City of Carrollton 1945 E. Jackson Rd. Carrollton, Tx. 75006 CARROLLTON TEXAS **REGULAR WORKSESSION & MEETING** Tuesday, April 7, 2015 5:45 PM **CITY HALL, 2nd Floor City Council** Mayor Matthew Marchant Mayor Pro Tem Bob Garza Deputy Mayor Pro Tem Anthony Wilder Councilmember Jeff Andonian **Councilmember Steve Babick** Councilmember Kevin Falconer Councilmember Doug Hrbacek Councilmember Lisa Sutter

PRE-MEETING / EXECUTIVE SESSION

5:45 P.M. – COUNCIL BRIEFING ROOM

1.	Receive information and discuss Consent Agenda.
2.	Council will convene in <u>Executive Session</u> pursuant to Texas Government Code:
	 <u>Section 551.071</u> for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and 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. Hamrla, et al, v. City Camelot Landfill Application
3.	Council will <u>reconvene in open session</u> to consider action, if any, on matters discussed in the Executive Session.
	WORKSESSION
4.	Discuss New Police Headquarters Facility.
5.	Discuss The Solid Waste RFP Committee's Recommendations.
6.	Discuss <u>Update On Landfill Expansion Process.</u>
7.	Discuss Request To Name A Street After The Rainwater Family.
8.	Mayor and Council reports and information sharing.
	REGULAR MEETING 7:00 PM

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

9.	Present Recognition Of The Texas Comptroller's <i>Platinum Leadership</i>
	<u>Circle Award For Financial Transparency.</u>
10.	Present A <u>Proclamation Declaring April 6-11, 2015 As National Community</u> <u>Development Week.</u>
11.	Present A Proclamation Declaring April 7, 2015 As <i>National Service</i> <u><i>Recognition Day.</i></u>

PUBLIC FORUM

12.

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 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

*13. Consider <u>Approval Of The March 17, 2015 Regular Meeting Minutes.</u>

BIDS & PURCHASES

*14.	Consider Approval Of The Purchase And Construction Of A Pavilion At
	Jimmy Porter Park For The Parks Department From Play By Design In An
	Amount Not To Exceed \$69,650.00.
*15.	Consider Approval Of Bid #15-022 For The Purchase Of Four Sand
	Spreaders To Warren Truck & Trailer In An Amount Not To Exceed
	\$63,920.00.
*16.	Consider Approval For The Purchase Of Motor Fuel Through An
	Interlocal Agreement And A Tarrant County Bid Renewal In An Amount
	Not To Exceed \$1,253,615.00.

*17.	Consider Approval Of The Purchase Of HVAC Replacement For Facility
	Services From Trane In An Amount Not To Exceed \$46,440.00.
*18.	Consider Approval To Renew The Contract For Janitorial Services To CTJ
	Maintenance, Inc In An Annual Amount Not To Exceed \$367,140.00.
*19.	Consider Approval Of The Replacement Of One (1) Service Truck From
	<u>Southwest International Through An Inter-Local Agreement With</u>
	BuyBoard In An Amount Not To Exceed \$69,181.20.
*20.	Consider Approval Of The Purchase Of Fourteen (14) Trucks For Various
	<u>City Departments From Caldwell Country Through An Inter-Local</u>
	Agreement With BuyBoard In An Amount Not To Exceed \$355,297.43.
*21.	Consider Approval Of Bid # 15-007 For Fertilizer For The Parks
	Maintenance Department From Various Vendors In An Amount Not To
	Exceed \$75,000.00.
*22.	Consider Approval For The Purchase Of One Shade Structure For
	Rosemeade Dog Park Through An Inter-Local Agreement With BuyBoard
	In An Amount Not To Exceed \$19,838.00.
*23.	Consider Approval Of The Purchase Of A Restroom/Concession Facility At
	Thomas Baseball Complex In An Amount Not To Exceed \$208,000.00.

CONTRACTS & AGREEMENTS

- *24. Consider Authorizing The City Manager To <u>Approve Change Order #1 With</u> <u>RKM Utility Services, Inc. To Connect Cheyenne Drive With Damsel</u> <u>Caitlyn Drive In Castle Hills As Part Of The Streets 2014 (Neighborhood</u> <u>Project #2) Reconstruction Project</u> In An Amount Of \$86,347.00 For A Revised Contract Amount of \$3,614,682.00.
- *25. Consider Authorizing The City Manager To <u>Approve Change Order #2 With</u> <u>SYB Construction Company For Additional Pavement And Driveway</u> <u>Replacement Throughout The Carrollton Downs Alley And Sanitary Sewer</u> <u>Line Replacement Project</u> In An Amount Of \$54,523.30 For A Revised Contract Amount Of \$2,177,159.30.

ORDINANCE

*26. Consider An <u>Ordinance Amending Title XI, Chapter 116, "Restaurants</u> <u>And Food Establishments", To Allow Dogs On Food Establishment Patios,</u> <u>And Title III, Chapter 31, "Comprehensive Fee Ordinance", Of The</u> <u>Carrollton Code Of Ordinances.</u>

City Council	REGULAR WORKSESSION & April 7, 2015 MEETING					
*27.	Consider An <u>Ordinance Amending Title XIII, Chapter 133, "Parks And</u> <u>Recreation," Of The Carrollton Code Of Ordinances Regarding General</u> <u>Policies And Guidelines.</u>					
*28.	ConsiderAnOrdinanceAdoptingTheNorthCentralTexasCouncilOfGovernments'RegionalTransportationCouncil'sRevisedCleanFleetVehicle Policy.					
*29.	Consider <u>All Matters Incident And Related To The Issuance And Sale Of</u> <u>"City Of Carrollton, Texas, General Obligation Improvement And</u> <u>Refunding Bonds, Series 2015", Including The Adoption Of An Ordinance</u> <u>Authorizing The Issuance Of Such Bonds, Establishing Parameters For</u> <u>The Sale And Issuance Of Such Bonds And Delegating Certain Matters To</u> <u>Authorized Representatives Of The City.</u>					
RESOLUTIONS						
*30.	ConsiderAResolutionAuthorizingTheCityManagerToEnterIntoAContractWithGrantThorntonLLPForIndependentAuditingServicesInAn Amount Not to Exceed \$107,197.00.					
*31.	Consider A <u>Resolution Authorizing The City Manager To Execute A</u> <u>Contract With KBA EnviroScience, Ltd. For The Installation And</u> <u>Sampling Of Permanent Groundwater Monitoring Wells At 1309 South</u> <u>Broadway</u> In An Amount Not To Exceed \$13,750.00.					
PUBLIC HEARING-C	ONSENT AGENDA					
*32.	Hold A Public Hearing And Consider An <u>Ordinance To Repeal And</u> <u>Re-Establish Special Use Permit 293 To Allow For An Increase In Height</u> For An Existing Antenna Support Structure With Special Conditions:					

For An Existing Antenna Support Structure With Special Conditions; <u>Amending Accordingly The Official Zoning Map. The Approximately</u> <u>3.7-Acre Tract Is Located At 3065 North Josey Lane And Is Currently</u> <u>Zoned For The (LR-2) Local Retail District. Case No. 02-15SUP1 AT&T</u> <u>Cell Tower/Clinton Earnhart/SBA Communications. Case Coordinator:</u> <u>Christopher Barton.</u>

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

33. Hold A Public Hearing And Consider An Ordinance To Rezone To Establish
 A Special Use Permit For A Child Daycare Center With Special Conditions
 On An Approximately 4.5-Acre Tract Located At 2760 East Trinity Mills
 Road; Amending Accordingly The Official Zoning Map. Case No.
 01-15SUP1 University Kids/Tekisha Scott. Case Coordinator: Christopher Barton.

34.	Hold	А	Public	Hearin	g And	Consid	er An	Ord	inance	To	Establish	A	Spe	cial
	Use 1	Peri	nit To	Allow	A U	sed Car	Deal	er W	/ith Sp	oecial	Conditio	ns	On	An
	Appro	oxin	nately	1.3-Ac	re Tr	act Loo	ated	At 2	2399 M	idwa	y Road;	A	mend	ling
	Accor	din	gly]	The (Official	Zonir	ng M	lap.	Case	No	o. 03-15	5UF	2 Те	exas
	Carz/	Sala	ah Nim	er. Cas	e Coorc	linator: (Christo	opher	Barton	ı <u>.</u>				

- 35. Hold A Public Hearing And Consider An <u>Ordinance To Rezone To Amend</u> <u>Planned Development District 124 To Remove An Approximately 36 Acre</u> <u>Tract And To Establish A New Planned Development District For The</u> (MF-18) <u>Multi-Family Residential</u>, (O-2) <u>Office And (LR-2) Local Retail</u> <u>Districts With Modified Development Standards</u>. <u>The Subject Tract Is</u> <u>Located On The South Side Of Hebron Parkway Between Huffines</u> <u>Boulevard And SH 121/Sam Rayburn Tollway</u>. <u>Case No. 03-15Z2 The</u> <u>Collection/Dimension Group</u>. <u>Case Coordinator: Christopher Barton</u>.
- 36. Hold A Public Hearing And Consider A <u>Resolution For An Amendment To</u> <u>The Comprehensive Plan And The Future Land Use Map To Change An</u> <u>Approximately 3.4-Acre Site From Single-Family Residential Detached To</u> <u>Single-Family Residential Attached Uses Located In The Vicinity Of The</u> <u>Southwest Corner Of Frankford Road And McCoy Road. Case No.</u> <u>03-15MD1 McCoy Villas Comprehensive Plan Amendment/Harlan</u> <u>Properties, Inc. Case Coordinator: Michael McCauley.</u>
- 37. Hold A Public Hearing And Consider An Ordinance Amending PD-63 Changing The Zoning Of A Certain Tract From The (SF-12/20)District Single-Family Residential То The (SF-TH) **Single-Family** Townhouse Residential District With Special **Development** Standards: Amending Accordingly The Official Zoning Map. The Approximately 3.4-Acre Tract Is Located In The Vicinity Of The Southwest Corner Of Frankford Road And McCov Road. Case No. 10-14Z3 McCov Villas/Harlan Properties, Inc. Case Coordinator: Michael McCauley.

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 3rd day of April 2015 at 12:00pm.

<u>Krystle F. Nelínson</u>

Krystle F. Nelinson, 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 972-466-3005. 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.



Agenda Memo

File Number: 1931

Agenda Date: 4/7/201	5 Version: 1	Status: Work Session
In Control: City Coun	cil	File Type: Work Session Item
Agenda Number: 4.		
CC MEETING:	April 7, 2015	
DATE:	March 31, 2015	
TO:	Leonard Martin, City Manager	
FROM:	Cesar J. Molina, Jr., P.E., Director of Engineering	

Discuss New Police Headquarters Facility.

BACKGROUND:

The 2013 Bond Program provides \$14,000,000.00 to replace the existing police headquarters facility. In October 2014, Council authorized a contract with Perkins+Will for architectural design services associated with the new building. Since that time, staff and the designers have been assembling information to develop a facility that optimizes police operations while maintaining other project parameters including safety, community support, and budget. A committee, comprised of eight police personnel representing various divisions, was assembled to ensure input was received from all areas of the Department. The architect, in conjunction with Engineering Department staff, then used the data to develop and refine a number of building and site scenarios. The police building committee was involved during each iteration. A floor plan and preliminary exterior elevations have been developed as a basis for design.

FINANCIAL IMPLICATIONS:

The total bond allocation for the entire project is \$14,000,000.00, which includes all development costs including design, construction, FFE and all other associated expenditures.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff will brief the City Council on the preliminary interior and exterior designs of the new police headquarters facility and seek input before proceeding to the final design phase.



Agenda Memo

File Number: 1946

Agenda Date: 4/7/201	5 Version: 1	Status: Work Session
In Control: City Coun	cil	File Type: Work Session Item
Agenda Number: 5.		
CC MEETING:	April 7, 2015	
DATE:	April 2, 2015	
TO:	Leonard Martin, City Manager	
FROM:	Lon Fairless, Information Technology Director	

Discuss The Solid Waste RFP Committee's Recommendations.

BACKGROUND:

The purpose of this item is for staff to present the Solid Waste RFP Committee's recommendations concerning service criteria, and for the Council to provide direction to the vendors for Best and Final Offers.



Agenda Memo

File Number: 1947

5 Version: 1	Status: Work Session
cil	File Type: Work Session Item
April 7, 2015	
April 2, 2015	
Leonard Martin, City Manager	
Scott Hudson, Environmental Services Director	
	April 7, 2015 April 2, 2015 Leonard Martin, City Manager

Discuss Update On Landfill Expansion Process.



Agenda Memo

File Number: 1942

Agenda Date: 4/7/201	5	Version: 1	Status: Work Session
Agenua Date. 4/1/201	5		Status. Work Session
In Control: City Coun	cil		File Type: Work Session Item
Agenda Number: 7.			
CC MEETING:	April 7, 2015		
DATE:	March 31, 2015		
TO:	Mayor and City Council		
FROM:	Leonard Martin, City Ma	inager	

Discuss **<u>Request To Name A Street After The Rainwater Family.</u>**

BACKGROUND:

Attached is a letter I received from Willie Rainwater requesting that a street be named in honor of the heritage of their family. Subsequent to receiving the letter, I met with members of the family to discuss their request. They are particularly interested in renaming Jamestown Lane on the north side of City Hall to Rainwater Lane. There are no residential or business addresses that would be impacted, only changing the street name signs. I advised them I would provide their request to you for your consideration.

March 12, 2015

Rainwater Family 2006 Southern Oaks Carrollton, TX 75007

To The City of Carrollton,

We would like to propose to the City Council and Mayor, the name Rainwater, for consideration of having a public street in our city of Carrollton named for the Rainwater Family. Will you support a street honoring the name Rainwater who was one of the first families among the original Founders who came to the area originally in the 1800s?

When you consider that the City of Carrollton has name scores of streets honoring families, it might surprise you to learn that the Rainwater family has never been honored in anyway by city of Carrollton. In the City of Carrollton, many street bear the names of some examples Perry St, Nix, Jackson, Furneaux, Marchant, McCoy, Josey, and Gravley. We would be honored for a street in our city to proudly bear the name Rainwater.

I think this oversight is unfortunate due to the fact that George Rainwater was never honored. His family was one of the first black family in the 1800's when modern history of Carrollton began. The Rainwater's and Perry's family were among the original founders who came to the area. George Rainwater was a true pioneer who personified the American Dream better than anyone. He was known for not allowing segregation or the harsh words of other people to alter his belief that anything was possible through Preparation, Perseverance, and Patriotism.

He was a visionary who truly understood the principles of freedom and equality. His leadership was paramount to ensuring these principles are available to all Americans. In the community of Carrollton, Rainwater confronted prejudice with kindness, and opposed segregation by promoting equal rights regardless of race or color. He was known as the black leader among the colored and white families. He was one of the first members of the Board of Trustees of a Colored School. He was a charter member of the early church, (1890) Simms Chapel A.M.E. Church of Carrollton, TX.

Some of the Pioneer Sunday School leaders and Superintendents were: George Rainwater, Delia Rainwater, Rosie Rainwater, and C.W. Rainwater.

When The City of Carrollton was incorporated on June 14, 1913, by a vote of 52-23 the Rainwater family were there. We would like for 1900-2300 Jamestown Ln. to become "Rainwater Ln." A great family who deserves to always be remembered. Thank you for your consideration.

Sincerely. ainwater 972-489-1623 millater 912-242-0933



Agenda Memo

File Number: 1915

Agenda Date: 4/7/20	15	Version: 1	Status: Presentations
In Control: City Coun	cil		File Type: Presentation
Agenda Number: 9.			
CC MEETING:	April 7, 2015		
DATE:	March 18, 2015		
TO:	Leonard Martin, City Ma	nnager	
FROM:	Bob Scott, Assistant City	v Manager	

Present <u>Recognition Of The Texas Comptroller's Platinum Leadership Circle Award For</u> <u>Financial Transparency.</u>

BACKGROUND:

The Comptroller of Public Accounts launched the Texas Comptroller Leadership Circle program in December 2009 to recognize local governments across Texas striving to meet a high standard for financial transparency online. The program spotlights those local governments that are:

- opening their books to the public
- providing clear, consistent pictures of spending
- sharing information in a user-friendly format that lets taxpayers easily drill down for more information.

The program looks for those local governments that go beyond the basics of posting three recommended documents - the Budget, the Annual Financial Report (or Comprehensive Annual Financial Report) and the Check Register - in a user friendly manner.

Prior to 2014, there were three award levels: Gold, Silver and Bronze. "Gold" highlights those entities that are setting the bar with their transparency efforts. "Silver" encourages those who are making progress. "Bronze" inspires those who are just beginning their transparency efforts. For 2014, a new "Platinum" award level was added to spotlight entities that go above and beyond providing financial transparency.

The City of Carrollton was been recognized with a Gold Award under this program for years 2011 to 2013 and was awarded the Platinum Award for 2014. We are pleased that for 2015, the City of Carrollton has again been award the Platinum Award based on information included on the City's "Financial Reports" webpage. This webpage is easily accessible from a button on the home page at www.cityofcarrollton.com or through the City Services dropdown menus.

FINANCIAL IMPLICATIONS:

Financial transparency is an ongoing goal for the City of Carrollton. The financial reports provided on the City's website give taxpayers a transparent look at where their money goes.

STAFF RECOMMENDATION/ACTION DESIRED:

Recognize staff for receipt of the Texas Comptroller's Platinum Leadership Circle award for financial transparency.



Agenda Memo

 Agenda Date: 4/7/2015
 Version: 1
 Status: Presentations

 In Control: City Council
 File Type: Presentation

 Agenda Number: 10.
 File Type: Presentation

 Agenda Number: 10.
 April 7, 2015

 DATE:
 March 26, 2015

 TO:
 Leonard Martin, City Manager

 FROM:
 Scott Hudson, Environmental Services Director

Present A <u>Proclamation Declaring April 6-11, 2015 As National Community Development</u> Week.

BACKGROUND:

This year marks the 41st anniversary of the Community Development Block Grant (CDBG) Program. Enacted into law in 1974, the CDBG Program is the principal federal program providing grants to states, cities, and counties to devise neighborhood approaches that improve the physical, economic, and social conditions in communities.

IMPACT ON COMMUNITY SUSTAINABILITY:

The CDBG Program provides annual funding to support decent, safe, and sanitary housing and a suitable living environment. Carrollton focuses these funds on infrastructure improvements through the NOTICE program, on minor housing repairs and on code enforcement in low and moderate income areas of the city.

National Community Development Week Proclamation

WHEREAS, the week of April 6-11, 2015 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) Program; and

WHEREAS, the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe, and sanitary housing, a suitable living environment, and economic opportunities to low- and moderate-income citizens; and

WHEREAS, this year marks the 41st anniversary of the CDBG program, enacted into law in 1974, of the CDBG program as the principal federal program providing grants to states, cities, and counties to devise neighborhood approaches that will improve the physical, economic, and social conditions in communities; and

WHEREAS, over the past fifteen years, the City of Carrollton has received a total of \$13,060,719.00 in CDBG funds;

NOW, THEREFORE, I, Matthew Marchant, Mayor of the City of Carrollton, Texas, in support of the valuable programs that have made tremendous contributions to the viability of the housing stock, infrastructure, public services, and economic vitality of our community, do hereby proclaim the week of April 6-11 of 2015 to be "**NATIONAL COMMUNITY DEVELOPMENT WEEK**" in the City of Carrollton, Texas.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Carrollton, Texas to be affixed this 7th day of April, 2015.

Mathew Marchant, Mayor



Agenda Memo

File Number: 1932

		File Number: 1932	
Agenda Date: 4/7/201		5 Version: 1	Status: Presentations
	In Control: City Counc	zil	File Type: Presentation
	Agenda Number: 11.		
	CC MEETING:	April 7, 2015	
	DATE:	March 31, 2015	
	TO:	Leonard Martin, City Manager	
	FROM:	Krystle F. Nelinson, Management Analyst/City Secretary	

Present A Proclamation Declaring April 7, 2015 As National Service Recognition Day.

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, AmeriCorps and Senor Corps participants address the most pressing challenges facing our cities and counties, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 7, 2015.

THEREFORE, BE IT RESOLVED that I, Matthew Marchant, Mayor of the City of Carrollton, Texas, do hereby proclaim April 7, 2015, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our city; to thank those who serve; and to find ways to give back to their communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Carrollton, Texas to be affixed this 7th day of April, 2015.

Mullo

Matthew Marchant, Mayor



Agenda Memo

File Number: 1930

 Agenda Date: 4/7/2015
 Version: 1
 Status: Consent Agenda

 In Control: City Council
 File Type: Minutes

 Agenda Number: *13.
 File Type: Minutes

 CC MEETING:
 April 7, 2015

 DATE
 March 30, 2015

 TO:
 Leonard Martin, City Manager

 FROM:
 Krystle F. Nelinson, Management Analyst/City Secretary

Consider Approval Of The March 17, 2015 Regular Meeting Minutes.

CARROLLTON CITY COUNCIL REGULAR WORKSESSION AND MEETING MARCH 17, 2015

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, March 17, 2015 at 5:45 p.m. with the following members present; Mayor Marchant, Mayor Pro Tem Bob Garza, Deputy Mayor Pro Tem Anthony Wilder, Councilmembers Kevin Falconer, Doug Hrbacek, Lisa Sutter, and Steve Babick. Councilmember Jeff Andonian was absent. Also present were Assistant City Managers Marc Guy and Erin Rinehart, City Controller Pamela Hodges, City Attorney Meredith A. Ladd and City Secretary Krystle Nelinson.

5:45 P.M. – COUNCIL BRIEFING ROOM

***PRE-MEETING/EXECUTIVE SESSION ***

Mayor Marchant called the meeting to order at 5:49 p.m. Councilmember Falconer arrived at 6:35 p.m.

1. Receive information and discuss Consent Agenda.

WORKSESSION

Mayor Pro Tem Garza called the Worksession to order at 5:56 p.m.

4. Discuss May-June-July 2015 Council Meeting Calendar Dates.

No changes made to the proposed calendar. Mayor Marchant noted that the Carrollton Trails 5K would be held May 2, 2015 and the Independence Day Fireworks would be on July 4 at Josey Ranch Lake.

5. Discuss Naming Baseball Field #1 At Thomas Park.

Councilmember Hrbacek suggested Shane Patterson. He explained that Patterson grew up in Carrollton and played baseball at Jimmy Porter Park and Thomas Park. In January of his senior year at Newman Smith, Patterson died in a car accident just before the start of baseball season. A group dedicated to remembering Patterson would hold a honorary softball game between alumni of Newman Smith High School and RL Turner High School on March 28, 2015 at Baseball Field #1 at Thomas Park.

Mayor Marchant advised that a formal process was in place for naming fields and parks, and any suggestion would be heard by the Parks Board for a recommendation to the Council. He also stated that the City would also have to take action on whether or not to accept any funding. A consensus was reached to move forward as suggested.

6. Mayor and Council reports and information sharing.

Mayor Pro Tem Garza adjourned the Worksession at 6:19 p.m. to convene in Executive Session.

2. Council convened in <u>Executive Session</u> at 6:20 p.m. pursuant to Texas Government Code:

- <u>Section 551.071</u> 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.
- <u>Section 551.072</u> to discuss certain matters regarding real property.
- Section 551.087 to discuss Economic Development.

3. Council **reconvened in open session at 6:57 p.m.** to consider action, if any, on matters discussed in the Executive Session. No action taken.

REGULAR MEETING 7:00 PM

Mayor Pro Tem Garza called the Regular Meeting to order at 7:08 p.m. He announced that Mayor Marchant was not present and that Councilmember Andonian excused himself from the meeting earlier.

INVOCATION – Councilmember Kevin Falconer

PLEDGE OF ALLEGIANCE – Girl Scout Troop 3519

PRESENTATIONS

7. Present Presidential Volunteer Service Awards.

PUBLIC FORUM

8. 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 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.

The following individuals addressed the Council regarding low water flow and pressure, and asked that the problem be addressed during the ongoing water main project and addressed the Impact Fee suggestion:

Leilani Lamartine and Steve Woods, 2228 Arbor Crest Drive; Gary Pasternak, 2233 Arbor Crest Drive; Matt Garrett, 2226 Arbor Crest Drive, representing the HOA. The following individuals submitted cards in support of the speakers: <u>Barbara Gardsbane</u>, 2225 Arbor Crest Drive; <u>Thomas L. and Anne M. Davis</u>, 2224 Arbor Crest Drive; <u>De Flott</u>, 2229 Arbor Crest Drive; <u>Sam and Maryann Esquenaei</u>, 2230 Arbor Crest Drive; <u>Gary Miller</u>, 2234 Arbor Crest Drive;

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 Marchant advised that Item 20 would be pulled from the Consent Agenda to be heard separately. Councilmember Falconer requested that Item 16 be pulled from the Consent Agenda and considered at the next meeting because he felt it would be better to make the provision effective city wide rather than just in the Transit Center District.

Councilmember Falconer moved to table Item 16 to the April 7 meeting; second by <u>Hrbacek.</u> Discussion was held. <u>The motion was approved with a 4-2 vote, Deputy Mayor</u> <u>Pro Tem Garza and Councilmember Sutter opposed.</u>

Councilmember Hrbacek moved approval of the Consent Agenda for Items 9 – 15, 17 and 18 noting that Item 19 was pulled by acclamation in the Worksession; second by Councilmember Babick and the motion was approved with a unanimous 6-0 vote.

MINUTES

***9.** Consider Approval Of The March 3, 2015 Regular Meeting Minutes.

BIDS & PURCHASES

*10. Consider Approval Of The Performance Of A Compensation And Classification Study For Carrollton Workforce Services From Public Sector Personnel Consultants (PSPC) In An Amount Not To Exceed \$30,000.00.

*11. Consider Approval Of The Purchase Of Pool Chemicals For City Swimming Pools For The Parks Department From Multiple Vendors In An Amount Not To Exceed \$79,423.00.

*12. Consider Approval Of The Purchase Of Two (2) Replacement Playgrounds By Webuildfun, Inc. Through An Inter-Local Agreement With BuyBoard In An Amount Not To Exceed \$105,000.00.

***13.** Consider Approval Of RFP #15-020 For Boring & Trenching For Multiple Departments From Roadway Solutions In An Amount To Not Exceed \$84,500.00.

CONTRACTS & AGREEMENTS

*14. Consider Authorizing The City Manager To Approve A Professional Services Contract With Teague Nall & Perkins, Inc. For Development Of Erosion Control For Furneaux 1A Channel Improvements (From Menlo Park/Alameda Drive Intersection To The Confluence With Furneaux Creek Between McCoy And Old Denton Road) In An Amount Not To Exceed \$219,200.00.

ORDINANCE

*15. Consider An Ordinance Amending Title IX, Chapter 94, "Swimming Pools", To Regulate Public Swimming Pool, Spa And Interactive Water Feature And Fountain Operations And Maintenance, And Title III, Chapter 31, "Comprehensive Fee Ordinance", Of The City Of Carrollton Code Of Ordinances.

*16. Consider An Ordinance Amending Title XI, Chapter 116, "Restaurants And Food Establishments", To Allow Dogs On Food Establishment Patios In The (TC) Transit Center District, And Title III, Chapter 31, "Comprehensive Fee Ordinance", Of The Carrollton Code Of Ordinances.

RESOLUTIONS

*17. Consider A Resolution Authorizing The City Manager To Enter Into An Economic Development Incentive Agreement With The Old Downtown Carrollton Association (ODCA) In An Amount Not To Exceed \$8,190.00.

*18. Consider A Resolution Authorizing The City Manager To Enter Into A Purchase And Sale Contract For 0.174 Acres Of Land At 1030 - 1034 Elm Street, Being The Original Town Of Carrollton, Block M, A Portion Of Lot 2, Lot 3, Lot 4, And 3 Feet Of Lot 5, City Of Carrollton, Dallas County, Texas.

***19.** Consider A Resolution Authorizing The City Manager To Enter Into A Redevelopment Incentive Agreement With The Owner Of 1309 South Broadway.

PUBLIC HEARING-CONSENT AGENDA

*20. Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit To Allow A Used Car Dealership With Special Conditions On An Approximately 6.1-Acre Tract Located At 3216 Kellway Drive And 2311 Midway Road, Amending Accordingly The Official Zoning Map. Case No. 02-15SUP2 Earth Motor Cars/Frank Cortese. Case Coordinator: Christopher Barton.

Christopher Barton, Chief Planner, presented the request stating approval would allow for the outdoor display of used vehicles. The case was originally considered by the Planning & Zoning Committee on February 5, 2015 with a recommendation of approval; however due to a minor error in the case caption reconsidered the case on March 5, 2015 and again received a recommendation for approval. He advised that staff has not received any public opposition to the request and noted that the proposed landscape plan would exceed the City's minimum

requirements. Staff recommended approval. He further stated that a stipulation to prohibit shade structures or carports could be added at the Council's choosing.

<u>Alan Hill</u>, Architect for the applicant, referred to a rendering of the site and noted that the area was in the flood zone. He talked about the flood mitigation and proposed landscape plan. He stated they were a high-end dealer and wanted to present that perspective to the public. He noted that because the parking lot would be elevated, the shrubbery would screen the vehicles from the public view. He advised that the site plan would take precedence over the rendering for purpose of landscaping.

<u>Frank Cortese</u>, owner, stated they had no objections to a stipulation prohibiting shade or canopy structures.

<u>Councilmember Babick moved to approve Case No. 02-15SUP2 Earth Motor Cars with the</u> <u>added stipulation prohibiting shade structures or canopies on the parking area; second by</u> <u>Councilmember Sutter</u>. Councilmember Sutter voiced her opposition to the stipulation and stated she would vote in favor of it because the applicant was in agreement with it. <u>The motion</u> <u>was approved with a unanimous 6-0 vote.</u>

ADJOURNMENT

Mayor Marchant adjourned the meeting at 7:50 p.m.

ATTEST:

Krystle Nelinson, City Secretary

Matthew Marchant, Mayor



Agenda Memo

File Number: 1917

Agenda Date: 4/7/201	5 Version: 1	Status: Consent Agenda		
In Control: City Counc	cil	File Type: Bid/Purchases		
Agenda Number: *14.				
CC MEETING:	April 7, 2015			
DATE:	March 18, 2015			
TO:	Leonard Martin, City Manager			
FROM:	Vince Priolo, Purchasing Manager			

Consider <u>Approval Of The Purchase And Construction Of A Pavilion At Jimmy Porter</u> <u>Park For The Parks Department From Play By Design</u> In An Amount Not To Exceed \$69,650.00.

BACKGROUND:

As part of the NOTICE program that was just completed in the Hill and Dale neighborhood, the Parks Department is requesting to make some park improvements with grant funding to coincide. The current pavilion structure is very old (late seventies) and structurally failing. The columns are cracking and the size of the pavilion is inadequate for the current level of use so it was a great opportunity to replace the picnic pavilion. The HOA was surveyed and a new pavilion was their top priority as well. The current pavilion will be demolished by city staff to prepare the site.

The Community Development Block Grant (CDBG) is funded by the Department of Housing and Urban Development to assist residents and areas in a city that are considered low to moderate income based. The Neighborhood Oriented Targeted Infrastructure and Code Enforcement (N.O.T.I.C.E.) Program is one of the programs at the City of Carrollton that is funded by CDGB to help with infrastructure improvements throughout the City. Due to Jimmy Porter Park being located in a low-to moderate income neighborhood the City is able to fund the improvements to the park.

A sealed bid (#15-016) was issued and advertised, and we received 6 bid responses.

FINANCIAL IMPLICATIONS:

The funding for the pavilion is available through the CDBG grant and is available in the following CAP account:

COST CENTERLINE ITEM854210 - N.O.T.I.C.E.Activity 115300299

BUDGET AMOUNT \$ 69,650.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a sealed bid award to build a pavilion at Jimmy Porter Park using CDBG grant funds in an amount not to exceed \$69,650.00.

RFP #15-016 JIMMY PORTER PARK PAVILION										
	C	JDC onstruction		Transform		XM General ontractors	Pl	lay By Design	Concord Commercial Services	Schmoldt Construction
Pavilion Kit including installation	\$	78,800.00	\$	45,325.00	\$	48,750.00	\$	50,200.00	\$ 55,500.00	\$ 70,277.76
Concrete Foundation including cushion sand as necessary	\$	10,640.00	\$	19,650.96	\$	16,068.00	\$	7,875.00	\$ 20,804.00	\$ 31,158.20
Concrete Sidewalk complete	\$	2,480.00	\$	4,946.05	\$	1,375.00	\$	9,375.00	\$ 5,270.00	\$ 3,705.12
Stone Column Base complete	\$	22,800.00	\$	6,946.02	\$	6,750.00	\$	1,750.00	\$ 11,178.00	\$ 13,280.00
Top Soil including rough grading complete	\$	3,080.00		5,065.50	\$	1,500.00	\$	450.00	\$ 4,202.00	\$ 2,722.40
TOTAL	\$	117,800.00	\$	81,933.53	\$	74,443.00	\$	69,650.00	\$ 96,954.00	\$ 121,143.48
Bid Bond?		Y		Y		Y		Y	Y	Y



Agenda Memo

File Number: 1921

Agenda Date: 4/7/20	15 Version: 1	Status: Consent Agenda			
In Control: City Coun	cil	File Type: Bid/Purchases			
Agenda Number: *15.					
CC MEETING:	April 7, 2015				
DATE:	March 25, 2015				
TO:	Leonard Martin, City Manager				
FROM:	Vince Priolo, Purchasing Manager				

Consider <u>Approval Of Bid #15-022 For The Purchase Of Four Sand Spreaders To Warren</u> <u>Truck & Trailer</u> In An Amount Not To Exceed \$63,920.00.

