

City of Carrollton

1945 E. Jackson Road
Carrollton, TX 75006



REGULAR WORKSESSION & MEETING

Tuesday, November 21, 2023

5:45 PM

CITY HALL, 2nd Floor

City Council

Mayor Steve Babick
Mayor Pro Tem Nancy S. Cline
Deputy Mayor Pro Tem H.A. "Rusty" Pendleton
Councilmember Christopher Axberg
Councilmember Jason Carpenter
Councilmember Richard Fleming
Councilmember Andrew Palacios
Councilmember Daisy Palomo

*****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 **The Utility Fund, Water And Wastewater Rates.**
5. Discuss **February Through June 2023 Council Meeting Dates.**
6. **Mayor And Council Reports And Information Sharing.**

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

INVOCATION - Mayor Pro Tem Nancy Cline

PLEDGE OF ALLEGIANCE - Councilmember Daisy Palomo

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.

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

- *8. Consider Approval Of The October 10, 2023 Regular Meeting Minutes.**
- *9. Consider Approval Of The October 24, 2023 Regular Meeting Minutes.**
- *10. Consider Approval Of The November 7, 2023 Regular Meeting Minutes.**

BIDS & PURCHASES

- *11. Consider Approval Of RFP #24-003 For City Hall Pond Dredge Project #2 For The Parks Department From HK Dredging LLC In An Amount Not To Exceed \$113,132.25.**
- *12. Consider Approval Of The Purchase Of Sand Filters From Sunbelt Pools Through An Inter-Local Agreement With BuyBoard In An Amount Not To Exceed \$194,547.10.**

- *13.** Consider Award Of RFP #23-042 For The 90/10 Matching Grant Sidewalk Replacement Program To Talbert Companies, LLC As The Primary Vendor And To B&E Concrete Paving, LLC As The Secondary Vendor In An Amount Not To Exceed \$300,000.00 Annually, For A Total Three-Year Contract Amount Not To Exceed \$900,000.00.
- *14.** Consider Approval Of RFQ #23-027 For A Vision Planning Facilitator For The City From Gensler, In An Amount Not To Exceed \$142,500.00.

CONTRACTS & AGREEMENTS

- *15.** Consider Authorizing The City Manager To Enter Into An Agreement With MHC Software Services Through A Cooperative Purchasing Agreement With SHI Government Solutions In An Amount Not To Exceed \$41,250 For The First Year, And A Five Year Total Contract Amount Not To Exceed \$179,260.

ORDINANCES

- *16.** Consider An Ordinance Amending Chapter 31, The Comprehensive Fee Schedule.
- *17.** Consider An Ordinance Amending The Operating Budgets And Capital Budgets For Fiscal Year October 1, 2023, Through September 30, 2024.

RESOLUTIONS

- *18.** Consider A Resolution Declaring The Necessity To Acquire Certain Real Properties For Right-Of-Way And Drainage Easements For The Carrollton Heights NOTICE Reconstruction Project; Determining The Public Use And Necessity For Such Acquisition; Authorizing The Acquisition Of Property Rights Necessary For Said Project; Appointing An Appraiser And Negotiator As Necessary; Authorizing The City Manager Of The City Of Carrollton, Texas To Establish Just Compensation For The Property Rights To Be Acquired; Authorizing The City Manager To Take All Steps Necessary To Acquire The Needed Property Rights In Compliance With All Applicable Laws And Resolutions; And Authorizing The City Attorney To Institute Condemnation Proceedings To Acquire The Property If Purchase Negotiations Are Not Successful.
- *19.** Consider A Resolution Casting Its Vote For A Member Of The Board Of Directors For The Collin Central Appraisal District.
- *20.** Consider A Resolution Casting Its Vote For Michael Hurtt To Be The Fourth Member Of The Board Of Directors For The Dallas Central Appraisal District.

- *21.** Consider A Resolution Casting Its Vote For Roy Atwood To Be A Member Of The Board Of Directors For The Denton Central Appraisal District.
- *22.** Consider A Resolution Supporting A Municipal Setting Designation For Property Located At 2710, 2784, 2783, 2807 Valwood Parkway And 14055, 14065 And 14067 Dennis Lane In The City Of Farmers Branch.
- *23.** Consider A Resolution Authorizing The City Manager To Enter Into An Agreement With Dallas Area Rapid Transit (DART) To Sell An Approximately 42,216 Square Feet Parcel Of City-Owned Land To DART, Which Is Part Of A Tract Of Land Located At 2415 Country Club Drive, And Authorizing The City Manager To Take All Actions Necessary To Effectuate The Intent Of This Resolution.
- *24.** Consider A Resolution In Support Of Dallas Area Rapid Transit (DART) Resolution No. 230038 Related To Right-Of-Way Requirements For The Silver Line Project; Providing For Authorization To Exercise Eminent Domain To Acquire Right-Of-Way Within The Carrollton Corporate Limits.
- *25.** Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Agreement With Denton County For The Reconstruction Of Hebron Parkway Between Hamilton Drive And Sam Rayburn Tollway (SH 121) In An Amount Not To Exceed \$4,350,000.00.
- *26.** Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Agreement With Denton County For The Repair Of The Eastbound Frankford Road Bridge At Furneaux Creek, West of Josey Lane, In An Amount Not To Exceed \$255,000.00.
- *27.** Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Agreement With Denton County For The Reconstruction Of Frankford Road Between Commodore Drive and Eisenhower Street In An Amount Not To Exceed \$1,500,000.00.
- *28.** Consider A Resolution Of The City Council Of The City Of Carrollton, Texas, Finding That Coserv Gas, LTD.'S Statement Of Intent To Increase Rates Within The City Should Be Denied; Finding That The City's Reasonable Rate Case Expenses Shall Be Reimbursed By The Company; Finding That The Meeting At Which This Resolution Is Passed Is Open To The Public As Required By Law; And Requiring Notice Of This Resolution To The Company And The City's Legal Counsel.

PUBLIC FORUM

29. **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 17th day of November 2023 at 12:00pm.

Chloe Sawatzky

Chloe Sawatzky, City Secretary

This building is wheelchair accessible. For accommodations or sign interpretive services, please contact City Secretary's Office at least 72 hours in advance at 972-466-3001. 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.



Agenda Memo

File Number: 6427

Agenda Date: 11/21/2023

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 4.

CC MEETING: November 21, 2023

DATE: November 13, 2023

TO: Erin Rinehart, City Manager

FROM: Diana Vaughn, Chief Financial Officer

Discuss **The Utility Fund, Water And Wastewater Rates.**

BACKGROUND:

The City's Utility fund generates funding to pay utility operating, capital and debt service expenses via user fees. The City had adopted a financial policy that requires the utility fund to maintain cash reserve balances equal to or greater than 90 days of expenditures. Due to the seasonality of significant water sales occurring in the final (July-September) quarter of fiscal year, the City waits until after the fiscal year ends to determine the amount of rate increase required in the next fiscal year. Staff provided an overview to the Audit, Finance, and Governance Committee on November 6. A work session will be held to discuss the Utility Fund's financial needs.



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6440

Agenda Date: 11/21/2023

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 5.

CC MEETING: November 21, 2023

DATE: November 16, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary
Chrystal Davis, Assistant City Manager

Discuss **February Through June 2024 Council Meeting Dates.**

February

2024

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|-----------------------|-----------|----------|--------|----------|
| | | | | 1 | 2 | 3 |
| 4 | 5 | 6 Council Meeting | 7 | 8 | 9 | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 Council Meeting | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | | |
| | | | | | | |

March

2024

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------------|---|-----------------------|-----------|----------|--------|----------|
| | | | | | 1 | 2 |
| 3 | 4 | 5 Council Meeting | 6 | 7 | 8 | 9 |
| 10 | 11 Spring Break CFBISD, LISD, DISD | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 Council Meeting | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 Easter | | | | | | |

April

2024

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|---------------------------|-------------------------|-----------|----------|--------|----------|
| | 1 | 2 Council Meeting | 3 | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 Council Meeting | 17 | 18 | 19 | 20 |
| 21 | 22 Early Voting Starts | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 Early Voting Ends | | | | |
| | | | | | | |

May

2024

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|-----------------------|-----------|--|----------------------------------|-------------------|
| | | | 1 | 2 | 3 | 4 Election Day |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 Council Meeting | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 CFBISD + LISD Last Day of School | 24 DISD Last Day of School | 25 |
| 26 | 27 | 28 Council Meeting | 29 | 30 | 31 | |
| | | | | | | |

June

2024

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|------------------------------------|--|-----------|----------|--------|------------------------------|
| | | | | | | 1 |
| 2 | 3 Runoff Early Voting Starts | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 Council Meeting Runoff Early Voting Ends | 12 | 13 | 14 | 15 Runoff Election Day |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 Council Meeting | 26 | 27 | 28 | 29 |
| 30 | | | | | | |



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: 6.

Mayor And Council Reports And Information Sharing.



Agenda Memo

Agenda Date:

Version: 1

Status: Public Forum

In Control: City Council

File Type: Public Forum

Agenda Number: 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.

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City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo File Number: 6433

Agenda Date: 11/21/2023

Version: 2

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: *8.

CC MEETING: November 21, 2023

DATE: November 15, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Consider **Approval Of The October 10, 2023 Regular Meeting Minutes.**

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
OCTOBER 10, 2023**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, October 10, 2023 at 5:45 p.m. with the following members present: Mayor Steve Babick, Mayor Pro Tem Nancy Cline, Deputy Mayor Pro Tem H.A. “Rusty” Pendleton, Councilmembers Christopher Axberg, Jason Carpenter, Richard Fleming, and Daisy Palomo. 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 at the conclusion of the Regular Agenda Items.

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

- 2.** Council convened into Executive Session at 8:10 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 551.074** to discuss Personnel Matters.
 - Boards & Commissions
- 3.** Council reconvened in Open Session at 9:18 p.m. to consider action, if any, on matters discussed in the Executive Session. No action taken.

*****WORKSESSION*****

4. Receive Update On Solid Waste Services.

Administrative Services Director Laurie Wilson presented this item. She reviewed that the City of Carrollton first outsourced residential solid waste services to a private sector provider in 2003 as a result of the managed competition process. Allied Waste (subsequently acquired by Republic Services) was awarded the contract at that time. After an RFP process in 2010, the City awarded the contract to Waste Management and renewed it with Waste Management again in 2015. In 2018, Waste Management sold the Carrollton contract to Republic Services and it renewed in 2020. This contract with Republic will end September 30, 2025.

Ms. Wilson advised that Republic manages solid waste services for City facilities, apartments, and all other residential homes. In comparison to other communities, Carrollton has an extremely high level

of service. The City offers weekly collection of trash, unlimited bulk, and unlimited brush. Recycling is offered every other week and customers can request an additional recycling cart free of charge. Other contract parameters were reviewed.

Ms. Wilson advised that Carrollton’s contract with Republic has been successful due to communication, contract parameters, no COVID lapse in service, automated side-loaders, recycling participation, and low contamination rates. Recycling education sessions and marketing materials have contributed to a successful program. Ms. Wilson added that she recently attended a conference that included a session with Republic Services and she reviewed the industry trends presented.

Ms. Wilson added that in order to meet customer service standards, Carrollton has insourced the customer service element to the Resolution Center, the city’s call center. This allows the city to regularly monitor any service discrepancies and ensure timely correction of errors. Additionally, the city has penalties built into the contract for service lapses. If a collection is missed, a property is left dirty, carts are broken, etc., the hauler is fined accordingly. The calls to the Resolution Center help the city with accurate tracking and have the ability to bill the hauler for errors. Service level statistics regarding average monthly tonnage of trash, bulk/brush and recycling as well as missed collection rate, number of carts exchanged, left damaged or dirty are tracked.

Mayor Babick inquired about assistance for residents unable to put their carts out. Ms. Wilson advised that those individuals could contact Republic Services and they will assist with special collections.

Regarding item 22 on the Consent Agenda, Mayor Babick introduced Roy Atwood, Chair of the Denton Central Appraisal District Board. He provided a brief overview of the growth and success of the DCAD, adding that the District is in need of additional personnel.

5. Mayor And Council Reports And Information Sharing.

Mayor Babick adjourned the Worksession at 6:53 p.m. (Brief recess followed.)

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

Mayor Babick called the Regular meeting to order at 7:03 p.m.

INVOCATION – Deputy Mayor Pro Tem Rusty Pendleton

PLEDGE OF ALLEGIANCE – Boy Scouts were present to lead the Pledge of Allegiance and the Pledge to the Texas Flag.

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.

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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.

Mayor Babick opened the floor for public comment with no speakers. The public comment period was closed.

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 advised that Item No. 17 is being pulled from the Consent Agenda for separate consideration.

Mayor Pro Tem Cline moved to approve Consent Agenda Items 7-16, and 18-22, as stipulated in 21 and 22; second by Councilmember Palacios. The motion was approved with a unanimous 7-0 vote.

BIDS & PURCHASES

***7. Consider Ratification Of Repairs By Multiple Vendors To Four Water Distribution Pump Motors In An Amount Not To Exceed \$73,732.00.**

***8. Consider Ratification Of Repairs By Multiple Vendors To Three Water Distribution Pump Station Pumps In An Amount Not To Exceed \$119,579.78.**

***9. Consider Ratification Of Electrical Repairs By Multiple Vendors To Three Water Distribution Pumps In An Amount Not To Exceed \$88,495.00.**

***10. Consider Approval Of The Purchase Of One (1) Pierce Commercial Freightliner M2-106 Pumper Truck From Siddons Martin Emergency Group Through An Interlocal Agreement With The HGAC Purchasing Cooperative In An Amount Not To Exceed \$480,230.00.**

***11. Consider Approval Of The Purchase Of Four (4) Chevrolet Bolts From Lake Country Chevrolet Through A Cooperative Purchasing Agreement With The TIPS Purchasing Cooperative In An Amount Not To Exceed \$123,968.54.**

***12. Consider Approval Of RFP #23-034 For Plumbing Services For the Facility Services Department From Various Vendors In An Amount Not To Exceed \$300,000.00 For An Initial Two-Year Term, For A Total Six-Year Contract Amount Not To Exceed \$900,000.00.**

***13. Consider Approval Of The Purchase Of Four (4) Stryker MTS Patient Power-LOAD Systems, Four (4) Stryker Power-Pro 2 Patient Transport Cots, One (1) MX-Pro Bariatric Transport Patient Cot, Six (6) Stryker Stair-Pro Transport Chairs And Associated Installation**

Equipment For Carrollton Fire Rescue From Stryker Medical Corporation In An Amount To Not Exceed \$388,000.00.

***14. Consider Approval Of The Purchase Of One Ford F-250 Pickup Truck From Silsbee Ford Through An Interlocal Agreement With The TIPS Purchasing Cooperative In An Amount Not To Exceed \$75,836.80.**

CONTRACTS & AGREEMENTS

***15. Consider Authorizing The City Manager To Convey An Approximately 1.45 Acre Tract of Land In The William C. Cantwell Survey, Abstract 290 In Denton County, Texas, Being A Part Of Lot 1, Block 1 Of The Indian Creek Ranch Golf Course Addition - Phase 1 To Return The Property Previously Donated By Moon Golf Properties, Ltd.**

ORDINANCES

***16. Consider An Ordinance Designating The Number Of Positions In Each Classification Of Firefighters In The Carrollton Fire Department.**

RESOLUTIONS

***18. Consider A Resolution Adopting The Debt Management Policy.**

***19. Consider A Resolution Authorizing The City Manager To Enter Into A Community Development Block Grant Funding Subrecipient Agreement With Metrocrest Services, In An Amount Not To Exceed \$105,000.00.**

***20. Consider A Resolution Authorizing The City Manager To Enter Into A Contract With PFM Financial Advisors LLC, To Provide Municipal Advisory Services For A Period Of Five Years With A Two-Year Renewal Option, In An Amount Not To Exceed \$120,000.00 Annually For A Total Contract Amount Not To Exceed \$840,000.00.**

***21. Consider A Resolution Nominating A Candidate To Be A Member Of The Board Of Directors For The Dallas Central Appraisal District.**

***22. Consider A Resolution Nominating A Candidate To Be A Member Of The Board Of Directors For The Denton Central Appraisal District.**

PULLED FOR INDIVIDUAL CONSIDERATION

***17. Consider An Ordinance Amending The Carrollton Code Of Ordinances, Title VII, Chapter 70 “General Provisions,” Section 70.53 “Authority To Direct Traffic And Remove Vehicles”, Subsection (D), To Revise The Existing Language To Allow Public Safety Officers To Tow Vehicles From The Roadway.**

Following the vote on the remaining Consent Agenda items, Mayor Babick opened the floor for discussion or motions on Item 17.

Councilmember Fleming read the existing ordinance text and inquired what is being amended by this agenda item. Police Chief Arrendondo explained that he wants to specifically add towing authority to Public Safety Officers, at the Chief's discretion, in order to allow the Certified Officer to be free to answer other calls. He added that some no insurance violations, at the officer's discretion, would be towed though not in all instances. Councilmember Fleming expressed his concern over vehicle towing for no insurance violations. Mayor Babick explained that is not the issue under consideration for this agenda item, only whether to allow a non-certified Public Safety Officer the authority to handle towing responsibilities and relieve the Certified Officer who made the traffic stop to move on to other calls.

Mayor Pro Tem Cline moved to approve Consent Agenda Item No 17; second by Councilmember Axberg. The motion was approved with a 6-1 vote. Councilmember Fleming voted in opposition.

PUBLIC HEARING – INDIVIDUAL CONSIDERATION

23. Hold A Public Hearing And Consider An Ordinance Amending The Zoning On An Approximately 20-Acre Tract Zoned To The (SF-8.4/16) Single-Family Residential District And Located At 1709 East Belt Line Road And At The Northeast Corner Of Warner Street And East Belt Line Road, To Establish A Planned Development District To Allow For A Lighted Athletic Field, To Add Conceptual Plans And To Establish Development Standards; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2023-074 DeWitt Perry Middle School Lighted Athletic Field.

Loren Shapiro, Planning Manager, briefed the Council on the details of this zoning request. He advised this request is similar to others recently requested by the School District and approved by Council. He advised that the request is solely for the purpose of adding lighting to the football field, however this being in a single-family district, lighting is not allowed and a PD is required. He added that like the previous lighting requests from the school district, the poles are 70 feet in height and meet the city's lighting and glare regulations. Practices at the fields will end by 9 p.m.

Mayor Babick opened the public hearing. He advised that no request to speak cards were submitted. One public comment card in favor was received for this project from Octagon Properties LLP, Andy Olivo, 1622 E. Beltline Rd.

Bobby Shaw, Director of Facility Services for the Carrollton Farmers Branch School District, was present to answer questions. No questions were posed by Council.

With no one wishing to speak, Mayor Babick closed the public hearing.

Mayor Pro Tem Cline inquired about the site photo that appears to have other buildings on the property. Mr. Shaw responded that the photo was taken previously and those portable buildings are no longer on the property. Additionally, he stated that the orientation of the football field was repositioned since the photo was taken.

Mayor Pro Tem Cline moved approval of Item 23; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote.

24. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Establish A Special Use Permit To Allow A Short-Term Rental On An Approximately 10,000 Square-Foot

Lot Zoned PD-50 For The (SF-8.4/16) Single-Family Residential District And Located At 2109 Marin At The Northeast Corner Of Marin And Kelly Boulevard; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-077 2109 Marin Short-Term Rental.

Loren Shapiro provided an overview of this request. He advised the Special Use Permit request is for a short-term rental in a residential district. He presented a site plan, a floor plan of the home's interior, and a location map.

Mr. Shapiro stated that on September 7, 2023, the Planning and Zoning Commission recommended denial of the request. The applicant submitted a written request to appeal the Commission's decision with the City Council. A three-fourths (3/4) affirmative vote by all members of the City Council is required to overrule the Commission's recommendation of denial. In response to Councilmember Axberg's question, Mr. Shapiro advised that the request not meeting the zoning criteria is the only reason the P&Z recommended denial.

Mr. Shapiro advised that several comment cards were received citing health, safety, and welfare. Staff is recommending denial of the SUP request; however, if the City Council approves the SUP the attached ordinance provides staff's recommended stipulations for City Council consideration.

The owner and applicant, Phuong Dinh, 2608 Timberline Dr., Flower Mound, provided an overview of the project. She advised that she lives in Flower Mound and will not reside at this property. This home will be for short-term rental only. She expressed that short-term rentals are often more desirable for traveling families. She stated she has experience managing investment property. The property will be registered with Air B&B and the taxes to the city will be paid by them. Ms. Dinh stated that no on-street parking will be allowed, noting that two garage parking spaces and two driveway spaces are available. A maximum of 6 or 7 people will be allowed to stay on-site. Ms. Dinh addressed some of the concerns voiced by other residents in the area.

Mayor Babick inquired if the bedrooms are keyed separately from the rest of the house. Ms. Dinh replied yes, they are keyed separately. He also inquired whether the bedroom located off the foyer had an exterior entrance door; applicant replied that it does not.

Mayor Babick opened the public hearing. He read the names of individuals who submitted cards or emails in opposition but who did not wish to speak. Those included:

Rita Coleman, 2130 Hunters Ridge
Tom Coleman, 2130 Hunters Ridge
Robert Rizzo (spoke later); 2106 Marin
Cathy Springs (spoke later); 2106 Marin
Percy and Susan Pool, 2127 Hunters Ridge
Andrew Boyles, 2104 Marin
Kylen Boyles, 2104 Marin
Jim Faber, 2126 Hunters Ridge
Cinda Trochesset, 2107 Marin

The following speakers provided comments and concerns regarding this project.

Cathy Springs, 2106 Marin: spoke in opposition, spoke of busy street and no fence on the property, concerned with criminal activity.

Francis Fu, 2103 Marin: spoke in opposition, concerned that people won't park in driveway because of alley access.

Robert Rizzo, 2106 Marin: spoke in opposition, concerned with child safety in the area, also stated that a business like this will not blend with the community.

Gaye McFarland, 2105 Marin: spoke in opposition, concerned with alley traffic and parking, not a family friendly area and not a tourist area; also concerned with property values.

Jeff Nesrsta 2125 Hunters Ridge: spoke in opposition, concerned with owners not present and not able to control the number of people on-site, possible parties; described issues Plano has had with similar rentals; described current neighborhood environment.

Walter Salcedo, 1604 Camero Dr.: spoke in favor; stated for some families this is a safer, more affordable option.

Mayor Babick closed the public hearing.

Deputy Mayor Pro Tem Pendleton stated that he drove to the property and observed the parking area. He stated that people would likely park on the street instead of the rear parking. Due to the traffic, he advised he will vote against approval.

Councilmember Carpenter stated that the SUP process is important to determine appropriate use. Since this property is close to a school, he advised he will vote against approval.

Mayor Babick reminded Council that because the Planning and Zoning Commission recommended denial, it will take a super-majority vote (6 of 7) to approve the request.

Councilmember Axberg moved to deny Item No. 24; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a 6-1 vote. Councilmember Fleming voted in opposition of the motion to deny.

PUBLIC FORUM

- 25. 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.

Adam Polter, 4180 Creekhollow Dr.: requested Council focus on cultural awareness due to Carrolton being a diverse community; requested other faiths be invited to offer an invocation.

Matt Millican, 2945 Scott Mill Rd.: requested consideration on a retaining wall repair on his property that adjoins some city property.

Richard Johnson, (no card submitted): requested consideration for putting restroom facilities at Branch Hollow Park.

Mayor Babick requested a moment of silence for former Councilmember David Oldfield who recently passed away.

There being no other speakers, Mayor Babick closed the Public Forum.

The Regular Meeting was adjourned at 8:07 p.m. Mayor Babick convened the Executive Session at 8:10 p.m.

ADJOURNMENT - Mayor Babick adjourned the meeting at 9:18 p.m.

ATTEST:

Chloe Sawatzky, City Secretary

Steve Babick, Mayor



City of Carrollton

1945 E. Jackson Rd
Carrollton TX 75006

Agenda Memo

File Number: 6434

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: *9.

CC MEETING: November 21, 2023

DATE: November 15, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Consider **Approval Of The October 24, 2023 Regular Meeting Minutes.**

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
OCTOBER 24, 2023**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, October 24, 2023 at 5:15 p.m. with the following members present: Mayor Steve Babick, Mayor Pro Tem Nancy Cline, Deputy Mayor Pro Tem H.A. “Rusty” Pendleton, Councilmembers Christopher Axberg, Jason Carpenter, Richard Fleming, and Daisy Palomo. Also present were City Manager Erin Rinehart, Assistant City Managers Marc Guy and Chrystal Davis, City Attorney Meredith Ladd and City Secretary Chloe Sawatzky.

5:15 P.M. – COUNCIL BRIEFING ROOM

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

Mayor Babick called the meeting to order at 5:15 p.m.

The Executive Session was convened prior to Item. 1.

1. Receive information and discuss Agenda.

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

2. Council convened into Executive Session at 5:15 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 551.074** to discuss Personne Matters
 - Boards and Commissions Interviews and Appointments
3. Council reconvened in Open Session at 5:55p.m. to consider action, if any, on matters discussed in the Executive Session. No action taken.

*****WORKSESSION*****

4. Receive Briefing on Lewisville Schools Bond Election.

Dr. Lori Rapp with the Lewisville Independent School District (LISD) provided an overview of the upcoming bond election. She advised it includes Propositions A – G and noted that input from the community was obtained by a task force who attended meetings and tours to determine the needs of the schools. It was noted that the last bond election was in 2017 and those projects are near completion.

Dr. Rapp explained the state funding received by LISD and stated that with the approval of the bond propositions and the tax rate changes, the proposed tax rate including the increased homestead exemption, would be 10.6 cents less than in 2023. The ballot language was explained. Further information is available on the LISD website. Discussion followed regarding the school district’s population, which is approximately 48,000 students.

5. Receive An Informational Update From The Master Developer (Integral Group LLC) Regarding The Trinity Mills Station Project.

Ravi Shah, Director of Development Services, advised that Phase I of the Trinity Mills Station project is underway and introduced Adetayo Sanusi with Integral Group who provided an update. Mr. Sanusi reviewed that this is a multi-phase project. He stated that Phase I is a mixed use development with multi-family and retail. He advised that in March 2025 the parking garage and some of the apartments will be available and by November 2025, Phase I should be completed. Mr. Sanusi provided site photos reflecting current progress at the site and a Master Plan depiction.

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

Cory Heiple, Environmental Services Director, advised this is Part 2 of a Council work session discussion on proposed amendments to Chapter 92. The previous discussion was on June 20, 2023 and Council requested additional information. He reviewed that revisions are being proposed to address resident complaints, in particular regarding neighborhood parking and holiday decorations timing.

Mr. Heiple reviewed the following proposed changes:

- Removed: Restriction regarding 2 a.m. – 8 a.m. parking- Unenforceable on public streets.
- New: No parking trailers longer than two (2) hours, generally – Consistent with Sec. 72.09.
- New: Cannot obstruct bulk waste, trash bins – Beneficial for trash services.

Complaint basis only:

- Moved: Effective consent for parking within 3” of driveway – Currently in Section 72.06(B).
- New: Effective consent 7’ of mailbox 8 a.m. – 5 p.m. – Time and distance consideration.

Example photos were provided. Mr. Heiple provided parking complaint data assembled by Code Enforcement staff.

Mr. Heiple provided benchmarking information regarding mailbox parking; Lewisville was the only city prohibiting between 9 a.m. and 5 p.m. and within 10 feet. Similar data was collected for driveway impediment parking; Coppell and Farmers Branch both restrict it in some way.

Regarding, holiday decorations, Mr. Heiple provided the following definition:

“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.”

Mr. Heiple noted that there are 229 holidays included in a calendar year. Sample photos of yard ornamentation were provided. Currently these are responded to on a complaint basis and that data was reviewed. Benchmarking information for surrounding cities regarding decorations was provided.

Mr. Heiple reviewed the previous work session recommendations for holidays' inclusive dates for decorations. He offered revised options as follows:

- Option 1- Halloween – 30 days before and after
- Option 2- Thanksgiving – 45 days before, 15 days after
- Option 3 - Christmas – No more than 60 consecutive days
- Option 4 – Electrical Code (90 days total)
- Option 5 – No enforcement (current)

Mayor Babick reviewed that any of the situations discussed are complaint based. Several Council members presented possible scenarios for holiday decorations asking how each would be addressed. Following discussion, Council consensus was to select Option 1 to allow holiday decorations 30 days before and 30 days after all holidays.

Discussion followed with clarifications regarding what defines a “trailer”. Councilmember Carpenter voiced concerns about restricting people from parking on the street in a location that impedes access to residential mailboxes. Councilmember Axberg spoke in favor of the city having the ability to address blocked mailboxes. Council consensus was to direct staff to proceed with the recommendations presented regarding parking.

7. Receive A Briefing On Proposed Amendments To The Sign Code Related To The (TC) Transit Center Zoning District.

Ravi Shah, Director of Development Services, advised that amendments to the Sign Code are intended to improve the quality of signs allowed, in particular for the Transit Center Zoning District, and to streamline the permitting process. Mr. Shah introduced Ed Green, Plan Review Manager, who processes sign permits for the city.

Mr. Green provided an overview of proposed changes as follows:

- Pan Signs- to be prohibited as wall signs, except on warehouse and industrial buildings.
- Vertical Projecting Signs- to be permitted on buildings one-story and greater in height. 20% of the sign can project above the top of the roof of one-story buildings; sign height and square footage of sign dependent on the number of stories.
- Projecting Signs- may be constructed as a pan or drum.
- Rooftop Signs- to be permitted in front of pitches architectural metal roofs, cantilevered roofs and attached canopies on buildings one-story or greater in height; height and square footage dependent on number of stories.
- Exposed Bulb Signs- to be permitted; language cleanup to encourage Neon Signs; internally illuminated molded cabinet signs to be permitted.

Mr. Green also reviewed proposed revisions to Window Signs and Multi-Story Office Building Signs. He advised the sign code proposed changes will be presented for Council consideration on November 7, 2023.

Mayor Babick adjourned the Work Session following Item 7 to convene the Regular Meeting.

At the conclusion of the Regular Meeting the Work Session was reconvened.

8. Mayor And Council Reports And Information Sharing.

Council reviewed their recent activities and upcoming events.

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

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

INVOCATION – Councilmember Richard Fleming

PLEDGE OF ALLEGIANCE – Councilmember Jason Carpenter

PRESENTATIONS

9. **Receive A Presentation From Carrollton Students Of The Farmers Branch Chamber Of Commerce Workforce Success Bootcamp.**
10. **Present A Proclamation Recognition The Dallas Area Rapid Transit’s 40th Anniversary.**
11. **Recognize Community Groups For Exemplifying Council’s Vision.**

PUBLIC COMMENT

12. **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.

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

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.)*

Councilmember Fleming requested Item 26 be pulled from the Consent Agenda for separate discussion.

Mayor Pro Tem Cline moved to approve Consent Agenda Items 13-25 (as stipulated) and 27-28; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote.

MINUTES

- *13. Consider Approval Of The July 21 & 22 Strategic Retreat Minutes.**
- *14. Consider Approval Of The July 25, 2023 Regular Meeting Minutes.**
- *15. Consider Approval Of The August 1, 2023 Regular Meeting Minutes.**

BIDS & PURCHASES

- *16. Consider Approval Of RFP #23-039 For HVAC Services For The Facility Services Department From CMS Mechanical Services, Inc. As The Primary Vendor And From McCloskey Mechanical Contractors, Inc. As The Secondary Vendor In An Amount Not To Exceed \$100,000.00 Annually, For A Total Three-Year Contract Amount Not To Exceed \$300,000.00.**
- *17. Consider Approval Of RFP #23-037 For Diamond Tip Sawblades From Arco Contracts Supply Company For The Public Works Department In An Amount Not To Exceed \$23,913.00 Annually, For A Total Three-Year Contract Amount Not To Exceed \$71,739.00.**

RESOLUTIONS

- *18. Consider A Resolution Authorizing The City Manager To Negotiate And Execute An Economic Development Incentive Agreement With Josey Trinity Mills, Ltd. For The Renovation Of 2630 North Josey Lane, Suites 121, 120 and 114 Of The Trinity Valley Shopping Center, In An Amount Not To Exceed \$52,260.00.**
- *19. Consider A Resolution Appointing Members To Serve On The Capital Improvements Plan Advisory Committee And Naming A Chair.**
- *20. Consider A Resolution Ratifying Members To Serve On The Civil Service Commission And Naming A Chair.**
- *21. Consider A Resolution Appointing Members To Serve On The Library Board And Naming A Chair.**
- *22. Consider A Resolution Appointing Members To Serve On The Museum And Historic Advisory Committee And Naming A Chair.**
- *23. Consider A Resolution Appointing Members To Serve On The Neighborhood Advisory Commission And Naming A Chair.**
- *24. Consider A Resolution Appointing Members To Serve On The Parks And Recreation Board And Naming A Chair.**
- *25. Consider A Resolution Appointing Members To Serve On The Planning And Zoning Commission And Naming A Chair.**

- *26. Consider A Resolution Appointing Members To Serve On Property Standards Board And Naming A Chair.**

Item 26 was pulled from Consent for separate consideration.

Councilmember Palacios moved to approve Consent Agenda Item 26 (as stipulated); second by Deputy Mayor Pro Tem Pendleton.

Councilmember Fleming inquired regarding the process for considering applicants for the Boards, and in particular the Property Standards Board. He asked whether any form of matrix is used to help evaluate and ensure diversity in the appointment process. Mayor Babick responded that Council reviewed the applications at the last meeting with Council members making recommendations regarding the Planning and Zoning Commission and the Property Standards Board to fill vacancies. Three of those candidates were interviewed tonight. Council members agreed to the placement of permanent members of this Board by consensus. He advised that Alternates are selected by the same process and if a vacancy occurs during the year, an Alternate can be seated at the next City Council meeting. Mayor Babick added that the process has been consistent since he was elected to Council in 2019. In response to Councilmember Fleming's inquiry as to whether there is a matrix used to ensure diversity on the Boards, Mayor Babick advised there is not, adding that each Council member must use their own criteria to consider the applications submitted by candidates.

The motion was approved with a 6-1 vote. Councilmember Fleming voted in opposition.

- *27. Consider A Resolution Appointing Members To Serve On The Traffic Advisory Committee And Naming A Chair.**
- *28. Consider A Resolution Appointing Members To Serve On The Tax Increment Reinvestment Zone No. 1 Board And Naming A Chair.**

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: Spoke in favor of composting services for the city as available from Republic Services. She also advised that the city no longer holds the Tree City USA status. She requested confirmation of both programs.

Bob and Maryann Peterson: Ms. Peterson spoke of a dog attack at 1511 Estates Way whereby she was injured and their dog was killed. She advised the dog was euthanized and the residents evicted. She advised more needs to be done regarding this circumstance. Mr. Peterson read a list of questions regarding the resident at that address. Ms. Peterson advised this is a follow up to email sent previously to Council.

At the conclusion of the Regular Meeting, Mayor Babick continued with the Work Session Item 8.

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: 6442

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: *10.

CC MEETING: November 21, 2023

DATE: November 16, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary

Consider **Approval Of The November 7, 2023 Regular Meeting Minutes.**

**CARROLLTON CITY COUNCIL
REGULAR MEETING AND WORKSESSION
NOVEMBER 7, 2023**

The City Council of the City of Carrollton, Texas convened in a Regular Meeting and Worksession on Tuesday, November 7, 2023 at 5:45 p.m. with the following members present: Mayor Steve Babick, Mayor Pro Tem Nancy Cline, Deputy Mayor Pro Tem H.A. “Rusty” Pendleton, Councilmembers Christopher Axberg, Jason Carpenter, Richard Fleming, and Daisy Palomo. 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.

The Executive Session was convened prior to Item. 1.

1. Receive information and discuss Agenda.

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

2. Council convened into Executive Session at 5:45 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 6:27 p.m. to consider action, if any, on matters discussed in the Executive Session. No action taken.

Following the conclusion of the Executive Session Mayor Babick addressed Agenda Item 1, then proceeded with the remainder of Worksession items below.

*****WORKSESSION*****

4. Receive Update On Employee Health Plan.

Samantha Dean, Workforce Services Director, briefed the Council regarding the health related benefits provided by the City to its employees. Two in particular, Cigna and Care ATC were discussed. Account managers for both were present.

