

City of Carrollton

*1945 E. Jackson Road
Carrollton, TX 75006*



REGULAR WORKSESSION & MEETING

Tuesday, June 20, 2023

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 Jason Carpenter
Councilmember Richard Fleming
Councilmember Daisy Palomo
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. Discuss **Proposed Amendments To Title IX, Chapter 92 ‘Nuisances’ Of The Carrollton Code Of Ordinances.**
5. Discuss **Fire Station 6 Relocation Options.**
6. Discuss **Dates For The October 2023 Through January 2024 Council Meetings.**
7. **Mayor And Council Reports And Information Sharing.**

*****REGULAR MEETING 7:00 PM*****

INVOCATION - Deputy Mayor Pro Tem Nancy Cline

PLEDGE OF ALLEGIANCE - Councilmember Jason Carpenter

PUBLIC COMMENT

8. **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.

PRESENTATION

9. **Recognize Community Groups For Exemplifying Council's Vision.**

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.)*

MINUTES

- *10. **Consider Approval Of The June 6, 2023 Regular Meeting Minutes.**

BIDS & PURCHASES

- *11. **Consider Approval Of The Purchase Of Furniture From Plano Office Supply Through An Interlocal Agreement With Collin County Government Forum In An Amount Not to Exceed \$69,451.**
- *12. **Consider Approval Of A Payment To The School Of EMS For Paramedic Training Of Ten Firefighters Through A Grant From The Texas Department Of State Health Services EMS Workforce Recruitment And Retention Program In An Amount Not To Exceed \$80,000.00.**
- *13. **Consider Approval Of The Purchase Of Technical Rescue Equipment From Metro Fire Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$82,000.00**

- *14.** Consider Approval Of RFP #23-015 For The Purchase Of Sand And Gravel Supplies From CJA Enterprises LLP In An Annual Amount Not To Exceed \$131,469.00, For A Total Three-Year Contract In An Amount Not To Exceed \$394,407.00.
- *15.** Consider Approval Of An Expenditure For Tennis Court Resurfacing Services and Repair From Dobbs Tennis Courts, Inc. Through An Inter-Local Agreement With Buy-Board In An Amount Not To Exceed \$59,486.90.

CONTRACTS & AGREEMENTS

- *16.** Consider Amending Expenditures Related To Item 12 From The February 7, 2023 Council Meeting For IT Products And Services From Freeit Data Solutions On An Existing Agreement With Texas DIR In The Amount of \$150,000 For A Revised Total Not To Exceed \$300,000.00.
- *17.** Consider Authorizing The City Manager To Execute Change Order No. 1 With A&B Construction, LLC For Additional Work Related To The Crosby Road Tract Drainage Improvements Project And The Crosby At Broadway Sidewalk Project In An Amount Not To Exceed \$82,779.60, Increasing The Total Project To An Amount Not To Exceed \$1,331,120.60.
- *18.** Consider Authorizing The City Manager To Approve A Construction Contract With KIK Underground, LLC For The Northland Estates Paving and Utility Improvements Project In An Amount Not To Exceed \$5,266,909.50.

ORDINANCE

- *19.** Consider An Ordinance Amending The Carrollton Code Of Ordinances, Chapter 73, "Traffic Schedules", To Amend Schedule I (H) To Establish A Temporary Construction Zone Speed Limit Of 60 Miles Per Hour For Interstate Highway-35E (IH-35E) From The Southern Carrollton City Limits To The Dallas County Line.

RESOLUTIONS

- *20.** Consider A Resolution Declaring A Public Need And Necessity For Certain Property Rights Necessary For The Construction Of The Dudley Branch Hike And Bike Trail; Authorizing The City Manager To Take All Necessary Action For The Acquisition Of Said Property Rights For Two Trail Easements And A Temporary Construction Easement And The Construction Of A Hike And Bike Trail Within Said Easements Located Within The William B. Rowe Survey, Abstract No. 1124, Denton County, Texas, And More Specifically Described As Lot 2, Block A Of The Indian Creek Addition, Phase 2, Located Generally At The Northeast Corner Of Frankford Road And Trade Center Drive; Authorizing The City Attorney To Use Eminent Domain And Take All Steps Necessary To Acquire The Needed Property Rights In Compliance With All Applicable Laws.
- *21.** Consider A Resolution Appointing A Mayor Pro Tempore And A Deputy Mayor Pro Tempore.
- *22.** Consider A Resolution Appointing A Member To The Dallas Area Rapid Transit (DART) Board Of Directors.

PUBLIC FORUM

- 23.** 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 16th day of June 2023 at 1:00pm.

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 972-466-3001. 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: 6211

Agenda Date: 6/20/2023

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 4.

CC MEETING: June 20, 2023

DATE: June 13, 2023

TO: Erin Rinehart, City Manager

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

Discuss **Proposed Amendments To Title IX, Chapter 92 ‘Nuisances’ Of The Carrollton Code Of Ordinances.**

BACKGROUND:

This item appears on the worksession agenda to discuss proposed amendments to Chapter 92 ‘Nuisances’ of the Code of Ordinances in response to resident complaints of holiday decorations remaining on display significantly after the holiday and in response to residential parking concerns.

Staff will present an overview of proposed amendments to the Code of Ordinances to provide an enforcement mechanism and time allowance for outdoor holiday decorations to be displayed and removed, and to provide parking restrictions in residential neighborhoods. The proposed amendments provide for the enjoyment of property and aim to improve on-street parking in residential areas.

The goals of these amendments include:

- Adding purpose, scope and administration sections;
- Updating the definitions section;
- Providing an allowable start and ending date for outdoor holiday decorations to ensure their removal after a reasonable period of time;
- Disallowing parking within 7 feet of a mailbox, within 3 feet of a driveway, or in a manner that hinders trash and bulk waste collection without the effective consent of the property owner;
- Disallowing commercial trailers to be parked in residential areas unless loading or unloading.

CHAPTER 92. NUISANCES

Sec. 92.01. ~~Definitions.~~ Purpose and Scope.

The purpose of this chapter is to provide for the protection of the health, safety, and welfare of the citizens of the city by protecting the neighborhoods within the city from urban blight and by providing standards for the appearance and condition of properties; to protect the expectations of the citizens of the city to enjoy their dwellings and property without being subjected to unpleasant conditions; and to protect property values and the livability of neighborhoods by providing an abatement process for nuisances as defined within this chapter; and to hold those persons who have, at any time, control over a nuisance, responsible for the abatement thereof.

Sec. 92.02. - Administration.

The City Manager or DCO, defined herein, shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon the City Manager or DCO, may be delegated by the City Manager to other City personnel or authorized representatives.

Sec. 92.03. - Definitions.

For the purposes of this section, the following terms, words, and the derivations thereof shall have the meaning given herein, unless the context clearly indicates or requires a different meaning:

Commercial vehicle. Any vehicle exceeding 10,000 pounds gross vehicle weight, which vehicle is used in whole or in part, for the transportation of commodities, merchandise, produce, freight, vehicle, animals, passengers for hire, or which is used, in whole or in part, in construction or farming. **Gross vehicle weight is determined as set by the vehicle manufacturer.**

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

Decorative fence. Any nonliving structure less than four feet in height forming a barrier, which may prohibit or obstruct passage or partition any part of the property. Loosely stacked brick, stone or other material such as may be likely to collapse or fall shall not be considered a decorative fence.

Fence. Any nonliving structure four feet or greater in height forming a barrier, which prohibits through passage or partitions any property. Loosely stacked brick, stone or other material such as may be likely to collapse or fall shall not be considered a fence.

Garage sale. The offering for sale of personal and/or household property belonging to or in the possession of the person conducting the sale. No property acquired solely for the purpose of resale shall be sold at a garage sale. Said sales shall include "yard sale," "patio sale," "sample sale," "rummage sale," "estate sale," or any similar casual sale of tangible personal property, which is advertised by any means whereby the public at large is or can be made aware of such sale. Garage sales are not intended to and shall not allow businesses to be operated out of homes in areas zoned for residential, commercial or industrial use.

Graffiti. Any indelible inscription, marking, slogan, or drawing made on any tangible property without the effective consent of the owner thereof.

Holiday Decoration. Temporary, non-commercial display and decoration celebrating any religious day, state celebration, national celebration which is nationally or state recognized on which ordinary business may be suspended in commemoration of the event. The items include but are not limited to holiday lighting on houses, the yard, or shrubbery; yard ornaments or decorations; cold air inflatable devices.

Improved parking surface. The required parking surface as defined by the City of Carrollton General Design Standards.

Indelible. The characteristic or property of being difficult or impossible to remove, wash away, or erase.

Non-commercial vehicle. Includes, but is not limited to all of the following:

- (A) Single rear wheels only;
- (B) Passenger vans which do not exceed the capacity to hold more than 15 passengers;
- (C) No attached auxiliary equipment including, but not limited to plows, backhoes, equipment racks or storage lockers;
- (D) No debris, construction materials or equipment intended for commercial or business use may be present whether in the open or covered by removable material or fabric.

Postal vehicle. A government-owned vehicle used for the transportation of mail, or a privately owned vehicle used under contract for the transportation of mail.

Public street. The entire width between property lines of a road, street, alley, way, thoroughfare or bridge if any part of the road, street, alley, way, thoroughfare or bridge is open to the public for vehicular or pedestrian traffic, including the sidewalk.

Residential public street. The entire width between property lines of a road, street, alley, way, thoroughfare or bridge if any part of the road, street, alley, way, thoroughfare or bridge is open to the public for vehicular or pedestrian traffic, including the sidewalk within a residentially zoned area.

Vehicle. For this chapter means any and every device in, upon or by which a person or property is or may be transported, drawn or moved upon a street, highway, waterway or airway and shall include but is not limited to any automobile, bus, truck, tractor, motorhome, farm machinery, motorcycle, scooter, moped, all-terrain vehicle, boat, boat trailer, aircraft, recreational vehicle, golf cart, go-cart, trailer, fifth wheel trailer, camper, camper shell, wheeled towing frame, semi-tractor, semi-tractor trailer, truck bed mounted on a chassis and mobile home. This does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale or mobile homes located in mobile home parks.

Sec. 92.02 92.04 – 92.09 Reserved

Sec. 92.10. - Holiday Decorations

(A) Holiday decorations for residential districts may be placed as follows:

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- (1) *Halloween.* Decorations for Halloween are allowed to be displayed starting October 1st each year and must be removed no later than November 15th of the same year.
 - (2) *Thanksgiving.* Decorations for Thanksgiving are allowed to be displayed starting November 1st each year and must be removed no later than December 15th of the same year.
 - (3) *Christmas.* Decorations for Christmas are allowed to be displayed starting November 15th and must be removed no later than January 15th of the next year.
 - (4) *Other Holidays.* All other decorations are allowed to be displayed for a maximum of fourteen (14) days prior to a federally or state recognized holiday. All decorations must be removed no later than 14 days after the recognized holiday.
- (B) All holiday decorations for residential districts must be specific to the holiday celebrated and cannot be used for commercial advertisement.
- (C) Holiday decorations in residential districts on collector or arterial roadways may not be placed in the city right-of-way.
- (D) Holiday lights, even if not illuminated, are not permitted to remain on any house, tree, bush, shrub, or structure year-round.

~~Sec. 92.11. Reserved.~~

~~Sec. 92.12. Reserved.~~

~~Sec. 92.13. Reserved.~~

~~Sec. 92.14. Reserved.~~

~~Sec. 92.15. Reserved.~~

~~Secs. 92.16—92.19. Reserved.~~

Secs. 92.11—95.19. Reserved.

Sec. 92.20. Home occupations.

Home occupations shall be permitted in all residential zones provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises. It is a

nuisance and shall be deemed unlawful for any person to maintain a home occupation in violation of the following provisions.

Sec. 92.21. Reserved.

Sec. 92.22. Conditions for home occupations.

- (A) The home occupation shall not exceed 15 percent of the floor area of the primary structure.
- (B) No persons other than those living on site or those related by blood, marriage or adoption shall report to work at the home occupation.
- (C) Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
- (D) There shall be no exterior display or storage of goods, machinery, equipment or materials other than that customary to normal household operations on said premises.
- (E) Home occupations involving beauty shops, barbershops, nail shops, automotive repair shops are prohibited.
- (F) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than two patron vehicles are on the premises, street or alley at the same time.
- (G) No signs shall be used to advertise the home occupation.
- (H) No alterations of the residential appearance of the property for business purposes, such as the creation of a separate entrance, shall be allowed.

Sec. 92.23. Reserved.

Sec. 92.24. Home occupations notice.

- (A) In the event that any owner or occupant of any real property, occupied or unoccupied, within the city violates the provisions of this chapter, notice of the violation shall be given by the DCO:
 - (1) Personally to the owner or occupant in writing; or
 - (2) By letter addressed to the owner or occupant at the owner's or occupant's post office address; or
 - (3) If personal service cannot be obtained or the owner's post office address is unknown by posting the notice on or near the front door of each building to which the violation relates.

~~(B) Reserved.~~

- ~~(C)~~(B) The provision of notice in this section is not a condition precedent to the prosecution of an offense alleged to have occurred under sections 92.20 and 92.22. Failure to provide the notice specified in this section shall not be a defense to the prosecution or an offense alleged to have occurred under sections 92.20 and 92.22.

Secs. 92.25—92.29. Reserved.

Sec. 92.30. Garage sales.

Garage sales shall be permitted in all residential districts. It is a nuisance and shall be deemed unlawful for any person to maintain or conduct a garage sale in violation of these provisions.