BACKGROUND:

A sealed bid was issued for the purchase of four sand spreaders. These are used to spread mixtures of road products during snow and ice events. These units load in the back of current dump trucks as needed.

The two current units have met fleet replacement criteria which is a combination of age, maintenance etc. and the other two will be added under ATB already approved for FY14-15. The other two new units were approved in the 2015 budget. They will effectively assure the same operational capacity to obtain traction on the streets as two units were dedicated to the snow plows that were newly employed in 2015 and focused on the bridges.

Three responses were received to our sealed bid and staff is recommending the low bidder as meeting the bid specifications.

FINANCIAL IMPLICATIONS:

The sand spreaders under bid #15-022 will be paid for with budgeted funds for the cost center and amount as listed below.

COST CENTE	<u>R</u> <u>LINE ITEM</u>	BUDGET AMOUNT
Fleet Replacem	ent 576190-68500	\$ 31.960.00
Streets	402001-68500	<u>\$ 31,960.00</u>
	TOTAL \$	63,920.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval for the purchase or four sand spreaders from Warren Truck &

Trailer in the amount not to exceed \$63,920.00. A list of the bidders and their pricing for each unit is below:

Warren Truck & Trailer\$15,980Texas Municipal Equipment\$23,703Four Seasons Equipment\$25,224



Agenda Memo

File Number: 1923

Agenda Date: 4/7/207	5 Version: 1	Status: Consent Agenda				
In Control: City Coun	cil	File Type: Bid/Purchases				
Agenda Number: *16.						
CC MEETING:	April 7, 2015					
DATE:	March 19, 2015					
TO:	Leonard Martin, City Manager					
FROM: Director	Vince Priolo, Purchasing Manager and Carl Shelte	on, Fleet & Facilities				

Consider <u>Approval For The Purchase Of Motor Fuel Through An Interlocal Agreement</u> <u>And A Tarrant County Bid Renewal</u> In An Amount Not To Exceed \$1,253,615.00.

BACKGROUND:

On April 15, 2014 council approved an item to purchase fuel through a Tarrant County Interlocal Agreement. The original 12 month term of this agreement expired on April 6, 2015. Tarrant County Commissioners Court approved the first renewal of Tarrant County Bid No. 2014-063, Annual Contract for Fuel on Tuesday, February 24, 2015, via Court Order Number 119573. All vendors agreed to renew the bid at current fixed prices. This bid renewal will expire on April 6, 2016 at which time there will be two (2) renewal options remaining.

The city purchases approximately 300,000 gallons of diesel and unleaded fuel annually. The Tarrant County bid award lists Martin Eagle, as the primary vendor, TAC Energy as the secondary vendor, and Douglas Distributing as an alternate fuel provider. The Tarrant County bid results historically produce the best fuel pricing, since their network includes over 300+ governments. In fact, their bid is so competitive that Collin County cancelled their bid award and most of those governments utilizing the Collin County bid transitioned to Tarrant County in 2014.

Year to date (YTD) fuel expenses are significantly below budgeted amounts due to a drastic decline in fuel prices. Fuel prices are a very volatile and rapidly fluctuating market, impacted by severe weather, refinery shutdowns, and global economic instability. The 2015 Fleet Services budget includes \$1,253,615.00 for fuel purchases and has a YTD expenditure of \$294,091.00 through February 28, 2015. Fuel expenses were \$1.1 million for FY14. Staff recommends no changes to the current budgeted amount. This will provide for adequate funds should fuel prices rise on the short term. Any unspent funds will be returned to the General Fund balance at year end.

FINANCIAL IMPLICATIONS:

The fuel will be purchased from budgeted funds for the cost centers and amounts as listed below.

COST CENTER	LINE ITEM	BUDGET AMOUNT
Fleet Fund	60650 - Gasoline and Fuel	\$1,253,615.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval to purchase fuel in the amount of \$1,253,615.00 per year utilizing the Interlocal agreement with Tarrant County, via a twelve month price agreement renewal. Martin Eagle will be the primary vendor, TAC Energy the secondary vendor, and Douglas Distributing an alternate fuel provider.



Agenda Memo

File Number: 1924

Agenda Date: 4/7/207	5 Version: 1	Status: Consent Agenda			
In Control: City Coun	cil	File Type: Bid/Purchases			
Agenda Number: *17					
CC MEETING:	April 7, 2015				
DATE:	March 18, 2015				
то:	Leonard Martin, City Manager				
FROM: Director	Vince Priolo, Purchasing Manager & Carl W. Shelt	ion, Fleet & Facilities			

Consider <u>Approval Of The Purchase Of HVAC Replacement For Facility Services From</u> <u>Trane</u> In An Amount Not To Exceed \$46,440.00.

BACKGROUND:

The roof top HVAC system located at the Justice Center is scheduled for replacement. This very large multi-zone unit serves the Judges Office areas, jail book in, arraignment, and report writing areas. This request will cover the replacement of the 13-year-old, 50-ton unit. Industry average useful life for equipment operating under normal 8am - 5pm occupancy times is approximately fifteen years. This particular unit runs 24 hours a day. Under this operating condition, it has significantly exceeded the average replacement interval. This project will improve system reliability, reduce maintenance cost, and improve energy efficiency.

For competitive purposes, quotes were obtained from two cooperatives that the City belongs to and the City's current mechanical services price agreement vendor. Trane is providing quotes from both cooperatives. Quotes are as follows:

Trane (TXMAS)\$41,440.00Trane (BuyBoard)\$43,845.00EEC Enviro Service Company LLC\$47,037.71

Staff recommends moving forward with the bid from Trane via TXMAS (Texas Multiple Award Schedule). This purchase is covered under a TXMAS contract through the state of Texas. The TXMAS Program adapts existing competitively awarded government contracts to the procurement needs of the State of Texas. Carrollton has been a long standing member of the State of Texas cooperative and we pay a small annual fee for access to their agreements.

FINANCIAL IMPLICATIONS:

This HVAC system replacement will be purchased and installed from budgeted funds for the accounting unit and amount as listed below.

 CAPITAL ACCT
 ACTIVITY
 BUDGET AMOUNT

 854104
 115240199
 \$46,440.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the proposal from Trane via TXMAS for the HVAC Replacement at the Justice Center in an amount not to exceed \$46,440.00. This amount includes a contingency fee of \$5,000.00 added to the bidder's response for unforeseen expenses as work progresses, and is requested by the Carrollton Facilities Department.



Agenda Memo

File Number: 1925

Agenda Date: 4/7/20	15 Version: 1	Status: Consent Agenda		
In Control: City Coun	cil	File Type: Bid/Purchases		
Agenda Number: *18				
CC MEETING:	April 7, 2015			
DATE:	March 30, 2015			
TO:	Leonard Martin, City Manager			
FROM: Director	Vince Priolo, Purchasing Manager & Carl W. Sh	elton, Fleet & Facilities		

Consider <u>Approval To Renew The Contract For Janitorial Services To CTJ Maintenance</u>, <u>Inc</u> In An Annual Amount Not To Exceed \$367,140.00.

BACKGROUND:

Council approved a two year contract for janitorial services with CTJ Maintenance, Inc. on April 3, 2013. The contract allows for two additional two-year renewals at the city's option. Staff is seeking council's authorization to exercise the first contract renewal option.

Services to be continued with this contract renewal include general janitorial services at the following facilities: City Hall, Hebron & Josey and Josey Ranch Lake Libraries, PD and Justice Center, Central and South Service Centers, Animal Shelter, Crosby and Rosemeade Recreation Centers, and other outlying facilities.

Historically, custodial service contracts have been very challenging. Quality services at competitive rates don't always align within this business sector. The industry is stricken with high turnover rates, poor business practices, and low profit margins. In 2013, the council approved terminating the existing contract with a different vendor after twelve months of poor performance and high customer complaints. The previous contract was not renewed after the initial two year term for similar performance issues. Transitioning through multiple vendors in such a short time frame can have very adverse effects on the cleanliness and appearance of our city facilities. This can lead to a very negative perception by staff and visitors alike.

Over the past two years, CTJ Maintenance has proven to be a reliable and responsive janitorial services provider who adheres to the basic tenets of the contract requirements. Regardless of the vendor, the success of the program relies on the vendors' ability to communicate effectively, manage operating costs, and respond to expectations on a daily basis. The performance of CTJ Maintenance has consistently been graded above average at our city facilities. A key to their

success has been their ability to respond quickly and resolve customer complaints in a timely manner.

In 2013, staff recommended CTJ Maintenance, Inc. as the best value vendor based on grading results in four categories; price, guaranteed hours, experience, and references. CTJ continues to perform criminal background checks on all employees that will be working at any Carrollton facility. Their employees must also meet the requirements stipulated with the United States Department of Justice Employment Eligibility Verification. CTJ Maintenance has agreed to maintain their current contract price through the two year renewal period.

FINANCIAL IMPLICATIONS:

The custodial services on bid # 13-005 will be purchased from budgeted funds for the cost center and amount as listed below.

ACCOUNTING UN	<u>ACCOUNT</u>	BUDGET AMOUNT
161001	61190 - Other Professiona	l Services \$ 367,140.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends exercising the two year renewal of the custodial service contract to CTJ Maintenance, Inc., in an amount not to exceed \$367,140.00 annually. This amount includes a supplementary amount of \$12,000.00 to cover changes in services during the course of the contract such as additional facilities that may be added, the need for additional day porter services, or changes in scope. Staff is requesting approval of additional funding now so as to negate the need to return with the request for funding at a later date. The requested annual amount not to exceed is \$367,140.00.



Agenda Memo

File Number: 1926

Agenda Date: 4/7/207	15 Version: 1	Status: Consent Agenda		
In Control: City Coun	cil	File Type: Bid/Purchases		
Agenda Number: *19	l.			
CC MEETING:	April 7, 2015			
DATE:	March 25, 2015			
TO:	Leonard Martin, City Manager			
FROM: Manager	Carl W. Shelton, Fleet & Facilities Director and	nd Vince Priolo, Purchasing		

Consider <u>Approval Of The Replacement Of One (1) Service Truck From Southwest</u> <u>International Through An Inter-Local Agreement With BuyBoard</u> In An Amount Not To Exceed \$69,181.20.

BACKGROUND:

Fleet Services is requesting the purchase of one (1) 2016 International Service Truck through our member agreement with BuyBoard. The current 2004 truck (unit 5044) is used by the Signal construction crew in the repair and replacement of intersection lights, and also used for deployment of the portable message boards. Routine tasks for this truck involve the transport of staff and traffic control devices and removal of spoils from job sites. This truck has been in service for 11 years and currently has 5,827 operational hours. Industry benchmark for maximum utilization of this truck class is 6,000 hours. Lead time on the new truck is a minimum 6 months, at which time the existing vehicle will exceed the 6,000 hour benchmark. The replacement unit is a large, crew cab, flatbed truck with dumping capabilities, and sized for hauling heavy equipment & supplies and towing small equipment trailers. This new unit's configuration allows for more efficient operations: a single haul for materials and the crew instead of traveling multiple times or needing two vehicles.

Staff requested quotes from multiple vendors, with only one response. Staff recommends moving forward with the bid from Southwest International via BuyBoard. This cooperative entity meets all state of Texas competitive bidding requirements. Texas law authorizes this process so that the City can save the time of developing specifications and avoid the duplication of the competitive bidding process.

Southwest International (BuyBoard)\$69,181.20Sam Pack Five Star Ford(no bid)

FINANCIAL IMPLICATIONS:

The equipment will be purchased from budgeted funds from the account and amount listed below.

ACCOUNT UNIT	ACCOUNT	BUDGET AMOUNT
576190 Fleet Repl	68500 Mobile Equipment	\$69,181.20

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval to purchase one (1) service truck from Southwest International in the amount of \$69,181.20 using our existing agreement with BuyBoard.



Agenda Memo

File Number: 1927

Agenda Date: 4/7/201	5 Version: 1 Status: Consent Agenda				
In Control: City Counc	cil File Type: Bid/Purchases				
Agenda Number: *20					
CC MEETING:	April 7, 2015				
DATE:	March 25, 2015				
TO:	Leonard Martin, City Manager				
FROM: Manager	Carl W. Shelton, Fleet and Facilities Director &Vince Priolo, Purchasing				

ConsiderApprovalOfThePurchaseOfFourteen(14)TrucksForVariousCityDepartmentsFromCaldwellCountryThroughAnInter-LocalAgreementWithBuyBoardIn An Amount Not To Exceed \$355,297.43.

BACKGROUND:

Fleet Services is requesting the purchase of fourteen (14) trucks assigned to various city departments. The recommended purchase will consist of various Ford and Chevy models; seven (7) F150, two (2) F250, one (1) F350, and four (4) Chevy Colorado's. Nine (9) of the vehicles will be retired per Fleet's policy on age, mileage, and maintenance. These trucks are used daily for transporting staff and towing trailers and equipment to and from job sites. Five (5) trucks are additions to the fleet approved in the FY15 budget.

Of the nine (9) trucks being recommended for replacement; seven (7) are identical replacements, one (1) Ford Ranger Ext Cab (No longer available) will be replaced by a Ford F150 Ext Cab, and one (1) Ford Ranger (No longer available) will be replaced by a Chevy Colorado. The five (5) additions will consist of three (3) Chevy Colorado's, one (1) Ford F250 Ext Cab and one (1) Ford F150 Crew Cab. Each of these recommended replacements, additions, and changes are being made after extensive discussions with operators and managers to properly align vehicle specifications with current business needs.

The trucks are available through multiple cooperatives that the City belongs to and quotes were obtained from each. Caldwell Country provided all the quotes through each cooperative. Staff received quotes for units available through BuyBoard, Houston Galveston Area Council (HGAC), and the State of Texas Cooperative (TxSmartBuy). Purchasing all the units through BuyBoard provides a cumulative savings of \$27,048.90. Of the fourteen (14) units, HGAC provided quotes on three (3) units and TxSmartBuy provided quotes on eleven (11) units. BuyBoard was the only cooperative agency approved for all fourteen (14) units.

and cumulatively, BuyBoard is the lowest bidder.

Staff recommends moving forward with the bid from Caldwell Country via BuyBoard. This cooperative entity meets all state of Texas competitive bidding requirements. Texas law authorizes this process so that the City can save the time of developing specifications and avoid the duplication of the competitive bidding process.

FINANCIAL IMPLICATIONS:

The trucks will be purchased from budgeted funds from the accounts and amounts listed below.

ACCOUNT UNIT	<u>ACCOUNT</u>	BUDGET AMOUNT
576190	68500 Mobile Equipment	\$235,371.95
441001	68500 Mobile Equipment	\$22,286.27
144001	68500 Mobile Equipment	\$22,286.27
353001	68500 Mobile Equipment	\$25,490.68
232001	68500 Mobile Equipment	\$28,981.24
263001	68500 Mobile Equipment	\$20,881.02

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval to purchase fourteen (14) trucks from Caldwell Country through our Inter-Local agreement with BuyBoard in an amount not to exceed \$355,297.43.

Fleet 14 Truck Purchase 4.7.15					
			BuyBoard	State of Texas	HGAC
Department	Unit	Fund			
232001-Fire	3031	576190-68500	\$22,872.85	\$24,374.28	
232001-Fire	3040	576190-68500	\$24,597.81	\$27,210.24	
441001-Bldg	4109	576190-68500	\$22,286.29		\$26,164.00
161001 - Facility	4112	576190-68500	\$30,775.27	\$31,374.70	
353002 - Parks	4130	576190-68500	\$22,337.60	\$23,839.03	
432001 - Engineering	4137	576190-68500	\$22,336.62	\$23,838.05	
432001 - Engineering	4152	576190-68500	\$22,336.62	\$23,838.05	
432001 - Engineering	4155	576190-68500	\$22,336.62	\$23,838.05	
402001- Streets	5037	576190-68500	\$45,492.27	\$46,390.70	
441001-Bldg	ATB	441001-68500	\$22,286.27		\$26,164.00
144001- Utl	ATB	144001-68500	\$22,286.27		\$26,164.00
353001-Parks	ATB	353001-68500	\$25,490.68	\$26,164.00	
232001-Fire	ATB	232001-68500	\$28,981.24	\$30,482.67	
263001- Ani	ATB	263001-68500	\$20,881.02	\$22,595.45	

Total \$355,297.43

Fund Totals	
576190-68500	\$235,371.95
441001-68500	\$22,286.27
144001-68500	\$26,164.00
353001-68500	\$25,490.68
232001-68500	\$28,981.24
263001-68500	\$20,881.02



Agenda Memo

File Number: 1929

Agenda Date: 4/7/201	5 Version: 1	Status: Consent Agenda
In Control: City Cound	cil	File Type: Bid/Purchases
Agenda Number: *21		
CC MEETING:	April 7, 2015	
DATE:	March 31, 2015	
TO:	Leonard Martin, City Manager	
FROM:	Vince Priolo, Purchasing Manager	

Consider <u>Approval Of Bid # 15-007 For Fertilizer For The Parks Maintenance</u> <u>Department From Various Vendors</u> In An Amount Not To Exceed \$75,000.00.

BACKGROUND:

The material to be purchased from this price agreement will take care of all fertilizer requirements for Parks. Bids were advertised and received from six vendors. Bid notifications were posted to an online bid notification site, as well as advertisements in the local newspaper.

FINANCIAL IMPLICATIONS:

The materials on Bid # 15-007 were approved for purchase from budgeted funds for the cost center and amount as listed below:

COST CENTER	LINE ITEM	BUDGET AMOUNT
PARKS - 353001	60220-Chemicals	\$ 40,000.00
PARKS - 354001	60220 - Chemicals	\$ 35,000.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the low bids meeting all specifications be awarded as listed below for an amount not to exceed \$75,000.00

<u>COMPANY</u>	ITE	EM(S)		
Winfield	Primary Vendor Items		6,8	8, 9
Winfield	Second	Secondary Vendor Items		
BWI	Primary Vendor Item		2, 7	
BWI	Secondary Vendor Item		3, 8, 9	
Justin Seed Company		Primary Vendor Ite	m	1, 3
John Deere Landscapes		Secondary Vendor	Item	2, 6, 7

<u>NOTE</u>: The lowest bidder on items 2, 3 & 8 was disqualified based on past performance with the City.

<u>ITEMS 4 & 5:</u> Upcoming regulations are pending with the state regarding the chemical formula of the product Simazine, which our Parks department uses each fall. Therefore staff will wait to receive notification from the state regarding the new product composition and Purchasing will issue another bid on these two products.

<u>NOTE</u>: The price for item #9 is established by the manufacturer and lots were drawn for this bid award recommendation.

15-007 FERTILIZER																
		WINFIELD BWI		HARRELL'S INC		Justin Seed		John Deere			Helena Chemical					
ITEM DESCRIPTION	Qty	Unit Price PER		Unit Price PER	Extended Price	Uni PER			Unit Price PER	Extended Price	Unit PER		Extended Price	Uni PER		Extended Price
Fertilizers	1000 BAGS	\$ 18.00	\$ 18,000.00	\$ 18.56	\$ 18,560.00	\$	21.61	\$ 21,610.00	\$17.575	\$17,575.000	\$	20.71	\$ 20,710.00	\$	18.28	\$ 18,280.00
2. 18-24-12 Starter (50lb bags)	10 BAGS	N	O BID	\$ 19.37	\$ 193.70	\$	22.96	\$ 229.60	NC	BID	\$	19.72	\$ 197.20	\$	18.12	\$ 181.20
3. 28-0-0 <mark>(50lb bags)</mark>	1600 BAGS	\$ 16.35	\$ 26,160.00	\$ 15.95	\$ 25,520.00	\$	17.75	\$ 28,400.00	\$12.675	\$20,280.000	\$	18.62	\$ 29,792.00	\$	14.93	\$ 23,888.00
4. 28-0-0 fertilizer w/ simazine overlav	1200 BAGS	N	O BID	NC) BID		NC	BID	NC) BID		NC	BID			BID
5. 0-0-7 w/ simazine overlay (50lb bags)	800 BAGS						inc.					NC			NC	
6. Ronstar G (<mark>50lb bags)</mark>	80 BAGS	\$ 64.00	\$ 5,120.00	\$ 75.67	\$ 6,053.60	\$	81.80	\$ 6,544.00			\$	71.14	\$ 5,691.20	\$	70.00	\$ 5,600.00
7. 28-0-3 : Total Nitrogen 28% (26.7% Urea	160 BAGS	N	O BID	\$ 11.78	\$ 1,884.80	\$	20.30	\$ 3,248.00			\$	16.78	\$ 2,684.80		NC	BID
 Pendimethalin Pre- emergent (spring time 	800 BAGS	\$ 10.45	\$ 8,360.00	\$ 10.77	\$ 8,616.00	\$	15.00	\$ 12,000.00			\$	13.74	\$ 10,992.00	\$	9.75	\$ 7,800.00
 Top Choice ant killer 6000lbs. 	120 BAGS	\$ 125.00	\$ 15,000.00		\$ 15,000.00	\$	125.00	\$ 15,000.00	NC	BID	\$	137.50	\$ 16,500.00	\$	125.00	\$ 15,000.00
TOTAL FOR ALL ITEMS		\$	72,640.00	\$	75,828.10	\$		87,031.60	\$37,8	55.000	\$		86,567.20	\$		70,749.20
Length of this price agreement shall be for	CONTRACT TERM	6 N	IONTH		BAGS ON A		1 Y	EAR	24 M	ONTHS		12 M	ONTHS	(7 N	IONTHS) 10/01/2015



Agenda Memo

File Number: 1934

Agenda Date: 4/7/201	15 Version: 1	Status: Consent Agenda			
In Control: City Coun	cil	File Type: Bid/Purchases			
Agenda Number: *22	<u>.</u>				
CC MEETING:	April 7, 2015				
DATE:	March 25, 2015				
TO:	Leonard Martin, City Manager				
FROM: Director	Kim Bybee, Athletic Manager, and Scott Whitake	r, Parks and Recreation			

Consider <u>Approval For The Purchase Of One Shade Structure For Rosemeade Dog Park</u> <u>Through An Inter-Local Agreement With BuyBoard</u> In An Amount Not To Exceed \$19,838.00.

BACKGROUND:

The Parks and Recreation Department is currently designing the first of two dog parks. The first dog park will be constructed at Rosemeade Recreation Center. In the design, a 40' x 40' concrete pad has been centrally located within the dog park between both the big dog and little dog sections. A six-foot vinyl coated fence will run down the middle of the concrete pad to separate big dogs and little dogs between their respective sections. This area will serve as a place for dog owners and their canine companions to congregate. Picnic tables will be provided in both sections. To offer some relief from the Texas sun, one 40' x 40' 4-post shade structure will be installed that will span over the concrete pad.

We are seeking council approval since this purchase is the second in a series of purchases for shade within The Parks and Recreation Department, which puts us over the \$25,000.00 purchasing threshold in a fiscal year.

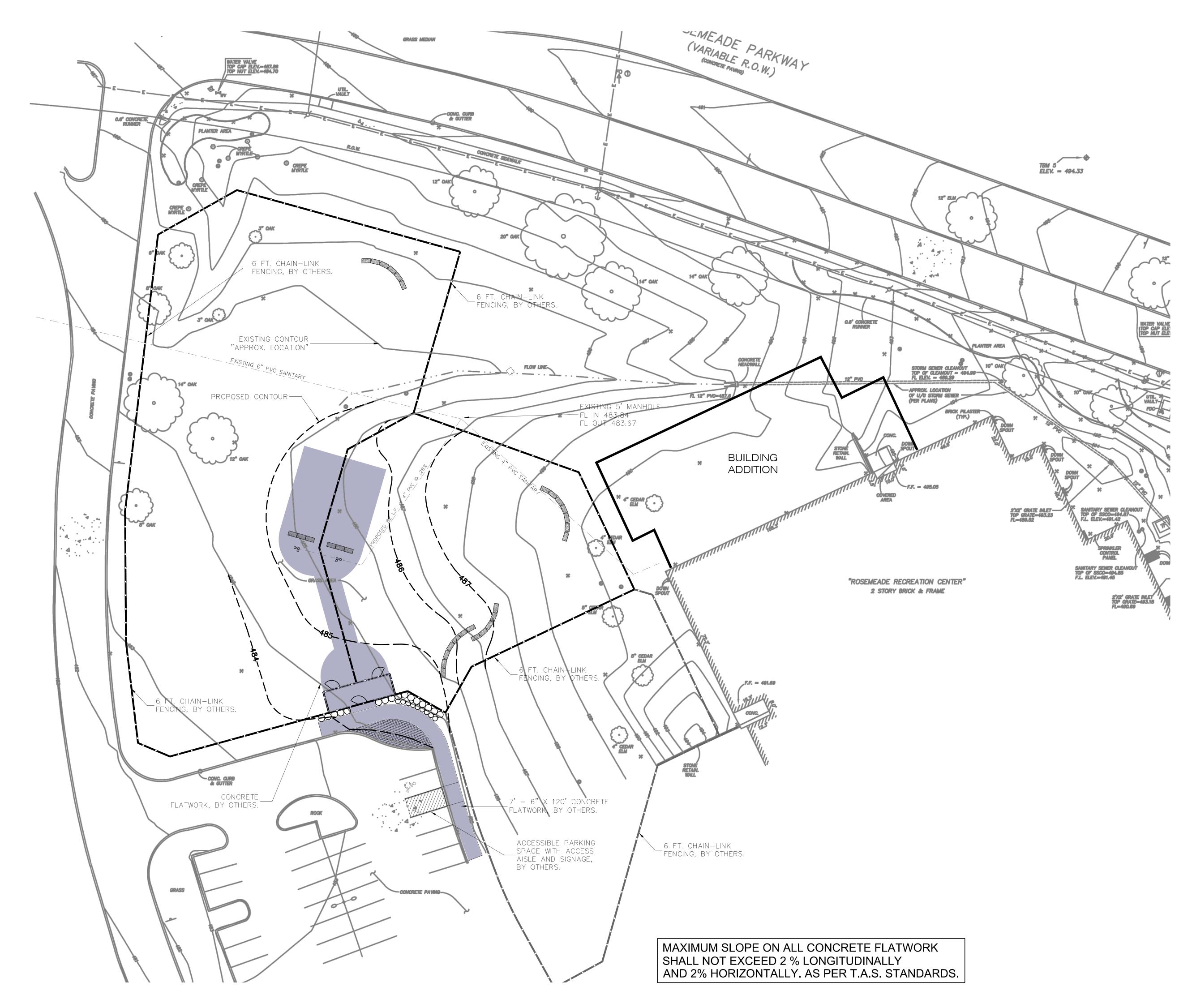
FINANCIAL IMPLICATIONS:

The shade for the Rosemeade Dog Park will be funded out of the following account.

ACCTG UNIT	<u>ACCOUNT</u>	BUDGET AMOUNT
854360	115330399	\$19,838.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the shade for the Rosemeade Dog Park by Webuildfun.inc in the amount of \$19,838.00 using the City's existing agreement with BuyBoard.





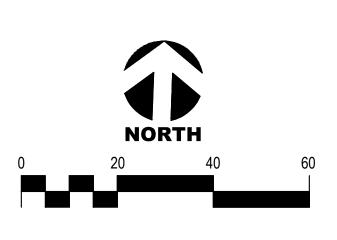
LANDSCAPE ARCHITECTURE 2701 W. 15th ST. 333 Plano, Texas 75075

Ph: 214.733.8805 Fx: 214.733.8806 dshipp@lanarcdesign.com

> Preliminary Review Set Not for Construction

RECREATION \bigcirc R 8 PARK E REC N, PARKS LTOI DEP/ CARROL Έ] S Р RO CI7

PROJECT:	OWNER:				
REVISIONS): 				
Number	Date				
Two	11/24/2014				
Three	1/21/2015				
Four	2/2/2015				
Five	2/9/2015				
Six	2/18/2015				
Seven	3/2/2015				
date: MARC	H 19, 2015				
TITLE: *NFC* GRADING PLAN *NFC*					
SHEET: LA-1G					





Agenda Memo

File Number: 1940

Agenda Date: 4/7/201	5 Version: 1	Status: Consent Agenda
In Control: City Coun	cil	File Type: Bid/Purchases
Agenda Number: *23		
CC MEETING:	April 7, 2015	
DATE:	March 31, 2015	
TO:	Leonard Martin, City Manager	
FROM:	Scott Whitaker, Parks and Recreation Director	

Consider <u>Approval Of The Purchase Of A Restroom/Concession Facility At Thomas</u> <u>Baseball Complex</u> In An Amount Not To Exceed \$208,000.00.

BACKGROUND:

As part of the 2013 bond election, funds were approved to replace the restroom/concession next to the baseball fields at Thomas Park. The Parks & Recreation Department reviewed all restroom/concession facilities as part of the Report Card evaluation and this restroom received one of the lowest grades. Staff has explored options for the construction of this restroom/concession and feel buying a prefab building off BuyBoard is the most efficient and economical way to replace the old structure.

Conworth Company has a facility in Marble Falls, Texas, where the restroom/concession would be constructed and assembled. They sell this type of building, similar to the restroom at Thomas Splashpark, all over the United States. These buildings are used in state parks, golf courses, and athletic complexes. Construction would take approximately 90 days to build and 3-5 days to deliver and install.

The BuyBoard price for this building is \$189,684.00. We are asking for approval of \$208,000.00. This includes an approximate 10% contingency, which would not be used unless unusual circumstances arise.

FINANCIAL IMPLICATIONS:

The funds for this replacement will be from bond sales as approved by the voter approved 2013 bond election.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff is requesting City Council approve the purchase of a restroom/concession facility at Thomas Park for a not to exceed price of \$208,000.00, using BuyBoard and purchased from

Conworth Company.



Agenda Memo

File Number: 1920

Agenda Date: 4/7/20	15 Version : 1	Status: Consent Agenda	
In Control: City Coun	cil	File Type: Contracts/Agreements	
Agenda Number: *24	l.		
CC MEETING:	April 7, 2015		
DATE:	March 25, 2015		
то:	Leonard Martin, City Manager		
FROM:	Cesar J. Molina, Jr., P.E., Director of Engineering		

Consider Authorizing The City Manager To <u>Approve Change Order #1 With RKM Utility</u> <u>Services, Inc. To Connect Cheyenne Drive With Damsel Caitlyn Drive In Castle Hills As</u> <u>Part Of The Streets 2014 (Neighborhood Project #2) Reconstruction Project</u> In An Amount Of \$86,347.00 For A Revised Contract Amount of \$3,614,682.00.

BACKGROUND:

The City Council awarded a contract on November 4, 2014 to RKM Utility Services, Inc. in the amount of \$3,528,335.00 for the replacement of approximately 9,400 linear feet of pavement and 8,900 linear feet of sanitary sewer lines in the Woodlake #3 Subdivision. Since that time, the city has been coordinating with Castle Hills on the extension of the currently dead ended Cheyenne Drive into a newly constructed phase of Castle Hills. Although no subdivision-type projects are planned to be bid until the end of the year, this project could easily be added to the Woodlake project. RKM will perform the work using the same unit prices.

Change Order No. 1 reflects a change in scope to construct 162 linear feet of pavement on Cheyenne Drive that will connect to the newly constructed Damsel Caitlyn Drive in Castle Hills and eliminate the current dead end on Cheyenne Drive. The work will also add 30 days to the contract. This project will benefit traffic circulation for Carrollton and Castle Hills residents, and redirect traffic away from the emergency room area of Baylor Hospital, thus eliminating a dangerous traffic cut-thru that has existed for many years.

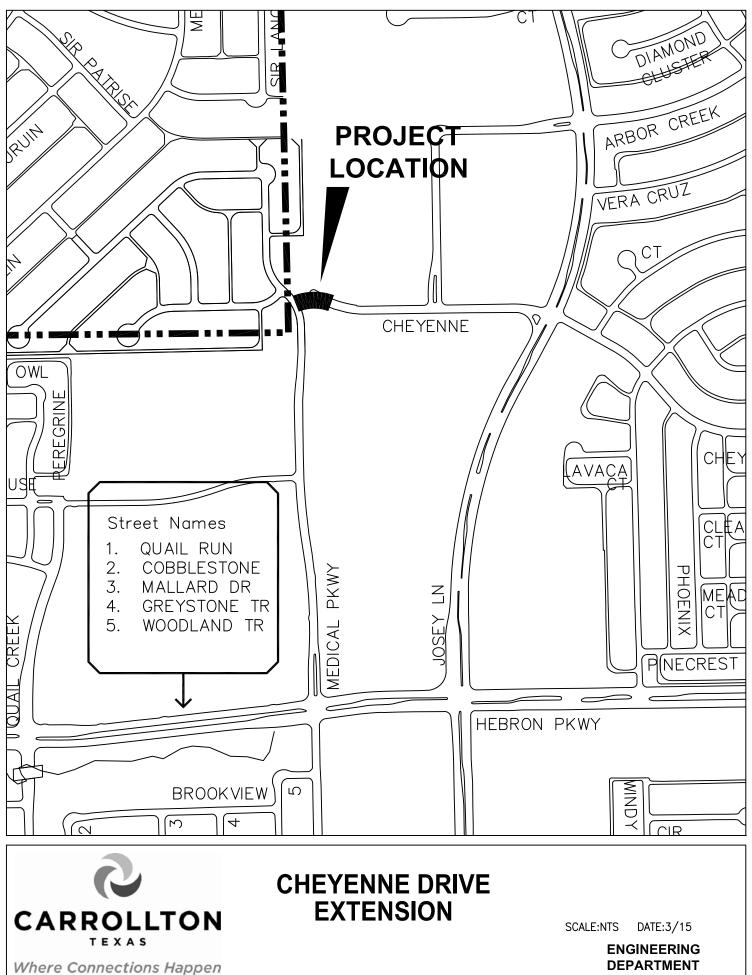
FINANCIAL IMPLICATIONS:

Funding for the additional construction work in the amount of \$86,347.00 (a 2.45% increase) is available in Account Unit 854460-114430499 (Streets Consolidated).

