containers and records shall not[e] the date and time of compliance and the signature or initials of the person carrying out such duties.
- (X) The hotel shall maintain a detailed list of duties for housekeeping personnel and a schedule and log for cleaning rooms, replacing linens, inspecting for damage and other housekeeping duties. Such list and schedule shall conform to other requirements of this chapter and the log shall state the date and time of compliance and the initials of the housekeeping staff person who carried out such duties. Room inspections shall occur at least once a week for any guest rooms occupied by guests staying in excess of ten days.

- (Y) The hotel, STR, or B&B shall maintain a list of duties for inspection of rooms and repair of damage or replacement of damaged items and a schedule for inspection by maintenance personnel which shall be at least weekly and in any event before occupancy by a new tenant. If not included in the duties of housekeeping personnel, such list shall include inspection to ensure that smoke alarm devices and telephones are operational as well as air conditioning units, plumbing, and door locks being operational and in good repair. A log shall be maintained noting date and time of such inspection and listing defects and repairs or replacements.
- (Z) The hotel, STR, or B&B shall post rules and include such rules in material provided a guest or posted in each room to the effect that if any criminal activity in a room occurs or if a guest engages in criminal activity on the grounds, such guest will be immediately evicted. Such rules shall be strictly enforced.

Sec. 97.11. Short-term rental, bed and breakfast proof of insurance required.

It shall be unlawful for the owner of premises operating a STR or B&B to operate without host protection or other liability insurance commensurate with the operations of the short-term rental or bed and breakfast that provides coverage of up to \$1 million per occurrence. A certificate of insurance must be on file with the DCO. Proof of insurance shall be required at the time of application and notice of cancellation of insurance must be made to the DCO within 30 days.

Sec. 97.12. Parking restrictions.

- (A) It shall be unlawful for the guest, owner, operator, or manager of a hotel to allow an occupant to park a motor vehicle on a residential street adjacent to or near the hotel.
- (B) It shall be unlawful for the owner, operator, or manager of a hotel to allow an occupant, to occupy a motor home, recreational vehicle, boat, commercial vehicle or otherwise prohibited motor vehicle on the premises of a hotel.
- (C) It shall be unlawful for the owner or operator of a STR or B&B to permit, allow, or advise occupants to park more vehicles on the premises than the available off-street parking spaces, or to suffer or permit parking of vehicles on an unapproved surface.
- (D) The maximum amount of motor vehicles allowed to be parked at a STR or B&B shall be limited to the number of available off-street parking spaces.
- (E) It shall be unlawful for the occupant of a STR or B&B to park a motor vehicle on a residential street near a STR or B&B.
- (F) It shall be unlawful for an occupant of a STR or B&B, or an owner thereof, to allow an occupant, to park or occupy a motor home, recreational vehicle, boat, commercial vehicle, or otherwise prohibited motor vehicle on the premises of a STR or B&B or on a residential street near a STR or B&B.

Sec. 97.13. Restrictions on Number of Occupants for Short-term Rentals and Bed and Breakfasts.

- (A) It shall be unlawful for an owner or operator of a STR or B&B to rent, allow, provide, or advertise for more persons which exceed the “Occupancy load and overcrowding” requirements found in Section 96.06(A)(4) of the Carrollton Code of Ordinances regulating the number of individuals occupying a Single-Family and Multi-Family structure.
- (B) It shall be unlawful for the owner, operator, or occupant to allow, suffer or permit the number of occupants living, sleeping within, or possessing a short-term rental to exceed the maximum occupancy shown on the STR or B&B lodging license.
- (C) A visual inspection of more than the allowed persons staying at the premises is prima facie evidence of and shall be probable cause to issue a citation for a violation of this section.

Sec. 97.14. Physical conversion of short-term rental or bed and breakfast premises is prohibited.

- (A) It shall be unlawful for an owner or operator of a STR or B&B to convert a garage to a living space, remodel, renovate, enlarge, or otherwise modify premises to add additional bedrooms for use as a STR or B&B.
- (B) It shall be unlawful for an owner or person to pave or otherwise cover pervious soil to create additional on-premises parking without approval from the DCO.

Sec. 97.15. Short-term rental, bed and breakfast additional requirements.

- (A) *Sound Equipment Restrictions.* It shall be unlawful for an owner, operator, or occupant of a STR or B&B to use or allow the use of amplified sound equipment that produces sound audible beyond the property line of the premises between the hours of 10:00 p.m. and 7:00 a.m.
- (B) *On-Premises Curfew.* It shall be unlawful for an owner, operator, or occupant of a STR or B&B to allow the congregation of occupants outside at the premises between the hours of 10:00 p.m. and 7:00 a.m.
- (C) *Trash Requirements.* It shall be unlawful for an owner, operator, or occupant of a STR or B&B to place or allow to be placed trash on the premises before the evening prior to scheduled trash collection, or on a day not scheduled for collection by the city or its authorized solid waste vendor.
- (D) *Special Events Prohibited.*
 - 1. It shall be unlawful for an owner or occupant of a STR or B&B to advertise or promote a special event or allow the advertising and promotion of a special event (e.g., banquet, wedding, reception, reunion, bachelor or bachelorette party, concert,

or any similar activity that would assemble large numbers of invitees) to be held on the premises (i.e., utilize the premises as a ‘banquet hall’).

2. It shall be unlawful for the owner, operator, or occupant of a STR or B&B to allow, suffer, or permit a banquet hall or special event as described to be held on the premises.
- (E) *Notice to Occupants.* An owner or operator of a STR or B&B shall provide a notice of instructions (also known as “host rules”) to occupants staying at the premises in a form developed by the DCO. The notice shall instruct the occupants as to all applicable city regulations pertaining to STR or B&B. These include, but are not limited to, occupancy restrictions, limits on parking, trash pickup, prohibitions on special events, limits on amplified sound, and curfew times.
 - (F) *License Displayed.* A copy of the approved lodging license shall be posted at a conspicuous location inside the front entrance(s) to a STR or B&B.
 - (G) *Use of Assigned Lodging License Number Required.* It shall be unlawful for an owner or operator to advertise a STR or B&B in any medium, including but not limited to newspaper, magazine, brochure, website, or mobile application without including the current lodging license number assigned by the DCO.
 - (H) *Use of Unauthorized Permit Number Prohibited.* It shall be unlawful for an owner or person to use, advertise or promote or allow the use, advertisement, or promotion of a STR or B&B using a lodging license not assigned to the owner or operator, or to a different address, or to a different dwelling unit.

Sec. 97.16. Hotel occupancy taxes; request for occupancy history.

It shall be unlawful for the owner or operator of the premises used for a hotel, STR, or B&B to fail to pay hotel occupancy taxes required under State law and Title III, Chapter 38 of the Carrollton Code of Ordinances. Upon request by the DCO or the Finance Department of the City of Carrollton, the owner or operator of the premises used as a hotel, STR, or B&B shall remit, within 30 days, an accounting of all occupants who rented the premises and the hotel occupancy taxes paid therefor. It shall be unlawful for an owner or operator to fail to provide said information requested in a timely manner.

Sec. 97.17. Enforcement.

- (A) Each violation of this chapter shall constitute a separate offense.
- (B) Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this chapter except where expressly required by this chapter.
- (C) Any condition which is reasonably believed to be imminently dangerous to the life, limb, health, or safety of the occupants of the property or to the public, may result in a court summons. Such conditions include but are not limited to non-functional smoke detectors,

lack of or non-functional interior door locking devices, windows which do not open, or which open but fail to stay open, sewer leaks, inoperable telephones, or telephones that fail to connect to the emergency 911 telephone number.

- (D) Upon reasonable notice provided to the owner, operator or manager of a hotel, STR, or B&B or other responsible person, imminently dangerous conditions may be immediately abated by the DCO. Actions taken to abate the imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the DCO to be necessary. In the event use of occupancy is restricted, the owner, operator or the property manager shall discontinue the use within the time prescribed by the DCO after receipt of such notice.
- (E) If entry onto the property and access to rooms or units constituting an imminently dangerous condition in violation of this chapter is denied to the DCO by the owner, operator, or manager of the property, the DCO may seek a court order and/or inspection and abatement warrant from a court of competent jurisdiction to authorize the immediate abatement of the imminently dangerous conditions.
- (F) Costs for any abatement performed by, or on behalf of the city, including the cost of police services provided and including the relocation of occupants of the property shall be recoverable by the city.
- (G) Expenses incurred pursuant to this chapter shall be charged against the real estate and attached as a lien on which the work is done, or improvements made and charged to the owner of the property for the same.
- (H) A hotel, STR, or B&B owner, operator or manager will have 30 calendar days to address and abate all other code violations not considered imminently dangerous as stated in this section or longer, as the case may be, if the owner, operator, or manager is unable to remedy the code violation through no fault of its own.
- (I) At the time of reinspection by the DCO, the DCO will charge the hotel a base reinspection fee as found in section 31.01(D)(3)(a) of the City of Carrollton Code ordinance fee schedule plus a \$13.00 fee for each hotel room that has to be reinspected. Reinspection fee for STRs or B&Bs will be charged as found in section 31.01(D)(3)(b) of the City of Carrollton Code of Ordinances fee schedule.
- (J) The owner or operator of a STR or B&B use that was not registered with the City of Carrollton for hotel occupancy tax prior to January 1, 2023, and who is unable to obtain a permit for said use or fails or refuses to obtain a permit for the use following the effective date of this Chapter, shall discontinue the STR or B&B use no later than January 1, 2024.
- (K) The owner or operator of a STR or B&B use that was registered with the City of Carrollton for hotel occupancy tax prior to January 1, 2023, and who is unable to obtain a permit for said use or fails or refuses to obtain a lodging license for the use following the effective

date of this Chapter, shall discontinue the short-term rental or bed and breakfast use no later than January 1, 2024.

- (L) If the lodging license for a hotel, STR, or B&B use is not renewed, the owner shall discontinue the use no later than the date on which the existing permit or any extension thereof expires.
- (M) *Notices by the City.* A notice given by the city pursuant to this article is deemed to have been delivered by the city on the date that it is delivered in person; posted on or near the front door of the structure if personal delivery cannot be obtained; or delivered by certified mail to the owner, operator, or company at the address provided by the registrant in the application for the lodging license. If notice is returned as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered delivered.
- (N) At the option of the city, the city may proceed under the alternative procedure set forth in Local Government Code, Section 54.044 et seq., or as it may be amended, and the remainder of Local Government Code, Chapter 54, Subchapter C, Section 54.031, et seq., as amended. The hearing must be held within 30 days after notice of the hearing and shall be conducted in accordance with the statute. Notice of the hearing shall be in accordance with Local Government Code, Section 54.035, as amended. Pursuant to Local Government Code Section 54.044, et seq., as amended, the DCO shall act as the hearing officer who shall have the authority granted by the statute including the authority to set the amount and disposition of the administrative penalties, costs, and fees. The hearing officer shall take all action required by statute in these proceedings. Each violation of this chapter shall constitute a separate violation for each day or part of a day during which the violation is committed, continued, or permitted, unless otherwise provided. The civil penalty for a violation of a provision of this chapter may not exceed \$1,000.00. Administrative costs and fees shall be established by the city on an actual incurred basis for that specific case. The order of the hearing officer shall comply with Section 54.044(h), as amended. Anyone aggrieved by an order may seek judicial review in accordance with Section 54.044(k), as amended.

Sec. 97.18. Penalty.

An operator, owner, manager, or responsible person who violates any provisions of this chapter is guilty of a misdemeanor, and upon conviction is punishable as set forth in section 10.99 for each act of violation and for each day or part of a day during which the violation is committed, continued, or licensed.”

SECTION 3.

Any person violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

SECTION 4.

The provisions of this Ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 5.

All other provisions of the Carrollton Code of Ordinances not expressly amended as stated herein shall remain in full force and effect.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Carrollton, Texas, except where the provisions of this Ordinance are in direct conflict with provisions of such ordinances and such codes, in which event the conflicting provisions of such ordinances and such codes are hereby repealed.

SECTION 7.

This Ordinance shall become effective on and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 6th day of December 2022.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd,
City Attorney

APPROVED AS TO CONTENT:

Cory Heiple,
Environmental Services Director



Agenda Memo File Number: 5982

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *22.

CC MEETING: December 6, 2022

DATE: November 22, 2022

TO: Erin Rinehart, City Manager

FROM: Cory Heiple, Environmental Services Director
Marc Guy, Assistant City Manager

Consider An **Ordinance Amending The Carrollton Code Of Ordinances Regarding Title III, Section 38.30 and Section 38.31 - 'Hotel Occupancy Tax' Related To Short-Term Rentals.**

BACKGROUND:

This agenda item is a companion item to the proposed ordinance revision of Chapter 97 - 'Hotel Code' and follows the worksessions held during the October 11, 2022, and November 1, 2022, City Council meetings which discussed the proposed adoption of an ordinance to regulate short-term rentals. This amendment presents revisions to the Code of Ordinances that adopts an occupancy tax on short-term rental and bed and breakfast properties.

FINANCIAL IMPLICATIONS:

The taxation amendment for short-term rental business operations located within single-family neighborhoods adopts measures comparable to hotel and motel occupancy tax rates since they provide a similar service. This occupancy tax rate ensures operations similar to hotels and motels are fairly taxed according to the services they provide.

IMPACT ON COMMUNITY SUSTAINABILITY:

Collecting on the tax revenue for services similar in nature to hotels and motels provides an effective means to help offset the costs of administering this new program.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council adoption of an ordinance amending Title III, Chapter 38 of the Carrollton Code of Ordinances to establish an occupancy tax on short-term rental properties.

HOTEL OCCUPANCY TAX

Sec. 38.30. Definitions.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Bed and Breakfast. A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days and which is permanently occupied by the property owners listed on the county appraisal district records for which the property is located.

Consideration. The cost of the room in that hotel, short-term rental, or bed and breakfast only if the room is one ordinarily used for sleeping, and shall not include the cost of any food served or personal services rendered to the occupant of that room not related to the cleaning and readying of the room for occupancy.

Hotel. Any building or buildings in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses or other buildings where rooms are furnished for a consideration, but hotel shall not be defined as to include hospitals, sanitariums or nursing homes.

Occupancy. The use or possession, or the right to use or possession, of any room in a hotel, short-term rental, or bed and breakfast if the room is one ordinarily used for sleeping and if the occupant's use or possession, or right to use or possession extends for a period of fewer than 30 days.

Occupant. Anyone who, for a consideration, uses, possesses or has a right to use or possess any room in a hotel, short-term rental, or bed and breakfast if the room is one ordinarily used for sleeping.

Short-term rental. A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days that is not permanently occupied by the property owners listed on the county appraisal district records for which the property is located.

Sec. 38.31. Levy of tax; rate; exceptions.

Under the provisions of V.T.C.A., Tex. Tax Code, Chapter 351, there is hereby levied a tax upon the cost of occupancy of any sleeping room furnished by any hotel, short-term rental, or bed and breakfast where the cost of occupancy is at the rate of \$2.00 or more per day, the tax to be equal to seven percent of the consideration paid by the occupant for the room to that hotel, exclusive of other occupancy taxes imposed by other governmental agencies.

Sec. 38.32. Collection required by owners, manager and the like.

Every person owning, operating, managing or controlling any hotel shall collect the tax imposed by this subchapter for the city.

Sec. 38.33. When payment due; reports to be filed.

The taxes provided for herein shall be paid on a quarterly basis.

- (A) The regular calendar quarters of the year shall be the first quarter being composed of the months of January, February and March; the second quarter being the months of April, May and June; the third quarter being the months of July, August and September; and the fourth quarter being the months of October, November and December.

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- (B) On the last day of the month following each quarterly period, every person required by this subchapter to collect the taxes imposed herein, shall file a report with City Tax Assessor and Collector showing the consideration paid for all room occupancies in the preceding quarter, the amount of the taxes collected on those occupancies, and any other information as the Tax Assessor and Collector may reasonably require. Those persons shall pay the taxes due on those occupancies at the time of filing of the report.

Sec. 38.34. Failure to pay, delinquencies; penalties.

If any person shall fail to collect the tax imposed herein, or fail to file a report as required herein, or shall fail to pay to the Tax Assessor and Collector the tax as imposed herein when the report for payment is due, or shall file a false report, then that person shall be deemed guilty of a misdemeanor. In addition to a penalty as set forth in section 37.99, the person who fails to remit the tax imposed by this subchapter within the time required shall forfeit five percent of the amount due as a penalty, and after the first 30 days shall forfeit an additional five percent of the tax; provided, that the penalty shall never be less than \$1.00. Delinquent taxes hereunder shall draw interest at the rate of six percent per annum beginning 60 days from the date due.

Sec. 38.35. Disposition of proceeds.

All revenue received from an occupancy tax authorized under this subchapter shall be used only for those purposes authorized under section 3(c) of Tex. Rev. Civ. Stat. Ann., Article 1269j-4.1, except that the Tax Assessor and Collector of the city may retain for the city an amount equal to five percent of the taxes collected to cover the cost of collecting those taxes.

Sec. 38.36. Authority of tax assessor and collector.

The City Tax Assessor and Collector shall have the power to make any rules and regulations as are necessary to effectively collect the tax levied herein, and shall upon reasonable notice have access to the books and records necessary to enable the Tax Assessor and Collector to determine the correctness of any report filed as required by this subchapter, the amount of taxes due under the provisions of this subchapter.

Secs. 38.37—38.49. Reserved.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING SECTIONS 38.30 AND 38.31 OF THE CITY OF CARROLLTON CODE OF ORDINANCES REGARDING THE COLLECTION OF HOTEL OCCUPANCY TAX ON SHORT-TERM RENTAL AND BED AND BREAKFAST PROPERTIES; ESTABLISHING DEFINITIONS; LEVYING A TAX RATE; ESTABLISHING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (the “City”) is a Home-Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, Section 54.004 of the Texas Local Government Code provides that a home rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, the City is further authorized to enact and enforce minimum standards relating to the use and occupancy of structures pursuant to Subchapter A of Chapter 214 of the Texas Local Government Code; and

WHEREAS, the City is authorized to enact and enforce a hotel occupancy tax pursuant to V.C.T.A., Tax Code Chapter 35; and

WHEREAS, the taxation on hotels, motels, and similar transient housing business operations including short-term rentals and bed and breakfasts within the City is necessary and essential to the economic health of the community; and

WHEREAS, the City has established a hotel occupancy tax that is imposed on hotels and other transient uses, but not short-term rentals or bed and breakfasts which are also transient uses for financial gain; and

WHEREAS, the imposition of a hotel occupancy tax on short-term rentals and bed and breakfasts will assist with the preservation and protection of property values and the City’s tax base within the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, health, and safety of the City to adopt an updated tax ordinance to enact taxation on short-term rentals and bed and breakfast operations.

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

SECTION 1.

All the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.

The Code of Ordinances of the City of Carrollton Title III, Chapter 38, Section 38.30 is hereby amended to read as follows:

“Hotel Occupancy Tax

Sec. 38.30. Definitions.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Bed and Breakfast. A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days and which is permanently occupied by the property owners listed on the county appraisal district records for which the property is located.

Consideration. The cost of the room in that hotel, short-term rental, or bed and breakfast only if the room is one ordinarily used for sleeping and shall not include the cost of any food served or personal services rendered to the occupant of that room not related to the cleaning and readying of the room for occupancy.

Hotel. Any building or buildings in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, tourist homes, houses, or courts, lodging houses, inns, rooming houses, or other buildings where rooms are furnished for a consideration, but hotel shall not be defined as so include hospitals, sanitariums, or nursing homes.

Occupancy. The use or possession, or the right to use or possession, of any room in a hotel, short-term rental, or bed and breakfast if the room is one ordinarily used for sleeping and if the occupant's use or possession, or right to use or possession extends for a period of fewer than 30 days.

Occupant. Anyone who, for a consideration, uses, possesses, or has a right to use or possess any room in a hotel, short-term rental, or bed and breakfast if the room is one ordinarily used for sleeping.

Short-term rental. A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days that is not permanently occupied by the property owners listed on the county appraisal district records for which the property is located.”

SECTION 2.

The Code of Ordinances of the City of Carrollton Title III, Chapter 38, Section 38.31 is hereby amended to read as follows:

“Sec. 38.31. Levy of tax; rate; exceptions.

Under the provisions of V.T.C.A., Tex. Tax Code, Chapter 351, there is hereby levied a tax upon the cost of occupancy of any sleeping room furnished by any hotel, short-term rental, or bed and breakfast where the cost of occupancy is at the rate of \$2.00 or more per day, the tax to be equal to seven percent of the consideration paid by the occupant for the room to that hotel, exclusive of other occupancy taxes imposed by other governmental agencies.”

SECTION 3.

Any person violating a provision of this Ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

SECTION 4.

The provisions of this Ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 5.

All other provisions of the Carrollton Code of Ordinances not expressly amended as stated herein shall remain in full force and effect.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Carrollton, Texas, except where the provisions of this Ordinance are in direct conflict with provisions of such ordinances and such codes, in which event the conflicting provisions of such ordinances and such codes are hereby repealed.

SECTION 7.

This Ordinance shall become effective on and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 6th day of December 2022.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd,
City Attorney

APPROVED AS TO CONTENT:

Cory Heiple,
Environmental Services Director



Agenda Memo
File Number: 5985

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *23.

CC MEETING: December 6, 2022

DATE: November 22, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Professional Services Contract With Burgess & Niple, Inc. For Engineering Design Services Related To The Country Villas Street Reconstruction Project In An Amount Not To Exceed \$463,230.00.

BACKGROUND:

The Country Villas neighborhood was included in the 2022 bond referendum for street reconstruction. This contract will provide the construction plans for the Country Villas project. The project scope consists of the replacement of approximately 8,505 linear feet of residential street pavement, 7,660 linear feet of 8-inch and 12-inch sanitary sewer mains, and 7,280 linear feet of 6-inch and 8-inch water mains. The capacity of the existing neighborhood drainage system will also be analyzed.

The estimated construction cost is \$5,046,000.00.

Consultant selection was performed using a Request for Qualifications (RFQ) method whereby engineering firms submitted a two-part Statement of Qualifications which was evaluated by a four-person committee. The top 6 firms were selected for projects over the next two years.

FINANCIAL IMPLICATIONS:

Burgess & Niple, Inc. has submitted a proposal to the City to perform the engineering design services for the project in an amount not to exceed \$463,230.00. Funding will be available in the Streets Consolidated Fund and the Utilities Consolidated Fund.

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will support the City Council’s strategic objectives and vision of building a community that

families and businesses want to call home by:

Sustaining quality of life - Improvements in the subdivision should improve the appearance of the neighborhood and promote residents to provide better upkeep of their properties.

Sustaining day-to-day operations - The replacement of substandard street pavement and sewer and water lines should reduce the need for non-scheduled or emergency repairs.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approve a resolution authorizing the City Manager to enter into a professional services contract with Burgess & Niple, Inc. for the preparation of engineering plans for the Country Villas Street Reconstruction Project in an amount not to exceed \$463,230.00.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLÉ, INC., FOR ENGINEERING SERVICES RELATED TO COUNTRY VILLAS STREET RECONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$463,230.00 AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1:

The City Manager is authorized to negotiate and execute services contracts with Burgess & Niple, Inc., for engineering services in an amount not to exceed \$463,230.00.