Ms. Dean advised that the City started with Cigna in 2017 and are in contract with them until 2025. She advised that for 2024 the out of pocket maximum is lower and the specialist copay is lower. Additionally, supplemental insurance options are being provided as well as two (2) network options. Rates were provided.

Ms. Dean explained that Care ATC is an employer sponsored clinic that the City entered into a five-year contract with this year. Benefits include a full-time behavioral health counselor, no cost telemedicine services, vaccines, Fire fighter annual physicals, over-the-counter medicines available on site, and seven (7) clinics in the area to choose from. One of these is located in Carrollton. Ms. Dean provided an overview of improvements to employee health statistics that have been documented since Care ATC has been part of the City's program.

Councilmember Axberg inquired if employee injuries are handled at the clinic. Ms. Dean responded no that there is a separate vendor for injuries.

City Manager Erin Rinehart added that by using the clinic, employees are less likely to lose time during the workday. Additionally, she noted that employees are required to complete a personal health assessment each year and as a result of this program the employees are healthier overall.

5. Mayor And Council Reports And Information Sharing.

Worksession concluded at 7:06 p.m.

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

Mayor Babick called the Regular meeting to order at 7:15 p.m.

INVOCATION – Councilmember Jason Carpenter

PLEDGE OF ALLEGIANCE – Councilmember Daisy Palomo and Scouts led the Pledges.

PUBLIC COMMENT

6. 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.

Mayor Babick opened the floor for public comment with no speakers. The public comment period was closed.

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 advised that Items 15 and 21 are being pulled from the Consent Agenda for separate consideration.

Mayor Pro Tem Cline moved to approve Consent Agenda Items 7-14 and Items 16 - 20; second by Councilmember Palomo. The motion was approved with a unanimous 7-0 vote.

MINUTES

- *7. Consider Approval Of The August 15, 2023 Regular Meeting Minutes.
- *8. Consider Approval Of The September 12, 2023 Regular Meeting Minutes.
- *9. Consider Approval Of The September 26, 2023 Regular Meeting Minutes.

BIDS & PURCHASES

- *10. Consider Award Of RFP #24-002 For Concrete Base Failure Repairs To B & E Concrete Paving LLC In An Amount Not To Exceed \$1,000,000.00.
- *11. Consider Approval Of The Replacement Of The Resin Flooring In The Rosemeade Recreation Center Showers And Restrooms By Business Flooring Specialist, Inc. Through An Interlocal Agreement With The BuyBoard Purchasing Cooperative In An Amount Not To Exceed \$89,336.00.
- *12. Consider Approval Of The Purchase Of Three Chevrolet Blazers From Lake Country Chevrolet Through An Interlocal Agreement With The TIPS Purchasing Cooperative In An Amount Not To Exceed \$116,689.00.
- *13. Consider Approval Of The Purchase Of Twelve Tahoes From Lake Country Chevrolet Through An Interlocal Agreement With The TIPS Purchasing Cooperative In An Amount Not To Exceed \$937,295.55.
- *14. Consider Approval Of The Purchase Of Five Ford F-150 Trucks From Sam Pack Five Star Ford Through An Interlocal Agreement With The BuyBoard Purchasing Cooperative In An Amount Not To Exceed \$248,383.00.
- *15. Consider Rejecting All Proposals Received For RFP 23-040, Background Drug & Alcohol Testing Services.

Councilmember Axberg recused himself from the discussion of this item and stepped away from the dais. A separate vote was taken on this item.

Mayor Pro Tem Cline moved to approve Consent Agenda Item 15; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a 6-0 vote. Councilmember Axberg recused himself.

CONTRACTS & AGREEMENTS

- *16. Consider Authorizing The City Manager To Execute Change Order No. 2 With 3D Paving And Contracting, LLC For Additional Work As Part Of The Crosby Estates, Section 1 Paving and Drainage Improvements Project, In An Amount Not To Exceed \$60,400.00, Increasing The Total Project Contract To An Amount Not To Exceed \$3,929,865.37.

ORDINANCES

- *17. Consider An Ordinance Amending Section 151.54 Of The Sign Code Related To The (TC) Transit Center Zoning District.

RESOLUTIONS

- *18. Consider A Resolution Accepting The Investment Officer's Fourth Quarter And Annual Report And Investment Strategies For Fiscal Year Ending September 30, 2023.
- *19. Consider A Resolution Adopting The Investment Policy As A Fulfillment Of The Public Funds Investment Act Chapters 2256.005 and 2256.025.
- *20. Consider A Resolution Authorizing The City Manager To Negotiate And Execute Professional Services Contracts With Braun Intertec Corporation; ECS Southwest, LLP; Henley-Johnston & Associates, Inc. And Terracon Consultants, Inc. For Engineering Services For Geotechnical And Material Testing In An Aggregate Amount Not To Exceed \$1,000,000.00.
- *21. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Agreement With Dallas County MHMR (dba Metrocare Services) To Provide Mental Health Services For Carrollton Citizens And Authorize The Funding Of A Full-Time Qualified Mental Health Practitioner-Community Service Position.

This item was pulled from the Consent Agenda for separate consideration.

Councilmember Palomo moved to approve Consent Agenda Item 21; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote.

PUBLIC HEARING – INDIVIDUAL CONSIDERATION

22. Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Amend Planned Development No. 130 (PD-130) For The (LR-1) Local Retail District To Allow A 'Pet Day Care For Grooming' Use Located At 1060 West Frankford Road, Suite 103; Amending The Official Zoning Map Accordingly. Case No. PLZPD 2023-088 Dog Grooming.

Loren Shapiro, Planning Manager, advised this item is to amend an existing PD to allow for dog grooming services as a use. He provided a location map, advising the business would occupy one suite. He stated there would be no overnight stays or veterinarian services. One public comment card was received expressing concerns; others were received in support. Staff is recommending approval.

Mayor Babick asked if the applicant would like to speak.

The applicant, Hyunsook Woo, 1060 W. Frankford Rd. #103, and copartner Young Ko, 1220 W. Trinity Mills Rd. #2009, both Carrollton residents, spoke about the request.

Mayor Babick opened the public hearing. There being no speakers, the public hearing was closed.

Mayor Pro Tem Cline moved approval of Item 22; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote.

23. **Hold A Public Hearing And Consider An Ordinance Amending The Zoning To Repeal Special Use Permit No. 201 (SUP-201) At 1300 South IH-35E For Retail Automotive Sales And Indoor Accessory Auto Repair, And Special Use Permit No. 338 (SUP-338) At 1875 North IH-35E For A Used Car Dealer; Amending The Official Zoning Map Accordingly. Case No. PLSUP 2023-097 Repeal Of Two SUPs.**

Loren Shapiro, Planning Manager, advised that these SUPs are no longer in use. One was for a former auto dealer and is now an auto repair company. The second was for auto sales and repair. A location map was reviewed. No opposition from the property owners was received. Staff recommends approval.

Mayor Babick opened the public hearing. There being no speakers, the public hearing was closed.

Deputy Mayor Pro Tem Pendleton moved approval of Item 23; second by Councilmember Carpenter. The motion was approved with a unanimous 7-0 vote.

OTHER BUSINESS

24. **Consider Finding That An Imminent Public Health Situation Exists Necessitating Authorizing The City Manager To Obtain All Services Necessary To Repair Or Demolish The Structure Located at 2499 Vaquero Lane In Order To Preserve And Protect The Public Health Or Safety Of The City's Residents, An Exemption From The Requirements Set Forth In Section 252.021 Of The Texas Local Government Code.**

Mayor Pro Tem Cline moved approval of Item 24; second by Deputy Mayor Pro Tem Pendleton. The motion was approved with a unanimous 7-0 vote.

PUBLIC FORUM

25. **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.

Mayor Babick opened the public forum.

A representative from the BAPS Shri Swaminarayan Mandir spoke about an upcoming Diwali Festival, Festival of Lights, to be held in Irving on November 13th. An invitation was extended to the Council to attend this multi-day, cultural festival.

Mayor Babick closed the public forum.

ADJOURNMENT - Mayor Babick adjourned the meeting at 7:32 p.m.

ATTEST:

Chloe Sawatzky, City Secretary

Steve Babick, Mayor



Agenda Memo
File Number: 6421

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *11.

CC MEETING: November 21, 2023

DATE: November 7, 2023

TO: Erin Rinehart, City Manager

FROM: Kim Bybee, Parks Manager
Chrystal Davis, Assistant City Manager

Consider **Approval Of RFP #24-003 For City Hall Pond Dredge Project #2 For The Parks Department From HK Dredging LLC In An Amount Not To Exceed \$113,132.25.**

BACKGROUND:

The pond at City Hall has accumulated soft sediment over the years. Data collected showed the pond composition was roughly 43% sediment and 57% water. Dredging the pond will increase its depth and capacity, allow proper oxygenation of the water for any living organisms, and increase the longevity of the pond. This is a one-time project where the Vendor will provide services related to mobilization, dredging, and sediment disposal.

Bid notifications were posted online, previous and interested vendors were contacted, and advertisements were placed in the Dallas Morning News. Two vendors responded and submitted proposals. One vendor was deemed non-responsive for failure to submit the required submittal documents.

FINANCIAL IMPLICATIONS:

The services described in RFP #24-003 will be purchased from budgeted funds for the account and amount as listed below:

| <u>ACCTNG UNIT</u> | <u>ACCOUNT</u> | <u>BUDGET AMOUNT</u> |
|--------------------|------------------|----------------------|
| 854360 | Dredge City Hall | \$ 113,132.25 |

IMPACT ON COMMUNITY SUSTAINABILITY:

This project supports and aligns with the City Council’s goals and objectives to properly manage infrastructure with fiduciary care.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council award RFP #24-003 to HK Dredging LLC, based on best value and references for the dredging of the city hall pond in an amount not to exceed \$113,132.25.

| | | | |
|--------------------------|---|---------------------|-------------------------------------|
| Event Number | RFP #24-003 | Organization | City of Carrollton Purchasing |
| Event Title | City Hall Pond Dredge Project #2 | Workgroup | Purchasing |
| Event Description | The City of Carrollton is soliciting requests for | Event Owner | Julie Ketterer |
| Event Type | RFP | Email | Julie.Ketterer@cityofcarrollton.com |
| Issue Date | 10/6/2023 11:00:01 AM (CT) | Phone | (972) 466-3105 |
| Close Date | 10/26/2023 01:00:00 PM (CT) | Fax | |

| Responding Supplier | City | State | Response Submitted | Lines Responded | Response Total |
|---------------------|---------------|-------|-----------------------------|-----------------|----------------|
| HK Dredging LLC | The Woodlands | TX | 10/25/2023 03:55:01 PM (CT) | 1 | \$102,847.50 |

Please note: Lines Responded and Response Total only includes responses to specification. No alternate response data is included.



Agenda Memo
File Number: 6424

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *12.

CC MEETING: November 21, 2023

DATE: November 8, 2023

TO: Erin Rinehart, City Manager

FROM: Kim Bybee, Parks Manager
Chrystal Davis, Assistant City Manager

Consider **Approval Of The Purchase Of Sand Filters From Sunbelt Pools Through An Inter-Local Agreement With BuyBoard In An Amount Not To Exceed \$194,547.10.**

BACKGROUND:

The Thomas Splash Park currently has two sand filters that service the 4,000 gallon splash pad. The average life cycle for sand filters is 15-20 years. The existing sand filters are over 20 years old and have been exposed to the elements. We will be replacing the two sand filters with one sand filter which will allow staff to more efficiently backwash while still maintaining the appropriate turnover rate.

The Rosemeade Rainforest Activity Pool has a sand filter that services the 81,740 gallon zero-entry pool. After the facility closed this fall, a crack was discovered in the filter that does not allow it to properly pressurize and function. The existing filter will be replaced with a more efficient model.

This project includes the cost for the sand filters and installation. A **10%** contingency has been included in the budget.

FINANCIAL IMPLICATIONS:

Sunbelt Pools is a reputable company that provides a quality product and has completed projects for the City of Carrollton in the past. The sand filter replacement and installation will be funded out of the following account:

| ACCTG UNIT | ACCOUNT | BUDGET AMOUNT |
|-------------------|----------------|----------------------|
| 854360 | Sand Filters | \$194,547.10 |

IMPACT ON COMMUNITY SUSTAINABILITY:

This project supports and aligns with Council goals and objectives through the fiduciary care and maintenance of our infrastructure.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval to replace the Thomas Splash Park and Rosemeade Rainforest activity pool sand filters from Sunbelt Pools in an amount not to exceed \$194,547.10 using the City's existing agreement with BuyBoard.



Agenda Memo
File Number: 6425

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *13.

CC MEETING: November 21, 2023

DATE: November 8, 2023

TO: Erin Rinehart, City Manager

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

Consider Award Of RFP #23-042 For The 90/10 Matching Grant Sidewalk Replacement Program To Talbert Companies, LLC As The Primary Vendor And To B&E Concrete Paving, LLC As The Secondary Vendor In An Amount Not To Exceed \$300,000.00 Annually, For A Total Three-Year Contract Amount Not To Exceed \$900,000.00.

BACKGROUND:

This contract will be utilized by the Public Works Department to offer residents an option to participate in the 90/10 Matching Grant Sidewalk Replacement Program. This program provides funding for the replacement of eligible substandard public sidewalks in residential neighborhoods where maintenance or replacement projects are not currently planned. Under this program the property owner contributes ten percent of the cost of the replacement of substandard sections of sidewalk with the City providing the other ninety percent of the cost.

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

FINANCIAL IMPLICATIONS:

The funding for this project is available through capital funds from the following account:

| <u>ACCOUNTING UNIT</u> | <u>ACTIVITY NUMBER</u> | <u>BUDGET AMOUNT</u> |
|---|------------------------|----------------------|
| 854201 (Neighborhood Partnership CIP Tax) | 100750299 | \$300,000.00 |

IMPACT ON COMMUNITY SUSTAINABILITY:

This project supports and aligns with the City Council’s goals and objectives to properly maintain the

City's infrastructure.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that City Council award RFP #23-042 to Talbert Companies, LLC as the primary vendor and to B & E Concrete Paving, LLC as the secondary vendor, based on best value and references, in an amount not to exceed \$300,000.00 for the first year, for a total three-year contract in an amount not to exceed \$900,000.00.

Event Number RFP #23-042
Event Title Sidewalk Program
Event Description The City of Carrollton is soliciting requests for
Event Type RFP
Issue Date 9/29/2023 11:07:09 AM (CT)
Close Date 10/26/2023 01:00:00 PM (CT)

Organization City of Carrollton Purchasing
Workgroup Purchasing
Event Owner Julie Ketterer
Email Julie.Ketterer@cityofcarrollton.com
Phone (972) 466-3105
Fax

| Responding Supplier | City | State | Response Submitted | Lines Responded | Response Total |
|--------------------------------|---------------|-------|-----------------------------|-----------------|----------------|
| Talbert Companies, LLC | Frisco | TX | 10/26/2023 12:52:14 PM (CT) | 10 | \$414,500.00 |
| B & E CONCRETE PAVING LLC | PLANO | TX | 10/25/2023 09:42:55 AM (CT) | 10 | \$426,650.00 |
| Macval Associates LLC | Dallas | TX | 10/25/2023 06:51:19 PM (CT) | 10 | \$466,350.00 |
| Vernara | Dallas | TX | 10/26/2023 11:49:07 AM (CT) | 10 | \$510,400.00 |
| West Texas Rebar Placers, Inc. | Dallas | TX | 10/26/2023 11:53:18 AM (CT) | 10 | \$517,300.00 |
| HD Way Concrete Service, LLC | Grand Prairie | TX | 10/24/2023 05:22:34 PM (CT) | 10 | \$607,400.00 |
| CAM-CRETE CONTRACTING INC | cedar hill | TX | 10/25/2023 05:29:53 PM (CT) | 10 | \$730,250.00 |

Please note: Lines Responded and Response Total only includes responses to specification. No alternate response data is included.



Agenda Memo
File Number: 6441

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *14.

CC MEETING: November 21, 2023

DATE: November 16, 2023

TO: Erin Rinehart, City Manager

FROM: Chloe Sawatzky, City Secretary
Chrystal Davis, Assistant City Manager

Consider Award Of RFQ #23-027 For A Vision Planning Facilitator For The City To Gensler, In An Amount Not To Exceed \$142,500.00.

BACKGROUND:

The City expects the facilitator to lead several sessions with City Council and Executive staff to discuss the goals and vision while considering the challenges and opportunities ahead. Additionally, community engagement sessions will need to be led by the facilitator to collect public input. With the assistance of the facilitator, the culmination of these sessions shall result in a long-range vision plan.

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

FINANCIAL IMPLICATIONS:

A 10% contingency has been added to absorb potential additional costs associated with the planning and facilitation of this project. The services described in RFQ #23-027 will be purchased from funds approved in the fiscal year 2024 budget for the account and amount as listed below:

| <u>ACCTNG UNIT</u> | <u>ACCOUNT</u> | <u>BUDGET AMOUNT</u> |
|--------------------|----------------|----------------------|
| 102001 | 61190 | \$142,500.00 |

RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council award RFQ #23-0027 to Gensler, based on the Council sub-committee’s recommendation, for the Vision Planning Facilitator project in an amount not to exceed \$142,500.00.



Agenda Memo

File Number: 6426

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *15.

CC MEETING: November 21, 2023

DATE: November 13, 2023

TO: Erin Rinehart, City Manager

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

Consider **Authorizing The City Manager To Enter Into An Agreement With MHC Software Services Through A Cooperative Purchasing Agreement With SHI Government Solutions In An Amount Not To Exceed \$41,250 For The First Year, And A Five Year Total Contract Amount Not To Exceed \$179,260.**

BACKGROUND:

Currently, the city's Enterprise Resource Planning (ERP) software is part of a three-city agreement, paid for via the North Central Texas Council of Governments (NCTCOG) which includes a secondary software MHC Software Solutions. As part of the upgrade to the new ERP system, Infor Cloud Suite Financial and Supply Chain Management, the city will sunset the three-city agreement. Finance is responsible for each disbursement that the City processes, which includes employee pay and vendor payments. In order to process the direct deposits, automated clearinghouse (ACH) payments, and printing of weekly checks, the city utilizes a third-party system, MHC.

The Finance Department is requesting permission to continue services with MHC via a new 5-year agreement, which includes an annual 4% escalator. The contract includes a one-time expenditure of \$10,000 which upgrades the current MHC to ensure a successful implementation of the new ERP, plus a secondary planned upgrade in the spring to transfer to the cloud. MHC will be procured through the Omnia Partners cooperative agreement via the SHI Government Solutions contract number: 2018011-02.

FINANCIAL IMPLICATIONS:

The total cost of the agreement is \$41,250 for the first year and a total contract amount not to exceed \$179,260 over five years. The software is budgeted in Finance Administration 146001 and the ERP implementation budget 854105.

The annual costs are established at:

Year 1: \$31,250 plus a \$10,000 one-time upgrade

Year 2: \$32,500

Year 3: \$33,800

Year 4: \$35,152

Year 5: \$36,558

IMPACT ON COMMUNITY SUSTAINABILITY:

The continued use and upgrade of MHC maintains the city's focus on leveraging enhanced technologies and ensures proper fiduciary care.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the city manager to enter into an agreement with MHC Software Services via SHI Government Solutions in an amount not to exceed \$41,250 for the first year and a total amount not to exceed \$179,260 over five years.



Agenda Memo
File Number: 6431

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *16.

CC MEETING: November 21, 2023

DATE: November 14, 2023

TO: Erin Rinehart, City Manager

FROM: Melissa Everett, Finance Director
Diana Vaughn, Chief Financial Officer
Chrystal Davis, Assistant City Manager

Consider An **Ordinance Amending Chapter 31, The Comprehensive Fee Schedule.**

BACKGROUND:

The City’s Utility Fund has the financial goal of generating sufficient revenue to pay all expenses (including capital, fleet, and debt) and to maintain cash reserve balances equal or greater than the City’s adopted financial policy of 90 days of expenditures. Due to the seasonality of significant water sales occurring in the final (July-September) quarter of the fiscal year, the City waits until early November to determine the rate increase required to run the program for the next fiscal year.

Staff provided an overview to the Audit, Finance, and Governance Committee on November 6. This Fee Ordinance is proposed with increases to water and wastewater rates which will generate 5.3% in additional revenue for the Utility Operating Fund. This additional revenue will provide funding for water and sewer capital projects necessary to maintain the condition of the utility infrastructure, increase wastewater processing costs, and additional capital for planned increases by the TRA. The Audit, Finance and Governance Committee was provided with the opportunity to discuss any potential increases to utility rates prior to City Council deliberations. After hearing The Finance Department’s recommendations, the Committee agreed to increase the water and wastewater rates as provided. The vote was unanimous and with the understanding it will be brought to Council on November 21, 2023, for adoption.

Additionally, Parks & Recreation staff is recommending an update to section (G) *Parks and Recreation* of the Comprehensive Fee schedule for the Esports Center at Rosemeade Recreation Center and pool rental fees at Rosemeade Rainforest and Rosemeade Main Pool. Staff would like to update the Esports hourly fee for nonresidents to align with that of the Crosby Recreation Center. At

Rosemeade Rainforest and Rosemeade Main Pool, staff would like to differentiate the rental fee between resident and nonresident guests.

Finally, the Building Inspection Department has recommended an update to the Special Event and Parade Permit fees to include exempting National Night Out event from Special Event permit fees as required per city code. This update also includes striking where alcohol can be served which will be codified in Section 130.26 at a later date.

FINANCIAL IMPLICATIONS:

The increases in water and wastewater rates ensure proper financial planning for upcoming operating and capital expenditures. The total rate change will generate approximately 5.3% in additional revenue for the Utility Fund.

Changes to the Comprehensive Fee ordinance relating to the Esports Center and Building Inspection will have minimal financial implications.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends Council approve the Ordinance amending Chapter 31, the Comprehensive Fee Schedule relating to utility rates, Esports, pool rental fees, and special event/parade permit fees.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING CHAPTER 31, THE COMPREHENSIVE FEE SCHEDULE OF THE CARROLLTON CITY CODE; CONTAINING A SAVINGS CLAUSE AND A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF ~~OCTOBER~~JANUARY 1, 2024⁴³.

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

SECTION 1

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

CHAPTER 31. COMPREHENSIVE FEE SCHEDULE

Sec. 31.01. - Establishment of fees for city services.

The following fee schedule is hereby established and the following fees shall be charged for various services rendered by the city.

(A) *General fees.*

- (1) *General returned check, credit card and debit card fees:\$35.00*
- (2) *Fidelity Express returned check fees:\$38.50*

Checks, drafts or instruments tendered to the city for amounts owed to the city which are returned unpaid through the city depository as uncollected funds (excluding any occurrence resulting from any documentable depository error or omission).

- (3) *Collection agency fees:\$10.00*

Receivables owed to the city by individuals and businesses for over 60 days and for which two notices of amounts owed have been sent may be assigned to an outside agency for collection.

- (4) *Credit/debit card convenience fees, per transaction:2% of transaction*

Convenience fee and a \$5.00 transaction minimum to be assessed on all transactions except for those for Library and Parks and Recreation.

- (5) *Charges for providing copies of public information:*

Not to exceed charges as set by the State of Texas.

- (6) *After-hours services (per hour)\$40.00*

Services performed outside normal business hours are billed per employee per hour with a two-hour minimum charge. Equipment and materials are billed at normal hourly rates.

(7) *After-hours administration fee:*\$25.00

Administrative fee assessed for processing charges for after-hours services.

(B) *Building inspection.*

(1) *Project permits (includes plumbing, electrical and mechanical permits and certificate of occupancy fees):*

Application fee, nonrefundable\$125.00

New dwellings up to four units, per unit\$1,100.00

Pool or spa\$200.00

Temporary buildings and trailers\$75.00

New commercial, apartments, accessory, additions, remodels and finish-outs, per \$1,000.00 valuation (minimum \$125.00)\$6.00

Residential remodel\$125.00

(2) *Specific permits:*

Annual permits, per year\$200.00

Banner\$25.00

Building (storage shed)\$50.00

Certificate of occupancy\$100.00

Demolition\$125.00

Electrical, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Fence\$50.00

Fire sprinkler, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Fire alarm, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Irrigation, per \$1000.00 valuation (minimum \$75.00)\$4.00

Mechanical, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Moving (structures in right-of-way)\$75.00

Plumbing, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Real estate sign annual renewal\$50.00

Retaining wall\$50.00

Satellite dish\$50.00

Sign\$125.00

Rainwater harvesting\$25.00

Wind turbine\$75.00

Solar panel\$125.00

Special event—no food sales\$50.00

Special event—food sales ~~with 1–2 vendors\$90.00~~ 50.00 per food vendor

~~Special event—food sales with 3–5 vendors\$130.00~~

~~Special event—food sales with 6–10 vendors\$210.00~~

~~Special event—food sales with 11–15 vendors\$290.00~~

~~Special event—food sales with over 15 vendors\$370.00~~

Tent\$50.00

Curb cut\$100.00

Above/below grade storage tank installation or removal\$100.00
per tank

Mobile refueling, per address, per year\$250.00

(3) *Service fees:*

Inspection/engineering fees:

See Section 31.01 (C).1

Commercial permit storm water pollution protection plan inspection fee\$50.00

Commercial permit utility release processing fee\$50.00

Re-inspection\$50.00

Special inspection\$50.00

Temporary service/construction heat\$100.00

Snow cone stand removal deposit\$350.00

(Will be refunded in full provided the structure is removed at certificate of occupancy expiration. Un-refunded deposit will be used to defer cost of removal by city if necessary.)

Administrative process fee for special event, film, block party(~~F~~[Except National Night Out](#)) and parade permits\$25.00

(4) *Registration:*

Homebuilder directional signs, per year\$100.00

(5) *Appeal boards:*

Construction Advisory and Appeals Board\$200.00

Board of Adjustment, solar panel special exception\$25.00

Board of Adjustment, all others\$200.00

(6) *Exceptions:*

(a) Building permit and board filing fees are not required for facilities on property both owned and used by the following:

1. Federal government.
2. State government.
3. County government.
4. City government.
5. Public school districts.

(b) Building permit fees are not required for home construction projects built by the Carrollton-Farmers Branch Independent School District Trade School.

(c) Fees are not required for permits issued to contractors hired by the city to clear visibility obstructions constructed legally prior to adoption of the Ordinance No. 1325, passed November 11, 1986 and referred to as the Visibility Ordinance.

(d) Fees are exempted for work conducted in Neighborhood Empowerment Zones, as enumerated and established by Council Resolution #3608.

(C) *Engineering:*

(1) *Inspection fees:*

(a) \$45.00 per hour with a minimum fee of \$90.00

(b) Inspections occurring outside of normal business hours will incur a \$67.50 per hour fee with a minimum fee of \$135.00.

(c) Grading Improvements – One hour per 170 square feet calculated at \$0.265 per square foot.

(d) Water and/or Wastewater Improvements – One hour per 50 linear feet calculated at \$0.90 per linear foot.

(e) Drainage Improvements – One hour per 50 linear feet calculated at \$0.90 per linear foot.

(f) Paving Improvements – One hour per 170 square feet calculated at \$0.265 per square foot.

(g) Sidewalk Improvements – One hour per 170 square feet calculated at \$0.265 per square foot.

(i) Screening Wall/Fence Improvements – One hour per 50 linear feet calculated at \$0.90 per linear foot.

(2) *Plan review:*

(a) Review of construction plans for infrastructure (streets, water, wastewater, storm drainage), per acre of development\$150.00

(b) Review of re-submittals of construction plans for infrastructure (streets, water, wastewater, storm drainage) for the fourth and each subsequent submittal\$250.00

(3) *Street signs and markings:*

Intersection signs and markings, per intersection\$435.00

Fire hydrant markers, per hydrant\$5.00

Street light assessment, per linear foot\$12.00

(D) *Environmental Services Department.*

(1) *Animal Services Division:*

City registration fees:

Dogs and cats, unaltered\$20.00/year

Dogs and cats neutered or spayed\$5.00/year

Dangerous dogs\$50.00/year

Potbellied pigs\$10.00/year

Duplicate (replacement) license tags\$2.00/each

Adoption fee\$5.00/animal (previously vetted)

Adoption fee\$10.00/animal (non-vetted)

Adoption fee\$60.00/pre-vetted animal

Overnight boarding fee\$10.00/day

Quarantine fee\$10.00/day

1st impoundment within a 12-month period\$20.00

2nd impoundment within a 12-month period\$50.00

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

Livestock impoundment fee\$50.00/head

Feed and care for livestock\$15.00/day

Owner's release to city\$20.00

Home quarantine checks for two visits\$30.00

Euthanasia of animals\$20.00

Rabies testing\$40.00

Vet clinic dead animal removal service\$50.00/month

Permit to keep chickens\$20.00/year

(2) *Environmental Quality Division*

Temporary food permit, per 14 days\$75.00

Food permits:

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

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

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

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

Farmer's market permits:

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

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

Farmer's market concession vendor permit, per year\$100.00

State accredited food handlers certification\$10.00

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

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

Industrial pretreatment program (IPP):

IPP permit, per year\$400.00

IPP sampling and analysisActual cost + 15%

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

Spill response and cleanups:

Administrative fee for any spill response\$50.00

City conducted spill mitigation or cleanupActual cost + admin. fee

Sampling and analysis for complaints, spill and enforcement activities
.....Actual cost + 15%

Liquid waste hauler program (LWH):

LWH vehicle permit, per year\$150.00

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

LWH trip ticket books\$25.00

On-site LWH inspection\$80.00

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

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

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

Municipal setting designation:

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

designated city official shall not place a municipal setting designation ordinance on a City Council agenda until an additional technical processing fee of \$5,000.00 is paid.

(4) *Pool code:*

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

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

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

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

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

(3) *Community Services Division*

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

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

Single-family rental registration fee \$50.00 per year

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

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

Filing of compliance order at county court of record:

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

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

Hotel code:

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

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

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

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

Appeals to Property Standards Board \$200.00

(E) *Fire.*

- (1) *Definitions.* For purposes of this division only, the following definitions shall apply:
.....

Nonresident: A nonresident is a person who does not reside within the city limits.

Resident: A resident is a person who resides within the city limits.

- (2) *Ambulance transport:*

Residents:

Basic life support\$750.00

Advanced life support, level 1\$850.00

Advanced life support, level 2\$950.00

Nonresidents:

Basic life support\$850.00

Advanced life support, level 1\$950.00

Advanced life support, level 2\$1050.00

These levels of transport are as defined in the Medicare Index.

- (3) *Disposable supplies fees:*

Basic life support\$200.00

Advanced life support\$400.00

Oxygen supplies\$150.00

- (4) *EMS mileage charge:*

Transporting persons by ambulance, per mile\$15.00

- (5) *Recovery from hazardous materials responses—natural gas line cuts by contractors:*

Engine:

First hour (or portion thereof)\$300.00

Per ¼ hour thereafter\$75.00

Truck:

First hour (or portion thereof)\$400.00

Per ¼ hour thereafter\$100.00

Medic:

First hour (or portion thereof)\$200.00

Per ¼ hour thereafter\$50.00

(6) *Inspection fees:*

After hours inspections\$50.00
per hour, two hour minimum

Re-inspection:

2nd reinspection\$50.00

3rd reinspection\$100.00

All after 3rd reinspection\$250.00
each

(7) *Facility fees:*

Hazardous materials facility\$250.00
per year

Materials recycling facility\$250.00
per year

Factory/industrial facility\$250.00
per year

Flammable/combustible storage facility\$250.00
per year

(F) *Library.*

(1) *Lost/damaged library material fees:*

Interlibrary loan materialsCost as assessed by lending library

Media case\$5.00

BinocularsActual cost

All other materialsActual price plus \$5.00 processing fee

(2) *Library service fees:*

Headphones\$4.00

Replacement library card fee\$1.00

Computer printing, per page\$0.15

Copier printing, per page\$0.15

Color Printing, per page.....\$0.50

Flash drives, eachcost plus \$0.05 rounded up to the next quarter dollar

(3) *Room rental fees:*

Josey Ranch Lake Library Meeting Room, per hour\$25.00

Josey Ranch Lake Library Environmental Classroom, per hour\$15.00

Josey Ranch Lake Library Conference RoomNo charge

Hebron & Josey Library Meeting Room 1, per hour\$15.00

Hebron & Josey Library Meeting Room 2, per hour\$25.00

Hebron & Josey Library Meeting Room 1 & 2, per hour\$25.00

Hebron & Josey Library Conference RoomNo charge

(4) *Full access library card:*

Annual memberships:

Residents of Carrollton and reciprocal partner citiesFree

City of Carrollton employeesFree

Nonresidents\$40.00

(G) *Parks and recreation.*

(1) *General fees:*

Replacement card \$5.00

Non-Residents of the City of Carrollton will pay an additional 10% of Carrollton Resident fees rounded up to the nearest \$0.25. Leagues requiring team registration will not be subject to resident/non-resident fees.

Schedule of fees for classes and programs will be determined by the Director of Parks and Recreation or other City Manager designee and will be made available for review online and at the recreation centers.

At the discretion of the Parks and Recreation Director or other City Manager designee, partnering cities' residents may receive Carrollton resident discount when mutually beneficial to the City.

Promotions:

Discounts may be allowed at the Parks and Receptions Director's discretion up to \$10.00 off or 13 months for the price of 12 months.

Commercial use of parkland, Park Permit

As outlined in Chapter 133 Park Permits may be required for special park use. Park Permits are provided on an 'as is' term. Alterations or enhancements are at the discretion of the Parks and Recreation Director.

Per Occurrence

Resident.... \$25.00

Nonresident....\$35.00

Annual per Individual

Resident.... \$500.00

Nonresident ...\$550.00

(2) Memberships

City employee..... No fee, but subject to federal taxation on value of individual rate

City employee family, up to four family members is equal to the resident rate less the individual rate, and is subject to federal taxation on value of employee pass

Carrollton Corporate Membership.... is equal to the individual resident rate

Active military on leave (for the duration of leave) \$5.00

(2.1) All Access Recreation Center (Crosby, Rosemeade, and Senior Centers):

Annual Memberships:

Senior citizen (age 65+), resident \$45.00

Senior citizen (age 65+), nonresident \$70.00

Youth (age 9—15), resident \$40.00

Youth (age 9—15), nonresident \$65.00

Adult (age 16—64), resident \$115.00

Adult (age 16—64), nonresident \$165.00

Family, up to four family members, resident \$200.00

Family, up to four family members, nonresident \$285.00
Additional member on family membership, resident..... \$20.00
Additional member on Family membership, nonresident....\$25.00

Three month memberships:

Senior citizen (age 65+), resident \$25.00
Senior citizen (age 65+), nonresident \$35.00
Youth (age 9—15), resident \$20.00
Youth (age 9—15), nonresident \$30.00
Adult (age 16—64), resident \$50.00
Adult (age 16—64), nonresident \$65.00
Family, up to four family members, resident \$75.00
Family, up to four family members, nonresident \$105.00
Additional member on family membership. resident \$10.00
Additional member on family membership, nonresident....\$15.00

One month memberships:

Resident....\$20
Nonresident...\$25

Daily passes:

Senior citizen (age 65+) and youth (age 9—15), resident \$5.00
Senior citizen (age 65+) and youth (age 9—15), nonresident \$8.00
Adult (age 16—64), resident \$7.00
Adult (age 16—64), nonresident \$10.00

(2.2) Limited Use Memberships

Carrollton Senior Center ONLY:

Resident:

Age 50—59
\$25.00 annually
\$9.00 for three months

Age 60—69
\$15.00 annually
\$6.00 for three months

Age 70+
\$10.00 lifetime

Day pass \$2.00

Nonresidents:

Age 50—59
\$40.00 annually
\$15.00 for three months

Age 60—69
\$30.00 annually
\$11.00 for three months

Age 70+
\$25.00 lifetime

(3) Esports Center:

1 Hour, resident.....\$5.00
1 Hour, nonresident.....\$5.50
5 Hours, resident.....\$12.00
5 Hours, nonresident.....\$13.25
20 Hours, resident \$35.00
20 Hours, nonresident \$38.50
50 Hours, resident.....\$75.00
50 Hours, nonresident.....\$82.50

(4) *Rental facilities fees:*

Parks and Recreation facility and property rentals for special events shall follow regulations outlined in Chapter 31.B.2 and 117 of the Carrollton Municipal Code.