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends authorizing the City Manager to execute Change Order No. 1 with RKM Utility Services, Inc. that will increase the construction contract in an amount of \$86,347.00 and

revise the contract amount to \$3,614,682.00, a 2.45% increase.





Agenda Memo

File Number: 1938

Agenda Date: 4/7/20	15 Version: 1	Status: Consent Agen	
In Control: City Coun	cil	File Type: Contracts/Agreements	
Agenda Number: *25	j.		
CC MEETING:	April 7, 2015		
DATE:	March 31, 2015		
то:	Leonard Martin, City Manager		
FROM:	Cesar J. Molina, Jr., P.E., Director of Engineering		

Consider Authorizing The City Manager To Approve Change Order #2 With SYB **Construction Company For Additional** Pavement And Driveway Replacement Throughout The Carrollton Downs Alley And Sanitary Sewer Line Replacement Project In An Amount Of \$54,523.30 For A Revised Contract Amount Of \$2,177,159.30.

BACKGROUND:

The City Council awarded a contract on March 18, 2014 to SYB Construction Co. in the amount of \$2,046,511.00 for the replacement of approximately 13,250 LF of 8-inch sanitary sewer mains in the Carrollton Downs subdivision. Carrollton Downs is the city's next NOTICE area and all streets will be replaced within the next two years.

Change Order No. 1 was approved on August 19, 2014 in the amount of \$76,125.00, which increased the contract amount to \$2,122,636.00. It included costs for an additional sewer line on Sparling Way that was not identified until construction proceeded in that part of the project area.

Change Order No. 2 reflects a change in scope to add additional pavement and driveway replacement throughout the project area. The increased quantity is the result of connecting replacement pavement over the sewer trenches to deteriorated pavement and having to expand the replacement area. This change order includes costs for the increased quantities which includes 950 square yards of pavement.

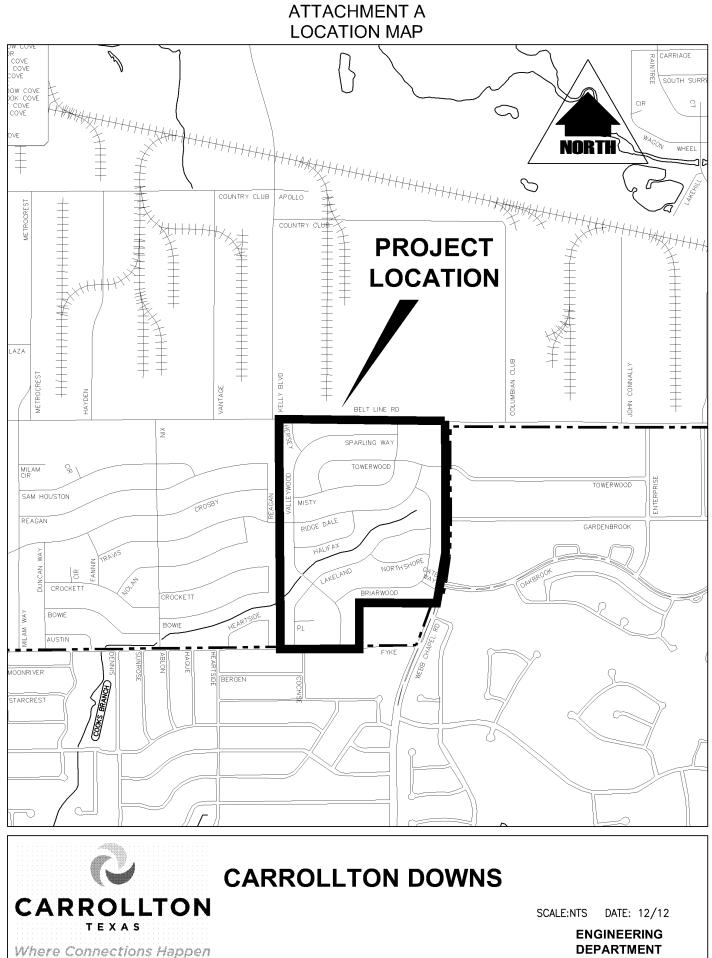
FINANCIAL IMPLICATIONS:

Funding for the additional construction work in the amount of \$54,523.30 is available in Account Unit 854460 (Streets Consolidated). The two change orders represent an overall increase of 6.38% over the original contract price.

STAFF RECOMMENDATION/ACTION DESIRED:

nda

Staff recommends authorizing the City Manager to execute Change Order No. 2 to SYB Construction Co. that will increase the construction contract in an amount of \$54,523.30 and revising the contract amount to \$2,177,159.30.



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



Agenda Memo

File Number: 1919

Agenda Date: 4/7/20	15 Version: 1	Status: Consent Agenda
In Control: City Coun	cil	File Type: Ordinance
Agenda Number: *26		
CC MEETING:	April 7, 2015	
DATE:	March 23, 2015	
TO:	Leonard Martin, City Manager	
FROM:	Scott Hudson, Environmental Services Director	

Consider An Ordinance Amending Title XI, Chapter 116, "Restaurants And Food Establishments", To Allow Dogs On Food Establishment Patios, And Title III, Chapter 31, "Comprehensive Fee Ordinance", Of The Carrollton Code Of Ordinances.

BACKGROUND:

The purpose of this item is to propose a code amendment providing a variance path to allow dogs on restaurant patios in Carrollton. Current requirements do not provide for this allowance. This ordinance was tabled at the March 17, 2015 City Council meeting pending a request for the variance to be available citywide. The attached ordinance reflects this change.

The proposed variance is similar to successful efforts in Plano, Dallas and Fairview. Key provisions of the proposed ordinance include:

* Requirement to apply for a variance for a given food establishment to have dogs on an associated patio;

* Establishing standards for maintaining premises in a clean condition, reporting violations and posting rules regarding dogs;

* Setting an application fee of \$150.00.

Enforcement of these provisions would generally fall to current sanitarian staffing. In the case of safety issues, such as dog aggression, enforcement may involve Animal Services.

IMPACT ON COMMUNITY SUSTAINABILITY:

As Carrollton works to attract different kinds of restaurants, allowing dogs on patios may make the city more competitive. This may become a more common practice in the area and demand for this allowance is likely to increase, especially in higher density, pedestrian-oriented TOD areas. The proposed amendments provide for public health and safety, a basic component of a sustainable community.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends adoption of the proposed ordinance amending Title XI, Chapter 116, "Restaurants and Food Establishments" to provide for a variance for a food establishment to allow dogs on restaurant patios, and Title III, Chapter 31, "Comprehensive Fee Ordinance", of the Carrollton Code of Ordinances.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING TITLE XI, CHAPTER 116, RESTAURANTS AND FOOD ESTABLISHMENTS, BY ESTABLISHING A NEW SUBCHAPTER TO BE ENTITLED REGULATIONS REGARDING DOGS ON THE PREMISES OF A FOOD ESTABLISHMENT; ESTABLISHING THE PURPOSE AND SCOPE; ESTABLISHING REQUIREMENTS GOVERNING THE PERMITTING, OPERATIONS AND MAINTENANCE OF FOOD ESTABLISHMENTS WITH DOGS ON THE PREMISES; AMENDING TITLE III, CHAPTER 31, THE COMPREHENSIVE FEE SCHEDULE OF THE CODE OF ORDINANCES OF THE CITY REGARDING A VARIANCE FEE RELATED TO DOGS ON FOOD ESTABLISHMENT PREMISES; PROVIDING FOR A PENALTY UP TO \$2000 PER DAY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

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

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

WHEREAS, Section 229.171(c)(1) of the Texas Food Establishment Rules (TFER) provides that the regulatory authority may grant a variance from TFER by modifying the TFER requirements if in the opinion of the regulatory authority a health hazard or nuisance will not result from the variance; and,

WHEREAS, the City Council upon review of existing ordinances and regulations governing food establishments, and considering the opinions of citizens and business owners desires to enact an ordinance which regulates the permitting, operations and maintenance of food establishments seeking a variance to allow dogs on their premises; and,

WHEREAS, the City Council finds that it is necessary and proper for the good government, health and safety of the City to adopt regulations relating to dogs on the premises of food establishments in order to prevent zoonotic diseases, to reduce the risk of injury to both humans and animals, and to provide for a safe recreational experience by the public;

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 Code of Ordinances of the City of Carrollton Title XI, Chapter 116, Restaurants and Food Establishments is hereby amended to add Sections 116.70 to 116.76, relative to Regulations Regarding Dogs on Food Establishment Premises, to read as follows:

"REGULATIONS REGARDING DOGS ON THE PREMISES OF FOOD ESTABLISHMENTS

ARTICLE 1. IN GENERAL

Sec. 116.70. – Purpose and Scope.

- (A) This subchapter is known as the City of Carrollton regulations regarding Dogs on the Premises of Food Establishments.
- (B) It is the purpose of this subchapter to provide a clean, safe and healthful environment for the public through the regulation of the permitting, operations and maintenance of food establishments that have dogs on their premises.
- (C) The sections in this subchapter establish the permitting standards and procedure for food establishments in the City to allow dogs on their premises; the operations and maintenance minimum requirements; and, penalties and remedies to achieve the public health and safety purpose of these sections.
- (D) All food establishments shall comply with the Texas Food Establishment Rules, January 2006 edition, as published by the Texas Board of Health at 25 Texas Administrative Code Chapter 229, Sections 161 through 171 and 173 through 175 ("TFER") as amended. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of said rules shall be fully applicable and binding, except where City of Carrollton Code of Ordinances provides specific provisions which shall prevail over general provisions of these rules.
- (E) Nothing in this chapter shall be construed to waive the City's governmental immunity from suit or from liability.

Sec. 116.71 - Administration.

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

ARTICLE II. VARIANCE REQUIREMENT; APPLICATION; CONDITIONS AND STANDARDS; DENIAL OR REVOCATION.

Sec. 116.72 – Variance Required.

- (A) A food establishment located in the City with an outdoor patio under its exclusive control that desires to allow dogs on its patio shall apply to the DCO for a variance modifying or waiving the prohibition against dogs on the premises of a food establishment as stated in Section 229.167(p)(15) of the TFER and in Section XVII, F of the 2012 Carrollton Food Policy Guide.
- (B) Any food establishment that allows dogs on its premises without an approved variance is in violation of this subchapter.
- (C) The variance application shall be on a form provided by the DCO and shall include in the application all of the information required under TFER Section 229.171(c)(2). The application shall be accompanied by a nonrefundable variance application fee provided under Chapter 31, Comprehensive Fee Schedule, of the Carrollton Code of Ordinances.
- (D) The variance is non-transferable.

Sec. 116.73 – Conditions and Standards of the Variance.

A food establishment that is granted a variance under this subchapter shall comply with the following conditions and standards of the variance, in addition to any other conditions and standards established by the DCO as deemed necessary to protect public health and safety.

- (1) The food establishment must have an outdoor patio under the exclusive control of the food establishment.
- (2) Except as provided for in TFER Section 229.167(p)(15), no dog shall be present inside the food establishment or on any playground area of the food establishments. Dogs shall only be allowed in the controlled outdoor patio.
- (3) A separate entrance must be provided from the outside of the food establishment to the outdoor patio so that a dog will have direct access to the patio without entering the interior of the food establishment or any playground area of the food establishment. A dog may not be allowed within seven (7) feet of any entrance to the interior of the food establishment, except when necessary to enter or exit the patio.
- (4) A sign must be posted at all public entrances of the food establishment so that it is easily visible to the public. The sign must state in minimum four (4) inch letters:
 "DOG FRIENDLY PATIO DOG ACCESS ONLY THROUGH OUTDOOR PATIO."

- (5) All doors from the interior of the food establishment opening into the outdoor patio must be equipped with self-closing devices and must be kept closed when not in use.
- (6) All table and chair surfaces in the outdoor patios shall be of non-porous and easily cleanable material.
- (7) No food preparation, including mixing drinks or serving ice, may be conducted in the outdoor patio, except that a beverage glass may be filled from a pitcher or other container that has been filled, prepared and stored inside the food establishment.
- (8) Hand sanitizer shall be made available and easily accessible to customers and employees in the "dog friendly" outdoor patio.
- (9) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be cleaned and sanitized at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late-hours). Cleaning under this subparagraph is not required if no dog has been present on the outdoor patio since the last cleaning.
- (10) Waste from a dog's bodily functions must be cleaned up and sanitized immediately after each occurrence. All dog waste must be disposed of outside of the food establishment in an appropriate waste receptacle. Equipment used to clean the outdoor patio must be kept outside of the food establishment.
- (11) While on duty, food establishment personnel may not pet or have contact with any dog.
- (12) A dog must be kept on a leash, or in a secure bag or container specifically designed to carry and provide continuous restraint of dogs while providing adequate ventilation, and remain under continuous physical control of the customer while in the outdoor patio area. The dog must be wearing a collar or harness with a current rabies tag attached to it.
- (13) A dog is not allowed on a seat, table, countertop, or similar surface in the outdoor patio area.
- (14) A dog is not allowed to have contact with any dishes or utensils used for food service or preparation at the food establishment.
- (15) A dog may not be given any food (including, but not limited to, dog kibble, biscuits, and edible treats) while in the outdoor patio area. A dog may be given water in a disposable container.

- (16) The food establishment shall report to the Carrollton Animal Services any incident of a human bite from a dog; or, any other incident in which two (2) or more dogs are involved in any type of altercation resulting in physical contact, regardless of whether any of the animals are injured.
- (17) A sign which reads in minimum two (2) inch letters: "To report any unsanitary or unsafe condition, call 972-466-3333" shall be prominently displayed to inform patrons in the outdoor patio area.
- Sec. 116.74 Denial or Revocation of Variance.
- (A) The DCO shall deny or revoke a variance if:
 - (1) The application for the variance contains a false statement as to a material matter;
 - (2) The food establishment does not hold a valid food establishment health permit issued under Chapter 116, Restaurants and Food Establishment, of the Carrollton Code of Ordinances;
 - (3) The DCO determines that a health hazard or a public nuisance will result or has resulted from the variance;
 - (4) The food establishment failed to pay the variance fee at the time it was due; or,
 - (5) The food establishment is in violation of any term or condition of the variance as established in this chapter.
 - (6) If entry sought by the DCO pursuant to Section 116.75 is denied.
- (B) If the DCO denies or revokes a variance under this subchapter, the regulatory authority shall notify the applicant in writing by personal service or regular United States mail. The notice must include the reasons for the denial or revocation and a statement informing the applicant of the right to appeal the decision.
- (C) A food establishment whose variance under this subchapter is denied may appeal and request a hearing within ten (10) days after service of the notice of denial. Such request shall be in writing, shall specify the reasons why the variance should not be denied, and shall be filed with the DCO. A hearing shall be conducted by the DCO within fifteen (15) days from receipt of the appeal.

ARTICLE III. AUTHORITY OF ENFORCEMENT

Sec. 116.75 – Inspections and Inspection Reports.

(A) The DCO may enter the premises of the food establishment during regular hours of operation to make an inspection as a condition to the approval of a variance application,

to enforce any of the provisions of this subchapter, or whenever the DCO has probable cause to believe that a violation of this chapter exists on such premises.

- (B) If entry is denied, the DCO shall have every recourse provided by law to secure entry.
- (C) After the inspection, the DCO may prepare a written inspection report. Such report may specify the violations observed during the inspection and require the food establishment to comply with this subchapter by a specified time. The report shall state that failure to comply with the orders of the report may result in the issuance of criminal citations, the suspension or revocation of the variance and the exercise of all remedies allowed by law.
- (D) The DCO shall furnish a copy of the inspection report to the food establishment.

Section 116.76 – Penalty.

It shall be unlawful for any person to violate any provision of this subchapter, and any such violation shall be deemed to be a misdemeanor and, upon conviction of such violation, such person shall be punished by a penalty as set forth in section 10.99 for each offense. Each and every day any such violation continues shall be deemed to constitute a separate offense."

SECTION 3.

Subsection (D) of Section 31.01, Establishment of Fees for City Services, of Chapter 31, Comprehensive Fee Schedule, of Title III, Administration, of the Carrollton Code of Ordinances is amended to include the following:

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

SECTION 4.

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

SECTION 5.

Except as herein amended, Chapter 116, Restaurants and Food Establishments, and Chapter 31, Comprehensive Fee Schedule, of the Carrollton Code of Ordinances, as amended, shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified, and affirmed.

SECTION 6.

This ordinance shall become and be effective on and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this ______ day of ______, 2015.

CITY OF CARROLLTON, TEXAS

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith A. Ladd City Attorney Scott Hudson Environmental Services Director

City of Carrollton



Agenda Memo

File Number: 1933

Agenda Date: 4/7/201	5 Version: 1	Status: Consent Agenda			
In Control: City Counc	sil .	File Type: Ordinance			
Agenda Number: *27.					
CC MEETING:	April 7, 2015				
DATE:	March 24, 2015				
TO:	Leonard Martin, City Manager				
FROM: Director	Kim Bybee, Athletics Manager, and Scott Whitaker	, Parks & Recreation			

Consider An <u>Ordinance Amending Title XIII, Chapter 133, "Parks And Recreation," Of</u> <u>The Carrollton Code Of Ordinances Regarding General Policies And Guidelines.</u>

BACKGROUND:

This item proposes changes to the city's ordinance regarding Parks and Recreation General Policies and Guidelines. The amendments were drafted based on changes to actual operating procedures and simplifying the language. A few changes to note were the removal of the Youth Sports Council as well as changes to key request and light operation procedures. The Youth Sports Council initially met but was later discovered to be unnecessary due to a regular turnover in board members throughout each association. Individual meetings were also established with each association to better meet the diverse needs of each sport. Keys are rarely requested due to the installation of combination locks on many facility access points and lights are controlled through our Musco Control Link System. Each association has been given permission to schedule lights in order to better serve the needs of their respective associations based on league schedules.

FINANCIAL IMPLICATIONS:

There are no financial implications with these revisions. No fee changes are proposed.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff presented the amended changes to the Park Board at the March 9 meeting. Park Board members and Staff recommend approval of the ordinance, as amended.

ORDINANCE NO. 3245

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING TITLE XIII, CHAPTER 133 PARKS AND **RECREATION.** SECTIONS 133.02, 133.15, 133.31, 133.32 AND 133.33; ADOPTING AMENDING THE ATHLETICS POLICIES, AND GUIDELINES, AND A YOUTH SPORTS COUNCIL; REPEALING **SECTIONS** 133.34, 13335 AND 133.36; AND PROVIDING FOR A PENALTY, SAVINGS, **SEVERABILITY** AND AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

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

SECTION 1.

That Section 133.02 Definitions of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

Section 133.02. Definitions

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

Association. A group of sports coaches, players, volunteers, and board members who represent a specific sport.

Director. The Parks and Recreation Director or his designee.

League. An organization that provides sports programming for people who participate in a specific sport.

Loiter. The walking around aimlessly without apparent purpose; lingering; hanging around; lagging behind; the idle spending of time; delaying; or sauntering and moving about where such conduct is not due to physical defects or conditions.

Organized Game. Any sporting event where two teams are playing each other and may have uniforms, officials, or spectators present.

Park. A park, reservation, playground, recreation center or any area in the <u>cityCity</u> owned or used by the <u>cityCity</u>, and devoted to active or passive recreation, including all planted medians, parkways, triangles and traffic circles maintained by the <u>cityCity</u>.

Person. Any person, firm, partnership, corporation, association, company or organization of any kind.

Vehicle. Any conveyance employing wheel, track, laying devices, runners, fans or propellers, whether motor-powered, animal-drawn or self-propelled. The term shall include trailers of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the <u>cityCity</u>.

SECTION 2.

Section 133.15 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

Section 133.15 - Promulgation and posting of rules and regulations

The Parks and Recreation DirectorCity Manager or his designee shall recommend to the City Councilestablish such rules and regulations as it deems best for the management of the public parks, and where these said rules have been adopted so established for a specific park area and posted in a manner sufficiently legible to be seen by an ordinarily observant person within the specific park so regulated, any person found guilty of violating these rules shall be guilty of a misdemeanor.

SECTION 2.

That Section 133.31 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

Section 133.31 Responsibility of Parks and Recreation Board.

It shall be the responsibility of the Parks and Recreation Board to:

- A. Periodically audit and review the effectiveness of this policy;
- B. Evaluate problems encountered by users and/or requesters of facilities; and
- C. Recommend changes to this policy to the City Council at those times as it or the Council deems necessary.

SECTION 3.

That Section 133.32 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

Section 133.32 General Policies and Guidelines

- A. The Recognized Youth Associations within the City of Carrollton are as follows:
 - 1. Carrollton Aqua Racers
 - 2. Carrollton Farmers Branch Baseball Association
 - 3. Carrollton Farmers Branch Girls Softball Association
 - 4. Carrollton Farmers Branch Soccer Association
 - 5. Carrollton Little League
 - 6. Carrollton Youth Football League
- A.<u>B.</u> Associations desiring the use of <u>eityCity</u> facilities must agree to and sign a facility use agreement and must confine their association within the City of Carrollton corporate limits.
- **B.**<u>C.</u> All associations must be recognized by the state as a non-profit organization.
- C.D. Eligibility requirements for youth sports participants:
 - 1. Youth eligibility is regulated by each individual association's organizational rules, but must allow for all Carrollton residents.
- **D.**<u>E.</u> Eligibility requirements for participating in adult sports:
 - 1. Carrollton welcomes both residents and non-residents to participate in adult sports.

2. Fees may vary based on residency.

E.F. All associations or teams playing on <u>cityCity</u> fields must submit the following:

- 1. Contact information of all board members in the association.
- 2. Master schedule of all games to be played including dates, times, facilities, and teams are due to the <u>cityCity</u> electronically one week prior to first <u>scheduled</u> game. This includes all rosters with address for participants.
- 3. Proof of non-profit status.
- 4. All associations must submit a copy of bylaws and all bylaws must be in harmony with the policies of the <u>eityCity</u>.
- 5. Insurance: All associations or organizations must provide (and keep in force for the duration of the playing season) general liability insurance of the occurrence type written by an insurance company acceptable to the City. This insurance must have insurance limits of not less than \$1,000,000 CSL (combined single limit). The insurance certificate must list the City as an Additional insured with a notice of cancellation clause of not less than 30 days. Insurance certificate must be on file prior to any practices or games.

F.G. Any participant of an association shall have the right to request and receive a report of all revenues, expenses, and any other financial information from any association using <u>eityCity</u> facilities for leagues, tournaments, or concessions.

1. All associations must submit an annual report to the <u>cityCity</u> to include all of the above information.

G.<u>H.</u> For failure to comply with established policies, the <u>The cityCity</u> may terminate the use of <u>cityCity</u> facilities for any failure to comply with established policies.

- H.I. Facility use guidelines
 - 1. Closed Fields
 - i. A closed field will be any field that is not open due to inclement weather or maintenance requirements.
 - ii. The <u>City Manager or designee Parks and Recreation Director</u> is authorized to close any athletic field for the purpose of maintenance or to protect the playing surface from damage.
 - iii. In most cases, the <u>cityCity</u> will post signs and lock gates at closed fields.
 - iv. No association shall provide maintenance on any field unless authorized in advance and in writing by the <u>City Manager or</u> <u>designee</u> <u>Parks and Recreation Director</u>.
 - v. If there has been rain before a <u>weekday</u> game, coaches can call after 4:00 p.m. to check if facilities are playable. Some decisions may be made as late as 5:00 PM; extreme cases 6:00 PM. All league presidents must advise their participants that only coaches should call the rain out number. Coaches should then notify their team.

- vi. Prior to each season, the city<u>City</u> will-may_designate rest days for maintenance during that season. Wednesdays will be a standing rest day unless approved by the city. Fields will be closed for a minimum of two days per week (excludes cricket field).
- vii. All soccer fields will be closed during the last two weeks of May June and all of June July for maintenance unless approved by the City Manager or designee Parks and Recreation Director. All fields will be closed during the month of December and first two weeks of January. All soccer fields will closed for over seeding for a two-week period during the months of September and October on dates determined by the -Director.

vii.

- viii.All <u>soccer_fields will close for a onetwo</u>-week period during the months of September and October for over seeding.
- ix.viii. If fields are damaged during a closure (for any reason) the repair of damages will be charged to the person responsible for the field rental.
- 2. Parking
 - i. All participants must park in designated areas. <u>Motorized vehicles</u> <u>are prohibited on walkways, grass and trails</u>. All vehicles are subject to ticketing and/or towing at the owner's expense.
- 3. Practices
 - i. All teams must request a permit and pay for any practice time on or in City<u>athletic</u> facilities. It is unlawful for any team or association to conduct organized practices on any athletic field without proper permit.
 - <u>ii.</u> Practice fields in neighborhood parks shall not require a permit. They are first come, first served. There shall be no organized games on neighborhood practice fields.
 - ii.iii. Each Recognized Youth Association will be allotted one free week of practices/scrimmages the week prior to their regular season(s). Associations are responsible for scheduling teams and communicating their facility needs with the eityCity no less than one week in advance.
 - iii.iv. Due to the specialized nature of their sport, Carrollton Youth Football will be provided access to facilities for practice. Practice schedules must be provided to the cityCity by the association no less than one week in advance.
- 4. Make-up Games
 - i. All league make-up games and non-scheduled games must be approved in advance by the <u>eityCity</u>. No game shall be rescheduled for any reason other than inclement weather or electrical failures. Any other reason for rescheduling must be submitted in writing for review and approval.
 - ii. All associations wanting to extend the season from <u>its</u>original request must submit a request in writing to the <u>eityCity</u>.

- Granting or denying the association's request shall be within the discretion of the <u>eityCity</u>.
- 5. Keys
 - i. The president of each association must submit a <u>completed</u> key request <u>form</u> in <u>writing</u> to the athletics office <u>for review and</u> <u>approval by the-Director. stating which keys are needed and who</u> will be responsible for the keys. Four keys shall be given to the league for each different lock and a \$25.00 deposit for each key will be required. All additional keys shall be \$5.00 each plus a \$25.00 deposit for each additional key.
 - ii. A key audit will be performed on an annual basis<u>.</u> during the August committee meeting.
 - iii. Lost keys may result in a complete changing of the locks at the association's expense and loss of key privileges.
- 6. Litter Removal
 - i. All associations and individual user-groups are responsible for cleaning up playing surface and surrounding areas of athletic complexes. Failure to comply may result in loss of playing privileges. Absolutely no glass containers shall be allowed at any park.
- 7. Lights
 - i. All lights are scheduled and controlled by the city. Access will be given to specified board members to control lights using the Musco Control Link System at designated facilities during league games only.
 - ii. No association or user-group is permitted to operate any electrical controls of the lighting system without prior approval.<u>Any</u> association that abuses the use of the lights will lose access to the <u>Musco Control Link System.</u>
- 8. Concessions
 - i. All associations shall have the right <u>of to operate</u> concession stands on a schedule determined by the- Director. If the association chooses not to operate the stand, the <u>cityCity will-may operate the</u> <u>concession stand in whatever manner the Director deems</u> <u>appropriate. contract it out to a concessionaire</u>.
 - ii. In the case where associations share a concession stand, the two associations must come to an agreement amongst themselves. In cases in which there is no agreement, the City will may operate the concession stand in whatever manner the Director deems appropriate. Game days will always supersede practices when deciding who will have use of the stand.
 - iii. All concession stands must meet the <u>cityCity</u>'s Environmental Services Department Guidelines.
 - iv. All associations are responsible for the cleanliness of each stand they operate. Failed Health inspections <u>could may</u> result in loss of rights to operate.

- v. All associations are required to purchase all soft drink supply from <u>Pepsi Bottling Group the City's current contracted vendor unless</u> otherwise approved by <u>eitythe City</u>.
- vi. The <u>cityCity</u> <u>shall-may</u> supply water, electricity, and make needed repairs to the concession stand. If the <u>city_City</u> finds the concession stand dirty from food or other items, the association will be charged \$25 per hour for each employee needed to clean the facility.
- <u>vii.</u> All associations must collect and remit all applicable sales tax for items sold on <u>cityCity</u> property.
- vii. viii. Failure to comply with State law, the Carrollton Code of Ordinances, or park rules established by the City may result in the loss of rights to operate.
- 9. Field Maintenance
 - i. No association shall provide any type of field maintenance, including the use of any product for drying infields and marking lines, unless a written request is submitted and approved by the city<u>CityDirector</u>. This includes the use of any product for drying infields and marking lines.
- 10. Alcohol in Parks
 - i. It is unlawful to possess or consume alcoholic beverages within any <u>eityCity</u> park or athletic/recreation facility.
- 11. Scoreboard Control Boxes
 - i. Control boxes will be <u>checked out available</u> to each association <u>prior to throughout</u> each season.
 - ii. If an association loses or damages the control boxes, that association will reimburse the <u>eityCity</u> for replacement parts or repairs, <u>. This</u> includ<u>inges</u> wires and inserts to boxes.
 - iii. All control boxes must be returned to city at end of season.
- 12. Goal Posts
 - i. All goal posts shall remain secured in <u>the</u> ground at all times. No association or any user-group is permitted to move goal posts_{$\overline{2}$} unless approved by the cityCity without express approval from the <u>Director</u>. Failure to comply <u>will-may</u> result in loss of rights to use the facility.
 - ii. Tape is not permitted as a method of securing nets to soccer goal posts.
- 13. Coaches Certification for Recognized Youth Associations
 - i. Each association is responsible for having all coaches certified through a state or national organization, or the city can certify them through Texas Amateur Athletic Federation the City's current certification program. The association is responsible for all costs of the certification.
 - ii. Certifications must include a minimum of \$1,000,000 of liability insurance and background checks.

- iii. <u>Each associations shall submit r</u>Rosters of certified coaches must be submitted to the cityCity.
- 14. Criminal History Background -Checks for Recognized Youth Associations
 - i. All associations are required to conduct a criminal history background checks on all coaches and volunteers associated with any team or association.
- 15. Age Cut-off
 - i. All associations set age cut-off dates in conjunction with their governing body or parent organization.
 - ii. All participants are placed in age divisions based on their age as of the current year of each date set by the association by laws.
 - iii. Dates can be changed subject to approval by the City.
- 16. Facility Allocation
 - i. Primary Facilities used by <u>Recognized Youth</u> Associations <u>for</u> <u>league games</u>
 - Carrollton Farmers Branch Youth Soccer McInnish Soccer Complex Fields A-E and R.E. Good Soccer Complex Fields 1-5
 - Pony-Carrollton Farmers Branch Baseball Association McInnish Baseball Fields 6-9, 11 Josey Ranch Field 6
 - 3. Carrollton Farmers Branch Girls Softball Josey Ranch Fields 1-4
 - Carrollton Little League Thomas Fields 1-2 and Jimmy Porter 1-2 Josey Ranch Field 6 McInnish Baseball Fields 10, 12-15
 - 5. Carrollton Youth Football Josey Ranch and Thomas Football Fields
 - 6. Carrollton Aqua Racers Rosemeade <u>Rainforest</u> Aquatic Complex
 - <u>ii.</u> <u>Note:</u> The <u>eityDirector</u> may make changes to the <u>above</u> allocations based on registration numbers for each association.
- H.J. Scheduling/Reservations
 - 1. The City Manager or his designee <u>Parks and Recreation Director</u> will make final decisions <u>about regarding permit issuance</u>, scheduling, and field allocation.
 - 2. All <u>reservations season requests</u> must be made in writing by each association and submitted to the City no later than the regular scheduled committee meetings one month prior to opening day of each season. Requests must include the following information:
 - i. Specific facilities being requested
 - ii. Beginning and ending dates of season
 - iii. Specific Estimated days and times each facility is needed
 - iv. Number of teams and participants
 - 3. All associations must submit game schedules to the <u>cityCity</u> <u>at least no</u> <u>less than</u> one week <u>prior prior to opening day</u> each season.