SECTION 2:

The City Manager, or designee, is authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

SECTION 3:

This Resolution shall take effect immediately from and after its passage.

PASSED and APPROVED on this 6th day of December 2022.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

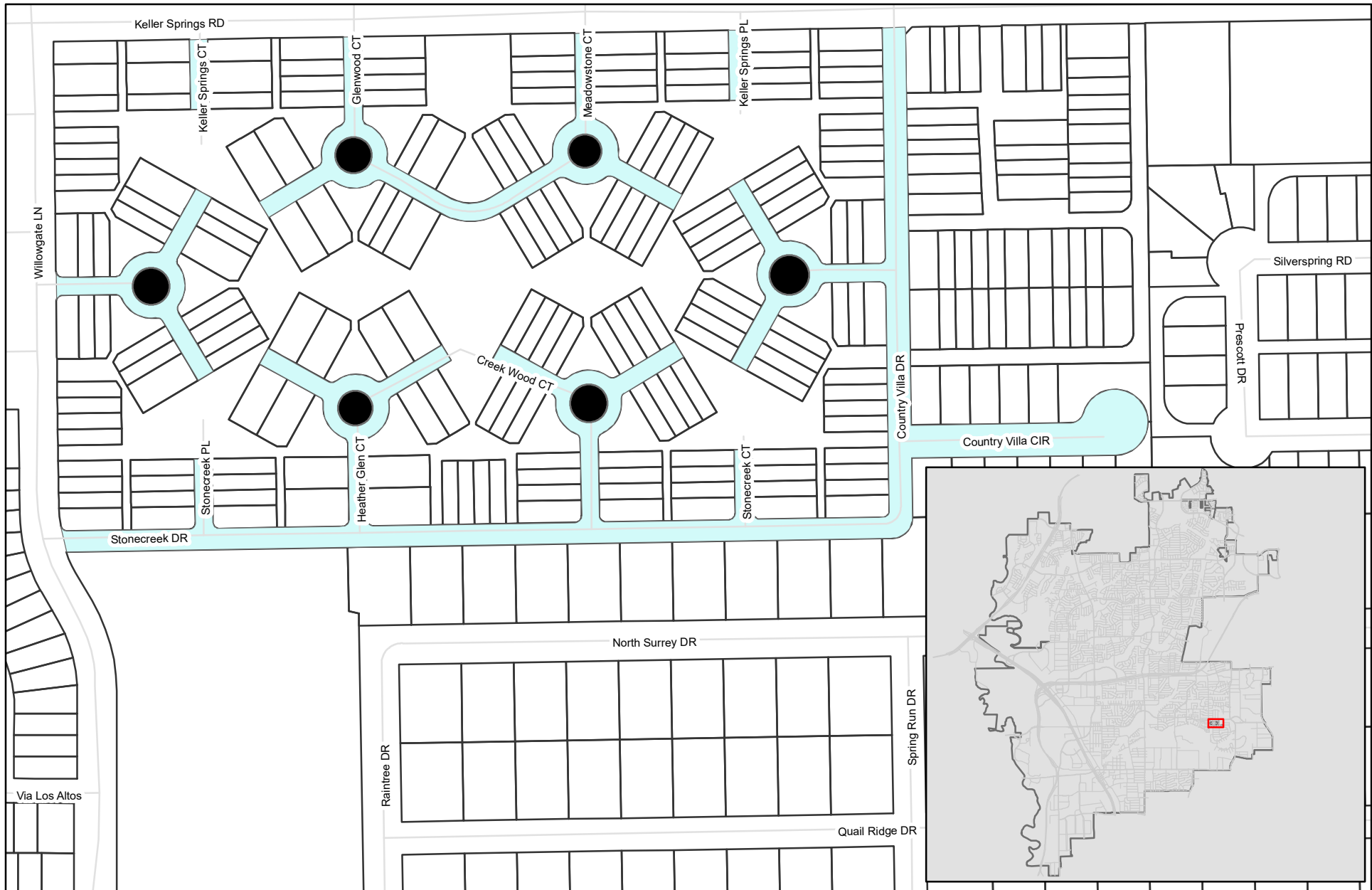
Chloe Sawatzky, City Secretary

Approved as to form:

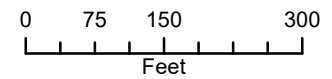
Approved as to content:

Meredith A. Ladd, City Attorney

Jonathan Wheat, P.E.,
Director of Engineering



Country Villas Proposed Street Reconstruction



M. Natsaway Engineering Technician
U:\GIS DATA\MXD\11-23-2022 Country Villas





Agenda Memo
File Number: 5991

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *24.

CC MEETING: December 6, 2022

DATE: November 16, 2022

TO: Erin Rinehart, City Manager

FROM: Josh Giles, Development Program Manager
Ravi Shah, Director of Development Services
Marc Guy, Assistant City Manager

Consider A **Resolution Authorizing The City Manager To Execute A Lease With The MAD Concepts Group For The Use Of City-Owned Property For A Restaurant At 1309 South Broadway.**

BACKGROUND:

On January 6, 2015, the City Council authorized the purchase of 1309 South Broadway, which is located at the northeast corner of Broadway and Vandergriff Drive. At the time of the City’s purchase, the property was being used as an automobile repair facility and was considerably blighted. The City rehabilitated the property for conversion into a restaurant space. Since then, the property has been occupied by Monkey King Noodle Company and Cow Tipping Creamery. The building is currently vacant. The MAD Concepts Group has proposed opening a ‘Tacos and Avocados’ concept restaurant. The prospective tenant currently operates a variety of franchise restaurants and retailers, including Jakes’ Burgers and Floyd’s Barbershops.

The TOD Committee has recommended favorably for the prospective tenant and proposed restaurant concept.

The terms of the proposed lease are:

- 1309 South Broadway: 1,508 sf restaurant
- Term: 5-year initial lease term
- Extensions Three 5-year extensions available
- Base Rental Rate: 0-12 months \$0 per month
- 13-60 months \$3,393 per month (\$27/sf)
- Year 6-10, \$3,732 per month (\$29.70/sf)

Year 11-15, \$4,105 per month (\$32.67/sf)

Year 16-20, \$4,521 per month (\$35.98/sf)

Monthly Property Expenses: Tenant pays 100% (Triple Net Lease)

Tennant Improvements: City Contribution: \$0

Tenant Contribution: Estimated at \$800,000+

The tenant contribution amount includes interior and exterior building improvements, patio improvements, furniture, fixtures, and equipment. All non-branded improvements that are permanently attached to the property will remain with the property, even if the tenant vacates the property in the future.

The prospective tenant has committed to pursuing an accelerated timeline for opening in the third quarter 2023.

FINANCIAL IMPLICATIONS:

The last lease rate for the property before it became vacant was \$1,633.33/mo (\$13/sf). The new lease rate (\$27/sf with escalations) would more than double the previous lease rate, beginning in year two, with a projected revenue of \$162,864 over the first five years of the lease. The City would benefit from the tenant paying for expenses related to property maintenance, insurance and the leasehold tax value. If all extensions are exercised by the tenant, the total projected revenue would be \$904,344, plus the value of the property maintenance, insurance and leasehold tax value amounts.

IMPACT ON COMMUNITY SUSTAINABILITY:

The ‘Tacos and Avocados’ restaurant would bring an energetic dining concept to the Downtown area. It would provide a robust menu offering of food and beverage options, and activate the patio space with improvements that would enhance the property. With more locations planned, this ‘Tacos and Avocados’ location will have regional brand recognition and could serve as a destination for patrons throughout DFW.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing the City Manager to enter into a lease with the MAD Concepts Group on the City-owned property at 1309 South Broadway.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH MAD CONCEPTS GROUP FOR THE USE OF CITY-OWNED PROPERTY LOCATED AT 1309 SOUTH BROADWAY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (“City”) owns the property located at 1309 South Broadway in the City of Carrollton, Texas (“Property”), and as further described in Exhibit “A,” attached hereto by reference for all purposes; and

WHEREAS, the City made significant investments in the Property to make it a suitable restaurant space; the Property is currently vacant, and the City has actively marketed the Property; and

WHEREAS, City desires to enter into a lease with MAD Concepts Group (“Tenant”) for approximately 1,508 square feet of the Property (“Lease”) to operate as a Tacos and Avocados; and

WHEREAS, the City and Tenant are agreeable to the following terms: an initial period of one-year free rent, followed by a lease rate of \$27/sq ft with future escalations, an initial five (5) year term with three five (5) year extensions, no Tenant Improvement (“TI”) allowance, at least \$5,000 in prepaid rent due at lease execution, and a trial period to offer breakfast foods at least two mornings per week; and

WHEREAS, the Tenant plans to make significant investments in the building and patio space, which will stay with the building in perpetuity; and

WHEREAS, upon full review and consideration of the terms of the Lease, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager shall be authorized to execute an agreement with Tenant on behalf of the City of Carrollton;

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

Section 1

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Resolution as if copied in their entirety.

Section 2

The City Manager is hereby authorized to execute a Lease and all other documents in connection therewith on behalf of the City of Carrollton, substantially according to the terms and conditions set forth in this Resolution.

Section 3

This Resolution shall take effect upon passage.

PASSED AND APPROVED ON DECEMBER 6, 2022.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd
City Attorney

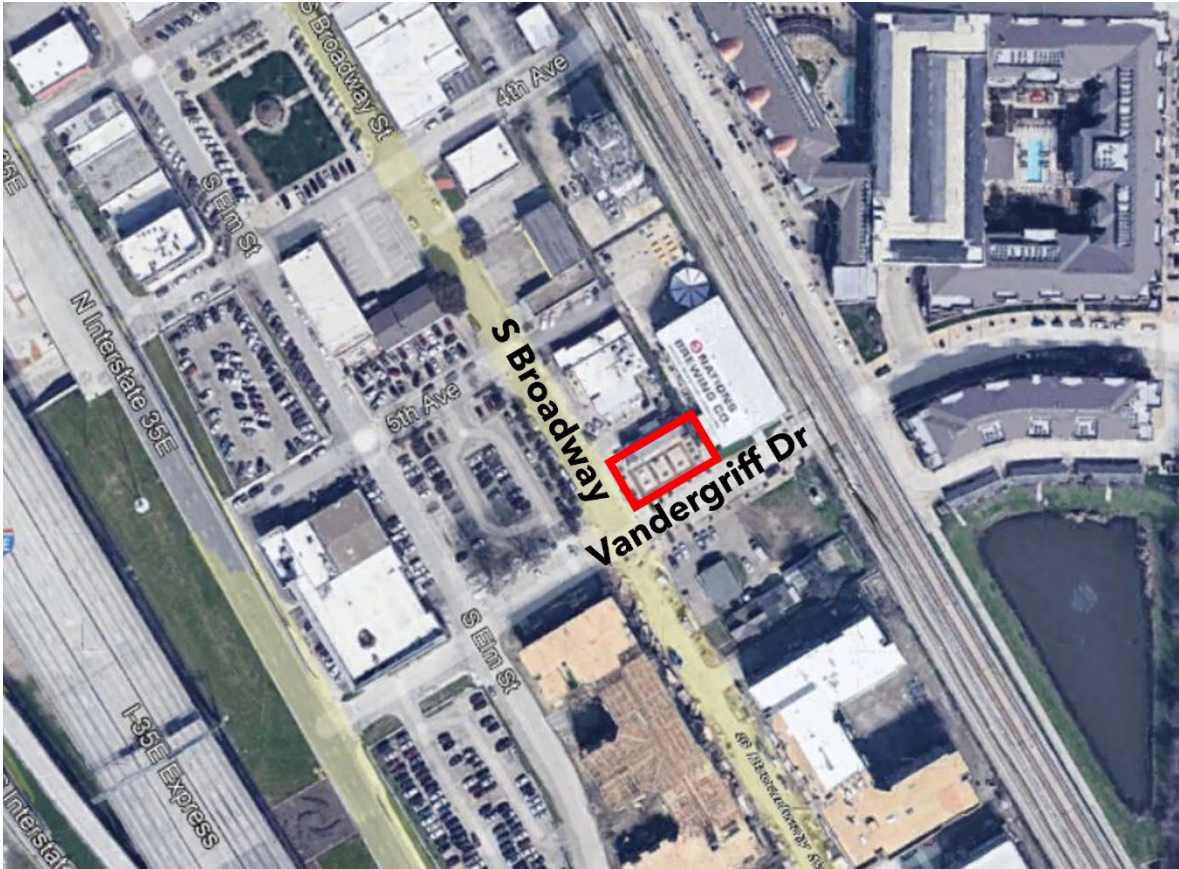
APPROVED AS TO CONTENT:

Josh Giles
Development Program Manager

Ravi Shah
Director of Development Services

Exhibit A

Location Map





Agenda Memo File Number: 5992

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *25.

CC MEETING: December 6, 2022

DATE: November 28, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Consider A **Resolution Authorizing The City Manager To Execute An Amended And Restated Subrecipient Interlocal Agreement With Dallas Area Rapid Transit For The Downtown Carrollton Multi-Modal Transit Hub Federal Transit Administration Grant.**

BACKGROUND:

On August 21, 2007, City Council authorized a subrecipient agreement to receive federal SAFETEA-LU funds for the Downtown Carrollton Multi-Modal Transit Hub (DART Green Line Station). This resulted in an executed interlocal agreement with the Federal Transit Administration (FTA).

FTA and DART have identified a need to amend and restate the agreement. The original award portion of the agreement specifies that the funds can only be used for pedestrian and bicycle facilities directly serving the Downtown Carrollton Station. Because of the date of the original grant, the funds are available on a year-to-year basis.

NCTCOG is sponsoring a final design project for the Cotton Belt Regional Hike and Bike Trail between Plano and DFW Airport, and DART has started construction on the Silver Line commuter rail passenger station in Downtown Carrollton. The station includes a trail segment with rail crossing safety equipment for the Cotton Belt Trail that can qualify for FTA funding in the very near future. Carrollton, NCTCOG and DART are collaborating to develop a funding scenario to make use of the remaining grant funds.

FINANCIAL IMPLICATIONS:

The FTA grant agreement award will allow for construction of a portion of the Cotton Belt Regional Hike and Bike Trail and the use of federal funding prior to expiration.

IMPACT ON COMMUNITY SUSTAINABILITY:

This project will support the City Council's strategic objectives and vision of building a community that families and businesses want to call home by:

- Helping to extend the proposed Cotton Belt Hike and Bike Trail through the Downtown Carrollton Station area.
- Increasing community and regional connectivity and accessibility to the Silver Line Station, Downtown Carrollton and the City's hike and bike trail system.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing a restated and amended interlocal agreement with DART for the Downtown Carrollton Multi-Modal Transit Hub FTA grant.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED AND RESTATED SUBRECIPIENT AGREEMENT WITH DALLAS AREA RAPID TRANSIT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 31, 2008, Dallas Area Rapid Transit (“DART” or a “Party”) and the City of Carrollton, Texas (the “City” or a “Party”) entered into a Subrecipient Agreement (the “2007 Agreement”) designating DART to act as the City’s authorized grant recipient for Federal Transit Administration (“FTA”) funds, which were authorized by Congress on November 30, 2005, for the construction of the Downtown Regional Multimodal Transit Hub in Carrollton, Texas (the “Project”); and

WHEREAS, the City has operated in compliance with the 2007 Agreement; and

WHEREAS, DART desires to amend and restate the 2007 Agreement, in accordance with Federal requirements; and

WHEREAS, any new terms, conditions, or requirements set forth in this Amended and Restated Subrecipient Agreement (this “2022 Agreement”) shall solely operate prospectively and will only apply to the City after the execution of this 2022 Agreement; and

WHEREAS, DART has and will continue to pass through certain funding it has and will continue to receive from the Federal Transit Administration (“FTA”), pursuant to the 2011 funding agreement (“Funding Agreement”) between DART as Grantee and FTA as Grantor, on behalf of the City, a Texas home-rule municipality; and,

WHEREAS, DART and the City (collectively, the "Parties") wish to enter into this 2022 Agreement to set forth the obligations of each Party regarding the funds received and to be received from the Funding Agreement.

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

SECTION 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council of the City of Carrollton, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2.

The City Council of the City of Carrollton hereby authorizes the City Manager to execute the amended, restated Subrecipient Agreement – the 2022 Agreement for the prospective compliance with Federal regulations.

SECTION 3.

The City Manager, or designee, is authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

SECTION 4.

That any other prior resolution of the City Council in conflict with the provisions contained in this Resolution are hereby repealed and revoked.

SECTION 5.

Should any part of this Resolution be held to be invalid for any reason, the remainder shall not be affected thereby, and such remaining portions are hereby declared to be severable.

SECTION 6.

This Resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED on this 6th day of December 2022.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

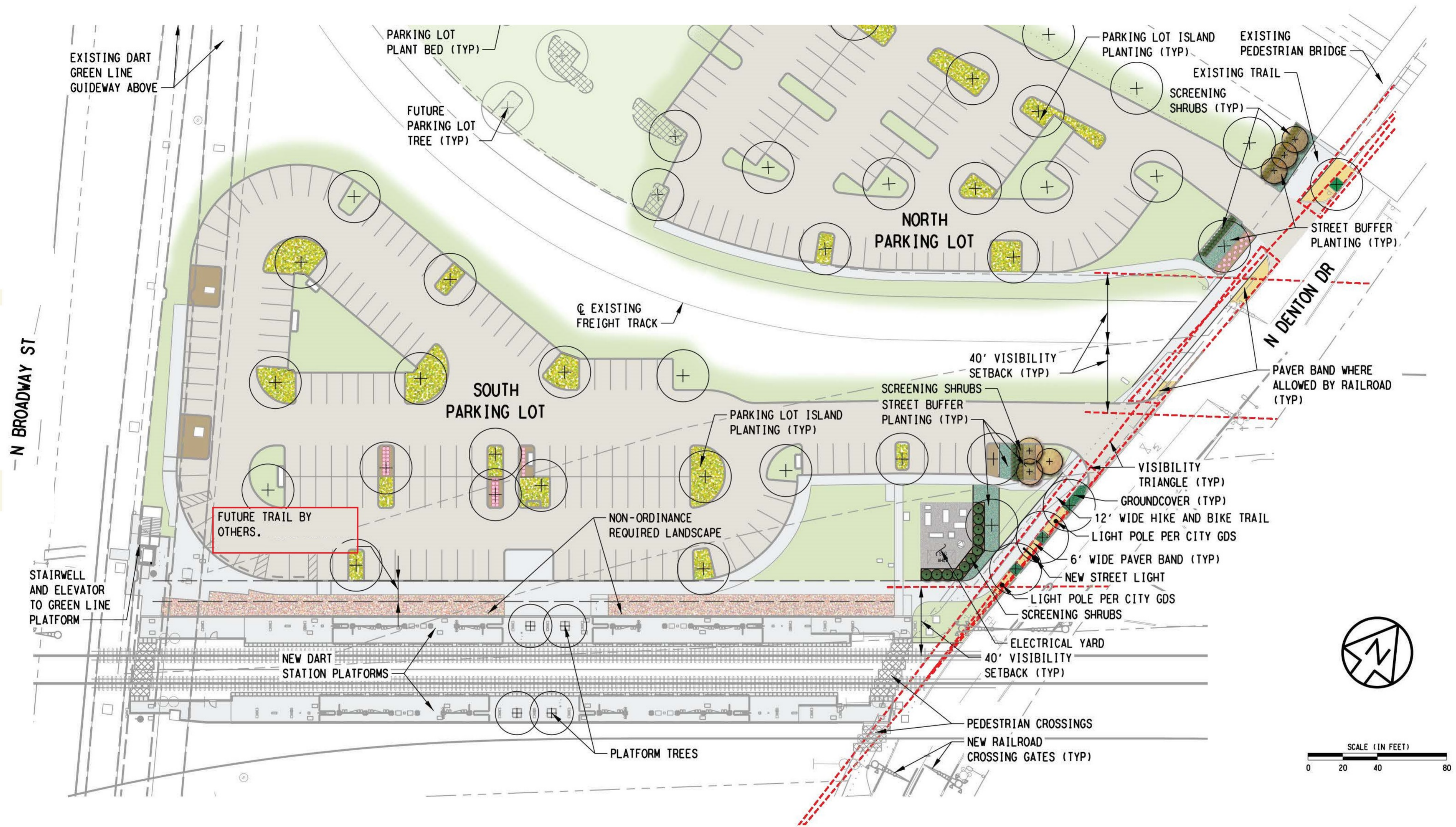
Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith Ladd, City Attorney

Jonathan Wheat, P.E.,
Director of Engineering





Agenda Memo File Number: 5994

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *26.

CC MEETING: December 6, 2022

DATE: November 29, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Wheat, P.E., Director of Engineering
Marc Guy, Assistant City Manager

Consider A **Resolution Authorizing The City Manager To Enter Into A Master Interlocal Agreement With Dallas County To Provide Future Funding For Road And Bridge Transportation-Related Improvements And/Or Maintenance Programs.**

BACKGROUND:

This agenda item seeks authorization to approve a 10-year master interlocal agreement with Dallas County governing road and bridge transportation-related improvements and/or maintenance projects.

Dallas County is currently identifying potential funding to assist the City with road and bridge maintenance projects. Dallas County has requested approval of the master interlocal agreement format as a foundation to future project-specific funding agreements for road and bridge maintenance projects within the Dallas County portion of Carrollton. If funding is awarded for projects, a formal Project Specific Agreement will be presented to City Council for approval.

FINANCIAL IMPLICATIONS:

Approval of this interlocal agreement will allow the City to receive future funding that can be used for road and bridge improvements and maintenance of approved projects.

IMPACT ON COMMUNITY SUSTAINABILITY:

This item will support the City Council's strategic objectives and vision of building a community that families and businesses want to call home by:

- Continuing the process of securing and leveraging additional funding for road and bridge maintenance projects to sustain the City's surface infrastructure.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing the City Manager to enter into a master interlocal agreement with Dallas County.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A MASTER INTERLOCAL AGREEMENT WITH DALLAS COUNTY TO PROVIDE FUTURE FUNDING FOR ROAD AND BRIDGE TRANSPORTATION-RELATED IMPROVEMENTS AND/OR MAINTENANCE PROGRAM; AUTHORIZING THE CITY MANAGER TO TAKE THOSE STEPS REASONABLE AND NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 791 of the Texas Government Code, as amended, provides authorization for local governments to enter into interlocal agreements for governmental functions and services to increase their efficiency and effectiveness; and

WHEREAS, the County and the City are local governments as defined in Texas Government Code, Chapter 791, and have the authority to enter into this agreement; and

WHEREAS, the current interlocal agreement for the Road and Bridge Transportation-Related Improvements and/or Maintenance program between the City of Carrollton (“City”) and Dallas County will expire on December 31, 2022; and

WHEREAS, Dallas County and the City have had a long history of participating on capital improvement programs within Dallas County; and

WHEREAS, the City is currently working on expanding, maintaining, and repairing its infrastructure within Dallas County; and

WHEREAS, Dallas County has informed the City that it may participate in future City projects; and

WHEREAS, the interlocal agreement will serve as the foundation agreement to pursue future project specific agreements; and

WHEREAS, the City desires to continue to work with Dallas County on future infrastructure projects.