Entire facility rentals allow exclusive/private use of the facility; however, at the discretion of the Parks and Recreation Director, some rooms and spaces may not be available.

After-hours rentals will be assessed staffing fees at a rate of \$25.00/hour/staff, and management will determine staffing needs based on times and event type. Some rentals, by Carrollton Municipal Code or at management's discretion, may require an off-duty police officer at Police Department staffing rates.

Deposits for all rentals are \$100.00 for resident and \$125.00 for nonresident, per reservation unless otherwise noted. Deposits for multiple day reservations will be held until the final date on the reservation.

Audio Visual Equipment is \$25.00 for residents and \$35 for non-residents per rental unless otherwise noted.

Meeting Room Set-up and Clean-up is \$25.00/staff/hour for residents and \$35.00/staff/hour for nonresident unless otherwise noted.

Kitchen add-on in applicable facilities \$25.00/hour for resident and \$35.00/hour for nonresident.

~~Alcohol is permitted at the following facilities and properties— with an approved Texas Alcoholic Beverage Commission (TABC) license and special event permit. See Chapter 31.B.2 and 117 of the Carrollton Municipal Code. Events at City facilities in accordance with 130.26(B).(2).(c),(d), and (e);~~ An additional \$200.00 for resident and \$250.00 for nonresident deposit is required.

~~A.W. Perry Homestead, Historic Downtown Square, Oak Creek Tennis Center, Indian Creek Golf Course, Josey Ranch Senior Center, Crosby Recreation Center.~~

Crosby Recreation Center

Resident:

Entire facility, after hours only (deposit \$250.00)..... \$250.00/hour

Broadway and Pioneer Rooms. per hour \$25.00

Trinity Room, per hour \$85.00

Esports Room, per hour \$150.00

Esports Room, full day \$1,000.00

Gym, per half court, per hour \$35.00

Gym, per full court, per hour \$60.00

Nonresident:

- Entire facility, after hours only (deposit \$300.00)..... \$300.00/hour
- Broadway and Pioneer Rooms per hour \$35.00
- Trinity Room, per hour \$115.00
- Esports Room, per hour \$175.00
- Esports Room, full day \$1,100.00
- Gym, per half court, per hour \$50.00
- Gym, per full court, per hour \$75.00

Rosemeade Recreation Center

Resident:

- Entire facility, after hours only, (deposit \$250.00) \$250.00/hour
- Armadillo, Bobcat, & Mustang Rooms per hour \$25.00
- Dance room, per hour \$85.00
- Esports Room, per hour \$150.00
- Esports Room, full day \$1000.00
- Gym, per half court, per hour \$35.00
- Gym, per full court, per hour \$60.00
- Multi-purpose, per hour \$35.00

Nonresident:

- Entire facility, after hours only (deposit \$300.00)..... \$300.00/hour
- Armadillo, Bobcat, & Mustang Rooms per hour \$35.00
- Dance room, per hour \$115.00
- Esports Room, per hour ~~\$160~~175.00
- Esports Room, per day \$1100.00
- Gym, per half court, per hour \$50.00
- Gym, per full court, per hour \$75.00
- Multi-purpose, per hour\$50.00

Carrollton Amphitheater: (includes restrooms and lights):

Resident, per hour \$30.00

Nonresident, per hour \$40.00

Mary Heads Carter Park Pavilion: (Pavilion Only)

Resident, per hour \$50.00

Nonresident, per hour \$60.00

McInnish and Josey Ranch Sports Complex:

5K rentals/Events \$400.00 for the first four hours,
plus \$75.00 each additional hour

*Gazebo (Historic Downtown Carrollton and includes green space inside the public
sidewalks around the Square):*

Resident, per hour..... \$65.00

Nonresident, per hour..... \$75.00

Josey Ranch Lake Senior Center:

Resident

Texas Room Day Rate (10 hours) (\$250.00 deposit).... \$1,800.00

Texas Room—three-hour minimum, per hour (\$250.00 deposit) \$200.00

Texas Room A, per hour..... \$70.00

Texas Room B, per hour (\$150.00 deposit) \$150.00

Round-Up Room, per hour-..... \$60.00

Tumbleweed Room, per hour- \$15.00

Blue Bonnet Room, per hour-..... \$25.00

Lone Star Room, per hour-..... \$25.00

Nonresident:

Texas Room Day Rate (10 hours) (\$300.00 deposit) \$2,500.00

Texas Room—three-hour minimum, per hour (300.00 deposit) \$280.00

Texas Room A, per hour..... \$90.00

Texas Room B, per hour (\$200.00 deposit) \$180.00

Round-Up Room, per hour-..... \$80.00

Tumbleweed Room, per hour- \$25.00

Blue Bonnet Room, per hour..... \$35.00

Lone Star Room, per hour-..... \$35.00

Museum fees:

Grounds (to include Exterior only of House and Barn; the Gazebo and Restroom)

Commercial photography (Use of Grounds, up to three hours)

Resident, per hour \$200.00

Nonresident, per hour ...\$250.00

Each additional hour

Resident \$75.00

Nonresident \$100.00

Ten-hour day rate (commercial photography)

Resident \$500.00

Nonresident ... \$575.00

Elm Fork Nature Center (to include Interior classroom, restroom, and outdoor patio only)

Resident, per hour....\$75

Nonresident, per hour....\$85

(5) *Pool fees:*

Pool use fees:

Rosemeade Swimming Complex:

Admission resident, per person, weekdays \$5.00

Admission resident, per person, weekends \$6.00

Admission nonresident, per person, weekdays \$9.00

Admission nonresident, per person, weekends \$10.00

Age 2 and under Free

Passes:

Rosemeade Swimming Complex:

Book of 20 passes (individual, resident) \$90.00

Book of 20 passes (individual, nonresident) \$120.00

Individual season pass (resident) \$50.00

Individual season pass (nonresident) \$60.00

Family season pass up to four family members, resident (photo ID required) \$120.00

Family season pass up to four family members, nonresident (photo ID required) \$150.00

Family season pass add-on, per additional member, resident (photo ID required) \$10.00

Family season pass add-on, per additional member, nonresident (photo ID required) \$15.00

Pool rental fees:

Rosemeade Rainforest or Rosemeade Main Pool:

| <u>Resident</u> Nonresident Guests | 2 Hours | 4 Hours |
|---|----------------|----------------|
| 1—200 | \$400.00 | \$ 800.00 |
| Over 200 | \$550.00 | \$1,100.00 |
| <u>Nonresident Guests</u> | <u>2 Hours</u> | <u>4 Hours</u> |
| 1—200 | \$550.00 | \$1,100.00 |
| Over 200 | \$700.00 | \$1,400.00 |

Additional lifeguard, per hour \$25.00

Party table (8' or 10') rentals per hour (resident) weekends \$10.00

Party table (8' or 10') rentals per hour (nonresident) weekends \$15.00

(6) *Athletic Facility fees:*

General fees:

Sports field, per field (resident) \$30.00/hour

Sports field, per field (nonresident) \$35.00/hour

Sports field, per complex (resident), per day \$800.00

Sports field, per complex (nonresident), per day \$1,000.00

Sports field lighting, per field, per hour \$20.00

Sand beach volleyball rental (no deposit required), per day/per court (resident) \$15.00

Sand beach volleyball rental (no deposit required), per day/per court (nonresident) \$20.00

Field/event preparation, per hour, per worker \$25.00

Youth Association field rental no-show, per occurrence, per field \$25.00

Tournament deposit \$500.00

Gate fee Agreement through contract

Concession, promotional sales, and gate fee Agreed percent by contract

Baseball/softball practice field rental program member rates:

Annual membership (team) \$300.00

Annual membership (league/organization) \$750.00

Member sports field rental, per field, per hour \$20.00

Member sports field lighting, per field, per hour \$15.00

Scoreboard/equipment agreement:

Replacement cost (if damaged or lost) Actual cost to repair or replace

Scoreboard controller deposit \$50.00

Keys:

Repair or replacement Actual cost

Special events, for profit:

Deposit (depending on size of event) \$2,500.00 to \$5,000.00

Rental fee, per complex \$2,500.00

Field preparation, per hour/per complex \$25.00

Concession, promotional sales, and gate fee Agreement through contract

(7) *Oak Creek Tennis Center fees:*

Court reservation fees:

Resident, per 1.5 hours, per person, up to four players \$2.00 - \$5.00

Nonresident, per 1.5 hours, per person, up to four players \$3.00 - \$6.00

Ball machine rentals (includes facility fees):

Resident:

One hour \$10.00 - \$25.00

Nonresident:

One hour \$15.00 - \$30.00

Ball machine packages (includes facility fees):

Resident:

Monthly pass \$40.00 - \$55.00

Nonresident:

Monthly pass \$45.00 - \$60.00

Off-site tennis court fees, per one hour, per court (resident) \$2.00 - \$5.00

Off-site tennis court fees, per one hour, per court (nonresident) \$3.00 - \$6.00

(8) *Tree ordinance fee:*

Mitigation, per caliper inch \$225.00

(H) *Planning.*

(1) Preliminary plat or final plat\$500.00

(2) Administrative plat, amending plat, conveyance plat or re-plat\$300.00

(3) Technical site plan\$500.00

As-built prints:

11" x 17"\$1.50

18" x 24"\$2.00

36" x 24"\$3.00

(4) Zoning change:

Special use permit for a restaurant with a private club\$650.00

Planned developments\$1,000.00

All other special use permits and zoning changes\$500.00

(5) Zoning verification letters: \$50.00

(6) Comprehensive plan amendment\$500.00

(7) Miscellaneous planning applications:

Median variance\$500.00

Alternate facade\$500.00

Alternate landscape plan\$500.00

Sidewalk waiver\$500.00

Tree preservation\$130.00

All other requests\$130.00

(8) Documents and maps:

Maps, up to 36" x 48"\$10.00

Copies of enlarged plans from applications:

11" x 17"\$1.50

18" x 24"\$2.00

36" x 24"\$3.00

(I) *Police.*

(1) *Definitions:*

Initial permit. An initial permit is an alarm permit issued for a period of one year.

Renewal permit. A renewal permit is an alarm permit issued by the city before the expiration of an initial or renewal permit. The renewal permit effective date is the anniversary date of the prior permit. After expiration of a permit, it may not be renewed and a new initial permit must be obtained.

(2) *Permits:*

Commercial alarm permits, per year:

Initial permit\$75.00

Renewal permit\$50.00

Residential alarm permits, per year:

Initial permit\$50.00

Renewal permit\$25.00

Alarm permit revocation appeal fee\$25.00

Handbills, per six-month period\$50.00

Solicitors, per six-month period\$50.00

Individual solicitor certificate, per six month period\$10.00

Individual handbill distributor certificate, per six month period\$10.00

(3) *Alarm system false alarm fees:*

False burglar alarm response charge based on number of false alarm responses in the previous 12-month period:

1st to 3rdNo charge

4th and 5th\$50.00

6th and 7th\$75.00

8th and more\$100.00

False alarm (other than burglar) response charge based on number of false alarm responses in the previous 12-month period:

1st and 2ndNo charge

3rd and more\$100.00

(4) *Other fees:*

Fingerprinting fee, per fingerprint card\$10.00

Clearance letter\$4.00

Clearance letter—notarized\$5.00

(J) *Public Works Department.*

(1) *Water connection (tap) fees:*

(a) *Single-family residential:*

New services:

When the developer provides 1" copper service, meter box and connection:

¾" meter\$65.00

1" meter\$125.00

Existing services:

Where there is an existing 1" copper service to the property with a ¾" meter and the customer wishes to have a 1" meter installed\$860.0
(includes the 1" meter,
1" loop and new meter can)

In the absence of a 1" water service to the property, the City's total cost of materials, labor and equipment costs (includes the 1" meter, the 1" loop and new meter can)

For any service larger than 1", the cost shall be the city's total cost of materials, labor and equipment.

Section 52.075, relating to impact fees, is not applicable where existing service to an existing structure is increased to a 1" or 1 ½" meter.

(b) *Multi-family, commercial, industrial, retail, office or any other nonresidential use:*

New service:

All new commercial service shall be provided by owner.

Existing services:

1) All new commercial services shall be provided by owner.

2) Any modifications to the meter for the existing water services may be provided by the city and the cost shall be the city's total cost of materials, labor and equipment.

(2) *Sewer connection (tap) fees:*

Single-family residential:

When the developer provides the service:

4" service\$65.00

6" service\$125.00

Complete service provided by cityTotal cost of materials, labor and equipment

Multi-family, commercial, industrial or retail establishmentsTotal cost of materials, labor and equipment

(3) *Public Works general repair services:*

Sewer service call (normal business hours)\$75.00

Sewer service call (after hours)\$150.00

Public Works services during normal and after hours (excluding (J)(1), (2), and (3) above)\$50.00

per employee, per hour,
two hour minimum charge,
equipment at the standard hourly rate,
any applicable material costs

(4) *Use of public rights-of-way:*

For the purposes of this subsection only, the following definitions shall apply:

Facilities: The term "facilities" includes any and all structures and equipment installed in or on the public rights-of-way and includes property owned, operated, leased, licensed, used, controlled, or supplied by, for, or in connection with any person.

Person: The term "person" includes any corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

Rights-of-way: The term "rights-of-way" means the surface of, and the space above and below a public street, road, highway, freeway, land, path, public way or place, alley, court, boulevard, parkway, drive, or other easement now or hereafter held by or under the control of the city, in which the city holds the property rights.

Each person, other than a certificated telecommunications provider, as that term is defined in § 283.002 of the Texas Local Government Code, or a wireless service provider, as the term is defined in § 284.002 of the Texas Local Government Code, or a governmental entity providing just compensation pursuant to an interlocal agreement, shall pay to the city, on an annual basis, \$1.00 per linear foot of city's rights-of-way occupied by said person's facilities, plus an annual fee of \$1,000.00 per public street crossing, such amounts to be payable in advance of the construction, installation, purchase, use, lease, operation, or control of any facilities in the right-of-way.

No public utility holding a franchise agreement with the city providing for different terms of compensation shall be required to pay the fee designated herein.

Pursuant to Chapter 284 of the Texas Local Government Code, the follow fees shall apply:

Application fee:

Network nodes (first five nodes)\$500.00

For each additional node from six up to 30 in the same application
.....\$250.00/node

Node support pole\$1,000.00/pole

Annual rental fee:

Network nodes\$250.00/node

Pole attachment rent\$20.00/pole

Fees may be increased by $\frac{1}{2}$ annual CPI for All Urban Consumers for Texas.
Based line rate is February 2017(CPI-U = 243.603).

(5) *Line locate excavation fee:*

During normal business hoursTotal cost of
labor, materials
and equipment

(6) *General fees:*

Fire hydrant rehabilitation/sales\$800.00

Application for right-of-way/easement abandonment\$130.00

Bacteriological water sampling\$75.00

Water meter testing for other municipalities:

5/8" meter\$30.00

1" meter\$45.00

1.5" meter\$100.00

2" meter\$125.00

(K) *Solid waste.*

(1) *Residential collection service:*

Base services including trash, bulk, recycling, and hazardous waste, per month

\$23.15

Extra trash container, per month, per cart\$9.33

Special bulk pick-up, non-trash day\$30.00 each

Landfill drop off, paid at gate\$15.00 each

- (2) *Apartments* or *apartment house* shall mean a multi-family dwelling as that is defined in Chapter 96 of this Code. Each apartment house serviced by commercial dumpster collection will incur the cost of the service provided plus an additional administrative service fee.

Administrative service fee15% of the total costs of services provided.

| Front Load Apartment Services Amount/ Times per Week | 1X | 2X | 3X | 4X | 5x | 6X |
|---|------------------------|-----------|----------|--------------|--------------|--------------|
| 3YD | \$42.18 | \$81.16 | \$112.51 | \$157.5 1 | \$213.7 7 | \$281.2 7 |
| 4YD | \$46.71 | \$108.74 | \$128.62 | \$162.0 1 | \$204.1 2 | \$281.2 7 |
| 6YD | \$93.18 | \$190.88 | \$226.89 | \$289.8 2 | \$362.2 7 | \$434.7 3 |
| 5YD | \$ 104.12 | \$ 240.07 | \$308.23 | \$412.6 4 | \$515.8 1 | \$619.0 0 |
| 2 YD Compactor | \$187.03per collection | | | | | |

Apartment roll-offs:

20 yard \$369.99

30 yard \$409.48

40 yard\$432.83

34/35 yard compactor roll-off \$453.01

42 yard compactor roll-off\$462.27

Extra yards\$35.00 per yard

Delivery of container\$100.00

Removal of container\$100.00

Relocation of container\$100.00

Dry run\$100.00 (container is blocked and service cannot be provided).

Extra pickup:

3 yard \$42.18

4 yard \$46.40

6 yard \$51.04

8 yard \$56.15

Container change out fee:

First 2 change outs per year\$200

3rd or subsequent change out per year\$350

(3) *Commercial/apartment mixed use sharing a solid waste container:* Services by commercial dumpster collection will incur base costs plus additional charges for the service level provided at the same rates for apartments. Apartment customers may request additional service or containers for additional costs as outlined in section (K)2.

(4) *Commercial and retail service (for locations that cannot be serviced with typical commercial methods):*

Automated cart, per month, per cart\$ 23.15

Fee *for inadequate number of carts or frequency of collection resulting in container spillage or overflow:*

Administrative fee for inadequate sanitation response\$50.00 + 13%
administrative fee

(L) *Tax.*

Mobile homes, per lot, per year\$1.00

Tax certificates\$10.00

(M) *Traffic and transportation.*

Parade permit: - \$25.00

~~0—20 units\$15.00~~

~~21—100 units\$50.00~~

~~101—200 units\$100.00~~

~~201—300 units\$150.00~~

~~301 plus units\$200.00~~

Block party permit (except National Night out).....\$25.00

Film permit:

Application fee\$25.00

Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area, per calendar day\$500.00

Partial non-disruptive use of a public building, park, right-of-way, or public area, per calendar day\$250.00

Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes), per block, per calendar day\$50.00

Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes), per block, per calendar day\$25.00

Use of city parking lots, parking areas, and city streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles), per block or lot, per calendar day\$50.00

(N) *Utility billing.*

(1) *Water service:*

(a) Minimum monthly charges, including the first 2,000 gallons of use:

Single-family residential domestic and irrigation use\$15.~~5106~~

Commercial (including apartments and portable meters), industrial and commercial irrigation use:

5/8" meter\$15.~~8135~~

1" meter\$24.~~363-65~~

1.5" meter\$38.~~657-53~~

2" meter\$55.~~784-16~~

3" meter\$101.~~4498-49~~

4" meter\$1~~52.8248.37~~

6" meter\$2~~95.5886.98~~

8" meter\$4~~66.8953.31~~

10" meter\$6~~66.7547.33~~

Fire line—regardless of size\$7~~6.384.16~~

- (b) Single-family residential domestic use, over the 2,000 gallons included in the minimum charge:

For meter readings taken in the months of October through April:

All use over 2,000 gallons, per 1,000 gallons\$3.~~6756~~

For meter readings taken in the months of May through September:

Next 8,000 gallons, per 1,000 gallons\$3.~~6756~~

Next 15,000 gallons, per 1,000 gallons\$4.~~9378~~

All use over 25,000 gallons, per 1,000 gallons\$~~6.155.96~~

- (c) Irrigation use, over the 2,000 gallons included in the minimum charge:

Next 23,000 gallons, per 1,000 gallons\$3.~~9172~~

Next 25,000 gallons, per 1,000 gallons\$4.~~6644~~

Next 50,000 gallons per 1,000 gallons\$5.~~2803~~

Next 100,000 gallons per 1,000 gallons\$5.~~9466~~

All use over 200,000 gallons, per 1,000 gallons\$6.~~6334~~

- (d) Commercial use (including apartments and portable meters), over the 2,000 gallons included in the minimum charge:

All use over 2,000 gallons, per 1,000 gallons\$2.~~6658~~

- (e) Industrial use, over the 2,000 gallon included in the minimum charge:

All use over 2,000 gallons, per 1,000 gallons\$2.~~3528~~

Industrial use rates for water service will apply to customers in the business of assembly or manufacturing of goods and for which water usage equals or exceeds 750,000 gallons per month for nine out of 12 months in a year.

- (2) *Sewer service:*

- (a) Residential use:

First 2,000 gallons, minimum\$1~~7.156.33~~

All use over 2,000 gallons, per 1,000 gallons\$3.9980

- (b) Commercial (including apartments), industrial and irrigation minimum monthly charges, including the first 2,000 gallons of use:

5/8" meter\$17.306.48

1" meter\$25.063.87

1.5" meter\$37.926.11

2" meter\$53.320.78

3" meter\$94.4889.98

4" meter\$141.1434.42

6" meter\$269.2156.39

8" meter\$423.4303.27

10" meter\$603.32574.59

- (c) Commercial and industrial use:

All use over 2,000 gallons, per 1,000 gallons\$4.063.87

- (d) Sewer billing provisions:

1. As it is generally not practical to meter sewage flows from individual service locations, the following provisions apply for billing sewage volume:

- a. Dedicated fire line, irrigation service and portable meters customers do not have sewer use and accordingly will not be charged for sewer treatment.
- b. Residential sewer use is calculated using the average water consumption for meter readings taken in the months of January, February and March as the estimated sewer volume per month (winter average approach).
- c. New residential service will be assumed to use 8,000 gallons per month until a winter average can be established. If water use for new service is below 8,000 gallons per month for the first three months of service, the customer may request that the average for the first three months of service be used to estimate sewer volume until a winter average is established.
- d. Commercial and industrial customers sewer use will be deemed the same as water consumption unless customer can demonstrate that a significant portion of water consumption is not flowing into the sanitary sewer system and agrees to install a deduct meter.

(3) *Service deposits:*

Residential service accounts\$75.00

Apartments, per unit\$75.00

Commercial accountsThe larger
of \$100.00 or
one-sixth of the annual average
bill at the service location

Portable meters\$1,900.00

An increased security deposit, in an amount of three times the average monthly bill at the location to be served, for any class of service, shall be required when there is a substantial risk of financial loss to the city.

(4) *Utility service fees:*

Interruption day service fee on past due accounts\$25.00

Repair/replacement of portable meter and related fixturesMaterials plus labor

Notice of pending disconnect for any nonpayment\$25.00

Service connection fee\$15.00

Service connection expedited service, same day service\$75.00

Service connection expedited service, after hours connection\$75.00

Service connection expedited service, next day service\$55.00

Portable fire hydrant meter billings when no monthly read submitted\$250.00
monthly fee plus water usage to be billed when read received.

Two (2) no read fees within a 6 month time frame will result in the meter being repossessed.

Pull and test meter at customer's request

Residential\$100.00, prepaid

Commercial\$200.00, prepaid

If testing proves a defect with the meter, the prepaid fee will be credited to the customer's bill with the next billing cycle.

Multiple attempts for restoration of services, after the 2nd attempt, customer must be present at the service location\$40.00 per attempt

After hours restoration of service.. Fee to restore service when past due payment is collected and meter is contained within a meter can\$60.00
Fee to restore service when past due payment is collected and meter is contained within a meter vault.....\$180.00
Availability of after hour services limited to:

Restores:

5:30 p.m. to 9:00 p.m. weekdays

12:00 p.m. to 5:00 p.m. weekends and holidays

Sewer requests:

After 3 p.m. weekdays

24 hours a day weekends and holidays.

(O) *Municipal court.*

(1) The Municipality shall by ordinance prescribe the collection of a fine in accordance with Art. 45.203 of the Criminal Code of Procedure as amended.

(2) The Municipal Court shall assess a fee to be allocated in accordance with Sec. 134.103 of the Local Government Code as amended.

(P) *Cross-connection control and prevention fees:*

(1) *Backflow prevention assembly registration fees:*

There is an annual nonrefundable registration fee for each nonresidential backflow prevention assembly device, per each separate device (not applicable to organizations zoned single family related to the beautification of entrances)
.....\$35.00

(2) *Regulatory authority testing fee:*

(a) Fee for a backflow prevention assembly test, for each separate test\$100.00

(b) Fee for a backflow prevention assembly retest, for each retest performed
.....\$50.00

(3) *Certified backflow prevention assembly tester registration fee:*

Annual registration fee for approved testers shall be a nonrefundable fee of
.....\$75.00

(4) *Testing form booklet fees:*

Fee for a testing form booklet of 30 test forms, each\$25.00

(5) *Private contractors testing fees:*

There shall be no additional charges by the city for testing conducted by "private" contractors.

(6) *Backflow prevention test report late fee:\$50.00*

(Q) *Indian Creek Golf Club.*

Holidays: Memorial Day, July 4th and Labor Day

Reservation Policy: Carrollton residents may reserve tee times ten days in advance; general public may book tee times seven days in advance.

(1) *Green fees:*

| | Creek Course | Lakes Course |
|---|---------------------|---------------------|
| Weekday (Monday—Thursday, not holidays) | | |
| Open—1:00 | \$10.00— \$45.00 | \$10.00— \$35.00 |
| 1:00—4:00 | \$10.00— \$45.00 | \$10.00— \$35.00 |
| After 4:00 | \$5.00— \$35.00 | \$5.00— \$25.00 |
| 9 Hole Rate | \$5.00— \$40.00 | \$5.00— \$30.00 |
| Junior/Senior/Veteran (Monday-Friday), Junior=age 21 and under, Senior=age 60 and over | \$5.00— \$40.00 | \$5.00— \$30.00 |
| Weekend (Friday—Sunday and Holidays) | | |
| Open—1:00 | \$10.00— \$55.00 | \$10.00— \$45.00 |

| | | |
|-------------|---------------------|---------------------|
| 1:00—4:00 | \$10.00— \$55.00 | \$10.00— \$45.00 |
| After 4:00 | \$5.00— \$35.00 | \$5.00— \$25.00 |
| 9 hole rate | \$5.00— \$40.00 | \$5.00— \$30.00 |

Resident Discount\$5.00 off

Anytime, excluding leagues

Discount is provided to Carrollton residents with proof of residence

(2) *Cart fees:*

Weekday and weekend\$5.00—\$20.00

(3) *Range fees:*

Practice bag\$3.00—\$15.00

(4) *Player improvement program*\$30.00—\$125.00 per month

(5) *Tournament and special events:*

| | Creek Course | Lakes Course |
|---------|---------------------|---------------------|
| Weekday | \$10.00— \$75.00 | \$10.00— \$75.00 |
| Weekend | \$10.00— \$75.00 | \$10.00— \$75.00 |

(6) *Clubhouse/pavilion rental:* \$50.00—\$200.00/hour

(7) *Annual pass programs:*\$600.00 to \$3,600.00

(R) Failure to pay any fee provided for herein shall be a misdemeanor punishable by a fine as provided in section 10.99.

- (S) Allegation and evidence of a culpable mental state is not required for proof of an offense as defined by this subsection.
- (T) The city shall not be required to pay any fee herein.
- (U) All construction fees, including building permit fees, impact fees, platting fees and project permit fees (fences, electrical, plumbing, etc.) shall be waived for any property which is located within a Neighborhood Empowerment Zone. Such waiver is applicable to new development or construction, and renovation, repair or rehabilitation of an existing structure.

Such waiver shall not apply to:

- Any fees related to the use of a city facility; or
 - Any fees associated with the Apartment Crime Reduction Program; or
 - Any fees associated with the Single-Family Rental Inspection Program; or
 - Any fines or penalties related to any enforcement action of the City of Carrollton; or
 - Any parade or special event permit fees.
- (V) *City Secretary*.
- (1) Charges for issuance of the TABC permit: Not to exceed charges as set by the State of Texas.

SECTION 2

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

SECTION 3

Save and except as amended by this Ordinance, all other Ordinances of the City of Carrollton, Texas shall remain in full force and effect.

SECTION 4

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

SECTION 5

This ordinance shall take effect from and after ~~October~~January 1, 2024~~3~~.

PASSED AND APPROVED THIS ~~12th~~21st DAY OF ~~September~~November 2023.

City Of Carrollton, Texas

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd, City Attorney

APPROVED AS TO CONTENT:

Melissa Everett, Finance Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING CHAPTER 31, THE COMPREHENSIVE FEE SCHEDULE OF THE CARROLLTON CITY CODE; CONTAINING A SAVINGS CLAUSE AND A REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF JANUARY 1, 2024.

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

SECTION 1

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

CHAPTER 31. COMPREHENSIVE FEE SCHEDULE

Sec. 31.01. - Establishment of fees for city services.

The following fee schedule is hereby established and the following fees shall be charged for various services rendered by the city.

(A) *General fees.*

- (1) *General returned check, credit card and debit card fees:\$35.00*
- (2) *Fidelity Express returned check fees:\$38.50*

Checks, drafts or instruments tendered to the city for amounts owed to the city which are returned unpaid through the city depository as uncollected funds (excluding any occurrence resulting from any documentable depository error or omission).

- (3) *Collection agency fees:\$10.00*

Receivables owed to the city by individuals and businesses for over 60 days and for which two notices of amounts owed have been sent may be assigned to an outside agency for collection.

- (4) *Credit/debit card convenience fees, per transaction:2% of transaction*

Convenience fee and a \$5.00 transaction minimum to be assessed on all transactions except for those for Library and Parks and Recreation.

- (5) *Charges for providing copies of public information:*

Not to exceed charges as set by the State of Texas.

- (6) *After-hours services (per hour)\$40.00*

Services performed outside normal business hours are billed per employee per hour with a two-hour minimum charge. Equipment and materials are billed at normal hourly rates.

(7) *After-hours administration fee:*\$25.00

Administrative fee assessed for processing charges for after-hours services.

(B) *Building inspection.*

(1) *Project permits (includes plumbing, electrical and mechanical permits and certificate of occupancy fees):*

Application fee, nonrefundable\$125.00

New dwellings up to four units, per unit\$1,100.00

Pool or spa\$200.00

Temporary buildings and trailers\$75.00

New commercial, apartments, accessory, additions, remodels and finish-outs, per \$1,000.00 valuation (minimum \$125.00)\$6.00

Residential remodel\$125.00

(2) *Specific permits:*

Annual permits, per year\$200.00

Banner\$25.00

Building (storage shed)\$50.00

Certificate of occupancy\$100.00

Demolition\$125.00

Electrical, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Fence\$50.00

Fire sprinkler, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Fire alarm, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Irrigation, per \$1000.00 valuation (minimum \$75.00)\$4.00

Mechanical, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Moving (structures in right-of-way)\$75.00

Plumbing, per \$1,000.00 valuation (minimum \$75.00)\$4.00

Real estate sign annual renewal\$50.00

Retaining wall\$50.00
Satellite dish\$50.00
Sign\$125.00
Rainwater harvesting\$25.00
Wind turbine\$75.00
Solar panel\$125.00
Special event—no food sales\$50.00
Special event—food sales50.00 per food vendor
Tent\$50.00
Curb cut\$100.00
Above/below grade storage tank installation or removal\$100.00per tank
Mobile refueling, per address, per year\$250.00

(3) *Service fees:*

Inspection/engineering fees:

See Section 31.01 (C).1

Commercial permit storm water pollution protection plan inspection fee\$50.00

Commercial permit utility release processing fee\$50.00

Re-inspection\$50.00

Special inspection\$50.00

Temporary service/construction heat\$100.00

Snow cone stand removal deposit\$350.00

(Will be refunded in full provided the structure is removed at certificate of occupancy expiration. Un-refunded deposit will be used to defer cost of removal by city if necessary.)

Administrative process fee for special event, film, block party (except National Night Out) and parade permits\$25.00

(4) *Registration:*

Homebuilder directional signs, per year\$100.00

(5) *Appeal boards:*

Construction Advisory and Appeals Board\$200.00

Board of Adjustment, solar panel special exception\$25.00

Board of Adjustment, all others\$200.00

(6) *Exceptions:*

(a) Building permit and board filing fees are not required for facilities on property both owned and used by the following:

1. Federal government.
2. State government.
3. County government.
4. City government.
5. Public school districts.

(b) Building permit fees are not required for home construction projects built by the Carrollton-Farmers Branch Independent School District Trade School.

(c) Fees are not required for permits issued to contractors hired by the city to clear visibility obstructions constructed legally prior to adoption of the Ordinance No. 1325, passed November 11, 1986 and referred to as the Visibility Ordinance.

(d) Fees are exempted for work conducted in Neighborhood Empowerment Zones, as enumerated and established by Council Resolution #3608.

(C) *Engineering:*

(1) *Inspection fees:*

(a) \$45.00 per hour with a minimum fee of \$90.00

(b) Inspections occurring outside of normal business hours will incur a \$67.50 per hour fee with a minimum fee of \$135.00.

(c) Grading Improvements – One hour per 170 square feet calculated at \$0.265 per square foot.

(d) Water and/or Wastewater Improvements – One hour per 50 linear feet calculated at \$0.90 per linear foot.

(e) Drainage Improvements – One hour per 50 linear feet calculated at \$0.90 per linear foot.

(f) Paving Improvements – One hour per 170 square feet calculated at \$0.265 per square foot.

(g) Sidewalk Improvements – One hour per 170 square feet calculated at \$0.265 per square foot.

(i) Screening Wall/Fence Improvements – One hour per 50 linear feet calculated at \$0.90 per linear foot.

(2) *Plan review:*

(a) Review of construction plans for infrastructure (streets, water, wastewater, storm drainage), per acre of development\$150.00

(b) Review of re-submittals of construction plans for infrastructure (streets, water, wastewater, storm drainage) for the fourth and each subsequent submittal\$250.00

(3) *Street signs and markings:*

Intersection signs and markings, per intersection\$435.00

Fire hydrant markers, per hydrant\$5.00

Street light assessment, per linear foot\$12.00

(D) *Environmental Services Department.*

(1) *Animal Services Division:*

City registration fees:

Dogs and cats, unaltered\$20.00/year

Dogs and cats neutered or spayed\$5.00/year

Dangerous dogs\$50.00/year

Potbellied pigs\$10.00/year

Duplicate (replacement) license tags\$2.00/each

Adoption fee\$5.00/animal (previously vetted)

Adoption fee\$10.00/animal (non-vetted)

Adoption fee\$60.00/pre-vetted animal

Overnight boarding fee\$10.00/day

Quarantine fee\$10.00/day

1st impoundment within a 12-month period\$20.00

2nd impoundment within a 12-month period\$50.00

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

Livestock impoundment fee\$50.00/head

Feed and care for livestock\$15.00/day

Owner's release to city\$20.00
Home quarantine checks for two visits\$30.00
Euthanasia of animals\$20.00
Rabies testing\$40.00
Vet clinic dead animal removal service\$50.00/month
Permit to keep chickens\$20.00/year

(2) *Environmental Quality Division*

Temporary food permit, per 14 days\$75.00

Food permits:

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

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

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

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

Farmer's market permits:

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

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

Farmer's market concession vendor permit, per year\$100.00

State accredited food handlers certification\$10.00

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

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

Industrial pretreatment program (IPP):

IPP permit, per year\$400.00

IPP sampling and analysisActual cost + 15%

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

Spill response and cleanups:

Administrative fee for any spill response\$50.00

City conducted spill mitigation or cleanupActual cost + admin. fee

Sampling and analysis for complaints, spill and enforcement activities
.....Actual cost + 15%

Liquid waste hauler program (LWH):

LWH vehicle permit, per year\$150.00

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

LWH trip ticket books\$25.00

On-site LWH inspection\$80.00

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

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

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

Municipal setting designation:

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

(4) *Pool code:*

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

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

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

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

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

(3) *Community Services Division*

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

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

Single-family rental registration fee \$50.00 per year

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

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

Filing of compliance order at county court of record:

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

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

Hotel code:

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

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

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

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

Appeals to Property Standards Board \$200.00

(E) *Fire.*

- (1) *Definitions.* For purposes of this division only, the following definitions shall apply:
.....

Nonresident: A nonresident is a person who does not reside within the city limits.

Resident: A resident is a person who resides within the city limits.