	4.	All cityCity programs or events scheduled by the Ceity have first priority
	_	on any athletic facility.
	5.	All <u>recognized youth</u> associations recognized as members of the Youth
		Sports Council will have second priority on any athletic facility listed in this subsection.
	6	All primary seasons will have priority over secondary or off-season sports.
	0.	Each association must designate primary season.
	7	All other user-groups must obtain a permit from the Directorreceive
		approval from the City. Permits will be given if approved. Individual
		teams of associations must obtain and pay for field use.
	8.	The <u>City</u> <u>Director</u> may restrict any reservation length, time, and/or
		frequency.
	<u>9.</u>	All playoff dates must be submitted as part of the season schedule.
	9.	10. Failure to meet required deadlines could result in loss of priority
		use or use of facilities.
J.<u>K.</u>		_Tournaments
	1.	Each association may hold one tournament per year with no field rental
	\mathbf{r}	charge. The aity City may best any Perional State or National tournament these
	۷.	The <u>city City</u> may host any Regional, State, or National tournament those which would take precedence over any other tournament.
	3	Tournament requests follow the same guidelines stated in this subsection.
K-L		_Clinics or Camps
11.		Any clinic or camp must be outlined in the facility request form prior to
		each season.
	<u>2.</u>	1. Any clinic or camp request by a non-committee member-must be
		submitted to the <u>cityCity</u> for approval.
	3. 2	2. The <u>clinic or camp</u> host will pay field rental fees and a negotiated
		fee from sales or gate fees.
тъл	_	3. Clinics and camps are secondary to all league play
<u>L.M.</u>		_Vendor Fee A negotiated fee will be paid to the <u>cityCity</u> when money is taken for
	1.	goods or services on <u>cityCity</u> owned park property.
M. N.		Field Rentals
<u></u>	1.	<u>Persons who doAny person who does</u> not sign a facility use agreement
		may rent fields based on availability in accordance with the policies and
		guidelines (except insurance and audit requirements) and after paying the
		fees in accordance with Chapter 31 of the cityCity's Comprehensive Fee
		Schedule and signing a field rental agreement. All field rentals must be
		approved by the City Manager or designee Parks and Recreation Director.
		A <u>field rental</u> permit <u>issued by the Director</u> will be provided and must be
0		shown if asked for by a representative of the City.
<u>U. Ar</u>		al Meeting Upon the request by the Director, each Recognized Youth Association
	1.	shall meet with the City staff to review City ordinances and discuss
		expectations and field closures for the upcoming season/year."
		<u>empretations and nota crossiles for the appointing boason jour.</u>

<u>SECTION 4</u>.

That Section 133.33 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

Section 133.33. Youth Sports Council

- A. The Youth Sports Council shall consist of members from each city approved youth athletic association. The city of Carrollton shall recognize one athletic organization for each sport, with the exception of youth baseball, which shall have two recognized organizations. Each athletic organization that is recognized by the City of Carrollton as of August 1, 2005 shall continue to represent their sport on the Youth Sports Council for the life of the organization.
- B. Each representative to the Youth Sports Council shall be appointed by his or her organization. Membership in the Youth Sports Council is mandatory if a recognized youth organization wishes to use city athletic facilities.
- C. The Youth Sports Council will have regular meetings two times per year which will coincide with seasonal dates. The first meeting will take place in February and the second meeting will take place in August. Special meetings may be called by the city or at the request of two or more council members. A minimum of 48 hours is needed to call a special meeting.
- D. A youth organization representing a new sport and desiring membership on the council must petition and meet with the City ninety (90) days prior to the February meeting for Spring/Summer sports or ninety (90) days prior to the August meeting for Fall/Winter sports. The City must approve each organization for use of city athletic facilities and their membership must be ratified by a majority vote of the existing members.

SECTION <u>54</u>.

That Sections 133.34, 133.35 and 133.36 of the Code of Ordinances, City of Carrollton, Texas, are hereby repealed.

SECTION 65.

That any person, association or group violating a provision of this ordinance, upon conviction, is guilty of a misdemeanor offense punishable as provided in Section $\frac{1}{2}$ 0.99 of the Carrollton City Code.

SECTION 76.

That 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 87.

That the provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code. If any section, sub-section, paragraph, clause, phrase or provision of this ordinance, or its application to any person or circumstance shall be adjudged or held invalid, that invalidity shall not affect the provisions that can be given effect without the invalid provision or application.

SECTION <u>98</u>.

That this ordinance shall take effect immediately from and after its adoption and publication.

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

Matthew Marchant, Mayor

ATTEST:

Krystle F. Nelinson, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith Ladd City Attorney Scott Whitaker Parks and Recreation Director

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CARROLLTON CITY CODE BY AMENDING TITLE XIII, CHAPTER 133 PARKS AND RECREATION, SECTIONS 133.02, 133.15, 133.31 AND 133.32 TO AMEND THE GENERAL POLICIES AND GUIDELINES OF ATHLETIC ACTIVITIES AND THE RULES AND REGULATIONS OF THE PARKS AND RECREATION CODE; REPEALING SECTION 133.33; PROVIDING PENALTY, SAVINGS, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council finds that amending Chapter 133 of the Carrollton City Code will increase the effectiveness and clarity of the rules, general policies, and guidelines of usage of athletic and recreational facilities controlled by the City; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendments to the Sign Regulations would provide for and would be in the best interest to safeguard life, health, property and public welfare.

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

<u>SECTION 1</u>.

Section 133.02 Definitions of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

"Section 133.02. Definitions.

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

Association. A group of sports coaches, players, volunteers, and board members who represent a specific sport.

Director. The Parks and Recreation Director or his designee.

League. An organization that provides sports programming for people who participate in a specific sport.

Loiter. The walking around aimlessly without apparent purpose; lingering; hanging around; lagging behind; the idle spending of time; delaying; or sauntering and moving about where such conduct is not due to physical defects or conditions.

Organized Game. Any sporting event where two teams are playing each other and may have uniforms, officials, or spectators present.

Park. A park, reservation, playground, recreation center or any area in the City owned or used by the City, and devoted to active or passive recreation, including all planted medians, parkways, triangles and traffic circles maintained by the City.

Person. Any person, firm, partnership, corporation, association, company or organization of any kind.

Vehicle. Any conveyance employing wheel, track, laying devices, runners, fans or propellers, whether motor-powered, animal-drawn or self-propelled. The term shall include trailers of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City."

SECTION 2.

Section 133.15 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

"Section 133.15 - Promulgation and posting of rules and regulations.

The Parks and Recreation Director shall recommend to the City Manager such rules and regulations as it deems best for the management of the public parks, and where these rules have been adopted for a specific park area and posted in a manner sufficiently to be seen by an ordinarily observant person within the specific park so regulated, any person found guilty of violating these rules shall be guilty of a misdemeanor."

SECTION 3.

Section 133.31 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

"Section 133.31 Responsibility of Parks and Recreation Board.

It shall be the responsibility of the Parks and Recreation Board to:

- A. Periodically audit and review the effectiveness of this ordinance;
- B. Evaluate problems encountered by users and/or requesters of facilities; and
- C. Recommend changes to this ordinance to the City Council at those times as it or the Council deems necessary."

SECTION 4.

That Section 133.32 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

"Section 133.32 General policies and guidelines.

- A. The Recognized Youth Associations within the City of Carrollton are as follows:
 - 1. Carrollton Aqua Racers
 - 2. Carrollton Farmers Branch Baseball Association
 - 3. Carrollton Farmers Branch Girls Softball Association
 - 4. Carrollton Farmers Branch Soccer Association
 - 5. Carrollton Little League
 - 6. Carrollton Youth Football League
- B. Associations desiring the use of City facilities must agree to and sign a facility use agreement and must confine their association within the City of Carrollton corporate limits.
- C. All associations must be recognized by the state of Texas as a non-profit organization.
- D. Eligibility requirements for youth sports participants:
 - 1. Youth eligibility is regulated by each individual association's organizational rules, but must allow for all Carrollton residents.
- E. Eligibility requirements for participating in adult sports:
 - 1. Carrollton welcomes both residents and non-residents to participate in adult sports.
 - 2. Fees may vary based on residency.
- F. All associations or teams playing on City fields must submit the following:
 - 1. Contact information of all board members in the association.
 - 2. Master schedule of all games to be played including dates, times, facilities, and teams are due to the City electronically one week prior to first scheduled game. This includes all rosters with address for participants.
 - 3. Proof of non-profit status.
 - 4. All associations must submit a copy of bylaws and all bylaws must be in harmony with the policies of the City.
 - 5. Insurance: All associations or organizations must provide (and keep in force for the duration of the playing season) general liability insurance of the occurrence type written by an insurance company acceptable to the City. This insurance must have insurance limits of not less than \$1,000,000 CSL (combined single limit). The insurance certificate must list the City as an Additional insured with a notice of cancellation clause of not less than 30 days. Insurance certificate must be on file prior to any practices or games.

- G. Any participant of an association shall have the right to request and receive a report of all revenues, expenses, and any other financial information from any association using City facilities for leagues, tournaments, or concessions.
 - 1. All associations must submit an annual report to the City to include all of the above information.
- H. The City may terminate the use of City facilities for any failure to comply with established policies.
- I. Facility use guidelines
 - 1. Closed Fields
 - i. A closed field will be any field that is not open due to a determination made by the Director,
 - ii. The Director is authorized to close any athletic field for inclement weather, maintenance requirements, or to protect the playing surface from damage.
 - iii. In most cases, the City will post signs and lock gates at closed fields.
 - iv. No association shall provide maintenance on any field unless authorized in advance and in writing by the Director.
 - v. If there has been rain before a weekday game, coaches may call after 4:00 p.m. to verify whether facilities are playable. Some decisions may be made as late as 6:00 PM in extreme cases. All league presidents must advise their participants that only coaches may call the rain out number. Coaches should then notify their team.
 - vi. Prior to each season, the City may designate rest days for maintenance during that season.
 - vii. All soccer fields will be closed for overseeding for a two-week period during the months of September and October on dates determined by the Director, and during the last two weeks of June and all of July for maintenance unless otherwise determined by the Director. All fields will be closed during the month of December and first two weeks of January.
 - viii. If fields are damaged during a closure for any reason, the repair of damages will be charged to the person responsible for the field rental.
 - 2. Parking
 - i. All participants must park in designated areas. Motorized vehicles are prohibited on walkways, grass and trails. All vehicles are subject to ticketing and/or towing at the owner's expense.
 - 3. Practices
 - i. All teams must request a permit and pay for any practice time on or in City athletic facilities. It is unlawful for any team or association to conduct organized practices on any athletic field without proper permit.

- ii. Practice fields in neighborhood parks shall not require a permit. They are first come, first served. There shall be no organized games on neighborhood practice fields.
- Each Recognized Youth Association will be allotted one free week of practices/scrimmages the week prior to their regular season(s). Associations are responsible for scheduling teams and communicating their facility needs with the City no less than one week in advance.
- iv. Due to the specialized nature of their sport, Carrollton Youth Football will be provided access to facilities for practice. Practice schedules must be provided to the City by the association no less than one week in advance.
- 4. Make-up Games
 - i. All league make-up games and non-scheduled games must be approved in advance by the City. No game shall be rescheduled for any reason other than inclement weather or electrical failures. Any other reason for rescheduling must be submitted in writing for review and approval by the Director.
 - ii. All associations wanting to extend the season from its original request must submit a request in writing to the City.
 - iii. Granting or denying the association's request shall be within the discretion of the City.
- 5. Keys
 - i. The president of each association must submit a completed key request form to the athletics office for review and approval by the Director.
 - ii. A key audit will be performed on an annual basis.
 - iii. Lost keys may result in a complete changing of the locks at the association's expense and loss of key privileges.
- 6. Litter Removal
 - i. All associations and individual user-groups are responsible for cleaning up playing surface and surrounding areas of athletic complexes. Failure to comply may result in loss of playing privileges. Absolutely no glass containers shall be allowed at any park.
- 7. Lights
 - i. Access will be given to specified board members to control lights using the Musco Control Link System at designated facilities during league games only.
 - ii. Any association that abuses the use of the lights will lose access to the Musco Control Link System.
- 8. Concessions
 - i. Recognized Youth Associations may operate their designated concession stands on a schedule determined by the Director. If the association chooses not to operate the stand, the City may operate

the concession stand in whatever manner the Director deems appropriate.

- ii. In the case where associations share a concession stand, the two associations must come to an agreement amongst themselves. In cases in which there is no agreement, the City may operate the concession stand in whatever manner the Director deems appropriate. Game days supersede practices when deciding who will have use of the stand.
- iii. All concession stands must meet the City's Environmental Services Department Guidelines.
- iv. All associations are responsible for the cleanliness of each stand they operate. Failed Health inspections may result in loss of rights to operate.
- v. All associations are required to purchase all soft drink supply from the City's current contracted vendor unless otherwise approved by the City.
- vi. The City may supply water, electricity, and make needed repairs to the concession stand. If the City finds the concession stand dirty from food or other items, the association will be charged \$25 per hour for each employee needed to clean the facility.
- vii. All associations must collect and remit all applicable sales tax for items sold on City property.
- viii. Failure to comply with State law, the Carrollton Code of Ordinances, or park rules established by the City may result in the loss of rights to operate.
- 9. Field Maintenance
 - i. No association shall provide any type of field maintenance, including the use of any product for drying infields and marking lines, unless a written request is submitted and approved by the Director.
- 10. Alcohol in Parks
 - i. It is unlawful to possess or consume alcoholic beverages within any City park or athletic/recreation facility.
- 11. Scoreboard Control Boxes
 - i. Control boxes will be available to each association throughout each season.
 - ii. If an association loses or damages the control boxes, that association will reimburse the City for replacement parts or repairs, including wires and inserts to boxes.
- 12. Goal Posts
 - i. All goal posts shall remain secured in the ground at all times. No association or any user-group is permitted to move goal posts without express approval from the Director. Failure to comply may result in loss of rights to use the facility.
 - ii. Tape is not permitted as a method of securing nets to soccer goal posts.

- 13. Coaches Certification for Recognized Youth Associations
 - i. Each association is responsible for having all coaches certified through a state or national organization, or through the City's certification program. The association is responsible for all costs of the certification.
 - ii. Certifications must include a minimum of \$1,000,000 of liability insurance and background checks.
 - iii. Each association shall submit rosters of certified coaches to the City.
- 14. Criminal History Background Checks for Recognized Youth Associations
 - i. All recognized youth associations are required to conduct criminal history background checks on all coaches and volunteers associated with any team or association.
- 15. Age Cut-off
 - i. All associations set age cut-off dates in conjunction with their governing body or parent organization.
 - ii. All participants are placed in age divisions based on their age as of the current year of each date set by the association by laws.
 - iii. Dates can be changed subject to approval by the City.
- 16. Facility Allocation
 - i. Primary Facilities used by Recognized Youth Associations for league games
 - Carrollton Farmers Branch Youth Soccer McInnish Soccer Complex Fields A-E and R.E. Good Soccer Complex Fields 1-5
 - Carrollton Farmers Branch Baseball Association McInnish Baseball Fields 6-9, 11 Josey Ranch Field 6
 - 3. Carrollton Farmers Branch Girls Softball Josey Ranch Fields 1-4
 - 4. Carrollton Little League Thomas Fields 1-2 and McInnish Baseball Fields 10, 12-15
 - 5. Carrollton Youth Football Josey Ranch and Thomas Football Fields
 - 6. Carrollton Aqua Racers
 - Rosemeade Rainforest Aquatic Complex

ii. The Director may make changes to the allocations based on registration numbers for each association.

- J. Scheduling/Reservations
 - 1. The Director will make final decisions regarding permit issuance, scheduling, and field allocation.
 - 2. All season requests must be made in writing by each association and submitted to the City no later than one month prior to opening day of each season. Requests must include the following information:
 - i. Specific facilities being requested.
 - ii. Beginning and ending dates of season.

iii. Estimated days and times each facility is needed.

- 3. All associations must submit game schedules to the City no less than one week prior to opening day each season.
- 4. All City programs or events scheduled by the City have first priority on any athletic facility.
- 5. All Recognized Youth Associations will have second priority on any athletic facility listed in this subsection.
- 6. All primary seasons will have priority over secondary or off-season sports. Each association must designate primary season.
- 7. All other user-groups must obtain a permit from the Director. Individual teams of associations must obtain and pay for field use.
- 8. The Director may restrict any reservation length, time, and/or frequency.
- 9. All playoff dates must be submitted as part of the season schedule.
- 10. Failure to meet required deadlines could result in loss of priority use or use of facilities.
- K. Tournaments
 - 1. Each association may hold one tournament per year with no field rental charge.
 - 2. The City may host any Regional, State, or National tournament which would take precedence over any other tournament.
 - 3. Tournament requests follow the same guidelines stated in this subsection.
- L. Clinics or Camps
 - 1. Any clinic or camp request must be submitted to the City for approval.
 - 2. The clinic or camp host will pay field rental fees and a negotiated fee from sales or gate fees.
 - 3. Clinics and camps are secondary to all league play.
- M. Vendor Fee
 - 1. A negotiated fee will be paid to the City when money is taken for goods or services on City owned park property.
- N. Field Rentals
 - 1. Any person who does not sign a facility use agreement may rent fields based on availability in accordance with the policies and guidelines (except insurance and audit requirements) and after paying the fees in accordance with Chapter 31 of the City's Comprehensive Fee Schedule and signing a field rental agreement. All field rentals must be approved by the Director. A field rental permit issued by the Director must be shown if asked for by a representative of the City.

O. Annual Meeting

1. Upon request by the Director, each Recognized Youth Association shall meet with the City staff to review City ordinances and discuss expectations and field closures for the upcoming season/year."

SECTION 5.

Section 133.33 of the Code of Ordinances, City of Carrollton, Texas, is hereby repealed in its entirety.

SECTION 6.

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

SECTION 7.

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 8.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code. If any section, sub-section, paragraph, clause, phrase or provision of this ordinance, or its application to any person or circumstance shall be adjudged or held invalid, that invalidity shall not affect the provisions that can be given effect without the invalid provision or application.

SECTION 9.

This ordinance shall take effect immediately from and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this 7th day of April, 2015.

Matthew Marchant, Mayor

ATTEST:

Krystle F. Nelinson, City Secretary

APPROVED AS TO FORM:

Susan Keller Assistant City Attorney

APPROVED AS TO CONTENT:

Scott Whitaker Parks and Recreation Director

City of Carrollton



Agenda Memo

File Number: 1928

Agenda Date: 4/7/20	15 Version: 1	Status: Consent Agenda		
In Control: City Cour	cil	File Type: Ordinance		
Agenda Number: *28.				
CC MEETING:	April 7, 2015			
DATE:	March 20, 2015			
TO:	Leonard Martin, City Manager			
FROM:	Carl W. Shelton, Fleet & Facilities Director			

Consider An <u>Ordinance Adopting The North Central Texas Council Of Governments'</u> <u>Regional Transportation Council's Revised Clean Fleet Vehicle Policy.</u>

BACKGROUND:

In April of 2006 the City of Carrollton approved Ordinance Number 3063, adopting the NCTCOG RTC Clean Fleet Vehicle Policy. This policy stipulated that the City of Carrollton will follow recommended guidelines from the RTC to help lower vehicle emissions as well as conserve fuel in the D/FW Metropolitan Area. In addition to reducing emissions and conserving fuel, adoption of this policy enhanced potential grant opportunities for fleet and transportation related issues.

The RTC revised and updated the policy in late 2014 to reflect changes in vehicle and fuel emission control standards set by the State and Federal governments, as well as changes made by vehicle manufacturers. This item is a request for the adoption of the revised Clean Fleet Vehicle Policy that was approved by NCTCOG on December 14, 2014.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the attached ordinance be approved by City Council.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, REQUIRING REDUCED FLEET EMISSIONS, INCLUDING **IDLE-REDUCTION POLICY** OR IMPLEMENTATION OF AN **STANDARD OPERATING PROCEDURE**, REDUCED OVERALL FUEL CONSUMPTION. PARTNERING WITH THE DALLAS-FORT WORTH CLEAN CITIES (DFWCC) AND NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG), ENSURING FLEET PERSONNEL ARE FAMILIAR WITH AND ABLE TO IMPLEMENT AIR **QUALITY AND PETROLEUM REDUCTION GOALS, AND ENTITIES WISHING TO** APPLY FOR CLEAN VEHICLE FUNDING MADE AVAILABLE BY THE RTC MUST ADOPT THE REVISED CLEAN FLEET POLICY IN ORDER TO BE ELIGIBLE, AND **PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the North Central Texas Council of Governments (NCTCOG) has been designated as the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth (DFW) Metropolitan Area by the Governor of Texas and in accordance with federal law; and

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation ordinance body associated with NCTCOG and has been and continues to be the regional forum for cooperative decisions on transportation; and

WHEREAS, NCTCOG has been designated as a Clean Cities Coalition for the DFW region by the US Department of Energy in accordance with federal law and the NCTCOG Executive Board authorized NCTCOG to serve as the host organization for the DFW Clean Cities (DFWCC) Coalition and its efforts; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) has designated the DFW area as a nonattainment area for the pollutant ozone, and air quality impacts the public health of the entire region; and

WHEREAS, emissions inventories from the Texas Commission on Environmental Quality (TCEQ) indicate that in 2012, approximately 76 percent of the nitrogen oxides (NO_X) emissions and 25 percent of the volatile organic compounds (VOC) emissions in the DFW ozone nonattainment area are attributable to mobile sources; and

WHEREAS, the RTC is responsible for transportation conformity; and the Clean Air Act Amendments of 1990 require that transportation plans and improvement programs in air quality nonattainment areas conform to the adopted State Implementation Plan (SIP); and

WHEREAS, the RTC has adopted a resolution supporting the adoption and implementation of a Clean Fleet Ordinance by organizations with fleet operations in the DFW area; and reserves all future vehicle funding for entities that adopt and comply with a ordinance consistent with the provisions outlined below; and

WHEREAS, the City of Carrollton will set goals and provide workable, cost-effective solutions to improve air quality and reduce petroleum consumption in the DFW area, and implement those measures as practicable.

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

SECTION 1.

City of Carrollton will reduce emissions from fleet activities by performing the following actions as practicable:

1.1 Implement an idle-reduction ordinance/standard operating procedure (SOP) that applies to all of the entity's vehicles and equipment, except where exempted as determined by City of Carrollton; communicate idle-reduction expectations to staff, vendors and visitors; and utilize idle-reduction technology.

1.2 Maximize use of vehicles and equipment with the lowest emissions wherever possible.

1.3 Ensure all conversions are EPA and/or California Air Resources Board (CARB) certified; ensure that aftermarket technologies are EPA and/or CARB verified, or are listed as an emerging technology by the EPA or a state environmental agency; and both conversions and aftermarket technologies are compatible with Texas Low Emission Diesel Program (TxLED) requirements.

1.4 Establish a plan to modify non-essential fleet activities on high ozone days to reduce air quality impacts.

1.5 Implement vehicle and equipment disposal strategies which minimize negative impacts on air quality.

1.6 Implement vehicle and equipment emissions inspection practices which meet or surpass the standards required by statute, including prompt resolution of any illuminated malfunction indicator lamp (MIL).

SECTION 2.

City of Carrollton will reduce overall fuel consumption, particularly the use of conventional petroleum fuels, by performing the following actions as practicable:

2.1 Pursue low-emission vehicles and equipment for acquisition, with an emphasis on alternative fuel and advanced technology.

2.2 Improve overall fleet fuel efficiency.

2.3 Establish practices to reduce vehicle miles traveled, passenger miles traveled, engine hours, and/or ton miles traveled, as appropriate.

SECTION 3.

City of Carrollton will partner with the NCTCOG and DFWCC by performing the following actions as practicable:

3.1 Maintain membership and active participation in DFWCC and submit timely Clean Fleet Ordinance reporting.

3.2 Evaluate and consider participation in programs to test/commercialize/demonstrate new technologies to improve efficiency, reduce emissions, and/or increase fuel efficiency.

3.3 Pursue activities which support peer fleets' efforts to implement fuel- or emissions-reducing activities by sharing and maximizing resources.

3.4 Encourage fleet activities which minimize water, solid waste, or other environmental impacts of fleet activities, as appropriate.

SECTION 4.

City of Carrollton will ensure drivers/operators and fleet personnel are familiar with air quality and petroleum reduction goals by performing the following actions as practicable:

4.1 Provide in-house training and/or attending training administered by NCTCOG for fleet personnel and other staff involved in fleet decisions to review ordinance elements and provide recommendations for achieving objectives.

4.2 Consider other mechanisms to increase understanding and awareness among fleet personnel and others.

The City of Carrollton acknowledges that adoption of the Clean Fleet Ordinance, adoption of an idle reduction ordinance/SOP as outlined in section 1.1, submittal of both policies, and submittal of Clean Fleet Ordinance reporting is required to be eligible for future clean fleet funding from the RTC, and may be considered when determining other funding actions. The extent of Clean Fleet Ordinance implementation, as documented through reporting, will also be a factor in receiving DFWCC fleet recognition.

SECTION 5.

This Ordinance replaces prior Ordinance #3063 and shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this 7th day of April, 2015.

CITY OF CARROLLTON, TEXAS

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith Ladd, City Attorney

Carl W. Shelton, Fleet & Facilities Director

City of Carrollton



Agenda Memo

File Number: 1945

Agenda Date: 4/7/2015		Version: 1	Status: Consent Agenda	
In Control: City Council			File Type: Ordinance	
Agenda Number: *29.				
CC MEETING:	April 7, 2015			
DATE:	April 2, 2015			
TO:	Leonard Martin, City Mar	nager		
FROM:	Bob Scott, Assistant City	Manager		

Consider <u>All Matters Incident And Related To The Issuance And Sale Of "City Of</u> <u>Carrollton, Texas, General Obligation Improvement And Refunding Bonds, Series 2015",</u> <u>Including The Adoption Of An Ordinance Authorizing The Issuance Of Such Bonds,</u> <u>Establishing Parameters For The Sale And Issuance Of Such Bonds And Delegating</u> <u>Certain Matters To Authorized Representatives Of The City.</u>

BACKGROUND:

The City plans to price via negotiated sale the Series 2015 General Obligation Improvement and Refunding Bonds consisting of combined proceeds of approximately \$49,076,500, including premiums, on April 22, 2015. The issue consists of approximately \$18,860,100 of new improvement bonds and approximately \$30,216,400 for refunding bonds. The new improvement bonds are being issued to provide funds for street improvements in the amount of \$8,585,000; traffic improvements in the amount of \$200,000; drainage improvements in the amount of \$3,670,000; Public Safety Facilities Improvements in the amount of \$5,000,000; Parks improvements in the amount of \$1,220,000; and to pay estimated costs of issuance of \$185,100. The refunding bonds will refund \$29,375,000 of Series 2005 and 2006 bonds and pay accrued interest and costs of issuance.

FINANCIAL IMPLICATIONS:

The Bonds are tax-supported debt. All costs of issuance will be paid from the proceeds from the issuance of the bonds. Bonds will be subject to arbitrage laws.

IMPACT ON COMMUNITY SUSTAINABILITY:

Issuance of the Series 2015 new improvement bonds will assist the City in the continuation of the capital improvement program. The issuance of the refunding bonds is projected to provide a net present value savings of debt service of approximately \$3.8 million.

STAFF RECOMMENDATION/ACTION DESIRED: Consider all matters incident and

related to the issuance and sale of "City of Carrollton, Texas, General Obligation Improvement and Refunding Bonds, Series 2015", including the adoption of an ordinance authorizing the issuance of such bonds, establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized representative of the City.

ORDINANCE NO.

AN ORDINANCE authorizing the issuance of "CITY OF CARROLLTON, TEXAS, GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2015"; levying a continuing direct annual ad valorem tax for the payment of said Bonds; and resolving other matters incident and related to the issuance, sale, payment, and delivery of said Bonds; establishing procedures for the sale and delivery of the Bonds; and delegating matters relating to the sale and issuance of the Bonds to authorized City representatives

WHEREAS, the City Council of the City of Carrollton, Texas (the "City"), hereby finds and determines that general obligation bonds approved and authorized to be issued at elections held January 16, 1998, November 6, 2007 and November 5, 2013 should be authorized to be issued at this time; a summary of the general obligation bonds authorized at said elections, as well as at an election held May 15, 2004, the principal amounts authorized, amounts heretofore issued and being issued pursuant to this ordinance and amounts remaining to be issued subsequent hereto shall be as follows (or as provided in the Pricing Certificate hereinafter referenced):

Election Date	Purpose	Amount <u>Authorized</u>	Amounts Previously Issued	Amount Being <u>Issued</u>	Unissued Balance
01-16-98	Traffic Improvements	\$ 5,100,000	\$4,850,000	\$200,000-	\$ 50,000
05-15-04	Traffic Improvements	450,000	-0-	-0-	450,000
05-15-04	Drainage Improvements	15,400,000	13,109,567	2,290,433	-0-
11-06-07	Drainage Improvements	9,200,000	-0-	1,379,567	7,820,433
11-06-07	Economic Development Incentives	2,000,000	1,600,000	-0-	400,000
11-05-13	Street Improvements/Traffic Flow	43,175,000	1,645,222	8,585,000	32,944,778
11-05-13	Drainage Improvements	8,780,000	-0-	-0-	8,780,000
11-05-13	Parks & Recreation Facilities	8,545,000	2,865,000	1,220,000	4,460,000
11-05-13	Public Safety Facilities	14,500,000	2,000,000	5,000,000	7,500,000

AND WHEREAS, the City shall by this Ordinance, in accordance with the provisions of Texas Government Code, Chapter 1371, delegate to a Pricing Officer (hereinafter designated) the authority to determine the principal amount of Bonds to be issued and negotiate the terms of sale thereof; and

WHEREAS, the City currently has outstanding obligations (hereinafter collectively called the "Refunded Bonds"), to wit:

(1) City of Carrollton, Texas, General Obligation Improvement and Refunding Bonds, Series 2005, dated February 15, 2005 (the "Series 2005 Bonds"); and

(2) City of Carrollton, Texas, General Obligation Improvement Bonds, Series 2006, dated June 1, 2006 (the "Series 2006 Bonds"); and

WHEREAS, pursuant to the provisions of Texas Government Code, Chapter 1207, as amended, the City Council of the City is authorized to issue refunding bonds and deposit the proceeds of sale directly with any place of payment for the Refunded Bonds, or other authorized depository, and such deposit, when made in accordance with said statute, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Bonds; and

WHEREAS, the City shall by this Ordinance, in accordance with the provisions of Texas Government Code, Chapter 1207 and Chapter 1371, delegate to a Pricing Officer (hereinafter designated) the authority to determine the principal amount of Bonds to be issued and negotiate the terms of sale thereof and to select the specific maturities, in whole or in part, of the Refunded Bonds to be refunded and negotiate the terms of sale thereof; and

WHEREAS, the City Council hereby finds and determines that it is a public purpose and in the best interests of the City to refund the Refunded Bonds in order to achieve a present value debt service savings and to authorize the issuance of the Bonds in one or more series and the terms of such bonds to be included in one or more pricing certificates (each a "Pricing Certificate") to be executed by the Pricing Officer (hereafter designated), all in accordance with the provisions of Texas Government Code, Section 1207.007, as amended, and Texas Government Code, Chapter 1371, as amended; now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON:

SECTION 1: Authorization - Series Designation - Principal Amount - Purpose - Bond Date. General obligation bonds of the City shall be and are hereby authorized to be issued in one or more series in the aggregate principal amount set forth in the applicable Pricing Certificate to be designated and bear the title "CITY OF CARROLLTON, TEXAS GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BONDS, SERIES 2015" (herein referred to as the "Bonds"), for the purposes of providing funds (1) for permanent public improvements and public purposes, to wit: \$200,000 for traffic flow improvements, including signalization and the acquisition of land and rights-of-way therefor, \$3,670,000 for drainage improvements, including the acquisition of land therefor and rights-of-way therefor, \$8,585,000 for street improvements and traffic flow improvements, including signalization, drainage improvements related thereto and the acquisition of land and rights-of-way therefor, \$1,220,000 for constructing, improving and equipping park and recreation facilities, including the acquisition of land therefor and \$5,000,000 for constructing, improving and equipping public safety facilities (or as otherwise provided in the applicable Pricing Certificate) and (2) for the discharge and final payment of certain obligations of the City (described in the preamble hereof and finally identified in the applicable Pricing Certificate and referred to as the "Refunded Bonds") and to pay the costs and expenses of issuance, all as provided in the applicable Pricing Certificate and in accordance with the authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapters 1207, 1331 and 1371, as amended.

SECTION 2: <u>Bond Date - Fully Registered Obligations - Terms</u>. The Bonds shall be dated (the "Bond Date") as provided in the Pricing Certificate. The Bonds shall be issued as fully registered obligations, without coupons, and the Bonds (other than the Initial Bond(s) referenced in Section 8 hereof) shall be in denominations of \$5,000 or any integral multiple (within a Stated Maturity) thereof, shall be lettered "R" and numbered consecutively from one (1) upward and principal shall become due and payable on a date certain in each of the years and in amounts (the "Stated Maturities") and bear interest at the rate(s) per annum in accordance with the details of the Bonds as set forth in the Pricing Certificate.

The Bonds shall bear interest on the unpaid principal amounts from the date specified in the Pricing Certificate at the rate(s) per annum shown in the Pricing Certificate (calculated on the basis of a 360-day year consisting of twelve 30-day months). Interest on the Bonds shall be

payable in each year, on the dates, and commencing on the date, set forth in the Pricing Certificate.

(a) As authorized Texas SECTION 3: Delegation of Authority to Pricing Officer. Government Code, Chapter 1207, as amended, and Texas Government Code. Chapter 1371. as amended, the Chief Financial Officer or Controller (either, a "Pricing Officer") is hereby authorized to act on behalf of the City in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining whether the Bonds shall be issued in one or more series, the selection of the specific maturities or series in whole or in part of the Refunded Bonds to be refunded, determining the aggregate principal amount of each series of Bonds, the aggregate principal amount to be issued for new money purposes and the amounts to be issued from each proposition (if different from that reflected on page 1 hereof), the aggregate principal amount to be issued for refunding purposes, as applicable, the date of each series of the Bonds, any additional or different designation or title by which the Bonds shall be known, the price at which the Bonds of each series will be sold, the manner of sale (negotiated, privately placed or competitively bid), the years in which the Bonds will mature, the principal amount to mature in each of such years, the rate of interest to be borne by each such maturity, the interest payment dates, the record date, the price and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, the designation of a paying agent/registrar, the designation of an escrow agent satisfying the requirements of Texas Government Code, Chapter 1207, as amended, the terms of any bond insurance applicable to the Bonds, the designation of one or more funds for the payment of the Bonds, and all other matters relating to the issuance, sale, and delivery of the Bonds all of which shall be specified in the applicable Pricing Certificate, provided that:

(i) the aggregate original principal amount of the Bonds shall not exceed \$51,000,000;

(ii) the refunding must produce present value debt service savings of at least 8.00%, net of any contribution by the City;

(iii) the true interest cost rate for the Bonds shall not exceed 3.50%; and

(iv) the maximum maturity date for the Bonds shall not exceed August 15, 2035.