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

SECTION 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council of the City of Carrollton, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2.

The City Manager, or designee, is authorized to execute an Interlocal Agreement with Dallas County for the Road and Bridge Transportation-Related Improvements and/or Maintenance Program, in accordance with the terms set forth herein.

SECTION 3.

The City Manager, or designee is authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

SECTION 4.

This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this **6th** day of **December 2022**.

City of Carrollton, Texas

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

Approved as to form:

Approved as to content:

Meredith Ladd, City Attorney

Jonathan Wheat, P.E., Director of Engineering

**MASTER INTERLOCAL AGREEMENT
BETWEEN DALLAS COUNTY AND THE CITY/TOWN OF _____
PERTAINING TO ROAD AND BRIDGE TRANSPORTATION-RELATED
IMPROVEMENTS AND/OR MAINTENANCE ON OR ABOUT CERTAIN
DESIGNATED ROADWAYS SITUATED WITHIN THE TERRITORIAL
LIMITS OF THE CITY/TOWN OF _____**

This Master Interlocal Agreement is made by and between Dallas County, Texas, hereinafter (“County”) and the City/Town of _____, Texas, hereinafter (“City/Town” refers to the applicable City or Town, which is a party to this Master Interlocal Agreement) acting by and through their duly authorized representatives and officials, which desire to enter into an Interlocal Agreement, hereinafter (“Master Agreement”) for the purpose of transportation improvements and/or maintenance on roads inside Dallas County.

WHEREAS, pursuant to Court Order _____, dated _____, County Commissioners Court approved participation in transportation projects within the City/Town of _____;

WHEREAS, Chapter 791 of the Texas Government Code and Chapters 251 and 472 of the Texas Transportation Code provide authorization for local governments to contract amongst themselves for the performance of governmental functions and services;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type A” roadways and bridges, which are situated within the unincorporated portions of the County that are on public right-of-way;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type B” roadways and bridges, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of coordinating, facilitating and/or funding improvements and/or maintenance activity on certain duly qualified “Type C” roadways, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of the City/Town retaining and authorizing the County, through its Road & Bridge forces, to improve and/or maintain various “Type E” roadways, alleys, streets, bridges and drainage facilities, which are situated wholly within the territorial limits of the City/Town;

WHEREAS, the County and the City/Town desire to enter into an Interlocal Agreement (“Master Agreement”) for the purpose of the City/Town authorizing and retaining the County, through its Road & Bridge forces, to perform minor transportation-related improvements and/or

maintenance services, including but not limited to pothole repair; cleaning and clearing of drainage culverts; roadway debris removal; and the like, which services do not fall squarely within the purview of “Type B” or “Type E” roadway projects, such projects are to be performed on or about public roadways and alleyways, which are situated wholly within the territorial limits of the City/Town; and

WHEREAS, this collaboration between the County and the City/Town is consistent with the County’s Administrative Plan as the County is a proactive regional partner in that it fosters partnerships between the County and local cities therein on local transportation projects. This collaboration between the County and the City/Town is also consistent with the County’s Vision Statement to improve people’s lives.

NOW THEREFORE, THIS MASTER AGREEMENT is hereby made and entered into between the County and the City/Town for the mutual consideration stated herein:

ARTICLE I. PURPOSE

City/Town has requested in the past, and will likely request in the foreseeable future (1) that the County provide funding of certain roadway and/or bridge improvements and/or maintenance projects (“projects”) within the unincorporated portions of the County that are on public right-of-way, which projects shall be duly qualified “Type A” Roadway Projects; (2) that the County participate in the funding of certain roadway improvements and/or maintenance projects (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type B” Roadway Projects; (3) that County participate in the funding of certain roadway improvements and/or maintenance projects (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type C” Roadway Projects; (4) that the County provide certain roadway improvements and/or maintenance services (“projects”) on the City/Town’s street system, which projects shall be duly qualified “Type E” Projects on streets, alleys, roads, bridges and drainage facilities for the City/Town; or (5) that the County, through its Road & Bridge forces, perform certain minor transportation-related improvements and/or maintenance services on or about the City/Town’s streets, alleys, and roads, which do not fall squarely within the collaborations contemplated by the aforementioned. The terms and conditions set forth herein provide the cooperative framework for the County and the City/Town to undertake one or more of these transportation-related improvements and/or maintenance projects upon public roadways that are situated wholly within the incorporated and territorial jurisdiction of the City/Town, said roadways being of significance and benefit to the County.

Each roadway improvements and/or maintenance project commenced hereunder shall be fully and specifically set forth and described in a separate Project Specific Agreement hereinafter (“PSA”), and shall be approved by specific order of the Commissioners Court of Dallas County, as well as the governing body of the City/Town.

Projects undertaken pursuant to this Master Agreement are for the benefit of the City/Town and the County, and not the purposeful benefit of any third parties. It is the express intention of the City/Town and the County that any person or entity, other than the City/Town or the County, receiving services or benefits hereunder shall be deemed incidental beneficiaries only.

Nothing herein shall be construed so as to prevent the County and the City/Town from collaborating and working jointly, without prior and formal approval of their respective governing bodies, in cases of national, state or local emergencies or natural disasters. See Tex. Gov't Code Ann. § 791.027 (West 1991). See also Dallas County Code Chapter 102, Section 102-5 (e) regarding minor maintenance in response to emergency road conditions or for purposes of natural disaster relief requested by other governmental jurisdictions.

ARTICLE II. DEFINITIONS

The following definitions for the types of roads listed below are incorporated by reference into this Master Agreement for all purposes.

1. Type A: Improvements and maintenance of roads and bridges located within the unincorporated portions of the County that are on public right-of-way. This includes roads within court-approved subdivisions in which the improvements and rights-of-way have been dedicated to the County and accepted by the Commissioners Court.
2. Type B: Improvements and maintenance of thoroughfares and bridges of major cross-county importance which are either existing or proposed. The Regional Thoroughfare Plan for North Central Texas Council of Governments and Dallas County Mobility Plan will be used as a guide to determine which thoroughfares are of major cross-county importance.
3. Type C: Improvements and maintenance of thoroughfares which are affected by state highway programs, planning and policies, including right-of-way, curb and gutter, and storm sewer projects that participate with state department of highways and public transportation as designated by the state as being part of the state highway system.
4. Type E: Improvements and maintenance of streets, alleys, roads, bridges and drainage facilities for a local governmental entity as defined under Chapter 791 of the Tex. Gov't Code Ann. (West 1999).

ARTICLE III. PERIOD/TERM OF THE MASTER AGREEMENT

This Master Agreement becomes effective when signed by the last party whose signing makes the respective Master Agreement fully executed (the "Effective Date"). This Master Agreement shall expire December 31, 2027, unless terminated in accordance with Article IV. of this Master Agreement.

ARTICLE IV. TERMINATION AND FORCE MAJEURE

A. TERMINATION

- a. This Master Agreement may be terminated by any of the following conditions:
 1. By expiration of the Period/Term of the Master Agreement.

2. By either party, by providing written notice of termination for any reason with ninety (90) days written notice to the other party pursuant to Article XIII., Paragraph E. of this Master Agreement.
- b. Either party shall have the right to retain copies of all data, information, engineering, studies, or other items produced to the date of termination.
- c. Provisions a. through c. of this Article IV, Section A, shall survive the termination of this Master Agreement.

B. FORCE MAJEURE

Neither County nor City/Town shall be in default or responsible for delays or failures in performance resulting from causes reasonably beyond its control and not attributable to its neglect. Such acts include but are not limited to acts of God, fire, storm, pandemic, epidemic, flood, earthquake, natural disaster, nuclear accident, strike, air traffic disruption, invasion, insurrection, lockout, stoppage of labor, riot, freight embargo, public regulated utility, or governmental statutes, orders, or regulations superimposed after the fact. Any party delayed by force majeure shall as soon as reasonably possible give the other party written notice of the delay. If reasonably practical, the party claiming the suspension shall give notice of such impediment or delay in performance to the other party within ten (10) days of the knowledge of such occurrence. The party delayed shall use reasonable diligence to correct the cause of the delay, if correctable, and if the condition that caused the delay is corrected, the party delayed shall immediately give the other party written notice thereof and shall resume performance under this Master Agreement as soon as practicable. In the event of such an occurrence, the time for performance of such obligations or duty shall be suspended until such time that such inability to perform, shall be removed. Each party shall make all reasonable efforts to mitigate the effects of any suspension. The provisions of this Article IV, Section B, shall survive the termination of this Master Agreement.

ARTICLE V. IMMUNITY AND LIABILITY FOR ACTS AND OMISSIONS

County and City/Town agree that no provision of this Master Agreement is in any way intended to constitute a waiver of any immunities from suit or liability, or a waiver of any tort limitation, that the parties have by operation of law, or otherwise. County and City/Town agree that both County and City/Town shall each be responsible for their own negligent acts or omissions or other tortious conduct in the course of performance of this Master Agreement without waiving any governmental/sovereign immunity available to the County or the City/Town or their respective officials, officers, employees or agents under Texas or other law and without waiving any available defenses under Texas or other law. In the event of joint and concurrent negligence of the parties to this Master Agreement, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without waiving any defenses, including governmental/sovereign immunity, or other defenses available to the parties under federal or Texas law. Nothing in this paragraph shall be construed to create or grant any rights, contractual or otherwise, in or to any third persons or entities. The provisions of this Article V. shall survive the termination, expiration, or cancellation of this Master Agreement, or any determination

that this Master Agreement or any portion hereof is void, voidable, invalid, or unenforceable.

ARTICLE VI. CITY/TOWN'S FUNDING CONTRIBUTION

For "Type A" projects, the City/Town shall be responsible for zero percent (0%) of the funding and payment for the roadway and/or bridges improvements and/or maintenance services.

For duly qualified "Type B" and "Type C" projects contemplated hereunder, the City/Town shall be responsible for the total funding and payment for the roadway improvements and/or maintenance services, less any amounts contributed by the County, which contributions, if any by the County, may not exceed fifty percent (50%) of the actual total project costs, and may be made through commitment of financial resources or in-kind services, i.e., use of County's labor, equipment and/or materials.

For "Type E" projects and all other projects contemplated hereunder, the City/Town shall be responsible for one hundred percent (100%) of the funding and payment for services provided in whole or in part through the use of County Road & Bridge personnel, equipment and/or materials.

Pursuant to § 791.011(d)(3) of the Texas Government Code, each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party. All expenditures herein undertaken by the City/Town and/or the County for the performance of these governmental functions or services shall be made from current revenues available to them.

ARTICLE VII. CITY/TOWN'S OBLIGATIONS

Prior to the commencement of any project hereunder, the City/Town shall clearly detail the location and type of project, along with the scope and nature of the services to be performed in a document other than an interlocal agreement ("Master Agreement"). Should the City/Town desire that the County, through deployment of its Road & Bridge workforces, perform such services, the County shall prepare a written and detailed proposal for the City/Town's consideration and approval, indicating all work to be performed by the County, and at what costs and expense to the City/Town. Before any such work commences on a project, the City/Town and the County must have a clear and mutual understanding of the scope of services and/or funding to be provided by the County and the City/Town, describe the type of project to be undertaken; identify the project's location; the costs associated with such project; and be approved by the Commissioners Court of the County. Said mutual understanding between the County and the City/Town shall be evidenced by written documentation in a document other than the interlocal agreement, i.e. in a Project Specific Agreement, which shall only be binding once approved by the Commissioners Court of County and the governing body of the City/Town. The County may not accept and the City/Town may not offer payment for a project undertaken without approval of the Commissioners Court of the County and the governing body of the City/Town, and shall only be binding once approved by the County and the governing body of the City/Town.

For all projects wherein the County is obligated to provide improvements and/or maintenance services, once approved by the Commissioners Court of the County and immediately upon the County's commencement of work duly authorized by them, the City/Town shall set aside, segregate and escrow for the County's benefit, the total estimated amount of the project for each project undertaken. County may elect to bill against segregated funds on a monthly basis for services performed during the course of the month, or it may bill against the segregated funds in full once a project is completed. In either event, the County shall be paid promptly, and in full once the project is completed.

Where required by the nature of the projects undertaken, the City/Town, at its own expense, shall be responsible for the following: (1) informing the public of the proposed improvements, maintenance or construction activity regarding the project; (2) acquiring any right-of-way necessary to complete the project under consideration; (3) locating all manholes, water valves, and other utilities within the project; (4) making or causing to be made, all utility relocations or adjustments necessary for the execution and completion of the project; (5) remediating any hazardous or regulated materials, or other environmental hazards on or near the project site; and (6) where necessary, providing appropriate traffic control support, including but not limited to flagging, cones, barricades, shadow vehicles, arrow boards, signage, police presence, etc., to enable the project to be completed in a timely and safe manner. City/Town agrees to accomplish these functions, if required by the project under consideration, in a timely and efficient manner to ensure that such activity will not delay the County's timely performance of its improvements and/or maintenance activities.

City/Town agrees to permit the County, at the County's expense, to conduct routine special studies of traffic conditions within the City/Town, which studies may include traffic counts, measurements of speeds, delays, congestion, etc.

City/Town agrees to comply with Chapter 251 of the Tex. Transp. Code Ann. (West 1995) and the current Dallas County Code, (1-19-2021, Chapter 102 Road and Bridge District, Article III, Section 102-71 through Section 102-107, regarding road/street names/address policy and guidelines. This Master Agreement references the most current edition of the Dallas County Code. Amendments, updates, additions, or supplements may be issued by Dallas County, which may be provided to the city/town on an as-needed basis, during the term of this Master Agreement.

ARTICLE VIII. COUNTY'S CONTRIBUTION

For all projects contemplated hereunder, the County shall contribute as follows:

1. For "Type A" roadways and bridges, the County shall be responsible for one hundred percent (100%) of the funding and payment for the roadway and bridges improvements and/or maintenance services.
2. For all duly qualified "Type B" and "Type C" roadway projects, the County shall contribute an amount not to exceed fifty percent (50%) of the total actual project costs, which contribution may be through pledge and commitment of County Road

and Bridge funds, use of County Road and Bridge personnel and/or equipment, or a combination of the two.

- 3 For “Type E” roadway projects and all other duly qualified projects, the County’s contribution hereunder shall be limited solely to supplying labor, materials and/or equipment necessary to provide improvements and/or maintenance services, all of which shall be provided at the City/Town’s, or another funding source’s, expense at one hundred percent (100%).

ARTICLE IX. COUNTY’S OBLIGATIONS

County shall not undertake performance of any project hereunder, until such time as same has been specifically approved per the protocols set forth in Article I. as listed above and incorporated herein by reference. Once so approved, if called upon to do so, the County shall perform all services contemplated hereunder in a good and workmanlike manner. Further, the County shall not assign its rights, or delegate its duties and obligations hereunder to any third party without prior written approval of the City/Town and formal approval by the governing body of each party. Nothing herein shall be construed to prohibit the County from using subcontractors, where reasonably necessary, to aid in the completion of projects.

Should the County, in executing any project contemplated hereunder, encounter adverse conditions unforeseen by the City/Town or the County, the County shall immediately bring same to the attention of the City/Town, and await direction and guidance from the City/Town on the resolution of same. Where reasonably required by nature of the unknown condition, the County may cease performance hereunder until such time as adverse conditions are rectified or remedied by the City/Town, and such delay shall not constitute a material breach of this Master Agreement.

ARTICLE X. FISCAL FUNDING

Notwithstanding anything to the contrary herein, this Master Agreement is expressly contingent upon the availability of County funding for each item and obligation contained herein. City/Town shall have no right of action against the County as regards this Master Agreement, specifically including any funding by County of the Project in the event that the County is unable to fulfill its obligations under this Master Agreement as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this Master Agreement or failure of any funding party to budget or authorize funding for this Master Agreement during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the County, at its sole discretion, may provide funds from a separate source or terminate this Master Agreement. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791 of the Texas Government Code.

Notwithstanding anything to the contrary herein, this Master Agreement is expressly contingent upon the availability of City/Town funding for each item and obligation contained herein. County shall have no right of action against the City/Town as regards this Master Agreement, specifically including any funding by City/Town of the Project in the event that the City/Town is

unable to fulfill its obligations under this Master Agreement as a result of the lack of sufficient funding for any item or obligation from any source utilized to fund this Master Agreement or failure of any funding party to budget or authorize funding for this Master Agreement during the current or future fiscal years. In the event of insufficient funding, or if funds become unavailable in whole or part, the City/Town, at its sole discretion, may provide funds from a separate source or terminate this Master Agreement. In the event that payments or expenditures are made, they shall be made from current funds as required by Chapter 791 of the Texas Government Code.

ARTICLE XI. ORPHAN ROAD POLICY

- A. Orphan road shall mean all or part of a street or road right-of-way, which is outside the incorporated limits of a municipality/municipalities and the incorporated area of the municipality/municipalities abuts or extends into the right-of-way. Type “A” improvements and maintenance of roads and bridges located within the unincorporated portions of the County that are on public right-of-way, which includes roads within court-approved subdivisions in which the improvements and rights-of-way have been dedicated to the county and accepted by the County’s Commissioners Court. These roadway segments have, in effect, been “orphaned” by the abutting City/Town (or cities) that they serve in that they have been left unincorporated. Thus, the County has primary responsibility for maintenance, operation, enforcement, police and/or emergency services within these unincorporated rights-of-way.
- B. The County encourages all Cities adjacent to orphan roads in the County to develop, commit to and submit a plan to the County for completing the annexation of the orphan road segments and assuming full responsibility for these roadways. In instances where two cities abut the same orphan road segment, the County encourages the two cities to jointly develop a plan for the annexation of that segment. The County offers its assistance to the cities in developing such plans.
- C. The County, at the discretion of the Commissioners Court, may give additional selection value to projects in Cities that have submitted a specific plan for the annexation of orphan roads when the County selects, approves, and schedules projects for road and bridge district participation in funding (“Type B” work). Such preference may also be given in approving projects for funding in the County’s major capital improvement program (“MCIP”).
- D. The County, at the discretion of the Commissioners Court, may also refuse to participate in discretionary projects, such as road and bridge district projects or MCIP projects, in a City that elects not to pursue the annexation of orphan road segments that abut its boundaries. Failure to notify the County of the City’s intent to annex and/or failure to submit a plan for annexation in a timely manner shall be construed by the County as the City’s election not to pursue annexation.
- E. The County, at the discretion of the Commissioners Court, may select specific orphan road segments for improvement when a City commits to annexation of the segment upon completion of the project. However, the specific plan for annexation of orphan roads submitted by the City will not be limited to annexation upon completion of improvements by the County. The County improvements may be made as road and bridge projects or as MCIP Projects (subject to other MCIP criteria, including but not

limited to the Regional Thoroughfare Plan for North Central Texas Council of Governments and the Dallas County Mobility Plan designation and City cost participation).

- F. This policy application is prospective and projects selected by the County and approved by the Commissioners Court prior to the date of the adoption of this policy shall not be impacted by this policy.
- G. The County shall provide written notification of the adoption of, and future revisions of, this policy to the cities abutting orphan road segments.
- H. The Director of the County's Public Works Department shall maintain a listing of orphan roads and the city or cities they abut and shall provide updates to the Commissioners Court and to the cities as changes occur. The listing and changes to the listing shall be based on municipal boundary and annexation information provided to the County's Public Works Department by the cities as required by Tex. Loc. Gov't Code, § 242.001(c).
- I. The provisions of this Article XI of this Master Agreement shall survive the termination of this Master Agreement.

(Dallas County Code, Chapter 102, Article IV, Sec. 102-131 - 102-133, 1-19-2021).

ARTICLE XII. SMALL WATERSHED DAMS

Small watershed dam/dams shall mean floodwater retarding structures that were constructed by the United States Department of Agriculture ("USDA") Natural Resources Conservation Service ("NRCS"), formerly named the Soil Conservation Service ("SCS"), in watersheds less than 250,000 acres under the authority of the Flood Control Act of 1944 and the Watershed Protection and Flood Prevention Act of 1954. These structures typically have earthen embankments with principal and auxiliary spillways.

The County encourages all cities/towns adjacent to small watershed dams maintained by the County to develop, commit to and submit a plan to the County for assuming full responsibility for the operations and maintenance of these dams. In instances where more than one city/town abuts a small watershed dam, the County encourages the cities/towns to develop a plan for operation and maintenance of the dam. The County offers its assistance to the cities/towns in developing such plans.

- A. The County, at the discretion of the Commissioners Court, may refuse to participate in road and bridge district projects or MCIP projects in a City/Town that elects not to pursue accepting full responsibility for the operations and maintenance of small watershed dams within their jurisdiction. Failure to notify the County of the City/Town's intent to submit a plan for operations and maintenance of small watershed dams in a timely manner shall be construed by the County as the City/Town's election not to pursue operations and maintenance of these dams.
- B. Projects selected by the County and approved by the Commissioners Court prior to the Effective Date of the adoption of this policy, shall not be impacted by this policy.

C. The County shall provide written notification of the adoption of, and future revisions of, this policy to the cities abutting small watershed dams.

D. The provisions of this Article XII shall survive the termination of this Master Agreement.

ARTICLE XIII. MISCELLANEOUS PROVISIONS

A. **Applicable Law and Venue.** This Master Agreement and all matters pertinent thereto shall be construed and enforced in accordance with the laws of the State of Texas. Exclusive venue for any legal action regarding this Master Agreement and all matters pertinent thereto filed by either the County or the City/Town shall be in Dallas County, Texas. Notwithstanding anything herein to the contrary, this Master Agreement is expressly made subject to the County's and the City/Town's governmental and/or sovereign Immunity, pursuant to Title 5 of Texas Civil Practice and Remedies Code, and all applicable State of Texas and federal laws.

B. **Entire Agreement.** This Master Agreement constitutes the entire agreement between the parties respecting the subject matter contained herein, and supersede all prior and contemporaneous understandings and agreements, whether oral or in writing, between the parties respecting the same, and may not be modified except by an instrument in writing executed by the parties hereto as herein provided.

C. **Severability.** If one or more provisions in this Master Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not cause this Master Agreement to be invalid, illegal or unenforceable, but this Master Agreement shall be construed as if such provision had never been contained herein, and shall not affect the remaining provisions of this Master Agreement, which shall remain in full force and effect.

D. **Amendment.** This Master Agreement may be supplemented and/or amended at any time through the mutual consent of both the County and the City/Town. Any supplement or amendment must be in writing and approved by the parties' respective governing bodies through either a Court Order from the Commissioners Court of the County or a Resolution from the City/Town Council.

E. **Notice.** All notices, requests, demands, and other communication under this Master Agreement shall be tendered in writing and shall be deemed to have been duly given when either delivered in person, or via certified mail, postage prepaid, return receipt requested to the respective parties as follows:

COUNTY:
Director of Public Works
Records Building
500 Elm Street, Suite 5300
Dallas, Texas 75202

CITY/TOWN:

Either party may change its address for notice by giving the other party written notice thereof.