Sec. 92.31. Limit on number of garage sales.

A maximum of four garage sales per year may be conducted at a dwelling address. Each garage sale may not exceed three consecutive days in duration and there shall be at least 30 days between each separate garage sale.

Sec. 92.32. Garage sale signage.

- (A) *Display of signs on-premises.* No more than two signs may be located on the premises where the garage sale is to be conducted and those signs may only be displayed on the days the garage sale is in progress.
- (B) *Size of sign.* Garage sale signs shall not exceed six square feet in size.
- (C) *Off-premises signs.* No more than three signs advertising a garage sale shall be placed off the premises on which the sale is being conducted. The signs shall not be attached to any light pole, utility pole, signal pole, sign pole, or any other public property including trees thereon. Signs shall not be placed on or located upon any median of any public street, road or highway. Off-premises garage sale signs shall not be placed except from 12:00 noon Friday to 8:00 a.m. Monday.

Sec. 92.33. Reserved.**Sec. 92.34. Garage sale notice.**

- (A) In the event that any owner or occupant of any real property, occupied or unoccupied, within the city violates the provisions of this chapter, notice of the violation shall be given by the designated city official:
 - (1) Personally to the owner or occupant in writing; or
 - (2) By letter addressed to the owner or occupant at the owner's or occupant's post office address;
 - (3) Or if personal service cannot be obtained or the owner's post office address is unknown by posting the notice on or near the front door of each building to which the violation relates.
- (B) The provision of notice in this section is not a condition precedent to the prosecution of an offense alleged to have occurred under section 92.31 or 92.32. Failure to provide the notice specified in this section shall not be a defense to the prosecution of an offense alleged to have occurred under section 92.31 or 92.32.

Secs. 92.35—92.39. Reserved.

Sec. 92.40. Parking regulations and maintenance.

(A) *Parking regulations.* It is a nuisance and shall be deemed illegal for any person to park in violation of the following provisions:

- (1) It shall be unlawful for a person to park or store or allow another to park or store any vehicle in excess of eight feet six inches in width or 40 feet in length, including recreational vehicles, travel trailers, boats or boat trailers, in any residential zoned district or the interim holding (IH) district.
- (2) It shall be unlawful for a person to park or store or allow another to park or store a **commercial vehicle**, recreational vehicle, travel trailer, boat or boat trailer on a public thoroughfare in any residential zoned district or the IH district.

Exception: This provision shall not apply to street construction equipment, maintenance, and repair equipment or commercial vehicles used by a public service utility company engaged in repairing or extending public service utilities, commercial vehicles when taking on or discharging passengers, commercial vehicles in the act of delivering items or accepting items for shipment, or commercial vehicles in conjunction with a service being provided.

- (3) It shall be unlawful for a person to park or store or allow another to park or store a vehicle in the front yard of any property, upon any surface other than an improved surface measuring a minimum of nine feet by 18 feet.
- (4) It shall be unlawful for any person to park or store or allow another to park or store a vehicle in the side yard or in the rear yard of any lot, upon any surface other than an improved surface measuring a minimum of nine feet by 18 feet, unless such vehicle is concealed from view from all points along public streets and alleys by:
 - (a) A solid, opaque fence or wall providing full screening from the ground to a minimum height of six feet; or
 - (b) Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet; or
 - (c) Any combination of the above that effectively conceals the vehicle from view and provides full screening from the ground to a minimum height of six feet.
- (5) It shall be unlawful for any owner of a residential lot to allow a driveway, improved parking surface or combination of the two to cover more than 50 percent of the front yard of the lot.
- (6) It shall be unlawful for a person to park or allow the parking of a vehicle on private property such that the vehicle extends into any right-of-way or public easement.
- (7) It shall be unlawful for a person to park or allow the parking of a vehicle in part or whole upon any sidewalk.
- (8) It shall be unlawful for the owner or occupant of a residence to park or allow the parking of more than three vehicles owned by or under the control of that owner or occupant to be parked at the same time on any public street adjacent to that residence.

- ~~(9) It shall be unlawful for the owner or occupant of a residence to park or allow the parking of a vehicle owned by or under the control of that owner or occupant to be parked at a location on the public street that does not adjoin the property on which that residence is located between the hours of 2:00 a.m. and 8:00 a.m.~~
- ~~(10)~~(9) A moratorium is hereby declared for parking on residential streets as outlined in subsection 92.40(A)(8) ~~and subsection 92.40(A)(9)~~ as follows:
- (a) Memorial Day: Two days preceding the holiday and one day after.
 - (b) Independence Day: One day preceding the holiday and one day after.
 - (c) Labor Day: Two days preceding the holiday and one day after.
 - (d) Thanksgiving, Christmas and New Year's: One day preceding Thanksgiving through January 3.
- ~~(11)~~(10) It shall be unlawful for a person to use a vehicle for the storage of trash and debris or for housekeeping, living, or sleeping quarters not normally associated with the vehicle.
- (11) It shall be unlawful for any person to park a vehicle in front of a public or private driveway or within three (3) feet of the curved portion of any such driveway without the effective consent of the owner of the property on which the driveway is located.
- (12) It shall be unlawful for a person to park any vehicle, except a postal vehicle, within seven (7) feet of a United States Postal box, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday, except on national holidays, and except momentarily to load or unload passengers or merchandise. Enforcement of this section shall occur upon receiving a complaint from the owner, occupant, or property manager of the property which receives mail at said mailbox.
- (13) It shall be unlawful to park or store any motor vehicle on a public street or alleyway which is not currently registered with the state and does not have a current vehicle registration sticker affixed to the vehicle in the designated located area as required by the state.
- (14) It shall be unlawful for any person to park any type of trailer on a public street or alleyway in a residentially zoned area for a period longer than two (2) hours, and must be expeditiously loading or unloading freight, merchandise, building materials, landscape materials, or lawn maintenance equipment.
- (15) It shall be unlawful to park any vehicle in a manner that obstructs the collection of bulk waste, recycle containers, and residential trash containers which have been placed out for scheduled collection.
- (B) *Maintenance of improved parking surface.* It shall be unlawful for any owner or occupant to fail to maintain all improved parking surfaces in good and safe condition, and free of any defects affecting the use, safety, appearance or drainage of the surface or of the adjoining property.
- (C) *Presumption that owner of vehicle illegally parked same.* In any prosecution charging a violation of any ordinance or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such

ordinance or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the owner of such vehicle shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Sec. 92.41. Reserved.

Sec. 92.42. Parking of trucks and other commercial vehicles in residential districts.

- (A) It shall be unlawful for any person to park any truck-tractor, road-tractor, semi-trailer, bus, truck or trailer with a rated capacity in excess of one ton upon property within any area zoned as either a single-family, two-family or multiple-family dwelling district, according to the Zoning Ordinance 1470 of the city. This provision shall not prevent the parking or standing of the above-described vehicles in such zoned areas for the purpose of expeditiously loading and unloading passengers, freight or merchandise.
- (B) It shall be unlawful for a person to park a commercial vehicle on any residential public street at any time unless actively engaged in the expeditious loading and unloading of materials or passengers, or in connection with an approved construction project or work performed on property or properties during daylight hours.
- (C) Only the following motor vehicles shall be allowed to stand or park on any residential public street:
 - (1) Motorcycles;
 - (2) Non-commercial vehicles with a gross vehicle weight of less than 10,000 pounds.

Secs. 92.43—92.49. Reserved.

Sec. 92.50. Maintenance of private parking and pedestrian areas—Areas to be maintained; failure to maintain constitutes nuisance.

- (A) It is a nuisance and shall be deemed unlawful for any owner, lessor or occupant of a premises including, but not limited to, shopping centers, retail establishments, clubs, apartment or office complexes, warehouses, and the like which have vehicle access, parking areas or pedestrian walkways, to maintain such areas or cause such areas to fall into disrepair, either by accident, negligence or purpose, so that the whole or any part thereof becomes a danger to life, limb, or property.
- (B) It shall also be unlawful for any such owner, lessor or occupant to allow the effective use of such areas to become restricted to any degree. Proper maintenance shall provide for the drainage of storm runoff without damage to adjoining property, removal of other liquid wastes and solid debris, removal of dirt deposits and other foreign substances, and removal of tree limbs, brush or other vegetation hanging lower than seven feet above sidewalks or lower than 12 feet above driveways and parking areas. Fire lanes, parking spaces and pedestrian walkways must be clearly delineated. The surfaces of such parking areas and walkways must be preserved in good condition.

Sec. 92.51. Reserved.

Sec. 92.52. Duty of owner to maintain in good condition.

It shall be the duty, and be considered unlawful to neglect such duty, for the owner, tenant, or occupant of such premises to maintain said areas in good condition. Should the area at any time become less effective due to insufficient maintenance, it shall be required for the owner or tenant to correct such inadequacies or dangerous conditions within such time as the city may direct.

Sec. 92.53. Notification of owner of dangerous conditions.

- (A) It shall be the duty of the city to notify the owner or occupant of the premises as outlined in section 92.50, or the agent for the same, on which such insufficient maintenance exists, to perform such remedial action to correct the defined conditions within ten days from notification.
- (B) In the event that any owner or occupant of any real property, occupied or unoccupied, within the city fails to comply with the provisions of this chapter, notice of the violation shall be given by the designated city official:
 - (1) Personally to the owner in writing; or
 - (2) By letter addressed to the owner at the owner's post office address; or
 - (3) If personal service cannot be obtained or the owner's post office address is unknown:
 - (a) By publication at least twice within ten consecutive days;
 - (b) By posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (c) By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
- (C) The notice is hereby considered to be met and fulfilled when the notice is given at least one time in any calendar year.
- (D) The provision of notice in this section is not a condition precedent to the prosecution of an offense alleged to have occurred under section 92.50 ~~or 92.51~~. Failure to provide the notice specified in this section shall not be a defense to the prosecution of an offense alleged to have occurred under section 92.50 ~~or 92.51~~.

Sec. 92.54. City to make repairs when owner fails to do so.

In the event of the failure of the owner, occupant, tenant, or agent for same to take corrective actions and rectify such insufficient maintenance or such dangerous conditions, after proper notification, the city shall assume the duty of correcting such conditions so as to comply with the spirit of this subchapter and the intent of the notification. Furthermore, the city shall direct all such costs involved in the correcting of the insufficient maintenance or dangerous conditions to be borne by the owner(s) of the property or premises involved.

Sec. 92.55. City to place signs; assessment of costs for immediate action.

- (A) The city shall have the right to place signs, barricades, or other warning devices around such areas defined as receiving insufficient maintenance or constituting an immediate danger to the safety or welfare of the general public. Such warning devices may prohibit entry or access into such parking areas or pedestrian walkways so judged to be dangerous. It shall be unlawful for anyone to remove, deface, dismantle, or destroy any such barrier or warning device installed by the city. Should any condition be determined to be of unusual and imminent hazard, immediate action shall be taken to correct and remove the imminent hazard or condition.
- (B) **Assessments of costs.**
- (1) The city does hereby assess the expenses incurred pursuant to sections 92.53 and 92.54 against the real estate on which the work is done or improvements made and charge the owner of the property for the same.
 - (2) In the event the owner fails or refuses to pay the expense within 30 days after the first day of the month following the one in which the work was done, the designated city official shall obtain a lien against the property by filing with the County Clerk of the appropriate county a statement of the expenses so incurred.
 - (3) The lien is security for the expenditures made and interest accruing at the rate of ten percent per annum beginning 180 days after payment by the city.
 - (4) When the statement is filed, the city shall have a privileged lien on that property, second only to tax liens and liens for street improvements.
 - (5) For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expenses or a certified copy thereof, is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.

Sec. 92.56. Nuisance glare.

No use or operation shall be located or conducted as to produce intense glare or direct illumination across the bounding property line from a visible source of illumination, nor shall any light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent properties. For the purposes of this section, glare or direct illumination in violation of the Comprehensive Zoning Ordinance, Article XXVII, Section B Glare, ~~(D)(1)~~ shall constitute a nuisance.

Secs. 92.57—92.59. Reserved.

Sec. 92.60. Causing hazardous conditions or ice to form on streets and alleys.

- (A) It shall be unlawful for an owner or occupant to use water or allow or suffer the use of water under their control in a manner that causes the water to collect on or flow across the roadway of a public street, sidewalk or alley and create a hazardous condition, including but not limited to reduced traction, or form ice.

- (B) An owner or occupant violating division (A) of this section shall pay the city for all costs incurred by the city in removing or covering the hazardous condition or ice on the roadway of the public street or alley, including but not limited to the costs of labor, equipment, and ashes, sand, sawdust, or other material used to cover the ice.

Sec. 92.61. Removal of hazardous conditions and ice from sidewalks required.

Every owner, lessee, tenant, occupant, or other person having charge of any building or lot abutting upon any public way or public place shall remove any hazardous condition or ice which has accumulated on the sidewalk in front of or alongside the building or lot as a result of water under the person's control running across the sidewalk and forming a hazardous condition or ice.

Sec. 92.62. Covering ice with sand, ashes and the like.

If the ice formed on the sidewalk as in section 92.60(A) is frozen so hard that it cannot be removed without injury to the pavement, the owner, lessee, tenant, occupant, or other person having charge of any building or lot shall, within a reasonable time, cause the sidewalk abutting on the premises to be strewn with ashes, sand, sawdust, or other suitable materials and shall, as soon as the weather shall permit, thoroughly clean the sidewalk.

Sec. 92.63. Placement of removed ice.