The execution of the applicable Pricing Certificate shall evidence the sale date of the Bonds by the City to the Purchasers (hereinafter defined).

(b) The delegation made hereby shall expire if not exercised by the Pricing Officer within 180 days of the date hereof. The Pricing Officer may exercise such delegation on more than one occasion during such time period.

SECTION 4: <u>Terms of Payment - Paying Agent/Registrar</u>. The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Bonds (hereinafter called the "Holders") appearing on the registration and transfer books maintained by the Paying Agent/Registrar, and the payment thereof shall be in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of the Paying Agent/Registrar for the Bonds shall be as provided in the Pricing Certificate. Books and records relating to the registration, payment, exchange and transfer of the Bonds (the "Security Register") shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement," substantially in the form attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Pricing Officer is hereby authorized to execute and deliver such Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution, or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States Mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

The Bonds shall be payable at their Stated Maturities or upon their earlier redemption, only upon the presentation and surrender of the Bonds to the Paving Agent/Registrar at its designated offices provided in the Pricing Certificate (the "Designated Payment/Transfer Office"); provided, however, while a Bond is registered to Cede & Co., the payment thereof upon a partial redemption of the principal amount thereof may be accomplished without presentation Interest due on the Bonds shall be paid by the Paying and surrender of such Bond. Agent/Registrar to the Holders whose names appears in the Security Register at the close of business on the Record Date (which shall be set forth in the Pricing Certificate) and such interest payments shall be made (i) by check sent United States Mail. first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a non-payment of interest on one or more maturities of the Bonds on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such past due interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder of the Bonds appearing on the Security Register at the close of business day next preceding the date of mailing of such notice.

SECTION 5: <u>Registration - Transfer - Exchange of Bonds - Predecessor Bonds</u>. A Security Register relating to the registration, payment, and transfer or exchange of the Bonds shall at all times be kept and maintained by the City at the Designated Payment/Transfer Office

of the Paying Agent/Registrar, as provided herein and in accordance with the provisions of the Paying Agent/Registrar Agreement and such rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each and every Holder of the Bonds issued under and pursuant to the provisions of this Ordinance, or if appropriate, the nominee thereof. Any Bond may be transferred or exchanged for Bonds of like maturity, and amount and in authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar at its Designated Payment/Transfer Office for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender for assignment or transfer of any Bond (other than the Initial Bonds authorized in Section 8 hereof) for transfer at the Designated Payment/Transfer Office of the Paying Agent/Registrar, one or more new Bonds, executed on behalf of and furnished by the City, shall be registered and issued to the assignee or transferee of the previous Holder; such Bonds to be of authorized denominations, of like Stated Maturity, and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bonds authorized in Section 8 hereof) may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds, executed on behalf of and furnished by the City, to the Holder requesting the exchange.

All Bonds issued upon any such transfer or exchange of Bonds shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States Mail, first class postage prepaid, to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 11 hereof, and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Bond called for redemption, in whole or in part, within forty-five (45) days of the date fixed

for the redemption of such Bond; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Bond called for redemption in part.

SECTION 6: <u>Book-Entry-Only Transfers and Transactions</u>. Notwithstanding the provisions contained in Sections 4 and 5 hereof relating to the payment and transfer/exchange of the Bonds, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement, and transfer system provided by The Depository Trust Company ("DTC"), a limited purpose trust company organized under the laws of the State of New York, in accordance with the requirements and procedures identified in the current DTC Operational Arrangements memorandum, as amended, the Blanket Issuer Letter of Representation, by and between the City and DTC, and the Letter of Representation from the Paying Agent/Registrar to DTC (collectively, the "Depository Agreement") relating to the Bonds.

Pursuant to the Depository Agreement and the rules of DTC, the Bonds shall be deposited with DTC who shall hold said Bonds for its participants (the "DTC Participants"). While the Bonds are held by DTC under the Depository Agreement, the Holder of the Bonds on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Bond (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Bonds or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Bonds, the City covenants and agrees with the Holders of the Bonds to cause Bonds to be printed in definitive form and provide for the Bond certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Bonds in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar, and payment of such Bonds shall be made in accordance with the provisions of Sections 4 and 5 hereof.

SECTION 7: <u>Execution - Registration</u>. The Bonds shall be executed on behalf of the City by the Mayor or Mayor Pro Tem under the City's seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of said officials on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officials of the City on the date of the adoption of this Ordinance shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in Chapter 1201, Texas Government Code, as amended.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 9(c), manually executed by the Comptroller of Public Accounts of the State of Texas, or his or her duly authorized agent, or a certificate of registration substantially in the form provided in Section 9(d), manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered, and delivered.

SECTION 8: Initial Bond(s). The Bonds herein authorized shall be initially issued either (i) as a single fully registered bond in the aggregate principal amount of the Bonds with principal installments to become due and payable as provided in the Pricing Certificate and numbered T-1, or (ii) as multiple fully registered bonds, being one bond for each year of maturity in the applicable principal amount and denomination and to be numbered consecutively from T-1 and upward (hereinafter called the "Initial Bond(s)") and, in either case, the Initial Bond(s) shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Bond(s) shall be the Bonds submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas, and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond(s), the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall cancel the Initial Bond(s) delivered hereunder and exchange therefor definitive Bonds of authorized denominations. Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the Holders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paving Agent/Registrar may reasonably require.

SECTION 9: Forms.

(a) <u>Forms Generally</u>. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and, with the Bonds to be completed and modified with the information set forth in the applicable Pricing Certificate, may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends on insured Bonds and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the Pricing Officer. The Pricing Certificate(s) shall set forth the final and controlling forms and terms of the Bonds. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bond(s) shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

(b) <u>Form of Definitive Bonds</u>.

REGISTERED NO. R-____ PRINCIPAL AMOUNT

UNITED STATES OF AMERICA STATE OF TEXAS CITY OF CARROLLTON GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BOND SERIES 2015

 Bond Date:
 Interest Rate:
 Stated Maturity:
 CUSIP No.:

 _____%
 _____%
 ______%

Registered Owner:

Principal Amount:

DOLLARS

The Citv of Carrollton (hereinafter referred to as the "City"), a body corporate and political subdivision in the Counties of Dallas, Denton and Collin, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption), and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the) at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on and in each vear. commencing , until maturity or prior redemption. Principal of this Bond is payable at its Stated Maturity or redemption to the registered owner hereof, upon presentation and surrender, at the Designated Payment/Transfer Office of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor; provided, however, while this Bond is registered to Cede & Co., the payment of principal upon a partial redemption of the principal amount hereof may be accomplished without presentation and surrender of this Bond. Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the _____ day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$______ (herein referred to as the "Bonds") for the purpose of providing funds for (1) for permanent public improvements and public purposes, to wit: \$200,000 for traffic flow improvements, including signalization and the acquisition of land and rights-of-way therefor, \$3,670,000 for drainage improvements, including the acquisition of land therefor and rights-of-way therefor, \$8,585,000 for street improvements and traffic flow improvements, including signalization, drainage improvements related thereto and the acquisition of land and rights-of-way therefor, \$1,220,000 for constructing, improving and equipping park and recreation facilities, including the acquisition of land therefor and \$5,000,000 for constructing, improving and equipping public safety facilities, and (2) the discharge and final payment of certain outstanding obligations of the City and to pay the costs and expenses of issuance, under and in strict conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapters 1207 and 1371, as amended, and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

[The Bonds maturing on the dates hereinafter identified (the "Term Bonds") are subject to mandatory redemption prior to maturity with funds on deposit in the Interest and Sinking Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued interest thereon to the date of redemption, and without premium, on the dates and in the principal amounts as follows:

Term Bonds dueTerm Bonds dueRedemption DatePrincipal AmountRedemption DatePrincipal Amount

The particular Term Bonds of a Stated Maturity to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Term Bonds for a Stated Maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Bonds of like Stated Maturity which, at least fifty (50) days prior to a mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions appearing below and not theretofore credited against a mandatory redemption requirement.]

The Bonds maturing on and after _____, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on ______, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.

At least thirty (30) days prior to the date fixed for any redemption of Bonds, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Bond to be redeemed, in whole or in part, at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Bond (or any portion of its principal sum) shall have been duly

called for redemption and notice of such redemption duly given, then upon such redemption date such Bond (or the portion of its principal sum to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor; provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event a portion of the principal amount of a Bond is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Bond to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Bond or Bonds of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Bond is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Bond to an assignee of the registered owner within forty-five (45) days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Bond redeemed in part.

With respect to any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the redemption price of the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for redemption. If a conditional notice of redemption is given and such prerequisites to the redemption are not satisfied or sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the owner or holder of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Holders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at or prior to its maturity or redemption, and deemed to be no longer Outstanding thereunder; and not otherwise defined have the meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the registered owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal at the Stated Maturity, or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a Bond on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date by United States Mail, first class postage prepaid, to the address of each registered owner of a Bond appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented, and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions, and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid obligations of the City have been properly done, have happened, and have been performed in regular and due time, form, and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Bonds by the levy of a tax as aforestated. In case any provision in this Bond shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City.

CITY OF CARROLLTON, TEXAS

COUNTERSIGNED:

Mayor

City Secretary

(SEAL)

(c) Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Bonds only.

REGISTRATION CERTIFICATE OF COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER	(
OF PUBLIC ACCOUNTS	Ì	
	REGISTER NO.	
THE STATE OF TEXAS	(

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this _____.

(SEAL)

Comptroller of Public Accounts of the State of Texas

(d) Form of Certificate of Paying Agent/Registrar to appear on Definitive Bonds only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued and registered in the name of the Registered Owner shown above under the provisions of the within-mentioned Ordinance; the bond or bonds of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated office of the Paying Agent/Registrar in ______ is the Designated Payment/Transfer Office for this Bond.

as Paying Agent/Registrar

Registration Date:

By:_

Authorized Signature

(e) Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto (Print or typewrite name, address, and zip code of transferee):

(Social Security or other identifying number: _____) the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints ______

attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

Signature guaranteed:

NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

(f) The Initial Bonds shall be in the form set forth therefor in Subsection (b) of this Section, except a single Initial Bond shall be modified as follows:

Heading and paragraph one shall be amended to read as follows:

NO. T-1

\$____

UNITED STATES OF AMERICA STATE OF TEXAS CITY OF CARROLLTON GENERAL OBLIGATION IMPROVEMENT AND REFUNDING BOND SERIES 2015

Bond Date:

Registered Owner:

Principal Amount:

The City of Carrollton (hereinafter referred to as the "City"), a body corporate and political subdivision in the Counties of Dallas, Denton and Collin, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the registered owner named above, or the registered assigns thereof, the Principal Amount hereinabove stated on ______ in the years and in principal installments in accordance with the following schedule:

Stated	Principal	Interest
Maturity	Installment	<u>Rate(s)</u>

(Information to be inserted from Pricing Certificate).

(or so much principal thereof as shall not have been redeemed prior to maturity) and to pay interest on the unpaid principal installments hereof from the ______ at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on , and each and thereafter, until maturity or prior redemption. Principal installments of this Bond are payable in the year of maturity or on a redemption date to the registered owner hereof bv (the "Paving Agent/Registrar"). upon presentation and surrender, at its designated offices in (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Bond whose name appears on the "Security Register" maintained by the Paving Agent/Registrar at the close of business on the "Record Date," which is the day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the registered owner hereof and in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due.

SECTION 10: Levy of Taxes. To provide for the payment of the "Debt Service Requirements" of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their redemption at maturity or a sinking fund of 2% (whichever amount is the greater) there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, sufficient to pay the Debt Service Requirements of the Bonds as the same becomes due and payable; and such tax hereby levied on each one hundred dollars' valuation of taxable property in the City for the payment of the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding; full allowance being made for delinquencies and costs of collection; the taxes levied, assessed, and collected for and on account of the Bonds shall be accounted for separate and apart from all other funds of the City and shall be deposited to the credit of a "Special 2015 Refunding Bond Account" (the "Interest and Sinking Fund") maintained on the records of the City and deposited in a special fund maintained at an official depository of the City's funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

PROVIDED, however, in regard to the payment to become due on the Bonds prior to the tax delinquency date next following the annual assessment of taxes levied which next follows

the Bond Date, if any, sufficient current funds will be available and are hereby appropriated to make such payments; and the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Controller and City Secretary of the City, individually or jointly, are hereby authorized and directed to transfer and deposit in the Interest and Sinking Fund such current funds which, together with the accrued interest, if any, received from the initial purchasers, will be sufficient to pay the payments due on the Bonds prior to the tax delinquency date next following the annual assessment of taxes levied which next follows the Bond Date.

The Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Controller and City Secretary of the City, individually or jointly, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures or comes due by reason of redemption prior to maturity; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

SECTION 11: <u>Mutilated – Destroyed - Lost and Stolen Bonds</u>. In case any Bond shall be mutilated, or destroyed, lost, or stolen, the Paying Agent/Registrar may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond; and with respect to a lost, destroyed, or stolen Bond, a replacement Bond may be issued only upon the approval of the City and after (i) the filing by the Holder with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss, or theft of such Bond, and of the authenticity of the ownership thereof and (ii) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, or destroyed, lost, or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost, or stolen Bonds.

SECTION 12: <u>Satisfaction of Obligation of City</u>. If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance and the applicable Pricing Certificate, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity or to the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government

Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Bonds such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. Notwithstanding the above and foregoing, any remittance of funds from the Paying Agent/Registrar to the City shall be subject to any applicable unclaimed property laws of the State of Texas.

The term "Government Securities", as used herein, means (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state that have been refunded and that, on the date of their acquisition or purchase by the City recognized investment rating firm not less than AAA or its equivalent, and (iv) any other then authorized securities or obligations under applicable law that may be used to defease obligations such as the Bonds.

The City reserves the right, subject to satisfying the requirements of (i) and (ii) above, to substitute other Government Securities for the Government Securities originally deposited, to reinvest the uninvested moneys on deposit for such defeasance and to withdraw for the benefit of the City moneys in excess of the amount required for such defeasance.

Upon such deposit as described above, such Bonds shall no longer be regarded to be outstanding or unpaid. Provided, however, the City has reserved the option, to be exercised at the time of the defeasance of the Bonds, to call for redemption, at an earlier date, those Bonds which have been defeased to their maturity date, if the City: (i) in the proceedings providing for the firm banking and financial arrangements, expressly reserves the right to call the Bonds for redemption; (ii) gives notice of the reservation of that right to the Holders of the Bonds immediately following the making of the firm banking and financial arrangements; and (iii) directs that notice of the reservation be included in any redemption notices that it authorizes.

SECTION 13: Ordinance a Contract - Amendments - Outstanding Bonds. This Ordinance. together with the Pricing Certificate, shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 29 hereof. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance or any provision in the Pricing Certificate in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission herein. In addition, the City may, with the consent of Holders who own a majority of the aggregate of the principal amount of the Bonds then Outstanding, amend, add to, or rescind any of the provisions of this Ordinance or any provision in the Pricing Certificate; provided that, without the consent of all Holders of Outstanding Bonds, no such amendment. addition, or rescission shall (1) extend the time or times of payment of the principal of and interest on the Bonds, reduce the principal amount thereof, the redemption price, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission.

The term "Outstanding" when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

(1) those Bonds cancelled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 12 hereof; and

(3) those mutilated, destroyed, lost, or stolen Bonds which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 11 hereof.

SECTION 14: Covenants to Maintain Tax-Exempt Status.

(a) <u>Definitions</u>. When used in this Section, the following terms have the following meanings:

"*Closing Date*" means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

"*Code*" means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

"*Computation Date*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"Gross Proceeds" means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

"Investment" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"*Nonpurpose Investment*" means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

"*Rebate Amount*" has the meaning set forth in Section 1.148-1(b) of the Regulations.

"*Regulations*" means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

"*Yield*" of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

(b) <u>Not to Cause Interest to Become Taxable</u>. The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction, or improvement of which is to be financed (or refinanced) directly or indirectly with Gross Proceeds) in a manner which if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

(c) <u>No Private Use or Private Payments</u>. Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(i) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds (including property financed with Gross Proceeds of the Refunded Bonds), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department, and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(ii) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction, or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Bonds), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) <u>No Private Loan</u>. Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed, or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds or any property acquired, service for such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) <u>Not to Invest at Higher Yield</u>. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

(f) <u>Not Federally Guaranteed</u>. Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

(g) <u>Information Report</u>. The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

(h) <u>Rebate of Arbitrage Profits</u>. Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(i) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six (6) years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(ii) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(iii) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the Holders thereof for federal income tax purposes, the City shall pay to the United States from an appropriate fund, or if permitted by applicable Texas statute, regulation, or opinion of the Attorney General of the State of Texas, the Interest and Sinking Fund, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(iv) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

(i) <u>Not to Divert Arbitrage Profits</u>. Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) <u>Elections</u>. The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Controller, and City Secretary of the City, individually or jointly, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as one or more of such persons deems necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption, or similar or other appropriate certificate, form, or document.

(k) <u>Bonds Not Hedge Bonds</u>. At the time the original obligations refunded by the Bonds were issued, the City reasonably expected to spend at least 85% of the spendable proceeds of such bonds within three years after such bonds were issued, and (2) not more than 50% of the proceeds of the original obligations refunded by the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

(I) <u>Current Refunding</u>. The Bonds are a current refunding of the Refunded Bonds in that the Refunded Bonds will be paid or redeemed within 90 days of the date of the delivery of the Bonds.

SECTION 15: <u>Sale of Bonds – Official Statement</u>. The Bonds authorized by this Ordinance may be sold by the City to the purchaser(s) (herein referred to as the "Purchasers") by (i) negotiated sale, in accordance with one or more bond purchase agreements (each, a "Purchase Contract"), (ii) by private placement, in accordance with an agreement to purchase or other agreement, or (iii) by competitive bidding, in accordance with the successful bid submitted therefor, as determined by the Pricing Officer, in accordance with Section 3 hereof. The Pricing Officer is hereby authorized and directed to execute the Purchase Contract, agreement to purchase in the event of a private placement, or the successful bid form in the event of a competitive sale, as applicable, for and on behalf of the City and as the act and deed of this City Council.

The Pricing Officer is hereby authorized and directed to execute said Purchase Contract for and on behalf of the City and as the act and deed of this City Council.

With regard to such terms and provisions of said Purchase Contract as a result of a negotiated sale, the Pricing Officer is hereby authorized to come to an agreement with the Purchasers on the following, among other matters:

- 1. The details of the purchase and sale of the Bonds;
- 2. The details of the public offering of the Bonds by the Purchasers;

3. The details of an Official Statement (and, if appropriate, any Preliminary Official Statement) relating to the Bonds and the City's Rule 15c2-12 compliance;

- 4. A security deposit for the Bonds;
- 5. The representations and warranties of the City to the Purchasers;
- 6. The details of the delivery of, and payment for, the Bonds;
- 7. The Purchasers' obligations under the Purchase Contract;
- 8. The certain conditions to the obligations of the City under the Purchase Contract;
- 9. Termination of the Purchase Contract;
- 10. Particular covenants of the City;
- 11. The survival of representations made in the Purchase Contract;
- 12. The payment of any expenses relating to the Purchase Contract;
- 13. Notices; and

14. Any and all such other details that are found by the Pricing Officer to be necessary and advisable for the purchase and sale of the Bonds.

The Mayor and City Secretary of the City are further authorized and directed to deliver for and on behalf of the City copies of a Preliminary Official Statement and Official Statement, prepared in connection with the offering of the Bonds by the Purchasers, in final form as may be required by the Purchasers, and such final Official Statement in the form and content as approved by the Pricing Officer shall be deemed to be approved by the City Council of the City and constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 16: <u>Special Escrow Agreement</u>. A "Special Escrow Agreement" (the "Escrow Agreement") by and between the City and an authorized escrow agent (the "Escrow Agent") shall be attached to, and approved in, the applicable Pricing Certificate. Such Escrow Agreement is hereby authorized to be finalized and executed by the Pricing Officer for and on behalf of the City and as the act and deed of this City Council; and such Escrow Agreement as executed by said Pricing Officer shall be deemed approved by the City Council and constitute the Escrow Agreement herein approved. With regard to the finalization of certain terms and provisions of said Escrow Agreement, a Pricing Officer is hereby authorized to come to an agreement with the Escrow Agent on the following details, among other matters:

- 1. The identification of the Refunded Bonds;
- 2. The creation and funding of the Escrow Fund or Funds; and
- 3. The Escrow Agent's compensation, administration of the Escrow Fund or Funds, and the settlement of any paying agents' charges relating to the Refunded

Bonds.

Furthermore, appropriate officials of the City in cooperation with the Escrow Agent are hereby authorized and directed to make the necessary arrangements for the purchase of the escrowed securities referenced in the Escrow Agreement and the delivery thereof to the Escrow Agent on the day of delivery of the Bonds to the Purchasers for deposit to the credit of the "CITY OF CARROLLTON, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015 ESCROW FUND" (referred to herein as the "Escrow Fund"), or such other designation as specified in the applicable Pricing Certificate; all as contemplated and provided in Texas Government Code, Chapter 1207, as amended, the Ordinance, the Pricing Certificate, and the Escrow Agreement.

On or immediately prior to the date of the delivery of the Bonds to the Purchasers, the Pricing Officer shall also cause to be deposited (and is hereby authorized to cause to be deposited) with the Escrow Agent from moneys on deposit in the debt service fund(s) maintained for the payment of the Refunded Bonds an amount which, together with the proceeds of sale, and the investment earnings thereon, will be sufficient to pay in full the Refunded Bonds (or the amount of accrued interest due thereon) scheduled to mature and authorized to be redeemed on the earliest date established in the Pricing Certificate for the redemption of any of the Refunded Bonds (or the earliest date of payment, to be made from moneys in the Escrow Fund(s), as established in the Pricing Certificate, of the amount of accrued interest due thereon).

SECTION 17: <u>Refunded Bonds</u>. (a) In order to provide for the refunding, discharge, and retirement of the Refunded Bonds, the Refunded Bonds, identified, described, and in the amounts set forth in the applicable Pricing Certificate, are called for redemption on the first

date(s) such Refunded Bonds are subject to redemption or such other date specified by the Pricing Officer in the applicable Pricing Certificate at the price of par plus accrued interest to the redemption dates, and notices of such redemption shall be given in accordance with the applicable provisions of the ordinances adopted by the City Council of the City which authorized the issuance of the Refunded Bonds. The Pricing Officer is hereby authorized and directed to provide documentation, including a copy of this Ordinance and the applicable Pricing Certificate, to each paying agent/registrar for the Refunded Bonds, together with suggested forms of notice of redemption to be sent to bondholders (such suggested forms of notice of redemption for each series of Refunded Bonds to be substantially the forms set forth as Exhibits to the applicable Pricing Certificate), to each and every paying agent/registrar for Refunded Bonds, in accordance with the redemption provisions applicable to each series of the Refunded Bonds.

(b) Each paying agent/registrar for Refunded Bonds is hereby directed to provide the appropriate notice of redemption as required by the respective ordinances authorizing the Refunded Bonds and is hereby directed to make appropriate arrangements so that the Refunded Bonds may be redeemed on the redemption date.

(c) The source of funds for payment of the principal of and interest on the Refunded Bonds on their respective maturity or redemption dates shall be from the funds deposited with the Escrow Agent, pursuant to the Escrow Agreement finalized by the Pricing Officer and approved in Section 16 of this Ordinance and by the Pricing Officer in the applicable Pricing Certificate.

SECTION 18: <u>Control and Custody of Bonds</u>. The Mayor shall be and is hereby authorized to take and have charge of all necessary ordinances, resolutions, orders and records, including the definitive Bonds and the Initial Bonds, pending the investigation and approval of the Initial Bonds by the Attorney General of the State of Texas, and the registration of the Initial Bonds to the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

Furthermore, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Controller, and City Secretary of the City, any one or more of said officials, are hereby authorized and directed to furnish and execute such documents and certifications relating to the City and the issuance of the Bonds, including a certification as to facts, estimates, circumstances, and reasonable expectations pertaining to the use, expenditure, and investment of the proceeds of the Bonds, as may be necessary for the issuance of the Bonds, the approval of the Attorney General, the registration by the Comptroller of Public Accounts, and the delivery of the Bonds to the Purchaser and, together with the City's financial advisor, bond counsel and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Bonds to the Purchaser and the initial exchange thereof for definitive Bonds.

SECTION 19: <u>Proceeds of Sale</u>. Immediately following the delivery of the Bonds, the proceeds of sale (less those proceeds of sale designated to pay costs of issuance, amounts to pay municipal bond insurance premium, if any, any accrued interest received from the Purchasers of the Bonds and amounts to be deposited to the construction fund) shall be deposited with the Escrow Agent for application and disbursement in accordance with the provisions of the Escrow Agreement or as provided in the applicable Pricing Certificate. The proceeds of sale of the Bonds not so deposited with the Escrow Agent for the refunding of the Refunded Bonds shall be disbursed for payment of costs of issuance, disbursed for the payment of municipal bond insurance premium, if any, to pay costs of accomplishing the new money purposes for which a portion of the Bonds are being issued, or deposited in the Interest and

Sinking Fund for the Bonds, all in accordance with written instructions from the City or its Financial Advisor. Accrued interest and premium in the amount, if any, specified in the applicable Pricing Certificate received from the sale of the Bonds shall be deposited to the credit of the Interest and Sinking Fund. Such proceeds of sale may be invested in authorized investments and any investment earnings realized may be (with respect to the accrued interest received from the Purchasers) deposited in the Interest and Sinking Fund as shall be determined by the City Council of the City.

Pending expenditure for authorized projects and purposes, such proceeds of sale deposited to the construction fund may be invested in authorized investments in accordance with the provisions of Texas Government Code, Chapter 2256, including guaranteed investment contracts permitted in Texas Section 2256.015, et seq, and any investment earnings realized may be expended for such authorized projects and purposes or deposited in the Interest and Sinking Fund as shall be determined by the City Council. Any excess bond proceeds issued for new money purposes, including investment earnings, remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Interest and Sinking Fund.

Additionally, the Pricing Officer shall determine the amount, if any, of any City contribution to the refunding from moneys on deposit in the interest and sinking fund(s) maintained for the payment of the Refunded Bonds.

SECTION 20: <u>Notices to Holders-Waiver</u>. Wherever this Ordinance or the applicable Pricing Certificate provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case in which notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance or the applicable Pricing Certificate provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 21: <u>Cancellation</u>. All Bonds surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly cancelled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already cancelled, shall be promptly cancelled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly cancelled by the Paying Agent/Registrar. All cancelled Bonds held by the Paying Agent/Registrar shall be returned to the City.

SECTION 22: <u>Bond Counsel Opinion</u>. The obligation of the Purchasers to accept delivery of the Bonds is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Attorneys, Dallas, Texas, approving the Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. A true and correct

reproduction of said opinion is hereby authorized to be printed on the Bonds, or an executed counterpart thereof is hereby authorized to be either printed on definitive printed obligations or deposited with DTC along with the global certificates for the implementation and use of the Book-Entry-Only System used in the settlement and transfer of the Bonds.

SECTION 23: <u>CUSIP Numbers</u>. CUSIP numbers may be printed or typed on the definitive Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance or effect as regards the legality thereof, and neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

SECTION 24: <u>Benefits of Ordinance</u>. Nothing in this Ordinance or the Pricing Certificate, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof or the Pricing Certificate, this Ordinance and all of its provisions and the Pricing Certificate being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, and the Holders.

SECTION 25: <u>Inconsistent Provisions</u>. All ordinances or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance or the applicable Pricing Certificate, are hereby repealed to the extent of such conflict, and the provisions of this Ordinance and the applicable Pricing Certificate shall be and remain controlling as to the matters contained herein and therein.

SECTION 26: <u>Governing Law</u>. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 27: <u>Effect of Headings</u>. The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

SECTION 28: <u>Construction of Terms</u>. If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine, or neuter gender shall be considered to include the other genders.

SECTION 29: <u>Severability</u>. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and the City Council of the City hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 30: <u>Incorporation of Findings and Determinations</u>. The findings and determinations of the City Council of the City contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

SECTION 31: Continuing Disclosure Undertaking.

(a) <u>Definitions</u>. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports. The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year of the City beginning in the year stated in the Pricing Certificate, financial information and operating data with respect to the City of the general type included in the final Official Statement approved by the Pricing Officer and described in the Pricing Certificate, and (2) if not provided as part such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements to be provided shall be (i) prepared in accordance with the accounting principles described in the Pricing Certificate, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and in substantially the form included in the Official Statement, and (ii) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within twelve (12) months after any such fiscal year end, then the City shall file unaudited financial statements within such twelve-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB's Internet Web site or filed with the SEC.

(c) <u>Notice of Certain Events</u>. The City shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;

(3) Unscheduled draws on debt service reserves reflecting financial difficulties;

(4) Unscheduled draws on credit enhancements reflecting financial difficulties;

(5) Substitution of credit or liquidity providers, or their failure to perform;

(6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) Modifications to rights of holders of the Bonds, if material;

(8) Bond calls, if material, and tender offers;

(9) Defeasances;

(10) Release, substitution, or sale of property securing repayment of the Bonds, if material;

(11) Rating changes;

(12) Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;

(13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For these purposes, any event described in the immediately preceding subsection (c)12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

(d) <u>Filings with the MSRB</u>. All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) <u>Limitations, Disclaimers, and Amendments</u>. The City shall be obligated to observe and perform the covenants specified in this Section while, but only while, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except

that the City in any event will give the notice required by subsection (c) hereof of any Bond calls and defeasance that cause the City to be no longer such an "obligated person."

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything to the contrary in this Ordinance, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a Person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the Citv's right to do so would not prevent underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) hereof an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 32: <u>Municipal Bond Insurance</u>. The Bonds may be sold with the principal of and interest thereon being insured by a municipal bond insurance provider authorized to transact business in the State of Texas. The Pricing Officer is hereby authorized to make the selection of municipal bond insurance (if any) for the Bonds and make the determination of the provisions of any commitment therefor.

SECTION 33: Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Controller, and City Secretary, are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, Mayor Pro Tem, City Manager, Chief Financial Officer, Controller, City Secretary or Bond Counsel to the City are each hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance, including the Pricing Certificate: (i) in order to cure any technical ambiguity, formal defect, or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General and if such officer or counsel determines that such ministerial changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 34: <u>Public Meeting</u>. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551 of the Government Code, as amended.

SECTION 35: <u>Effective Date</u>. This Ordinance shall take effect and be in full force immediately from and after its adoption on the date hereof in accordance with the provisions of Texas Government Code, Section 1201.028.

[remainder of page left blank intentionally]

PASSED AND ADOPTED, this April 7, 2015.

CITY OF CARROLLTON, TEXAS

ATTEST:

City Secretary

(City Seal)

Mayor

48359842.2/08006101

[signature page to Bond Ordinance]

EXHIBIT A

FORM OF PAYING AGENT/REGISTRAR AGREEMENT

PAYING AGENT/REGISTRAR AGREEMENT

THIS AGREEMENT is entered into as of ______, 2015 (this "Agreement"), by and between ______, a banking association duly organized and existing under the laws of the ______ (the "Bank") and the City of Carrollton, Texas (the "Issuer").

RECITALS

WHEREAS, the Issuer has duly authorized and provided for the issuance of its "City of Carrollton, Texas, General Obligation Improvement and Refunding Bonds, Series 2015" (the "Securities"), dated ______, 2015, such Securities scheduled to be delivered to the initial purchasers thereof on or about ______, 2015; and

WHEREAS, the Issuer has selected the Bank to serve as Paying Agent/Registrar in connection with the payment of the principal of, premium, if any, and interest on said Securities and with respect to the registration, transfer and exchange thereof by the registered owners thereof; and

WHEREAS, the Bank has agreed to serve in such capacities for and on behalf of the Issuer and has full power and authority to perform and serve as Paying Agent/Registrar for the Securities;

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE ONE APPOINTMENT OF BANK AS PAYING AGENT AND REGISTRAR

Section 1.01 <u>Appointment</u>. The Issuer hereby appoints the Bank to serve as Paying Agent with respect to the Securities, and, as Paying Agent for the Securities, the Bank shall be responsible for paying on behalf of the Issuer the principal, premium (if any), and interest on the Securities as the same become due and payable to the registered owners thereof; all in accordance with this Agreement and the "Authorizing Document" (hereinafter defined). The Issuer hereby appoints the Bank as Registrar with respect to the Securities and, as Registrar for the Securities, the Bank shall keep and maintain for and on behalf of the Issuer books and records as to the ownership of said Securities and with respect to the transfer and exchange thereof as provided herein and in the Authorizing Document.

The Bank hereby accepts its appointment, and agrees to serve as the Paying Agent and Registrar for the Securities.