- F. **Counterparts.** This Master Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.
- G. **Headings.** The headings and titles used herein are for sake of convenience only, and are not intended to affect the interpretation or construction of such provisions.
- H. **Default/Waiver/Mitigation.** It is not a waiver of default if the non-defaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies set forth in this Master Agreement does not preclude pursuit of other remedies in this Master Agreement or as provided by law.
- I. **Assignment.** This Master Agreement may not be assigned or transferred by either party without the prior written consent of the other party and formal approval by the governing body of each party.
- J. **Binding Agreement, Parties Bound.** When this Master Agreement has been duly executed and delivered by both parties, this Master Agreement shall constitute a legal, valid, and binding obligation of the parties, their successors, and permitted assigns.
- K. **Number and Gender.** Words of any gender used in this Master Agreement shall be held and construed to include any other gender, and words in the singular shall include the plural and vice versa, unless the text clearly requires otherwise.
- L. **Effective Date.** This Master Agreement becomes effective when signed by the last party whose signing makes the respective Master Agreement fully executed (the “Effective Date”).
- M. **No Joint Enterprise/Venture.** City/Town and County agree that neither party is an agent, servant, or employee of the other party. The parties, including their agents, servants, or employees, are independent contractors, and not an agent, servant, joint enterprise/venture, or employee of any other party, and are responsible for their own acts, forbearance, negligence, and deeds, and for those of their agents, servants, or employees in conjunction with this Master Agreement. No joint enterprise/venture exists between the City/Town and County.

N. **Contingent.** This Master Agreement is expressly contingent upon formal approval by the Commissioners Court of Dallas County and the governing body of the City/Town of _____, Texas.

(the remainder of this page intentionally left blank)

The City/Town of _____, State of Texas, has executed this Master Agreement pursuant to duly authorized City/Town Council Action on the ____ day of _____, 2022.

The County of Dallas, State of Texas, has executed this Master Agreement pursuant to Commissioners Court Order Number _____ and passed on the ____ day of _____, 2022.

CITY/TOWN OF _____:

COUNTY OF DALLAS:

CITY/TOWN MANAGER

CLAY LEWIS JENKINS
COUNTY JUDGE

Date: _____

Date: _____

ATTEST:

CITY/TOWN SECRETARY

APPROVED AS TO FORM:

APPROVED AS TO FORM:*
JOHN CREUZOT
DISTRICT ATTORNEY

Assistant City Attorney

Jana Prigmore Ferguson
Assistant District Attorney

*By law, the District Attorney’s Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).



Agenda Memo
File Number: 6001

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *27.

CC MEETING: December 6, 2022

DATE: December 1, 2022

TO: Erin Rinehart, City Manager

FROM: Diana Vaughn, Chief Financial Officer
Chrystal Davis, Assistant City Manager

Consider A **Resolution Authorizing The City Manager To Execute An Interlocal Cooperation Agreement With Dallas County Regarding Sale of Individual Tax Foreclosure Properties Jointly Vested In The Name Of Dallas County, The City Of Carrollton, and Independent School Districts.**

BACKGROUND:

The City of Carrollton currently utilizes Dallas County Tax Assessor and Collector to collect property taxes for all real, business, and personal property subject to property taxes. In addition to city taxes, the Tax Assessor and Collector also collects taxes for the hospital districts, school districts and the county itself. In order to provide a more efficient process, Staff is requesting approval to enter into an Interlocal Agreement with Dallas County to process property and collect revenue related to joint tax liens and litigation related to foreclosures as part of this joint effort. The City will be reimbursed by the County for any fees or taxes collected related to these items.

FINANCIAL IMPLICATIONS:

The services provided by Dallas County minimize administrative costs from the City.

IMPACT ON COMMUNITY SUSTAINABILITY:

This service provides for a more efficient government response in the collection of property taxes jointly owed to the County, City and independent school districts.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the attached resolution authorizing the City Manager to enter into an agreement with Dallas County to provide property tax services for properties that are jointly vested in the name of the County, City and the independent school districts.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH DALLAS COUNTY REGARDING SALE OF INDIVIDUAL TAX FORECLOSURE PROPERTIES JOINTLY VESTED IN THE NAME OF DALLAS COUNTY, THE CITY AND INDEPENDENT SCHOOL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to enter into an interlocal cooperation agreement with Dallas County to implement a standard resolution, providing express consent for Dallas County to resell individual tax foreclosure properties, which are jointly vested in the name of Dallas County, the City of Carrollton, and the independent school district(s);

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

SECTION 1

The City Manager is hereby authorized to execute an interlocal cooperation agreement with Dallas County, Texas providing express consent to Dallas County to resell individual tax foreclosure properties jointly vested in the name of Dallas County, the City of Carrollton, and the independent school district(s).

SECTION 2

The City Manager is authorized to take those actions reasonable and necessary to comply with the intent of this resolution.

SECTION 3

This resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED THIS 6TH DAY OF DECEMBER 2022.

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd, City Attorney

APPROVED AS TO CONTENT:

Diana Vaughn, Chief Financial Officer



Agenda Memo
File Number: 6000

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *28.

CC MEETING: December 6, 2022

DATE: December 6, 2022

TO: Erin Rinehart, City Manager

FROM: Daniel Bryan, Interim Administrative Services Director
Chrystal Davis, Assistant City Manager

Consider A **Resolution Authorizing The City Manager To Enter Into An Agreement With Twin City Security, Inc Through An Interlocal Agreement With Tarrant Regional Water District For Court Security Services In An Annual Amount Of \$58,009.50 For Four Years In A Total Amount Not To Exceed \$232,038.00.**

BACKGROUND:

Since 2017, the City of Carrollton contracted with Twin City Security, Inc., to provide an armed security guard in the municipal court lobby during business hours. For the duration of the previous contract, staff have been exceedingly satisfied with the service, support, and communication provided by Twin City Security, Inc.

Tarrant Regional Water District recently re-bid armed security guard services and the winning bidder was Twin City Security, Inc. Tarrant Regional Water District has entered into a contract with a one-year term with the option of one-year annual renewals. The average annual cost is \$58,009.50 with a total contract spend over 4 years not to exceed \$232,038.

FINANCIAL IMPLICATIONS:

The service on this agreement will be purchased from budgeted funds for the cost center and amount as listed below.

<u>COST CENTER</u>	<u>LINE ITEM</u>	<u>BUDGET AMOUNT</u>
FUND ACCOUNT	147801 - 61190	\$58,009.50

STAFF RECOMMENDATION/ACTION DESIRED:

Passage of the attached Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH TWIN CITY SECURITY, INC. FOR SECURITY GUARD SERVICES THROUGH AN INTERLOCAL AGREEMENT WITH THE TARRANT REGIONAL WATER DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1

The City Manager, or designee, is authorized to enter into a four-year agreement with Twin City Security, Inc. through an interlocal agreement with the Tarrant Regional Water District for Security Guard Services in an amount not to exceed \$58,009.50 for the first year. The annual recurring expenses shall not exceed \$58,009.50 for the second, third, and fourth year, for a total not to exceed agreement amount of \$232,038.00.

SECTION 2

The City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

SECTION 3

This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this Sixth day of December, 2022.

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith A. Ladd, City Attorney

Director and/or ACM



Agenda Memo
File Number: 5993

Agenda Date: 12/6/2022

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *29.

CC MEETING: December 6, 2022

DATE: November 30, 2022

TO: Erin Rinehart, City Manager

FROM: Jonathan Scheu, Library Director
Chrystal Davis, Assistant City Manager

Consider A **Resolution Authorizing The City Manager To Enter Into An Interlocal Agreement With Denton County For Library Services For Fiscal Year 2023.**

BACKGROUND:

Since 1985, the City of Carrollton and several other Denton County municipalities have maintained a partnership with Denton County to provide public library services to all Denton County residents at no cost to the individual. In exchange for these services, Denton County has provided an annual payment to the cities based on the current county and participating municipal population totals.

FINANCIAL IMPLICATIONS:

The FY 2023 proposed payment to the City of Carrollton of \$88,400 reflects a 35% increase compared to the \$65,600 received in FY 2022. The proposed agreement does not require an increase to the library’s operating budget but does provide the General Fund an additional source of revenue.

IMPACT ON COMMUNITY SUSTAINABILITY:

The services proposed in this agreement are already in place at Carrollton Public Library in accordance with past precedence and direction. Currently, Denton County / Non-Carrollton patrons represent over 25% of active users at the Hebron and Josey Library.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the attached resolution authorizing the City Manager to enter into an interlocal agreement with Denton County to provide library services to Denton County residents for FY 2023.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH DENTON COUNTY REGARDING THE PROVISIONS OF LIBRARY SERVICES FOR THE BENEFIT OF CITIZENS OF DENTON COUNTY, TEXAS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to enter into an interlocal cooperation agreement with Denton County, Texas, whereby the City of Carrollton shall provide library service and related services for the citizens of Denton County, Texas;

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

SECTION 1

The City Manager is hereby authorized to execute an interlocal cooperation agreement with Denton County, Texas, whereby the City of Carrollton shall provide library services and related services for the citizens of Denton County, Texas, for which Denton County shall pay the City of Carrollton \$88,400.00.

SECTION 2

The City Manager is authorized to take those actions reasonable and necessary to comply with the intent of this resolution.

SECTION 3

This resolution shall become effective immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this _____ day of _____, _____.

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd, City Attorney

APPROVED AS TO CONTENT:

Jonathan Scheu, Library Director



Agenda Memo
File Number: 5986

Agenda Date: 12/6/2022

Version: 1

Status: Public Hearing/Individual Consideration

In Control: City Council

File Type: Public Hearing

Agenda Number: 30.

CC MEETING: December 6, 2022

DATE: November 22, 2022

TO: Erin Rinehart, City Manager

FROM: Cory Heiple, Environmental Services Director
Marc Guy, Assistant City Manager

Hold A Public Hearing And Consider A Resolution To Adopt The Program Year 2021 Consolidated Annual Performance And Evaluation Report On The Use Of Community Development Block Grant Funds.

BACKGROUND:

This item is to receive public comment and to consider a resolution adopting the City’s Program Year 2021 Consolidated Annual Performance and Evaluation Report (CAPER). Federal regulations require the City to submit an annual performance and evaluation report on the use of Community Development Block Grant (CDBG) funds within 90 days of the close of the program year.

On October 1, 2021, the City of Carrollton was allocated \$834,928 in CDBG funds from the U.S. Department of Housing and Urban Development (HUD). In accordance with federal law, these funds have been programmed for activities that benefit persons of low- and moderate-income in Carrollton. For Program Year 2021 to date, the funds have been expended for the following programs:

- \$299,886 for dedicated physical improvements and redevelopment of Rhoton Park;
- \$44,261 for the City’s Housing Rehabilitation Programs (Minor Home Repair Grant, Emergency Repair Grant, and People Helping People projects); and
- \$73,344 for Enhanced Code Enforcement in the CDBG target area.

Staff has developed the required draft report and it has been available for citizen review for over 30 days in the Community Development office. Staff anticipates submitting the final report to HUD in advance of the December 31, 2021, deadline.

FINANCIAL IMPLICATIONS:

The drafting and adoption of the CAPER is required for continued participation in the CDBG

Program. To date, the program has utilized nearly \$17 million in new resources for reinvestment in the oldest areas of Carrollton.

IMPACT ON COMMUNITY SUSTAINABILITY:

Annually, the Carrollton CDBG Program secures, allocates, and administers approximately \$800,000 in new community development resources for use in the oldest areas of the city. Long-term community sustainability is supported through this program and results in significant financial reinvestment in the physical infrastructure of aging neighborhoods.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that City Council conduct a public hearing and approve a resolution to adopt the Program Year 2021 Consolidated Annual Performance and Evaluation Report.



CARROLLTON

T E X A S

Plan Year 2021

Consolidated Annual Performance and Evaluation Report

Community Development Block Grant Funding

City of Carrollton

Revision: October 21, 2022

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The Consolidated Annual Performance and Evaluation Report (CAPER) represents the third year completed under the Carrollton's 2019-2023 Consolidated Plan. This report represents October 1, 2021, through September 30, 2022. The objective of Carrollton's CDBG Program is to support activities which meet at least one of the primary national Community Development Block Grant (CDBG) objectives, i.e. development of viable urban communities by providing a suitable living environment, decent housing and expansion of economic opportunities for persons of low- and moderate- income. Based on the needs analysis in 2014, the following strategy areas were identified and are reaffirmed in this annual report.

- Improve Neighborhood Infrastructure: Use of CDBG funds to leverage infrastructure improvements.
- Enhanced Code Enforcement: Use CDBG funds to pay for one salaried code enforcement officer to work in the CDBG target area.
- Provide Neighborhood Matching Grants: Use general funds to create a more proactive municipal contribution to preserve and enhance neighborhoods throughout the city.
- Preserve Existing Housing Stock: Use CDBG and general funds to provide interior and exterior home repairs for homeowners who qualify for the grants.
- Assist Social Service Providers: Use general funds for the enhancement of services to meet the needs of low- to moderate- income citizens

In March 2020 the COVID-19 virus was defined as a pandemic and affected every aspect of the population in the United States. The Centers for Disease Control (CDC) documented COVID-19 virus has hit African-American, Hispanic, and other minority groups at a higher rate. Due to the pandemic the United States Federal Government on March 27, 2020, passed the Coronavirus Aid, Relief, and Economic Security Act, also known as the CARES Act. CARES Act funding distributed by the U.S. Department of Housing and Urban Development to entitlement cities resulted in an additional \$1,260,250 in CDBG funding to the City of Carrollton. This allocation, known as CDBG-CV funding, was to be used by entitlement cities to provide services for low- to moderate- income individuals and families who were directly affected by the COVID-19 virus. Under the established guidelines the City of Carrollton modified its 2019-2023 Consolidated Plan and PY2019 Action Plan to use the additional funding to assist social service agencies who provide shelter, food, medical, financial, and job training services to the residents of Carrollton. In PY21 the social service agencies funded with CDBG-CV have drawn over 80% of the funding first allocated in PY2019.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source/Amount	Indicator	Unit of Measure	Expected Program Year	Actual Program Year	Percent Complete
Assist Service Providers	Homeless, Non-Homeless Special Needs Non-Housing Community Development	City General Funds \$462,130	Other	Individuals	15,000	6,281	41.87%
Enhanced Code Enforcement	Non-Housing Community Development	CDBG Funds \$73,344	Housing Code Enforcement/Property Care	Household Housing Unit	1,200	323	26.92%
Improve Neighborhood Infrastructure	Non-Housing Community Development	CDBG Funds \$299,886	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	7,680	7,680	100.00%
Preserve Existing Housing Stock	Affordable Housing Non-Housing Community Development	CDBG Funds \$44,261	Homeowner Housing Rehabilitated	Household Housing Unit	39	12	30.77%

Goal	Category	Source/Amount	Indicator	Unit of Measure	Expected Strategic Plan	Actual Strategic Plan	Percent Complete
Assist Service Providers	Homeless, Non-Homeless Special Needs Non-Housing Community Development	City General Funds \$1,312,740	Other	Individuals	80,000	34,776	43.47%
Enhanced Code Enforcement	Non-Housing Community Development	CDBG Funds \$356,000	Housing Code Enforcement/Property Care	Household Housing Unit	3,750	1,402	37.39%
Improve Neighborhood Infrastructure	Non-Housing Community Development	CDBG Funds \$3,000,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	8,918	8,918	100.00%
Preserve Existing Housing Stock	Affordable Housing Non-Housing Community Development	CDBG Funds \$562,500	Homeowner Housing Rehabilitated	Household Housing Unit	100	49	49.00%

Table 1 – Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

During PY21 a total of \$417,491 in CDBG funding was used:

- \$299,886 Thomas Park (funded in PY19)
- \$44,261 For Minor Home Repair and Emergency Repair projects
- \$73,344 For Enhanced Code Enforcement

The city also allocated general funds to meet goals and objectives:

- \$462,130 to enhance local social service agencies' activities for Carrollton's vulnerable populations.
- \$149,115 in salary for three staff positions implementing CDBG and Neighborhood Partnership activities.
- \$25,000 for one beautification grant through the Neighborhood Enhancement Matching Grant

Program

- \$55,306 for 34 Neighborhood Empowerment Zone minor home repair projects and incentives.

Thomas Park project

In PY19 the city allocated CDBG funding to refurbishment of Thomas Park. Project was completed and final payment to contractors occurred in PY21. CDBG funding drawn on was \$299,886.

Enhanced Code Enforcement

In PY21 the CDBG code enforcement officer performed 2,574 inspections of apartment complexes in the CDBG target area. The CDBG code enforcement officer brought 323 substandard apartment units into compliance based on interior inspections of those apartments over the course of the year. The COVID-19 pandemic still influenced the total number of interior apartment inspections as residence could refuse entry for proactive inspections by the city inspector.

Housing Rehabilitation Program

The Community Development staff completed 11 projects totaling \$44,261 relating to CDBG funded Minor Home Repair and Emergency Repair programs relating to housing rehabilitation for those low- to moderate- qualifying residents.

Administrative - Training

In PY21 the City of Carrollton Community Development staff attended the Council of States Community Development Agencies (COSDA) 2022 Annual Conference to help in developing and understanding policy changes, implementation of programs and reporting processes for Community Development Block Grant projects and activities. Funding will be recorded against PY22 CAPER reporting.

CDBG CARES Act Funding (CDBG-CV)

CDBG-CV funding amounting to \$1,260,250 was allocated to Carrollton to address low- to moderate-income residents affected by the COVID-19 pandemic. The 2019-2023 Consolidated Plan and PY2019 Action Plan were revised to provide funding to social service agencies who assisted qualified Carrollton residents affected by COVID-19.

Total CARES Act funding through PY21 by WOVEN and Metrocrest Services:

- \$628,944 was drawn by WOVEN Medical Clinic for staff, medical supplies, medication, and facility costs.
- \$410,000 was drawn by Metrocrest Services Housing Assistance program for salary of staffing.
- \$117,768 was drawn by Metrocrest Services Workforce Assistance program for salary of staffing.

The agencies served 2,945 residents of Carrollton for the PY21 reporting year.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG
White	6
Black or African American	2
Asian	3
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	11
Hispanic	2
Not Hispanic	9

Table 1 – Table of assistance to racial and ethnic populations by source of funds

Narrative

The table above accounts for the distribution by race of housing activities. In PY21, a total of 11 homes were rehabilitated using CDBG funds. Hispanic recipients accounted for 2 of the projects, African-American/Black-2, White (non-Hispanic)-6, Asian-3. No other ethnic groups were documented to have received CDBG funding for PY21.

Due to changes in Section 3 requirements, it was determined the City of Carrollton would be unable to use CDBG funding for infrastructure projects. Projects for Carrollton Heights and the Brake/Kirby/Cox area were cancelled, and the funding allocated to them was not used. In PY22 the city is redistributing those funds to Metrocrest Services to address homelessness in Carrollton. Funding for Thomas Park was drawn during PY21, but the project was completed in PY20 and was the last infrastructure project the city had before Section 3 changes.

In PY21 the total number and demographic characteristics of individuals served by the social service agencies which received general funds from the City of Carrollton is as follows: Of the 6,281 individuals served by Carrollton social service agencies, 365 or 5.8% were Asian, 499 or 7.8% were White (non-Hispanic), 666 or 10.6% were Black or African-American, 3,127 or 49.8% were Hispanic, 19 or .3% were American Indian, 7 or .1% were Pacific Islander, and 1,607 or 25.6% were listed as other or unknown. In the American Communities Survey for Carrollton, ethnic and racial breakdown was roughly 15% Asian, 41% White (non-Hispanic), 10% Black/African-American, and 33% Hispanic.

In PY19 social service agencies serving Carrollton were impacted by the COVID-19 pandemic, which involved an increase in the demand for food, medical, unemployment, and financial assistance. The CARES Act funding passed by the federal government resulted in CARES Act funding being distributed to entitlement cities to assist in covering the needs of their residents impacted by the pandemic. The Department of Housing and Urban Development (HUD) provided an allocation of \$1,260,250 in CDBG CARES Act Funding (CDBG-CV). This resulted in the city modifying the 2019-2023 Consolidated Plan and

the PY19 Action Plan to allocate the additional funding to social service agencies who are in need and have applied for assistance from the city.

WOVEN Medical Clinic and Metrocrest Services received the city's CDBG-CV funding to assist pandemic impacted residents of Carrollton.

DRAFT

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	941,058	417,492
Other	public - federal	524,436	542,436

Table 2 - Resources Made Available

Narrative

The 2019-2023 Consolidated Plan for the City of Carrollton identified the preservation of existing housing stock as a priority. There are currently three housing rehabilitation programs within the City of Carrollton's Housing Rehabilitation CDBG Program. They are the Minor Home Repair Program, Emergency Repair Program, and the People Helping People Program. These programs are not limited to a specific geographic area but are for qualifying low- to moderate- income homeowners no matter where they live within the city limits of Carrollton. A total of \$44,893 in CDBG funding was used for 11 housing rehabilitation projects for low- to moderate- income homeowners. Enhanced code enforcement resulted in inspections of apartment communities in the city's NOTICE Priority Target Area, \$73,344 in CDBG funding was used in this area. The city also used \$542,436 in General Funds to support social service agencies for Carrollton residents, beautification programs, and Neighborhood Empowerment Zone projects.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
2019-2023 NOTICE Priority Neighborhoods	79	19.6	Funding used for home repair projects and enhanced code enforcement activities.

Table 3 – Identify the geographic distribution and location of investments

Narrative

In PY21 the city completed a total of \$117,605 CDBG funds for home repair projects and Enhanced Code Enforcement in the NOTICE Priority Target Area. Two Minor Home Repair projects were in the low- to moderate- target area of Carrollton. The CDBG funded code enforcement officer performs inspection of apartment communities located specifically within the CDBG NOTICE target area of the city. In PY21 the CDBG code enforcement officer performed a total of 2,574 multi-family community inspections which included repairs on 324 apartment units. Because of changes in Section 3 requirements the city was required to cancel two infrastructure projects in the CDBG target area. This has resulted in excess funds accrued in Carrollton's CDBG entitlement account. The excess funding resulted in the city failing to meet HUD CDBG requirements to spend 80% of the CDBG funding within three years. The city is planning on resolving this issue in the PY22 Action Plan by reallocating a large portion of the funding to Metrocrest

Services to start new programs to help address homelessness issues with Carrollton residents. The city will no longer be pursuing infrastructure projects in the CDBG target area as a prime focus of CDBG funding going forward.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Assist Service Providers: Since 1998 the city's Community Development Program has worked to develop partnerships throughout the community. In PY21 the City of Carrollton continued to support social services agencies by providing \$462,130 in general funds to various social service providers which serve Carrollton. This funding in all cases amounts to less than 30% of the entire budget of any social service provider yet was used to leverage and add to many existing programs. The programs are discussed in more detail in Section CR-25 of this report. These providers help create necessary social safety nets for Carrollton's vulnerable populations and prevents overuse of other public services staff such as police, school districts, courts, and emergency personnel.