Removed ice shall be uniformly distributed parallel to the curb and in the gutters where there is no parkway. When a parkway exists between the curb and the sidewalk, the ice may be uniformly distributed on the parkway, provided that no ice shall be so placed at crosswalks, which must be left open and free of removed ice.

Secs. 92.64—92.69. Reserved.

Sec. 92.70. Graffiti.

Offenses. It shall be unlawful for the owner or occupant of any private property to suffer or permit graffiti to remain on said property for a period of time exceeding ten calendar days.

Secs. 92.71—92.79. Reserved.

Sec. 92.80. Right of entry.

Whenever it is necessary to make an inspection to enforce this chapter, or whenever the designated city official (DCO) has reasonable cause to believe that there exists in any structure or upon any property a condition or violation which is unsafe, dangerous or hazardous or detrimental to the public interest, the DCO may enter such structure or property at all reasonable times to inspect such structure or property; provided, however, that if such structure or property is occupied, the DCO shall first present proper credentials and request entry, and if such entry is refused, shall then have recourse to every remedy provided by law to secure entry.

Secs. 92.81—92.89. Reserved.

Sec. 92.90. Conflicts.

Nothing in this chapter shall be construed so as to amend, alter, change or repeal any provision of the Carrollton Comprehensive Zoning Ordinance or the building code. In the event any provision of this article conflicts with the comprehensive zoning ordinance or the building code, the provisions of the comprehensive zoning ordinance and the building code shall prevail.

Sec. 92.91. Proof of culpable mental state not required.

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this chapter.

Secs. 92.92—92.98. Reserved.**Sec. 92.99. Penalty.**

A 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 permitted.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6214

Agenda Date: 6/20/2023

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 5.

CC MEETING: June 20, 2023

DATE: June 14, 2023

TO: Erin Rinehart, City Manager

FROM: Michael Thomson, Fire Chief
Marc Guy, Assistant City Manager

Discuss **Fire Station 6 Relocation Options.**



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6217

Agenda Date: 6/20/2023

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 6.

CC MEETING: June 20, 2023

DATE: June 15, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Discuss Dates For The October 2023 Through January 2024 Council Meetings.

BACKGROUND:

The purpose of this worksession is to review and confirm council meeting dates for October 2023 through January 2024.

OCTOBER 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 NNO	4 TML	5 TML	6 TML	7
8	9 CFBISD / LISD Holiday	10 Council Meeting	11	12	13	14
15	16	17	18	19	20	21
22	23	24 Council Meeting	25	26	27	28
29	30	31				

NOVEMBER 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 Council Meeting	8	9	10	11
12	13	14	15	16	17	18
19	20 CFBISD / LISD Holiday (20 – 24)	21 Council Meeting	22	23 CH Closed	24 Thanksgiving CH Closed	25
26	27	28	29	30		

DECEMBER 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Council Meeting	6	7	8	9
10	11	12	13	14	15	16
17	18 LISD Holiday (18 – 3)	19 *Council Meeting	20 CFBISD Holiday (20 – 3)	21	22	23
24	25 Christmas CH Closed	26 CH Closed	27	28	29	30
31						

*Subject to cancel.

JANUARY 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 New Year's Day CH Closed	2	3	4 CFBISD / LISD Back to School	5	6
7	8	9 Council Meeting	10	11	12	13
14	15 Martin Luther King Jr. Day CH Closed	16	17	18	19	20
21	22	23 Council Meeting	24	25	26	27
28	29	30	31			



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.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

Agenda Date:

Version: 1

Status: Public Forum

In Control: City Council

File Type: Public Forum

Agenda Number: 8.

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.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6219

Agenda Date: 6/20/2023

Version: 1

Status: Presentations

In Control: City Council

File Type: Presentation

Agenda Number: 9.

CC MEETING: June 20, 2023

DATE: June 16, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Recognize **Community Groups For Exemplifying Council's Vision.**



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo File Number: 6213

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: *10.

CC MEETING: June 20, 2023

DATE: June 14, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Consider **Approval Of The June 6, 2023 Regular Meeting Minutes.**

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
JUNE 6, 2023**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, June 6, 2023 at 5:45 p.m. with the following members present: Mayor Steve Babick, Mayor Pro Tem Andrew Palacios, Deputy Mayor Pro Tem Nancy Cline, Councilmembers Christopher Axberg, Jason Carpenter, Richard Fleming, Daisy Palomo, and H.A. “Rusty” Pendleton. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy and Chrystal Davis, City Attorney Meredith Ladd and City Secretary Chloe Sawatzky.

5:45 P.M. – COUNCIL BRIEFING ROOM

*****PRE-MEETING *****

Mayor Babick called the meeting to order at 5:45 p.m.

1. Receive information and discuss Agenda.

The Executive Session was convened following Worksession Item 5.

*****EXECUTIVE SESSION*****

2. Council convened into Executive Session at 6:49 p.m. 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.
 - **Section 551.087** to discuss Economic Development.
3. Council reconvened in Open Session at 7:07 p.m. to consider action, if any, on matters discussed in the Executive Session. No action taken.

*****WORKSESSION*****

Mayor Babick convened the Worksession at 7:07 p.m.

4. Receive An Update from DART.

Doug Hrbacek, DART Board Member addressed the Council. He reviewed that DART was created in 1983 and is celebrating its 40th anniversary. Mr. Hrbacek stated that DART has 13 member cities, including Carrollton, and has a budget of \$1.74 billion. DART’s focus for its customers is to provide a rider experience that is “Safe, Clean, and Secure.” An overview of steps being taken in that regard was provided. Mr. Hrbacek also stated that DART is launching a new bus network called, “ZOOM.”

Mr. Hrbacek provided the Council with an update on the Silver Line, which is a major capital improvement project that will ultimately provide seven (7) directional options out of the downtown Carrollton Hub. He provided an overview of the Silver Line and its major components. Mr. Hrbacek also gave an overview of proposed bills that were considered during the Texas Legislative Session.

Dee Leggett, Executive Vice-President of DART briefed the Council on the alignment of the Silver Line, and noted it is a 26-mile commuter rail line that extends from Plano to DFW Airport’s Terminal

B. A map as well as photos and renderings of the vehicles and facilities were reviewed. Ms. Leggett provided an overview of upcoming major activities associated with this project and provided a schedule of Community Outreach events.

Questions and discussion followed regarding parking, parks, and public safety. It was noted that some segments of the Silver Line should be in operation by late 2025.

5. Discuss Council Liaison, Observer, And Committee Appointments.

Mayor Babick advised the Council that the appointments have been provided to them in the agenda packet. He briefly explained how those appointments were determined. Staff will provide scheduling.

Item 6. was addressed following the conclusion of the Executive Session.

6. Mayor And Council Reports And Information Sharing.

Mayor Babick adjourned the Worksession at 7:15 p.m. (10-minute recess followed)

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

Mayor Babick called the Regular meeting to order at 7:23 p.m.

INVOCATION – Councilmember Rusty Pendleton

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Andrew Palacios

PUBLIC COMMENT

7. 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.

Matt Garrett, 2226 Arbor Crest, spoke in favor of approving Item 17 and provided background information on the neighborhood and Hebron Parkway.

Katelyn Parks, 2229 Meadow Dr., spoke in favor of approving Item 17. She stressed the safety component of this item.

Keith Vanderburg, 2231 Meadow Dr., spoke in favor of approving Item 17. He provided background of the screening along Hebron Parkway and spoke regarding safety.

There were no other speakers.

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.)*

Mayor Babick noted that Item 17 is being pulled from the Consent Agenda for separate consideration.

Deputy Mayor Pro Tem Cline moved to approve Consent Agenda Items 8-16, and 18-28; second by Councilmember Pendleton. The motion was approved with a unanimous 7-0 vote.

MINUTES

***8. Consider Approval Of The May 2, 2023 Regular Meeting Minutes.**

***9. Consider Approval Of The May 16, 2023 Regular Meeting Minutes.**

BIDS & PURCHASES

***10. Consider Approval Of RFP # 23-016 Recreation Facilities Refresh For The Parks Department From Various Vendors In An Amount Not To Exceed \$118,395.66.**

***11. Consider Approval Of The Purchase And Installation Of Cardio And Weight Equipment And A Functional Storage System From Comm-Fit For The Rosemeade Recreation Center Through An Inter-Local Agreement With Buy-Board In An Amount Not To Exceed \$310,178.12.**

***12. Consider Approval Of Bid #23-021 For Asphalt Supplies 2023 From Austin Asphalt, Inc. In An Amount Not To Exceed \$90,000.00 Annually, For A Total Three-Year Contract Amount Not To Exceed \$270,000.00.**

***13. Consider Approval Of Bid #23-018 For Traffic Signal Equipment For Public Works From Various Vendors In An Annual Amount of \$400,000.00 And Total Contract Value of \$1,200,000.00.**

***14. Consider Approval Of Bid #23-009 For The Purchase And Installation Of Commercial Advance Metering Infrastructure (AMI) Water Meters From Fortiline, Inc. In An Amount Not To Exceed \$11,000,000.00.**

CONTRACTS & AGREEMENTS

***15 Consider Authorizing The City Manager To Approve A Construction Contract With 3D Paving And Contracting, LLC For The Crosby Estates Section 1 Paving And Drainage Improvements Project In An Amount Not To Exceed \$3,831,573.37.**

***16 Consider Authorizing The City Manager To Execute A Contract With Woven Health For Improvement Of Life Situations Of Low And Moderate Income Residents In An Amount Not To Exceed \$100,000, Increasing The Total Contract To An Amount Not To Exceed \$202,465.**

***18 Consider Approval Of A Contract With Pitney Bowes Through A Buy Board Awarded Contract For The Leasing of Postage Equipment In An Amount Not To Exceed \$14,632.68 Annually, For A Total Five-Year Contract Value Not To Exceed \$73,163.40.**

ORDINANCES

***19 Consider An Ordinance To Amend The Authorized Number Of Sub-Apparatus Operator And Firefighter Civil Service Positions Within The Carrollton Fire Department.**

***20 Consider An Ordinance Of The City Council Of The City Of Carrollton, Texas Amending Chapter 10 Of The City Of Carrollton Code Of Ordinances, To Amend Section 10.99(A). General Penalty To Revise, Restate, And Remove References In That Section.**

***21 Consider An Ordinance Of The City Council Of The City Of Carrollton, Texas Amending Chapter 97. Hotel Code Of The City Of Carrollton Code Of Ordinances, To Amend Section 97.09(G). Premises Requirements To Remain Consistent With State Law Changes.**

***22 Consider An Ordinance Of The City Council Of The City Of Carrollton, Texas Amending Chapter 156 Private Wells Of The City Of Carrollton Code Of Ordinances, To Amend Section 156.06. Drilling Log To Remain Consistent With State Law Changes.**

***23 Consider An Ordinance Increasing The Over Sixty-Five And Disabled Persons Exemption From \$80,000 To \$87,000 For Tax Year 2023.**

***24 Consider An Ordinance Amending Chapter 174 ‘Stormwater And Flood Protection Ordinance’ Of The Carrollton Code Of Ordinances By Revising Article 8 ‘Floodplain Guidelines’ Related To Manufactured Homes And Construction Standards Within Floodplain Areas.**

RESOLUTIONS

***25. Consider A Resolution Authorizing The City Manager To Enter Into A Contract With FORVIS, LLP For Independent Auditing Services In An Amount Not to Exceed \$143,500.**

***26 Consider A Resolution Authorizing The City Manager To Negotiate And Execute Amendment No. 1 To The Interlocal Agreement With Dallas Area Rapid Transit For Additional Construction Services Related To The Carrollton Heights Drainage Improvement Project, In An Amount Not To Exceed \$173,357.56, And Increasing The Total Project To An Amount Not To Exceed \$1,906,933.11.**

***27 Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Professional Services Contract With Gresham Smith For Engineering Services Related To The Downtown Streetscape Infill Project In An Amount Not To Exceed \$371,380.00.**

***28 Consider A Resolution Authorizing The City Manager To Negotiate And Execute A Second Amendment To The Master Development Agreement For Trinity Mills Station With Dallas Area Rapid Transit And The Integral Group, LLC.**

PULLED FOR INDIVIDUAL CONSIDERATION

***17 Consider Authorizing The City Manager To Approve A Construction Contract With C. Green Scaping, LP For The Hebron Parkway Guardrail And Live Screening Improvements Project On The South Of Hebron Parkway And Adjacent To The Estates Of High Country Neighborhood In An Amount Not To Exceed \$772,501.00.**

Mayor Babick pulled Item 17 from the Consent Agenda for separate discussion.

Deputy Mayor Pro Tem Cline voiced her understanding of the safety issues along this roadway and expressed her support for improvements to the sidewalk. She stated however that she has concerns over the design complying with ADA and TDLR requirements.

Councilmember Fleming moved approval of Consent Agenda Item 17; second by Councilmember Palomo. The motion passed with a vote of 6-1. Deputy Mayor Pro Tem Cline opposed.

PUBLIC HEARING – INDIVIDUAL CONSIDERATION

29. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 3.8-Acre Tract Zoned To The (SF-12/20) Single-Family Residential District And Located At 2400 Briardale Drive And Approximately 480 Feet East Of Kelly Boulevard, To Amend And Reestablish Planned Development District No. 119 (PD-119) To Change The Base Zoning To The (SF-8.4/18) Single-Family Residential District And Modify Development Standards, And To Provide Conceptual Plans; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2022-196 The Enclave.