- (2) *Ambulance transport:*

Residents:

Basic life support\$750.00

Advanced life support, level 1\$850.00

Advanced life support, level 2\$950.00

Nonresidents:

Basic life support\$850.00

Advanced life support, level 1\$950.00

Advanced life support, level 2\$1050.00

These levels of transport are as defined in the Medicare Index.

- (3) *Disposable supplies fees:*

Basic life support\$200.00

Advanced life support\$400.00

Oxygen supplies\$150.00

- (4) *EMS mileage charge:*

Transporting persons by ambulance, per mile\$15.00

- (5) *Recovery from hazardous materials responses—natural gas line cuts by contractors:*

Engine:

First hour (or portion thereof)\$300.00

Per ¼ hour thereafter\$75.00

Truck:

First hour (or portion thereof)\$400.00

Per ¼ hour thereafter\$100.00

Medic:

First hour (or portion thereof)\$200.00

Per ¼ hour thereafter\$50.00

(6) *Inspection fees:*

After hours inspections\$50.00
per hour, two hour minimum

Re-inspection:

2nd reinspection\$50.00

3rd reinspection\$100.00

All after 3rd reinspection\$250.00
each

(7) *Facility fees:*

Hazardous materials facility\$250.00
per year

Materials recycling facility\$250.00
per year

Factory/industrial facility\$250.00
per year

Flammable/combustible storage facility\$250.00
per year

(F) *Library:*

(1) *Lost/damaged library material fees:*

Interlibrary loan materialsCost as assessed by lending library

Media case\$5.00

BinocularsActual cost

All other materialsActual price plus \$5.00 processing fee

(2) *Library service fees:*

Headphones\$4.00

Replacement library card fee\$1.00

Computer printing, per page\$0.15

Copier printing, per page\$0.15

Color Printing, per page.....\$0.50

Flash drives, eachcost plus \$0.05 rounded up to the next quarter dollar

(3) *Room rental fees:*

Josey Ranch Lake Library Meeting Room, per hour\$25.00

Josey Ranch Lake Library Environmental Classroom, per hour\$15.00

Josey Ranch Lake Library Conference RoomNo charge

Hebron & Josey Library Meeting Room 1, per hour\$15.00

Hebron & Josey Library Meeting Room 2, per hour\$25.00

Hebron & Josey Library Meeting Room 1 & 2, per hour\$25.00

Hebron & Josey Library Conference RoomNo charge

(4) *Full access library card:*

Annual memberships:

Residents of Carrollton and reciprocal partner citiesFree

City of Carrollton employeesFree

Nonresidents\$40.00

(G) *Parks and recreation.*

(1) *General fees:*

Replacement card \$5.00

Non-Residents of the City of Carrollton will pay an additional 10% of Carrollton Resident fees rounded up to the nearest \$0.25. Leagues requiring team registration will not be subject to resident/non-resident fees.

Schedule of fees for classes and programs will be determined by the Director of Parks and Recreation or other City Manager designee and will be made available for review online and at the recreation centers.

At the discretion of the Parks and Recreation Director or other City Manager designee, partnering cities' residents may receive Carrollton resident discount when mutually beneficial to the City.

Promotions:

Discounts may be allowed at the Parks and Recreations Director's discretion up to \$10.00 off or 13 months for the price of 12 months.

Commercial use of parkland, Park Permit

As outlined in Chapter 133 Park Permits may be required for special park use. Park Permits are provided on an 'as is' term. Alterations or enhancements are at the discretion of the Parks and Recreation Director.

Per Occurrence

Resident... \$25.00

Nonresident...\$35.00

Annual per Individual

Resident... \$500.00

Nonresident ...\$550.00

(2) Memberships

City employee..... No fee, but subject to federal taxation on value of individual rate

City employee family, up to four family members is equal to the resident rate less the individual rate, and is subject to federal taxation on value of employee pass

Carrollton Corporate Membership.... is equal to the individual resident rate

Active military on leave (for the duration of leave) \$5.00

(2.1) All Access Recreation Center (Crosby, Rosemeade, and Senior Centers):

Annual Memberships:

Senior citizen (age 65+), resident \$45.00

Senior citizen (age 65+), nonresident \$70.00

Youth (age 9—15), resident \$40.00

Youth (age 9—15), nonresident \$65.00

Adult (age 16—64), resident \$115.00

Adult (age 16—64), nonresident \$165.00

Family, up to four family members, resident \$200.00

Family, up to four family members, nonresident \$285.00

Additional member on family membership, resident..... \$20.00

Additional member on Family membership, nonresident....\$25.00

Three month memberships:

- Senior citizen (age 65+), resident \$25.00
- Senior citizen (age 65+), nonresident \$35.00
- Youth (age 9—15), resident \$20.00
- Youth (age 9—15), nonresident \$30.00
- Adult (age 16—64), resident \$50.00
- Adult (age 16—64), nonresident \$65.00
- Family, up to four family members, resident \$75.00
- Family, up to four family members, nonresident \$105.00
- Additional member on family membership. resident \$10.00
- Additional member on family membership, nonresident....\$15.00

One month memberships:

- Resident....\$20
- Nonresident...\$25

Daily passes:

- Senior citizen (age 65+) and youth (age 9—15), resident \$5.00
- Senior citizen (age 65+) and youth (age 9—15), nonresident \$8.00
- Adult (age 16—64), resident \$7.00
- Adult (age 16—64), nonresident \$10.00

(2.2) Limited Use Memberships

Carrollton Senior Center ONLY:

Resident:

Age 50—59

- \$25.00 annually
- \$9.00 for three months

Age 60—69

- \$15.00 annually
- \$6.00 for three months

Age 70+
\$10.00 lifetime
Day pass \$2.00

Nonresidents:

Age 50—59
\$40.00 annually
\$15.00 for three months

Age 60—69
\$30.00 annually
\$11.00 for three months

Age 70+
\$25.00 lifetime

(3) Esports Center:

1 Hour, resident.....\$5.00
1 Hour, nonresident.....\$5.50
5 Hours, resident.....\$12.00
5 Hours, nonresident.....\$13.25
20 Hours, resident \$35.00
20 Hours, nonresident \$38.50
50 Hours, resident.....\$75.00
50 Hours, nonresident.....\$82.50

(4) *Rental facilities fees:*

Parks and Recreation facility and property rentals for special events shall follow regulations outlined in Chapter 31.B.2 and 117 of the Carrollton Municipal Code.

Entire facility rentals allow exclusive/private use of the facility; however, at the discretion of the Parks and Recreation Director, some rooms and spaces may not be available.

After-hours rentals will be assessed staffing fees at a rate of \$25.00/hour/staff, and management will determine staffing needs based on times and event type. Some rentals, by Carrollton Municipal Code or at management's discretion, may require an off-duty police officer at Police Department staffing rates.

Deposits for all rentals are \$100.00 for resident and \$125.00 for nonresident, per reservation unless otherwise noted. Deposits for multiple day reservations will be held until the final date on the reservation.

Audio Visual Equipment is \$25.00 for residents and \$35 for non-residents per rental unless otherwise noted.

Meeting Room Set-up and Clean-up is \$25.00/staff/hour for residents and \$35.00/staff/hour for nonresident unless otherwise noted.

Kitchen add-on in applicable facilities \$25.00/hour for resident and \$35.00/hour for nonresident.

Events at City facilities in accordance with 130.26(B). (2). (c), (d), and (e); An additional \$200.00 for resident and \$250.00 for nonresident deposit is required.

Crosby Recreation Center

Resident:

Entire facility, after hours only (deposit \$250.00)..... \$250.00/hour

Broadway and Pioneer Rooms, per hour \$25.00

Trinity Room, per hour \$85.00

Esports Room, per hour \$150.00

Esports Room, full day \$1,000.00

Gym, per half court, per hour \$35.00

Gym, per full court, per hour \$60.00

Nonresident:

Entire facility, after hours only (deposit \$300.00)..... \$300.00/hour

Broadway and Pioneer Rooms per hour \$35.00

Trinity Room, per hour \$115.00

Esports Room, per hour \$175.00

Esports Room, full day \$1,100.00

Gym, per half court, per hour \$50.00

Gym, per full court, per hour \$75.00

Rosemeade Recreation Center

Resident:

- Entire facility, after hours only, (deposit \$250.00) \$250.00/hour
- Armadillo, Bobcat, & Mustang Rooms per hour \$25.00
- Dance room, per hour \$85.00
- Esports Room, per hour \$150.00
- Esports Room, full day \$1000.00
- Gym, per half court, per hour \$35.00
- Gym, per full court, per hour \$60.00
- Multi-purpose, per hour \$35.00

Nonresident:

- Entire facility, after hours only (deposit \$300.00)..... \$300.00/hour
- Armadillo, Bobcat, & Mustang Rooms per hour \$35.00
- Dance room, per hour \$115.00
- Esports Room, per hour \$175.00
- Esports Room, per day \$1100.00
- Gym, per half court, per hour \$50.00
- Gym, per full court, per hour \$75.00
- Multi-purpose, per hour\$50.00

Carrollton Amphitheater: (includes restrooms and lights):

- Resident, per hour \$30.00
- Nonresident, per hour \$40.00

Mary Heads Carter Park Pavilion: (Pavilion Only)

- Resident, per hour \$50.00
- Nonresident, per hour \$60.00

McInnish and Josey Ranch Sports Complex:

- 5K rentals/Events \$400.00 for the first four hours,
plus \$75.00 each additional hour

Gazebo (Historic Downtown Carrollton and includes green space inside the public sidewalks around the Square):

Resident, per hour..... \$65.00

Nonresident, per hour..... \$75.00

Josey Ranch Lake Senior Center:

Resident

Texas Room Day Rate (10 hours) (\$250.00 deposit).... \$1,800.00

Texas Room—three-hour minimum, per hour (\$250.00 deposit) \$200.00

Texas Room A, per hour..... \$70.00

Texas Room B, per hour (\$150.00 deposit) \$150.00

Round-Up Room, per hour-..... \$60.00

Tumbleweed Room, per hour- \$15.00

Blue Bonnet Room, per hour-..... \$25.00

Lone Star Room, per hour-..... \$25.00

Nonresident:

Texas Room Day Rate (10 hours) (\$300.00 deposit) \$2,500.00

Texas Room—three-hour minimum, per hour (300.00 deposit) \$280.00

Texas Room A, per hour..... \$90.00

Texas Room B, per hour (\$200.00 deposit) \$180.00

Round-Up Room, per hour-..... \$80.00

Tumbleweed Room, per hour- \$25.00

Blue Bonnet Room, per hour..... \$35.00

Lone Star Room, per hour-..... \$35.00

Museum fees:

Grounds (to include Exterior only of House and Barn; the Gazebo and Restroom)

Commercial photography (Use of Grounds, up to three hours)

Resident, per hour \$200.00

Nonresident, per hour ...\$250.00

Each additional hour

Resident \$75.00

Nonresident \$100.00

Ten-hour day rate (commercial photography)

Resident \$500.00

Nonresident ... \$575.00

Elm Fork Nature Center (to include Interior classroom, restroom, and outdoor patio only)

Resident, per hour....\$75

Nonresident, per hour....\$85

(5) *Pool fees:*

Pool use fees:

Rosemeade Swimming Complex:

Admission resident, per person, weekdays \$5.00

Admission resident, per person, weekends \$6.00

Admission nonresident, per person, weekdays \$9.00

Admission nonresident, per person, weekends \$10.00

Age 2 and under Free

Passes:

Rosemeade Swimming Complex:

Book of 20 passes (individual, resident) \$90.00

Book of 20 passes (individual, nonresident) \$120.00

Individual season pass (resident) \$50.00

Individual season pass (nonresident) \$60.00

Family season pass up to four family members, resident (photo ID required) \$120.00

Family season pass up to four family members, nonresident (photo ID required) \$150.00

Family season pass add-on, per additional member, resident (photo ID required) \$10.00

Family season pass add-on, per additional member, nonresident (photo ID required) \$15.00

Pool rental fees:

Rosemeade Rainforest or Rosemeade Main Pool:

| | | |
|--------------------|----------|------------|
| Resident Guests | 2 Hours | 4 Hours |
| 1—200 | \$400.00 | \$800.00 |
| Over 200 | \$550.00 | \$1,100.00 |
| Nonresident Guests | 2 Hours | 4 Hours |
| 1—200 | \$550.00 | \$1,100.00 |
| Over 200 | \$700.00 | \$1,400.00 |

Additional lifeguard, per hour \$25.00

Party table (8' or 10') rentals per hour (resident) weekends \$10.00

Party table (8' or 10') rentals per hour (nonresident) weekends \$15.00

(6) *Athletic Facility fees:*

General fees:

Sports field, per field (resident) \$30.00/hour

Sports field, per field (nonresident) \$35.00/hour

Sports field, per complex (resident), per day \$800.00

Sports field, per complex (nonresident), per day \$1,000.00

Sports field lighting, per field, per hour \$20.00

Sand beach volleyball rental (no deposit required), per day/per court (resident) \$15.00

Sand beach volleyball rental (no deposit required), per day/per court (nonresident) \$20.00

Field/event preparation, per hour, per worker \$25.00

Youth Association field rental no-show, per occurrence, per field \$25.00

Tournament deposit \$500.00

Gate fee Agreement through contract

Concession, promotional sales, and gate fee Agreed percent by contract

Baseball/softball practice field rental program member rates:

Annual membership (team) \$300.00

Annual membership (league/organization) \$750.00

Member sports field rental, per field, per hour \$20.00

Member sports field lighting, per field, per hour \$15.00

Scoreboard/equipment agreement:

Replacement cost (if damaged or lost) Actual cost to repair or replace

Scoreboard controller deposit \$50.00

Keys:

Repair or replacement Actual cost

Special events, for profit:

Deposit (depending on size of event) \$2,500.00 to \$5,000.00

Rental fee, per complex \$2,500.00

Field preparation, per hour/per complex \$25.00

Concession, promotional sales, and gate fee Agreement through contract

(7) *Oak Creek Tennis Center fees:*

Court reservation fees:

Resident, per 1.5 hours, per person, up to four players \$2.00 - \$5.00

Nonresident, per 1.5 hours, per person, up to four players \$3.00 - \$6.00

Ball machine rentals (includes facility fees):

Resident:

One hour \$10.00 - \$25.00

Nonresident:

One hour \$15.00 - \$30.00

Ball machine packages (includes facility fees):

Resident:

Monthly pass \$40.00 - \$55.00

Nonresident:

Monthly pass \$45.00 - \$60.00

Off-site tennis court fees, per one hour, per court (resident) \$2.00 - \$5.00

Off-site tennis court fees, per one hour, per court (nonresident) \$3.00 - \$6.00

(8) *Tree ordinance fee:*

Mitigation, per caliper inch \$225.00

(H) *Planning.*

(1) Preliminary plat or final plat\$500.00

(2) Administrative plat, amending plat, conveyance plat or re-plat\$300.00

(3) Technical site plan\$500.00

As-built prints:

11" x 17"\$1.50

18" x 24"\$2.00

36" x 24"\$3.00

(4) Zoning change:

Special use permit for a restaurant with a private club\$650.00

Planned developments\$1,000.00

All other special use permits and zoning changes\$500.00

- (5) Zoning verification letters: \$50.00
- (6) Comprehensive plan amendment\$500.00
- (7) Miscellaneous planning applications:
 - Median variance\$500.00
 - Alternate facade\$500.00
 - Alternate landscape plan\$500.00
 - Sidewalk waiver\$500.00
 - Tree preservation\$130.00
 - All other requests\$130.00
- (8) Documents and maps:
 - Maps, up to 36" x 48"\$10.00
 - Copies of enlarged plans from applications:
 - 11" x 17"\$1.50
 - 18" x 24"\$2.00
 - 36" x 24"\$3.00

(I) *Police.*

(1) *Definitions:*

Initial permit. An initial permit is an alarm permit issued for a period of one year.

Renewal permit. A renewal permit is an alarm permit issued by the city before the expiration of an initial or renewal permit. The renewal permit effective date is the anniversary date of the prior permit. After expiration of a permit, it may not be renewed and a new initial permit must be obtained.

(2) *Permits:*

Commercial alarm permits, per year:

Initial permit\$75.00

Renewal permit\$50.00

Residential alarm permits, per year:

Initial permit\$50.00

Renewal permit\$25.00

Alarm permit revocation appeal fee\$25.00

Handbills, per six-month period\$50.00

Solicitors, per six-month period\$50.00

Individual solicitor certificate, per six month period\$10.00

Individual handbill distributor certificate, per six month period\$10.00

(3) *Alarm system false alarm fees:*

False burglar alarm response charge based on number of false alarm responses in the previous 12-month period:

1st to 3rdNo charge

4th and 5th\$50.00

6th and 7th\$75.00

8th and more\$100.00

False alarm (other than burglar) response charge based on number of false alarm responses in the previous 12-month period:

1st and 2ndNo charge

3rd and more\$100.00

(4) *Other fees:*

Fingerprinting fee, per fingerprint card\$10.00

Clearance letter\$4.00

Clearance letter—notarized\$5.00

(J) *Public Works Department.*

(1) *Water connection (tap) fees:*

(a) *Single-family residential:*

New services:

When the developer provides 1" copper service, meter box and connection:

¾" meter\$65.00

1" meter\$125.00

Existing services:

Where there is an existing 1" copper service to the property with a ¾" meter and the customer wishes to have a 1" meter installed\$860.0

(includes the 1" meter,
1" loop and new meter can)

In the absence of a 1" water service to the property, the City's total cost of materials, labor and equipment costs (includes the 1" meter, the 1" loop and new meter can)

For any service larger than 1", the cost shall be the city's total cost of materials, labor and equipment.

Section 52.075, relating to impact fees, is not applicable where existing service to an existing structure is increased to a 1" or 1 ½" meter.

- (b) *Multi-family, commercial, industrial, retail, office or any other nonresidential use:*

New service:

All new commercial service shall be provided by owner.

Existing services:

- 1) All new commercial services shall be provided by owner.
- 2) Any modifications to the meter for the existing water services may be provided by the city and the cost shall be the city's total cost of materials, labor and equipment.

- (2) *Sewer connection (tap) fees:*

Single-family residential:

When the developer provides the service:

4" service\$65.00

6" service\$125.00

Complete service provided by cityTotal cost of
materials, labor
and equipment

Multi-family, commercial, industrial or retail establishmentsTotal cost
of
materials, labor
and equipment

(3) *Public Works general repair services:*

Sewer service call (normal business hours)\$75.00

Sewer service call (after hours)\$150.00

Public Works services during normal and after hours (excluding (J)(1), (2), and (3) above)\$50.00

per employee, per hour,
two hour minimum charge,
equipment at the standard hourly rate,
any applicable material costs

(4) *Use of public rights-of-way:*

For the purposes of this subsection only, the following definitions shall apply:

Facilities: The term "facilities" includes any and all structures and equipment installed in or on the public rights-of-way and includes property owned, operated, leased, licensed, used, controlled, or supplied by, for, or in connection with any person.

Person: The term "person" includes any corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

Rights-of-way: The term "rights-of-way" means the surface of, and the space above and below a public street, road, highway, freeway, land, path, public way or place, alley, court, boulevard, parkway, drive, or other easement now or hereafter held by or under the control of the city, in which the city holds the property rights.

Each person, other than a certificated telecommunications provider, as that term is defined in § 283.002 of the Texas Local Government Code, or a wireless service provider, as the term is defined in § 284.002 of the Texas Local Government Code, or a governmental entity providing just compensation pursuant to an interlocal agreement, shall pay to the city, on an annual basis, \$1.00 per linear foot of city's rights-of-way occupied by said person's facilities, plus an annual fee of \$1,000.00 per public street crossing, such amounts to be payable in advance of the construction, installation, purchase, use, lease, operation, or control of any facilities in the right-of-way.

No public utility holding a franchise agreement with the city providing for different terms of compensation shall be required to pay the fee designated herein.

Pursuant to Chapter 284 of the Texas Local Government Code, the follow fees shall apply:

Application fee:

Network nodes (first five nodes)\$500.00

For each additional node from six up to 30 in the same application
.....\$250.00/node

Node support pole\$1,000.00/pole

Annual rental fee:

Network nodes\$250.00/node

Pole attachment rent\$20.00/pole

Fees may be increased by ½ annual CPI for All Urban Consumers for Texas.
Based line rate is February 2017(CPI-U = 243.603).

(5) *Line locate excavation fee:*

During normal business hoursTotal cost of
labor, materials
and equipment

(6) *General fees:*

Fire hydrant rehabilitation/sales\$800.00

Application for right-of-way/easement abandonment\$130.00

Bacteriological water sampling\$75.00

Water meter testing for other municipalities:

5/8" meter\$30.00

1" meter\$45.00

1.5" meter\$100.00

2" meter\$125.00

(K) *Solid waste.*

(1) *Residential collection service:*

Base services including trash, bulk, recycling, and hazardous waste, per month
\$23.15

Extra trash container, per month, per cart\$9.33

Special bulk pick-up, non-trash day\$30.00 each

Landfill drop off, paid at gate\$15.00 each

(2) *Apartments or apartment house* shall mean a multi-family dwelling as that is defined in Chapter 96 of this Code. Each apartment house serviced by commercial dumpster collection will incur the cost of the service provided plus an additional administrative service fee.

Administrative service fee15% of the total costs of services provided.

| Front Load Apartment Services Amount/ Times per Week | 1X | 2X | 3X | 4X | 5x | 6X |
|---|------------------------|-----------|----------|--------------|--------------|--------------|
| 3YD | \$42.18 | \$81.16 | \$112.51 | \$157.5 1 | \$213.7 7 | \$281.2 7 |
| 4YD | \$46.71 | \$108.74 | \$128.62 | \$162.0 1 | \$204.1 2 | \$281.2 7 |
| 6YD | \$93.18 | \$190.88 | \$226.89 | \$289.8 2 | \$362.2 7 | \$434.7 3 |
| 5YD | \$ 104.12 | \$ 240.07 | \$308.23 | \$412.6 4 | \$515.8 1 | \$619.0 0 |
| 2 YD Compactor | \$187.03per collection | | | | | |

Apartment roll-offs:

20 yard \$369.99

30 yard \$409.48

40 yard\$432.83

34/35 yard compactor roll-off \$453.01

42 yard compactor roll-off\$462.27

Extra yards\$35.00 per yard

Delivery of container\$100.00

Removal of container\$100.00

Relocation of container\$100.00

Dry run\$100.00 (container is blocked and service cannot be provided).

Extra pickup:

3 yard \$42.18

4 yard \$46.40

6 yard \$51.04

8 yard \$56.15

Container change out fee:

First 2 change outs per year\$200

3rd or subsequent change out per year\$350

(3) *Commercial/apartment mixed use sharing a solid waste container:* Services by commercial dumpster collection will incur base costs plus additional charges for the service level provided at the same rates for apartments. Apartment customers may request additional service or containers for additional costs as outlined in section (K)2.

(4) *Commercial and retail service (for locations that cannot be serviced with typical commercial methods):*

Automated cart, per month, per cart\$ 23.15

Fee *for inadequate number of carts or frequency of collection resulting in container spillage or overflow:*

Administrative fee for inadequate sanitation response\$50.00 + 13%
administrative fee

(L) *Tax.*

Mobile homes, per lot, per year\$1.00

Tax certificates\$10.00

(M) *Traffic and transportation.*

Parade permit: - \$25.00

Block party permit (except National Night Out)\$25.00

Film permit:

Application fee\$25.00

Total or disruptive use (regular operating hours) of a public building, park, right-of-way, or public area, per calendar day\$500.00

Partial non-disruptive use of a public building, park, right-of-way, or public area, per calendar day\$250.00

Total closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes), per block, per calendar day\$50.00

Partial closure or obstruction of public street or right-of-way, including parking lots and on-street parking (for filming purposes), per block, per calendar day\$25.00

Use of city parking lots, parking areas, and city streets (for the purpose of parking film trailers, buses, catering trucks, and other large vehicles), per block or lot, per calendar day\$50.00

(N) *Utility billing.*

(1) *Water service:*

(a) Minimum monthly charges, including the first 2,000 gallons of use:

Single-family residential domestic and irrigation use\$15.51

Commercial (including apartments and portable meters), industrial and commercial irrigation use:

5/8" meter\$15.81

1" meter\$24.36

1.5" meter\$38.65

2" meter\$55.78

3" meter\$101.44

4" meter\$152.82

6" meter\$295.58

8" meter\$466.89

10" meter\$666.75

Fire line—regardless of size\$76.38

(b) Single-family residential domestic use, over the 2,000 gallons included in the minimum charge:

For meter readings taken in the months of October through April:

All use over 2,000 gallons, per 1,000 gallons\$3.67

For meter readings taken in the months of May through September:

Next 8,000 gallons, per 1,000 gallons\$3.67

Next 15,000 gallons, per 1,000 gallons\$4.93

All use over 25,000 gallons, per 1,000 gallons\$6.15

(c) Irrigation use, over the 2,000 gallons included in the minimum charge:

Next 23,000 gallons, per 1,000 gallons\$3.91

Next 25,000 gallons, per 1,000 gallons\$4.66

Next 50,000 gallons per 1,000 gallons\$5.28

Next 100,000 gallons per 1,000 gallons\$5.94

All use over 200,000 gallons, per 1,000 gallons\$6.63

(d) Commercial use (including apartments and portable meters), over the 2,000 gallons included in the minimum charge:

All use over 2,000 gallons, per 1,000 gallons\$2.66

(e) Industrial use, over the 2,000 gallon included in the minimum charge:

All use over 2,000 gallons, per 1,000 gallons\$2.35

Industrial use rates for water service will apply to customers in the business of assembly or manufacturing of goods and for which water usage equals or exceeds 750,000 gallons per month for nine out of 12 months in a year.

(2) *Sewer service:*

(a) Residential use:

First 2,000 gallons, minimum\$17.15

All use over 2,000 gallons, per 1,000 gallons\$3.99

(b) Commercial (including apartments), industrial and irrigation minimum monthly charges, including the first 2,000 gallons of use:

5/8" meter\$17.30

1" meter\$25.06

1.5" meter\$37.92

2" meter\$53.32

3" meter\$94.48

4" meter\$141.14

6" meter\$269.21

8" meter\$423.43

10" meter\$603.32

(c) Commercial and industrial use:

All use over 2,000 gallons, per 1,000 gallons\$4.06

(d) Sewer billing provisions:

1. As it is generally not practical to meter sewage flows from individual service locations, the following provisions apply for billing sewage volume:

.....

a. Dedicated fire line, irrigation service and portable meters customers do not have sewer use and accordingly will not be charged for sewer treatment.

b. Residential sewer use is calculated using the average water consumption for meter readings taken in the months of January, February and March as the estimated sewer volume per month (winter average approach).

c. New residential service will be assumed to use 8,000 gallons per month until a winter average can be established. If water use for new service is below 8,000 gallons per month for the first three months of service, the customer may request that the average for the first three months of service be used to estimate sewer volume until a winter average is established.

d. Commercial and industrial customers sewer use will be deemed the same as water consumption unless customer can demonstrate that a significant portion of water consumption is not flowing into the sanitary sewer system and agrees to install a deduct meter.

(3) *Service deposits:*

Residential service accounts\$75.00

Apartments, per unit\$75.00

Commercial accountsThe larger
of \$100.00 or
one-sixth of the annual average
bill at the service location

Portable meters\$1,900.00

An increased security deposit, in an amount of three times the average monthly bill at the location to be served, for any class of service, shall be required when there is a substantial risk of financial loss to the city.

(4) *Utility service fees:*

Interruption day service fee on past due accounts\$25.00

Repair/replacement of portable meter and related fixturesMaterials plus labor

Notice of pending disconnect for any nonpayment\$25.00

Service connection fee\$15.00

Service connection expedited service, same day service\$75.00

Service connection expedited service, after hours connection\$75.00

Service connection expedited service, next day service\$55.00

Portable fire hydrant meter billings when no monthly read submitted\$250.00
monthly fee plus water usage to be billed when read received.

Two (2) no read fees within a 6 month time frame will result in the meter being repossessed.

Pull and test meter at customer's request

Residential\$100.00, prepaid

Commercial\$200.00, prepaid

If testing proves a defect with the meter, the prepaid fee will be credited to the customer's bill with the next billing cycle.

Multiple attempts for restoration of services, after the 2nd attempt, customer must be present at the service location\$40.00
per attempt

After hours restoration of service.. Fee to restore service when past due payment is collected and meter is contained within a meter vault\$60.00
Fee to restore service when past due payment is collected and meter is contained within a meter vault.....\$180.00
Availability of after hour services limited to:

Restores:

5:30 p.m. to 9:00 p.m. weekdays

12:00 p.m. to 5:00 p.m. weekends and holidays

Sewer requests:

After 3 p.m. weekdays

24 hours a day weekends and holidays.

(O) *Municipal court.*

(1) The Municipality shall by ordinance prescribe the collection of a fine in accordance with Art. 45.203 of the Criminal Code of Procedure as amended.

(2) The Municipal Court shall assess a fee to be allocated in accordance with Sec. 134.103 of the Local Government Code as amended.

(P) *Cross-connection control and prevention fees:*

(1) *Backflow prevention assembly registration fees:*

There is an annual nonrefundable registration fee for each nonresidential backflow prevention assembly device, per each separate device (not applicable to organizations zoned single family related to the beautification of entrances)
.....\$35.00

(2) *Regulatory authority testing fee:*

(a) Fee for a backflow prevention assembly test, for each separate test\$100.00

(b) Fee for a backflow prevention assembly retest, for each retest performed
.....\$50.00

(3) *Certified backflow prevention assembly tester registration fee:*

Annual registration fee for approved testers shall be a nonrefundable fee of
.....\$75.00

(4) *Testing form booklet fees:*

Fee for a testing form booklet of 30 test forms, each\$25.00

(5) *Private contractors testing fees:*

There shall be no additional charges by the city for testing conducted by "private" contractors.

(6) *Backflow prevention test report late fee:\$50.00*

(Q) *Indian Creek Golf Club.*

Holidays: Memorial Day, July 4th and Labor Day

Reservation Policy: Carrollton residents may reserve tee times ten days in advance; general public may book tee times seven days in advance.

(1) *Green fees:*

| | Creek Course | Lakes Course |
|---|---------------------|---------------------|
| Weekday (Monday—Thursday, not holidays) | | |
| Open—1:00 | \$10.00— \$45.00 | \$10.00— \$35.00 |
| 1:00—4:00 | \$10.00— \$45.00 | \$10.00— \$35.00 |
| After 4:00 | \$5.00— \$35.00 | \$5.00— \$25.00 |
| 9 Hole Rate | \$5.00— \$40.00 | \$5.00— \$30.00 |
| Junior/Senior/Veteran (Monday-Friday), Junior=age 21 and under, Senior=age 60 and over | \$5.00— \$40.00 | \$5.00— \$30.00 |
| Weekend (Friday—Sunday and Holidays) | | |
| Open—1:00 | \$10.00— \$55.00 | \$10.00— \$45.00 |
| 1:00—4:00 | \$10.00— \$55.00 | \$10.00— \$45.00 |
| After 4:00 | \$5.00— \$35.00 | \$5.00— \$25.00 |
| 9 hole rate | \$5.00— \$40.00 | \$5.00— \$30.00 |

Resident Discount\$5.00 off

Anytime, excluding leagues

Discount is provided to Carrollton residents with proof of residence

(2) *Cart fees:*

Weekday and weekend\$5.00—\$20.00

(3) *Range fees:*

Practice bag\$3.00—\$15.00

(4) *Player improvement program*\$30.00—\$125.00 per month

(5) *Tournament and special events:*

| | Creek Course | Lakes Course |
|---------|---------------------|---------------------|
| Weekday | \$10.00— \$75.00 | \$10.00— \$75.00 |
| Weekend | \$10.00— \$75.00 | \$10.00— \$75.00 |

(6) *Clubhouse/pavilion rental:* \$50.00—\$200.00/hour

(7) *Annual pass programs:*\$600.00 to \$3,600.00

(R) Failure to pay any fee provided for herein shall be a misdemeanor punishable by a fine as provided in section 10.99.

(S) Allegation and evidence of a culpable mental state is not required for proof of an offense as defined by this subsection.

(T) The city shall not be required to pay any fee herein.

(U) All construction fees, including building permit fees, impact fees, platting fees and project permit fees (fences, electrical, plumbing, etc.) shall be waived for any property which is located within a Neighborhood Empowerment Zone. Such waiver is applicable to new development or construction, and renovation, repair or rehabilitation of an existing structure.

Such waiver shall not apply to:

- Any fees related to the use of a city facility; or
- Any fees associated with the Apartment Crime Reduction Program; or

- Any fees associated with the Single-Family Rental Inspection Program; or
- Any fines or penalties related to any enforcement action of the City of Carrollton; or
- Any parade or special event permit fees.

(V) *City Secretary.*

- (1) Charges for issuance of the TABC permit: Not to exceed charges as set by the State of Texas.

SECTION 2

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

SECTION 3

Save and except as amended by this Ordinance, all other Ordinances of the City of Carrollton, Texas shall remain in full force and effect.

SECTION 4

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

SECTION 5

This ordinance shall take effect from and after January 1, 2024.

PASSED AND APPROVED THIS 21st DAY OF November 2023.

City Of Carrollton, Texas

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith Ladd, City Attorney

APPROVED AS TO CONTENT:

Melissa Everett, Finance Director



Agenda Memo File Number: 6436

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *17.

CC MEETING: November 21, 2023

DATE: November 14, 2023

TO: Erin Rinehart, City Manager

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

Consider An **Ordinance Amending The Operating Budgets And Capital Budgets For Fiscal Year October 1, 2023, Through September 30, 2024.**

BACKGROUND:

The City of Carrollton approved its annual Operating and Capital Budgets on September 12, 2023. The budget consists of \$287,678,502 operating funds and \$120,935,550 capital funds, each adopted independently of each other and requires council approval to make changes to the planned expenditures.

Each fall, the City performs a financial analysis of the Utility Fund after the close of the fiscal year and proposes adjustments to City rates, revenue estimates, and budgets where appropriate to comply City financial policies and bond covenants. During 2023, Council approved a loan from the General Fund to the Utility Fund for the implementation of the Automated Meter Infrastructure project. Staff provided an overview to the Audit, Finance, and Governance Committee on November 6 to discuss the transition of this loan to a capital contribution of the Water Fund and the impact it would have on water rate changes. This staff recommendation was approved by the Committee and was approved by acclamation to accept the recommendation.

FINANCIAL IMPLICATIONS:

This budget amendment will make the following amendment:

- In the Utility Operating Fund, decrease the recurring uses of funds by \$883,329.
- In the Utility Debt Service Fund, decrease the recurring sources of funds by \$883,329.
- In the Utility Debt Service Fund, decrease the recurring uses of funds by \$883,329.
- In the General Fund, decrease the nonrecurring sources of funds by \$883,329.

IMPACT ON COMMUNITY SUSTAINABILITY:

This amendment will help maintain the City's financial policies in the Utility Operating Fund while providing additional funding for Utility Capital Projects necessary to maintain the City's water and wastewater infrastructure while considering the affordability of the rates for the water and wastewater charges. It also allows for appropriate funding for the purchase of department vehicle replacements.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends adopting the attached Ordinance amending the City's Approved Annual Capital Budget and Operating Budget.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE OPERATING AND CAPITAL BUDGETS FOR THE CITY OF CARROLLTON, TEXAS FOR THE FISCAL YEAR OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024, FOR THE PURPOSE OF PROVIDING APPROPRIATIONS IN THE CAPITAL BUDGETS; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council of the City (“City Council”) passed and approved Ordinance Number 4523 dated September 12, 2023, adopting and approving an operating and capital budget for the City of Carrollton, Texas, authorizing appropriations for the fiscal year October 1, 2023 through September 30, 2024; and

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

WHEREAS, the City Council finds that the proposed changes in the 2023-2024 budget are for municipal purposes and in the best interest of the citizens of the City of Carrollton;

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

SECTION 1

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

SECTION 2

The City Council hereby adopts and approves an amendment to the Operating and Capital Budgets for the City of Carrollton, Texas for the fiscal year beginning October 1, 2023, through September 30, 2024, making the following changes:

- 1) In the Utility Operating Fund, decrease the recurring uses of funds by \$883,329.
- 2) In the Utility Debt Service Fund, decrease the recurring sources of funds by \$883,329.
- 3) In the Utility Debt Service Fund, decrease the recurring uses of funds by \$883,329.
- 4) In the General Fund, decrease the nonrecurring sources of funds by \$883,329.