Due to the COVID-19 pandemic funding provided as part of the CARES Act (CDBG-CV) distributed by HUD to entitlement cities resulted in Carrollton directing its allocation to Metrocrest Services and WOVEN Medical Clinic to assist low- to moderate- income Carrollton residents who have been impacted by the COVID-19 pandemic. The cities 2019-2023 Consolidated Plan and PY19 Action Plan were amended to reflect the use of the \$1,260,250 in CDBG-CV funds allocated to the city. In PY21 Metrocrest Services exhausted their allocation of \$527,650 in funding. WOVEN Medical Clinic has used \$628,944 of their \$724,981 in allocated CDBG-CV funding. The funding spent to date amounts to 91.7% of CDBG-CV funding allocated to Carrollton. The city has met expectations by spending at least 80% of the CDBG-CV funding within three years of the allocation to the city.

Community Development Staffing: Implementation and monitoring of CDBG funds for the city is performed by the Community Development staff. The salary for the three Community Development staff members amounts to \$149,115 which comes from the city's general funds.

Neighborhood Empowerment Zones: Use of CDBG funding to assist low- to moderate- income residents resulted in the city creating additional programs using general funds to address deteriorated housing and to revitalize neighborhoods in specific areas of the city. These projects include minor home repairs, single-family rehab, and demolition/rebuild grants. In PY21 the city completed one Neighborhood Beautification Enhancement project totaling \$25,000. The city also used \$55,306 in general funds to perform 34 Neighborhood

Empowerment Zone projects.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	39	11
Number of Special-Needs households to be provided affordable housing units	0	0
Total	39	11

Table 4 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	39	11
Number of households supported through Acquisition of Existing Units	0	0
Total	39	11

Table 5 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Carrollton has no direct city created program to provide homeless or non-homeless affordable housing units. In PY22 the city will be directing CDBG funding to Metrocrest Services to start two programs specifically aimed to assist homeless in Carrollton. This has come about due to changes in Section 3 requirements which hamper the city's use of CDBG funding for infrastructure projects and a major increase of homeless identified in Carrollton.

The City of Carrollton has a one-year goal to rehab 39 existing housing units with CDBG funding. In PY21 a total of 11 CDBG funded rehabilitation housing projects were completed. An additional 34 Neighborhood Empowerment Zone projects were completed during PY21 with general funds.

Two issues which continue to cause an impact on meeting the city's One-Year Goal. The first has been the ongoing COVID-19 illness which creates situations where older individuals who are more susceptible to COVID-19 are fearful of having contractors or groups around to make repairs on their homes due to fear of acquiring the infection. Second, has been individuals who fail to provide the necessary paperwork to staff to confirm their eligibility for use of CDBG funding and their income levels.

Discuss how these outcomes will impact future annual action plans.

City staff is expecting there to be a continued need in PY22 for assistance for low- to moderate- income residents in Carrollton. Staff is hoping with implementations of COVID-19 immunization shots and boosters, residents who were reticent about applying to the program will be more open to allow contractors and groups to make the necessary repairs to their homes. City staff will endeavor to continue proper review of all documentation by applicants to ensure they properly income qualify for CDBG funded projects. In PY20 the city raised the One-Year Goal from 21 projects to 39 with the expectations of increased applications from those impacted by COVID-19. However, the city has not met the One-Year Goals in PY20 and PY21. If PY22 results in a third year of non-attainment of the One-Year Goal the city will look to direct some of this funding in another direction and drop One-Year Goals back to the pre-COVID-19 levels.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	5	0
Low-income	6	0
Moderate-income	0	0
Total	11	0

Table 6 – Number of Households Served

Narrative Information

The Minor Home Repair Grants, Emergency Repair Grants, and People Helping People Program funded by CDBG dollars provide low- to moderate- income homeowners with assistance for interior and exterior repairs on their homes. CDBG funding available for all rehabilitation projects in these three programs amounted to \$180,000 for PY21. Total funding drawn during PY21 was \$44,261.

One hundred percent of all CDBG funding for the housing rehabilitation programs for the aforementioned grants were dedicated to persons of low- to moderate- income and was for needed repairs affecting the health, safety and long-term sustainability of the homes and surrounding neighborhoods. Eleven home rehabilitation projects were completed in PY21. Of these homes 5 (45.4 %) were occupied by extremely low- income homeowners, 6 (54.6%) were for low - income families. Elderly homeowners accounted for 6 (54.6%) of the projects in PY21 and female head of household accounted for 4 (36.4%) of the projects completed.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Strategies addressing the homeless and non-homeless with special needs populations is included in the 2019-2023 Consolidated Plan, the City continues to allocate a portion of its general fund towards grants and donations to Carrollton social service providers which target low- to moderate- income residents. The City also provides information, referral, and technical assistance along with financial support to local social service agencies serving the homeless and non-homeless citizens with special needs. Currently the city has not funded any homeless programs with CDBG resources. However, due to changes and revisions to Section 3 requirements the City in PY22 will shift funding from infrastructure projects to Metrocrest Services with the specific intent to address and prevent homelessness in Carrollton. In PY21 the city provided general funds to area social service agencies in the amount of \$462,130 for the assistance in anti-poverty initiatives, homelessness prevention, and special needs populations.

The total population of individuals served in PY21 through the City's social service agencies strategy programs documented 3,533 or 56.2% were categorized as extremely low income.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Carrollton does not receive Emergency Shelter Grant (ESG) funding.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

As noted earlier, in addition, the City Council made available \$462,130 in general fund resources to agencies which are actively engaged in the provision of social services in Carrollton.

In exchange for the funding, the agencies and organizations work closely with the city in providing social services to all citizens in need. The close partnership the city has with each agency has grown with each year of collaboration. The staff who are employed as part of the CDBG grant administration and planning activity provide technical, referral, and capacity building assistance for the agencies on an ongoing basis.

In PY21 the city helped accomplish the following goals through its local non-profit partners in an

attempt to reduce the overall number of persons living in poverty in Carrollton:

- Funded food pantries in both Dallas and Denton counties which the City of Carrollton resides.
- Improved access to preventative care, basic health care and medical services for low- to moderate- income families thus reducing costs for medical services and expensive trips to the emergency room.
- Improved the linkage between job training programs and local job creation efforts to attract jobs that pay above minimum wages and provide people with the ability to service a home mortgage.
- Promoted financial counseling and classes on budgeting and money management. In PY21 the City continued to promote area training and educational opportunities in this area.
- Promoted linkages between housing, employment, and educational systems and/or facilities.
- Promoted programs and training that help families-in-need to become more self-sufficient.
- Funded after-school programs for low-income students providing tutoring and college preparation for junior high school and high school students coming from families where the majority of parents never finished high school.
- Funded domestic violence and leadership training for adults and children.

In PY21 additional funding from the CDBG CARES Act entitlement program managed by HUD was used by Metrocrest Services and WOVEN Medical Clinic to address the needs of Carrollton residents affected by the COVID-19 pandemic. At the end of PY21 both social service agencies had spent a total of \$1,156,712 of the \$1,260,250 CDBG CARES Act funding. This amounts to 91.8% of the allocation, which exceeds the requirement of having 80% or more of the funds used within three years after receipt of the additional funding. The remaining CDBG funds will be spent in PY22 exhausting the total CDBG CARES Act funding Carrollton received from HUD.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City's position on this issue will continue to be one of supporting and assisting social service agencies working to address this challenge in a coordinated and proactive manner. As stated earlier in this report in PY22 the city will be redirecting CDBG funding used previously for infrastructure projects to homelessness programs being expanded with Metrocrest Services.

The aforementioned services are provided to the homeless population, populations at risk of becoming homeless, and those transitioning from homelessness. The City of Carrollton also supplements the work of various City funded social service agencies to end chronic homelessness by promoting the preservation and maintenance of existing housing through its Minor Home Repair Grants, Emergency Repair Grants, and People Helping People Program.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

This section is not applicable, as the City of Carrollton does not have a public housing authority. Also, the City does not receive or administer funds for assisted housing. Data on the number of individuals with Section 8 housing in Carrollton was not available.

Dallas County Housing Authority

The waiting list for Section 8 housing in Dallas County currently exceeds 6,000 families.

Denton County Housing Authority

Denton County maintains Section 8 housing vouchers for the county. The Section 8 waiting list is closed with an approximate five-year waiting period for those currently pending on the Section 8 list.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The City of Carrollton does not offer a first-time home buyer's program or provide incentives for purchasing homes currently.

Actions taken to provide assistance to troubled PHAs

The City of Carrollton does not operate a public housing authority. The majority of the city straddles two counties - Dallas County and Denton County. Both of those counties operate PHA's and are regulated by the county government and not the cities.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City of Carrollton continues to maintain a strong emphasis on safe and affordable housing for all residents. The City of Carrollton Environmental Services Department has two inspection programs geared towards maintaining rental properties; one for single-family rental property and the other for multi-family rental property.

The Single-Family Rental Registration and Inspection Ordinance adopted by the City Council ensures tenants and landlords of single-family residential rental properties are involved in maintaining their properties in a safe and sanitary condition. The Single-Family Rental Inspection Program is effective in ensuring a sustainable community and safe housing is available in all of the neighborhoods in Carrollton. The ultimate goals are to improve the overall condition of rental properties, to reduce health and safety risks, and to prevent blight which affects surrounding homes, thus enhancing property values within the affected neighborhoods. This ordinance requires all rental property owners and companies who lease single-family homes or duplexes in Carrollton to register those properties with the City and make them available for inspection should complaints or city staff observe city code violations on the property.

The Multi-Family Inspection Program works to stabilize, maintain, and enhance all of the apartment communities in Carrollton. The program operates in partnership with the residents and management staff of those apartment communities to achieve this goal through the enforcement of the City's Code of Ordinances and the Comprehensive Zoning Ordinance. The Multi-Family Inspection Program operates by performing annual inspections of apartment communities. These detailed inspections of apartment communities include interior and exterior inspections of apartment units within the community and the CDBG Target Area. The number of apartment unit interiors is normally 15% of the total number of units within the apartment community. However, if the property has a constant history of non-compliance or serious health and safety issues the city may inspect up to 100% of all of the apartment units to ensure residents are living in a safe and healthy environment. The city also addresses any apartment complaints submitted to the city and city staff perform inspections to determine if potential violations are present.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City of Carrollton has further initiatives to address issues of aging housing which is funded through General Funds and not CDBG funds. The city council approved the creation of five Neighborhood Empowerment Zones (NEZ) in neighborhoods at the greatest risk of distress due to housing conditions, age, and the condition of infrastructure. One of the current incentives for residents and owners within the designated Neighborhood Empowerment Zones is the waiving of construction fees, including building permit fees, impact fees, platting fees, and project permit fees (fences, electrical, plumbing,

etc.), for both commercial and residential properties to encourage repair, rehabilitation, and redevelopment in those areas of the city.

Three programs operating tied to the Neighborhood Empowerment Zones are as follows:

- NEZ Minor Home Repair: Income qualifying homeowners living in one of the five Neighborhood Empowerment Zones can receive up to \$7,500 for exterior improvements, including items not on the house itself, such as fences, retaining walls, sewer lines. In PY21 Carrollton successfully completed 1 NEZ Minor Home Repair project totaling \$6,000 in general funds.
- Single-Family Rehabilitation Incentive: Any homeowner living in a Neighborhood Empowerment Zone in a home that is at least five years old qualifies for a reimbursement of 25% of exterior rehabilitation expenses if the homeowner invests a minimum of \$1,000 in rehabilitation work. In PY21 Carrollton residents completed 33 renovation projects totaling \$49,307 in general funds.
- Demolition/Rebuild Incentive: Any property owner within the NEZ area who has a house in disrepair and is substandard may apply to the city for this incentive. This incentive includes reimbursement for full demolition costs of the house on the property and provides a tax credit towards the value of new home construction. The tax credit is applied for a period of ten years in the form of a one-time payment from the city. The city did not have any projects in this area for PY22.

These programs offer another level of support to property owners in older neighborhoods of the city.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

During PY21, The City of Carrollton has continued to demonstrate its commitment to the eradication of lead-based paint hazards in the community.

For residents receiving assistance under the city's Minor Home Repair, Emergency Repair, and People Helping People Programs the city follows federal regulations where a lead-based paint hazard is involved. To determine if a lead-based paint hazard is present, houses built before 1978 are tested for the presence of lead by a certified technician. In the event lead-based paint is present, the city hires technicians certified in safe work practices for the removal of lead-based paint.

All CDBG funded projects meet all applicable regulations related to lead-based paint. Residences built before 1978 utilizing the Minor Home Repair Program are tested for lead-based paint to comply with HUD requirements. In the event lead-based paint is detected, HUD guidelines are followed, including the distribution of lead-based paint information.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

During PY21 the City of Carrollton provided general funding of \$462,130 to social service agencies to address local objectives and strategies identified in the 2019-2023 Consolidated Plan. All the agencies

identified in Appendix 1 predominantly serve persons of low- to moderate- income.

The city council considers the awarding of social service contracts annually. The city is proud of its continue partnership with the identified agencies/organizations. A brief outline of the specific services and activities offered by each of the agencies is also included in Appendix 1.

Cumulatively, these agencies served 6,281 individuals in Carrollton. The agencies identified and served 3,127 (49.8%) Hispanics, 666 (10.6%) African-Americans, and 365 (5.8%) Asians within the Carrollton community. These specific demographic groups accounted for 66.2% of the individuals served by the city funded social service agencies.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Neighborhood Reinvestment

In previous years the city has used CDBG funding to perform infrastructure projects in low- to moderate-neighborhoods in Carrollton. However, due to the changes and revisions in Section 3 the city has dropped those projects due to regimented requirements now instituted under Section 3. The city will continue to evaluate all neighborhoods in Carrollton to establish and determine areas of immediate infrastructure need and will address those needs through General Funds. The city will be directing the CDBG funding used in infrastructure projects towards Metrocrest Services to institute programs to address homelessness in Carrollton. The city does perform enhanced code enforcement with a CDBG funded code enforcement officer who performs apartment inspections for communities located within the CDBG target area.

Neighborhood Matching Grants

The city has an established Neighborhood Enhancement Matching Grant Program which may provide up to \$25,000 in general funds to perform upgrades and enhancements to public property within a neighborhood. These grants can be used for beautification, signage, and landscaping projects.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

This section is not applicable as Carrollton does not have a public housing authority.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

In PY20 the City of Carrollton completed the Analysis of Impediments to Fair Housing and continues to review relevant aspects applicable to Carrollton.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The City of Carrollton's Community Development Program continuously monitors programs and projects to ensure compliance with all applicable laws and regulations. Staff focuses on the following areas: environmental, financial, labor relations, and programmatic areas.

The environmental standards and procedures developed and implemented include the completion of compliance checklists for all activities and the city's annual Environmental Review Record (ERR). Staff maintains a copy of the ERR available for year-round public review during regular business hours in the Environmental Services Department at City Hall located at 1945 E. Jackson Road, Carrollton Texas.

Community Development program staff and the city's accounting staff administer financial monitoring for all projects, programs, and activities. The city's Treasury Division works closely with the Community Development staff to ensure all drawdowns are made after all ledgers and records have been reconciled and approved. The city's Purchasing Department assists with procurement and the general bidding process to ensure compliance with all applicable state and federal regulations. The financial operations and expenditures of the city are audited on an annual basis by an independent accounting firm.

The Community Development staff administers, monitors, and reviews labor standards on all capital improvement projects. Contractors are provided with training prior to the start of each project. All applicable Davis-Bacon and Related Acts (DBRA) are explained to the contractor. All contractor payments are contingent upon payment of proper wages to employees and the city's receipt of appropriate payroll records. Contractors are reviewed to ensure they have a SAMS and DUN number and have not been disbarred from receiving federal funds.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The first public hearing for the PY21 CAPER was held on Thursday, November 10, 2022, before the Neighborhood Advisory Committee. The second public hearing for the PY21 CAPER was held on Tuesday, December 6, 2022, before the Carrollton City Council. Notices were posted for the public in the Dallas Morning News, the newspaper of record to each hearing. These hearings summarized the report, noting it has been available for review either in person at City Hall or through the city's website. Citizen comments were welcomed at the hearings or in writing and instructions were provided on how to comment.

Neighborhood Advisory Committee Public Hearing - Thursday, November 10, 2022

The Neighborhood Advisory Committee held a public hearing on Thursday, November 10, 2022, to receive comments on the PY21 CAPER. At the meeting there were no public comments received during the public hearing regarding the PY21 CAPER. After receiving no public comments, the Neighborhood Advisory Commissioners were allowed to ask questions.

Commissioner's inquired about the expansion of Neighborhood Enhancement Zones (NEZ) which are funded with city general funds, how the social service agencies were selected for CARES-Act funding, changes made in Section 3 requirements, on the impact if full funding is not spent by the city and shifting of funds from infrastructure projects to addressing homelessness issues in the community. Staff addressed each of these areas and provided the commissioners on the procedures applicants followed with CARES-Act funding, how unallocated funds may be recovered by HUD, and how Section 3 has impacted the city going forward.

As there were no further comments from the commissioners, the chair moved to close the public hearing and a motion was made to accept the PY21 CAPER and forward it on for a second public hearing before the City Council on December 6, 2022. The commissioners voted 8-0 to accept the resolution and forward the report onto the Carrollton City Council.

City Council Public Hearing - Tuesday, December 6, 2022

The City Council held a public hearing on Tuesday, December 6, 2022, to receive comments on the PY21 CAPER. At the meeting there were _____ public comments regarding the PY21 CAPER. After asking for and receiving _____ public comments, the City Council voted _____ to _____ a resolution _____ the PY21 CAPER and forwarding the report to the Department of Housing and Urban Development.

_____ public comments were received by staff through email, written correspondence, or reported in on site visits.

Public Notices were featured on the city's website and were published in the Dallas Morning News on Sunday, October 23, 2022, and Sunday, November 6, 2022.

Specify the nature of, and reasons for, any changes in the jurisdiction’s program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

Because of changes and revisions to Section 3 requirements the City of Carrollton was required to cancel infrastructure projects as the city would be unable to meet the new restrictive measures imposed by Section 3. This funding will be redirected to Metrocrest Services for use in programs related to homelessness in Carrollton.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

DRAFT

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	1	0	0	0	0
Total Labor Hours	592				
Total Section 3 Worker Hours	0				
Total Targeted Section 3 Worker Hours	0				

Table 7 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers	0				
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.	0				
Direct, on-the job training (including apprenticeships).	0				
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.	0				
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).	0				
Outreach efforts to identify and secure bids from Section 3 business concerns.	1				
Technical assistance to help Section 3 business concerns understand and bid on contracts.	0				
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.	0				
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.	0				
Held one or more job fairs.	0				
Provided or connected residents with supportive services that can provide direct services or referrals.	0				
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.	0				
Assisted residents with finding child care.	0				
Assisted residents to apply for, or attend community college or a four year educational institution.	0				
Assisted residents to apply for, or attend vocational/technical training.	0				
Assisted residents to obtain financial literacy training and/or coaching.	0				
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.	0				
Provided or connected residents with training on computer use or online technologies.	0				
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.	0				
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.	0				
Other.	1				

Table 8 – Qualitative Efforts - Number of Activities by Program

Narrative

The Thomas Park project was funded by PY17 and PY19 prior to finalized changes in Section 3 requirements. This project will serve as the final infrastructure project for Carrollton as the Section 3 requirements are difficult for Carrollton to meet and will be reallocating infrastructure funding in the future to address homeless issues through funding of Metrocrest Services, a social service agency which assists Carrollton residents.

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, ADOPTING THE PROGRAM YEAR 2021 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton received \$834,928 in Community Development Block Grant Funds from the United States Department of Housing and Urban Development in Program Year (PY) 2021; and has prepared a Consolidated Annual Performance and Evaluation Report (CAPER); and

WHEREAS, the Neighborhood Advisory Commission reviewed the draft PY2021 CAPER; and

WHEREAS, on November 10, 2022, the Neighborhood Advisory Commission held a public hearing on the draft PY2021 CAPER and, after all persons were given an opportunity to present verbal and written testimony, did consider and make a recommendation to adopt the PY2021 CAPER; and

WHEREAS, the City Council, after having made the draft PY2021 CAPER available for public review in accordance with federal law, conducted two public hearings to provide all persons the opportunity to present verbal and written testimony, for a period in excess of thirty (30) days; and

WHEREAS, the City Council has concluded the adoption of the PY2021 CAPER is in the best interest of the City and is for the purpose of continued participation in the program and in securing additional community resources for the benefit of low- and moderate-income citizens;

WHEREAS, the City Council has been presented and reviewed the PY2021 CAPER and is attached hereto as Exhibit "A", which is incorporated herein for all purposes.

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

SECTION 1

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The PY2021 CAPER, which is attached hereto and incorporated herein for all purposes, documents the performance and accomplishments for the Community Development Block Grant as related to the adopted 2019-2023 Consolidated Plan and is hereby adopted by the City Council.

SECTION 3

This report will constitute the PY2021 CAPER for the City of Carrollton, Texas for all matters related to program planning, accomplishments, and performance relative to the Community Development Block Grant program and other programs administered by the United States Department of Housing and Urban Development.

SECTION 4

The City Manager is authorized to sign the required program certifications and to take all other action necessary to effectuate the intents and purposes of this Resolution.

SECTION 5

This Resolution shall take effect upon passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 6th day of December, 2022.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd,
City Attorney

APPROVED AS TO CONTENT:

Cory Heiple,
Environmental Services Director



Agenda Memo File Number: 5976

Agenda Date: 12/6/2022

Version: 1

Status: Public Hearing/Individual Consideration

In Control: City Council

File Type: Public Hearing

Agenda Number: 31.

CC MEETING: December 6, 2022

DATE: November 16, 2022

TO: Erin Rinehart, City Manager

FROM: Loren Shapiro, AICP, Planning Manager
Marc Guy, Assistant City Manager

Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit For A Smoke Shop Retailer On A 0.48-Acre Tract Zoned (DTC) Downtown Transit Center District Urban General, And Located At 1208 East Belt Line Road, Suite 112 On The Southwest Corner Of Belt Line Road And Myers Street; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2022-146 Vapor Depot.

BACKGROUND:

The applicant is requesting a Special Use Permit to allow a smoke shop. The proposed smoke shop will occupy 850 square feet in one of the suites at 1208 East Belt Line Road.

On April 5, 2022, City Council adopted regulations for smoking establishments, including smoke shop retailers.

STAFF RECOMMENDATION/ACTION DESIRED:

On November 3, 2022, the Planning and Zoning Commission recommended **APPROVAL** of the request to allow a smoke shop retailer, with staff stipulations.

Staff recommends approval of the request with stipulations and adoption of the ordinance.