Loren Shapiro, Planning Manager, briefed the Council on the details of this zoning request and provided background information on the property. “The Enclave” development’s conceptual drawings of homes were provided. A chart of the zoning on adjacent subdivisions was provided as compared to the proposed zoning on this property, which would be combined into the existing PD-119 with different zoning requirements. The Planning and Zoning Commission recommended approval with a vote of 7-0 at their March meeting.

Mr. Shapiro reviewed that on April 4, 2023, the City Council considered the rezoning request. The owners of 20 percent or more of the land within 200 feet of the property being considered filed written opposition to the change, which invoked the three-fourths vote requirement. The City Council voted to approve the zoning change request by a 5-2 vote. However, due to the written opposition from the property owners, the motion to approve did not receive the required 6 favorable votes by City Council, and the rezoning request was denied.

Mr. Shapiro advised that the Zoning Ordinance does not allow a new application to be submitted for rezoning a property that has been denied by City Council within one year of the Council’s action, except:

- a. At the request of the City Council;
- b. Upon written request by the applicant the City Council may waive the 12 month waiting period and permit a new application to be filed. Such request for waiver may be set for a public hearing if required by a majority vote of the City Council, or;
- c. Where the property involved is temporarily classified to the (IH) Interim Holding District.

On April 18, 2023, the City Council voted unanimously to reconsider the zoning change request at its June 6, 2023, meeting. Written notices were mailed to inform property owners within 200 feet of the property of the June 6 City Council public hearing. Written opposition was again received which requires a super-majority (6 affirmative votes) vote of Council.

Mayor Babick opened the public hearing for Item 29.

Tom Dubowski, 2507 Creekdale Court, asked Council to keep the neighbors and adjacent neighborhoods under consideration.

Victor Castro, 1341 W. Mockingbird Lane, Dallas, Stated he represents the developer and is available for questions.

Brian Farlow, 2301 Briarhill Dr., Spoke on behalf of the Parkside Estates HOA. He stated that this property now has the same deed restrictions as Parkside and spoke in support of Council approval.

Mayor Babick closed the public hearing.

Councilmember Axberg inquired whether anything contractual has been entered into with the Parkside HOA. Mr. Castro responded that an article has been added to the covenants and that has been recorded.

Councilmember Pendleton inquired about the drainage. Mr. Castro responded that the conceptual drawings reflect that most of the drainage is underground, with a portion exposed on the northern portion of the property but highlighted that the design has not been finalized.

Councilmember Carpenter moved approval of Item 29; second by Mayor Pro Tem Palacios. The motion was approved with a unanimous 7-0 vote.

30. Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit For Miscellaneous Manufacturing For Screen Printing On Clothing And Textiles On An Approximately 0.50 Acre Tract Zoned Planned Development District No. 87 (PD-87) For The (HC) Heavy Commercial District And Located At 1407 Westway Circle, Approximately 572 Feet East Of Broadway; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-028 Integrity Branding.

Loren Shapiro provided an overview of this request. He advised that the applicant requested a special use permit (SUP) to allow for miscellaneous manufacturing for direct-to-garment screen printing on clothing and textiles at an existing facility. The SUP is required due to the Heavy Commercial zoning at that location. Mr. Shapiro noted that the manufacturing process occurs inside the building.

Mr. Shapiro advised that the Planning and Zoning Commission voted to recommend approval at their May meeting. Staff is recommending approval.

Mayor Babick opened and closed the public hearing with no one wishing to speak.

The applicant, Scott Carstens 2207 Wickham Circle, provided information on his company. He expressed his appreciation to the staff and P&Z during this process.

Deputy Mayor Pro Tem Cline moved approval of Item 30; second by Mayor Pro Tem Palacios. The motion was approved with a unanimous 7-0 vote.

31. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Repeal Special Use Permit No. 426 (SUP-426) At 1441 West Trinity Mills Road For A Motorcycle Training Center On An Approximately 12 Acre Tract, And To Repeal Special Use Permit No. 193 (SUP-193) At 1415 West Trinity Mills Road For An Automotive Repair And Quick Lube And Lubrication Service Facility On An Approximately 0.55 Acre Tract; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-012 Repeal Of Two SUPs.

Loren Shapiro advised this is a City-initiated request to reassess the continued appropriateness of two special use permits. SUP-426 is for a motorcycle training center and SUP-193 is for an automotive repair and quick lube and lubrication service facility. The City-owned properties are part of the Trinity Mills Station mixed use project and are not currently occupied by the uses authorized by the special use permits. As a result, the special use permits are no longer needed. A location map was provided.

In April the Planning and Zoning Commission recommended approval of this request. Staff is recommending approval.

Mayor Babick opened and closed the public hearing with no one wishing to speak.

Councilmember Pendleton moved approval of Item 31; second by Deputy Mayor Pro Tem Cline. The motion was approved with a unanimous 7-0 vote.

32. Hold A Public Hearing And Consider An Ordinance Amending The Text Of Article XX ‘Transit Center Regulations, Part 2 (TMTC) Trinity Mills Transit Center District’ Of The Comprehensive Zoning Ordinance To Amend Section C ‘General District Standards Related To Minimum Building Height’. Case No. PLZT 2023-013 CZO Text Amendment For Minimum Building Height In The TMTC District.

Loren Shapiro stated that this is a City-initiated request to amend the text of the Comprehensive Zoning Ordinance to reduce the minimum building height in the (TMTC) Trinity Mills Transit Center District. Staff recommends reducing the minimum allowed building height from six (6) stories to five (5) stories due to market and economic trends. In April the Planning and Zoning Commission recommended approval of the text amendments.

Mr. Shapiro noted that two (2) mixed-use, multi-family, five-story developments have been approved for this Transit Center. By comparison, neighboring cities have similar master plans with four or five stories as a minimum.

Councilmember Axberg inquired as to the reasoning for the six-story minimum. Mr. Shapiro responded that prior to the master plan being approved, the six-story minimum requirement was put in as a placeholder to avoid one and two-story buildings in this area.

Mayor Babick opened and closed the public hearing with no one wishing to speak.

Deputy Mayor Pro Tem Cline moved approval of Item 32; second by Councilmember Fleming. The motion was approved with a unanimous 7-0 vote.

33. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Repeal Planned Development District No. 159 (PD-159) For An Approximately 0.63-Acre Tract Located At 2775 East Trinity Mills Road And At The Northwest Corner Of Marsh Lane And East Trinity Mills Road; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2023-026 Repeal Of Planned Development Number 159.

Loren Shapiro stated that this is a City-initiated request to reassess the continued appropriateness of Planned Development No. 159 (PD-159). It is part of a regular process of staff assessment of the continued appropriateness of planned development districts and special use permits across the City. The repeal would eliminate PD-159 and retain the base zoning of the (LR-2) Local Retail District. PD-159 was established on March 5, 2002, by the City Council to allow a reduced rear yard setback (5 feet

in lieu of the required 10 feet) for a proposed expansion to a convenience store and gasoline service station. At the time of PD-159's adoption, the City's Zoning Ordinance allowed gasoline service stations by right in the (LR-2) Local Retail District, whereas today it requires City Council approval of a special use permit (SUP). A freestanding retail building was constructed in 2005, meeting the minimum 10-foot rear yard setback for the base (LR-2) Local Retail District. As a result, a planned development district is not needed on this property.

Mr. Shapiro advised that the Planning and Zoning Commission voted to recommend approval at their May meeting, and staff recommends approval as well.

Mayor Babick opened and closed the public hearing with no one wishing to speak.

Councilmember Pendleton moved approval of Item 33; second by Mayor Pro Tem Palacios. The motion was approved with a unanimous 7-0 vote.

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.

Suzanna Dooling, 1406 Overture Way: Voiced concerns over Council-approved excavation done at T.C. Rice and requested the Council take measures to repair the ecological damage.

Mr. Vidovic, (no address stated): Voiced his opinions on several subjects.

ADJOURNMENT - Mayor Babick adjourned the meeting at 8:30 p.m.

ATTEST:

Chloe Sawatzky, City Secretary

Steve Babick, Mayor



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6189

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *11.

CC MEETING: June 20, 2023

DATE: June 13, 2023

TO: Erin Rinehart, City Manager

FROM: Laurie Wilson, Administrative Services Director
Chrystal Davis, Assistant City Manager

Consider **Approval Of The Purchase Of Furniture From Plano Office Supply Through An Interlocal Agreement With Collin County Government Forum In An Amount Not to Exceed \$69,451.**

BACKGROUND:

The City of Carrollton has an annual furniture replacement budget of \$58,000 to replace and maintain the furniture in City facilities. Staff has evaluated facilities across the City and found a need to replace furniture in several buildings.

The Jury Room chairs and furniture in two offices at Municipal Court were beyond their useful life. Additionally, various conference room and desk chairs needed to be replaced at City Hall and the Detention Center. A total of \$24,265 was spent for this replacement out of the annual furniture replacement fund.

Replacement of furniture for 8 Public Works workspaces and two shared spaces at the Don Cline Pump Station also need replacement at a cost of \$21,425. \$5,726 will be funded out of Public Works account 405001 - 61190 and \$15,699 will come from the Furniture Replacement Fund.

Replacement of furniture for 6 offices and a shared space at Rosemeade Recreation Center is also needed at a total cost of \$17,447. \$5,726 will be funded from Parks & Recreation Account 854360 - 110580399 and \$11,721 will come from the Furniture Replacement Fund.

To continue with city furniture standards, all furniture will be purchased from Plano Office Supply and pricing will be based on our contract negotiated through the Collin County Government Forum (CCGF). A sealed bid was issued by Collin County Community College District, and we are

piggy-backing on this contract as a member of the CCGF. As a reference, pricing on this contract is better than the state of Texas contract for the same product. Staff selected mid-grade office furniture from the HON product line for City Hall also, which is the “standard” for replacements.

State law requires Council approval of purchases of \$50,000 or more from the same vendor.

FINANCIAL IMPLICATIONS:

Municipal Complex	\$24,265
Public Works	\$21,425
Parks & Recreation	\$17,447
10% contingency	\$6,314
Total	\$69,451

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval to purchase furniture from Plano Office Supply in an amount not to exceed \$69,451.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6206

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *12.

CC MEETING: June 20, 2023

DATE: June 1, 2023

TO: Erin Rinehart, City Manager

FROM: Michael Thomson, Fire Chief
Marc Guy, Assistant City Manager

Consider Approval Of A Payment To The School Of EMS For Paramedic Training Of Ten Firefighters Through A Grant From The Texas Department Of State Health Services EMS Workforce Recruitment And Retention Program In An Amount Not To Exceed \$80,000.00.

BACKGROUND:

This agenda item is to approve the tuition for ten firefighters to attend the School of EMS to obtain their initial paramedic education. The Fire Department currently has 25 firefighters who need to obtain their paramedic certification. The tuition for the School of EMS is being funded through a grant from the Texas Department of State Health Services through the North Central Texas Trauma Regional Advisory Council. By utilizing the grant funds for the cost of the initial paramedic education, the City is exercising fiduciary responsibility while maintaining and increasing existing emergency medical services capabilities.

FINANCIAL IMPLICATIONS:

A total of \$80,000.00 from the Texas Department of State Health Services EMS Workforce Recruitment and Retention Program will be used to cover the cost of this training program. This is a one-time expenditure. Grant compliance and administration will occur in consultation with the Finance Department and City Auditor.

IMPACT ON COMMUNITY SUSTAINABILITY:

EMS is a critical service provided by Carrollton Fire Rescue. By providing initial paramedic training, the Department will be better able to compete to fill paramedic positions that have been vacated by recent retirements, which will allow the Department to better serve the community's EMS needs.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval to pay the tuition for ten firefighters to attend the School of EMS to obtain their initial paramedic training through a grant from the Texas Department Of State Health Services EMS Workforce Recruitment And Retention Program in an amount not to exceed \$80,000.00.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6207

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *13.

CC MEETING: June 20, 2023

DATE: June 7, 2023

TO: Erin Rinehart, City Manager

FROM: Michael Thomson, Fire Chief

Marc Guy, Assistant City Manager

Consider Approval Of The Purchase Of Technical Rescue Equipment From Metro Fire Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$82,000.00

BACKGROUND:

This agenda item is for the purchase of technical rescue equipment used during emergency operations. The equipment being purchased includes airbags and struts used to lift and stabilize large equipment such as vehicles, industrial machinery and structural members. The existing rescue equipment is outdated and has reached its end-of-life per the manufacturers' guidelines.

The rescue equipment will be purchased through an interlocal agreement with BuyBoard. Texas law authorizes this process, which allows the City to save the time of developing product specifications and avoid the duplication of the competitive bidding process. BuyBoard meets all State of Texas bidding requirements.

FINANCIAL IMPLICATIONS:

The rescue equipment will be purchased from budgeted funds in the Fire Department's FY 2023 budget.

IMPACT ON COMMUNITY SUSTAINABILITY:

The technical rescue equipment is replacing existing equipment that is outdated and has reached its end-of-life per the manufacturers' guidelines. This equipment is used during multiple types of emergency incidents, including vehicle extrications and structural collapses.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of the purchase of technical rescue equipment from Metro Fire through an interlocal agreement with BuyBoard in an amount not to exceed \$82,000.00.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6212

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *14.

CC MEETING: June 20, 2023

DATE: June 13, 2023

TO: Erin Rinehart, City Manager

FROM: Jody Byerly, Director Public Works
Marc Guy, Assistant City Manager

Consider Approval Of RFP #23-015 For The Purchase Of Sand And Gravel Supplies From CJA Enterprises LLP In An Annual Amount Not To Exceed \$131,469.00, For A Total Three-Year Contract In An Amount Not To Exceed \$394,407.00.