Section 1.02 <u>Compensation</u>. As compensation for the Bank's services as Paying Agent/Registrar, the Issuer hereby agrees to pay the Bank the fees and amounts set forth in **Annex A** attached hereto.

In addition, the Issuer agrees to reimburse the Bank upon its request for all reasonable expenses, disbursements and advances incurred or made by the Bank in accordance with any of the provisions hereof (including the reasonable compensation and the expenses and disbursements of its agents and counsel).

ARTICLE TWO DEFINITIONS

Section 2.01 **Definitions**. For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires:

"Acceleration Date" on any Security means the date on and after which the principal or any or all installments of interest, or both, are due and payable on any Security which has become accelerated pursuant to the terms of the Security.

"Authorizing Document" means the resolution, order, or ordinance of the governing body of the Issuer pursuant to which the Securities are issued, as the same may be amended or modified, including any pricing certificate related thereto, certified by the secretary or any other officer of the Issuer and delivered to the Bank.

"Bank Office" means the designated office of the Bank at the address shown in Section 3.01 hereof. The Bank will notify the Issuer in writing of any change in location of the Bank Office.

"Financial Advisor" means First Southwest Company, LLC.

"Holder" and "Security Holder" each means the Person in whose name a Security is registered in the Security Register.

"Person" means any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision of a government.

"Predecessor Securities" of any particular Security means every previous Security evidencing all or a portion of the same obligation as that evidenced by such particular Security (and, for the purposes of this definition, any mutilated, lost, destroyed, or stolen Security for which a replacement Security has been registered and delivered in lieu thereof pursuant to Section 4.06 hereof and the Authorizing Document).

"Redemption Date", when used with respect to any Security to be redeemed, means the date fixed for such redemption pursuant to the terms of the Authorizing Document.

"Responsible Officer", when used with respect to the Bank, means the Chairman or Vice-Chairman of the Board of Directors, the Chairman or Vice-Chairman of the Executive Committee of the Board of Directors, the President, any Vice President, the Secretary, any Assistant Secretary, the Treasurer, any Assistant Treasurer, the Cashier, any Assistant Cashier, any Trust Officer or Assistant Trust Officer, or any other officer of the Bank customarily performing functions similar to those performed by any of the above designated officers and also means, with respect to a particular corporate trust matter, any other officer to whom such matter is referred because of his knowledge of and familiarity with the particular subject.

"Security Register" means a register maintained by the Bank on behalf of the Issuer providing for the registration and transfers of Securities.

"Stated Maturity" means the date specified in the Authorizing Document the principal of a Security is scheduled to be due and payable.

Section 2.02 <u>Other Definitions</u>. The terms "Bank," "Issuer," and "Securities (Security)" have the meanings assigned to them in the recital paragraphs of this Agreement.

The term "Paying Agent/Registrar" refers to the Bank in the performance of the duties and functions of this Agreement.

ARTICLE THREE PAYING AGENT

Section 3.01 **Duties of Paying Agent**. As Paying Agent, the Bank shall pay, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, on behalf of the Issuer the principal of each Security at its Stated Maturity, Redemption Date or Acceleration Date, to the Holder upon surrender of the Security to the Bank at the following address:

First Class/ Registered/Certified

Express Delivery Only

By Hand Only

As Paying Agent, the Bank shall, provided adequate collected funds have been provided to it for such purpose by or on behalf of the Issuer, pay on behalf of the Issuer the interest on each Security when due, by computing the amount of interest to be paid each Holder and making payment thereof to the Holders of the Securities (or their Predecessor Securities) on the Record Date (as defined in the Authorizing Document). All payments of principal and/or interest on the Securities to the registered owners shall be accomplished (1) by the issuance of checks, payable to the registered owners, drawn on the paying agent account provided in Section 5.05 hereof, sent by United States mail, first class postage prepaid, to the address appearing on the Security Register or (2) by such other method, acceptable to the Bank, requested in writing by the Holder at the Holder's risk and expense.

Section 3.02 **<u>Payment Dates</u>**. The Issuer hereby instructs the Bank to pay the principal of and interest on the Securities on the dates specified in the Authorizing Document.

ARTICLE FOUR REGISTRAR

Section 4.01 <u>Security Register - Transfers and Exchanges</u>. The Bank agrees to keep and maintain for and on behalf of the Issuer at the Bank Office books and records (herein sometimes referred to as the "Security Register") for recording the names and addresses of the Holders of the Securities, the transfer, exchange and replacement of the Securities and the payment of the principal of and interest on the Securities to the Holders and containing such

other information as may be reasonably required by the Issuer and subject to such reasonable regulations as the Issuer and the Bank may prescribe. All transfers, exchanges and replacements of Securities shall be noted in the Security Register.

Every Security surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, the signature on which has been guaranteed by an officer of a federal or state bank or a member of the National Association of Securities Dealers, such written instrument to be in a form satisfactory to the Bank and duly executed by the Holder thereof or his agent duly authorized in writing.

The Bank may request any supporting documentation it feels necessary to effect a re-registration, transfer or exchange of the Securities.

To the extent possible and under reasonable circumstances, the Bank agrees that, in relation to an exchange or transfer of Securities, the exchange or transfer by the Holders thereof will be completed and new Securities delivered to the Holder or the assignee of the Holder in not more than three (3) business days after the receipt of the Securities to be cancelled in an exchange or transfer and the written instrument of transfer or request for exchange duly executed by the Holder, or his duly authorized agent, in form and manner satisfactory to the Paying Agent/Registrar.

Section 4.02 <u>Securities</u>. The Issuer shall provide additional Securities when needed to facilitate transfers or exchanges thereof. The Bank covenants that such additional Securities, if and when provided, will be kept in safekeeping pending their use and reasonable care will be exercised by the Bank in maintaining such Securities in safekeeping, which shall be not less than the care maintained by the Bank for debt securities of other governments or corporations for which it serves as registrar, or that is maintained for its own securities.

Section 4.03 <u>Form of Security Register</u>. The Bank, as Registrar, will maintain the Security Register relating to the registration, payment, transfer and exchange of the Securities in accordance with the Bank's general practices and procedures in effect from time to time. The Bank shall not be obligated to maintain such Security Register in any form other than those which the Bank has currently available and currently utilizes at the time.

The Security Register may be maintained in written form or in any other form capable of being converted into written form within a reasonable time.

Section 4.04 <u>List of Security Holders</u>. The Bank will provide the Issuer at any time requested by the Issuer, upon payment of the required fee, a copy of the information contained in the Security Register. The Issuer may also inspect the information contained in the Security Register at any time the Bank is customarily open for business, provided that reasonable time is allowed the Bank to provide an up-to-date listing or to convert the information into written form.

The Bank will not release or disclose the contents of the Security Register to any person other than to, or at the written request of, an authorized officer or employee of the Issuer, except upon receipt of a court order or as otherwise required by law. Upon receipt of a court order and prior to the release or disclosure of the contents of the Security Register, the Bank will notify the Issuer so that the Issuer may contest the court order or such release or disclosure of the contents of the Security Register. Section 4.05 <u>Return of Cancelled Securities</u>. The Bank will, at such reasonable intervals as it determines, surrender to the Issuer, all Securities in lieu of which or in exchange for which other Securities have been issued, or which have been paid.

Section 4.06 <u>Mutilated, Destroyed, Lost or Stolen Securities</u>. The Issuer hereby instructs the Bank, subject to the provisions of the Authorizing Document, to deliver and issue Securities in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities as long as the same does not result in an overissuance.

In case any Security shall be mutilated, destroyed, lost or stolen, the Bank may execute and deliver a replacement Security of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Security, or in lieu of and in substitution for such mutilated, destroyed, lost or stolen Security, only upon the approval of the Issuer and after (i) the filing by the Holder thereof with the Bank of evidence satisfactory to the Bank of the destruction, loss or theft of such Security, and of the authenticity of the ownership thereof and (ii) the furnishing to the Bank of indemnification in an amount satisfactory to hold the Issuer and the Bank harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Security shall be borne by the Holder of the Security mutilated, destroyed, lost or stolen.

Section 4.07 <u>**Transaction Information to Issuer</u></u>. The Bank will, within a reasonable time after receipt of written request from the Issuer, furnish the Issuer information as to the Securities it has paid pursuant to Section 3.01, Securities it has delivered upon the transfer or exchange of any Securities pursuant to Section 4.01, and Securities it has delivered in exchange for or in lieu of mutilated, destroyed, lost, or stolen Securities pursuant to Section 4.06.</u>**

ARTICLE FIVE THE BANK

Section 5.01 <u>Duties of Bank</u>. The Bank undertakes to perform the duties set forth herein and agrees to use reasonable care in the performance thereof.

Section 5.02 Reliance on Documents, Etc.

(a) The Bank may conclusively rely, as to the truth of the statements and correctness of the opinions expressed therein, on certificates or opinions furnished to the Bank.

(b) The Bank shall not be liable for any error of judgment made in good faith by a Responsible Officer, unless it shall be proved that the Bank was negligent in ascertaining the pertinent facts.

(c) No provisions of this Agreement shall require the Bank to expend or risk its own funds or otherwise incur any financial liability for performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity satisfactory to it against such risks or liability is not assured to it.

(d) The Bank may rely and shall be protected in acting or refraining from acting upon any resolution, certificate, statement, instrument, opinion, report, notice, request, direction,

consent, order, bond, note, security or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties. Without limiting the generality of the foregoing statement, the Bank need not examine the ownership of any Securities, but is protected in acting upon receipt of Securities containing an endorsement or instruction of transfer or power of transfer which appears on its face to be signed by the Holder or an agent of the Holder. The Bank shall not be bound to make any investigation into the facts or matters stated in a resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, bond, note, security or other paper or document supplied by the Issuer.

(e) The Bank may consult with counsel, and the written advice of such counsel or any opinion of counsel shall be full and complete authorization and protection with respect to any action taken, suffered, or omitted by it hereunder in good faith and in reliance thereon.

(f) The Bank may exercise any of the powers hereunder and perform any duties hereunder either directly or by or through agents or attorneys of the Bank.

(g) The Bank is also authorized to transfer funds relating to the closing and initial delivery of the Securities in the manner disclosed in the closing memorandum or letter as prepared by the Issuer, the Financial Advisor or other agent. The Bank may act on a facsimile or e-mail transmission of the closing memorandum or letter acknowledged by the Issuer, the Issuer's financial advisor or other agent as the final closing memorandum or letter. The Bank shall not be liable for any losses, costs or expenses arising directly or indirectly from the Bank's reliance upon and compliance with such instructions.

Section 5.03 <u>Recitals of Issuer</u>. The recitals contained herein with respect to the Issuer and in the Securities shall be taken as the statements of the Issuer, and the Bank assumes no responsibility for their correctness.

The Bank shall in no event be liable to the Issuer, any Holder or Holders of any Security, or any other Person for any amount due on any Security from its own funds.

Section 5.04 <u>May Hold Securities</u>. The Bank, in its individual or any other capacity, may become the owner or pledgee of Securities and may otherwise deal with the Issuer with the same rights it would have if it were not the Paying Agent/Registrar, or any other agent.

Section 5.05 <u>Moneys Held by Bank - Paying Agent Account/Collateralization</u>. A paying agent account shall at all times be kept and maintained by the Bank for the receipt, safekeeping, and disbursement of moneys received from the Issuer under this Agreement for the payment of the Securities, and money deposited to the credit of such account until paid to the Holders of the Securities shall be continuously collateralized by securities or obligations which qualify and are eligible under both the laws of the State of Texas and the laws of the United States of America to secure and be pledged as collateral for paying agent accounts to the extent such money is not insured by the Federal Deposit Insurance Corporation. Payments made from such paying agent account shall be made by check drawn on such account unless the owner of the Securities shall, at its own expense and risk, request an alternative method of payment.

Subject to the applicable unclaimed property laws of the State of Texas, any money deposited with the Bank for the payment of the principal of, premium (if any), or interest on any Security and remaining unclaimed for three years after final maturity of the Security has become

due and payable will be held by the Bank and disposed of only in accordance with Title 6 of the Texas Property Code, as amended. The Bank shall have no liability by virtue of actions taken in compliance with this provision.

The Bank is not obligated to pay interest on any money received by it under this Agreement.

This Agreement relates solely to money deposited for the purposes described herein, and the parties agree that the Bank may serve as depository for other funds of the Issuer, act as trustee under indentures authorizing other bond transactions of the Issuer, or act in any other capacity not in conflict with its duties hereunder.

Section 5.06 <u>Indemnification</u>. To the extent permitted by law, the Issuer agrees to indemnify the Bank for, and hold it harmless against, any loss, liability, or expense incurred without negligence or bad faith on its part, arising out of or in connection with its acceptance or administration of its duties hereunder, including the cost and expense against any claim or liability in connection with the exercise or performance of any of its powers or duties under this Agreement.

Section 5.07 **Interpleader**. The Issuer and the Bank agree that the Bank may seek adjudication of any adverse claim, demand, or controversy over its person as well as funds on deposit, in either a Federal or State District Court located in the state and county where the administrative office of the Issuer is located, and agree that service of process by certified or registered mail, return receipt requested, to the address referred to in Section 6.03 of this Agreement shall constitute adequate service. The Issuer and the Bank further agree that the Bank has the right to file a Bill of Interpleader in any court of competent jurisdiction in the State of Texas to determine the rights of any Person claiming any interest herein.

In the event the Bank becomes involved in litigation in connection with this Section, the Issuer, to the extent permitted by law, agrees to indemnify and save the Bank harmless from all loss, cost, damages, expenses, and attorney fees suffered or incurred by the Bank as a result. The obligations of the Bank under this Agreement shall be performable at the principal corporate office of the Bank in the City of Dallas, Texas.

Section 5.08 <u>DTC Services</u>. It is hereby represented and warranted that, in the event the Securities are otherwise qualified and accepted for "Depository Trust Company" services or equivalent depository trust services by other organizations, the Bank has the capability and, to the extent within its control, will comply with the "Operational Arrangements", which establishes requirements for securities to be eligible for such type depository trust services, including, but not limited to, requirements for the timeliness of payments and funds availability, transfer turnaround time, and notification of redemptions and calls.

ARTICLE SIX MISCELLANEOUS PROVISIONS

Section 6.01 <u>Amendment</u>. This Agreement may be amended only by an agreement in writing signed by both of the parties hereto.

Section 6.02 <u>Assignment</u>. This Agreement may not be assigned by either party without the prior written consent of the other.

Section 6.03 **Notices**. Any request, demand, authorization, direction, notice, consent, waiver, or other document provided or permitted hereby to be given or furnished to the Issuer or the Bank shall be mailed or delivered to the Issuer or the Bank, respectively, at the addresses shown on the signature page hereof.

Section 6.04 <u>Effect of Headings</u>. The Article and Section headings herein are for convenience of reference only and shall not affect the construction hereof.

Section 6.05 <u>Successors and Assigns</u>. All covenants and agreements herein by the Issuer shall bind its successors and assigns, whether so expressed or not.

Section 6.06 <u>Severability</u>. In case any provision herein shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 6.07 <u>Merger, Conversion, Consolidation, or Succession</u>. Any corporation or association into which the Bank may be merged or converted or with which it may be consolidated, or any corporation or association resulting from any merger, conversion, or consolidation to which the Bank shall be a party, or any corporation or association succeeding to all or substantially all of the corporate trust business of the Bank shall be the successor of the Bank as Paying Agent under this Agreement without the execution or filing of any paper or any further act on the part of either parties hereto.

Section 6.08 <u>Benefits of Agreement</u>. Nothing herein, express or implied, shall give to any Person, other than the parties hereto and their successors hereunder, any benefit or any legal or equitable right, remedy, or claim hereunder.

Section 6.09 <u>Entire Agreement</u>. This Agreement and the Authorizing Document constitute the entire agreement between the parties hereto relative to the Bank acting as Paying Agent/Registrar and if any conflict exists between this Agreement and the Authorizing Document, the Authorizing Document shall govern.

Section 6.10 <u>Counterparts</u>. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which shall constitute one and the same Agreement.

Section 6.11 <u>Termination</u>. This Agreement will terminate (i) on the date of final payment of the principal of and interest on the Securities to the Holders thereof or (ii) may be earlier terminated by either party upon sixty (60) days written notice; provided, however, an early termination of this Agreement by either party shall not be effective until (a) a successor Paying Agent/Registrar has been appointed by the Issuer and such appointment accepted and (b) notice has been given to the Holders of the Securities of the appointment of a successor Paying Agent/Registrar. However, if the Issuer fails to appoint a successor Paying Agent/Registrar within a reasonable time, the Bank may petition a court of competent jurisdiction within the State of Texas to appoint a successor. Furthermore, the Bank and the Issuer mutually agree that the effective date of an early termination of this Agreement shall not occur at any time which would disrupt, delay or otherwise adversely affect the payment of the Securities.

Upon an early termination of this Agreement, the Bank agrees to promptly transfer and deliver the Security Register (or a copy thereof), together with the other pertinent books and

records relating to the Securities, to the successor Paying Agent/Registrar designated and appointed by the Issuer.

The provisions of Section 1.02 and of Article Five shall survive and remain in full force and effect following the termination of this Agreement.

Section 6.12 <u>Governing Law</u>. This Agreement shall be construed in accordance with and governed by the laws of the State of Texas.

[Remainder of page left blank intentionally.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

By:_____

Title:

Address:

Attest:

Title:_____

CITY OF CARROLLTON, TEXAS

By: _____ Pricing Officer

Address: 1945 E. Jackson Road Carrollton, Texas 75006

Signature Page to Paying Agent/Registrar Agreement 48380430.1/08009902

ANNEX A

City of Carrollton



Agenda Memo

File Number: 1913

Agenda Date: 4/7/201	5 Version: 1	Status: Consent Agenda		
In Control: City Counc	cil	File Type: Resolution		
Agenda Number: *30.				
CC MEETING:	April 7, 2015			
DATE:	March 17, 2015			
TO:	Leonard Martin, City Manager			
FROM:	Bob Scott, Assistant City Manager			

Consider A <u>Resolution Authorizing The City Manager To Enter Into A Contract With</u> <u>Grant Thornton LLP For Independent Auditing Services</u> In An Amount Not to Exceed \$107,197.00.

BACKGROUND:

On August 15, 2006, Grant Thornton LLP (GT) was appointed as the City's independent auditors for fiscal years ending September 30, 2006 and 2007, with a three-year extension option. The fiscal year 2010 audit was the last year of the three-year extension option.

In April of 2011, as City Staff and the City Council Audit Committee had been very pleased with the services provided by GT, the Audit Committee recommended to the full City Council an additional two year extension of the contract with GT.

Again in April of 2013, the Audit Committee recommended to the full City Council an additional four year extension of the contract with GT. At that time, City staff benchmarked the proposed fees against other area cities and the proposed fees were considered within market rates.

The fiscal year 2015 audit is the third year of this extension. The base fee for the fiscal year 2015 audit is \$95,197.00. This base audit fee assumes the City will have only one major grant program for Single Audit test work. The audit fees for additional major programs are \$6,000.00 per program. In fiscal year 2008, due to timing of expenditures on grant programs, the City had three programs with grant expenditures just over the threshold qualifying as major programs for Single Audit test work. In fiscal years 2011, 2012 and 2013, the City had two major programs. It is possible that the City will have more than one major program again in fiscal year 2015. As such, approval for an additional \$12,000.00 contingency is included in the requested approval amount.

FINANCIAL IMPLICATIONS:

The services covered by this contract will be from funding in the Administrative Services Internal Service Fund. The audit fees for fiscal year 2015 audit are \$95,197.00 plus a \$12,000.00 contingency for additional Single Audit related fees.

STAFF RECOMMENDATION/ACTION DESIRED:

Approve the attached resolution appointing GT as the City's Independent Auditors and authorizing the City Manager to enter in a contract with GT for independent auditing services for the fiscal year 2015 financial statements for an amount not to exceed \$107,197.00.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, APPOINTING GRANT THORNTON LLP AS THE CITY'S INDEPENDENT AUDITORS; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GRANT THORNTON LLP TO PROVIDE AUDITING SERVICES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1

Grant Thornton LLP is hereby appointed as the independent auditors for the City of Carrollton, Texas, and awarded a contract for auditing services for the fiscal year ending September 30, 2015, in an amount not to exceed \$107,197.

SECTION 2

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

SECTION 3

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

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this this 7th day of April, 2015.

CITY OF CARROLLTON, TEXAS

By: ___

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson, City Secretary

Approved as to form:

Approved as to content:

Meredith Ladd, City Attorney

Robert Scott, Assistant City Manager

City of Carrollton



Agenda Memo

File Number: 1943

Agenda Date: 4/7/201	15 Version: 1	Status: Consent Agenda		
In Control: City Coun	cil	File Type: Resolution		
Agenda Number: *31.				
CC MEETING:	April 7, 2015			
DATE:	March 30, 2015			
TO:	Leonard Martin, City Manager			
FROM:	Scott Hudson, Environmental Services Director			

Consider A <u>Resolution Authorizing The City Manager To Execute A Contract With KBA</u> <u>EnviroScience, Ltd. For The Installation And Sampling Of Permanent Groundwater</u> <u>Monitoring Wells At 1309 South Broadway</u> In An Amount Not To Exceed \$13,750.00.

BACKGROUND:

Phase II environmental site assessments conducted at 1309 South Broadway, a property currently owned by the city, indicate benzene in the soil and groundwater at levels above the protective concentration level under the Texas Risk Reduction Program (TRRP). It is important to define the extent of the impact of benzene on the soil and groundwater at this site so that the appropriate course of action can be determined.

Additional data gathered from this project will allow consideration of remediation or risk assessment options. If contaminants are confined to a small area, both in the soil and groundwater, it may be possible to leave the contaminants in place.

FINANCIAL IMPLICATIONS:

The cost of the installation and sampling of permanent groundwater monitoring wells will be taken from the Transit-Oriented Development Capital Projects Fund. The projected cost of \$13,750.00 in addition to the \$15,300.00 cost of prior samplings will exceed the \$25,000.00 expenditure threshold without City Council action.

IMPACT ON COMMUNITY SUSTAINABILITY:

The property at 1309 South Broadway is in the midst of, and vital to, a strong revitalization in the Downtown Transit Center District. It is therefore, important that this property be brought to its full commercial potential. Full utilization of this property can only be possible if the benzene contamination is confirmed, characterized and delineated for determining the next steps to satisfy TRRP requirements. The installation and sampling of permanent groundwater monitoring wells will provide for this.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of the attached resolution authorizing the City Manager to contract with KBA EnviroScience, Ltd. for the installation and sampling of permanent groundwater monitoring wells at 1309 South Broadway in an amount not to exceed \$13,750.00.

RESOLUTION NO _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH KBA ENVIROSCIENCE, LTD. FOR THE INSTALLATION AND SAMPLING OF PERMANENT GROUNDWATER MONITOR WELLS AT 1309 SOUTH BROADWAY STREET IN AN AMOUNT NOT TO EXCEED \$13,750.00 FOR THE PURPOSE OF DETERMINING THE EXTENT OF SOIL AND GROUNDWATER CONTAMINATION AT THE SITE SO THAT THE APPROPRIATE COURSE OF ACTION CAN BE DETERMINED; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton is the owner of 1309 S. Broadway Street, which has been discovered through testing to have benzene in some areas of its soil and groundwater in concentrations above the Texas Commission on Environmental Quality protective concentration level;

WHEREAS, the City of Carrollton is a firm advocate for good environmental stewardship;

WHEREAS, it is important to redevelop 1309 S. Broadway Street to its full commercial potential as part of the Downtown Carrollton revitalization;

WHEREAS, redevelopment of 1309 S. Broadway Street can only be possible if the benzene levels are confirmed, characterized and delineated to determine the appropriate course of action;

WHEREAS, installation and sampling of permanent groundwater monitor wells is the industry standard for groundwater quality determination;

WHEREAS, upon full review and consideration of the project, and all matters attendant and related thereto, the City Council is of the opinion that the contract for the installation and sampling of permanent groundwater monitor wells is necessary and that the City Manager shall be authorized to execute it on behalf of the City of Carrollton;

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

SECTION I

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

SECTION 2

The City Manager is hereby authorized to execute a contract with KBA EnviroScience, Ltd for the installation and sampling of permanent groundwater wells on 1309 S. Broadway Street in an amount not to exceed \$13,750.00 and to take those steps reasonable and necessary to comply with the intent of this resolution.

SECTION 3

This resolution shall take effect upon passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 7^{th} day of April, 2015

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson, City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Meredith Ladd, City Attorney

Scott Hudson, Environmental Services Director

City of Carrollton



Agenda Memo

File Number: 1909

Agenda Date: 4/7/207	15 Version : 1	Status: Public Hearing/Consent Agenda		
In Control: City Council		File Type: Public Hearing		
Agenda Number: *32.				
CC MEETING:	April 7, 2015			
DATE:	March 12, 2015			
то:	Leonard Martin, City Manager			
FROM:	Christopher Barton, Chief Planner			

Hold A Public Hearing And Consider An Ordinance To Repeal And Re-Establish Special Use Permit 293 To Allow For An Increase In Height For An Existing Antenna Support Structure With Special Conditions; Amending Accordingly The Official Zoning Map. The Approximately 3.7-Acre Tract Is Located At 3065 North Josey Lane And Is Currently Zoned For The (LR-2) Local Retail District. Case No. 02-15SUP1 AT&T Cell Tower/Clinton Earnhart/SBA Communications. Case Coordinator: Christopher Barton.

BACKGROUND:

This is a request to repeal and re-establish special use permit 293 for an antenna support structure for cellular telephone antennas. The approximately 3.7 acre tract is located at 3065 North Josey Lane and is currently zoned SUP 293 for the (LR-2) Local Retail District.

On January 15, 2015 the Planning & Zoning Commission continued the case to the March 5, 2015 meeting to allow the applicant to prepare additional information.

STAFF RECOMMENDATION/ACTION DESIRED:

On March 5, 2015 the Planning & Zoning Commission recommended **APPROVAL** with staff stipulations and one additional stipulation. The attached ordinance reflects the action of the Commission. Because no public opposition has been received and the action of the Commission was unanimous, this item is being placed on the Public Hearing - Consent portion of the agenda.

RESULT SHEET

Date: 04/08/2015 **Case No./Name:** 02-15SUP1 AT&T Cell Tower

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** with the following stipulations:

- 1. The maximum height of the antenna monopole structure shall be 85 feet.
- 2. Two additional landscape islands, a minimum of nine feet at their narrowest dimension including curbing, shall be installed in the parking lot along Josey Lane as shown in Exhibit ___. Each new landscape island shall contain the following at a minimum:
 - a. One multi-stem Crepe Myrtle (Red Rocket, Dallas Red or equivalent variety), at least 3-inch caliper and 10 feet in height at the time of planting.
 - b. Mexican Feather Grass, a least one gallon at the time of planting, spaced no more than 18 inches apart.
 - c. A natural stone boulder, a minimum of 18 inches in each dimension and a minimum of 24 inches in at least one dimension.
- 3. The existing parking lot landscape islands shall be improved by removing existing turf grass and replacing it with decomposed granite.
- B. P&Z RECOMMENDATION from P&Z meeting: 02/05/15 Result: CONTINUED to the March 5, 2015 meeting/Vote: 6 – 0 (Daniel-Nix & Romo absent, one seat vacant)
- C. P&Z RECOMMENDATION from P&Z meeting: 03/05/15 Result: APPROVAL /Vote: 9 - 0
- **D.** CC RECOMMENDATION from CC meeting: 04/07/15 Result: /Vote:

SPECIAL USE PERMIT

Case Coordinator: Lorri Dennis

GENERAL PROJECT INFORMATION

SITE ZONING: (LR-2) Local Retail District with SUP-293 for an antenna support structure.

SURROUNDING ZONING

SURROUNDING LAND USES

NORTH	(LR-2) L	ocal Retail District	Commercial Uses
SOUTH	(LR-2) L	ocal Retail District	Commercial Uses
EAST	(LR-2) L	ocal Retail District	Commercial Uses
WEST		for the (SF-7/14) Single esidential District	Single Family Residential Subdivision
REQUEST:		Allow a 20-foot increase in he telephone antenna monopole	eight for the existing 62-foot cellular
PROPOSED USE:		Cellular telephone antenna monopole	
ACRES/LOTS	S:	Approximately 1,841 square for 3.7-acre tract (unplatted)	oot lease space on an approximately
LOCATION:		3065 N. Josey Lane	
HISTORY:		The shopping center has never b	een platted.
HISTORY:		The current zoning was establis	een platted. shed in December 1998. Prior to that for the (LR-2) Local Retail District.
HISTORY:		The current zoning was establis time the tract was zoned PD-21	shed in December 1998. Prior to that
HISTORY:		The current zoning was establis time the tract was zoned PD-21	shed in December 1998. Prior to that for the (LR-2) Local Retail District. hopping center was built in 1980.
HISTORY: COMPREHE PLAN:	NSIVE	The current zoning was establis time the tract was zoned PD-21 the Per the Appraisal District, the sh	shed in December 1998. Prior to that for the (LR-2) Local Retail District. hopping center was built in 1980.
COMPREHE		The current zoning was establis time the tract was zoned PD-21 the Per the Appraisal District, the sh SUP-293 was approved in 2002.	shed in December 1998. Prior to that for the (LR-2) Local Retail District. hopping center was built in 1980.
COMPREHE PLAN: TRANSPORT		The current zoning was establis time the tract was zoned PD-21 the Per the Appraisal District, the sh SUP-293 was approved in 2002. Low Intensity Commercial Uses	shed in December 1998. Prior to that for the (LR-2) Local Retail District. hopping center was built in 1980.

STAFF ANALYSIS

PROPOSAL/BACKGROUND

- A. This is a request for a 20-foot tower extension section to be added to the existing 62–foot monopole to accommodate at least two (2) new wireless carriers. The extension will bring the height of the tower to approximately 82 feet.
- B. Freestanding cellular towers are allowed within the (LR-2) Local Retail District upon approval of a Special Use Permit.
- C. The existing Woodlake Village Shopping Center has parking lot light poles that are approximately 35 feet in height.

ORDINANCE REQUIREMENTS

D. The Comprehensive Zoning Ordinance requires the approval of a Special Use Permit for an antenna support structure in all zoning districts.

ELEMENTS TO CONSIDER OTHER SUPS FOR SIMILAR ANTENNAS

- 1. <u>SUP 69</u> (2387 Midway Rd., just north of Kellway Dr.): Enacted in 1996, allows for a 95-foot antenna located behind the building.
- 2. <u>SUP 117</u> (1421 W. Main St., just west of IH-35E): Enacted in 1989, allows for a 117-foot monopole located at the rear of the lot.
- 3. <u>SUP 126</u> (2601 E. Belt Line Rd., Halliburton, at the northwest corner of Columbian Club Dr.): Enacted in 1990, allows for a 420-foot-tall antenna with guy wires, located on the north end of the site.
- 4. <u>SUP 140</u> (1225 W. Trinity Mills Rd., just west of Camp Ave.): Enacted in 1991, allows for a 92-foot monopole.
- 5. <u>SUP 176</u> (2445 N. Broadway St., opposite the DART Trinity Mills Station): Enacted in 1994, allows for a 75-foot monopole.
- 6. <u>SUP 204</u> (2760 E. Trinity Mills Rd., just west of Marsh Ln.): Enacted in 1997, allows for a 100-foot monopole located behind the building.
- 7. <u>SUP 205</u> (3733 N. Josey Ln., at the northwest corner of Rosemeade Pkwy.): Enacted in 1997, allows for a 92-foot monopole.
- 8. <u>SUP 217</u> (1420 Westway Cir.): Enacted in 1996, allows for an 85-foot monopole located behind the building.
- 9. <u>SUP 218</u> (2734 N. IH-35E, Classic Buick/GMC): Enacted in 1996, allows for a 100-foot monopole located at the rear corner of the property.
- 10. <u>SUP 222</u> (2320 Luna Rd., site is actually on the west side of the PGBT, between Belt Line Rd. and Valley View Ln.): Enacted in 1997, allows for a 130-foot monopole.

- 11. <u>SUP 223</u> (2808 Trinity Square Dr., just east of Marsh Ln.): Enacted in 1997, allows for an 85-foot monopole located at the rear of the building.
- 12. <u>SUP 230</u> (1725 Sandy Lake Rd., just west of IH-35E): Enacted in 1998, allows for a 75-foot monopole located at the rear of the building.
- 13. <u>SUP 259</u> (1706 Peters Colony Dr., Blalock Middle School, at the southeast corner of Standridge Dr.): Enacted in 2000, allows for a 60-foot monopole located between the building and the football field.
- 14. <u>SUP 264</u> (1700 Columbian Club Dr., north of Belt Line Rd.): Enacted in 2000, allows for a 100-foot monopole located to the south of the building.
- 15. <u>SUP 287</u> (2013 N. Broadway St., just north of Whitlock Ln.): Enacted in 2002, allows for an 85-foot monopole located at the rear of the property.
- 16. <u>SUP 293</u> (3065 N. Josey Ln., at the southwest corner of Frankford Rd.): Enacted in 2003, allows for a 60-foot monopole located in front of the building.
- 17. <u>SUP 303</u> (2140 Hutton Dr., just north of Champion Dr.): Enacted in 2003, allows for a 130-foot monopole located to the side of the building.
- 18. <u>SUP 398</u> (4020 Nazarene Dr., near SH 121 and Marchant Blvd.): Enacted in 2012, allows for a 120-foot monopole with multiple antenna sets.