RESULTS SHEET

Date: 12/06/22

Case No./Name: PLSUP 2022-146 Vapor Depot

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** of the Special Use Permit with the following stipulations:

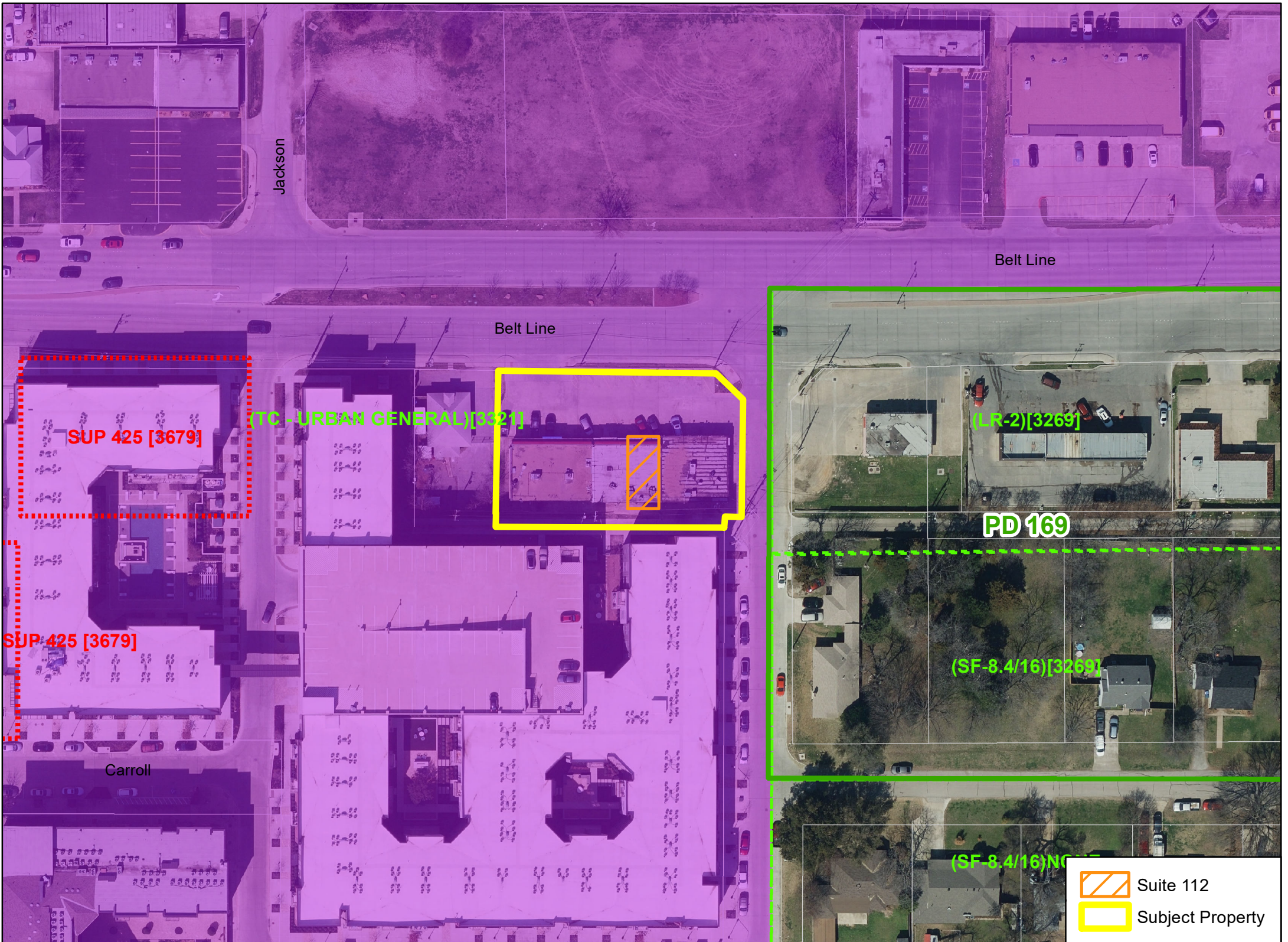
1. Permitted Use: Smoke Shop Retailer
2. Development shall be in accordance with the following special conditions, restrictions and regulations:
 - a. Hours of operation shall not exceed, 10:00 a.m. to 7:00 p.m., daily.
 - b. A food establishment, as that term is defined by the Carrollton Food Establishment Requirements (CFER) shall be prohibited.

B. P&Z RECOMMENDATION from P&Z meeting: 11/03/22

Result: APPROVAL /Vote: 9-0

C. CC RECOMMENDATION from CC meeting: 12/06/22

Result: /Vote:



Jackson

Belt Line

Belt Line

SUP 425 [3679]

TC - URBAN GENERAL [3321]

(LR-2)[3269]



PD 169

SUP 425 [3679]

(SF-8.4/16)[3269]

Carroll

(SF-8.4/16)[3269]

-  Suite 112
-  Subject Property

APPLICANT'S NARRATIVE

Application Explanation and Description of Request or Project

TOTAL SQ FT: 850

DISPLAYS: 3 SHOWCASES AND 3 FLOOR DISPLAYS

HRS: 10AM - 7PM MONDAY - SUNDAY

PRODUCTS: NOVELTIES, GIFTS, CIGARS & VAPE,
& T-SHIRTS.

SPECIAL USE PERMIT

Case Coordinator: Loren Shapiro

GENERAL PROJECT INFORMATION

SITE ZONING: (DTC) Downtown Transit Center, Urban General

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	(DTC) Downtown Transit Center, Urban General	Undeveloped
SOUTH	(DTC) Downtown Transit Center, Urban General	Multifamily Residential
EAST	PD-169 for the (LR-2) Local Retail District	Retail
WEST	(DTC) Downtown Transit Center, Urban General	Retail

REQUEST: Approve a Special Use Permit to allow a smoke shop retailer

PROPOSED USE: Smoke Shop Retailer

ACRES/LOTS: Approximately 0.48-acres / 1 lot

LOCATION: 1208 E. Belt Line Road, Suite 112

HISTORY: The DTC zoning district was most recently amended in September 2009.

COMPREHENSIVE PLAN: Mixed Use Transit

TRANSPORTATION PLAN: Belt Line Road is designated as an (A6D) 6-Lane Divided Arterial.

OWNER: Mohammad Walizada

REPRESENTED BY: Sikander Lalani/S&L Cloud LLC DBA Vapor Depot

STAFF ANALYSIS

PROPOSAL/BACKGROUND

The applicant is requesting a Special Use Permit to allow a smoke shop retailer.

ZONING ORDINANCE REQUIREMENTS

A Special Use Permit is required for a smoke shop retailer on property zoned Transit Center (TC). The subject property is zoned (DTC) Downtown Transit Center, Urban General.

A smoke shop retailer is an establishment providing for the display and sale of smoking products and that is not a food establishment, as that term is defined by the Carrollton Food Establishment Requirements (CFER).

The purpose of the Special Use Permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement and construction.

ELEMENTS TO CONSIDER

1. The Special Use Permit would allow a smoke shop retailer in a 850 square foot space at 1208 East Belt Line Road, Suite 112 in an existing small shopping center at the southwest intersection with Myers Street.
2. The smoke shop retailer proposes to operate between the hours of 10:00 a.m. to 7:00 p.m. every day.
3. Merchandise sold include novelties, gifts, cigars, vape products, and T-shirts. The applicant has indicated that no food or drinks will be sold.
4. Smoke shop retailers are allowed by right in all of the commercial zoning districts, except (LR-1) Local Retail and Office zoning districts. There are currently in excess of 50 smoke shop retailers in the city.
5. Vape or smoke shop retailers appear to be most prevalent in strip shopping centers.
6. There has not been criminal activity at smoke shop retailers.

CONCLUSION

Staff believes the proposed use is appropriate in the existing shopping center and does not negatively impact surrounding uses.

DRAFT Minutes
City of Carrollton
Planning & Zoning Commission
November 3, 2022
Briefing Session and Meeting

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, November 3, 2022 at 7:00 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Jason Carpenter, Chair
Scott Windrow, Vice Chair
John Powell, 1st Vice Chair
Kathryn Taylor
Greg Kramer
Willadean Martin
Mark Yarbrough
Kathleen Foster
Jim Doyle

Commission Members Absent:

Staff Members Present:

Loren Shapiro, Planning Manager
Michael McCauley, Senior Planner
Greg Carrell, Plans Examiner
Ed Green, Plan Review Manager

Albert Thomas, Asst. City Attorney
John Romberger, Transportation
Jay Vockler, Fire Department
Lydia Tormos, Admin Support Specialist

Guests Present:

Al Overholt, Alternate
Rusty Pendleton, City Council member

*(Note: * = designation of a motion)*

6. Hold A Public Hearing To Consider An Ordinance To Establish A Special Use Permit For A Smoke Shop Retailer On An 0.48-Acre Tract Zoned (DTC) Downtown Transit Center District, Urban General And Located At 1208 East Belt Line Road, Suite 112; Southwest Corner Of Belt Line Road And Myers Street; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2022-146 Vapor Depot. Case Coordinator: Loren Shapiro.

Planning Manager Loren Shapiro presented the request stating that the location is zoned for the Downtown Transit Center. Locations outside the Transit Center such as Retail and other Commercial districts typically allow Smoke Shops by right. The proposed smoke shop retailer will occupy 850 square feet in Suite 112 at 1208 East Belt Line Road. He explained that this would not be a lounge and stated that currently there are over 50 smoke shop retailers across the city generally in shopping centers. He stated that the applicant agreed on the hours of operation and he added that the zoning ordinance prohibits the sale of food or drink. Staff recommended approval.

Commissioner Foster asked if smoking on the property would be allowed. Shapiro stated that smoking is allowed for the purposes trying the product.

Commissioner Doyle asked if the location was on the edge of the Transit Center district. Shapiro replied affirmatively and described the location.

Commissioner Martin asked the difference between a lounge and this retailer if the customers are allowed to smoke. Shapiro explained that the applicant would be there for the sell of smoking products. He stated it is typical in these types of shops for the customer to try the product and he emphasized that it would not be a lounge or restaurant.

Commissioner Kramer asked if the proprietor would be able to offer a free cup of coffee and Shapiro replied that it would not be allowed. He referred to the stipulations outlined in the case report and underscored that they would not be able to provide any food or drink services. It would be strictly a retail shop.

Commissioner Foster asked if there would be designated smoking areas and Shapiro replied there would not be and suggested the applicant could explain how it works.

Sikander Lalani, 1208 E Belt Line Road, applicant, stated he was in agreement with everything and was available to answer questions.

Commissioner Foster asked about designated smoking areas and Mr. Lalani replied that smoking would not be allowed inside or outside. He stated they would only allow smoking inside for testing purposes.

Chair Carpenter opened the public hearing; there being no speakers, he opened the floor for discussion or a motion.

*** Commissioner Taylor moved to close the public hearing and approve Case No. PLSUP 2022-146 Vapor Depot with staff stipulations; second by 1st Vice Chair Powell. The motion was approved with a unanimous 9-0 vote.**

PLANNING DEPARTMENT
CITY OF CARROLLTON
DATE: 12/06/2022

SPECIAL USE PERMIT NO. 489
DEVELOPMENT NAME: Vapor Depot

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 489 PROVIDING FOR A SMOKE SHOP RETAILER UPON AN APPROXIMATELY 0.48-ACRE TRACT ZONED (DTC) DOWNTOWN TRANSIT CENTER, URBAN GENERAL AND LOCATED AT 1208 EAST BELT LINE ROAD, SUITE 112, ON THE SOUTHWEST CORNER OF BELT LINE ROAD AND MYERS STREET; AMENDING THE OFFICIAL ZONING MAP ACCORDINGLY; PROVIDING PENALTY, SEVERABILITY, REPEALER, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Third day of November 2022, the Planning & Zoning Commission considered and made recommendation on a certain request for a Special Use Permit (Case No. PLSUP 2022-146); and

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council conducted a public hearing on the Sixth day of December 2022, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council has determined the following amendment to the zoning laws to allow the requested use is not detrimental to the surrounding property, and is consistent with the purpose of the zoning district in which the above-described property is located; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

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

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Special Use Permit Number 489 is hereby established for a certain approximately 0.48-acre tract located at 1208 E. Belt Line Road, Ste 112, on the southwest corner of Belt Line Road And Myers Street (Lot 1, Block A Neighborhood Service Center) and being more specifically described on Exhibit A and generally depicted on Exhibit B, providing for the following:

I. Permitted Use

Smoke Shop Retailer

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions and regulations:

1. Development shall be in accordance with the following special conditions, restrictions, and regulations:
 - a. Hours of operation shall not exceed Monday through Sunday, 10:00 a.m. to 7 p.m.
 - b. A food establishment, as that term is defined by the Carrollton Food Establishment Requirements (CFER), shall be prohibited.

Section 3.

The Comprehensive Zoning Ordinance and the Official Map are hereby amended to reflect the action taken herein.

Section 4.

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 5.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 6.

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

Section 7.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Sixth day of December 2022.

CITY OF CARROLLTON

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky
City Secretary

APPROVED AS TO FORM:

Albert Thomas
Assistant City Attorney

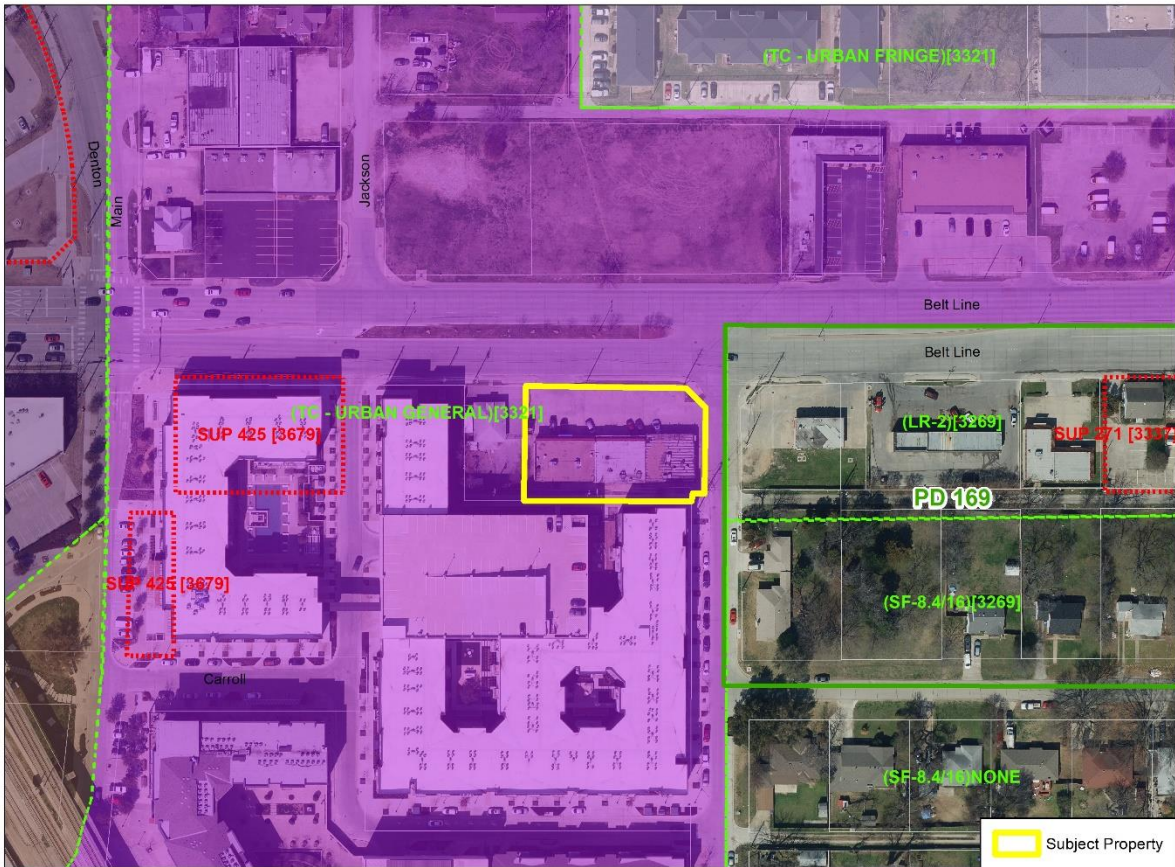
APPROVED AS TO CONTENT:

Loren Shapiro, AICP
Planning Manager

EXHIBIT A
DESCRIPTION

Neighborhood Service Center, Block A, Lot 1, Less R.O.W. & Pt Abandoned Alley,
VOL2005187/13292 - 0.4786 Acres

**EXHIBIT B:
GENERAL DEPICTION**





Agenda Memo File Number: 5977

Agenda Date: 12/6/2022

Version: 1

Status: Public Hearing/Individual Consideration

In Control: City Council

File Type: Public Hearing

Agenda Number: 32.

CC MEETING: December 6, 2022

DATE: November 16, 2022

TO: Erin Rinehart, City Manager

FROM: Loren Shapiro, AICP, Planning Manager
Marc Guy, Assistant City Manager

Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit For An Automobile Paint and Body Shop On An Approximately 1.62-Acre Tract Zoned (FWY) Freeway District And Located At 1875 North IH-35E On The Northwest Corner Of IH-35E And Booth Drive; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2022-142 Texas Collision Centers.

BACKGROUND:

The applicant is requesting a Special Use Permit to allow an automobile paint and body shop. The property consists of a 21,500 square foot building, formerly occupied by E-Car One.

All automobile-related services must occur inside the building. Storage of damaged or serviced vehicles can only be located in an enclosed fenced area on the west side of the building. No outdoor storage of servicing vehicles will be allowed in the parking lot outside of the enclosure.

A Special Use Permit (SUP-338) allowing used auto sales for E-Car One expired on January 1, 2020. The building is currently unoccupied.

STAFF RECOMMENDATION/ACTION DESIRED:

On October 6, 2022, the Planning and Zoning Commission recommended **APPROVAL** of the request to allow an automobile paint and body shop, with staff stipulations.

Staff recommends approval of the request with stipulations and adoption of the ordinance.

RESULTS SHEET

Date: 12/06/22

Case No./Name: PLSUP 2022-142 Texas Collision Centers

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** of the Special Use Permit with the following stipulations:

1. Permitted Use: Automobile Paint and Body Shop
2. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions and regulations:

- a. Development shall be in accordance with the Conceptual Site and Landscape Plan and Building Elevations.
- b. Stored damaged or serviced vehicles shall be located in the enclosed fenced area on the west side of the building only.
- c. All repairs shall occur inside of the building.
- d. All roof top equipment shall be screened.
- e. All signs depicted on the concept plans are for exhibition only. All signs shall be in accordance with the Sign Ordinance.

B. P&Z RECOMMENDATION from P&Z meeting: 10/06/22
Result: APPROVAL with Staff Stipulations /Vote: 9-0

C. CC RECOMMENDATION from P&Z meeting: 12/06/22
Result: /Vote:



Simmons Pkwy

PD 181
(LI) [4116]

ORD [14116]

ORD [1384]

FWY [1384]

Booth Dr

SUP 337 [3112]

SUP 396 [3599]

SUP 302 [2841]

I-35E Hwy

NIH 35E

NIH 35E

ENTRW BELTLINE RD TO I35E NB
NIH 35E Hwy

(I-35E Overlay)



SPECIAL USE PERMIT

Case Coordinator: Loren Shapiro

GENERAL PROJECT INFORMATION

SITE ZONING: (FWY) Freeway District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	(FWY) Freeway District	Hotel
SOUTH	(FWY) Freeway District	Automobile or Light Load Truck Sales
EAST	(FWY) Freeway District and IH-35E Overlay	Landscape Nursery
WEST	PD-181 for the (LI) Light Industrial District	Metal Manufacturing

REQUEST: Approve a Special Use Permit to allow an automobile paint and body shop

PROPOSED USE: Automobile paint and body shop

ACRES/LOTS: Approximately 1.62-acres / 1 lot

LOCATION: 1875 N. IH-35E

HISTORY: The property has been zoned (FWY) Freeway District since June, 1987. A replat was last approved on December 3, 2020. A Special Use Permit (SUP-338) allowing auto sales was approved by City Council on March 6, 2007. The SUP expired, however, on January 1, 2020.

COMPREHENSIVE PLAN: High Intensity Commercial

TRANSPORTATION PLAN: IH-35E is designated as a (CAH) Controlled Access Highway; Booth Drive is an Industrial Collector Street.

OWNER: Rig Properties, LLC

REPRESENTED BY: Texas Collision Centers

STAFF ANALYSIS

PROPOSAL/BACKGROUND

The applicant is requesting a Special Use Permit to allow an automobile paint and body shop.

ZONING ORDINANCE REQUIREMENTS

A Special Use Permit is required for an automobile paint and body shop in the (FWY) Freeway District.

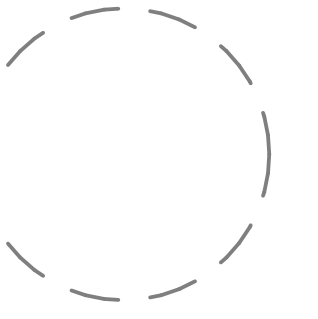
The purpose of the Special Use Permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement and construction.

ELEMENTS TO CONSIDER

- Automobile sales was previously operating in the existing 21,500 square foot building under SUP-338. However, the car sales ceased operation when the SUP expired on January 1, 2020.
- In addition to the existing building, there are existing covered parking structures on the west side of the structure enclosed by ornamental metal fencing. The applicant will be upgrading the enclosure to an 8-foot tall opaque board on board fence with steel frames.
- Stored damaged or serviced vehicles shall be located in the enclosed fenced area on the west side of the building only.
- No outdoor storage of servicing vehicles shall be allowed in the parking lot outside of the enclosure.
- All repairs shall occur inside of the building.
- The Texas Department of Transportation (TxDOT) acquired the east one-third of the subject property for the widening of IH-35E. As a result, building is now within 40 feet of the IH-35E right-of-way. Parking fronting the expressway has also been eliminated.
- Landscaping has since been installed along the perimeter ornamental metal fence fronting the IH-35E service road and Booth Drive. The applicant is providing new landscaping in the form of trees on parking islands on the south side of the building.
- There are intensive industrial and auto-related uses adjacent or near the subject property. The property is adjacent to Harley Davidson and Hot Rides (automobile sales) to the south and Western Extrusion (metal manufacturing) to the west.

CONCLUSION

Staff believes the SUP for the automotive paint and body shop is an appropriate use as all services will be indoors and storage of vehicles enclosed in a fenced area behind the building. The proposed use is also compatible with the nearby automotive sales, along IH-35E and metal extrusion facility to the west. Staff recommends approving with stipulations provided in the case report.