BACKGROUND:

The material to be purchased from this price agreement will be used by the Public Works Department for miscellaneous construction and repair projects. This bid is for one year and contains the option to renew for two additional one-year renewals, if mutually agreed upon.

Bid notifications were posted online, previous and interested vendors were contacted, and advertisements were placed in the Dallas Morning News. Four vendors responded.

FINANCIAL IMPLICATIONS:

The materials 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>
Public Works	60350 - Base Materials	\$ 131,469.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that City Council award the bid for sand and gravel supplies to CJA Enterprises LLP in an amount not to exceed the budget allocation of \$131,469.00 for the first year, and two additional one-year renewal periods, for a total three-year contract amount not to exceed \$394,407.00.

RFP #23-015 Sand and Gravel Supplies

				Green Dream International		CJA Enterprises LLP		SiteOne Landscape Supply		Living Earth (The LETCO Group LLC)	
				Total Price	\$196,370.00	Total Price	\$368,071.00	Total Price	\$514,648.00	Total Price	\$708,050.00
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	Sandy Loam	5000	Ton	\$28.36	\$141,800.00	<u>\$25.25</u>	\$126,250.00	\$36.00	\$180,000.00	\$38.00	\$190,000.00
2	3/8" Pea Gravel	1000	Ton	\$28.89	\$28,890.00	<u>\$24.75</u>	\$24,750.00	\$63.00	\$63,000.00	\$65.00	\$65,000.00
3	Screened Red Clay	50	Ton	No Bid		<u>\$26.32</u>	\$1,316.00	\$698.80	\$34,940.00	\$100.00	\$5,000.00
4	Top Soil	1000	Ton	\$25.68	\$25,680.00	<u>\$21.75</u>	\$21,750.00	\$28.00	\$28,000.00	\$38.00	\$38,000.00
5	Top Dressing Sand	750	Ton	No Bid		<u>\$26.50</u>	\$19,875.00	\$34.64	\$25,980.00	\$75.00	\$56,250.00
6	Beached/Washed Sand	20	Ton	No Bid		<u>\$26.50</u>	\$530.00	\$36.40	\$728.00	\$65.00	\$1,300.00
7	Beached/Washed Concrete Sand	5000	Ton	No Bid		<u>\$31.50</u>	\$157,500.00	\$36.40	\$182,000.00	\$65.00	\$325,000.00
8	3/8" Chat Rock	500	Ton	No Bid		<u>\$32.20</u>	\$16,100.00	No Bid		\$55.00	\$27,500.00
9	Pick Up Site For Product	1	EA	No Bid		\$0.00	\$0.00	No Bid		\$0.00	\$0.00
10	Pick Up Site For Product	1	EA	No Bid		\$0.00	\$0.00	No Bid		\$0.00	\$0.00

Line #
1
2
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10



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6216

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *15.

CC MEETING: June 20, 2023

DATE: June 12, 2023

TO: Erin Rinehart, City Manager

FROM: Heather Smith, Recreation Manager
Chrystal Davis, Assistant City Manager

Consider **Approval Of An Expenditure For Tennis Court Resurfacing Services and Repair From Dobbs Tennis Courts, Inc. Through An Inter-Local Agreement With Buy-Board In An Amount Not To Exceed \$59,486.90.**

BACKGROUND:

The staff is requesting approval to resurface one tennis court and repair 10 net posts at Oak Creek Tennis Center. Court 3 exhibits discoloration and chipping in certain areas, necessitating resurfacing. Additionally, the net tension over time causes strain on the net posts, resulting in leaning. At present, there are 10 posts requiring repair. Upcoming repairs project to total \$17,758.00

Earlier this year, Dobbs Tennis handled the resurfacing of Thomas Park's tennis and soccer courts and facilitated the conversion of Martha Pointer from two tennis courts to one tennis court and two pickleball courts totaling \$36,321.00.

FINANCIAL IMPLICATIONS:

Dobbs Tennis Courts, Inc. is a Buy-Board vendor. The repairs will be funded by the tennis general operations and maintenance fund. A 10% contingency was added.

IMPACT ON COMMUNITY SUSTAINABILITY:

In each interaction, deliver a comfortable, informative experience where every customer feels valued.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval for repairs to tennis courts at Oak Creek Tennis Center in an amount not to exceed \$59,486.90.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6181

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *16.

CC MEETING: June 20, 2023

DATE: Tuesday, June 13, 2023

TO: Erin Rinehart, City Manager

FROM: Chris Chiancone, Chief Information Officer
Chrystal Davis, Assistant City Manager

Consider **Amending Expenditures Related To Item 12 From The February 7, 2023 Council Meeting For IT Products And Services From Freeit Data Solutions On An Existing Agreement With Texas DIR In The Amount of \$150,000 For A Revised Total Not To Exceed \$300,000.00.**

BACKGROUND:

The City procures a range of IT goods and services from various DIR resellers. These items can cost anywhere from a few hundred dollars to tens of thousands of dollars. Though not required by procurement law when utilizing cooperative contracts, to ensure the best pricing, the IT department engages in competitive shopping, comparing prices from various cooperative contract resellers such as CDWG, SHI, and others to find the lowest price and best value for items.

This document seeks to increase the annual spending limit by \$150,000, continuing to enable the competitive shopping process across DIR resellers to include Freeit Data Solutions, particularly for Information Technology security related items.

The IT department has complied with procurement requirements through the Texas DIR. They received a low bid for endpoint anti-virus and email security items from Freeit Data Solutions, Inc., under the DIR Contract# DIR-CPO-4863 that this authorization will permit to go forward.

FINANCIAL IMPLICATIONS:

This authorization of \$300,000.00 is budgeted and funded through the following account:

ACCTG UNIT	ACCOUNT	ACTIVITY	BUDGET AMOUNT
151001	68710		\$300,000.00

IMPACT ON COMMUNITY SUSTAINABILITY:

The purchase of IT products and services is critical to sustaining City technology services without disruption.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approve the amended expenditure related to the purchase of IT products and services from Freeit Data Solution in a revised not to exceed amount of \$300,000.00.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6208

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *17.

CC MEETING: June 20, 2023

DATE: June 12, 2023

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. 1 With A&B Construction, LLC For Additional Work Related To The Crosby Road Tract Drainage Improvements Project And The Crosby At Broadway Sidewalk Project In An Amount Not To Exceed \$82,779.60, Increasing The Total Project To An Amount Not To Exceed \$1,331,120.60.

BACKGROUND:

There is an existing drainage culvert south of Crosby Road under the freight railroad tracks that is severely undersized to accommodate the stormwater flow it receives. The tracks are owned by DART and used by the DG&NO Railroad. The area immediately upstream of the culvert is the Carroll Crest residential development, which is currently under construction. To develop the property, the undersized culvert had to be replaced in order to eliminate the stormwater bottleneck at the railroad tracks and associated upstream ponding.

A drainage study performed by the engineering firm TNP identified the necessary improvements to address the bottleneck conditions under the railroad tracks and the associated overtopping of the rail. The engineering firm of Pacheco Koch designed the construction plans in accordance with the findings from the drainage study and input from DART. A&B Construction was awarded the bid for the construction of the culverts and began construction of the project in the fall of 2021.

The items below need to be added to the construction contract to ensure the project is completed in a satisfactory and sustainable manner.

Change Order No. 1 addresses the following issues:

- Installation of 8" Water Valves - This item reflects a change to install additional water valves on the 8" water main that parallels the property on the west side. The water main was lowered,

and the additional valves will allow the main to be shut down on either side of the lowered portion if needed.

- Lowering of the Water Line - The 8" water main which runs perpendicular to the box culverts had to be field-adjusted to ensure that enough clearance was maintained under the culverts. Approximately 70 feet of water line had to be lowered for the culvert installation.
- Headwall removal/rock riprap added for erosion control - Due to the box culvert being enlarged to accommodate the drainage for the Carroll Crest development, and that the development would likely begin construction within 12 months of the box culverts being completed, it became apparent during construction that any end treatment on the box culverts would have to be demolished and replaced to accommodate the development's layout. It was determined that the best temporary solution was to leave the upstream end treatment off of the box culverts and accommodate for this situation with additional upstream riprap to ensure that erosive water velocities from the creek did not undermine the box culverts.
- Increased Manhole Size - An old existing manhole in the project area needs to be replaced and enlarged to meet current City standards.

FINANCIAL IMPLICATIONS:

This change order is for an amount not to exceed \$82,779.60, which increases the construction contract from \$1,248,341.00 to \$1,331,120.60, which is a 6.63% increase. Funding for the additional amount is available in the Drainage Consolidated Fund.

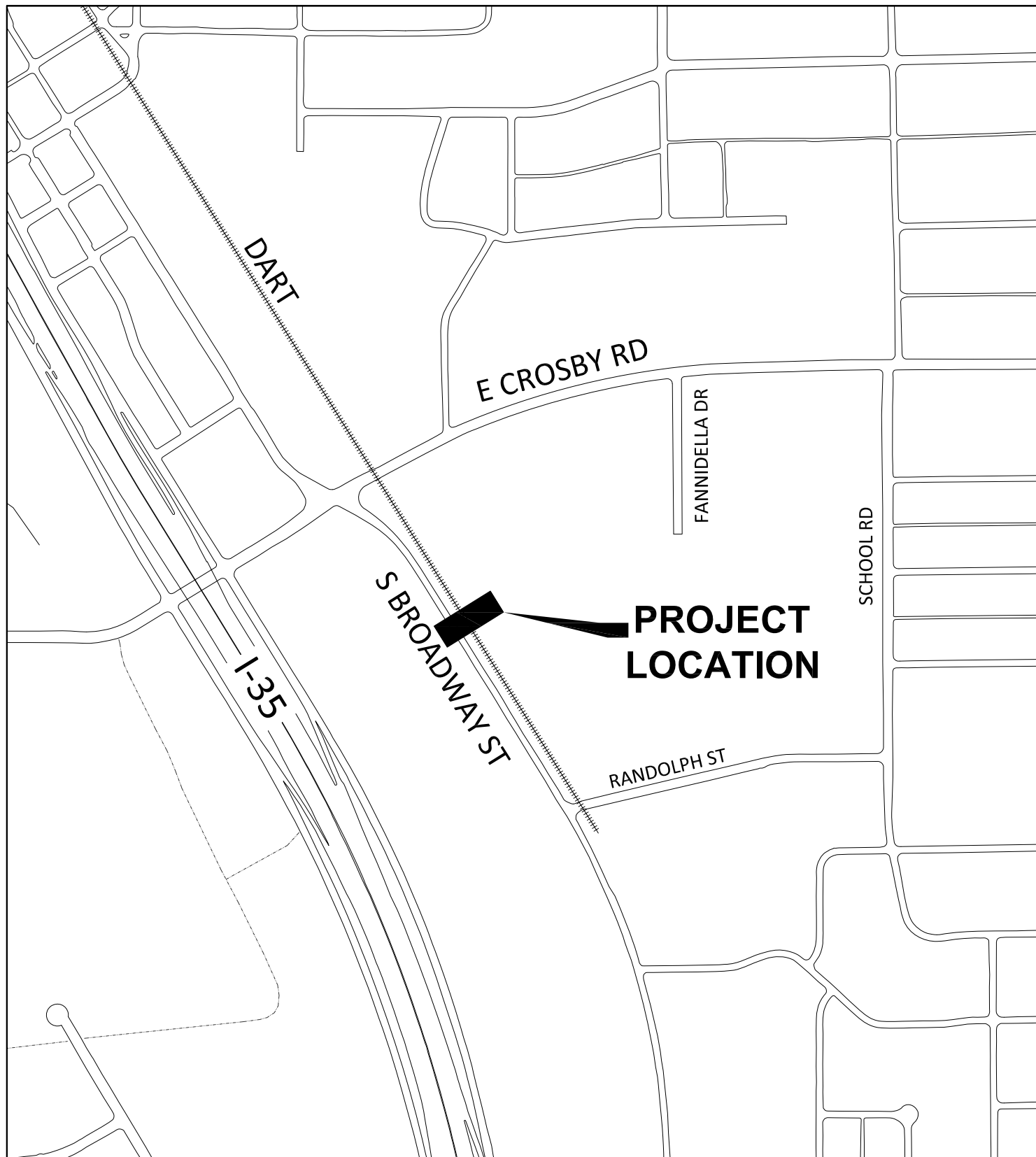
IMPACT ON COMMUNITY SUSTAINABILITY:

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:

- Serving as an enabling component for the Carroll Crest development.
- Reduce the potential of flood damage to businesses along Broadway and upstream from the railroad tracks.
- Reduce cleanup in the area after major storm events.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that City Council authorize the City Manager to execute Change Order No. 1 with A&B Construction in an amount not to exceed \$82,779.60, increasing the construction contract to an amount not to exceed \$1,331,120.60.



CARROLLTON
TEXAS

DART CULVERTS AT CROSBY

ENGINEERING DEPARTMENT



SCALE: N.T.S.

DATE: 08/18



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6209

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *18.

CC MEETING: June 20, 2023

DATE: June 12, 2023

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 KIK Underground, LLC For The Northland Estates Paving and Utility Improvements Project In An Amount Not To Exceed \$5,266,909.50.