Additional Information Developed After the February 5, 2015 Meeting

The applicant and staff have worked out the following landscaping package proposed for the SUP. Landscaping on the subject tract is difficult due to the odd shape of the tract and the number of existing parking spaces and driveways along Josey Lane.

The applicant will remove a minimum of three parking spaces along Josey Lane (as shown in the landscaping exhibit) and replace them with landscaping islands containing Crepe Myrtles, Mexican Feather Grass and decorative natural stone boulders. Once established, these species should be low-maintenance and drought tolerant.

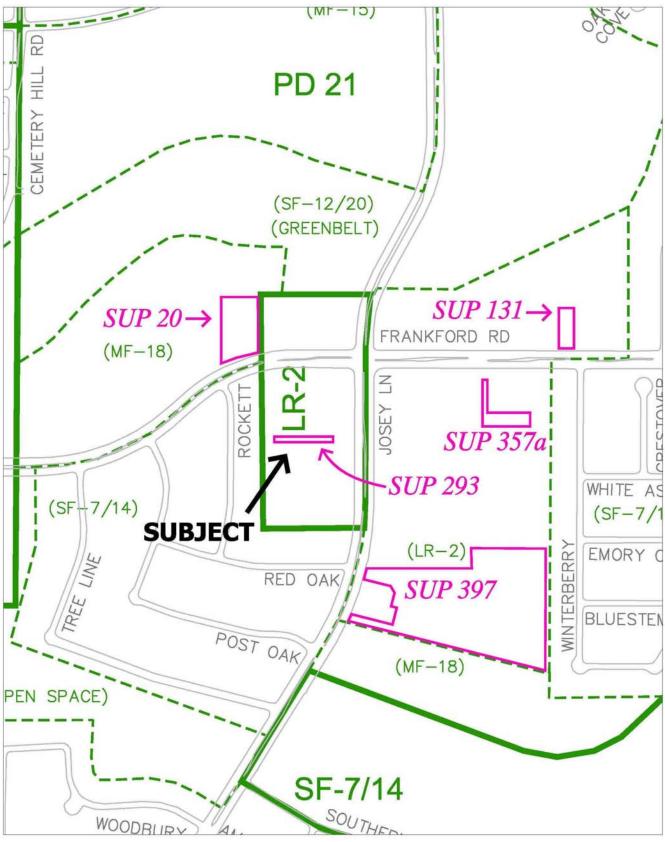
These new islands will be visually consistent with the City-maintained landscape buffer further north in front of the CVS pharmacy.

The applicant will be responsible for replacing any plants that die, but the City can provide routine maintain for these new islands since City crews will already be nearby maintaining the buffer in front of the CVS pharmacy.

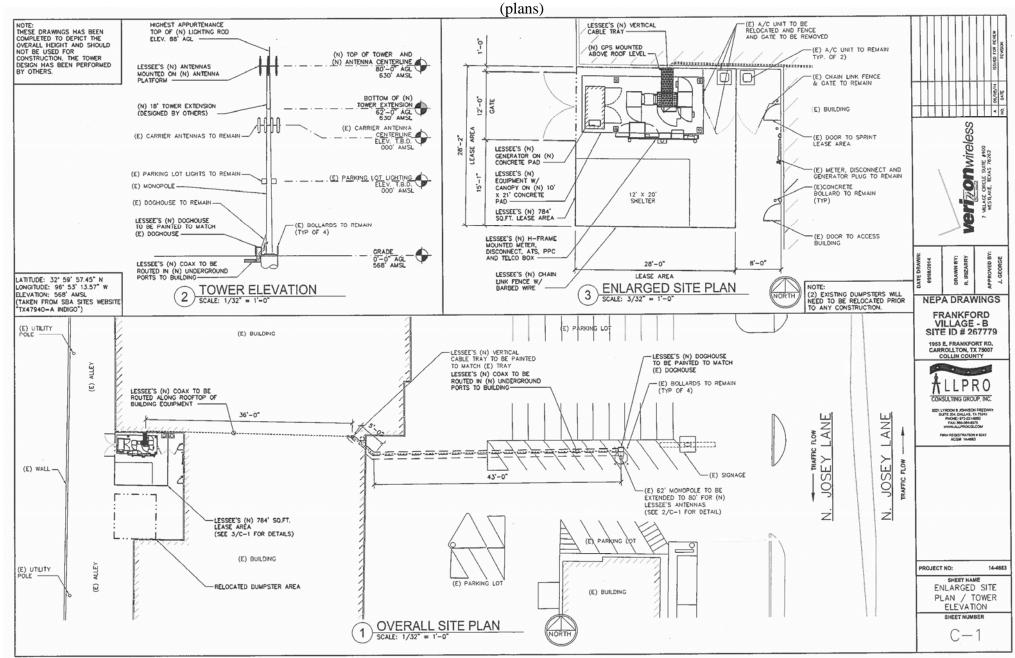
Finally, the applicant will "dress up" the other existing landscape islands in the shopping center by installing decomposed granite gravel to replace the dead/dying turf grass.

CONCLUSION

The site has had a 62-foot monopole since 2002. The proposal for the extension will allow for other carriers to co-locate. New landscaping will improve the look of the shopping center. Co-locating carriers on existing antenna monopoles (as opposed to erecting new monopoles) is encouraged by City policy, therefore the request seems appropriate.



SITE LOCATION AND ZONING MAP



APPLICANTS EXHIBIT

SUPPLEMENTARY INFORMATION

Aerial View of the Site (north is to the right)



SUPPLEMENTARY INFORMATION Photos of existing tower



View of existing monopole from the north.

SUPPLEMENTARY INFORMATION Photos of existing tower



View of the Tower Base showing "Dog House". An additional "Dog House" (sloped structure to cover new wire conduit) will be added and painted to match the existing color.

SUPPLEMENTARY INFORMATION Applicant's narrative

Application Explanation and Description of Request or Project

The purpose of the SUP application at 3065 Josey Ln is for the addition of a 20 foot tower extension on an existing 60 foot monopole to accommodate at least two (2) additional wireless carries.

SBA realizes that the beautification of Carrollton is important to both the City and its residents, and because of this we wish to help further that cause. However the current communication tower's location is in an area that makes this difficult. Due to this fact, SBA would like to be a part of the beautification of Carrollton by donating a flower garden, landscaping, or trees to a future beautification project to be determined at a later date.



PROPOSED LANDSCAPING EXHIBIT

Excerpt from Approved Minutes Planning & Zoning Commission Meeting of February 5, 2015

Hold A Public Hearing And Consider An Ordinance To Repeal And Re-Establish **Special Use Permit 293 To Allow For A 20 Foot Tower Extension** To The Existing 60 Foot Monopole. With Special Conditions; Amending Accordingly The Official Zoning Map. The Approximately 3.688-Acre Tract Is Located At 3065 Josey Lane And Is Currently Zoned SUP 293 For The (LR-2) Local Retail District. Case No. 02-15SUP1 Verizon/Clinton Earnhart For SBA Communications. Case Coordinator: Christopher Barton.

Christopher Barton, Chief Planner, presented the case noting that the height extension would allow the co-location of two other carriers. He stated that staff was still working with the applicant regarding a couple of issues and therefore recommended the case be continued to the March 5, 2015 meeting.

Vice Chair Averett opened the public hearing and invited speakers to the podium; there were no speakers.

* Stotz moved to hold open the public hearing and continue Case No. 01-15SUP1 AT&T Cell Tower to the March 5 meeting; second by Chadwick and the motion was approved with a unanimous 6-0 vote (Romo and Daniel-Nix absent, one vacant seat).

Excerpt from Draft Minutes Planning & Zoning Commission Meeting of March 5, 2015

Hold A Public Hearing And Consider An Ordinance To Repeal And Re-Establish **Special Use Permit 293 To Allow For A 20 Foot Tower Extension** To The Existing 60 Foot Monopole. With Special Conditions; Amending Accordingly The Official Zoning Map. The Approximately 3.688-Acre Tract Is Located At 3065 Josey Lane And Is Currently Zoned SUP 293 For The (LR-2) Local Retail District. Case No. 02-15SUP1 AT&T Cell Tower/Clinton Earnhart For SBA Communications. Case Coordinator: Christopher Barton.

Barton presented the case stating that the case was continued from the January 15, 2015 meeting allowing the applicant to prepare additional information, specifically a landscaping plan. Staff recommended approval with the stipulations found in the case report. He advised that the applicant was also proposing to dress up the existing landscape islands and recommended that stipulation be added.

Peter Cavanaugh, 1620 Hamely Drive, Dallas, requested approval subject to the items noted by Mr. Barton. He stated that he had read the stipulations and understood them.

Chair McAninch opened the public hearing and invited speakers to the podium; there were no speakers.

* Chadwick moved to close the public hearing and approve Case No. 02-15SUP1 AT&T Cell Tower with stipulations and with the added stipulation that the turf grass would be removed from the existing islands and replaced with decomposed granite and boulders; second by Averett and the motion was approved with a unanimous 9-0 vote. PLANNING City of Carrollton Date: 04/07/15

ORDINANCE NUMBER

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING SPECIAL USE PERMIT NUMBER 293 TO PROVIDE FOR AN ANTENNA SUPPORT STRUCTURE FOR CELLULAR TELEPHONE ANTENNAS UPON PROPERTY LOCATED AT 3065 NORTH JOSEY LANE; AMENDING THE OFFICIAL ZONING MAP; PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the Fifth day of March 2015, the Planning & Zoning Commission considered and made a recommendation on a request regarding a Special Use Permit (Case No. 02-15SUP1); and,

WHEREAS, the City Council is of the opinion and finds that allowing for the extension of the cell tower height will promote co-location of carriers, which benefits the citizens of Carrollton; and,

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and,

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

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

Section 2.

Special Use Permit Number 293 is hereby amended for a certain tract located at 1017 West Seminole Trail and being Lot 2R2, Block 1, Replat of Lot 2R, Block 1, Northwest Realty Addition to the City of Carrollton, as recorded in Cabinet P, Page 30,

ORDINANCE NO.____ Case No.02-15SUP1 AT&T Cell Tower

Deed Records of Denton County, Texas and more specifically described on the attached Exhibit A to read as follows:

"I. Permitted Uses:

The following uses will be permitted on a certain tract located at 1017 West Seminole Trail and being Lot 2R2, Block 1, Replat of Lot 2R, Block 1, Northwest Realty Addition to the City of Carrollton, as recorded in Cabinet P, Page 30, Deed Records of Denton County, Texas and more specifically described on the attached Exhibit A:

Antenna Support Structure for Cellular Telephone Antennas

II. Special Development Standards.

Development shall be in accordance with the Conceptual Site Plan and Conceptual Equipment Plan exhibits attached hereto as Exhibits B and C, and in accordance with the following special conditions, restrictions, and regulations:

- 1. The maximum height of the antenna monopole structure shall be 85 feet.
- 2. The existing parking lot landscape islands shall be improved by removing existing turf grass and replacing it with decomposed granite.
- 3. Two additional landscape islands, a minimum of nine feet at their narrowest dimension including curbing, shall be installed in the parking lot along Josey Lane as shown in Exhibit B. Each new landscape island shall contain the following at a minimum:
 - a. One multi-stem Crepe Myrtle (Red Rocket, Dallas Red or equivalent variety), at least 3-inch caliper and 10 feet in height at the time of planting.
 - b. Mexican Feather Grass, a least one gallon at the time of planting, spaced no more than 18 inches apart.
 - c. A natural stone boulder, a minimum of 18 inches in each dimension and a minimum of 24 inches in at least one dimension."

Section 3.

The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 4.

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

Section 5.

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

Section 6.

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

Section 7.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of April, 2015.

CITY OF CARROLLTON

By:

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller Assistant City Attorney Christopher Barton, AICP Chief Planner

Page 3

Exhibit A Legal Description Lease Area

BEING a tract of land situated in the B. Baccus Survey, Abstract No. 119, City of Carrollton, Denton County, Texas, same being out of and a portion of that certain tract of land conveyed to Long Star Properties, Inc. by Assumption Warranty Deed dated May 14, 1998, and recorded in Volume 4099, page 80, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the northwest comer of said Long Star Properties, Inc. tract, same being the southwest comer of that certain tract of land conveyed to Susan Sandelman, Trustee, by Deed dated June 29, 1990, and recorded in Volume 2815, page 397, Deed Records, Denton County, Texas; being on the east line of Woodlake Addition No. 10, an addition to the City of Carrollton, Denton County, Texas, according to the map or plat thereof recorded in Volume 16, page 26, Map Records, Denton County, Texas, and from which a 1/2" iron rod found for the northwest comer of said Sandelman tract, same being on the south right-of-way of Frankford Road (100' right-of-way) bears North 00 degrees 11 minutes 57 seconds East, a distance of282.85 feet;

THENCE along the north line of said Long Star Properties tract, same being the south line of said Sandelman tract, South 89 degrees 48 minutes 02 seconds East, a distance of 61.24 feet to the POINT OF BEGINNING hereof;

THENCE continuing along the north line of said Long Star Properties tract, same being the south line of said Sandelman tract, South 89 degrees 46 minutes 50 seconds East, a distance of 16.67 feet to a Point;

THENCE through the interior of said Long Star Properties, Inc. tract the following three (3) courses:

- 1. South 00 degrees 13 minutes 10 seconds West, a distance of 13.92 feet to a Point;
- 2. North 89 degrees 46 minutes 50 seconds West, a distance of 16.67 feet to a Point;
- 3. North 00 degrees 13 minutes 10 seconds East, a distance of 13.92 feet to the POINT OF BEGINNING hereof and containing 0.0053 acres or 232 square feet of land, more or less.

ExhibitA

Legal Description

Easement

BEING a tract of land situated in the B. Baccus Survey, Abstract No. 119, City of Carrollton, Denton County, Texas, same being out of and a portion of that certain tract of land conveyed to Long Star Properties, Inc. by Assumption Warranty Deed dated May 14, 1998, and recorded in Volume 4099, page 80, Deed Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the northwest comer of said Long Star Properties, Inc. tract, same being the southwest comer of that certain tract of land conveyed to Susan Sandelman, Trustee, by Deed dated June 29, 1990, and recorded in Volume 2815, page 397, Deed Records, Denton County, Texas, being on the east line of Woodlake Addition No. 10, an addition to the City of Carrollton, Denton County, Texas, according to the map or plat thereof recorded in Volume 16, page 26, Map Records, Denton County, Texas, and from which a 112" iron rod found for the northwest comer of said Sandelnan tract, same being on the south right-of-way line of Frankford Road (100' right-of-way) bears North 00 degrees 11 minutes 57 seconds East, a distance of282.85 feet;

THENCE along the north line of said Long Star Properties tract, same being the south line of said Sandelnan tract, South 89 degrees 48 minutes 03 seconds East, a distance of 161.11 feet to the POINT OF BEGINNING hereof;

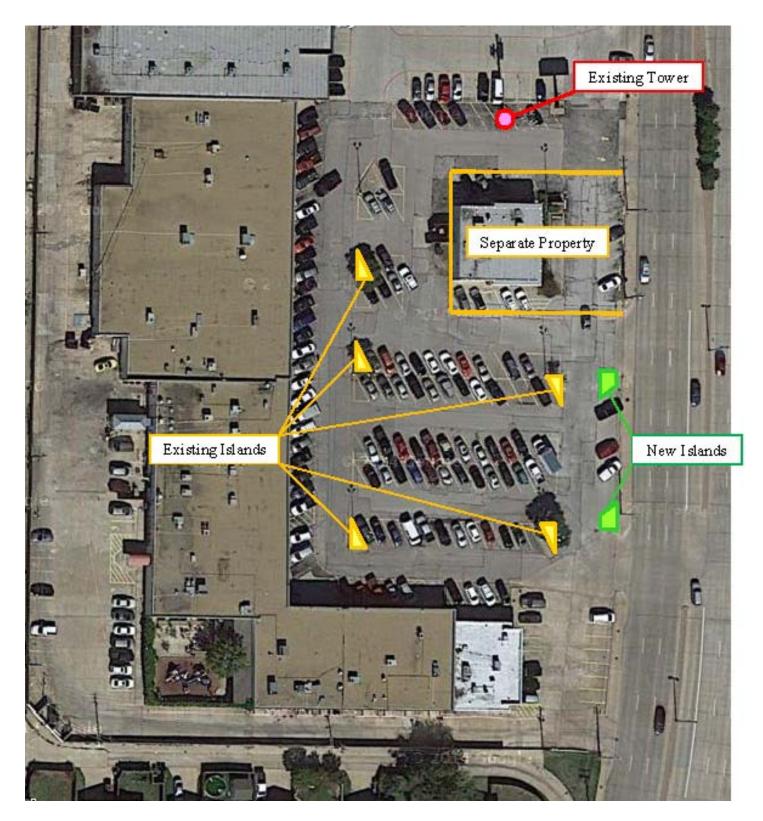
THENCE continuing along the north line of said Long Star Properties tract, same being the south line of said Sandelnan tract, South 89 degrees 48 minutes 03 seconds East, a distance of 13.05 feet to a Point;

THENCE through the interior of said Long Star Properties, Inc. tract, the following seven (7) courses:

- 1. South 78 degrees 41minutes20 seconds East, a distance of 19.80 feet to a Point;
- 2. South 89 degrees 46 minutes 50 seconds East, a distance of 126.45 feet to a Point;
- 3. 3. South 16 degrees 59 minutes 21 seconds East, a distance of 10.47 feet to a Point;
- 4. 4. North 89 degrees 46 minutes 50 seconds West, a distance of 130.52 feet to a Point;
- 5. 5. North 78 degrees 41minutes20 seconds West, a distance of 19.80 feet to a Point;
- 6. North 89 degrees 48 minutes 03 seconds West, a distance of 12.21 feet to a Point;
- 7. North 00 degrees 58 minutes 00 seconds East, a distance of 10.00 feet to the POINT OF BEGINNING hereof and containing 0.0369 acres or 1609 square feet of land, more or less.

ORDINANCE NO. Case No.02-15SUP1 AT&T Cell Tower

> **Exhibit B** Conceptual Site Plan



ORDINANCE NO. Case No.02-15SUP1 AT&T Cell Tower

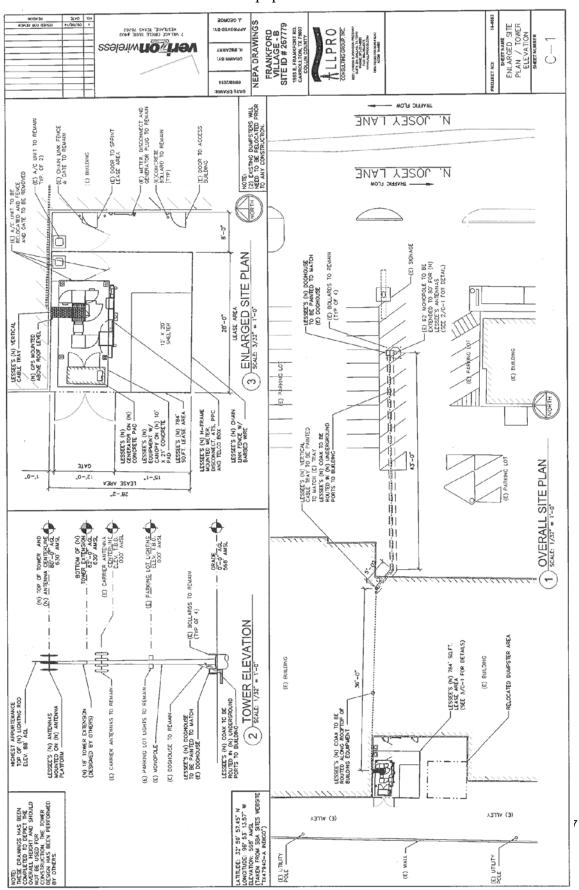


Exhibit C Equipment Plan

City of Carrollton



Agenda Memo

File Number: 1908

Agenda Date: 4/7/2015

Version: 1

In Control: City Council

Agenda Number: 33.

CC MEETING: April 7, 2015

DATE: March 12, 2015

TO: Leonard Martin, City Manager

FROM: Christopher Barton, Chief Planner

Status: Public Hearing/Individual Consideration

File Type: Public Hearing

Hold A Public Hearing And Consider An Ordinance To Rezone To Establish A Special Use Permit For A Child Daycare Center With Special Conditions On An Approximately 4.5-Acre Tract Located At 2760 East Trinity Mills Road; Amending Accordingly The Official Zoning Map. Case No. 01-15SUP1 University Kids/Tekisha Scott. Case Coordinator: Christopher Barton.

BACKGROUND:

This is a request for approval of a special use permit to allow a child daycare center at 2760 East Trinity Mills Road.

On January 15, 2015 the Planning & Zoning Commission continued the case to the March 5, 2015 meeting to allow the applicant to prepare additional information.

STAFF RECOMMENDATION/ACTION DESIRED:

On March 5, 2015 the Planning & Zoning Commission recommended **APPROVAL** with staff stipulations. The attached ordinance reflects the action of the Commission. Although there has been no public opposition received, the action of the Commission was not unanimous. Therefore, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

RESULTS SHEET

Date: 04/08/15 Case No./Name: 01-15SUP1 University Kids

A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends **DENIAL**. If the Commission recommends approval, staff suggests the following stipulations:

- 1. Permitted hours of operation shall be from 6:30 a.m. to 8:00 p.m., seven days a week.
- 2. The maximum number of children shall be 60.
- 3. The outdoor play space shall be in general conformance with the Conceptual Site Plan. Said play space shall be surfaced with an appropriate material meeting State requirements (e.g. shredded rubber, rubber mats, pea gravel, etc.) and fenced around its perimeter with a board on board privacy fence no less than six feet in height and meeting all other fencing requirements of the City of Carrollton.
- 4. The outdoor play space shall have a permanent shade structure installed, in general conformance with the example shown as Exhibit ____.
- 5. Minimum 8-inch diameter steel bollards filled with concrete shall be placed around the outside of the six-foot privacy fence in general conformance with the example shown on exhibits _____ and ____. (*Staff note: this is a new stipulation based on updated information since 01/15/15.*)
- **B. P&Z RECOMMENDATION** from P&Z meeting: 01/15/15 Result: **CONTINUED** to the March 3, 2015 meeting/Vote: 8 – 0 (Nesbit absent)
- C. P&Z RECOMMENDATION from P&Z meeting: 03/05/15 Result: APPROVAL/Vote: 7 – 2 (Chadwick & Stotz opposed)

D. CC PUBLIC HEARING & ORDINANCE ACTION from CC meeting: 04/07/15 Result: /Vote:

SPECIAL USE PERMIT

Case Coordinator: Christopher Barton

GENERAL PROJECT INFORMATION

SITE ZONING: (LR-2) Local Retail District

SURROUNDING ZONING

SURROUNDING LAND USES

NORTH	(LR-2) Local Retail District with SUP 285 for required parking on a lot separate from the main use, and (SF- 7/14) Single Family ResidentialTanning salon, professional offices and single family homes (across Trinity Mills Road)7/14) Single Family ResidentialDistrict		
SOUTH	PD-44 for the (MF-18) Multi-FamilyApartments, mini-storage andResidentialand(LC)LightCommercial Districtauto service/quick lube		
EAST	(LR-2) Local Retail District with SUP 115 for a reverse vending kiosk and SUP 204 for a cellular telephoneFitness & Recreational Sports Center (Private)		
WEST	PD-44 for the (MF-18) Multi-Family Apartments Residential District		
REQUEST:	Approval of an SUP to allow for a child daycare center		
PROPOSED	SE: Child daycare center		
ACRES/LOTS	Approximately 4.5 Acres/1 Lot (shopping center); approxima 4,750 square feet (lease space)	tely	
LOCATION:	2760 East Trinity Mills Road	2760 East Trinity Mills Road	
HISTORY:	The shopping center was platted into a lot of legal record in 1984.		
	According to the Dallas Central Appraisal District, the building constructed in 1983.	was	
	The current zoning was established on December 15, 1998. Prio that date the tract was included in PD-44 as originally established 1978. The intended use for the parcel has always been for retail us	d in	

COMPREHENSIVE PLAN:	Medium Intensity Commercial
TRANSPORTATION PLAN:	Trinity Mills Road is designated as an (A6D) Six-Lane Divided Arterial
OWNER:	Chalak Hometown Briarwick, LLC
REPRESENTED BY:	Tekisha Scott

STAFF ANALYSIS

ORDINANCE REQUIREMENTS TO CONSIDER

The Comprehensive Zoning Ordinance (CZO) requires the following for child day care centers:

• Hours of operation for Daycare centers shall be determined on a case by case basis. Where a Special Use Permit has been established allowing a daycare center, and where the applicable hours of operation have not been identified, the hours of operation shall not exceed the period between 6:00 am and 12:00 midnight.

The daycare center will operate from 6:30 am to 8:00 pm.

• Where the front entrance or designated student disembarkation point of a daycare center is less than two hundred-fifty (250) feet from the main entrance of the site, off-street vehicle stacking spaces shall be provided in accordance with Article XXIV of the CZO.

Adequate parking and stacking spaces are available for the use.

• A minimum four (4) foot high wall or iron or metal fence shall enclose outdoor activity space. The minimum separation between rods shall be no less than four (4) inches on-center apart.

The applicant proposes a six-foot-high board on board privacy fence enclosing the outdoor activity space.

ELEMENTS TO CONSIDER

- The proposed site is a lease space in an existing shopping center. A new, fenced outdoor play space would be in the rear of the shopping center. While there is no turf or other landscaped area, the play area would be surfaced with a material meeting State requirements, such as shredded rubber, rubber mats or pea gravel to provide a "giving" surface reducing the impact of falls.
- The applicant plans to provide small, raised planter boxes suitable for children to learn about small plants.
- The daycare center consists of approximately 4,000 square feet of building space and an approximately 1,300 square foot outdoor playground.

ADDITIONAL INFORMATION

Following are specific questions from the Commission noted by the applicant at the January 15, 2015 meeting along with her responses. Additional images and exhibits are at the end of the case report.

1. Where exactly will University Kids be located?

2760 East Trinity Mills Road, Carrollton, Texas 75006, Suite 114 (project site) as depicted with a purple star on the **A6-DIRECTION OF TRASH PICK UP** document.

2. Where will the playground be located?

The playground will be located directly adjacent to the rear of the building. See A2-OUTDOOR FLOOR PLAN and A6-DIRECTION OF TRASH PICK UP for an aerial view.

3. Is the financing secured for the rear of the playground, if it were to be approved?

Yes, the outdoor play area is part of my build-out allocations in my lease and I have secured a small business loan.

4. Have you read staff's stipulations?

Yes, I will comply with staff's recommendations/stipulations.

5. Which businesses/retailers did you speak to in regards to how frequent they use the rear/back lane?

I spoke with all eleven businesses. The Framing Warehouse receives deliveries to the rear of the building approximately once a month. The remaining businesses receive front (door) deliveries.

6. How do you protect the fence from any vehicular damage?

A solid wood fence supported by reinforced steel posts inserted into the ground, to include ten (10) concrete traffic bollards around the perimeter. Currently, there is an eight inch existing concrete slab with four (4) concrete traffic bollards outside of the play area. Also, consistent signage will be posted to alert drivers. See A6-DIRECTION OF TRASH PICK UP.

7. Is the fence a board on board to prevent people from seeing that there are children playing?

Yes, the privacy fence is a solid wood, board on board, including cameras in the rear of the building.

8. When it rains how does the water drain?

The water drains toward the fire lane, running east.

9. Are there any problems with the solid fence?

No, the solid fence adds natural appeal to the outdoor learning environment.

10. Are daycares protected by any regulations, regarding a certain amount of feet from an alcoholic beverage establishment?

No, the project site is six to seven businesses/retailers from the alcoholic beverage establishment, approximately 140 feet.

(Note from staff: the distance requirement established by state law applies to schools, not child day care centers.)

11. Location of the sanitation/trash pickup and travel route behind the project site?

The trash is located on the opposite side of the project site to the left as seen on A6-DIRECTION OF TRASH PICK UP. The dumpster truck enters from the Trinity Mills side and travels along in the rear (fire) lane behind University Kids towards 24 Hour Fitness.

12. What type of shading will be used?

Traditional daycare and elementary school shade canopy. Blocks 94% of sunlight and protects children from harmful UV rays. Knitted fabric from high density polyethylene monofilament, infused with UV inhibitors, designed to withstand wind loads of up to 90 mph.

13. How often does the sanitation department pickup trash? What days? Do they come consistently at the same time?

Tuesday & Thursday before 11:00 a.m. Trash pickup time is consistent.

14. How many people will be on the playground? Can you re-arrange play time with the scheduling of dumpster pick up?

There will be two adults with approximately fourteen scholars between them. Yes, play time will be adjusted to avoid dumpster pickup.

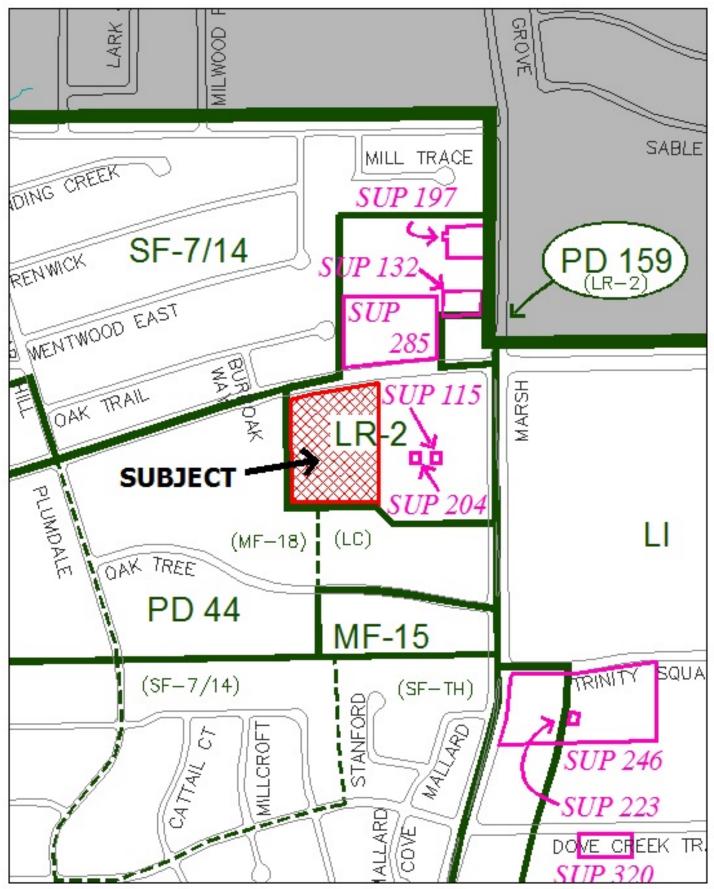
15. Will the children play outside when it is dark?

No, the playground is off limits when it is dark.

Conclusion

Because both the Planning & Zoning Commission and City Council have previously expressed a clear desire to have outdoor play space be in the character of "natural" landscaping, with turf and other vegetation, staff must recommend against the request. While it may be possible to remove the existing paving in the back of the lease space and install turf grass and other vegetation, it would likely be uneconomic to do so.

If the Commission recommends in favor of the request, staff suggests the stipulations found in the result sheet.



LOCATION MAP

APPLICANT'S APPLICATION MATERIALS (following pages)

December 18, 2014

Re: Planning and building inspection

Dear City of Carrolton:

University Kids will ensure that the outdoor classroom playground space for the scholars supersedes the expectations set forth by the city of Carrolton. As the scholars exit to the outdoor play space it will appear as if they are entering one of the local parks and/or their very own backyard. In making it an *attractive* play space we will install the previously proposed fine and gross motor playground equipment, wood fence, trees, and garden beds and include *a synthetic playground grass surfacing as seen in the photo attached*.

In order to ensure the space is *healthy* we will put in place *warning signs stating children are at play* in all directions near the play area (see example from DeSoto Children's Academy's photo attached). We will install a *guardrail* along the outside of the fencing area (see example from DeSoto Children's Academy's photo attached). A fence over four feet tall will be installed to enclose the A/C unit and it will be secured with a lock. In addition to clarify, the space behind the University Kids' suite is *solely reserved* for University Kids. The *trash receptacles are located on the opposite end* of the property and are not located anywhere near the vicinity of the scholars' play area. The University Kids' back wall is slanted between the adjacent buildings which causes the outdoor space to be *tucked away and not in the path of service providers*.

LMNOP Children's Academy, 2606 Trinity Square Drive Carrolton, TX 75006 and DeSoto Children's Academy, 901 North Polk Street, DeSoto, TX 75115 are two similar entities that are currently serving the community in commercial buildings with divisible suites. The photos attached demonstrate how DeSoto Children's Academy has utilized their back space to install their playground. In common we have put in place safety signs and railing, yet University Kids will ensure a more aesthetically natural appealing scene with opaque fencing, garden boxes, trees, and a lush green grass surface. We are committed to providing the scholars with an interactive garden haven with essential fine and gross motor playground equipment.

Re: Parking spaces

Yes, six spaces will be adjacent to the main entrance of the daycare.

Thank you for the feedback and please feel free to contact Tekisha at 512 699 9530.