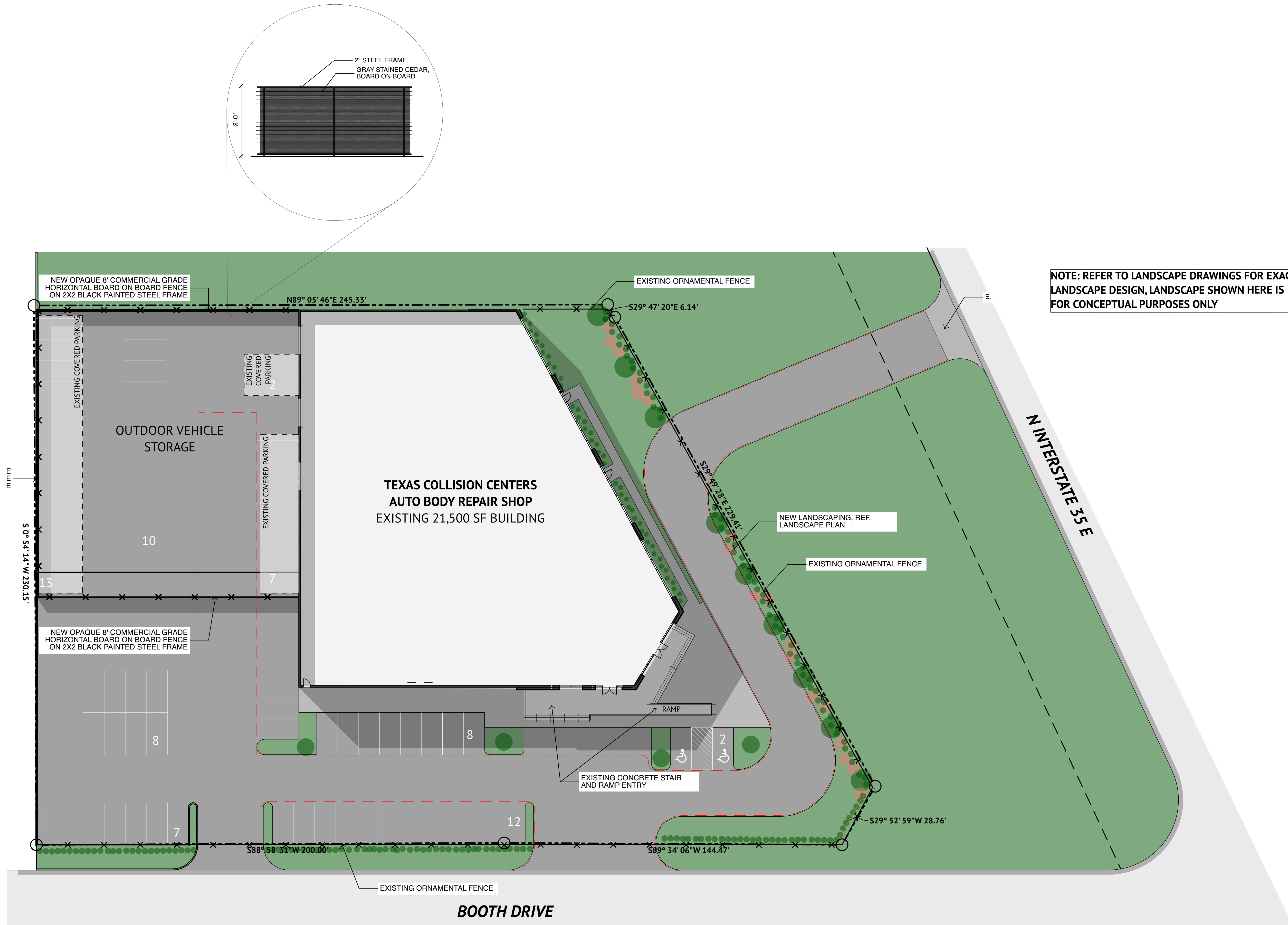
ISSUE DATE: 9.19.22

SHELTON ARCHITECTURE-DALLAS
4325 POMONA RD.
DALLAS, TX 75209
214-934-9791
lindsay@sheltonarchitecture.com

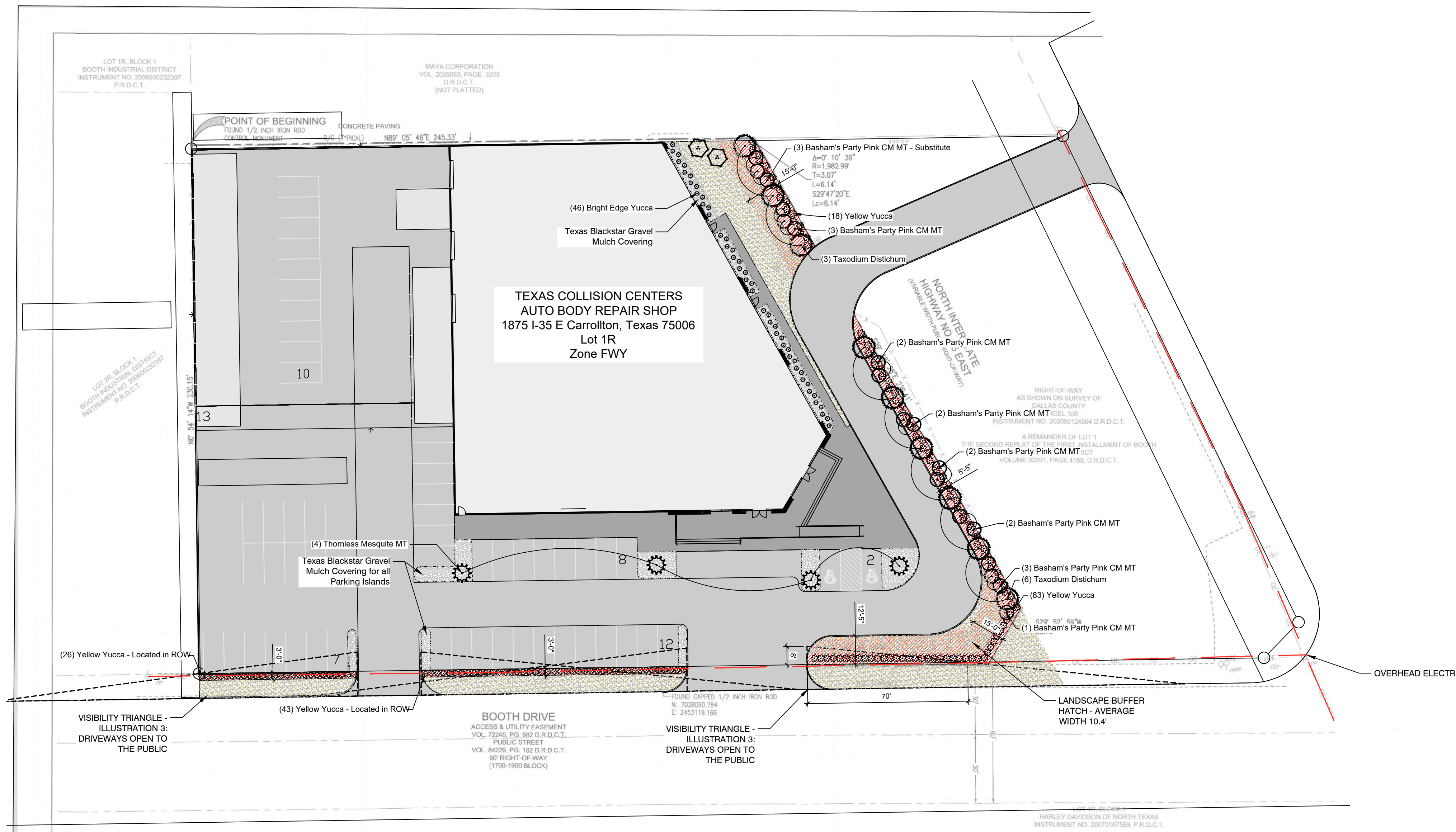
NOTE: REFER TO LANDSCAPE DRAWINGS FOR EXACT LANDSCAPE DESIGN, LANDSCAPE SHOWN HERE IS FOR CONCEPTUAL PURPOSES ONLY



TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX



1 CONCEPT SITE PLAN
SCALE: 1" = 20'

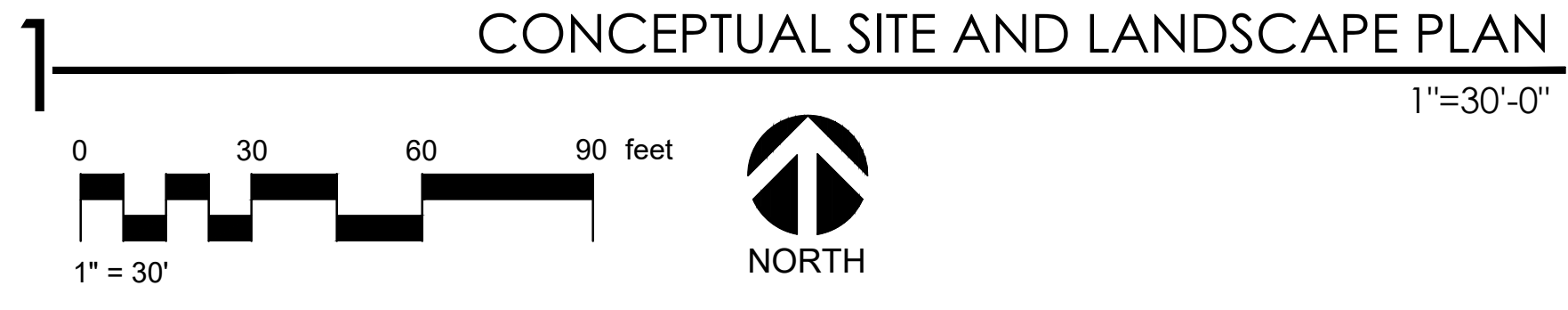


Texas Collision Center I35 Project- Landscape Calculations	
Site Landscape	Required: 15% of Total Site to be Landscape or 10,611 SF Provided: 8.2% or 5,813 SF of Site is Landscape
On Site Landscaping	Required: 50% of Total Required Landscape in Frontyard Provided: 71% of Total Required Landscape in Frontyard Required: Landscape Buffer of 15' Avg. Width adjacent to all ROW and Easements Provided: Total Landscape Buffer of 10.4' Avg. Width adjacent to all ROW and Easements Required: 1 Site Tree Per 4,000 SF of Site Area Not Including Building, Drive or Parking or 2 Trees Provided: 2 Trees
Parking Lot Landscape	Required: 50% of Total Required Parking Landscape Not Turf or 504 SF Provided: 823 SF of Parking Lot Landscape Not Turf
Parking Lot Trees	Required: 1 Tree per 12 Unscreened Parking Spaces or 4 Trees Provided: 4 Trees Provided: All Unscreened Parking Stalls within 120' of a Tree
Buffer Plantings	Required: 2 -3" Cal. Shade Trees per 100 Linear Feet or 10-3" Cal. Shade Trees Provided: 9-3" Cal. Shade Trees; 3-3" Cal. Ornamental Trees as Substitutions Required: 3 - 3" Cal. Ornamental Trees per 100 Linear Feet or 15-3" Cal. Ornamental Trees Provided: 15-3" Cal. Ornamental Trees Required: 34 - 5 Gal. Evergreen Shrubs per 100 Linear Feet or 170 - 5 Gal. Evergreen Shrubs Provided: 170 - 5 Gal. Evergreen Shrubs

PLANT SCHEDULE PLANTING			
ORNAMENTAL TREES	BOTANICAL / COMMON NAME	SIZE	QTY
	Lagerstroemia indica x fauriei 'Basham's / Basham's Party Pink CM MT 6'-8" Ht., 3'-4" Sprd., Multi-Trunk 3 Cane Minimum equaling 3" Cal. at 12" Ht., Specimen, Container Grown.	6'-8" Ht., 3" Caliper	15
	Lagerstroemia indica x fauriei 'Basham's / Basham's Party Pink CM MT - Substitute 6'-8" Ht., 3'-4" Sprd., Multi-Trunk 3 Cane Minimum equaling 3" Cal. at 12" Ht., Specimen, Container Grown.	6'-8" Ht., 3" Caliper	3
PARKING LOT TREES	BOTANICAL / COMMON NAME	SIZE	QTY
	Prosopis glandulosa / Thornless Mesquite MT 10'-12" Ht., 4'-6" Sprd., Multi-Trunk 3 Cane Minimum equaling 3" Cal. at 12" Ht., Specimen, Container Grown.	10'-12" Ht.; 3" Caliper	4
SHADE TREES	BOTANICAL / COMMON NAME	SIZE	QTY
	Bald Cypress / Taxodium Distichum 10'-12" Ht.; 3" Caliper; Specimen, Container Grown.	10'-12" Ht.; 3" Caliper	9
SITE TREES	BOTANICAL / COMMON NAME	SIZE	QTY
	Vitex agnus-castus / Chaste Tree MT 10'-12" Ht., 4'-6" Sprd., Multi-Trunk 3 Cane Minimum equaling 3" Cal. at 12" Ht., Specimen, Container Grown.	---	2
EVERGREEN SHRUBS	BOTANICAL / COMMON NAME	SIZE	QTY
	Hesperaloe parviflora 'Yellow' / Yellow Yucca 2'-3" Ht., 2'-3" Sprd., Full; Specimen, Container Grown.	24" Height	101
	Hesperaloe parviflora 'Yellow' / Yellow Yucca - Located in ROW 2'-3" Ht., 2'-3" Sprd., Full; Specimen, Container Grown. Located in ROW.	24" Height	69
SUCCULENTS	BOTANICAL / COMMON NAME	SIZE	QTY
	Yucca filamentosa 'Bright Edge' / Bright Edge Yucca 2'-3" Ht., 2'-3" Sprd., Full; Specimen, Container Grown.	3 gal.	46
GROUND COVERS	BOTANICAL / COMMON NAME	SIZE	QTY
	Cynodon dactylon / Bermuda Grass	sod	5,312 sf

- LANDSCAPE PLAN NOTES:**
- THIS PLAN IS NOT FOR CONSTRUCTION.
 - THIS PLAN IS PREPARED FOR **PLSUP202200142** PRESENTATION PURPOSES FOR THE CITY OF CARROLLTON TO HAVE A CLEAR UNDERSTANDING OF THE LANDSCAPE INTENT.
 - ADDITIONAL SITE DISCOVERY, FURTHER CONSTRUCTION DRAWINGS, CITY COMMENTS AND OTHER ITEMS MAY REQUIRE PLAN REVISIONS.
 - LANDSCAPE BUFFER AVERAGE WIDTH 10.4'

- IRRIGATION NOTE:**
- All landscape areas, whether required or not, must be equipped with a fully automatic electronic landscape irrigation system designed and installed in compliance with current Texas Commission on Environmental Quality and City of Carrollton landscape irrigation regulations.



Property Owner:
Rig Properties LLC
1455 W Trinity Mills Rd
Carrollton Tx 75006
817-808-1270
Mike@rigcorp.com

Developer:
Shylo Michaelis
Texas Collision Centers
832-724-9595
Shylo@tctexas.com

Landscape Plan Prepared by:
Jeremy Greenhaw, RLA No. 2673
Sago Design Group
469-410-4856
jeremy@sagodesigngroup.com

Architect:
Lindsay Shelton, RA
Shelton Architecture
214-934-9791
lindsay@sheltonarchitecture.com

Project Name:
Texas Collision Centers I35
1875 I-35E
Carrollton, Texas 75006
Lot 1R
PLSUP202200142



FOR PRESENTATION

Prepared for:
Shylo Michaelis
Texas Collision Centers
832-724-9595
Shylo@tctexas.com

Prepared by:
Jeremy Greenhaw, RLA No. 2673
Texas L10006202
469-410-4856
jeremy@sagodesigngroup.com

22.09.16	FOR REVIEW

SAGODESIGN GROUP
LANDSCAPE ARCHITECTURE

Texas Collision Centers I35
1875 I-35E Carrollton, Texas 75006 Lot 1R
City File No. PLZ 2022-142

CAD #:	22.21TCC
SHEET No.	L100



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lindsay@sheltonarchitecture.com

CONCEPTUAL RENDERING
AERIAL VIEW | LOOKING NW

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX





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CONCEPTUAL RENDERING
VIEW FROM BOOTH DR | LOOKING NORTH

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX





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lindsay@sheltonarchitecture.com

CONCEPTUAL RENDERING
VIEW FROM N I-35 E | LOOKING SW

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX





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CONCEPTUAL RENDERING
VIEW FROM SE CORNER OF BUILDING | LOOKING N

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX





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CONCEPTUAL RENDERING
VIEW TEMPORARY AUTOMOBILE STORAGE

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX



**DRAFT Minutes
City of Carrollton
Planning & Zoning Commission
October 6, 2022
Briefing Session and Meeting**

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, October 6, 2022 at 7:00 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Jason Carpenter, Chair
Scott Windrow, Vice Chair
John Powell, 1st Vice Chair
John Denholm
Kathryn Taylor
Margot Diamond
Willadean Martin
Mark Yarbrough
Kathleen Foster

Commission Members Absent:

Staff Members Present:

Loren Shapiro, Planning Manager
John Romberger, Transportation
Ed Green, Plan Review Manager

Albert Thomas, Asst. City Attorney
Herb Cavanaugh, Fire Department
Lydia Tormos, Admin Support Specialist

Guests Present:

Jim Doyle, Alternate
Rusty Pendleton, City Council member

*(Note: * = designation of a motion)*

8. Hold A Public Hearing To Consider An Ordinance To Establish A Special Use Permit For Automobile Paint and Body Shop On An Approximately 1.62-Acre Tract Zoned (FWY) Freeway District And Located At 1875 North IH-35E And On The Northwest Corner Of IH-35E And Booth Drive; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2022-142 Texas Collision Centers. Case Coordinator: Loren Shapiro.

Shapiro presented the request for a paint and body shop. He listed the uses surrounding the existing building formerly occupied by E-Car One. He reviewed the conceptual site plan and landscape plan. The applicant proposes to remove the ornamental fencing on the west side of the building and install an 8foot board-on-board wood fence with a metal frame. All vehicles to be stored on site would be required to be in the enclosure so that no vehicles are seen from Booth Drive or IH-35. He also reviewed the stipulation pertaining to rooftop screening on the north side of the building. He stated that since the use is surrounded by other automotive uses and an intensive industrial use right behind it, staff feels that it is an appropriate use.

Commissioner Denholm talked about the proximity of the frontage road and asked if there was a way to make it an entrance only or eliminate the driveway entirely. Shapiro agreed that there are a lot of unknowns until TxDOT completes the widening of IH-35 and explained that if a change is warranted, the applicant would not have to return to the Commission. Ed Green, Plan Review Manager, stated

that in reality, the maneuvering is not as much of a U-turn as depicted on the drawing. He stated that the driveway throat is actually within the property line.

Jared Lennox, 6246 Stichter Ave, Dallas, co-owner of Texas Collision Center, stated they are a high end, boutique dealership style collision center that's hyper focused on the customer service experience. He stated they are a family operated business about to open their sixth location in the DFW Metroplex. He stated they built the business on 4 Core Values; family, integrity, community and service. He added that if TxDOT removes the entrance, they could a side road as their entrance.

Chair Carpenter opened the public hearing; there being no speakers, he opened the floor for discussion or a motion.

*** *Commissioner Foster moved to close the public hearing and approve Case No. PLSUP 2022-142 Texas Collision Centers with staff stipulations; second by Commissioner Diamond. The motion was approved with a unanimous 9-0 vote.***

PLANNING DEPARTMENT
CITY OF CARROLLTON
DATE: 12/06/2022

SPECIAL USE PERMIT NO. 490
DEVELOPMENT NAME: Texas Collision
Centers

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 490 PROVIDING FOR AUTOMOBILE PAINT AND BODY SHOP ON AN APPROXIMATELY 1.62-ACRE TRACT ZONED (FWY) FREEWAY DISTRICT AND LOCATED AT 1875 NORTH IH-35E AND ON THE NORTHWEST CORNER OF IH-35E AND BOOTH DRIVE; AMENDING THE OFFICIAL ZONING MAP; PROVIDING PENALTY, SEVERABILITY, REPEALER, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Sixth day of October 2022, the Planning & Zoning Commission considered and made recommendation on a certain request for a Special Use Permit (Case No. PLSUP 2022-142);

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended;

WHEREAS, the City Council conducted a public hearing on the Sixth day of December 2022, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council has determined the following amendment to the zoning laws to allow the requested use is not detrimental to the surrounding property, and is consistent with the purpose of the zoning district in which the above-described property is located; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

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

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Special Use Permit Number 490 is hereby established for a certain property located at 1875 North IH-35E (Rig Properties Addition, Lot 1R) and on the northwest corner of IH-35E and Booth Drive, which is situated upon an approximately 1.62-acre tract, and being more generally depicted on Exhibit A, providing for the following:

I. Permitted Use

Automobile Paint and Body Shop

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions and regulations:

1. Development shall be accordance with the Conceptual Site Plan, Conceptual Landscape Plan and Conceptual Building Elevations as shown on Exhibits B, C, and D.
2. Stored damaged or serviced vehicles shall be located in the enclosed fenced area on the west side of the building only.
3. All repairs shall occur inside of the building.
4. All roof top equipment shall be screened.
5. All signs depicted on the concept plans are for exhibition only. All signs shall be in accordance with the Sign Ordinance.

Section 3.

The Comprehensive Zoning Ordinance and the Official Map are hereby amended to reflect the action taken herein.

Section 4.

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 5.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 6.

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

Section 7.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Sixth day of December 2022.