SECTION 3

This Ordinance shall become effective on and after its adoption.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas,
this 21st day of November 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith Ladd, City Attorney

Diana K. Vaughn, Chief Financial Officer



Agenda Memo
File Number: 6411

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *18.

CC MEETING: November 21, 2023

DATE: November 7, 2023

TO: Erin Rinehart, City Manager

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

Consider A Resolution Declaring The Necessity To Acquire Certain Real Properties For Right-Of-Way And Drainage Easements For The Carrollton Heights NOTICE Reconstruction Project; Determining The Public Use And Necessity For Such Acquisition; Authorizing The Acquisition Of Property Rights Necessary For Said Project; Appointing An Appraiser And Negotiator As Necessary; Authorizing The City Manager Of The City Of Carrollton, Texas To Establish Just Compensation For The Property Rights To Be Acquired; Authorizing The City Manager To Take All Steps Necessary To Acquire The Needed Property Rights In Compliance With All Applicable Laws And Resolutions; And Authorizing The City Attorney To Institute Condemnation Proceedings To Acquire The Property If Purchase Negotiations Are Not Successful.

BACKGROUND:

This resolution will provide authorization to acquire the necessary right-of-way and easements to construct the planned improvements to the Carrollton Heights neighborhood. To facilitate the construction of the project, it is necessary for the City to acquire several parcels of right-of-way and drainage easements. The specific parcels are identified in Attachment A and the Location Map. As with other similar road construction projects, it is not anticipated that all parcels will require the use of eminent domain to complete the acquisition process. However, staff is recommending advance authorization to pursue acquisition by eminent domain if negotiations with the affected property owners are unsuccessful.

The neighborhood reconstruction project will be split into two separately bid projects. This resolution covers the parcels needed for both phases.

This is a NOTICE project and was authorized by the voters in the 2018 Bond Election. Due to the

age of the Carrollton Heights neighborhood it is characterized by street rights-of-way of variable widths that may require the acquisition of corner clips at intersections. The existing surface storm sewer system is being replaced by an enclosed underground system which may require the acquisition of easements or rights-of-way.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with this resolution.

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 - This project should improve the appearance of the neighborhood and promote residents to provide better upkeep of the properties in one of Carrollton's oldest neighborhoods.

Sustaining day-to-day operations - The replacement of substandard infrastructure should reduce the need for non-scheduled or emergency repairs.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing the City Manager to take all steps necessary to acquire needed property rights in compliance with all applicable laws, and authorizing the City Attorney to institute condemnation proceedings to acquire the property if purchase negotiations are not successful.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS DECLARING THE NECESSITY TO ACQUIRE CERTAIN REAL PROPERTIES FOR RIGHT-OF-WAY AND DRAINAGE EASEMENTS FOR THE CONSTRUCTION OF CARROLLTON HEIGHTS RECONSTRUCTION PROJECT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR SAID PROJECT; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF CARROLLTON, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AND AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Carrollton, Texas (“City Council”), has determined that a public need and necessity exists for the construction of the Carrollton Heights Reconstruction Project; and

WHEREAS, the construction of this public project requires the acquisition of fee simple right of way and drainage easements; and

WHEREAS, the City of Carrollton, Texas (“City”) will negotiate and acquire all parcels 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 to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2:

The City Council hereby finds and determines that a public need and necessity exists for the City of Carrollton to acquire a fee simple right of way and drainage easements for the construction and use of a public street, public sidewalk, right of way and other public uses

incidental thereto, in those certain tracts of land necessary to complete the project, the location of which is generally set forth in the map attached hereto as Exhibit B (“Location Map”).

SECTION 3:

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

SECTION 4:

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

SECTION 5:

The City Attorney, or designee, is authorized to institute and acquire the property rights set forth in this Resolution through the use of eminent domain if negotiations are unsuccessful, as necessary to comply with the intent of this Resolution.

SECTION 6:

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

PASSED and APPROVED on this 21st day of November, 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

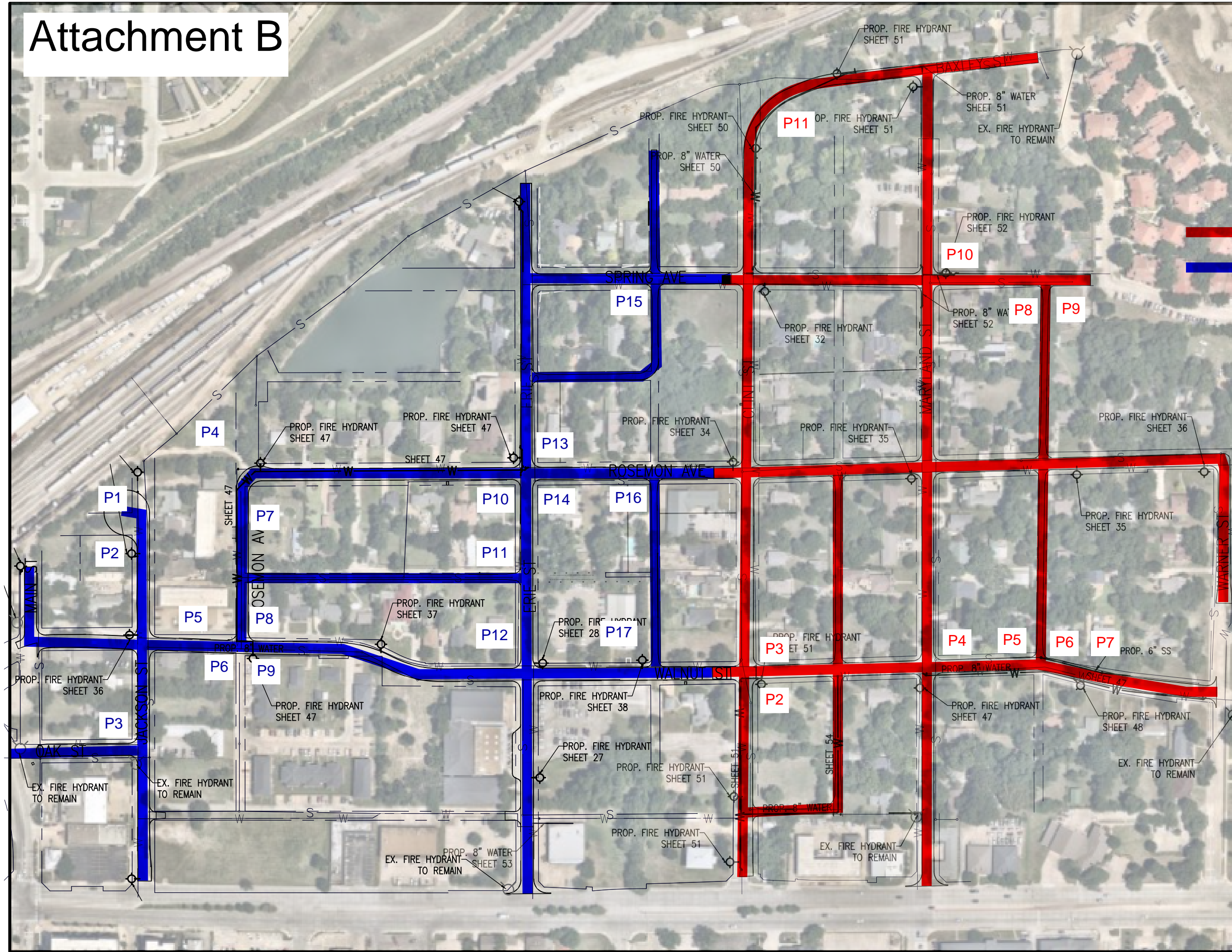
Approved as to form:

Approved as to content:

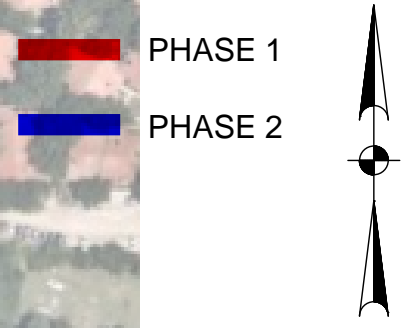
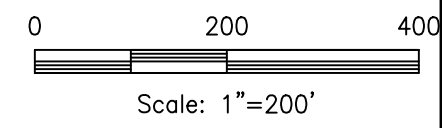
Meredith A. Ladd
City Attorney

Jonathan Wheat, P.E.,
Director of Engineering

Attachment B




CAUTION!!!
 EXISTING PHONE, GAS, ELECTRICAL, FIBER OPTIC & CATV LINES IN PROJECT AREA. CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. NOTIFY TEXAS ONE CALL SYSTEM (811) AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.



INTERIM REVIEW ONLY
 Document Incomplete: Not intended for permit or construction.
 Engineer: **JEFFREY J. FRISON, P.E.**
 P.E. Serial No.: **86915**
 Date: **MARCH 9, 2023**
 Walter P. Moore and Associates, Inc.
 TBPE Firm Registration No. 1856

| REVISION NO. | DESCRIPTION | BY | DATE |
|--------------|--|----|------|
| | CITY OF CARROLLTON, TEXAS DEPARTMENT OF ENGINEERING | | |
| | CARROLLTON HEIGHTS STREETS RECONSTRUCTION | | |

OVERALL PHASING LAYOUT

 Walter P. Moore and Associates, Inc.
 500 North Akard Street, Suite 2300
 Dallas, Texas 75201
 214.740.6200
 TBPE Firm Registration No. 1856



| | |
|----------------|-----------------|
| DESIGN: LJM | SCALE: AS NOTED |
| DRAWN: ED | SHEET |
| APPROVED: | 46 OF 132 |
| DATE: MAR 2023 | |

Attachment A

| Parcel Number | Property Address | Phase |
|----------------------|-------------------------|--------------|
| 1 | 1010 Clint St | 1 |
| 2 | 1014 Clint St | 1 |
| 3 | 1501 Walnut St | 1 |
| 4 | 1100 N. Maryland St | 1 |
| 5 | 1605 Walnut St | 1 |
| 6 | 1609 Walnut St | 1 |
| 7 | 1611 Walnut St | 1 |
| 8 | 1608 Spring Ave | 1 |
| 9 | 1610 Spring Ave | 1 |
| 10 | 1300 N. Maryland St | 1 |
| 11 | 1308 Clint St | 1 |

| Parcel Number | Property Address | Phase |
|----------------------|----------------------------|--------------|
| 1 | 1301 Jackson St | 2 |
| 2 | 1207 Jackson St | 2 |
| 3 | 1101 Jackson St | 2 |
| 4 | 1214 Jackson St | 2 |
| 5 | 1201 Walnut St | 2 |
| 6 | 1204 Walnut St | 2 |
| 7 | 1302 Rosemon Ave | 2 |
| 8 | 1303 Walnut St | 2 |
| 9 | 1300 Walnut St (NE Corner) | 2 |
| 10 | 1320 Rosemon Ave | 2 |
| 11 | 1109 Erie St | 2 |
| 12 | 1321 Walnut St | 2 |
| 13 | 1401 Rosemon Ave | 2 |
| 14 | 1400 Rosemon Ave | 2 |
| 15 | 1412 Spring Ave | 2 |
| 16 | 1408 Rosemon Ave | 2 |
| 17 | 1407 Walnut St | 2 |



Agenda Memo
File Number: 6412

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *19.

CC MEETING: November 21, 2023

DATE: November 7, 2023

TO: Erin Rinehart, City Manager

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

Consider A **Resolution Casting Its Vote For A Member Of The Board Of Directors For The Collin Central Appraisal District.**

BACKGROUND:

The Property Tax Code, Section 6.03 requires that an election of members to the Board of Directors of an appraisal district be conducted in odd numbered years. For this year’s election, the term for office is a one-year term beginning January 1, 2024. There are eleven nominees for the member position for the Collin Central Appraisal District (CAD) Board of Directors. Each entity is required to vote by official ballot resolution no later than December 15, 2023. The City of Carrollton is allowed one (1) vote.

The City of Carrollton did not nominate a candidate for the Collin County Appraisal District Board of Directors.

IMPACT ON COMMUNITY SUSTAINABILITY:

By casting its vote for the Central Appraisal Board of Directors, it allows for a representation of the City of Carrollton’s residents and businesses to ensure our tax base continues to grow appropriately.

STAFF RECOMMENDATION/ACTION DESIRED:

To pass a resolution to cast a vote in the election of the suburban cities’ member of the Board of Directors of the Collin Central Appraisal District.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, CASTING ITS VOTE FOR THE BOARD OF DIRECTORS OF THE COLLIN CENTRAL APPRAISAL DISTRICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (“City”) is a member of the Collin Central Appraisal District and is entitled to cast its vote by an official resolution for membership in the election for the Board of Directors; and

WHEREAS, the City must submit its vote, by written resolution, to the Chief Appraiser before December 15, 2023; and

WHEREAS, the City Council of the City (“City Council”), has determined that it is in the best interest of the citizens of the City to cast its one (1) vote for the Board of Directors of the Collin Central Appraisal District.

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

SECTION 1

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

SECTION 2

The City Council does hereby confirm its one (1) vote for the election of Richard “Rick” Grady for the Board of Directors of the Collin Central Appraisal District.

SECTION 3

This Resolution shall take effect upon passage.

DULY PASSED AND APPROVED this 21st day of November, 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd, City Attorney

APPROVED AS TO CONTENT:

Melissa Everett, Finance Director



Agenda Memo
File Number: 6413

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *20.

CC MEETING: November 21, 2023

DATE: November 7, 2023

TO: Erin Rinehart, City Manager

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

Consider A Resolution Casting Its Vote For Michael Hurtt To Be The Fourth Member Of The Board Of Directors For The Dallas Central Appraisal District.

BACKGROUND:

The Property Tax Code, Section 6.03 requires that an election of members to the Board of Directors of an appraisal district be conducted in odd numbered years. The term of office is two years, beginning in even numbered years. For this term, there are six nominees for the fourth member position for the Dallas Central Appraisal District (CAD) Board of Directors. Candidates must receive a majority vote in order to be elected to the Board of Directors. Each entity is required to vote by official ballot resolution no later than December 15, 2023.

The City of Carrollton nominated Michael Hurtt to be a member of the Board of Directors for the Dallas Central Appraisal District at a previous meeting.

IMPACT ON COMMUNITY SUSTAINABILITY:

By casting its vote for the Central Appraisal Board of Directors, it allows for a representation of the City of Carrollton’s residents and businesses to ensure our tax base continues to grow appropriately.

STAFF RECOMMENDATION/ACTION DESIRED:

To pass a resolution to cast a vote in the election of the suburban cities’ member of the Board of Directors of the Dallas Central Appraisal District.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, CASTING ITS VOTE FOR THE BOARD OF DIRECTORS OF THE DALLAS CENTRAL APPRAISAL DISTRICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (“City”) is a member of the Dallas Central Appraisal District and is entitled to cast its vote by an official resolution for membership in the election for the Board of Directors; and

WHEREAS, the City must submit its vote, by written resolution, to the Chief Appraiser before December 15, 2023; and

WHEREAS, the City Council of the City (“City Council”), has determined that it is in the best interest of the citizens of the City to cast its one (1) vote for the Board of Directors of the Dallas Central Appraisal District.

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

SECTION 1

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

SECTION 2

The City Council does hereby confirm its one (1) vote for the election of Michael Hurtt for the Board of Directors of the Dallas Central Appraisal District.

SECTION 3

This Resolution shall take effect upon passage.

DULY PASSED AND APPROVED this 21st day of November, 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd, City Attorney

APPROVED AS TO CONTENT:

Melissa Everett, Finance Director



Agenda Memo
File Number: 6414

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *21.

CC MEETING: November 21, 2023

DATE: November 6, 2023

TO: Erin Rinehart, City Manager

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

Consider A **Resolution Casting Its Vote For Roy Atwood To Be A Member Of The Board Of Directors For The Denton Central Appraisal District.**

BACKGROUND:

The Property Tax Code, Section 6.03 requires that an election of members to the Board of Directors of an appraisal district be conducted in odd numbered years. The term of office is two years, beginning in even numbered years. For this term, there are five nominees for the member position for the Denton Central Appraisal District (CAD) Board of Directors. Each entity is required to vote by official ballot resolution no later than December 15, 2023. The City of Carrollton is allowed 105 votes for this process.

The City of Carrollton nominated Roy Atwood to be a member of the Board of Directors for the Denton Central Appraisal District.

IMPACT ON COMMUNITY SUSTAINABILITY:

By casting its vote for the Central Appraisal Board of Directors, it allows for a representation of the City of Carrollton’s residents and businesses to ensure our tax base continues to grow appropriately.

STAFF RECOMMENDATION/ACTION DESIRED:

To pass a resolution to cast a vote in the election of the suburban cities’ member of the Board of Directors of the Denton Central Appraisal District.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, CASTING ITS VOTE FOR THE BOARD OF DIRECTORS OF THE DENTON CENTRAL APPRAISAL DISTRICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (“City”) is a member of the Denton Central Appraisal District and is entitled to cast its votes by an official resolution for membership in the election for the Board of Directors; and

WHEREAS, the City must submit its votes, by written resolution, to the Chief Appraiser before December 15, 2023; and

WHEREAS, the City Council of the City (“City Council”), has determined that it is in the best interest of the citizens of the City to cast its 105 votes for the Board of Directors of the Denton Central Appraisal District.

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

SECTION 1

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

SECTION 2

The City Council does hereby confirm its 105 votes for the election of Roy Atwood for the Board of Directors of the Denton Central Appraisal District.

SECTION 3

This Resolution shall take effect upon passage.

DULY PASSED AND APPROVED this 21st day of November, 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd, City Attorney

APPROVED AS TO CONTENT:

Melissa Everett, Finance Director



Agenda Memo File Number: 6417

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *22.

CC MEETING: November 21, 2023

DATE: November 8, 2023

TO: Erin Rinehart, City Manager

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

Consider A **Resolution Supporting A Municipal Setting Designation For Property Located At 2710, 2784, 2783, 2807 Valwood Parkway And 14055, 14065 And 14067 Dennis Lane In The City Of Farmers Branch.**

BACKGROUND:

This agenda item seeks the approval of a resolution granting support to a request for a Municipal Setting Designation (MSD) by the City of Farmers Branch, Store Master Funding XIV LLC., Corporation of Episcopal Diocese of Texas and the Christ United Methodist Church for eight separate parcels located within the City of Farmers Branch.

An MSD is a Texas Commission on Environmental Quality (TCEQ) certification of a property declaring that the groundwater beneath the designated property is not used as potable water and is prohibited from future use as potable water. The purpose of the MSD is to provide a TCEQ-approved remediation process for a site with historical environmental impacts provided there is no current or planned use for a potable water well on the site. This designation allows for redevelopment of areas that would have otherwise been left abandoned and unproductive. To be approved, the groundwater must meet minimum safety thresholds for exposure levels; the site's environmental data shows it to be within the TCEQ protective levels for an MSD.

To meet the MSD requirements, an MSD application needs a resolution of support from municipalities owning public water wells within five miles of the designated property. The City of Carrollton owns and operates an emergency public water supply well 1.7 miles northeast and upgradient of the designated property. It is for this reason that the applicants are requesting a resolution of support from the City of Carrollton for their MSD application to the Texas Commission on Environmental Quality.

City staff has reviewed the pertinent materials submitted by the applicants, including the approval of its MSD application by the City of Farmers Branch through an MSD Ordinance (Ordinance No. 3799) for the designated property passed on October 10, 2023.

FINDINGS:

The detected contaminants of concern that exceeded the residential protective concentration levels are chlorinated volatile organic compounds. These appear to have been associated with a former dry-cleaning operation that experienced a release of cleaning solvent at an adjacent site at 2788 Valwood Parkway. The impacted property entered into the Voluntary Cleanup Program (VCP No. 432) with TCEQ in 1997 and took measures to dissolve the plume. Results from the groundwater monitoring wells have indicated the levels of these contaminants have stabilized and remaining concentrations are within the state-allowable soil concentrations but exceed drinking water concentrations, thus necessitating an MSD. This area receives publicly supplied drinking water from Dallas Water Utilities and does not have a current or future need to utilize shallow wells as a potable water supply.

The affected groundwater zone is approximately 15 feet deep below ground surface. Carrollton's emergency water supply well (State ID 3302102) is cemented from 0 to 2,475 feet, which separates the production zone from the shallower aquifers and groundwater-bearing units. This municipal water supply well is about 1.7 miles northeast of the designated property. The groundwater flow beneath the designated property is generally to the southwest, downgradient and away from the Carrollton well.

Based on the above findings staff has determined there is essentially no risk to the interests of the City of Carrollton in granting consent to the applicant's request for an MSD support resolution. Furthermore, the applicants have signed an indemnity agreement to compensate the City for any unknown risks unforeseeable at this time.

FINANCIAL IMPLICATIONS:

The applicant has signed an indemnity agreement in favor of the City of Carrollton to compensate the City for any unknown risks that unforeseeable at this time.

IMPACT ON COMMUNITY SUSTAINABILITY:

There is no expected impact to environmental sustainability for the City of Carrollton as the emergency well is 1.7 miles upgradient from the MSD application site. Additionally, the volatile organic compounds have stabilized and decreased due to remediation efforts and monitoring well samples indicate the protective contaminant levels do not exceed TCEQ concentrations for an MSD.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution of support for a Municipal Setting Designation in the City of Farmers Branch.

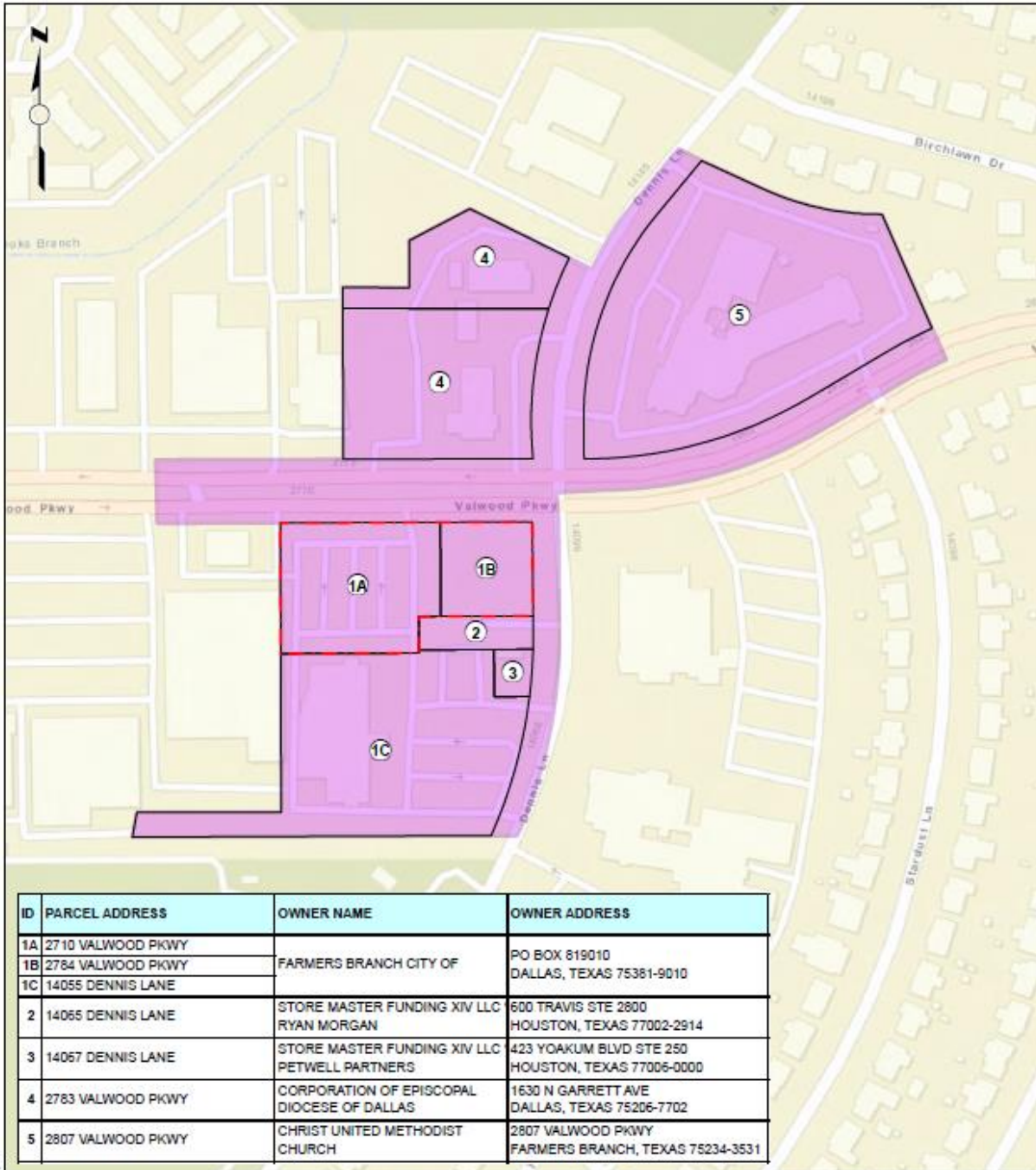
Overview Map of Site to Carrollton Emergency Well

2710, 2783, 2784, 2807 Valwood Parkway and 14055, 14065, and 14067 Dennis Lane



Proposed Municipal Setting Designation Site Map

2710, 2783, 2784, 2807 Valwood Parkway and 14055, 14065, and 14067 Dennis Lane

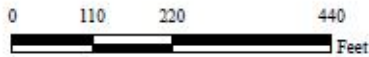


| ID | PARCEL ADDRESS | OWNER NAME | OWNER ADDRESS |
|----|-------------------|--|---|
| 1A | 2710 VALWOOD PKWY | FARMERS BRANCH CITY OF | PO BOX 819010 DALLAS, TEXAS 75381-9010 |
| 1B | 2784 VALWOOD PKWY | | |
| 1C | 14055 DENNIS LANE | | |
| 2 | 14065 DENNIS LANE | STORE MASTER FUNDING XIV LLC RYAN MORGAN | 600 TRAVIS STE 2800 HOUSTON, TEXAS 77002-2914 |
| 3 | 14067 DENNIS LANE | STORE MASTER FUNDING XIV LLC PETWELL PARTNERS | 423 YOAKUM BLVD STE 250 HOUSTON, TEXAS 77006-0000 |
| 4 | 2783 VALWOOD PKWY | CORPORATION OF EPISCOPAL DIOCESE OF DALLAS | 1630 N GARRETT AVE DALLAS, TEXAS 75206-7702 |
| 5 | 2807 VALWOOD PKWY | CHRIST UNITED METHODIST CHURCH | 2807 VALWOOD PKWY FARMERS BRANCH, TEXAS 75234-3531 |

Legend

- Approximate VCP Site Boundary
- Approximate MSD Site
- DCAD Parcel

Source: Dallas Central Appraisal District,
ESRI Streets Map.



SCALE: 1" = 220'

Figure 2
MSD Parcels & Ownership
Valwood Parkway MSD
Farmers Branch, Texas



DATE PLOTTED: 3/1/2023 10:58:15 AM

| | | | | |
|----------|-----------------------|--------------|----------------|-------------|
| 3/1/2023 | Project No.: B2002257 | Drawn by: SL | Checked by: FC | Revised by: |
|----------|-----------------------|--------------|----------------|-------------|



ORDINANCE NO. 3799

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, PROHIBITING THE USE OF AND CONTACT WITH DESIGNATED GROUNDWATER FROM BENEATH THE PROPERTY DESCRIBED IN EXHIBIT "A" HERETO, TO FACILITATE CERTIFICATION OF A MUNICIPAL SETTING DESIGNATION ("MSD") OF SAID PROPERTY BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PURSUANT TO THE TEXAS SOLID WASTE DISPOSAL ACT; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 361, Subchapter W, of the Texas Health & Safety Code ("MSD Statute") authorizes the Texas Commission on Environmental Quality ("TCEQ") to certify Municipal Setting Designations ("MSDs") for properties upon receipt and approval of a proper application to the TCEQ; and

WHEREAS, the Texas legislature, in enacting the MSD Statute, found that an action by a municipality to restrict access to or the use of groundwater in support of or to facilitate an MSD advances a substantial and legitimate State interest; and

WHEREAS, as part of the application process for an MSD, an applicant is required to provide the TCEQ with documentation of a resolution or ordinance of support from the municipality in which the MSD is being sought, which ordinance prohibits the use of and contact with groundwater from beneath the designated property for potable purposes; and

WHEREAS, due to limited quantity and low quality, there are areas of shallow groundwater within the City and its extraterritorial jurisdiction that are not valuable as potable water sources and therefore are not utilized for potable water; and

WHEREAS, some property within the City formerly used for certain commercial and industrial purposes are underlain with unusable groundwater that has become contaminated by historical on-site or off-site sources; and

WHEREAS, the potable use of groundwater in designated areas should be prohibited to protect public health and welfare when the quality of the groundwater presents an actual or potential threat to public health; and

WHEREAS, the use of an MSD allows for a State-evaluated corrective action process for groundwater that is directed towards the protection of human health and the environment; and

WHEREAS, the City Council of the City of Farmers Branch, Texas (the "City"), finds it in public interest to submit an application to the TCEQ for certification of an MSD for 14.81± acres of land owned by the City and located within the City's corporate limits generally described by metes and

bounds and depicted in Exhibit "A" attached hereto and made a part hereof (the "MSD Property"); and

WHEREAS, the City has certified that the type of known contaminants that have been documented within the uppermost groundwater beneath the MSD Property at concentrations above potable standards are as set forth in Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, the City has certified that:

1. The purpose of the application is to assist the City in obtaining from the TCEQ closure documentation demonstrating the TCEQ's determination, after completion of any remediation requirements and appropriate review by the TCEQ, that no further environmental cleanup or restoration is required by the TCEQ with respect to the MSD Property; and
2. As a part of the application, the City has or will submit to the TCEQ a statement regarding the type of known contamination in the groundwater beneath the MSD Property and has identified that shallow groundwater contains chemicals of concern above Tier 1 groundwater ingestion protective concentration levels, as set forth in 30 Texas Administrative Code, Chapter 350, the Texas Risk Reduction Program; and

WHEREAS, the City has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the MSD Property; and

WHEREAS, a public drinking water supply system exists that satisfies the requirements of Texas Health and Safety Code Chapter 341 for the MSD Property and property within one-half mile of the MSD Property; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, further finds it to be in the best interest of the public and the City to authorize the City Manager to file an application of an MSD on the MSD Property and to facilitate the City's efforts to secure approval of such MSD and TCEQ closure documentation by passage of this Ordinance.

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

SECTION 1. The City Council finds the declarations and findings set forth in the preamble of this Ordinance are true and correct and are incorporated herein.

SECTION 2. The City Council finds this Ordinance is necessary because the contaminant concentrations exceed TCEQ potable water standards.

SECTION 3. The City Council supports the designation of the MSD Property as an MSD and hereby authorizes the City Manager, acting on behalf of the City, to prepare and submit, or cause to be prepared and submitted, to the TCEQ an application and all necessary supporting

documentation and take such other action as may be reasonable and necessary to obtain an MSD for the MSD Property.

SECTION 4. The City Council finds it is in the best interest and welfare of the public to facilitate TCEQ's certification of an MSD for the MSD Property as well as the TCEQ closure documentation.

SECTION 5. Upon and after the effective date of this Ordinance, the drilling of wells and use of designated groundwater for any purpose, including, but not limited to, any potable purpose, and excepting only: (i) wells used as monitoring wells for the collection of groundwater samples for chemical or biological laboratory analysis; and (ii) wells used for the purpose of remediation of soil or groundwater contamination, is hereby prohibited on or from any portion of the MSD Property.

SECTION 6. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 7. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

SECTION 8. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 9. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. This Ordinance shall take effect from and after its passage and the publication of the caption of said Ordinance as the law and the City Charter in such case provides.

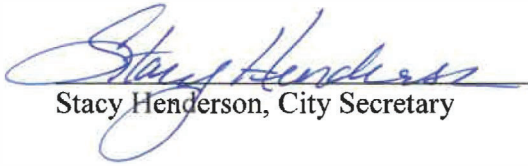
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THE 10TH DAY OF OCTOBER 2023.**

APPROVED:



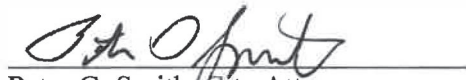
Terry Lynne, Mayor

ATTEST:



Stacy Henderson, City Secretary

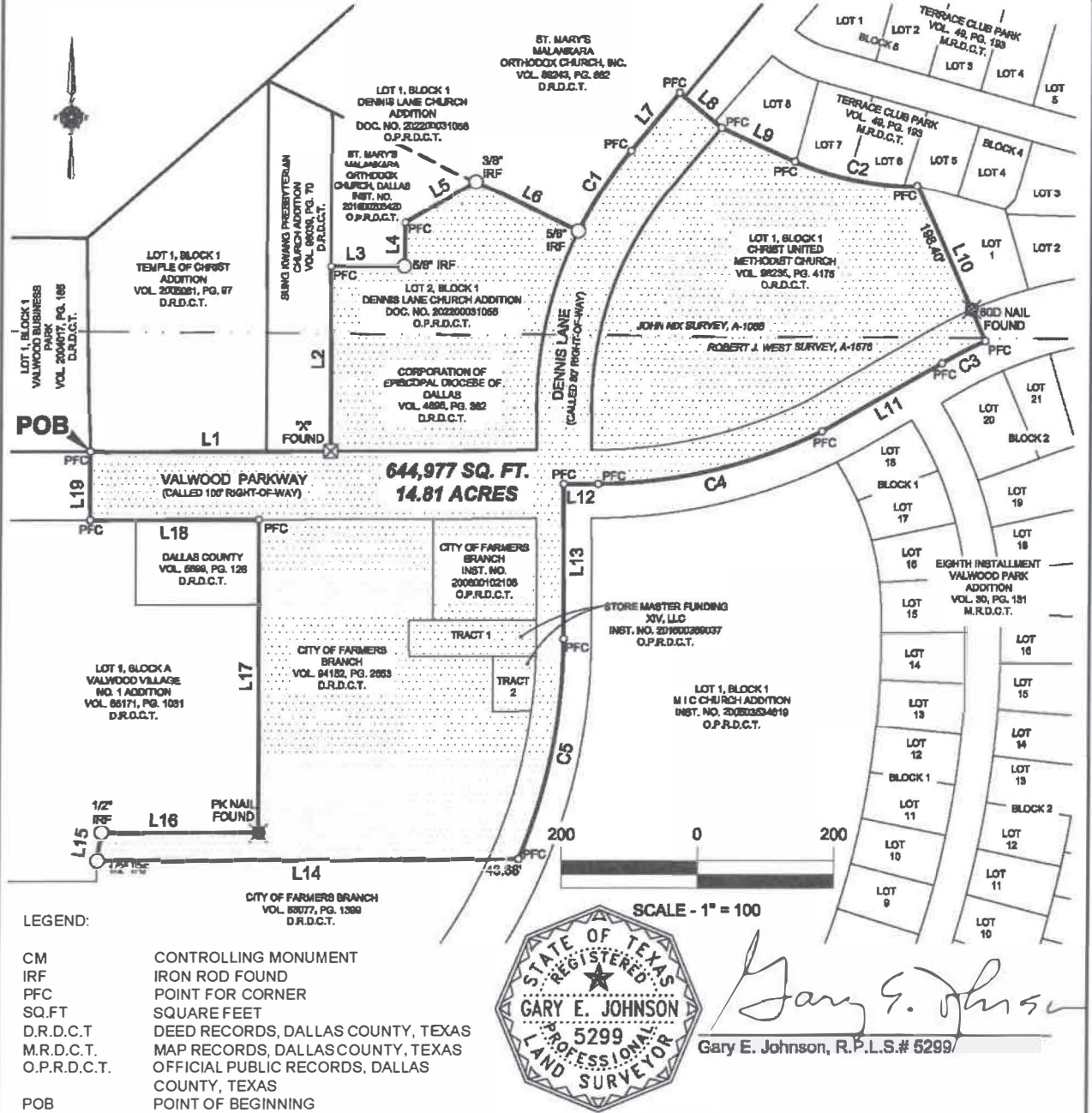
APPROVED AS TO FORM:



Peter G. Smith, City Attorney
(kbl:5/30/2023:135270)

ORDINANCE NO. 3799
Exhibit "A" – Boundary Description and Survey of the MSD Property

MUNICIPAL SETTING DESIGNATION SURVEY
JOHN NIX SURVEY, ABSTRACT NO. 1088 &
ROBERT J. WEST SURVEY, ABSTRACT NO. 1576
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS



TEXAS HERITAGE SURVEYING, LLC
 10610 Metric Drive, Suite 124, Dallas, TX 75243
 Office 214-340-9700 Fax 214-340-9710
 tch heritage.com Firm No. 10169300

BEARINGS ARE BASED ON PLANE STATE COORDINATE SYSTEM, NORTH TEXAS CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.