BACKGROUND:

This contract will provide for the reconstruction of five streets in the Northland Estates Subdivision, including Northland Street, Evergreen Street, Greenmeadow Drive, Greenhill Drive, McCoy Court and associated alleys. The project scope consists of the reconstruction of approximately 7,400 linear feet of residential street pavement, 3,900 linear feet of alley pavement, 4,200 linear feet of water lines, 4,300 linear feet of sanitary sewer lines, 700 linear feet of storm drainage pipe and 110 linear feet of drainage channel. This project was approved by the voters as part of the 2018 Bond Election.

The duration of construction is 300 calendar days. Construction will be performed such that all of the streets and alleys will not be under construction at the same time. Project signs will be placed at the neighborhood entrances during construction. Residents will be notified in writing regarding the construction schedule prior to the start of construction. A neighborhood meeting with the residents and the contractor will be held prior to construction. Additional handouts will be distributed as needed during the project.

FINANCIAL IMPLICATIONS:

Four bids were received on June 8, 2023. The low bid, in the amount of \$5,266,909.50, was submitted by KIK Underground, LLC. The engineer's estimate for the project was \$5,638,280.00. KIK Underground has satisfactorily completed similar projects within the past three years. Funding is available in the Streets Consolidated Account, Drainage Consolidated Account and the Utility 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 better upkeep and maintenance of their properties.

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

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that City Council authorize the City Manager to enter into a construction contract with KIK Underground, LLC for the Northland Estates Paving and Utility Improvements Project in an amount not to exceed \$5,266,909.50.

BIDDER'S LIST (LOWEST TO HIGHEST)

PROJECT: NORTHLAND ESTATES PAVING & UTILITY IMPROVEMENTS

Days/Complete: 300 days Date: June 08, 2023 @ 10:00 AM

Estimated Cost: \$5,638,280.00

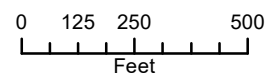
Days/Complete: 300 days

Date: June 08, 2023 @ 10:00 AM

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NORTHLAND ESTATES PAVING AND UTILITY IMPROVEMENTS



U:\GIS DATA\MXD\
06-12-2023 Northland Estates
Improvements
M.Natseway Engineering Technician





City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6210

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *19.

CC MEETING: June 20, 2023

DATE: June 13, 2023

TO: Erin Rinehart, City Manager

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

Consider An **Ordinance Amending The Carrollton Code Of Ordinances, Chapter 73, “Traffic Schedules”, To Amend Schedule I (H) To Establish A Temporary Construction Zone Speed Limit Of 60 Miles Per Hour For Interstate Highway-35E (IH-35E) From The Southern Carrollton City Limits To The Dallas County Line.**

BACKGROUND:

The Texas Department of Transportation (TxDOT) is currently reconstructing the segment of IH-35E from the southern Carrollton city limits to the Dallas County Line. TxDOT has established a temporary speed limit reduction in this area, from 65 mph to 60 mph, and has requested that the City of Carrollton create an ordinance reflecting this change. Staff is recommending that a construction zone speed limit of 60 mph be established for the duration of the project. This reduction is intended to improve safety for the construction workers and vehicles passing through the construction zone. The original 65 mph speed limit will be re-established once construction is complete. The project is estimated to be completed in early to mid-2026.

FINANCIAL IMPLICATIONS:

Expenses toward the installation of temporary speed limit signs and associated items will be managed and funded by TxDOT. The City of Carrollton will not be responsible for any funding related to the speed limit changes.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the City Council approve an ordinance establishing a temporary 60 mph construction zone speed limit for the segment of IH-35E affected by the TxDOT reconstruction project within the city limits of Carrollton, from the southern city limits to the Dallas County Line.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 73, "TRAFFIC SCHEDULES" TO AMEND SCHEDULE I (H) TO ESTABLISH A SPEED LIMIT OF 60 MILES PER HOUR FOR INTERSTATE-35E (I-35E), FROM THE SOUTHERN CITY LIMITS TO THE DALLAS COUNTY LINE; PROVIDING THAT PROOF OF A CULPABLE MENTAL STATE SHALL NOT BE REQUIRED; PROVIDING SAVINGS, SEVERABILITY, REPEALER, AND PENALTY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads and highways that comprise the State Highway System;

WHEREAS, Texas Department of Transportation ("TxDOT") is the governing roadway authority of the subject portion of I-35E spanning from the Dallas County Line to the southern city limits of the City of Carrollton, Texas ("City");

WHEREAS, TxDOT has determined that the safety of the workers and drivers warrants a change in the effective speed limit, and has requested that the City take appropriate action to enact such a change;

WHEREAS, 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;

WHEREAS, Section 545.356 of the Texas Transportation Code, as amended, grants municipalities the authority to prescribe by ordinance reasonable and safe prima facie maximum speed limits to control the operation of motor vehicles;

WHEREAS, Title 43 Part 1, Chapter 25 of the Texas Administrative Code provides for construction speed zones to be authorized by the City Council for the duration of a construction project;

WHEREAS, the subject portion of I-35E is currently under repair, construction, or maintenance for the TxDOT "I-35 East Phase 2" Project, has a high volume of traffic, and the workers will be working in close proximity to the drive lanes; and

WHEREAS, the construction along the roadway may create an actual or potential hazard at the location, and reduction of the speed limit will increase the safety along that portion of the roadway:

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

Section 1.

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.

Chapter 73, Schedule I, Section (H) of the Carrollton City Code is hereby amended to read as follows:

“

(H) *Speed limit of 60 mph established by street.* It shall be unlawful for any person to operate or drive any vehicle at a speed greater than 60 miles per hour, this speed being the prima facie maximum speed limit; any speed in excess thereof shall be prima facie evidence that the speed limit is not reasonable or prudent and that it is unlawful on any of the following streets or portions thereof:

S.H. 121 main lanes	From Hebron Parkway southerly approximately 8000 feet to the south city limits	2466 2736	10-19-99 10-15-02
Interstate-35E main lanes (East Phase 2 Project)	Southern city limits to the Dallas County Line	[Ord. No.]	06-20-23

”

Section 3.

The construction speed zone of 60 miles per hour shall remain in effect until the completion of the TxDOT reconstruction project, at which time it shall automatically cancel pursuant to Texas Administrative Code Rule §25.22(c)(3)(F).

Section 4.

Allegation and evidence of a culpable mental state is not required for the proof of an offense defined in Chapter 73 Schedule I Speed Limits.

Section 5.

All other provisions of Chapter 73 not expressly amended as stated herein shall remain in full force and effect.

Section 6.

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

Section 7.

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 8.

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 9.

This ordinance shall take effect immediately from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 20th day of June 2023.

Steve Babick, Mayor

ATTEST:

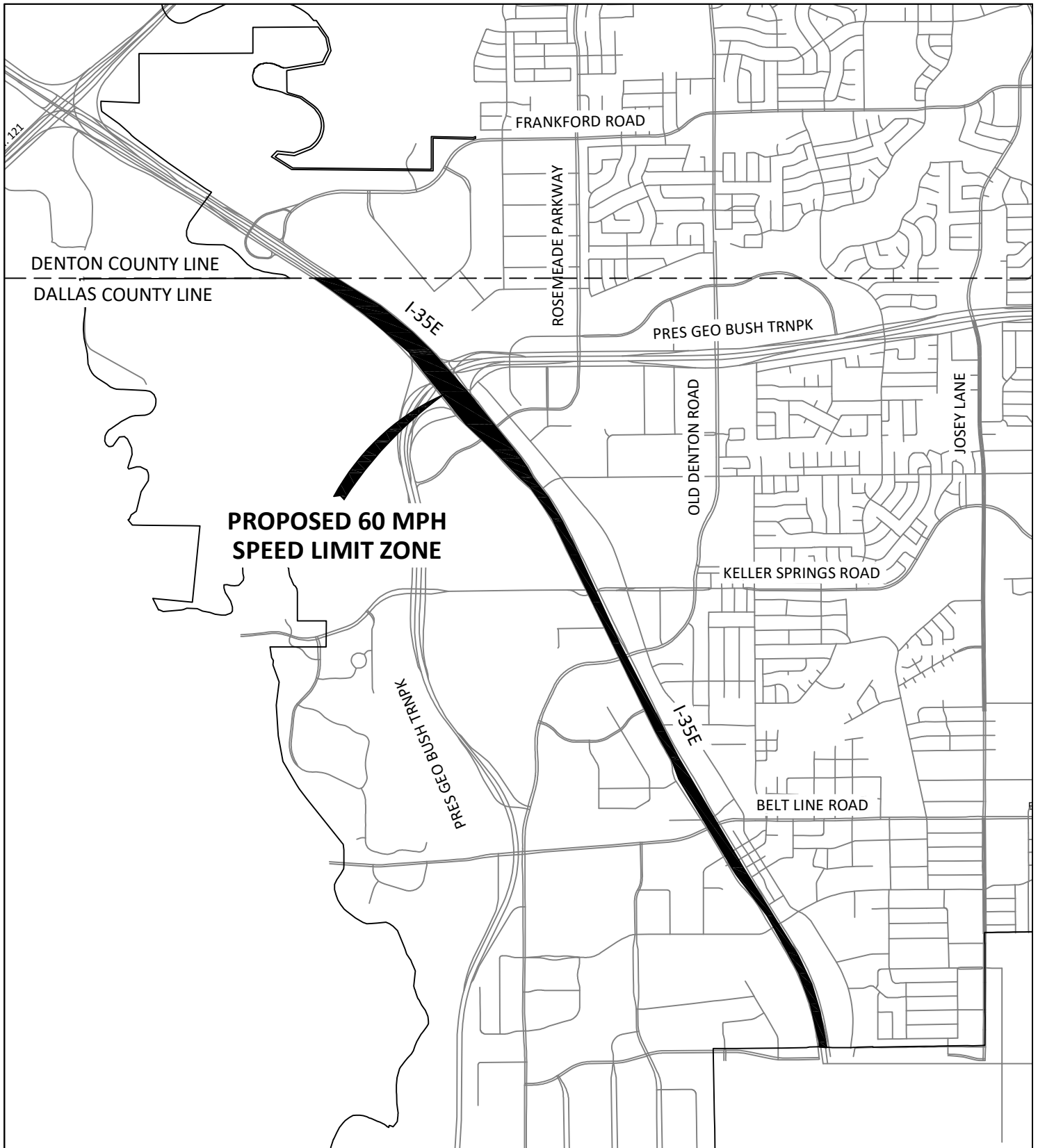
Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Albert Thomas
Assistant City Attorney

APPROVED AS TO CONTENT:

Jonathan Wheat, P.E.
Director of Engineering



CARROLLTON
TEXAS
ENGINEERING
DEPARTMENT

1945 E. JACKSON ROAD CARROLLTON, TEXAS 75006

TXDOT I-35E MAIN LANES 60 MPH SPEED LIMIT ZONE

WWW.CITYOFCARROLLTON.COM

(972)466-3200



SCALE: N.T.S.

DATE: 06/23

SHEET
NUMBER: 1

OF 1 SHEETS



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6177

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *20.

CC MEETING: June 20, 2023

DATE: May 23, 2023

TO: Erin Rinehart, City Manager

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

Consider A Resolution Declaring A Public Need And Necessity For Certain Property Rights Necessary For The Construction Of The Dudley Branch Hike And Bike Trail; Authorizing The City Manager To Take All Necessary Action For The Acquisition Of Said Property Rights For Two Trail Easements And A Temporary Construction Easement And The Construction Of A Hike And Bike Trail Within Said Easements Located Within The William B. Rowe Survey, Abstract No. 1124, Denton County, Texas, And More Specifically Described As Lot 2, Block A Of The Indian Creek Addition, Phase 2, Located Generally At The Northeast Corner Of Frankford Road And Trade Center Drive; Authorizing The City Attorney To Use Eminent Domain And Take All Steps Necessary To Acquire The Needed Property Rights In Compliance With All Applicable Laws.

BACKGROUND:

In March of 2013, a 9 foot wide trail easement was obtained through the referenced property. The existing trail easement provides for the Dudley Branch Trail to connect from Frankford Road to the Dudley Branch Creek. The crossing of the creek requires a pedestrian bridge. The acquisition of property rights consists of two 16.50 square foot trail easements to provide for erosion control at the bridge abutments. Additionally, a 15,879 square foot temporary construction easement needs to be acquired to allow construction vehicles to enter the site for material deliveries and concrete pours from Frankford Road. This acquisition is necessary for the construction of the Dudley Branch Hike and Bike Trail.

Angel Valuation Services was hired by the City and has determined the appraised value for the additional trail easement rights to be \$6.58 per square foot, for a total cost of \$220.00. The appraised value for the temporary construction easement rights was determined to be \$0.675 per square foot, for a total cost of \$10,718.00. The combined cost of all required easements is \$10,938.00.

The property owner of record, Mr. William Janacek, has refused to accept the certified offer packet.

FINANCIAL IMPLICATIONS:

Based on the appraised property values, the total cost of the two trail easements and the temporary construction easement is \$10,938.00. Funding is available from Parks Consolidated General Obligation Bond Funds.

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:

- Providing a hike and bike trail along Dudley Branch Creek, connecting to Frankford Road and the Frankford DART passenger rail station.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing the City Manager to take all necessary action for the acquisition of property on a portion of the property described as Lot 2, Block A of the Indian Creek Addition, Phase 2 for trail and temporary construction easements, including the use of eminent domain if negotiations with the property owner are unsuccessful.