CITY OF CARROLLTON

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Albert Thomas
Assistant City Attorney

Loren Shapiro, AICP
Planning Manager

EXHIBIT A GENERAL DEPICTION

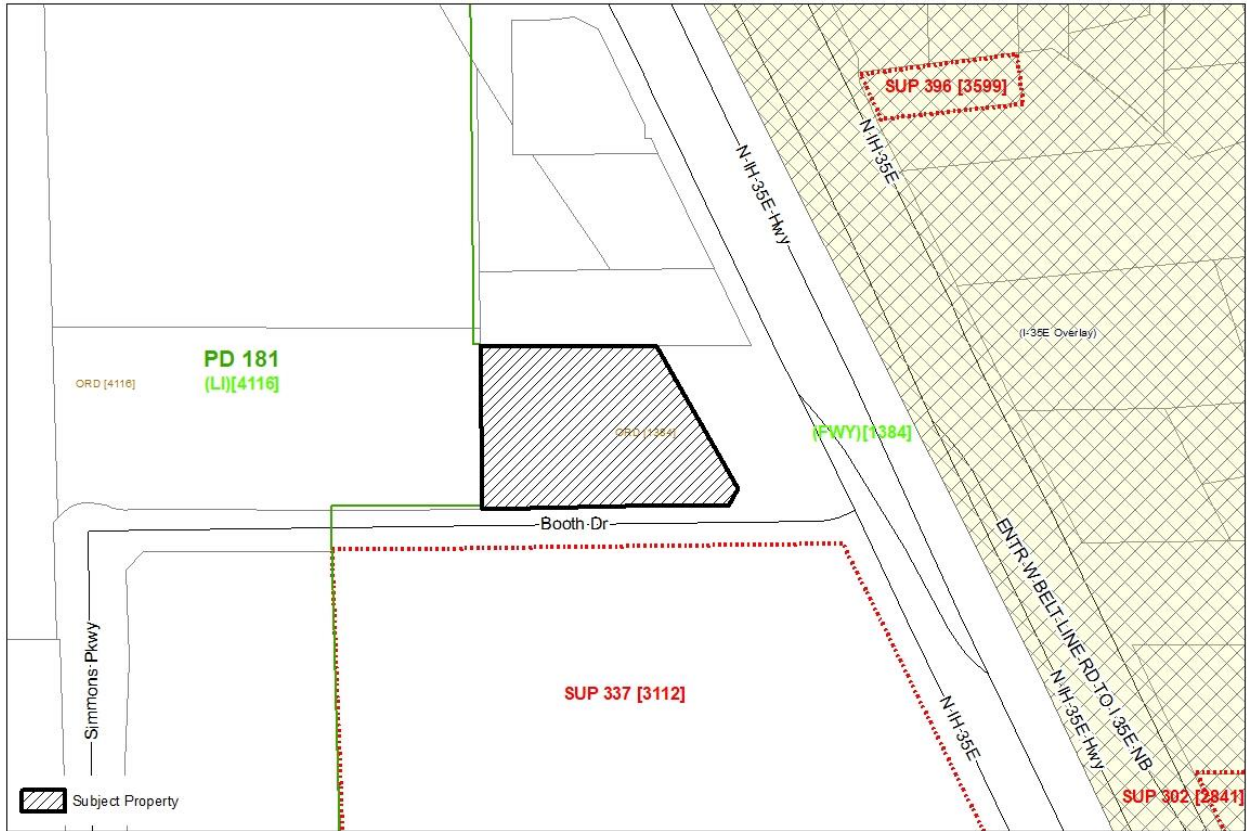



EXHIBIT C CONCEPTUAL LANDSCAPE PLAN



FOR PRESENTATION


Project No. 1875-135E
Project Name: Texas Collision Centers
City: Carrollton, Texas 75007

Client: Texas Collision Centers
Address: 1875-135E Carrollton, Texas 75007

SAGO DESIGN GROUP
LANDSCAPE ARCHITECTURE

Texas Collision Centers 135
1875-135E Carrollton, Texas 75007
City File No. PLZ 2022-142

DATE: 2/22/2024
SHEET: L100



NEIGHBORHOOD MAP
REF TO CODE

Texas Collision Centers 135 Project - Landscape Calculations

Soil Loss
Requires: 15% of field to be landscaped to ECT 1 SF
Provides: 9.7% of 5,913.3' of 98.6' x 600' site

Shrub Landscaping
Requires: 15% of field to be landscaped to ECT 1 SF
Provides: 7.1% of field to be landscaped to ECT 1 SF
Requires: 15% of field to be landscaped to ECT 1 SF
Provides: 10% of field to be landscaped to ECT 1 SF

Planting
Requires: 15% of field to be landscaped to ECT 1 SF
Provides: 10% of field to be landscaped to ECT 1 SF

Planting Land
Requires: 15% of field to be landscaped to ECT 1 SF
Provides: 10% of field to be landscaped to ECT 1 SF

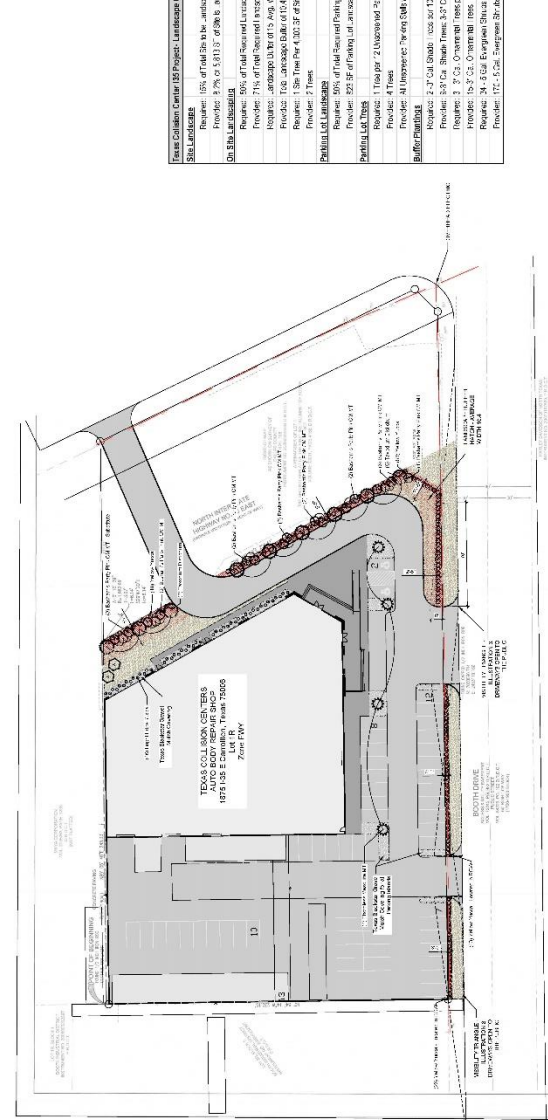
Planting
Requires: 15% of field to be landscaped to ECT 1 SF
Provides: 10% of field to be landscaped to ECT 1 SF

Planting
Requires: 15% of field to be landscaped to ECT 1 SF
Provides: 10% of field to be landscaped to ECT 1 SF

LANDSCAPE PLAN NOTES:

- THIS PLAN IS NOT FOR CONSTRUCTION. IT IS FOR PRESENTATION PURPOSES FOR THE CITY OF CARROLLTON TO HAVE A CLEAR UNDERSTANDING OF THE LANDSCAPE INTENT.
- ADDITIONAL SITE DISCOVERY, FURTHER CONSTRUCTION, CONSTRUCTION COSTS, AND OTHER DETAILS MAY REQUIRE PLAN REVISIONS. LANDSCAPE BUFFER AVERAGE WIDTH 10.4'.

IRRIGATION NOTE:
Irrigation system, whether required or not, must be equipped with a fully automatic electronic landscape irrigation system design and installed in accordance with the City of Carrollton Commission on Environmental Quality and Environmental Quality and Irrigation regulations.

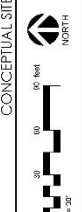


PLANT SCHEDULE

PLANT	QUANTITY	SIZE	NOTES
1.
2.
3.
4.
5.
6.
7.
8.
9.
10.

CONCEPTUAL SITE AND LANDSCAPE PLAN

1"=50' 0"



CONCEPTUAL SITE AND LANDSCAPE PLAN

1"=50' 0"

EXHIBIT D CONCEPTUAL BUILDING ELEVATIONS

CITY FILE NO. PLZ 2022-142



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DALLAS, TX 75209
214-934-9791
lindsay@sheltonarchitecture.com

CONCEPTUAL RENDERING
VIEW FROM N I-35E | LOOKING NW

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX



CITY FILE NO. PLZ 2022-142



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CONCEPTUAL RENDERING
AERIAL VIEW | LOOKING NW

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX



EXHIBIT D CONCEPTUAL BUILDING ELEVATIONS

CITY FILE NO. PLZ 2022-142



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CONCEPTUAL RENDERING | TEXAS COLLISION CENTERS
VIEW FROM BOOTH DR | LOOKING NORTH 1875 N INTERSTATE 35 E
CARROLLTON, TX



CITY FILE NO. PLZ 2022-142



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CONCEPTUAL RENDERING | TEXAS COLLISION CENTERS
VIEW FROM N I-35 E | LOOKING SW 1875 N INTERSTATE 35 E
CARROLLTON, TX



EXHIBIT D CONCEPTUAL BUILDING ELEVATIONS

CITY FILE NO. PLZ 2022-142



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CONCEPTUAL RENDERING
VIEW FROM SE CORNER OF BUILDING | LOOKING N

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX



CITY FILE NO. PLZ 2022-142



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CONCEPTUAL RENDERING
VIEW TEMPORARY AUTOMOBILE STORAGE

TEXAS COLLISION CENTERS
1875 N INTERSTATE 35 E
CARROLLTON, TX





Agenda Memo
File Number: 5978

Agenda Date: 12/6/2022

Version: 1

Status: Public Hearing/Individual Consideration

In Control: City Council

File Type: Public Hearing

Agenda Number: 33.

CC MEETING: December 6, 2022

DATE: November 16, 2022

TO: Erin Rinehart, City Manager

FROM: Loren Shapiro, AICP, Planning Manager
Marc Guy, Assistant City Manager

Hold A **Public Hearing And Consider An Ordinance Amending The Text Of Article XXXI “Changes And Amendments” Of The Comprehensive Zoning Ordinance To Amend Section B “Hearing Before The Planning And Zoning Commission” And Section C “Hearing Before City Council” Related To Public Notice For Zoning Ordinance Text Amendments.** Case No. PLZT 2022-165 CZO Text Amendment For Public Hearing Notice For CZO Text Changes/City Of Carrollton.

BACKGROUND:

This is a City-initiated request to amend the City’s Zoning Ordinance to reaffirm historic public notice requirements and practices regarding legal advertisement for zoning ordinance text amendments and to ensure compliance with State law and a recent court decision.

On March 17, 2022, the Texas Court of Appeals’ decision involving *City of Austin v. Acuna* impacted the type of public notice that needs to be provided for zoning ordinance text amendments. The Court ruled that the statutory requirements for notice of zoning changes are limited to changes affecting specific properties or areas, but also apply to changes to the text of the zoning ordinance. However, the Court noted that a city has the option of adopting a different notice procedure by a two-thirds affirmative vote of its city council.

Staff recommends amending Article XXXI “Changes and Amendments” of Carrollton’s Zoning Ordinance to reaffirm the City’s practices and ensure that they are consistent with the Court’s ruling.

STAFF RECOMMENDATION/ACTION DESIRED:

On November 3, 2022, the Planning and Zoning Commission recommended **APPROVAL** of the proposed amendments.

The attached ordinance reflects the action of the Commission. Staff recommends approval and

adoption of the ordinance.

RESULT SHEET

Date: 12/06/22

Case No./Name: PLZT 2022-165 CZO Text Amendment For Public Hearing Notice For CZO Text Changes

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** as submitted.

1. The following are the Comprehensive Zoning Ordinance articles and text to be amended (New text is **Red underlined**):
2. Article XXXI. Changes and Amendments, Section B. Hearing Before The Planning and Zoning Commission, 1. Zoning Map Changes, a. Written Notice, of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, shall be amended to read as follows:

“a. Written Notice

Before acting upon any application for amendment to the Official Zoning Map, the Planning & Zoning Commission shall hold a Public Hearing. Notice of the public hearing before the Planning and Zoning Commission shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested or proposed. The notice of public hearing shall be given to each taxpayer as the ownership appears on the last approved city tax roll by depositing such notice, properly addressed and postage paid, in the United State Post Office not less than 10 days before the date set for a public hearing before the Planning and Zoning Commission.

Notwithstanding requirements of state statute, when any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning and Zoning Commission shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.”

3. Article XXXI. Changes and Amendments, Section B. Hearing Before The Planning and Zoning Commission, 2. Zoning Text Changes of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, shall be amended to read as follows:

“2. ZONING TEXT CHANGES:

When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail, **in accordance with State Statute**. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than 10 days prior to the public hearing.”

4. Article XXXI. Changes and Amendments, Section C. Hearing Before The City Council,
 1. Zoning Map Changes, b. Written Notice of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, are amended to read as follows:

“b. Written Notice

Notice of the public hearing before the City Council shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested or proposed. The notice of public hearing shall be given to each taxpayer as the ownership appears on the last approved city tax roll by depositing such notice, properly addressed and postage paid, in the United States Post Office not less than 15 days before the date set for a public hearing before the City Council.

Notwithstanding requirements of state statute, when any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the City Council shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.”

5. Article XXXI. Changes and Amendments, Section C. Hearing Before The City Council,
 2. Zoning Text Changes of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, are amended to read as follows:

“2. ZONING TEXT CHANGES:

When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of public hearing of the City Council shall be given by publication in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail, in accordance with State Statute. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than 15 days prior to the public hearing.”

B. P&Z RECOMMENDATIONS from P&Z meeting: 11/03/22
Result: Approval /Vote: 9-0

C. CC PUBLIC HEARING and ORDINANCE ACTION from CC meeting: 12/06/22
Result: /Vote:

ZONING TEXT AMENDMENTS

Case Coordinators: Loren Shapiro

GENERAL PROJECT INFORMATION

REQUEST: Approval of amendments to the Carrollton Comprehensive Zoning Ordinance (CZO) Related To Public Notice For Zoning Ordinance Text Amendments

REPRESENTED BY: City of Carrollton

State Regulations:

Chapter 211 Municipal Zoning Authority, of the Local Government Code regulates cities' powers of zoning and including procedures for adopting regulations or zoning boundaries. The state statutes require public notice for changes to zoning regulations or zoning boundaries. Additionally, the state statutes indicate a governing body may, by a 2/3 vote, prescribe the type of notice to be given of the time and place of the public hearing. The state also mandates property owner notice sent for proposed changes in zoning classification for items scheduled before Planning and Zoning Commission.

The city does prescribe the type of notice that already meets the Local Government Code standards. In Article XXXI. Changes and Amendments, the city's Comprehensive Zoning Ordinance (CZO) regulates public notices for zoning regulation or district changes. Currently, the CZO requires changes in the zoning ordinance regulation, that does not affect specific property, to advertise in a newspaper without the necessity of notifying property owners by mail. The CZO also mandates the city sends property owner notice, for public hearing, to owners within 200 feet from properties requesting zoning changes to districts or boundaries for Planning and Zoning Commission and City Council meetings.

Another reason the city wants to reaffirm and revise the public notice requirements is due to the costly burden to notice property owners across the community for text amendments. The city paid over \$11,000 to notify property owners for the CZO text changes for the PD Infill amendments. This is the cost of a single text amendment. There are over 37,000 properties in Carrollton. The estimated cost of sending postcards to every property owner in the city would cost \$16,280 for postage alone.

The city wants to ratify the current regulations and clarify public notice for CZO text amendments. Under both subsections of Article XXXI. Changes and Amendments, staff recommends adding additional language to both the newspaper legal ad notice for CZO text amendments for both Planning and Zoning Commission and City Council.

Proposed Changes to Article XXI. Changes and Amendments are as following: Red underlined is the new language.

Section B. Hearing Before Planning and Zoning Commission.

1. Zoning Map Changes.

“a. Written Notice:

Before acting upon any application for amendment to the Official Zoning Map, the Planning & Zoning Commission shall hold a Public Hearing. Notice of the public hearing before the Planning and Zoning Commission shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested or proposed. The notice of public hearing shall be given to each taxpayer as the ownership appears on the last approved city tax roll by depositing such notice, properly addressed and postage paid, in the United State Post Office not less than 10 days before the date set for a public hearing before the Planning and Zoning Commission.

Notwithstanding requirements of state statute, when any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning and Zoning Commission shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.”

The proposed added language is consistent with state statutes and reaffirms zoning text changes would require public hearing notice with a newspaper announcement without the need of mailing notice to property owners.

Section B. Hearing Before Planning and Zoning Commission.

2. Zoning Text Changes

When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail, in accordance with State Statute. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than 10 days prior to the public hearing.

The proposed added text emphasizes conformance with State Statute.

Article XXXI. Changes and Amendments, Section C. Hearing Before City Council.

1. Zoning Map Changes

b. Written Notice

Notice of the public hearing before the City Council shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested or proposed. The notice of public hearing shall be given to each taxpayer as the ownership appears on the last approved city tax roll by depositing such notice, properly addressed and postage paid, in the United States Post Office not less than 15 days before the date set for a public hearing before the City Council.

Notwithstanding requirements of state statute, when any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning and Zoning Commission shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.

Article XXXI. Changes and Amendments, Section C. Hearing Before City Council.

“2. Zoning Text Changes:

When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of public hearing of the City Council shall be given by publication in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail, in accordance with State Statute. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than 15 days prior to the public hearing.”

The added language matches up with the Planning and Zoning Commission text in that notices would be sent in accordance with state law.

CONCLUSION

The CZO text is intended to align with both long-standing public notice practices of the city expected by property owners and legal standards established by the recent court decision. Staff recommends approval of the modified language provided in the Result Sheet.

**DRAFT Minutes
City of Carrollton
Planning & Zoning Commission
November 3, 2022
Briefing Session and Meeting**

A meeting of the City of Carrollton Planning & Zoning Commission was held on Thursday, November 3, 2022 at 7:00 p.m. in the Council Chambers at City Hall.

Commission Members Present:

Jason Carpenter, Chair
Scott Windrow, Vice Chair
John Powell, 1st Vice Chair
Kathryn Taylor
Greg Kramer
Willadean Martin
Mark Yarbrough
Kathleen Foster
Jim Doyle

Commission Members Absent:

Staff Members Present:

Loren Shapiro, Planning Manager
Michael McCauley, Senior Planner
Greg Carrell, Plans Examiner
Ed Green, Plan Review Manager

Albert Thomas, Asst. City Attorney
John Romberger, Transportation
Jay Vockler, Fire Department
Lydia Tormos, Admin Support Specialist

Guests Present:

Al Overholt, Alternate
Rusty Pendleton, City Council member

*(Note: * = designation of a motion)*

7. Hold A Public Hearing To Consider An Ordinance Amending The Text Of Article XXXI. Changes And Amendments Of The Comprehensive Zoning Ordinance To Amend Section B. Hearing Before The Planning And Zoning Commission And Section C. Hearing Before City Council Related To Public Notice For Zoning Ordinance Text Amendments. Case No. PLZT 2022-165 CZO Text Amendment For Public Hearing Notice For CZO Text Changes/City Of Carrollton. Case Coordinator: Loren Shapiro.

Shapiro stated the request is for text amendments to the Zoning Ordinance that don't impact any zoning districts. He stated the proposed amendments reiterate and indicate the City's conformance with State legislation for notices for text changes and it clarifies the regulations as it relates to notices as it pertains to zoning changes, zoning districts as well as text changes to the zoning ordinance. He spoke in detail about the legal notice requirements in the Texas Local Government Code. He reviewed the following text proposed to be added:

“Notwithstanding requirements of state statute, when any amendment relates to a change of zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning and Zoning Commission shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.”

Shapiro stated the same would be added as it pertains to the City Council.

Commissioner Martin asked if the changes mean the City does not have to contact the owners by mail. Shapiro replied affirmatively but only as it pertains to a text change. He underscored that it would not apply if there were a zoning change to the map or land use.

Discussion was held regarding the 10-day and 15-day notice requirements for the P&Z Commission and the City Council as well as requirements for newspaper publishing. Shapiro advised that the State mandates publishing in the newspaper and the City cannot change that regulation. Commissioner Kramer voiced concern with the need of publishing notice in the newspaper, reasoning that many people no longer read newspapers. Shapiro stated that in addition to meeting the minimum State publication requirements, staff also posts the P&Z Commission and City Council agendas on the City's website and has links to locations with proposed zoning district changes, as well as physical copies posted at city hall.

Chair Carpenter opened the public hearing; there being no speakers, he opened the floor for discussion or a motion.

**** Commissioner Martin moved to close the public hearing and approve Case No. PLZT 2022-165 CZO Text Amendment; second by Vice Chair Windrow. The motion was approved with a unanimous 9-0 vote.***

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING ORDINANCE NUMBER 1470, OTHERWISE KNOWN AS THE COMPREHENSIVE ZONING ORDINANCE, AMENDING THE TEXT OF ARTICLE XXXI. CHANGES AND AMENDMENTS OF THE COMPREHENSIVE ZONING ORDINANCE TO AMEND SECTION B. HEARING BEFORE THE PLANNING AND ZONING COMMISSION AND SECTION C. HEARING BEFORE CITY COUNCIL RELATED TO PUBLIC NOTICE FOR ZONING ORDINANCE TEXT AMENDMENTS; PROVIDING PENALTY, SEVERABILITY, REPEALER, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Third day of November 2022, the Planning & Zoning Commission considered and made recommendation on a change to the Comprehensive Zoning Ordinance of the City of Carrollton (Case No. PLZT 2022-165); and

WHEREAS, the City Council conducted a public hearing on the Sixth day of December 2022, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare:

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

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Article XXXI. Changes and Amendments, Section B. Hearing Before The Planning and Zoning Commission, 1. Zoning Map Changes, a. Written Notice of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, is hereby amended to state the following:

“a. Written Notice

Before acting upon any application for amendment to the Official Zoning Map, the Planning & Zoning Commission shall hold a Public Hearing. Notice of the public hearing before the Planning and Zoning Commission shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested or proposed. The notice of public hearing shall be given to each taxpayer as the ownership appears on the last approved city tax roll by depositing such notice, properly addressed and postage paid, in the United States Post Office not less than 10 days before the date set for a public hearing before the Planning and Zoning Commission.

Notwithstanding requirements of state statute, when any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the Planning and Zoning Commission shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.”

Section 3.

Article XXXI. Changes and Amendments, Section B. Hearing Before The Planning and Zoning Commission, 2. Zoning Text Changes of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, is hereby amended to state the following:

“2. ZONING TEXT CHANGES:

When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of public hearing of the Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail, in accordance with State Statute. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than 10 days prior to the public hearing.”

Section 4.

Article XXXI. Changes and Amendments, Section C. Hearing Before The City Council, 1. Zoning Map Changes, b. Written Notice of the Comprehensive Zoning Ordinance, City of Carrollton, Texas, is hereby amended to state the following:

“b. Written Notice

Notice of the public hearing before the City Council shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested or proposed. The notice of public hearing shall be given to each taxpayer as the ownership appears on the last approved city tax roll by depositing such notice, properly addressed and postage paid, in the United States Post Office not less than 15 days before the date set for a public hearing before the City Council.

Notwithstanding requirements of state statute, when any amendment relates to a change of a zoning regulation or to the general text of this ordinance, notice of the public hearing of the City Council shall be given in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail.”

Section 5.

Article XXXI. Changes and Amendments, Section C. Hearing Before The City Council, 2. Zoning Text Changes of the Comprehensive Zoning Ordinance is hereby amended to state the following:

“2. ZONING TEXT CHANGES:

When any such amendment relates to a change of a zoning regulation or to the text of this ordinance not affecting specific property, notice of public hearing of the City Council shall be given by publication in a newspaper of general circulation in the City of Carrollton without the necessity of notifying property owners by mail, in accordance with State Statute. Such notice shall state the time and place of such hearing and the nature of the subject to be considered. Such notice shall be published not less than 15 days prior to the public hearing.”

Section 6.

Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 7.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 8.

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

Section 9.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance, Chapter 153 of the Code of Ordinances, and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 10.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Sixth day of December 2022.

CITY OF CARROLLTON

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky
City Secretary

APPROVED AS TO FORM:

Albert Thomas
Assistant City Attorney

APPROVED AS TO CONTENT:

Loren Shapiro, AICP
Planning Manager



Agenda Memo

Agenda Date:

Version: 1

Status: Public Forum

In Control: City Council

File Type: Public Forum

Agenda Number: 34.

Hearing of any citizen/visitor on items not listed on the regular meeting agenda. Citizens wishing to address the Council regarding items on the posted agenda will be called to speak during the Council's consideration of such items.

Citizens/visitors should complete an appearance card located on the table at the entrance to the City Council Chambers. Speakers must address their comments to the presiding officer rather than to individual Council members or staff; Stand at the podium, speak clearly into the microphone and state your name and address prior to beginning your remarks; Speakers will be allowed between 2 and 5 minutes for testimony; Speakers making personal, impertinent, profane or slanderous remarks may be removed from the room; Unauthorized remarks from the audience, stamping of feet, whistles, yells, clapping, and similar demonstrations will not be permitted; No placards, banners or signs will be permitted in the Chambers or in any other room in which the Council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.