Job# 2300473-1
 Date: 05/26/2023
 Drawn: JAM
 Scale: 1" = 200'
 Page 1 of 5

ORDINANCE NO. 3799
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MUNICIPAL SETTING DESIGNATION SURVEY
JOHN NIX SURVEY, ABSTRACT NO. 1088 &
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CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

| PARCEL LINE TABLE | | |
|-------------------|---------|-------------|
| LINE # | LENGTH | DIRECTION |
| L1 | 353.20' | N89°48'14"E |
| L2 | 270.82' | N0°13'48"W |
| L3 | 108.00' | N89°54'25"E |
| L4 | 63.98' | N0°05'35"W |
| L5 | 118.82' | N59°27'52"E |
| L6 | 166.70' | S63°55'46"E |
| L7 | 110.28' | N39°47'48"E |
| L8 | 80.00' | S60°12'34"E |
| L9 | 118.42' | S65°16'30"E |
| L10 | 249.27' | S23°49'48"E |
| L11 | 201.62' | S60°14'37"W |
| L12 | 49.95' | S89°48'14"W |
| L13 | 227.28' | S0°13'48"E |
| L14 | 616.49' | S89°44'42"W |
| L15 | 40.55' | N8°52'48"E |
| L16 | 230.12' | N89°44'42"E |
| L17 | 460.08' | N0°15'18"W |
| L18 | 247.94' | S89°48'14"W |
| L19 | 100.00' | N0°11'42"W |

| PARCEL CURVE TABLE | | | | |
|--------------------|---------|---------|-----------|-----------------------|
| CURVE # | LENGTH | RADIUS | DELTA | CHORD |
| C1 | 142.03' | 589.45' | 13°48'21" | N32° 52' 43"E 141.69' |
| C2 | 183.88' | 453.46' | 23°13'52" | S78° 38' 37"E 182.80' |
| C3 | 71.85' | 634.45' | 8°28'15" | S62° 58' 17"W 71.82' |
| C4 | 339.19' | 748.41' | 26°02'13" | S78° 45' 22"W 398.28' |
| C5 | 331.53' | 624.24' | 23°02'44" | S11° 17' 31"W 329.30' |



Gary E. Johnson
 Gary E. Johnson, R.P.L.S.# 5299

TEXAS HERITAGE
SURVEYING, LLC
 10610 Metric Drive, Suite 124, Dallas, TX 75243
 Office 214-340-9700 Fax 214-340-9710
 tsheritage.com Firm No. 10169300

BEARINGS ARE BASED ON PLANE STATE
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ORDINANCE NO. 3799
Exhibit "A" – Boundary Description and Survey of the MSD Property

MUNICIPAL SETTING DESIGNATION SURVEY
JOHN NIX SURVEY, ABSTRACT NO. 1088 &
ROBERT J. WEST SURVEY, ABSTRACT NO. 1576
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

Being a 644,977 square feet or 14.81 acre tract of land situated in the John Nix Survey, Abstract No. 1088 and Robert J. West Survey, Abstract No. 1576, in the City of Farmers Branch, Dallas County, Texas, being all of Lot 2, Block 1 of Dennis Lane Church Addition, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Document Number 202200031056, Official Public Records, Dallas County, Texas, also being all of Lot 1, Block 1 Christ United Methodist Church, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Volume 98235, Page 4175, Deed Records, Dallas County, Texas, also being all of that certain tract of land described in Warranty Deed to Corporation of Episcopal Diocese of Dallas recorded in Volume 4696, Page 382, Deed Records, Dallas County, Texas, also being all of that certain tract of land described in Warranty Deed to City of Farmers Branch recorded in Instrument Number 200600102108, Official Public Records, Dallas County, Texas, also being all of that certain tract of land described in Special Warranty Deed to City of Farmers Branch recorded in Volume 94152, Page 2653, Deed Records, Dallas County, Texas, also being a tract of land known as Tract 1 and Tract 2, described in Special Warranty Deed to Store Master Funding XIV, LLC recorded in Instrument Number 201600359037, Official Public Records, Dallas County, Texas, and also being a portion of Valwood Parkway (called 100' right-of-way) and a portion of Dennis Lane (called 80' right-of-way), and being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner, said point being the southeast corner of Lot 1, Block 1, of Valwood Business Park, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat recorded in Volume 2004017, Page 165, Deed Records, Dallas County, Texas, also being the southwest corner of Lot 1, Block 1 of Temple of Christ Addition, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Volume 2005081, Page 97, Deed Records, Dallas County, Texas, lying on the north right-of-way line of said Valwood Parkway;

THENCE North 89 degrees 46 minutes 14 seconds East, along the said north right-of-way line of Valwood Parkway, a distance of 353.20 feet to an "X" in concrete found, being the southwest corner of said Lot 2, Block 1 of Dennis Lane Church Addition, same being the southeast corner of Sung Kwang Presbyterian Church Addition, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Volume 98039, Page 70, Deed Records, Dallas County, Texas;

THENCE North 01 degrees 13 minutes 46 seconds West, departing the said north right-of-way line of Valwood Parkway, along the west line of said Lot 2, Block 1 of Denise Lane Church addition, also being the east line of said Sung Kwang Presbyterian Church Addition, a distance of 270.82 feet to a point for corner, said point being the southwest corner of Lot 1, Block 1 of said Denise Lane Church addition;

THENCE departing the east line of said Sung Kwang Presbyterian Church Addition in a northeasterly direction along the common lot line of said Lot 2, Block 1 of Dennis Lane Church Addition, and said Lot 1, Block 1 of Dennis Lane Church Addition the following courses and distances:

North 89 degrees 54 minutes 25 seconds East, a distance of 108.00 feet to a 5/8 inch iron rod found for corner;
North 00 degrees 05 minutes 35 seconds West, a distance of 63.98 feet to a point for corner;
North 59 degrees 27 minutes 52 seconds West, a distance of 119.82 feet to a 3/8 inch iron rod found for corner;



Gary E. Johnson
Gary E. Johnson, R.P.L.S.# 5299



BEARINGS ARE BASED ON PLANE STATE
COORDINATE SYSTEM, NORTH TEXAS
CENTRAL ZONE 4202, NORTH AMERICAN
DATUM OF 1983, ADJUSTMENT
REALIZATION 2011.

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ORDINANCE NO. 3799
Exhibit "A" -- Boundary Description and Survey of the MSD Property

MUNICIPAL SETTING DESIGNATION SURVEY
JOHN NIX SURVEY, ABSTRACT NO. 1088 &
ROBERT J. WEST SURVEY, ABSTRACT NO. 1576
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

THENCE South 63 degrees 55 minutes 46 seconds East, a distance of 166.70 feet to a 5/8 inch iron rod found for corner, said point being the northeast corner of said Lot 2, Block 1 of Denise Lane Church addition, also being the most easterly southerly corner of said Lot 1, Block 1 of Dennis Lane Church Addition, lying on the westerly right-of-way line of said Dennis Lane, said point also being the beginning of a non-tangent curve to the right having a radius of 589.45 feet;

THENCE along said non-tangent curve to the right having a delta angle of 13 degrees 48 minutes 21 seconds, a chord that bears North 32 degrees 52 minutes 43 seconds East, a distance 141.69 feet, and an arc length of 142.03 feet to a point for corner at the end of said curve;

THENCE North 39 degrees 47 minutes 48 seconds East, along the westerly right-of-way line of said Dennis Lane, a distance of 110.28 feet to a point for corner;

THENCE South 50 degrees 12 minutes 34 seconds East, departing the easterly line of said Lot 1, Block 1 of Dennis Lane Church Addition, traversing said Dennis Lane, a distance of 80.00 feet to a point for corner, said point being the north corner of said Lot 1, Block 1 of Christ United Methodist Church, lying on the easterly right-of-way line of said Dennis Lane;

THENCE departing the said easterly right-of-way line of Dennis Lane, along the common lot lines of said Lot 1, Block 1 of Christ United Methodist Church, and Block 4 of Terrace Club Park, an addition to the City of Farmers Branch, Dallas County, Texas, according to the map recorded in Volume 49, Page 193, Map Records, Dallas County, Texas, the following courses and distances:

South 65 degrees 16 minutes 30 seconds East, a distance of 119.42 feet to a point for corner, said point also being the beginning of a tangent curve to the left having a radius of 453.46 feet, along said tangent curve to the left a delta 23 degrees 13 minutes 52 seconds, a chord that bears South 78 degrees 38 minutes 37 seconds East, a chord distance 182.60 feet, and an arc length of 183.86 feet to a point for corner, said point being the end of said curve, said point also being the northeast corner of Lot 1, Block 1 of Christ United Methodist Church;

THENCE South 23 degrees 49 minutes 48 seconds East, passing at a distance of 198.40 feet to a 60d nail found for the southeast corner of corner of said Lot 1, Block 1 of Christ United Methodist Church, continuing along said line for a total distance of 249.27 feet to a point for corner, said point lying in the centerline of said Valwood Parkway, said point also being the beginning of a non-tangent curve to the left having a radius of 634.45 feet;

THENCE along said non-tangent curve to the left having a delta angle of 06 degrees 28 minutes 15 seconds, a chord that bears South 62 degrees 58 minutes 17 seconds West, a chord distance of 71.62 feet, and an arc length of 71.65 feet to a point for corner, said point being the end of said curve;

THENCE South 60 degrees 14 minutes 37 seconds West, continuing along the centerline of said Valwood Parkway, a distance of 201.62 feet to a point for corner, said point being the beginning of a tangent curve to the right having a radius of 746.41 feet;



Gary E. Johnson
Gary E. Johnson, R.P.L.S.# 5299



BEARINGS ARE BASED ON PLANE STATE COORDINATE SYSTEM, NORTH TEXAS CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.

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Date: 05/26/2023
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ORDINANCE NO. 3799
Exhibit "A" – Boundary Description and Survey of the MSD Property

MUNICIPAL SETTING DESIGNATION SURVEY
JOHN NIX SURVEY, ABSTRACT NO. 1088 &
ROBERT J. WEST SURVEY, ABSTRACT NO. 1576
CITY OF FARMERS BRANCH, DALLAS COUNTY, TEXAS

THENCE along said tangent curve to the right having a delta angle of 26 degrees 02 minutes 13 seconds, a chord that bears South 76 degrees 45 minutes 22 seconds West, a chord distance of 336.28 feet, and an arc length of 339.19 feet to a point for corner, said point being the end of said curve;

THENCE South 89 degrees 46 minutes 14 seconds West, a distance of 49.95 feet to a point for corner, said point being the intersection of said Valwood Parkway and said Dennis Lane;

THENCE South 00 degrees 13 minutes 46 seconds East, departing the centerline of said Valwood Parkway, along the centerline of said Dennis Lane, a distance of 227.28 feet to a point for corner, said point being the beginning of a tangent curve to the right having a radius of 824.24 feet;

THENCE along said tangent curve to the right having a delta angle of 23 degrees 02 minutes 44 seconds, a chord that bears South 11 degrees 17 minutes 31 seconds West, a chord distance of 329.30 feet, and an arc length of 331.53 feet to a point for corner, said point being the end of said curve;

THENCE South 89 degrees 44 minutes 42 seconds West, departing the centerline of said Dennis Lane, passing at a distance of 43.68 feet the southeast corner of said City of Farmers Branch tract (94152/2653), same point being the northeast corner of that certain tract of land described in Warranty Deed to City of Farmers Branch recorded in Volume 83077, Page 1399, Deed Records, Dallas County, Texas, continuing along the south line of said City of Farmers Branch tract (94152/2653), a total distance of 616.49 feet to a 1/2 inch iron rod found, said point being the most southwesterly corner of said City of Farmers Branch tract (94152/2653), said point also lying on the easterly line of Lot 1, Block A of Valwood Village No. 1 Addition, an addition to the City of Farmers Branch, Dallas County, Texas, according to the plat thereof recorded in Volume 85171, Page 1031, Deed Records, Dallas County, Texas;

THENCE along the common lot lines of said City of Farmers Branch tract (94152/2653), and said Lot 1, Block A of Valwood Village No. 1 Addition the following courses and distances:

North 08 degrees 52 minutes 48 seconds East, a distance of 40.55 feet to a 1/2 inch iron rod found for corner;
North 89 degrees 44 minutes 42 seconds East, a distance of 230.12 feet to a pk nail found for corner;

THENCE North 00 degrees 15 minutes 18 seconds West, a distance of 460.08 feet to a point for corner, said point being the northwest corner of said City of Farmers Branch tract (94152/2653), said point also being the northeast corner of that certain tract of land described in Warranty Deed to Dallas County recorded in Volume 5699, Page 126, Deed Records, Dallas County, Texas, lying on the south right-of-way line of said Valwood Parkway;

THENCE South 89 degrees 46 minutes 14 seconds West, along the south right-of-way line of said Valwood Parkway, a distance of 247.94 feet to a point for corner;

THENCE North 00 degrees 11 minutes 42 seconds West, departing the south right-of-way line of said Valwood Parkway, traversing through said Valwood Parkway, a distance of 100.00 feet to the POINT OF BEGINNING and containing 644,977 square feet or 14.81 acres of land.



Gary E. Johnson
Gary E. Johnson, R.P.L.S.# 5299



BEARINGS ARE BASED ON PLANE STATE COORDINATE SYSTEM, NORTH TEXAS CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT REALIZATION 2011.

Job# 2300473-1
Date: 05/26/2023
Drawn: JAM
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ORDINANCE NO. 3799
Exhibit “B” – Summary of Known Contaminants

Contaminants in groundwater that currently exceed, or have historically exceeded, the groundwater ingestion PCL:

Tetrachloroethylene (PCE)

Trichloroethylene (TCE)

Cis-1,2-Dichloroethylene (DCE)

Trans-1,2-Dichloroethylene

1,1-Dichloroethylene

Vinyl Chloride

1,2,3-Trichloropropane

Benzene

Toluene

Methyl-tertiary butyl ether (MTBE)

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF CARROLLTON, TEXAS IN SUPPORT OF THE APPLICATION BY THE CITY OF FARMERS BRANCH, STORE MASTER FUNDING XIV LLC., CORPORATION OF EPISCOPAL DIOCESE OF TEXAS, CHRIST UNITED METHODIST CHURCH (“MSD APPLICANTS”) TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR A MUNICIPAL SETTING DESIGNATION FOR PROPERTY GENERALLY LOCATED AT 2710, 2783, 2784, 2807 VALWOOD PARKWAY AND 14055, 14065, AND 14067 DENNIS LANE.

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to the TCEQ; and,

WHEREAS, as part of the application to the TCEQ for a Municipal Setting Designation, the Applicant is required to provide documentation that the application is supported by the City Council of each municipality that owns or operates a groundwater supply well located not more than five miles from the proposed designated area; and,

WHEREAS, The City of Farmers Branch, Store Master Funding XIV LLC., Corporation of Episcopal Diocese of Texas, and Christ United Methodist Church (collectively the “MSD Applicants”) filed an application with City of Farmers Branch, Texas for the issuance of a Municipal Setting ordinance for the property located 2710, 2783, 2784, 2807 Valwood Parkway and 14055, 14065, 14067 Dennis Lane in the City of Farmers Branch and adjacent public rights of way in Farmers Branch, Texas (Site), more fully described in Exhibit A; and,

WHEREAS, on October 10, 2023 the City Council of the City of Farmers Branch approved and adopted Ordinance No. 3799 (the Farmers Branch Ordinance, copy attached as Exhibit A) which, among other things, prohibits the potable use of groundwater beneath the Site; and,

WHEREAS, with the adoption of the Farmers Branch Ordinance, the MSD Applicants now desire and intend to submit to the TCEQ an application for certification of a Municipal Setting Designation for the Site pursuant to the Texas Health and Safety Code, Chapter 361, Subchapter W; and,

WHEREAS, the City of Carrollton owns and operates a groundwater supply well identified as State Well ID 3302102, located north of Country Club Drive, near the Country Club Pump Station, east of Kelly Boulevard which is within five miles from the Site; and,

WHEREAS, the designated groundwater identified in the MSD Applicant’s City of Farmers Branch Municipal Setting Designation Application is shallow perched groundwater

beneath the Site to a depth approximately 15 feet below ground surface while the well owned by the City of Carrollton collects water from the Twin Mountains aquifer at depths greater than 2,200 feet-below ground surface; and,

WHEREAS, the City of Carrollton groundwater supply well at Country Club Drive is approximately 1.7 miles northeast of the Site and is up-gradient of the contaminated groundwater beneath the Site.

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

SECTION 1.

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

SECTION 2.

That the City of Carrollton supports the MSD Applicants' Municipal Setting Designation application to the Texas Commission on Environmental Quality for the Site described in Exhibit A.

SECTION 3.

This Resolution shall take effect upon passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas on this 7th day of November, 2023.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED TO FORM:

Meredith A. Ladd,
City Attorney

APPROVED TO CONTENT:

Cory Heiple,
Director Environmental Services



Agenda Memo
File Number: 6422

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *23.

CC MEETING: November 21, 2023

DATE: November 9, 2023

TO: Erin Rinehart, City Manager

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

Consider A **Resolution Authorizing The City Manager To Enter Into An Agreement With Dallas Area Rapid Transit (DART) To Sell An Approximately 42,216 Square Feet Parcel Of City-Owned Land To DART, Which Is Part Of A Tract Of Land Located At 2415 Country Club Drive, And Authorizing The City Manager To Take All Actions Necessary To Effectuate The Intent Of This Resolution.**

BACKGROUND:

The City has long supported the relocation of the Mercer Rail Yard from its current location on Denton Drive to a new location east of Kelly Boulevard and north of Belt Line Road. Likewise, the City supports the construction of the DART Silver Line commuter rail project. On May 1, 2018, the City Council passed a resolution of support for the new location of the Mercer Rail Yard and for construction of the DART Silver Line project (aka DART Cotton Belt Line).

The parcel to be sold to DART is part of the tract of land occupied by the City’s Columbian Club water pump station at 2415 Country Club Drive. Engineering adjustments for the continued use of the pump station have already been made in order to accommodate the Mercer Yard.

The proposed acquisition by DART is necessary for the construction and operation of the Silver Line and the new location of the Mercer Yard. The parcel being acquired by DART is about 42,216 square feet in area.

This sale of property is exempted from the requirements of notice and bidding, pursuant to Local Government Code §272.001(b)(5), because this is a sale of property from one governmental entity to another governmental entity that has the power of eminent domain.

FINANCIAL IMPLICATIONS:

DART has provided an appraisal from Pyles Whatley Real Estate Service that determined the total valuation of this property (parcel CB2-016) to be \$366,543, including a cost to cure of \$350.00, or \$8.68 per square foot.

The total sales price for the property is deemed to be fair market value at \$366,543. The offer has been made by DART staff with DART Board authorization.

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:

- Relocating the Mercer Yard out of the Downtown Carrollton Station area;
- Contributing to the development of the DART Silver Line commuter rail project.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing the City Manager to take the actions necessary for the sale of the property rights needed by DART for the relocation of the Mercer Rail Yard and the DART Silver Line rail project.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO SELL AN APPROXIMATELY 42,216 SQUARE FEET PARCEL OF LAND, SAID PARCEL IS PART OF A TRACT OF LAND LOCATED AT 2415 COUNTRY CLUB DRIVE; AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dallas Area Rapid Transit (DART) desires to buy Parcel CB2-016, which is a 42,216 square feet (0.9296 acres) parcel of land more or less, which is a portion of the tract known as Lot 1, Block 1 of Columbian Club Pump Station Addition (“Property”), a subdivision within the City limits of the City of Carrollton, Texas (“City”); and

WHEREAS, the Property will be used for the relocation of the Mercer Yard, as part of the overall Silver Line project, which the City Council of the City of Carrollton, Texas (“City Council”) supports; and

WHEREAS, the provisions of § 272.001(b)(5) of the Texas Local Government Code provide for the sale of certain parcels at fair market value to another governmental entity, such as DART, without the requirement of notice and bidding; and

WHEREAS, the City Council has determined that the sale of the Property in fee simple to DART is 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, THAT:

SECTION 1.

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

SECTION 2.

The City Council hereby authorizes the sale to DART of the Property, which is known as Parcel CB2-016, as further depicted in *Exhibit A*, attached hereto and incorporated by reference for all purposes, or as more particularly described as the northern 42,216 square feet being a portion of a 7.700-acre tract of land out of the and being a part of Lot 1, Block 1 of Columbian Club Pump Station Addition, a subdivision, recorded in Volume 96206, Page 3562, of the Deed Records, Dallas County, Texas.

SECTION 3.

The City Council hereby authorizes the City Manager, or designee, to execute any and all documents necessary to effectuate the transfer and conveyance of the subject property to DART for fair market value as determined by appraisal.

SECTION 4.

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

PASSED AND APPROVED, this the 21st day of November 2023.

CITY OF CARROLLTON, TEXAS

BY: _____
Steve Babick,
Mayor

ATTEST:

Chloe Sawatzky,
City Secretary

Approved as to form:

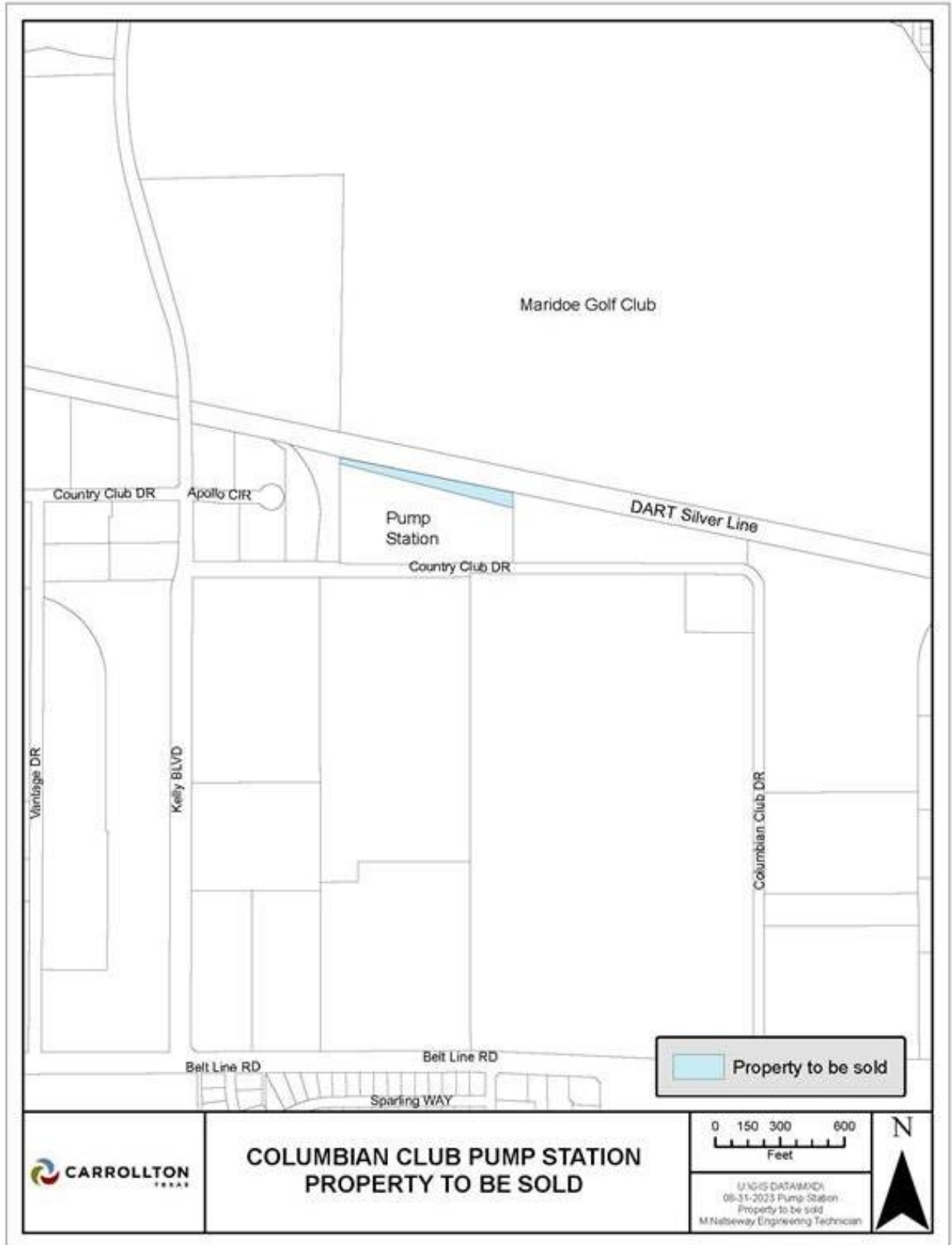
Approved as to content:

Meredith A. Ladd,
Assistant City Attorney

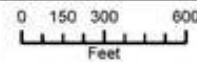
Jonathan Wheat P. E.
Director of Engineering

Location Map

DART Parcel CB2-016



**COLUMBIAN CLUB PUMP STATION
PROPERTY TO BE SOLD**



UNGIS DATA/MDC/A
08-31-2023 Pump Station
Property to be sold
M. Natswey Engineering Technician





Exhibit A

Dallas Area Rapid Transit
PO Box 660163
Dallas, Texas 75266-0163
214-749-3278

November 1, 2023

Mr. Tom Hammons
City of Carrollton
1945 E. Jackson Road
Carrollton, TX 75006

RE: Revised Offer Letter
Line Segment: Silver Line Regional Rail Project
Parcel No: CB2-016
Property Address: 2415 County Club Drive, Carrollton, TX

Dear Mr. Hammons:

On May 9, 2022, Dallas Area Rapid Transit (DART) sent to City of Carrollton a purchase offer of \$228,193 for the above referenced parcel required for the Silver Line Regional Rail Project. The purchase offer was based on a real estate appraisal that is over six months old, and in compliance with DART procedures and FTA guidelines, the appraisal report was updated, and the fair market value of the property has changed. Please consider this letter the current purchase offer for Parcel CB2-016.

The fair market value of the property interests needed for this public project have been appraised by an independent State Certified General Real Estate Appraiser, reviewed by an independent State Certified General Real Estate Appraiser, and approved by the Federal Transit Administration (FTA) and DART's Board of Directors. A copy of the appraisal has been provided to you.

DART is authorized to offer the approved appraised fair market value of **\$366,543.00** as total compensation for the fee title interest to the land and all existing structures and buildings. The total compensation amount is to be apportioned among all interest holders of the property. Should you wish to donate the property interests to be acquired, DART would be glad to accept.

The following represents a summary of DART's offer to you, which is not less than the approved appraisal value for said property:

| | |
|-----------------------|---------------------|
| Land and Improvements | \$366,193.00 |
| Cost to Cure | \$ 350.00 |
| Damage to Remainder | \$ 0.00 |
| Total | \$366,543.00 |

Also, attached is a copy of DART's brochure entitled "*Real Property Acquisition*" which will give you a better understanding of the procedures followed by DART in purchasing the land rights required for this public project.

Mr. Tom Hammons

November 1, 2023

Page 2

Finally, as provided by the Texas Attorney's general office, attached is a copy of Landowner's Bill of Rights (5 pages total) for your review.

If you have any questions regarding this acquisition, please do not hesitate to contact DART's authorized Acquisition Agent, Jose Gutierrez at 214-749-3590 or myself at 214-749-2633.

Sincerely,



Leticia Delgado, RPA, FMA
Assistant Vice President, Real Estate
Development Department

LD:jg

Enclosures:

Appraisal
Title Commitment
Agreement to Purchase Real Estate
Legal Description

Texas Landowner Bill of Rights
Acquisition Brochure
Parcel Plat

c: Parcel CB2-016 File
Jose Gutierrez, Project Manager-Acquisition/Relocation
Caitlin Holland, Vice President, Real Estate & Economic Development

Delivered By: _____

Date _____

**Field Notes Describing a 42,216 Square Foot (0.9692 Acre)
Parcel CB2-016 to Be Acquired From
City of Carrollton**

Being a 42,216 Square Foot (0.9692 Acre) tract of land out of the H. Vail Survey, Abstract Number 1511, the B. Myers Survey, Abstract Number 965, the J. Kennedy Survey, Abstract Number 743, and the J. Myers Survey, Abstract Number 939, Dallas County, Texas, and being a part of Lot 1, Block 1 of Columbian Club Pump Station Addition, a subdivision, recorded in Volume 96206, Page 3562, of the Deed Records, Dallas County, Texas, and being a part of called 2.50 acre tract that Columbian Club of Dallas conveyed to the City of Carrollton, Texas, by Special Warranty Deed, as recorded in Volume 89019, Page 2922, filed January 30, 1989, Deed Records, Dallas County, Texas, a part of called 2.20 acre tract that Columbian Club of Dallas conveyed to the City of Carrollton, Texas, by General Warranty Deed, as recorded in Volume 76003, Page 2221, filed January 7, 1976, Deed Records, Dallas County, Texas, and being part of a called 3 acre tract that Columbian Club of Dallas conveyed to the City of Carrollton, Texas, by Warranty Deed with Vender's Lien, as recorded in Volume 5491, Page 491, filed February 10, 1961, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch diameter iron rod with cap marked "BH&C" found for the northeast corner of said Lot 1, Block 1, of Columbian Club Pump Station Addition and being the northwest corner of Lot 1, Block 2, Columbian County Club, an addition to the City of Carrollton, as recorded in Instrument Number 20070193408, Official Public Records of Dallas County, Texas, and being the south right-of-way line of a 100 foot right-of-way conveyed to Dallas Area Rapid Transit Property Acquisition Corporation, as recorded in Volume 91008, Page 1341, Deed Records of Dallas County, Texas, for the northeast corner of described 0.9692 Acre tract heron;

THENCE, departing said south right-of-way line, South 00° 20' 34" West, along the common line of said Lot 1, Block 1 of Columbian Club Pump Station Addition and said Lot 1, Block 2, Columbian County Club, a distance of 95.09 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "JACOBS" set for the southeast corner of described 0.9692 Acre tract, from which a 1/2 inch iron rod found bears South 00° 20' 34" West, a distance of 234.69 feet;

THENCE, departing said common line, North 71° 52' 08" West, over and across said Lot 1, Block 1 of Columbian Club Pump Station Addition, a distance of 570.48 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "JACOBS" set for corner;

THENCE, North 78° 13' 49" West, continuing over and across said Lot 1, Block 1, of Columbian Club Pump Station Addition, a distance of 269.16 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "JACOBS" set on the common line of said Lot 1, Block 1 of Columbian Club Pump Station Addition and the remainder of a called 3.21 acre tract conveyed to St Louis Southwestern Railway Company of Texas, as recorded in Volume 867, Page 1824, Deed Records, Dallas County, Texas, for the southwest corner of described 0.9692 Acre tract;

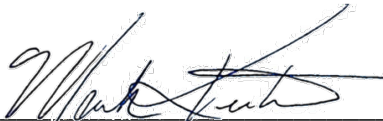
**Field Notes Describing a 42,216 Square Foot (0.9692 Acre)
Parcel CB2-016 to Be Acquired From
City of Carrollton**

THENCE, North 00° 15' 29" East, along said common line, a distance of 30.62 feet to a 5/8 inch diameter iron rod with aluminum cap marked "City of Carrollton" found at the northwest corner of said Lot 1, Block 1 of Columbian Club Pump Station Addition, and being the northeast corner of said 3.21 acre tract, and also being the south right-of-way line of aforesaid 100 foot right-of-way, for the northwest corner of described 0.9692 Acre tract;

THENCE, departing said common line, South 78° 13' 49" East, along the common line of said Lot 1, Block 1 of Columbian Club Pump Station Addition and said south right-of-way line, a distance of 823.40 feet to the **POINT OF BEGINNING** and containing 42,216 Square Feet or 0.9692 acres of land.

BASIS OF BEARINGS: All bearings and coordinates refer to the Texas State Plane Coordinate System, N.A.D. 83 (2011) North Central Zone (4202). All distances shown are surface values and may be converted to grid by dividing by a conversion factor for Dallas County of 1.000136506.

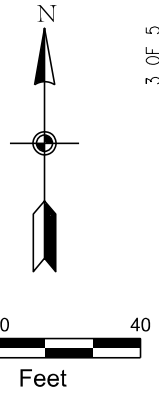
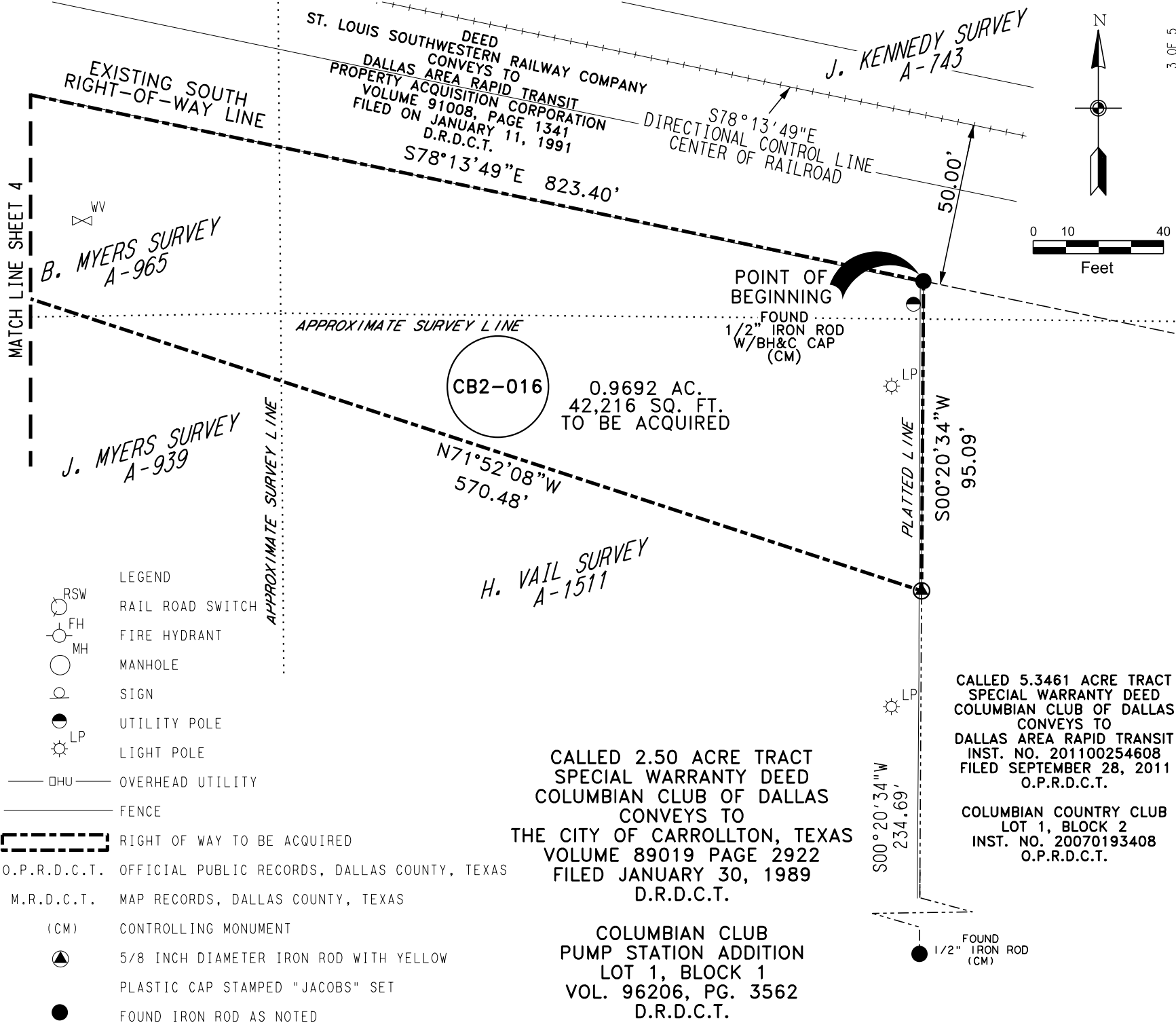
I hereby certify that this description and accompanying plat represent the results of a survey made on the ground May 2019.