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, DECLARING A PUBLIC NEED AND NECESSITY FOR CERTAIN PROPERTY RIGHTS NECESSARY FOR THE CONSTRUCTION OF DUDLEY BRANCH HIKE AND BIKE TRAIL LOCATED IN THE CITY OF CARROLLTON; AUTHORIZING THE CITY MANAGER OF THE CITY OF CARROLLTON TO TAKE ALL NECESSARY ACTION FOR THE ACQUISITION OF SAID PROPERTY RIGHTS FOR A TWO TRAIL EASEMENTS AND A TEMPORARY CONSTRUCTION EASEMENT AND THE CONSTRUCTION OF A HIKE AND BIKE TRAIL WITHIN SAID EASEMENTS (WITHIN THE WILLIAM B. ROWE SURVEY, ABSTRACT NO. 1124, DENTON COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED AS LOT 2, BLOCK A, OF INDIAN CREEK ADDITION, PHASE 2); AUTHORIZING THE CITY ATTORNEY TO USE EMINENT DOMAIN TO CONDEMN THE PROPERTY AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Carrollton, Texas, has determined that a public need and necessity exists for the construction of the Dudley Branch Hike and Bike Trail (“Project”), which is a public use trail, the location of which is generally set forth in the map attached hereto as Exhibit A and delineated in Exhibit B and Exhibit C; and

WHEREAS, the construction of this public project that is part of the Dudley Branch Trail Project requires the acquisition of two trail easements and a temporary construction easement (within the William B. Rowe Survey, Abstract No. 1124, Denton County, Texas, and more specifically described as Lot 2, Block A, of Indian Creek Addition, Phase 2); and

WHEREAS, the City is in compliance with all statutory requirements regarding the acquisition of a property interest from a landowner; and

WHEREAS, the City Council has considered this Project and has determined that a public need and necessity exists for this Project and that this Project is necessary and in the best interests of the residents of the City of Carrollton.

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

SECTION 1.

All of the above premises are 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 Council hereby finds and determines that a public need and necessity exists for the City of Carrollton to acquire the necessary property rights for the construction and use of a public access trail, and other public uses incidental thereto, in those certain tracts of land necessary to complete the Dudley Branch Hike and Bike Trail Project, the location of which must be in accordance with the alignment set forth in the map attached hereto as Exhibit A (Trail Alignment) and delineated in Exhibit B (Temporary Construction Easement) and Exhibit C (Trail Easement A & Trail Easement B).

SECTION 3.

The City Council hereby authorizes the City Manager to determine value of said property rights, to negotiate compensation for such rights, and to execute documents, as needed, to acquire necessary property rights to complete construction of the Dudley Branch Hike and Bike Trail Project.

SECTION 4.

The City Manager, or her designee, is authorized and directed to do each and every act necessary to acquire the necessary property rights for the Dudley Branch Hike and Bike Trail Project and to effectuate the intent and purposes of this ordinance in compliance with State and Federal law including, but not limited to, the authority to establish the just compensation for the acquisition of the Property, negotiate, provide notice, make written offers to purchase, prepare contracts, and, where necessary, to use eminent domain to acquire said rights for the construction and use of the easements and right-of-way, and other public uses incidental thereto.

SECTION 5.

If an agreement as to damages or compensation is not reached regarding the property rights described herein, the City Attorney, or her designee, is hereby authorized to negotiate for the required property rights for the City, and, if necessary, to institute proceedings in eminent domain. Moreover, the City Attorney, or designee, is authorized and directed to do each and every act necessary to effectuate the intents and purposes of this ordinance in compliance with all applicable law.

SECTION 6.

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
20th day of June, 2023

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

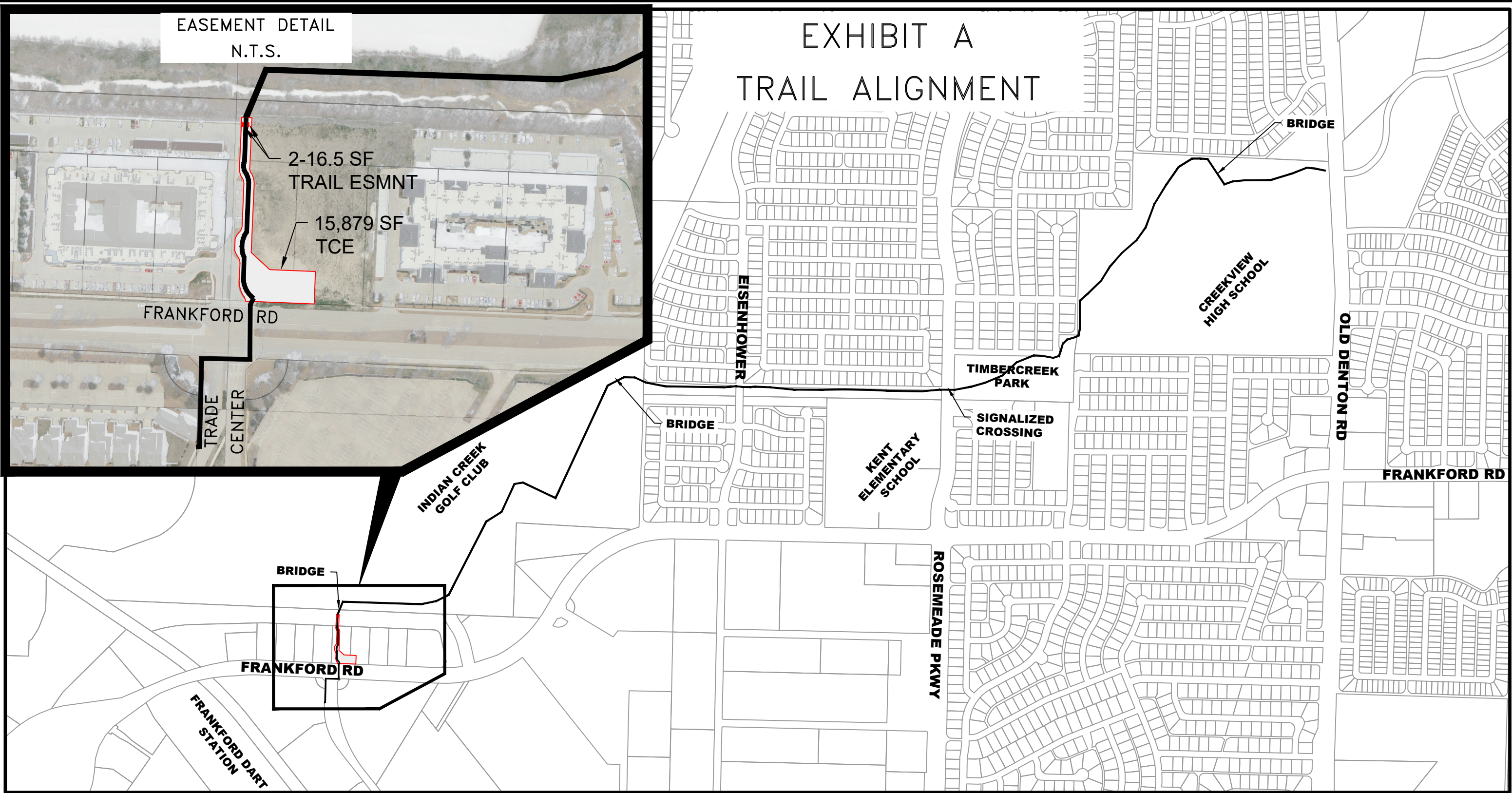
Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Serenity Norman, Assistant City Attorney

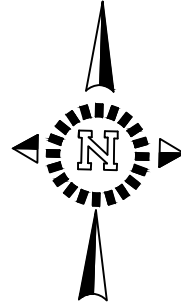
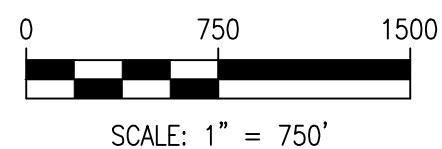
Jonathan Wheat, Director of Engineering




TRAIL EASEMENT NOTES:

Trail Easements – 33.0 SF

Temp Const Easement – 15,879.0 SF





CARROLLTON
 TEXAS
1945 East Jackson Road, Carrollton, Texas 75006
 Phone (972) 466-3200 FAX (972) 466-3193

DUDLEY BRANCH
TRAIL ALIGNMENT

DGN BY: RW	APP BY: TH	SIZE: 11"x17"	SHEET
DWN BY: RW	DATE: January 2023	SCALE: 1" = 750'	1 OF 1

EXHIBIT B
TEMPORARY CONSTRUCTION
EASEMENT

LOT 1, BLOCK 1
INDIAN CREEK GOLF COURSE
CAB. N. PG. 282
P.R.D.C.T.

DRAINAGE R.O.W.
CAB. N. PG. 157
P.R.D.C.T.

15' T.X.U. ESMT.
VOL. 4279, PG. 162

15' UTILITY ESMT.
C.C. FILE NO. 2013-341

UTILITY ESMT.

LOT 1, BLOCK A

LOT 2, BLOCK A

9' TRAIL ESMT.
C.C. FILE NO. 2013-37739

INDIAN CREEK ADDITION, PH. 2
C.C. FILE NO. 2013-341
P.R.D.C.T.

INDIAN CREEK ADDITION, PH. 2
C.C. FILE NO. 2013-341
P.R.D.C.T.

UTILITY ESMT.
C.C. FILE NO. 2013-341

P.O.C. "X"-CUT FD.
N: 7049195.42
E: 2448338.15

MUTUAL
ACCESS ESMT.
C.C. FILE NO. 2013-341

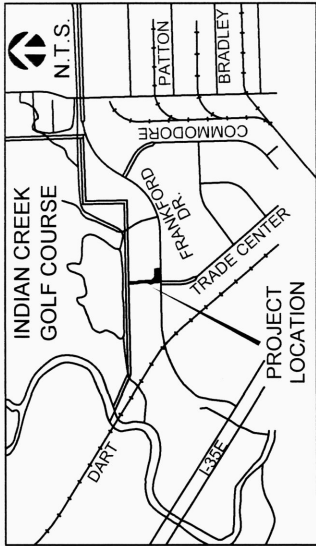
FRANKFORD ROAD WEST
(VARIABLE R.O.W.)
28.01'

TRADE
CENTER
DRIVE

25' UTILITY ESMT. (CAB. M. PG. 38)

VARIABLE WIDTH
TEMPORARY CONSTRUCTION EASEMENT
AREA = 19,551 S.F. (0.449 ACRE)

25' UTILITY ESMT. (CAB. M. PG. 38)



TEMPORARY EASEMENT LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 00°32'00" E	34.90'
L2	N 00°32'00" E	22.81'
L3	N 00°32'00" E	88.64'
L4	N 00°32'00" E	107.07'
L5	S 89°28'00" E	22.00'
L6	S 00°32'00" W	107.22'
L7	S 00°32'00" W	145.57'
L8	S 49°09'22" E	53.78'
L9	S 89°34'41" E	97.76'
L10	S 00°25'19" W	69.70'
L11	N 89°28'00" W	146.65'

TEMPORARY EASEMENT CURVE TABLE

NUMBER	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD DIRECTION	CHORD LENGTH
C1	22.00	10.76	28°00'22"	N 21°32'11" W	10.65
C2	60.28	37.50	35°38'58"	N 17°17'41" W	36.90
C3	22.00	15.21	39°35'54"	N 19°16'11" W	14.91
C4	40.50	16.44	23°15'04"	N 27°26'39" W	16.32
C5	40.50	17.24	24°23'08"	N 29°04'42" E	17.11
C6	22.00	16.43	42°47'05"	N 20°53'11" E	16.05
C7	22.00	12.95	33°43'33"	N 16°19'46" W	12.77
C8	40.00	24.31	34°49'23"	N 16°22'43" W	23.94
C9	18.00	11.10	35°18'48"	S 16°30'24" E	10.93
C10	44.00	26.01	33°52'06"	S 16°24'03" E	25.63

REPEAT - INDIAN CREEK ADDITION
C.C. FILE NO. 2013-284
P.R.D.C.T.

1934-TEMP.DWG

9-21-22

1919 S. Shiloh Road
Suite 500, LB. 27
Garland, Texas 75042
(972) 864-8200 (tel)
(972) 864-8220 (fax)
TBEPLS Firm No. 10022000

SPI

SCHAUMBURG & POLK, INC.

TEMPORARY

CONSTRUCTION EASEMENT

WILLIAM B. ROWE SUR., ABST. 1124

CITY OF CARROLLTON

DENTON COUNTY, TX

TEMPORARY CONSTRUCTION EASEMENT
WILLIAM B. ROWE SURVEY, ABSTRACT NO. 1124
CITY OF CARROLLTON, DENTON COUNTY, TX.