9/06/2023

Mark E. Keeton, RPLS 6790
Jacobs Engineering Group, Inc.
1999 Bryan Street, Suite 3500
Dallas, Texas 75201-3136
Phone (214)-638-0145
TBPLS Firm # 10152300





- LEGEND**
- RAIL ROAD SWITCH
 - FIRE HYDRANT
 - MANHOLE
 - SIGN
 - UTILITY POLE
 - LIGHT POLE
 - OVERHEAD UTILITY
 - FENCE
 - RIGHT OF WAY TO BE ACQUIRED
 - O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
 - M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS
 - (CM) CONTROLLING MONUMENT
 - 5/8 INCH DIAMETER IRON ROD WITH YELLOW PLASTIC CAP STAMPED "JACOBS" SET
 - FOUND IRON ROD AS NOTED

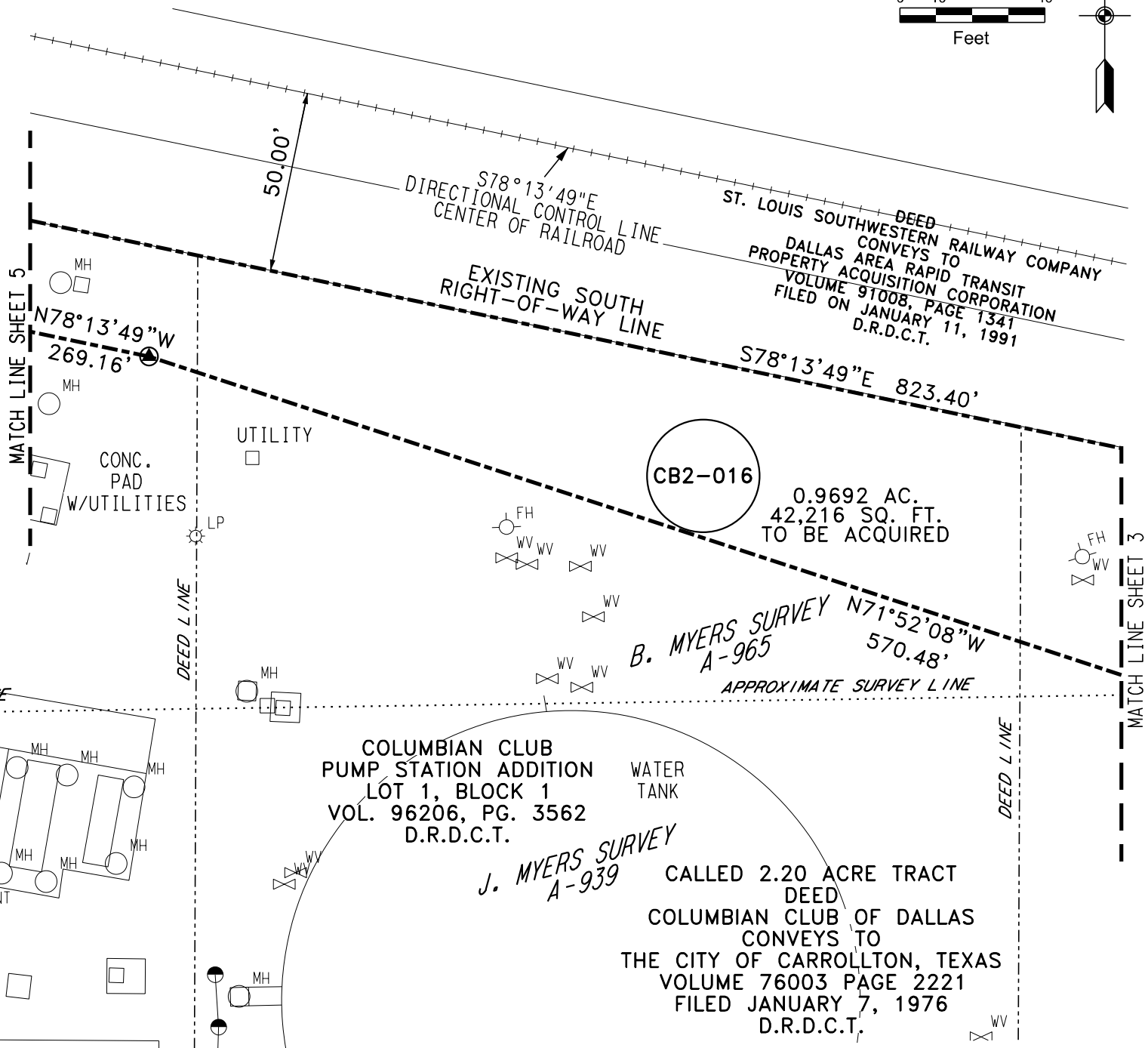
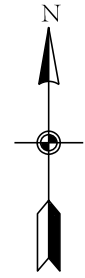
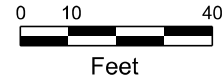
CALLED 2.50 ACRE TRACT
 SPECIAL WARRANTY DEED
 COLUMBIAN CLUB OF DALLAS
 CONVEYS TO
 THE CITY OF CARROLLTON, TEXAS
 VOLUME 89019 PAGE 2922
 FILED JANUARY 30, 1989
 D.R.D.C.T.

COLUMBIAN CLUB
 PUMP STATION ADDITION
 LOT 1, BLOCK 1
 VOL. 96206, PG. 3562
 D.R.D.C.T.

CALLED 5.3461 ACRE TRACT
 SPECIAL WARRANTY DEED
 COLUMBIAN CLUB OF DALLAS
 CONVEYS TO
 DALLAS AREA RAPID TRANSIT
 INST. NO. 201100254608
 FILED SEPTEMBER 28, 2011
 O.P.R.D.C.T.

COLUMBIAN COUNTRY CLUB
 LOT 1, BLOCK 2
 INST. NO. 20070193408
 O.P.R.D.C.T.

| | | | | |
|------------------|---|--|------------------------------|---|
| DART PROJECT | COTTON BELT REGIONAL RAIL SYSTEM PARCEL CB2-016 A 42,216 SQUARE FOOT (0.9692 ACRE) PARCEL TO BE ACQUIRED FROM THE CITY OF CARROLLTON, TEXAS | SCALE 1" = 40' DRAWN AYonez DESIGNED MKeeton CHECKED RGerlison IN CHARGE MKeeton DATE 11-7-2019 | CONTRACT C-2033270-01 | DWG No. WFX06101 CB2-016.dgn ©DART, all rights reserved, 1987-2019 |
| | | 1999 BRYAN STREET, SUITE 1200 DALLAS, TX 75201-3136 Phone: +1 (214) 638-0145 TBPLS Firm No. 10152302 | | |



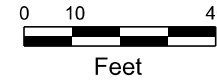
| | |
|---|------------------------------|
| COTTON BELT REGIONAL RAIL SYSTEM PARCEL CB2-016 | |
| A 42,216 SQUARE FOOT (0.9692 ACRE) PARCEL TO BE ACQUIRED FROM THE CITY OF CARROLLTON, TEXAS | |
| SCALE 1" = 40' | DWG No. WFX06101 CB2-016.dgn |
| DRAWN AYonez | CONTRACT C-2033270-01 |
| DESIGNED MKeeton | |
| CHECKED RGerlson | |
| IN CHARGE MKeeton | |
| DATE 11-7-2019 | |
| | |

| | |
|---------------------------------------|--|
| DART PROJECT | |
| | |
| ©DART, all rights reserved, 1987-2019 | |

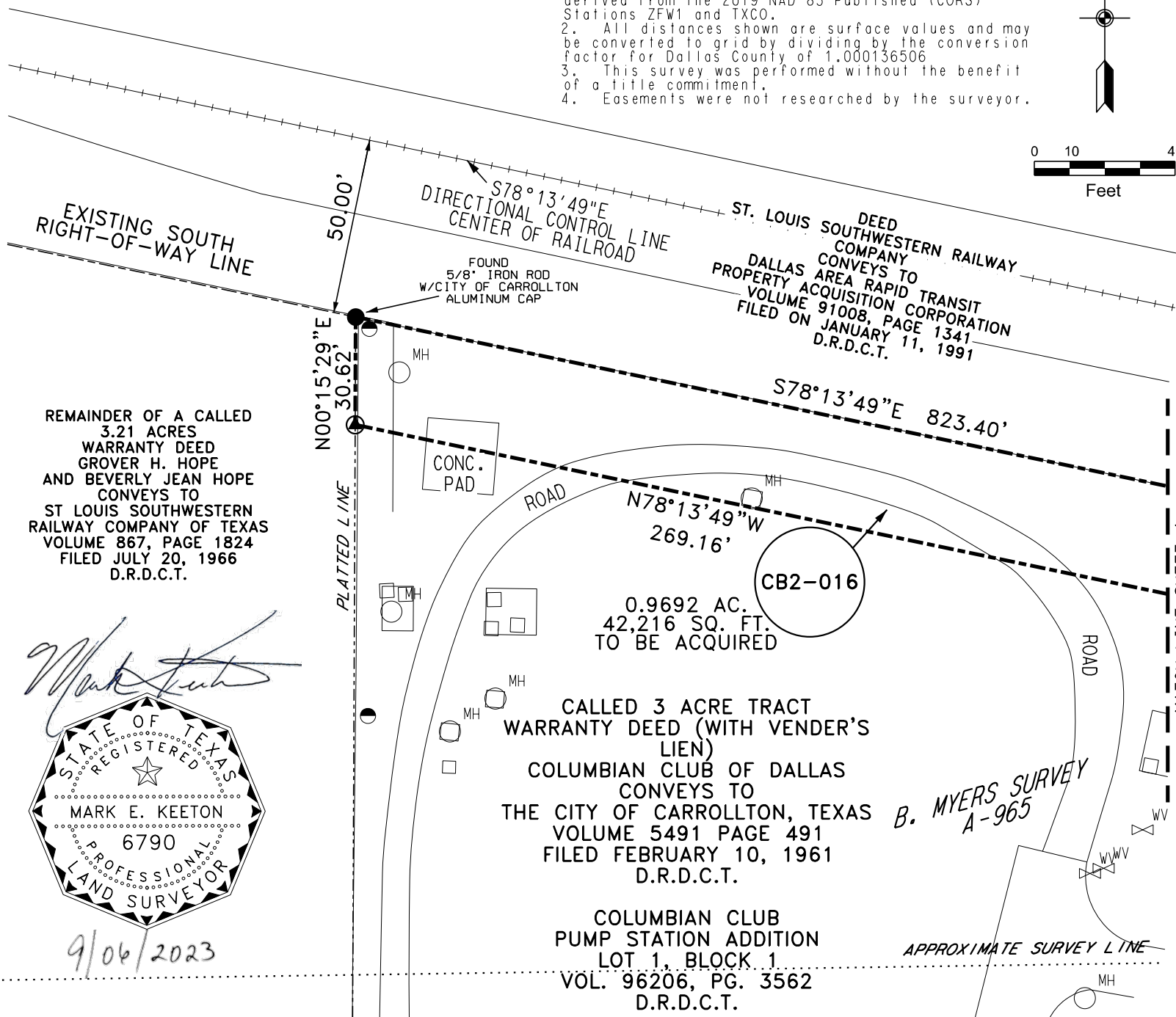
JACOBS
 1999 BRYAN STREET, SUITE 1200
 DALLAS, TX 75201-3136
 Phone: +1 (214) 638-0145
 TBPLS Firm No. 10152302

NOTES:

1. All bearing and coordinates as based on the Texas State Plane Coordinate System NAD 83 (2011) North Central Zone (4202). The horizontal datum derived from the 2019 NAD 83 Published (CORS) Stations ZFW1 and TXCO.
2. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1.000136506
3. This survey was performed without the benefit of a title commitment.
4. Easements were not researched by the surveyor.



5 OF 5



REMAINDER OF A CALLED
3.21 ACRES
WARRANTY DEED
GROVER H. HOPE
AND BEVERLY JEAN HOPE
CONVEYS TO
ST LOUIS SOUTHWESTERN
RAILWAY COMPANY OF TEXAS
VOLUME 867, PAGE 1824
FILED JULY 20, 1966
D.R.D.C.T.

Mark E. Keeton



9/06/2023

0.9692 AC.
42,216 SQ. FT.
TO BE ACQUIRED

CALLLED 3 ACRE TRACT
WARRANTY DEED (WITH VENDER'S
LIEN)
COLUMBIAN CLUB OF DALLAS
CONVEYS TO
THE CITY OF CARROLLTON, TEXAS
VOLUME 5491 PAGE 491
FILED FEBRUARY 10, 1961
D.R.D.C.T.

COLUMBIAN CLUB
PUMP STATION ADDITION
LOT 1, BLOCK 1
VOL. 96206, PG. 3562
D.R.D.C.T.

*B. MYERS SURVEY
A-965*

| | | | |
|--|--------------|---|------------------|
| COTTON BELT REGIONAL RAIL SYSTEM PARCEL CB2-016 | | A 42,216 SQUARE FOOT (0.9692 ACRE) PARCEL TO BE ACQUIRED FROM THE CITY OF CARROLLTON, TEXAS | |
| SCALE 1" = 40' | DRAWN AYONEZ | DESIGNED MKEETON | CHECKED RGERLSON |
| | | IN CHARGE MKEETON | DATE 11-7-2019 |
| DART PROJECT | | | |
| | | 1999 BRYAN STREET, SUITE 1200 DALLAS, TX 75201-3136 Phone: +1 (214) 638-0145 TBPLS Firm No. 10152302 | |
| ©DART, all rights reserved, 1987-2019 | | CONTRACT C-2033270-01 Dwg No. WFX06101 CB2-016.dgn | |



Agenda Memo
File Number: 6423

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *24.

CC MEETING: November 21, 2023

DATE: November 9, 2023

TO: Erin Rinehart, City Manager

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

Consider A **Resolution In Support Of Dallas Area Rapid Transit (DART) Resolution No. 230038 Related To Right-Of-Way Requirements For The Silver Line Project; Providing For Authorization To Exercise Eminent Domain To Acquire Right-Of-Way Within The Carrollton Corporate Limits.**

BACKGROUND:

The DART Silver Line commuter rail line project is currently under construction in Carrollton and other cities between Plano and DFW International Airport. The Silver Line will improve public transportation mobility in the northern part of the DART service area, generally serving an east-west commuter travel corridor. This rail corridor will have several major destinations including the DFW Airport station, which will also provide a connection to the Fort Worth Transportation Authority TEXRail passenger rail line. The Downtown Carrollton Station will become a regional transit hub with the completion of the Silver Line.

DART is requesting the authority to obtain one property adjacent to the rail corridor, at the southeast corner of Hutton Drive and Belt Line Road (Parcel CB2-037). DART is rebuilding and upgrading the intersection into a quiet zone as a consequence of the dual-track Silver Line.

On April 18, 2023, the DART Board approved Resolution No. 230038 declaring a public necessity, establishing just compensation and authorizing the acquisition of this parcel through eminent domain proceedings, if necessary. Based on the current construction schedule, the acquisition of this parcel must be completed soon.

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 greater transit service and mobility along the DART Silver Line;
- Increasing economic development opportunities due to increased transit accessibility.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of the attached resolution authorizing the acquisition of private property by DART which is needed for the construction of the Silver Line commuter rail.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS IN SUPPORT OF THE DALLAS AREA RAPID TRANSIT RESOLUTION NO. 230038 RELATED TO RIGHT-OF-WAY REQUIREMENTS FOR THE SILVER LINE PROJECT; PROVIDING FOR AUTHORIZATION TO EXERCISE EMINENT DOMAIN TO ACQUIRE RIGHT-OF-WAY WITHIN THE CORPORATE LIMITS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and,

WHEREAS, DART is currently constructing the Silver Line Project rail line through the City of Carrollton (“City”); and,

WHEREAS, on April 18, 2023, the DART Board approved Resolution No. 230038 on subject parcel CB2-037, per the attached *Exhibit A*, declaring a public necessity, establishing just compensation, and authorizing the acquisition of property for the Silver Line Project through eminent domain proceedings, if necessary; and,

WHEREAS, all property acquisition activities related to the Silver Line Project are conducted by DART; and

WHEREAS, after careful review of impacted parcels, the DART Board desires to declare the acquisition of parcels a public necessity, to approve the offer of just compensation for these parcels, and to authorize the President/Executive Director or his designee to proceed with the negotiation and purchase of these parcels, and if necessary, the acquisition of these parcels through eminent domain; and

WHEREAS, the property is necessary and proper for construction of the Silver Line Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose; and

WHEREAS, in order for DART to exercise its power of eminent domain, the City Council of the City of Carrollton, Texas (“City Council”) must authorize such action within the Carrollton city limits; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City of Carrollton to authorize DART to exercise eminent domain within the City.

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

SECTION 1.

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

SECTION 2.

The City Council supports DART Board of Directors, Resolution No. 230038 with legal description for parcel CB2-037, related to the acquisition of right-of-way for the Silver Line Project.

SECTION 3.

The City Council authorizes DART to exercise eminent domain within the corporate limits of the City of Carrollton, Dallas County, Texas for the sole purpose of acquisition of right-of-way for the Silver Line Project as set forth in *Exhibit A*.

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, on this 21st day of November 2023.

CITY OF CARROLLTON, TEXAS

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd,
City Attorney

APPROVED AS TO CONTENT:

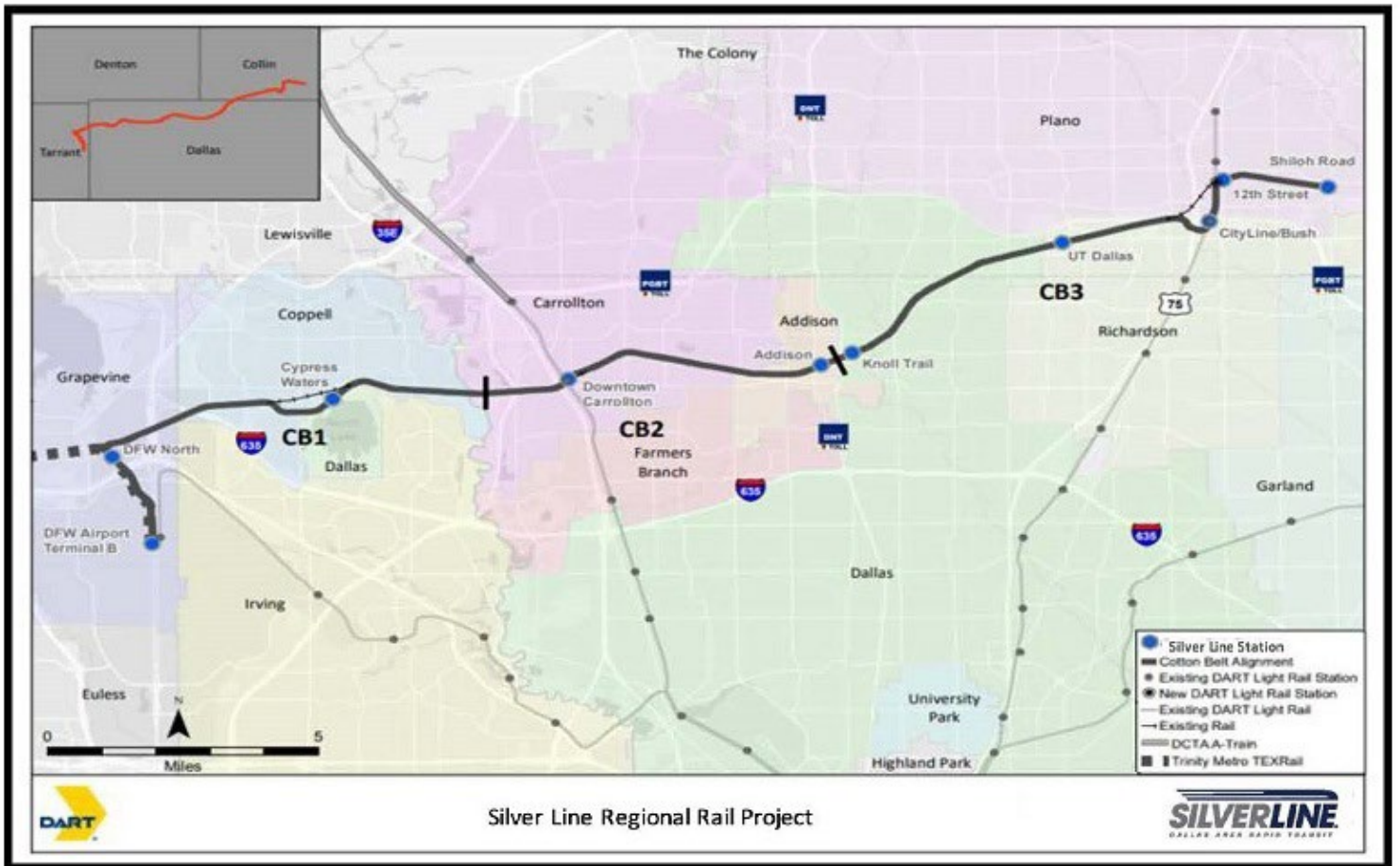
Jonathan Wheat
Director of Engineering

Location Map

DART Parcel CB2-037



DART Silver Line Corridor



RESOLUTION

of the



DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

RESOLUTION

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB2-037 Located at or near Hutton Dr. and W. Belt Line Rd. in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for this Parcel, if Necessary

WHEREAS, Dallas Area Rapid Transit was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, the parcel described in Exhibit 1 is required for the construction of the Silver Line Regional Rail project; and

WHEREAS, after careful review of this parcel and the recommendation of the President & Chief Executive Officer, the Board desires to declare the acquisition of this parcel a public necessity, to approve the offer of just compensation for this parcel, and to authorize the President & Chief Executive Officer or her designee to proceed with the negotiation and purchase of this parcel, and if necessary, the acquisition of this parcel through eminent domain; and

WHEREAS, funding for this real estate acquisition is within the current Budget and FY 2023 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:

Section 1: There is a public necessity for the acquisition of Parcel CB2-037 described in Exhibit 1. This property is necessary and proper for the construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser.

Section 2: In the event the property owner accepts the payment of just compensation, the President & Chief Executive Officer or her designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the President & Chief Executive Officer or her designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy.

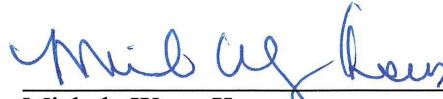
Section 3:

If the President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without approval of such acquisition by the City Council of the City of Carrollton for CB2-037 . DART's exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB2-037 Located at or near Hutton Dr. and W. Belt Line Rd. in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for this Parcel, if Necessary



Rodney Schlosser
Secretary



Michele Wong Krause
Chair

APPROVED AS TO FORM:



Gene Gamez
General Counsel

ATTEST



Nadine S. Lee
President & Chief Executive Officer

April 18, 2023

Date

**Field Notes Describing a 668 Square Foot (0.0153 Acre)
PARCEL CB2-037 to Be Acquired From
MLRP 1445 Beltline LLC**

Being a 668 Square Foot (0.0153 Acre) tract of land out of the John Nix Survey, Abstract Number 1089, City of Carrollton, Dallas County, Texas, being a portion of a called 4.292 acre tract of land described as Tract 1 in Special Warranty Deed recorded on September 20, 2018, conveyed by MAMJJ, LLC and K & D Investment Company to MLRP 1445 Beltline LLC, as recorded in Instrument No. 201800253134, Official Public Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING, at a 1/2-inch iron rod found (controlling monument) for corner in the common east right-of-way line of Hutton Drive, an 85-foot wide right-of-way as dedicated by Volume 82156, Page 1031, Deed Records, Dallas County, Texas and west line of said Tract 1, said point being the most westerly northwest corner of said Tract 1 and the beginning of a non-tangent curve to the right, from which a 1/2-inch iron rod found bears South 00 degrees 19 minutes 22 seconds East, a distance of 307.01 feet;

THENCE, coincident with said common line and said non-tangent curve to the right having a radius of 30.50 feet, a central angle of 84 degrees 23 minutes 15 seconds, an arc distance of 44.92 feet and a long chord that bears North 41 degrees 52 minutes 27 seconds East, a distance of 40.97 feet to a 1/2-inch pink capped iron rod stamped "WEAVER CONSULTANTS" found (controlling monument) at the beginning of a compound curve to the right in the common south right-of-way line of West Belt Line Road, a variable width right-of-way as dedicated by Volume 89043, Page 3845, Deed Records, Dallas County, Texas and north line of said Tract 1;

THENCE, continuing coincident with said common line and said compound curve to the right having a radius of 1,973.50 feet, a central angle of 00 degrees 39 minutes 50 seconds, an arc distance of 22.87 feet and a long chord that bears North 85 degrees 22 minutes 21 seconds East, a distance of 22.87 feet to a 1/2-inch pink capped iron rod stamped "WEAVER CONSULTANTS" found (controlling monument) for corner;

THENCE, North 85 degrees 42 minutes 17 seconds East, coincident with said common line, a distance of 44.01 feet to a MAG nail with shiner stamped "JACOBS" set for corner;

THENCE, departing said common line, over and across said Tract 1, the following five (5) courses and distances:

South 81 degrees 03 minutes 10 seconds West, a distance of 36.23 feet to a 5/8-inch yellow capped iron rod stamped "JACOBS" set for corner;

South 76 degrees 01 minutes 12 seconds West, a distance of 23.55 feet to a 5/8-inch yellow capped iron rod stamped "JACOBS" set for corner at the beginning of a tangent curve to the left;

**Field Notes Describing a 668 Square Foot (0.0153 Acre)
PARCEL CB2-037 to Be Acquired From
MLRP 1445 Beltline LLC**

Along said tangent curve to the left having a radius of 30.00 feet, a central angle of 56 degrees 35 minutes 34 seconds, an arc distance of 29.63 feet and a long chord that bears South 47 degrees 43 minutes 25 seconds West, a distance of 28.44 feet to a 5/8-inch yellow capped iron rod stamped "JACOBS" set for corner;

South 19 degrees 25 minutes 38 seconds West, a distance of 5.43 feet to a 5/8-inch yellow capped iron rod stamped "JACOBS" set for corner;

South 89 degrees 40 minutes 50 seconds West, a distance of 12.53 feet to the **POINT OF BEGINNING** and containing 668 square feet or 0.0153 acres of land.

BASIS OF BEARINGS: grid north, Texas Coordinate System, North Central Zone (4202), NAD83 (NAD83 (2011 adjustment) epoch 2010), determined by GPS observations, calculated from Dallas CORS ARP (pid-df8984), Denton CORS ARP (pid-df8986), Fort Worth WAAS 1 CORS ARP (pid-df4385), and Saginaw CORS ARP (pid-dh7149). All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1.000136506

I hereby certify that this description and accompanying plat represent the results of a survey made on the ground January 20, 2023.

Paul Daniel, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 6534

Jacobs

777 Main Street

Fort Worth, Texas 76102

Phone (817)-735-6000

Fax (817)-735-6148

TBPLS Firm # 10194664

February 16, 2023





ELIZABETH LAMAR
SURVEY,
ABSTRACT NO. 797

CALLED 0.0163 ACRES
DOR-WELL ENTERPRISES, INC.
TO
COUNTY OF DALLAS
VOLUME 88217, PAGE 1941
D.R.D.C.T.
NOVEMBER 7, 1988

PARCEL CB2-037
668 SQUARE FOOT
0.0153 ACRES

WEST BELT LINE ROAD
(VARIABLE WIDTH R.O.W.)
(NO RECORD
INFORMATION FOUND)

$R=1,973.50'$
 $\Delta=00^{\circ}39'50''$ (RT)
 $L=22.87'$
 $CB=N85^{\circ}22'21''E$
 $CL=22.87'$

1/2-INCH PINK
CAPPED IRON ROD
STAMPED "WEAVER
CONSULTANTS"
FOUND (CM)

1/2-INCH PINK
CAPPED IRON ROD
STAMPED "WEAVER
CONSULTANTS"
FOUND (CM)

CALLED 0.0197 ACRES
K & D INVESTMENT COMPANY
TO
COUNTY OF DALLAS
VOLUME 89043, PAGE 3845
D.R.D.C.T.
MARCH 3, 1989

$R=30.50'$
 $\Delta=84^{\circ}23'15''$ (RT)
 $L=44.92'$
 $CB=N41^{\circ}52'27''E$
 $CL=40.97'$

PROPOSED
RETAINING
WALL

$N85^{\circ}42'17''E$
44.01'

$S81^{\circ}03'10''W$
36.23'

$S76^{\circ}01'12''W$
23.55'

$R=30.00'$
 $\Delta=56^{\circ}35'34''$ (LT)
 $L=29.63'$
 $CB=S47^{\circ}43'25''W$
 $CL=28.44'$

$S19^{\circ}25'38''W$
5.43'

$S89^{\circ}40'50''W$
12.53'

CALLED 4.292 ACRES
TRACT 1
MAMJJ, LLC
AND
K & D INVESTMENT COMPANY
TO
MLRP 1445 BELTLINE LLC
INSTRUMENT NO. 201800253134
O.P.R.D.C.T.
SEPTEMBER 20, 2018

LOT 1, BLOCK 1
CARROLLTON INDUSTRIAL
PARK PART 4
INSTRUMENT NO.
201600057888
O.P.R.D.C.T.
MARCH 3, 2016

POINT OF
BEGINNING
1/2-INCH IRON
ROD FOUND (CM)
FROM WHICH A
1/2-INCH IRON
ROD FOUND BEARS
 $S00^{\circ}19'22''E$
307.01'

HUTTON DRIVE
(85' WIDE R.O.W.)

CITY OF CARROLLTON
VOLUME 73054, PAGE 1548
D.R.D.C.T.

CITY OF CARROLLTON
VOLUME 82156, PAGE 1031
D.R.D.C.T.

LEGEND

- ELECTRIC VAULT
- GUY WIRE
- POWER POLE
- LIGHT POLE
- WATER VALVE
- FIRE HYDRANT
- WATER MANHOLE
- SIGN
- RAILROAD CROSSING SIGNAL
- OVERHEAD UTILITY
- 5/8-INCH YELLOW CAPPED IRON ROD STAMPED "JACOBS" SET
- MAG NAIL WITH SHINER STAMPED "JACOBS" SET
- CONTROLLING MONUMENT
- OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- DEED RECORDS, DALLAS COUNTY, TEXAS

JOHN NIX SURVEY,
ABSTRACT NO. 1089



2/16/23
PAUL DANIEL
REGISTERED PROFESSIONAL
LAND SURVEYOR
TEXAS NO. 6534

NOTES:

1. BEARING BASIS BEING GRID NORTH, TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202), NAD83 (NAD83 (2011 ADJUSTMENT) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984), DENTON CORS ARP (PID-DF8986), FORT WORTH WAAS 1 CORS ARP (PID-DF4385), AND SAGINAW CORS ARP (PID-DH7149).

2. ALL DISTANCES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY DIVIDING BY THE CONVERSION FACTOR FOR DALLAS COUNTY OF 1.000136506

JACOBS

777 Main Street
Fort Worth, Texas 76102
Phone: (817) 222-8513
TBPLS Firm No. 10194664

DART PROJECT



| | |
|-----------|------------|
| SCALE | 1"=40' |
| DRAWN | LangloisMC |
| DESIGNED | PDaniel |
| CHECKED | PDaniel |
| IN CHARGE | PDaniel |
| DATE | 02-16-2023 |



CONTRACT
C-2033270-01

DWG No. CB2-037.001

COTTON BELT REGIONAL RAIL SYSTEM

PARCEL CB2-037
A 668 SQUARE FOOT (0.0153 ACRE)
PARCEL TO BE ACQUIRED FROM
MLRP 1445 BELTLINE LLC



Agenda Memo
File Number: 6428

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *25.

CC MEETING: November 21, 2023

DATE: November 14, 2023

TO: Erin Rinehart, City Manager

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

Consider A **Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Agreement With Denton County For The Reconstruction Of Hebron Parkway Between Hamilton Drive And Sam Rayburn Tollway (SH 121) In An Amount Not To Exceed \$4,350,000.00.**

BACKGROUND:

In November 2022, Denton County’s Transportation Road Improvement Program - 2022 (TRIP-22) was approved by the voters. This program will fund 119 projects in 32 cities and unincorporated areas. The project list includes state highways, arterial streets within cities, safety improvements and county roads and bridges. The City of Carrollton has three approved projects with multiple phases in each project: Hebron Parkway, Frankford Road and the eastbound Frankford Road Bridge.

This interlocal cooperation agreement provides funding for the reconstruction of Hebron Parkway between Hamilton Drive and Sam Rayburn Tollway (SH 121). Design is scheduled to begin in 2024. The total cost for design, construction and associated costs is estimated at \$8.7 million.

FINANCIAL IMPLICATIONS:

Under the terms of the interlocal agreement Denton County will provide up to \$4,350,000 for this section of Hebron Parkway. Any additional costs beyond the scope of the agreement will come from City 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:

- Sustaining quality of life - The replacement of substandard street pavement on Hebron

Parkway should increase traffic mobility and safety;

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

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that City Council approve a resolution authorizing the City Manager to enter into an interlocal cooperation agreement with Denton County in an amount not to exceed \$4,350,000.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH DENTON COUNTY, FOR THE RECONSTRUCTION OF HEBRON PARKWAY BETWEEN HAMILTON DRIVE AND SH 121; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1:

The City Manager is hereby authorized to enter into an Interlocal Cooperation Agreement with Denton County for the reconstruction of Hebron Parkway in an amount not to exceed \$4,350,000.00.

SECTION 2:

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

SECTION 3:

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

PASSED and APPROVED on this 21st day of November, 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

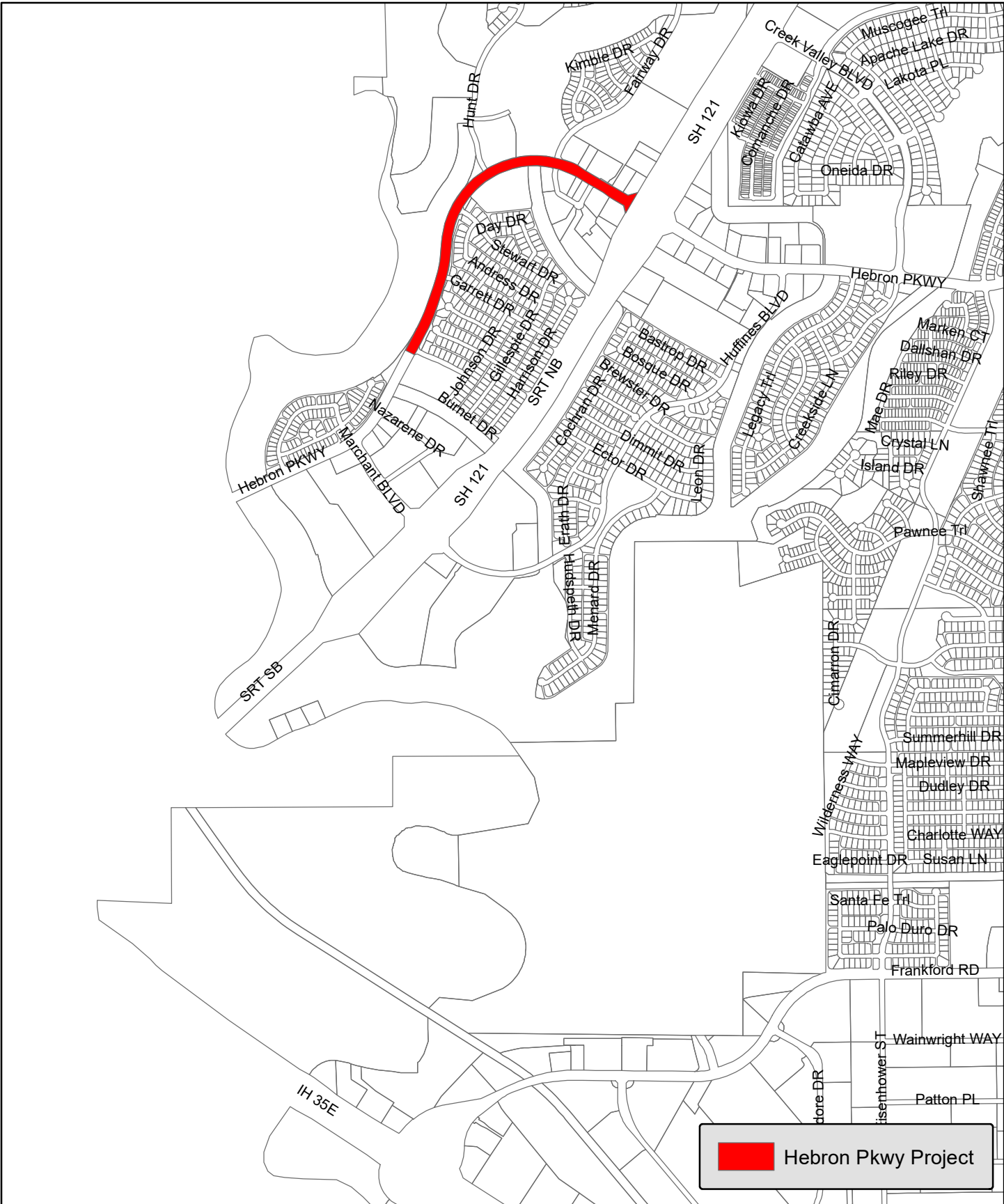
Chloe Sawatzky, City Secretary


Approved as to form:

Approved as to content:

Meredith A. Ladd
City Attorney

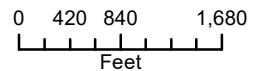
Jonathan Wheat, P.E.,
Director of Engineering



 Hebron Pkwy Project



HEBRON PKWY PROJECT



U:\GIS DATA\MXD\
11-14-2023 Hebron Pkwy Project

M.Natseway Engineering Technician



streets, roads, and drainage. The purpose of this Agreement is to provide a governmental function or service that each party is authorized to perform individually.