COMMENCING at a found "X" lying in the north right-of-way line of Frankford Road West (a variable width right of way) said "X" being the southeast corner of Lot 1, Block A common with the southwest corner of Lot 2, Block A, of Indian Creek Addition, Phase 2, according to the plat thereof recorded in C.C. File No. 2013-341, Plat Records, Denton County, Texas;

THENCE South 89 degrees 28 minutes 00 seconds East a distance of 28.01 feet to a Point;

THENCE along a curve to the left having a radius of 22.00 feet through a central angle of 28 degrees 00 minutes 22 seconds an arc distance of 10.76 feet and having a chord bearing of North 21 degrees 32 minutes 11 seconds West and a chord length of 10.65 feet;

THENCE along a curve to the right having a radius of 60.28 feet through a central angle of 35 degrees 38 minutes 58 seconds an arc distance of 37.50 feet and having a chord bearing of North 17 degrees 17 minutes 41seconds West and a chord length of 36.90 feet;

THENCE North 00 degrees 32 minutes 00seconds East a distance of 34.90 feet to a Point;

THENCE along a curve to the left having a radius of 22.00 feet through a central angle of 39 degrees 35 minutes 54 seconds an arc distance of 15.21 feet and having a chord bearing of North 19 degrees 16 minutes 11 seconds West and a chord length of 14.91 feet;

THENCE along a curve to the right having a radius of 40.50 feet through a central angle of 23 degrees 15 minutes 04 seconds an arc distance of 16.44 feet and having a chord bearing of North 27 degrees 26 minutes 39 seconds West and a chord length of 16.32 feet;

THENCE North 00 degrees 32minutes 00 seconds East a distance of 22.81 feet to a Point;

THENCE along a curve to the right having a radius of 40.50 feet through a central angle of 24 degrees 23 minutes 08 seconds an arc distance of 17.24 feet and having a chord bearing of North 29 degrees 04 minutes 42 seconds East and a chord length of 17.11 feet;

THENCE along a curve to the left having a radius of 22.00 feet through a central angle of 42 degrees 47 minutes 05 seconds an arc distance of 16.43 feet and having a chord bearing of North 20 degrees 53 minutes 11 seconds East and a chord length of 16.05 feet;

TEMPORARY CONSTRUCTION EASEMENT
WILLIAM B. ROWE SURVEY, ABSTRACT NO. 1124
CITY OF CARROLLTON, DENTON COUNTY, TX.

THENCE North 00 degrees 32 minutes 00 seconds East a distance of 88.64 feet to a Point;

THENCE along a curve to the left having a radius of 22.00 feet through a central angle of 33 degrees 43 minutes 33 seconds an arc distance of 12.95 feet and having a chord bearing of North 16 degrees 19 minutes 46 seconds West and a chord length of 12.77 feet;

THENCE along a curve to the right having a radius of 40.00 feet through a central angle of 34 degrees 49 minutes 23 seconds an arc distance of 24.31 feet and having a chord bearing of North 16 degrees 22 minutes 43 seconds West and a chord length of 23.94 feet;

THENCE North 00 degrees 32 minutes 00 seconds East a distance of 107.07 feet to a Point;

THENCE South 89 degrees 28 minutes 00 seconds East a distance of 22.00 feet to a Point;

THENCE South 00 degrees 32 minutes 00 seconds West a distance of 107.22 feet to a Point;

THENCE along a curve to the left having a radius of 18.00 feet through a central angle of 35 degrees 18 minutes 48 seconds an arc distance of 11.10 feet and having a chord bearing of South 16 degrees 30 minutes 24 seconds East and a chord length of 10.93 feet;

THENCE along a curve to the right having a radius of 44.00 feet through a central angle of 33 degrees 52 minutes 06 seconds an arc distance of 26.01 feet and having a chord bearing of South 16 degrees 24 minutes 03 seconds East and a chord length of 25.63 feet;

THENCE South 00 degrees 32 minutes 00 seconds West a distance of 145.57 feet to a Point;

THENCE South 49 degrees 09 minutes 22 seconds East a distance of 53.78 feet to a Point;

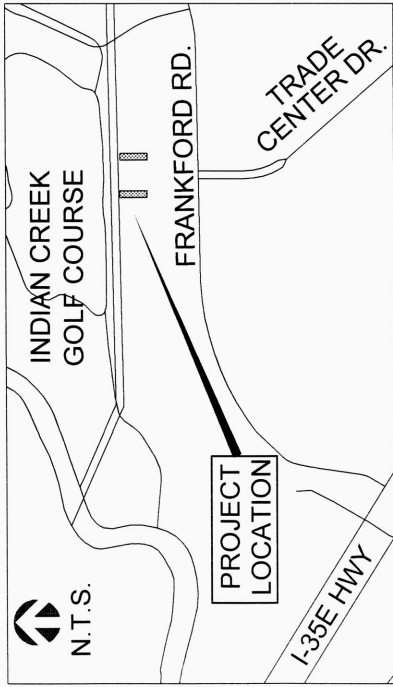
THENCE South 89 degrees 34 minutes 41 seconds East a distance of 97.76 feet to a Point;

THENCE South 00 degrees 25 minutes 19 seconds West a distance of 69.70 feet to a Point;

THENCE North 89 degrees 28 minutes 00 seconds West a distance of 146.65 feet to a to the **POINT OF BEGINNING** containing 0.449 acres or 19,551 square feet.

EXHIBIT C

TRAIL EASEMENT A &
TRAIL EASEMENT B



LOT 1, BLOCK 1
INDIAN CREEK GOLF COURSE
CAB. N, PG. 282
P.R.D.C.T.

NOTE:

1. BEARINGS AND COORDINATES SHOWN ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE, NO PROJECTION.



P.O.B. TRAIL
EASEMENT 'B'
16.50 S.F.

P.O.B. TRAIL
EASEMENT 'A'
16.50 S.F.

DRAINAGE R.O.W.
CAB. N, PG. 157
P.R.D.C.T.

TRAIL EASEMENTS LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 89°28'00" E	8.09'
L2	S 00°32'00" W	11.17'
L3	S 00°32'00" W	8.25'
L4	N 89°28'00" W	2.00'
L5	N 00°32'00" E	8.25'
L6	S 89°28'00" E	2.00'
L7	S 89°28'00" E	9.00'
L8	S 00°32'00" W	11.17'
L9	S 89°28'00" E	2.00'
L10	S 00°32'00" W	8.25'
L11	N 89°28'00" W	2.00'
L12	N 00°32'00" E	8.25'

○ = 1/2" IRON ROD WITH
"SPI" CAP SET

LOT 1, BLOCK A
INDIAN CREEK ADDITION, PH. 2
C.C. FILE NO. 2013-341

P.O.C. "X"-CUT FD.
N: 7049195.42
E: 2448338.15

FRANKFORD ROAD
(VARIABLE R.O.W.)

LOT 2, BLOCK A
INDIAN CREEK ADDITION, PH. 2
C.C. FILE NO. 2013-341



1919 S. Shiloh Road
Suite 500, L.B. 27
Garland, Texas, 75042
(972) 864-8200 (tel)
(972) 864-8220 (fax)

TRAIL EASEMENT 'A'
TRAIL EASEMENT 'B'

WILLIAM B. ROWE SUR., ABST. 1124
CITY OF CARROLLTON
DENTON COUNTY, TX

1934PERM.DWG

9-22-22

TRAIL EASEMENT "A"
WILLIAM B. ROWE SURVEY, ABSTRACT NO. 1124
CITY OF CARROLLTON, DENTON COUNTY, TX.

COMMENCING at a found "X" lying in the north right-of-way line of Frankford Road West (a variable width right of way) having State Plane Coordinates of N: 7049195.42 & E: 2448338.15, said "X" being the southeast corner of Lot 1, Block A common with the southwest corner of Lot 2, Block A, of Indian Creek Addition, Phase 2, according to the plat thereof recorded in C.C. File No. 2013-341, Plat Records, Denton County, Texas;

THENCE North 00 degrees 32 minutes 00 seconds East a distance of 392.05 feet to a Point;

THENCE South 89 degrees 28 minutes 00 seconds East a distance of 8.09 feet to a Point;

THENCE South 00 degrees 32 minutes 00 seconds West a distance of 11.17 feet to set 1/2 iron rod with "SPI" cap for corner and the **POINT OF BEGINNING**;

THENCE South 00 degrees 32 minutes 00 seconds West a distance of 8.25 feet to a set 1/2 iron rod with "SPI" cap for corner;

THENCE North 89 degrees 28 minutes 00 seconds West a distance of 2.00 feet to a set 1/2 iron rod with "SPI" cap for corner;

THENCE North 00 degrees 32 minutes 00 seconds East a distance of 8.25 feet to the **POINT OF BEGINNING** and containing 0.000378 of an acre or 16.50 square feet

TRAIL EASEMENT "B"
WILLIAM B. ROWE SURVEY, ABSTRACT NO. 1124
CITY OF CARROLLTON, DENTON COUNTY, TX.

COMMENCING at a found "X" lying in the north right-of-way line of Frankford Road West (a variable width right of way) having State Plane Coordinates of N: 7049195.42 & E: 2448338.15, said "X" being the southeast corner of Lot 1, Block A common with the southwest corner of Lot 2, Block A, of Indian Creek Addition, Phase 2, according to the plat thereof recorded in C.C. File No. 2013-341, Plat Records, Denton County, Texas;

THENCE North 00 degrees 32 minutes 00 seconds East a distance of 392.05 feet to a Point;

THENCE South 89 degrees 28 minutes 00 seconds East a distance of 17.09 feet to a Point;

THENCE South 00 degrees 32 minutes 00 seconds West a distance of 11.17 feet to a set 1/2 inch iron rod with "SPI" cap for corner and the **POINT OF BEGINNING**;

THENCE South 89 degrees 28 minutes 00 seconds East a distance of 2.00 feet to a set 1/2 inch iron with "SPI" cap for corner;

THENCE South 00 degrees 32 minutes 00 seconds West a distance of 8.25 feet to a set 1/2 inch iron rod with "SPI" cap for corner;

THENCE North 89 degrees 28 minutes 00 seconds West a distance of 2.00 feet to a set 1/2 inch iron rod with "SPI" cap for corner;

THENCE North 00 degrees 32 minutes 00 seconds East a distance of 8.25 feet to the **POINT OF BEGINNING** and containing 0.000378 of an acre or 16.50 square feet



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6202

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *21.

CC MEETING: June 20, 2023

DATE: June 14, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Consider A **Resolution Appointing A Mayor Pro Tempore And A Deputy Mayor Pro Tempore.**

BACKGROUND:

The City Charter provides that the City Council shall appoint from among the City Council members, a Mayor Pro Tempore and Deputy Mayor Pro Tempore. The Mayor Pro Tem shall act as Mayor during the absence or disability of the Mayor. The Deputy Mayor Pro Tem shall represent the City at ceremonial functions in the event the Mayor and Mayor Pro Tem are absent, unavailable, or disabled from performing their duties.

STAFF RECOMMENDATIONS:

Staff requests selection of a Mayor Pro Tempore and Deputy Mayor Pro Tempore, and approval of the attached Resolution confirming the appointment.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS
ELECTING A MAYOR PRO TEMPORE AND A DEPUTY MAYOR PRO TEMPORE
PURSUANT TO SECTION 2.05 OF THE CITY CHARTER.**

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, Section 2.05 of the Carrollton City Charter provides that the City Council of the City of Carrollton, Texas (“City Council”), shall elect from among the City Council members, a Mayor Pro Tempore who shall act as mayor during the absence or disability of the Mayor, and;

WHEREAS, the Council Governance Policy And Rules of Procedure, Section IV also provides that the City Council shall elect from among the City Council members a Deputy Mayor Pro Tempore who shall represent the City at ceremonial functions in the event the Mayor and Mayor Pro Tempore are absent, unavailable, or disabled from performing their duties; and

WHEREAS, in the event both the Mayor and Mayor Pro Tempore are physically prevented from performing their official duties in a disaster or other event that necessitates an elected official perform duties required by law, the City Council shall convene at the earliest possible time and appoint a Deputy Mayor Pro Tempore to serve temporarily as Mayor Pro Tempore until such time as the Mayor or Mayor Pro Tempore are available and capable of resuming the duties of office.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF CARROLLTON, STATE OF 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

_____ is hereby elected Mayor Pro Tempore until July 2024, and shall act as Mayor during the disability or absence of the Mayor, or when directed by the Council if the Mayor refuses to act, and in this capacity shall have all the rights conferred upon the Mayor.

SECTION 3

_____ is hereby elected Deputy Mayor Pro Tempore until July 2024, and shall represent the city at ceremonial functions in the event the Mayor and Mayor Pro Tempore are absent, unavailable, or disabled from performing their duties.

SECTION 4

This Resolution shall take effect July 1, 2023.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 20th day of June, 2023.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

APPROVED AS TO FORM:

Chloe Sawatzky, City Secretary

Meredith A. Ladd, City Attorney



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6215

Agenda Date: 6/20/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *22.

CC MEETING: June 20, 2023

DATE: June 14, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Consider A Resolution Appointing A Member To The Dallas Area Rapid Transit (DART) Board Of Directors.

BACKGROUND:

Members of DART's Board of Directors serve staggered, two-year terms pursuant to section 452.587 of the Texas Transportation Code. Doug Hrbacek was first appointed to serve on the DART Board in 2019 and was reappointed in 2021. This is a shared appointment with the City of Irving who is also recommending the reappointment of Mr. Hrbacek.

STAFF RECOMMENDATION

Staff recommends Council approve the attached resolution to reappoint Doug Hrbacek to the DART Board of Directors for a 2-year term.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF CITY OF CARROLLTON, TEXAS,
APPOINTMENT A MEMBER TO SERVE ON THE DALLAS AREA RAPID TRANSIT
(DART) BOARD OF DIRECTORS; AND PROVIDING AN EFFECTIVE DATE.**

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

SECTION 1

Doug Hrbacek is appointed to serve on the DART Board of Directors at the pleasure of the City Council for a term of two years.

SECTION 2

This resolution shall take effect July 1, 2023.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, TX this 20th day of June, 2023.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

APPROVED AS TO FORM:

Chloe Sawatzky, City Secretary

Meredith A. Ladd, City Attorney



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

Agenda Date:

Version: 1

Status: Public Forum

In Control: City Council

File Type: Public Forum

Agenda Number: 23.

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.