II.

The County and the City hereby agree that the scope of the Project shall consist of engineering, right-of-way acquisition, utility relocations, inspections, and construction of Hebron Parkway - Segment 1, between Hamilton Drive and SH 121, at an estimated cost of EIGHT MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$8,700,000.00), whereby the County agrees to make a contribution toward satisfactory completion of the Project in an amount which shall not exceed FOUR MILLION THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$4,350,000.00). The Project is located entirely within the municipal limits of the City and in Denton County Commissioner Precinct #2.

III.

The County hereby agrees to make a contribution toward satisfactory completion of the project in an amount which shall not exceed FOUR MILLION THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$4,350,000.00), provided that any and all funding is approved by formal action of the Denton County Commissioners Court.

IV.

The City agrees to manage all engineering, right-of-way acquisition, utility relocations, inspections, construction, and maintenance of the Project. The City shall timely provide the County with all invoices and requested documentation in an amount which shall not exceed FOUR MILLION THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$4,350,000.00).

V.

This exchange of in-kind services between the County and the City is deemed adequate consideration for the obligations exchanged by the Parties herein.

VI.

As the City proceeds with the completion of the Project, the City shall submit all invoices for reimbursement to the Denton County Auditor, Mr. Jeff May, 1 Courthouse Drive, Suite 2000, Denton, Texas 76208, c/o Mr. John Polster, Innovative Transportation Solutions, Inc., 2701 Valley View Lane, Farmers Branch, Texas 75234. The City shall submit invoices on a monthly basis, and the County shall reimburse the City on a pro rata basis for all approved expenses related to the Project within thirty calendar days of receipt of an invoice from the City, provided that all expenditures are made in a manner which is consistent with the terms of this Agreement. Upon satisfactory

completion of the Project, the County and the City shall prepare and complete a full audit of the Project.

VII.

As required by Texas Transportation Code §251.012 and as evidenced by the signature of the City's representative below, the governing body of the City by the execution of and approval of this Agreement hereby approves of the expenditure of County money to finance the construction, improvement, maintenance, or repair of a street or alley in the County that is located in the City.

VIII.

This agreement may be terminated in whole, or in part, by the County or the City upon thirty days written notice to the other party. In the event of termination by the County, the County shall pay all approved invoices submitted up to and including the date of termination.

IX.

This Agreement represents the entire integrated agreement between the County and the City and supersedes all prior negotiations, representations, and agreements, either oral or written. This Agreement may be amended only by written instrument signed by both of the Parties. Notices shall be directed as follows:

For City: Honorable Steve Babick, Mayor
City of Carrollton, Texas
1945 E. Jackson Road
Carrollton, Texas 75006

Copy To: Chloe Sawatzky, City Secretary
City of Carrollton, Texas
1945 E. Jackson Road
Carrollton, Texas 75006

For County: Honorable Andy Eads, Denton County Judge
1 Courthouse Drive, Suite 3100
Denton, Texas 76208
andy.eads@dentoncounty.com
holly.sadlowski@dentoncounty.com

Copy To: Denton County District Attorney's Office - Civil Division
1450 East McKinney Street, Suite 3100
Denton, Texas 76209
john.feldt@dentoncounty.gov
cio@dentoncounty.gov

X.

The covenants, terms, and conditions herein are to be construed under the laws of the State of Texas and are performable by the Parties in Denton County, Texas. The Parties mutually agree that venue for any obligation arising from this Agreement shall lie in Denton County, Texas.

XI.

The City agrees and understands that the City, its employees, servants, agents or representatives shall at no time represent themselves to be employees, servants, agents or representatives of the County.

XII.

The City agrees to accept full responsibility for the acts, negligence and omissions of all City employees, agents, subcontractors or contract laborers and for all other persons doing work under a contract or agreement with the City.

XIII.

This Agreement is not intended to extend the liability of the Parties beyond that provided for by law. Neither the County nor the City waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims made by third parties.

XIV.

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XV.

The undersigned officers and agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

XVI.

This Agreement becomes effective when signed by the last party whose signing makes the respective agreement fully executed, and the term of this Agreement is for the life of the Project beginning on the date of execution of this Agreement and continuing until the Project is completed.

Executed this _____ day of _____, 2023.

DENTON COUNTY, TEXAS

1 Courthouse Drive, Suite 3100
Denton, Texas 76209

CITY OF CARROLLTON, TEXAS

1945 E. Jackson Road
Carrollton, Texas 75006

By: _____
Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
of the Denton County Commissioners Court

By: _____
Honorable Steve Babick
Mayor of the City of Carrollton, Texas
Acting by and on behalf of the authority
of the City of Carrollton, Texas

ATTEST:

ATTEST:

By: _____
Denton County Clerk

By: _____
City Secretary

COUNTY AUDITOR'S CERTIFICATE

I hereby certify funds are available to accomplish and pay the obligation of Denton County, Texas, under this Agreement.

Denton County Auditor

APPROVAL OF INTERLOCAL COOPERATION AGREEMENT

Denton County, Texas, acting by and through the Denton County Commissioners Court, hereby gives its specific written approval to the following Project, prior to beginning of the Project in satisfaction of Texas Government Code §791.014. The scope of the Project shall consist of engineering, right-of-way acquisition, utility relocations, inspections, and construction of Hebron Parkway - Segment 1, between Hamilton Drive and SH 121, at an estimated cost of completion of EIGHT MILLION SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$8,700,000.00). The Project shall be located entirely within the municipal limits of the City of Carrollton and in Denton County Commissioner Precinct #2.

The County hereby agrees to make a contribution toward satisfactory completion of the project in an amount which shall not exceed FOUR MILLION THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$4,350,000.00), provided that any and all funding is approved by formal action of the Denton County Commissioners Court.

The local governments which requested the Project and with whom the Agreement is by and between are Denton County, Texas, and the City of Carrollton, Texas.

By vote on the date below, the Denton County Commissioners Court has approved the project identified above and authorized execution of this document by the presiding officer of the Denton County Commissioners Court.

Date: _____

By: _____
Presiding Officer of the Denton
County Commissioners Court



Agenda Memo
File Number: 6429

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *26.

CC MEETING: November 21, 2023

DATE: November 14, 2023

TO: Erin Rinehart, City Manager

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

Consider A **Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Agreement With Denton County For The Repair Of The Eastbound Frankford Road Bridge At Furneaux Creek, West of Josey Lane, In An Amount Not To Exceed \$255,000.00.**

BACKGROUND:

In November 2022, Denton County’s Transportation Road Improvement Program - 2022 (TRIP-22) was approved by the voters. This program will fund 119 projects in 32 cities and unincorporated areas. The project list includes state highways, arterial streets within cities, safety improvements and county roads and bridges. The City of Carrollton has three approved projects with multiple phases in each project: Hebron Parkway, Frankford Road and the eastbound Frankford Road Bridge.

This interlocal cooperation agreement provides funding for the repair of the eastbound Frankford Road Bridge at Furneaux Creek, west of Josey Lane. Project design is scheduled to begin in 2024. The total cost for design, construction and associated costs is estimated at \$510,000.00.

FINANCIAL IMPLICATIONS:

Under the terms of the interlocal agreement Denton County will provide up to \$255,000.00 for this project. Any additional costs beyond the scope of the agreement will come from City 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:

- Enhancing street aesthetics, mobility and traffic safety within the Frankford Road corridor;
- Improving the safety of City infrastructure.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that City Council approve a resolution authorizing the City Manager to enter into an interlocal cooperation agreement with Denton County in an amount not to exceed \$255,000.00.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH DENTON COUNTY, FOR THE REPAIRS OF FRANKFORD ROAD BRIDGE AT FURNEAUX CREEK WEST OF JOSEY LANE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1:

The City Manager is hereby authorized to enter into an Interlocal Cooperation Agreement with Denton County for the repairs of Frankford Road Bridge in an amount not to exceed \$255,000.00.

SECTION 2:

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

SECTION 3:

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

PASSED and APPROVED on this 21st day of November, 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

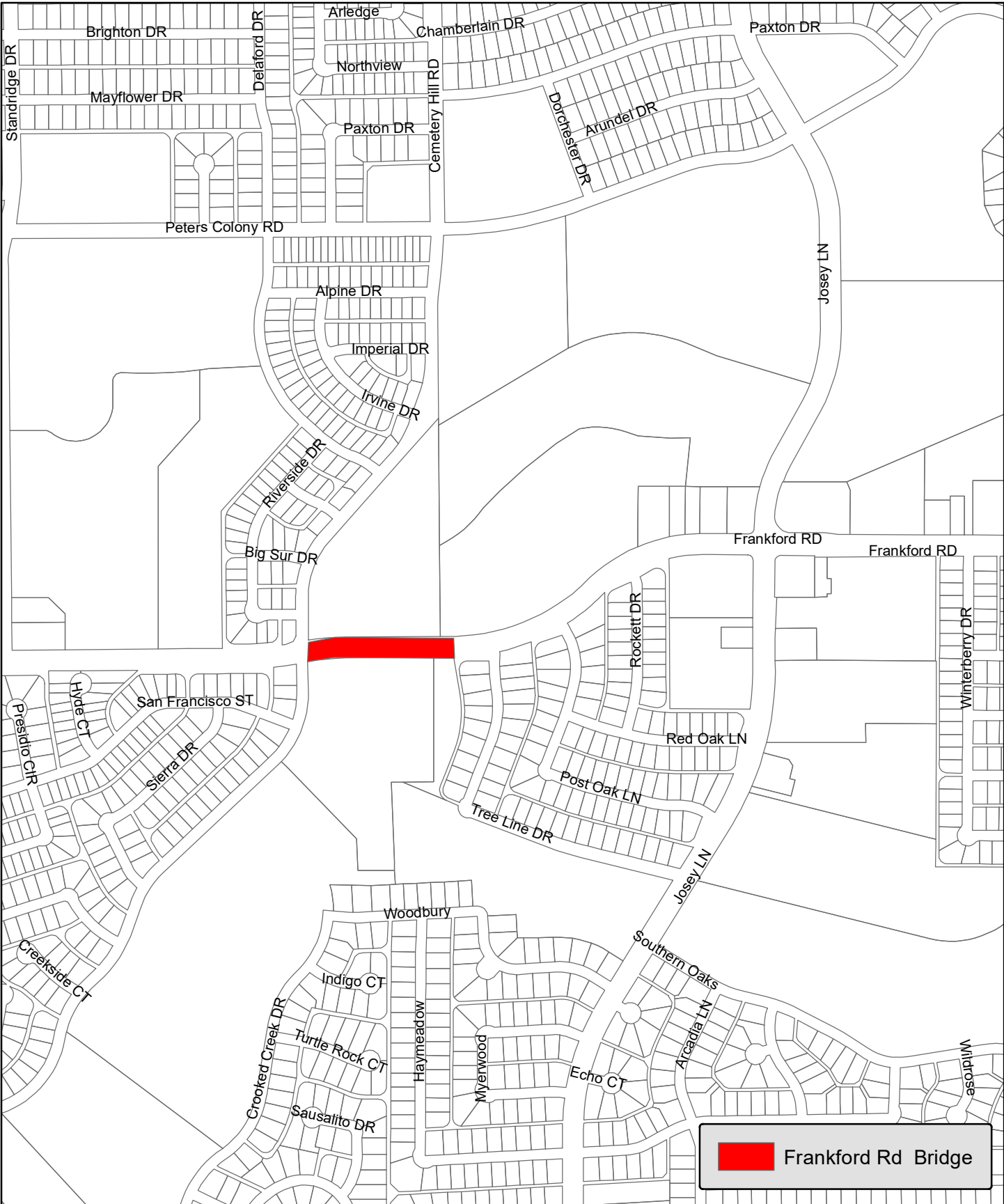
Chloe Sawatzky, City Secretary


Approved as to form:

Approved as to content:

Meredith A. Ladd
City Attorney

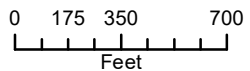
Jonathan Wheat, P.E.,
Director of Engineering



 Frankford Rd Bridge



FRANKFORD RD BRIDGE



U:\GIS DATA\MXD\
07-25-2023 Frankford Rd Bridge
M.Natseway Engineering Technician

II.

The County and the City hereby agree that the scope of the Project shall consist of engineering, right-of-way acquisition, utility relocations, inspections, and construction for repairs to Frankford Road Bridge at Furneaux Creek west of Josey Lane, at an estimated cost of FIVE HUNDRED TEN THOUSAND AND NO/100 DOLLARS (\$510,000.00), whereby the County agrees to make a contribution toward satisfactory completion of the Project in an amount which shall not exceed TWO HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$255,000.00). The Project is located entirely within the municipal limits of the City and in Denton County Commissioner Precinct #2.

III.

The County hereby agrees to make a contribution toward satisfactory completion of the project in an amount which shall not exceed TWO HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$255,000.00), provided that any and all funding is approved by formal action of the Denton County Commissioners Court.

IV.

The City agrees to manage all engineering, right-of-way acquisition, utility relocations, inspections, construction, and maintenance of the Project. The City shall timely provide the County with all invoices and requested documentation in an amount which shall not exceed TWO HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$255,000.00).

V.

This exchange of in-kind services between the County and the City is deemed adequate consideration for the obligations exchanged by the Parties herein.

VI.

As the City proceeds with the completion of the Project, the City shall submit all invoices for reimbursement to the Denton County Auditor, Mr. Jeff May, 1 Courthouse Drive, Suite 2000, Denton, Texas 76208, c/o Mr. John Polster, Innovative Transportation Solutions, Inc., 2701 Valley View Lane, Farmers Branch, Texas 75234. The City shall submit invoices on a monthly basis, and the County shall reimburse the City on a pro rata basis for all approved expenses related to the Project within thirty calendar days of receipt of an invoice from the City, provided that all expenditures are made in a manner which is consistent with the terms of this Agreement. Upon satisfactory completion of the Project, the County and the City shall prepare and complete a full audit of the Project.

VII.

As required by Texas Transportation Code §251.012 and as evidenced by the signature of the City’s representative below, the governing body of the City by the execution of and approval of this Agreement hereby approves of the expenditure of County money to finance the construction, improvement, maintenance, or repair of a street or alley in the County that is located in the City.

VIII.

This agreement may be terminated in whole, or in part, by the County or the City upon thirty days written notice to the other party. In the event of termination by the County, the County shall pay all approved invoices submitted up to and including the date of termination.

IX.

This Agreement represents the entire integrated agreement between the County and the City and supersedes all prior negotiations, representations, and agreements, either oral or written. This Agreement may be amended only by written instrument signed by both of the Parties. Notices shall be directed as follows:

For City: Honorable Steve Babick, Mayor
City of Carrollton, Texas
1945 E. Jackson Road
Carrollton, Texas 75006

Copy To: Chloe Sawatzky, City Secretary
City of Carrollton, Texas
1945 E. Jackson Road
Carrollton, Texas 75006

For County: Honorable Andy Eads, Denton County Judge
1 Courthouse Drive, Suite 3100
Denton, Texas 76208
andy.eads@dentoncounty.com
holly.sadlowski@dentoncounty.com

Copy To: Denton County District Attorney’s Office - Civil Division
1450 East McKinney Street, Suite 3100
Denton, Texas 76209
john.feldt@dentoncounty.gov
cio@dentoncounty.gov

X.

The covenants, terms, and conditions herein are to be construed under the laws of the State of Texas and are performable by the Parties in Denton County, Texas. The Parties mutually agree that venue for any obligation arising from this Agreement shall lie in Denton County, Texas.

XI.

The City agrees and understands that the City, its employees, servants, agents or representatives shall at no time represent themselves to be employees, servants, agents or representatives of the County.

XII.

The City agrees to accept full responsibility for the acts, negligence and omissions of all City employees, agents, subcontractors or contract laborers and for all other persons doing work under a contract or agreement with the City.

XIII.

This Agreement is not intended to extend the liability of the Parties beyond that provided for by law. Neither the County nor the City waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims made by third parties.

XIV.

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XV.

The undersigned officers and agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

XVI.

This Agreement becomes effective when signed by the last party whose signing makes the respective agreement fully executed, and the term of this Agreement is for the life of the Project beginning on the date of execution of this Agreement and continuing until the Project is completed.

Executed this _____ day of _____, 2023.

DENTON COUNTY, TEXAS
1 Courthouse Drive, Suite 3100
Denton, Texas 76209

CITY OF CARROLLTON, TEXAS
1945 E. Jackson Road
Carrollton, Texas 75006

By: _____
Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
of the Denton County Commissioners Court

By: _____
Honorable Steve Babick
Mayor of the City of Carrollton, Texas
Acting by and on behalf of the authority
of the City of Carrollton, Texas

ATTEST:

ATTEST:

By: _____
Denton County Clerk

By: _____
City Secretary

COUNTY AUDITOR'S CERTIFICATE

I hereby certify funds are available to accomplish and pay the obligation of Denton County, Texas, under this Agreement.

Denton County Auditor

APPROVAL OF INTERLOCAL COOPERATION AGREEMENT

Denton County, Texas, acting by and through the Denton County Commissioners Court, hereby gives its specific written approval to the following Project, prior to beginning of the Project in satisfaction of Texas Government Code §791.014. The scope of the Project shall consist of engineering, right-of-way acquisition, utility relocations, inspections, and construction for repairs to Frankford Road Bridge at Furneaux Creek west of Josey Lane, at an estimated cost of completion of FIVE HUNDRED TEN THOUSAND AND NO/100 DOLLARS (\$510,000.00). The Project shall be located entirely within the municipal limits of the City of Carrollton and in Denton County Commissioner Precinct #2.

The County hereby agrees to make a contribution toward satisfactory completion of the project in an amount which shall not exceed TWO HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$255,000.00), provided that any and all funding is approved by formal action of the Denton County Commissioners Court.

The local governments which requested the Project and with whom the Agreement is by and between are Denton County, Texas, and the City of Carrollton, Texas.

By vote on the date below, the Denton County Commissioners Court has approved the project identified above and authorized execution of this document by the presiding officer of the Denton County Commissioners Court.

Date: _____

By: _____
Presiding Officer of the Denton
County Commissioners Court



Agenda Memo
File Number: 6430

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *27.

CC MEETING: November 21, 2023

DATE: November 14, 2023

TO: Erin Rinehart, City Manager

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

Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Agreement With Denton County For The Reconstruction Of Frankford Road Between Commodore Drive and Eisenhower Street In An Amount Not To Exceed \$1,500,000.00.

BACKGROUND:

In November 2022, Denton County’s Transportation Road Improvement Program - 2022 (TRIP-22) was approved by the voters. This program will fund 119 projects in 32 cities and unincorporated areas. The project list includes state highways, arterial streets within cities, safety improvements and county roads and bridges. The City of Carrollton has three approved projects with multiple phases in each project: Hebron Parkway, Frankford Road and the eastbound Frankford Road Bridge.

This interlocal cooperation agreement provides funding for the reconstruction of Frankford Road between Commodore Drive and Eisenhower Street. Project design is scheduled to begin in 2024. The total cost for design, construction and associated costs is estimated at \$3.0 million.

FINANCIAL IMPLICATIONS:

Under the terms of the interlocal agreement Denton County will provide up to \$1,500,000 for this section of Frankford Road. Any additional costs beyond the scope of the agreement will come from City 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:

- Sustaining quality of life - The replacement of substandard street pavement on Frankford Road should improve traffic mobility and safety;

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

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that City Council approve a resolution authorizing the City Manager to enter into an interlocal cooperation agreement with Denton County in an amount not to exceed \$1,500,000.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH DENTON COUNTY, FOR THE RECONSTRUCTION OF FRANKFORD ROAD BETWEEN COMMODORE DRIVE AND EISENHOWER STREET; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1:

The City Manager is hereby authorized to enter into an Interlocal Cooperation Agreement with Denton County for the reconstruction of Frankford Road in an amount not to exceed \$1,500,000.00.

SECTION 2:

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

SECTION 3:

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

PASSED and APPROVED on this 21st day of November, 2023.

CITY OF CARROLLTON, TEXAS

By: _____
Steve Babick, Mayor

ATTEST:

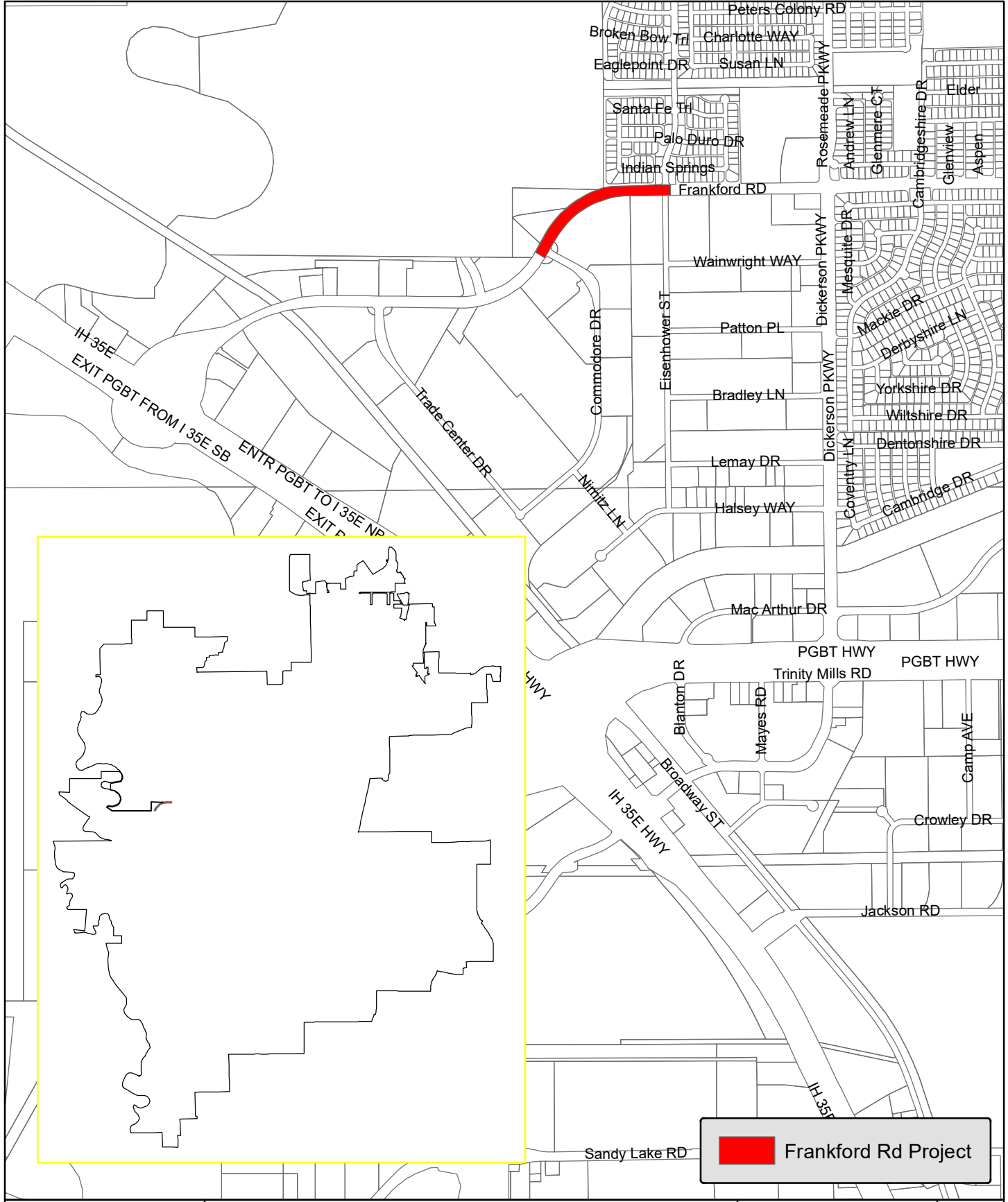
Chloe Sawatzky, City Secretary

Approved as to form:

Approved as to content:

Meredith A. Ladd
City Attorney

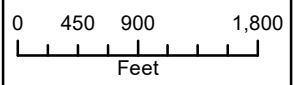
Jonathan Wheat, P.E.,
Director of Engineering



 Frankford Rd Project



FRANKFORD RD PROJECT



U:\GIS DATA\MXD\
 11-14-2023 Frankford Rd Project
 M.Natseway Engineering Technician

II.

The County and the City hereby agree that the scope of the Project shall consist of engineering, right-of-way acquisition, utility relocations, inspections, and construction of Frankford Road between Commodore Drive and Eisenhower Street, at an estimated cost of THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00), whereby the County agrees to make a contribution toward satisfactory completion of the Project an amount which shall not exceed ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00). The Project is located entirely within the municipal limits of the City and in Denton County Commissioner Precinct #2.

III.

The County hereby agrees to make a contribution toward satisfactory completion of the project in an amount which shall not exceed ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00), provided that any and all funding is approved by formal action of the Denton County Commissioners Court.

IV.

The City agrees to manage all engineering, right-of-way acquisition, utility relocations, inspections, construction, and maintenance of the Project. The City shall timely provide the County with all invoices and requested documentation in an amount which shall not exceed ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00).

V.

This exchange of in-kind services between the County and the City is deemed adequate consideration for the obligations exchanged by the Parties herein.

VI.

As the City proceeds with the completion of the Project, the City shall submit all invoices for reimbursement to the Denton County Auditor, Mr. Jeff May, 1 Courthouse Drive, Suite 2000, Denton, Texas 76208, c/o Mr. John Polster, Innovative Transportation Solutions, Inc., 2701 Valley View Lane, Farmers Branch, Texas 75234. The City shall submit invoices on a monthly basis, and the County shall reimburse the City on a pro rata basis for all approved expenses related to the Project within thirty calendar days of receipt of an invoice from the City, provided that all expenditures are made in a manner which is consistent with the terms of this Agreement. Upon satisfactory completion of the Project, the County and the City shall prepare and complete a full audit of the Project.

VII.

As required by Texas Transportation Code §251.012 and as evidenced by the signature of the City’s representative below, the governing body of the City by the execution of and approval of this Agreement hereby approves of the expenditure of County money to finance the construction, improvement, maintenance, or repair of a street or alley in the County that is located in the City.

VIII.

This agreement may be terminated in whole, or in part, by the County or the City upon thirty days written notice to the other party. In the event of termination by the County, the County shall pay all approved invoices submitted up to and including the date of termination.

IX.

This Agreement represents the entire integrated agreement between the County and the City and supersedes all prior negotiations, representations, and agreements, either oral or written. This Agreement may be amended only by written instrument signed by both of the Parties. Notices shall be directed as follows:

For City: Honorable Steve Babick, Mayor
City of Carrollton, Texas
1945 E. Jackson Road
Carrollton, Texas 75006

Copy To: Chloe Sawatzky, City Secretary
City of Carrollton, Texas
1945 E. Jackson Road
Carrollton, Texas 75006

For County: Honorable Andy Eads, Denton County Judge
1 Courthouse Drive, Suite 3100
Denton, Texas 76208
andy.eads@dentoncounty.com
holly.sadlowski@dentoncounty.com

Copy To: Denton County District Attorney’s Office - Civil Division
1450 East McKinney Street, Suite 3100
Denton, Texas 76209
john.feldt@dentoncounty.gov
cio@dentoncounty.gov

X.

The covenants, terms, and conditions herein are to be construed under the laws of the State of Texas and are performable by the Parties in Denton County, Texas. The Parties mutually agree that venue for any obligation arising from this Agreement shall lie in Denton County, Texas.

XI.

The City agrees and understands that the City, its employees, servants, agents or representatives shall at no time represent themselves to be employees, servants, agents or representatives of the County.

XII.

The City agrees to accept full responsibility for the acts, negligence and omissions of all City employees, agents, subcontractors or contract laborers and for all other persons doing work under a contract or agreement with the City.

XIII.

This Agreement is not intended to extend the liability of the Parties beyond that provided for by law. Neither the County nor the City waive, nor shall be deemed to have hereby waived, any immunity or defense that would otherwise be available to it against claims made by third parties.

XIV.

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the Parties hereto that the remaining portions shall remain valid and in full force and effect to the fullest extent possible.

XV.

The undersigned officers and agents of the Parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the Parties hereto, and each party hereby certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

XVI.

This Agreement becomes effective when signed by the last party whose signing makes the respective agreement fully executed, and the term of this Agreement is for the life of the Project beginning on the date of execution of this Agreement and continuing until the Project is completed.

Executed this _____ day of _____, 2023.

DENTON COUNTY, TEXAS

1 Courthouse Drive, Suite 3100
Denton, Texas 76209

CITY OF CARROLLTON, TEXAS

1945 E. Jackson Road
Carrollton, Texas 75006

By: _____
Honorable Andy Eads
Denton County Judge
Acting by and on behalf of the authority
of the Denton County Commissioners Court

By: _____
Honorable Steve Babick
Mayor of the City of Carrollton, Texas
Acting by and on behalf of the authority
of the City of Carrollton, Texas

ATTEST:

ATTEST:

By: _____
Denton County Clerk

By: _____
City Secretary

COUNTY AUDITOR'S CERTIFICATE

I hereby certify funds are available to accomplish and pay the obligation of Denton County, Texas, under this Agreement.

Denton County Auditor

APPROVAL OF INTERLOCAL COOPERATION AGREEMENT

Denton County, Texas, acting by and through the Denton County Commissioners Court, hereby gives its specific written approval to the following Project, prior to beginning of the Project in satisfaction of Texas Government Code §791.014. The scope of the Project shall consist of engineering, right-of-way acquisition, utility relocations, inspections, and construction of Frankford Road between Commodore Drive and Eisenhower Street, at an estimated cost of completion of THREE MILLION AND NO/100 DOLLARS (\$3,000,000.00). The Project shall be located entirely within the municipal limits of the City of Carrollton and in Denton County Commissioner Precinct #2.

The County hereby agrees to make a contribution toward satisfactory completion of the project in an amount which shall not exceed ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00), provided that any and all funding is approved by formal action of the Denton County Commissioners Court.

The local governments which requested the Project and with whom the Agreement is by and between are Denton County, Texas, and the City of Carrollton, Texas.

By vote on the date below, the Denton County Commissioners Court has approved the project identified above and authorized execution of this document by the presiding officer of the Denton County Commissioners Court.

Date: _____

By: _____
Presiding Officer of the Denton
County Commissioners Court



Agenda Memo File Number: 6432

Agenda Date: 11/21/2023

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *28.

CC MEETING: November 21, 2023

DATE: November 15, 2023

TO: City Council

FROM: Meredith A. Ladd, City Attorney

Consider A Resolution Of The City Council Of The City Of Carrollton, Texas, Finding That Coserv Gas, LTD.'S Statement Of Intent To Increase Rates Within The City Should Be Denied; Finding That The City's Reasonable Rate Case Expenses Shall Be Reimbursed By The Company; Finding That The Meeting At Which This Resolution Is Passed Is Open To The Public As Required By Law; And Requiring Notice Of This Resolution To The Company And The City's Legal Counsel.

BACKGROUND:

On July 28, 2023, CoServ Gas, Ltd. ("CoServ" or "Company"), pursuant to Subchapter C of Chapter 104 of the Gas Utility Regulatory Act, filed its Statement of Intent to change gas rates at the Railroad Commission of Texas ("RRC") and in all municipalities exercising original jurisdiction within its service area.

The Steering Committee of Cities Served by CoServ Gas, Ltd. ("CoServ Gas Cities") engaged the services of consultants to review the Company's filing. The consultants identified numerous unreasonable expenses and proposed significant reductions to the Company's request. Settlement discussions are ongoing, but no agreement has been met. Accordingly, CoServ Gas Cities' attorneys recommend that all member cities adopt the Resolution denying the rate change. Once the Resolution is adopted, CoServ will have 30 days to appeal the decision to the Railroad Commission where the appeal will be consolidated with CoServ's filing.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends Council approve the Resolution.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, FINDING THAT COSERV GAS, LTD.’S STATEMENT OF INTENT TO INCREASE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY’S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND THE CITY’S LEGAL COUNSEL.

WHEREAS, the City of Carrollton, Texas (“City”) is a gas utility customer of CoServ Gas, Ltd. (“CoServ” or “Company”) and is a regulatory authority under the Gas Utility Regulatory Act (“GURA”) with exclusive original jurisdiction over CoServ’s rates, operations, and services within the City; and

WHEREAS, the City cooperated with a coalition of similarly situated cities served by the Company that have joined together to facilitate the review and response to natural gas issues affecting the rates charged in CoServ’s service area (“CoServ Gas Cities” or “Steering Committee of Cities Served by CoServ Gas, Ltd.”); and

WHEREAS, on or about July 28, 2023, CoServ filed with the City a Statement of Intent to Increase Rates seeking to increase natural gas rates by \$10.3 million annually in incorporated areas; and

WHEREAS, the City passed Resolution No. 4743 to suspend the effective date of CoServ’s requested rate increase for 90 days, the maximum period allowed by law; and

WHEREAS, CoServ Gas Cities hired and directed legal counsel and consultants to prepare a collective response to the Company’s requested increase, which resulted in a conclusion that CoServ’s proposed rates are not reasonable; and

WHEREAS, CoServ Gas Cities’ attorneys recommend that members deny the requested increase; and

WHEREAS, GURA § 103.022 provides that costs incurred by CoServ Gas Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

Section 1.

The findings set forth in this Resolution are hereby in all things approved.

Section 2.

The rates proposed by CoServ to be recovered through its gas rates charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 3.

The City’s reasonable rate case expenses shall be reimbursed in full by CoServ.

Section 4.

It is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 5.

A copy of this Resolution shall be sent to CoServ, care of Charles Harrell, CoServ Gas, Ltd., 7701 South Stemmons Freeway, Corinth, Texas 76210 (Charrell@coserv.com); and to Thomas Brocato, counsel for CoServ Gas Cities, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this the _____ DAY OF _____, 2023.

By: _____
Steve Babick, Mayor

ATTEST:

Chloe Sawatzky
City Secretary

APPROVED AS TO FORM:

Meredith Ladd
City Attorney



Agenda Memo

Agenda Date:

Version: 1

Status: Public Forum

In Control: City Council

File Type: Public Forum

Agenda Number: 29.

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.