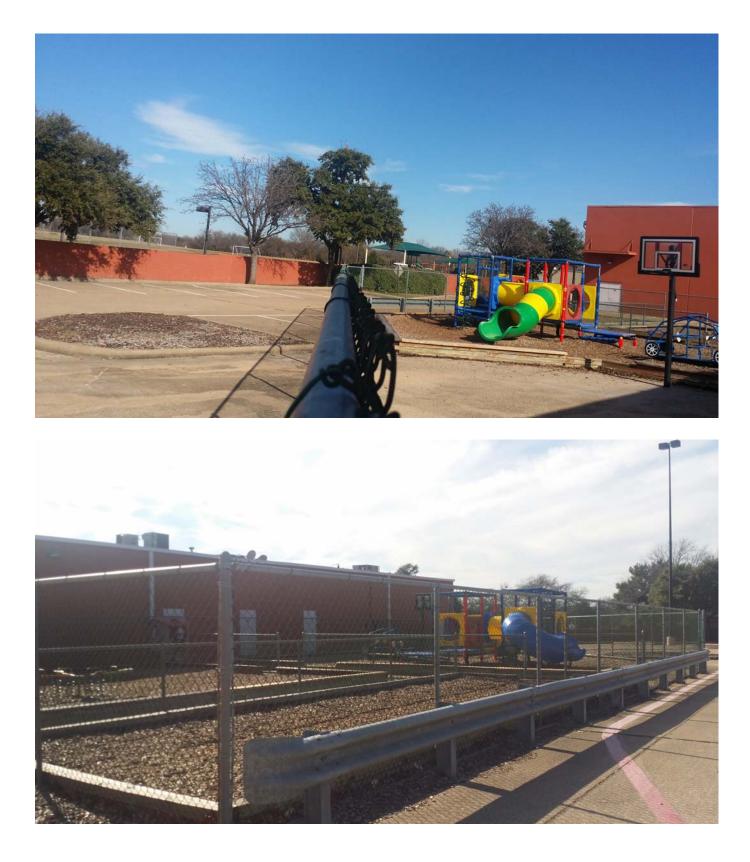
Sincerely,

Tekisha Scott

MATERIALS PROVIDED BY THE APPLICANT, Showing a similar facility in Desoto, Texas



Case No.01-15SUP1 University Kids





Example of Artificial Turf (BELOW)



Page 14

EXCERPT FROM APPROVED MINUTES PLANNING & ZONING COMMISSION MEETING OF JANUARY 15, 2015

Hold A Public Hearing And Consider An Ordinance To Rezone To Establish A **Special Use Permit For A Child Daycare Center** With Special Conditions On An Approximately 4.5-Acre Tract Located At 2760 East Trinity Mills Road; Amending Accordingly The Official Zoning Map. **Case No. 01-15SUP1 University Kids**/Tekisha Scott. Case Coordinator: Christopher Barton.

Barton presented the case and stated that Staff reluctantly recommended denial based on the expressed direction from the City Council and the P&Z Commission for child daycare outdoor play space to be a more natural environment.

Tekisha Scott, 2611 Ross Avenue, Dallas, began by distributing a copy of the presentation to the Commission. She provided information on her professional background and talked about the program she wanted to provide. She proposed to serve about 60 children and employ 11 people and would adhere to the Comprehensive Zoning Ordinance. She stated she was told by the owner of the building that the back area was not used as a service lane or by service vehicles and she described the proposed outdoor play area; the materials that would be used, and assured the Commission that the turf could be applied on top of a concrete surface. She referred to various other daycare centers in Carrollton and neighboring cities specifically with regard to location and outdoor space. She advised that she had received approval for a small business loan and that the property owner would assist with costs associated with the outdoor space.

Chair Blanscet asked for clarification about the location of the playground and proposed center because the packet provided showed the space to be different from the area on the site plan. Saad Bairuty, property owner of 2760 Trinity Mills, used the site plan to point out the location of the proposed day care and playground area noting it was shown correctly on the site plan. He stated the proposed playground would be behind the center. He also stated they would be more than happy to meet the City's requirements.

Daniel-Nix asked if the applicant and property owner had seen and read the staff stipulations and Ms. Scott replied affirmatively.

Strong concern was voiced by several commissioners with regard to protecting the playground area from traffic in the back area of the center. Ms. Scott and Mr. Bairuty talked about the brick wall and curbing that would protect the area and were amenable to providing protective means such as concrete bollards or guard rails as well as "children at play" signage. Ms. Scott stated her understanding that she would be required to work with the staff with regard to the proper materials and installation and she replied that she had no problem installing whatever the City required.

Chair Blanscet opened the public hearing and invited speakers to the podium.

Saad Bairuty, property owner, stated that several of the other business owners felt the daycare center would be good for the center and talked about the improvements recently made to the center. He spoke in favor of the daycare center.

Elsie Thurman, 9406 Biscayne Blvd., Dallas, owner of a land use company, stated she was in support of the center and would be happy to work with the applicant on a pro bono basis to help her with regard to protecting the outdoor space.

Chair Blanscet noted he received a card from Ricky Tran in support of the request.

Ravi Shah, Director of Development Services, asked the Commission to give strong consideration regarding the layout of the playground, specifically noting the shade structure, turf, fencing and other items and suggested directing the applicant to work with the staff to prepare required documents prior to the hearing by the City Council.

There being no other speakers, Chair Blanscet offered the applicant an opportunity to make closing comments and Ms. Scott had no further comments.

In addition to the items noted by Mr. Shah, Kiser suggested security lighting also be considered.

* Stotz moved to keep the public hearing open and continue Case No. 01-15SUP1 University Kids to the March 5 meeting with the provision that the applicant and staff work on a definitive traffic pattern and plan for the playground area; second by Daniel-Nix and the motion was approved with a unanimous 8-0 vote (Nesbit absent).

EXCERPT FROM DRAFT MINUTES PLANNING & ZONING COMMISSION MEETING OF MARCH 5, 2015

Hold A Public Hearing And Consider An Ordinance To Rezone To Establish A **Special Use Permit For A Child Daycare Center** With Special Conditions On An Approximately 4.5-Acre Tract Located At 2760 East Trinity Mills Road; Amending Accordingly The Official Zoning Map. **Case No. 01-15SUP1 University Kids**/ Tekisha Scott. Case Coordinator: Christopher Barton.

Barton presented the case and noted that the case was continued from the January 15, 2015 meeting to allow the applicant additional time to provide more information. He stated that staff's recommendation remained as denial and requested that if the Commission chose to approve the request, that the motion include the stipulations provided in the case report.

Tekisha Scott, applicant, referred to the additional information she provided and stated that she had read the stipulations and understood them. She explained that bollards currently exist and the fencing around the play area would be 6 foot board on board. The play area would be covered with padding and artificial turf.

Chair McAninch opened the public hearing inviting speakers to the podium; there being no speakers, she opened the floor for a motion.

* Kiser moved to close the public hearing and approve Case No. 01-15SUP1 University Kids with staff stipulations; second by Daniel-Nix and the motion was approved with a 7-2 vote, Chadwick and Stotz opposed.

ADDITIONAL MATERIALS PROVIDED BY THE APPLICANT Subsequent to the January 1, 2015 P&Z meeting (following pages)

UNIVERSITY KIDS - SPECIAL USE PERMIT-Case No.01-15SUP1

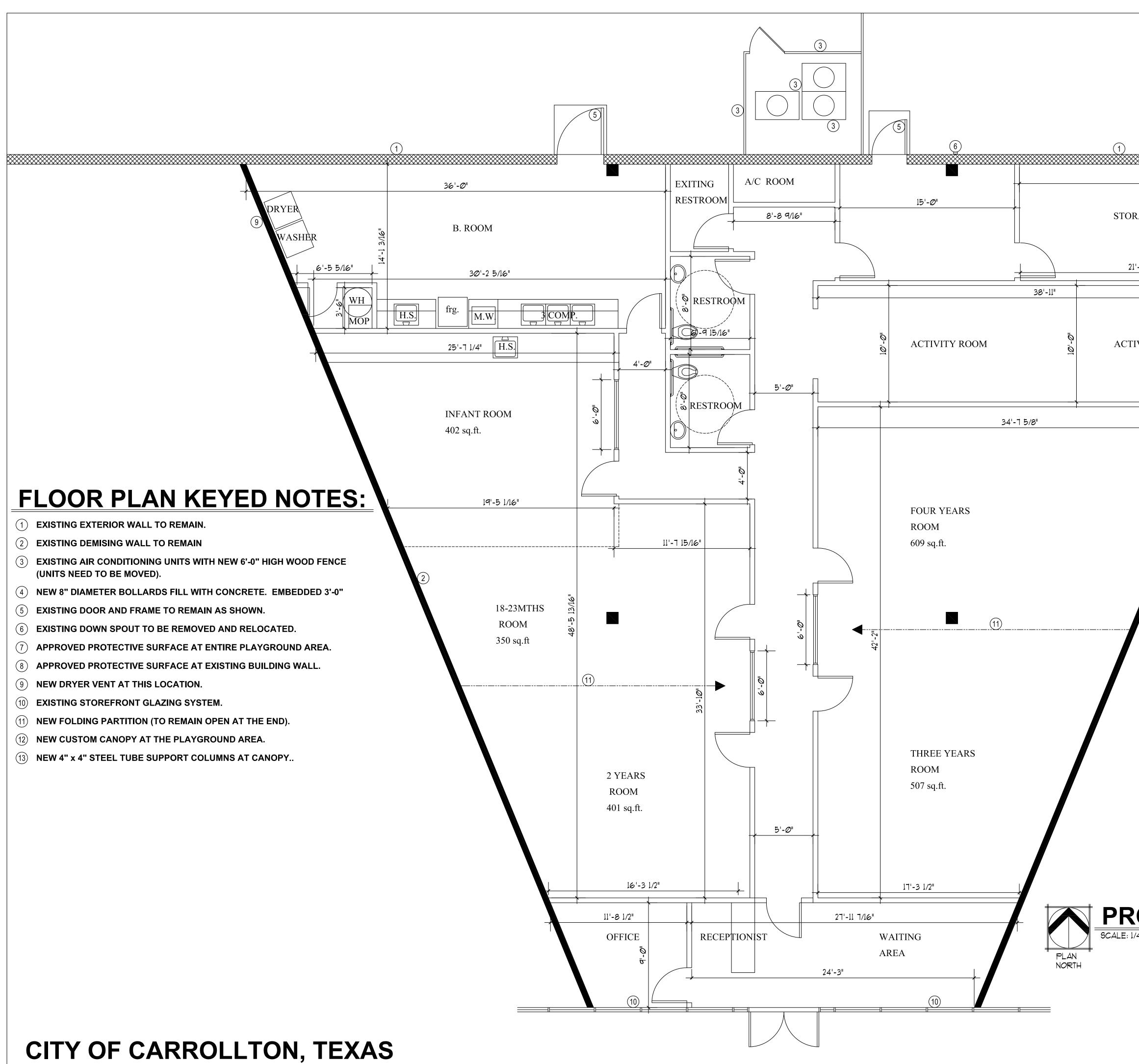
2760 East Trinity Mills Road, Suite 114, Carrollton, TX 75006

The following documents serve to illustrate the project site located at 2760 East Trinity Mills Road, Suite 114, is a safe and environmentally friendly location to serve the children of Carrollton. Applicant: Tekisha Scott

1. A1-INDOOR FLOOR PLAN - PAGE 2

Illustration of the proposed modifications to project site.

- 2. A2-OUTDOOR FLOOR PLAN PAGE 3 Illustration of the proposed modifications for the playground behind project site.
- **3. A3-EXTERIOR ELEVATION LOOKING NORTH AND WEST PAGE 4** Illustration of the proposed placement of traffic bollards and fencing.
- **4. A4-SPECIALTY SPECIFICATIONS ALIGNED WITH FLOOR PLANS PAGE 5** Information about the proposed material to be used.
- A5-SPECIFICATION LIST WITH PHOTO EXAMPLES PAGE 6 Specification details with colored visuals.
- A6-DIRECTION OF TRASH PICK UP PAGE 9
 Map illustrating the travel path of the dumpster truck, aerial view of proposed playground, and existing
 elements.
- 7. A7-PHOTOS OF LOCATION PAGE 10 Photos behind project site.
- 8. A8-PLANNING AND ZONING QUESTION CLARIFICATION PAGE 11 Provide answers to questions proposed during the January 15th Planning & Zoning Commission meeting.



CITY OF CARROLLTON, TEXAS PLANNING AND ZONING PRESENTATION

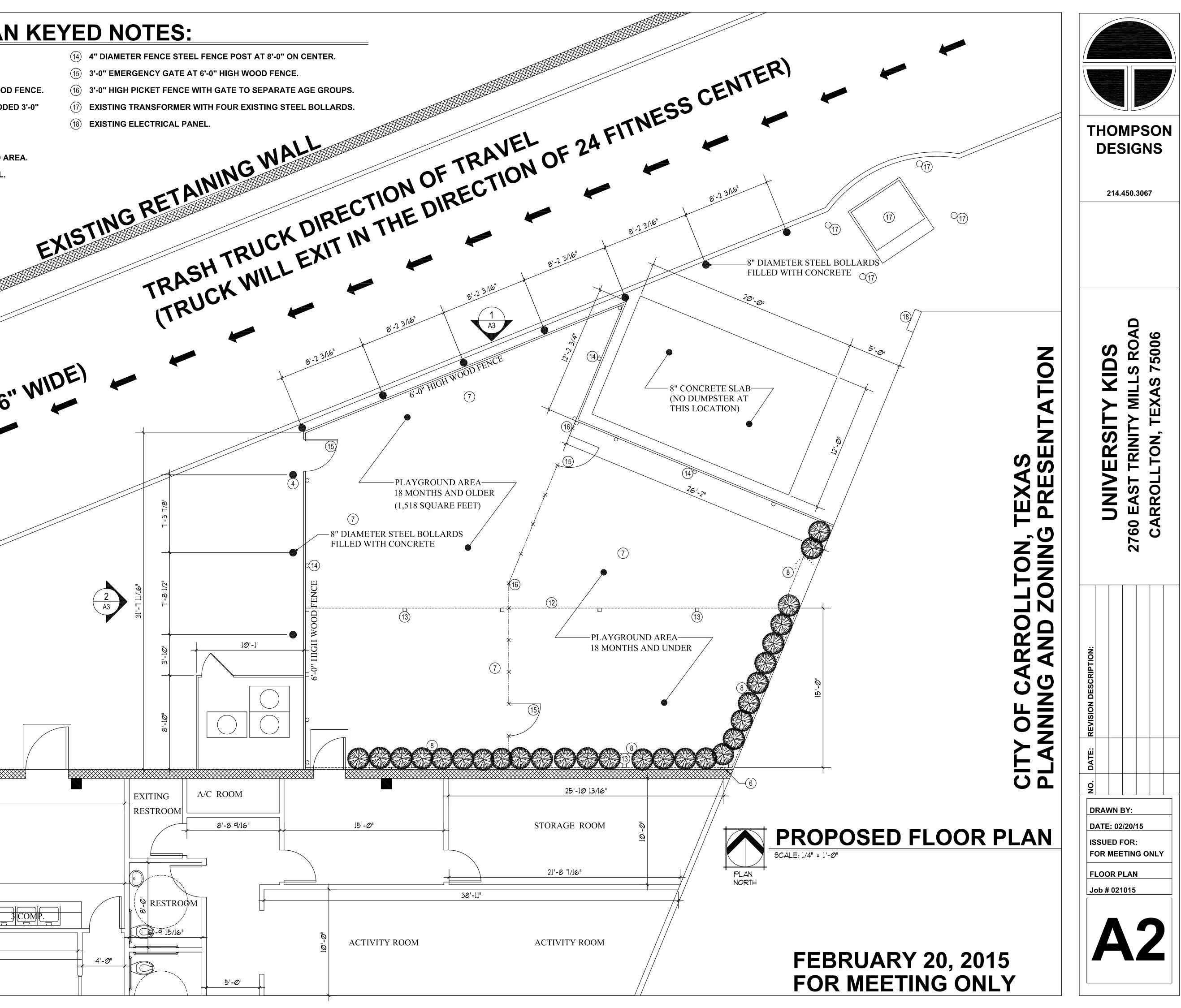
<u>وَ</u> 25'-10/13/16" RAGE ROOM في	<image/> <section-header></section-header>
ч-е тие'	UNIVERSITY KIDS 2760 EAST TRINITY MILLS ROAD CARROLLTON, TEXAS 75006
	NO. DATE: REVISION DESCRIPTION: Image: I
OPOSED FLOOR PLAN V4" = 1' - O''	DRAWN BY: DATE: 02/20/15 ISSUED FOR: FOR MEETING ONLY FLOOR PLAN Job # 021015
FEBRUARY 20, 2015 FOR MEETING ONLY	

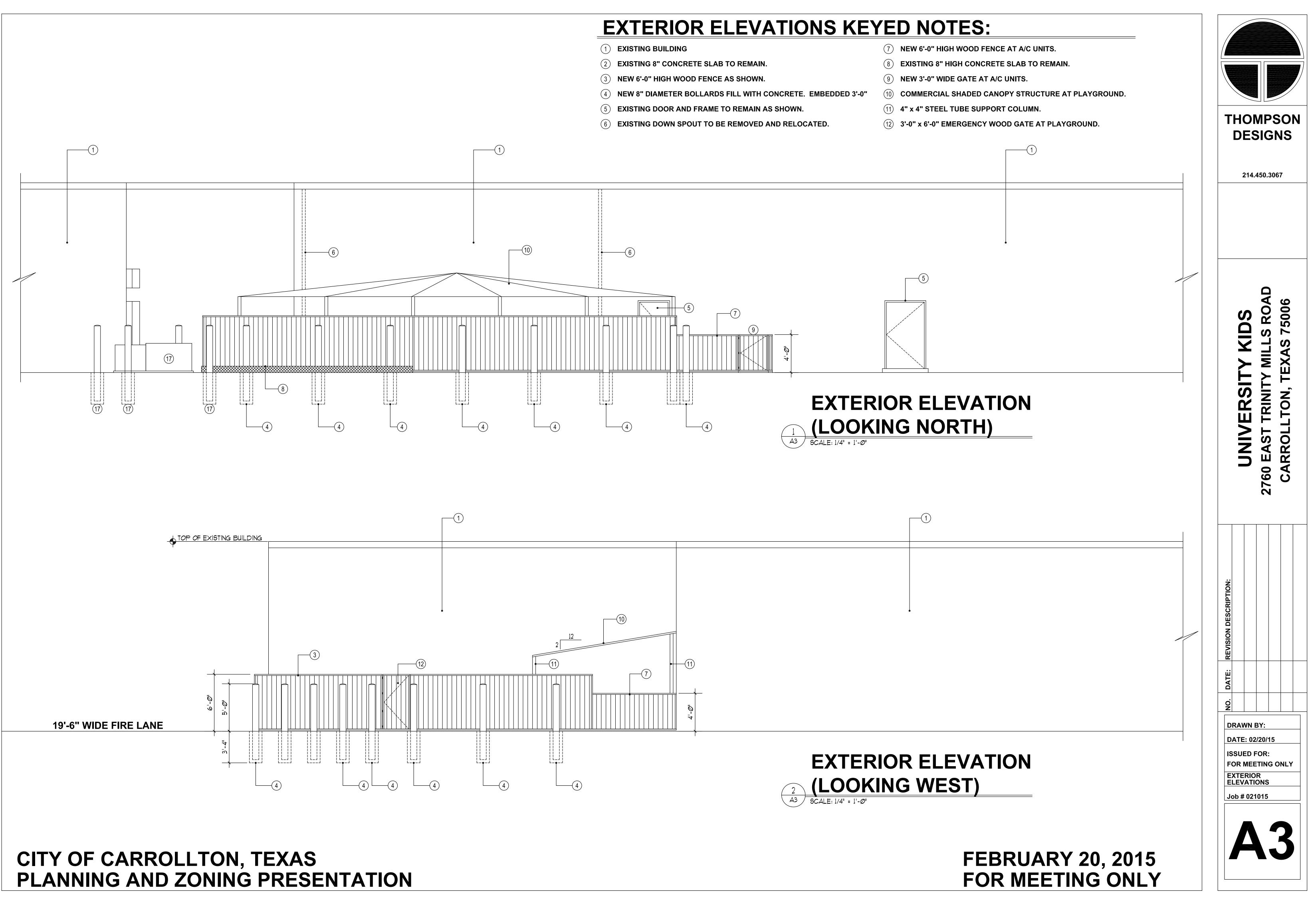
PROPOSED FLOOR PLAN KEYED NOTES:

- (1) EXISTING EXTERIOR WALL TO REMAIN.
- (2) EXISTING DEMISING WALL TO REMAIN
- **EXISTING AIR CONDITIONING UNITS WITH NEW 6'-0" HIGH WOOD FENCE.**
- 8" DIAMETER BOLLARDS FILL WITH CONCRETE. EMBEDDED 3'-0"
- ING DOOR AND FRAME TO REMAIN AS SHOWN
- TING DOWN SPOUT TO BE REMOVED AND RELOCATED
- VED PROTECTIVE SURFACE AT ENTIRE PLAYGROUND AREA
- GARDEN BOXES / INTERACTIVE SENSORY TOYS / AND MURAL
- NEW DRYER VENT AT THIS LOCATION.
- TING STOREFRONT GLAZING SYSTEM.
- FOLDING PARTITION (TO REMAIN OPEN AT THE END).
- (12)V CUSTOM CANOPY AT THE PLAYGROUND AREA.
- (13) NEW 4" x 4" STEEL TUBE SUPPORT COLUMNS AT CANOPY..

EXISTING FIRE LANE (19'-6" WIDE)

EXITING 36'-0" RESTROOM **DRYE**I B. ROOM \WASHÈJ 6'-5 5/16" 30'-2 5/16" RESTROOM frg. H.S. M.W. 25'-7 1/4" H.S. 4'-Ø"





SPECIALTY SPECIFICATIONS:

WOOD FENCE (6'-0" HIGH AND 4'-0" HIGH):

2 3/8" STEEL / METAL POST SET IN CONCRETE / 18" DEEP AT 8'-0" ON CENTEF WITH 6" WIDE WOOD FENCE PICKETS (SOUTHERN YELLOW PINE, RED CEDAR, SPRUCE OR TREATED PINE. WOOD PRIVACY FENCING. WITH AS SHOWN

SURFACE AT PLAYGROUND:

SURFACE: **ARTIFICIAL GREEN GRASS WITH PADDING UNDERNEATH.**



GARDEN BOXES / INTERACTIVE SENSORY TOYS / AND MURAL.



PLAYGROUND SHADE SAIL OR STANDING SEAM METAL SHADE STRUCTURE WITH SUPPORT COLUMNS: TO PROVIDE YEAR ROUND PROTECTION FOR THE CHILDREN AT THE PLAYGROUND AREA.

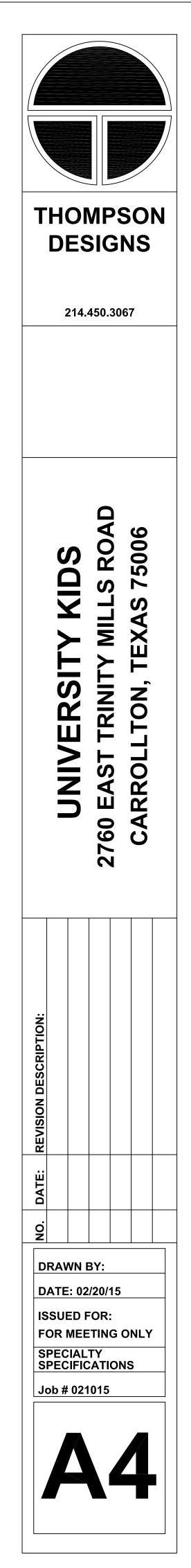


R-1007-08 PIPE BOLLARD (8 5/8" DIAMETER STEEL PIPE). EMBEDDED IN A CONCRETE SUB-STRATE TO PROVIDE A HIGHER LEVEL OF IMPACT-RESISTANT IN PARKING LOTS AND OUTSIDE RETAIL OUTLETS. THE STEEL BOLLARD WILL STAND 5'-0' ABOVE THE CONCRETE SURFACE AND IT WILL BE EMBEDDED 3'-0" INTO CONCRETE **3'-0" BELOW THE SURFACE OF THE CONCRETE.**

SURFACE AT EXISTING BUILDING:

COVERED CANOPY AT PLAYGROUND AREA:

8" DIAMETER STEEL BOLLARDS (FILLED WITH CONCRETE)



SENTATION PRE ZIZ Z 0 2C AND S ANNING U ЦО בק

FEBRUARY 20, 2015 FOR MEETING ONLY

A5-SPECIFICATION LIST WITH PHOTO EXAMPLES

1. Commercial Shaded Canopy Structure

Shade structure made of UV stabilized high density polyethylene which blocks up to 94% of harmful UV rays.

Specifications:

Standard Wind Loads w/o Fabric: 150 MPH Entry Heights: 8' / 10'/12' Standard Wind Loads w/ Fabric: 90 MPH

http://srpshade.com/product-search/type/product/field_product_attributes/type-3071/field_product_attributes/umbrella-3326



2. Padded Artificial Grass Turf (ST30PVBM- Sports Turf (3mm Pad))

Specifications:

Synthetic Turf Color: Verde Synthetic Turf Pile Weight - 30oz per sq. yard Synthetic Turf Face Yarn Type - 100% Monofilament Poly Synthetic Turf Pile Height - 1/4" Turf Primary Backing - Stabilized Woven Polypropylene Turf Secondary Backing - All weather latex unitary Synthetic Turf Installation - Indoor/Outdoor, Concrete, Asphalt



http://www.syntheticturf.com/Artificial-Turf-Main/Synthetic-Turf-Foam-Padded/Batting-Cage-Turf-ST30PVBM-3mm

MATERIAL AND SPECIFICATIONS continued

3. Traffic Bollards

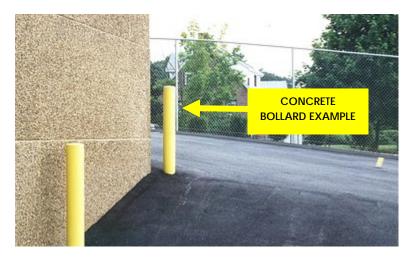
Specifications:

TYPE: Bollards that prevent the entry of vehicles into an area or simply protect buildings from accidental damage. DIMENENSIONS: 8" diameter x 4 feet

Material: Concrete

STRESS LOAD: 5000 PSI at 28 days

http://www.milanvault.com/site-amenities/concrete-bollards/ http://www.milanvault.com/content/bollards/Milan_Parking-Bollard-Spec.pdf



4. Wooden Fencing for Perimeter (6 ft. x 6 ft. Fence Picket)

Model # 162523 Internet # 204146019

Specifications

Dimensions

Actual picket height (in.) 72 Actual picket thickness (in.) .590 Actual picket width (in.) 3.5 Assembled Depth (in.) .590

Details

Commercial/Residential Use: Commercial / Residential Fencing Product Type: Wood Pickets Material: Wood



http://www.homedepot.com/p/Unbranded-6-ft-x-6-ft-Pressure-Treated-Cedar-Tone-Moulded-Fence-Kit-162523/204146019?N=5yc1vZc3m6

MATERIAL AND SPECIFICATIONS continued

5. Fencing to Separate Age Groups (3 ft. x 6 ft.)

Model # 162522, Internet # 204146002

Specifications Dimensions

Actual backer rail length (in.) 72 Actual backer rail thickness (in.) 1.375 Actual backer rail width (in.) 2.375 Actual panel height (in.) 36 Actual panel thickness (in.) 2.25 Actual panel width (in.) 72



Details

Commercial/Residential Use: Commercial / Residential Fencing Product Type: Wood Pickets Material: Wood

http://www.homedepot.com/p/Unbranded-3-ft-x-6-ft-Pressure-Treated-Cedar-Tone-Moulded-Fence-Kit-162522/204146002

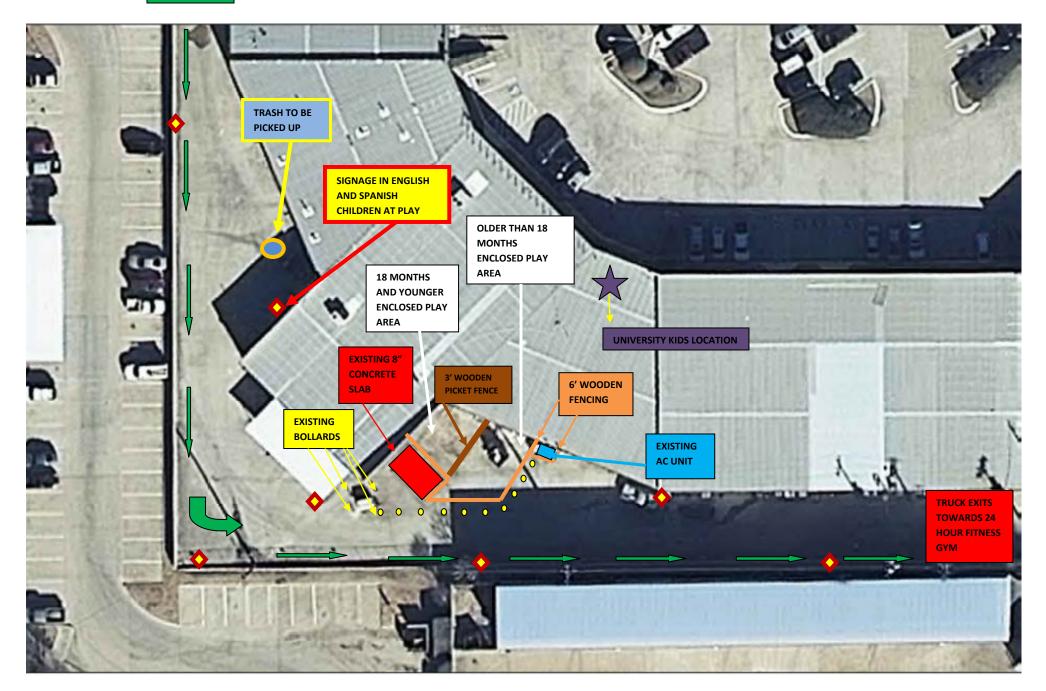
SUPPLEMENTAL PROTECTION

The <u>back wall</u> will have raised garden boxes, greenery, fine motor sensory toys as seen below, and a mural in order to protect the scholars from a wall injury, provide a natural aesthetics appearance, and kid friendly environment. In addition, there will be ample <u>signage</u> to alert drivers that children are in the vicinity.



A6-DIRECTION OF TRASH PICK-UP

TRUCK ENTERS FROM THIS DRECTIONS



A7-PHOTOS OF LOCATION











A8-PLANNING AND ZONING QUESTION(S) CLARIFICATION *Questions in black *Answers in green

1. Where exactly will University Kids be located?

2760 East Trinity Mills Road, Carrollton, Texas 75006, Suite 114 (project site) as depicted with a purple star on the **A6-DIRECTION OF TRASH PICK UP** document.

2. Where will the playground be located?

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- 3. Is the financing secured for the rear of the playground, if it were to be approved? Yes, the outdoor play area is part of my build-out allocations in my lease and I have secured a small business loan.
- **4. Have you read staff's stipulations?** Yes, I will comply with staff's recommendations/stipulations.
- 5. Which businesses/retailers did you speak to in regards to how frequent they use the rear/back lane?

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15. Will the children play outside when it is dark?

No, the playground is off limits when it is dark.

ORDINANCE NO.____ Case No. 01-15SUP1 University Kids

SPECIAL USE PERMIT NO. 423

PLANNING DEPARTMENT City of Carrollton Date: 04/07/15

ORDINANCE NUMBER

ORDINANCE NO. ______ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 423 ON AN APPROXIMATELY 4.5-ACRE TRACT LOCATED AT 2760 EAST TRINITY MILLS ROAD, PROVIDING FOR CHILD DAY CARE SERVICES WITH SPECIAL CONDITIONS; AMENDING THE OFFICIAL ZONING MAP; PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Fifth day of March, 2015, the Planning & Zoning Commission considered and made recommendation on a request regarding a Special Use Permit (Case No. 01-15SUP1), and:

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

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

Section 2.

Special Use Permit Number 423 is hereby established for an approximately 4.5acre tract located at 2760 East Trinity Mills Road and being more specifically described on the attached Exhibit A, providing for the following use:

Child Day Care Services

Section 3.

Development shall be in accordance with the following special conditions, restrictions, and regulations:

- 1. Permitted hours of operation shall be from 6:30 a.m. to 8:00 p.m., seven days a week.
- 2. The maximum number of children shall be 60.
- 3. The outdoor play space shall be in general conformance with the Conceptual Playground Plan shown as Exhibit B, and shall be surfaced with an appropriate material meeting State requirements (e.g. shredded rubber, rubber mats, pea gravel, etc.). The perimeter of the outdoor play spaced shall be enclosed with a board on board privacy fence no less than six feet in height that complies with all fencing requirements of the City of Carrollton.
- 4. The outdoor play space shall have a permanent shade structure installed in general conformance with the example shown as Exhibit C.
- 5. Minimum 8-inch diameter steel bollards filled with concrete shall be placed around the outside of the six-foot privacy fence in general conformance with the Conceptual Playground Plan shown on exhibit B and the Specifications List shown on Exhibit C.

Section 4.

The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 5.

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

Section 6.

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

Section 7.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with ORDINANCE NO.____ Case No. 01-15SUP1 University Kids

the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 8.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 9.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of April, 2015.

CITY OF CARROLLTON

By:

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller Assistant City Attorney Christopher Barton Chief Planner ORDINANCE NO.____ Case No. 01-15SUP1 University Kids

EXHIBIT A

Legal Description

Block 1, Tract 4 Briarwyck Shopping Center Addition

ORDINANCE NO. _____ Case No. 01-15SUP1 University Kids

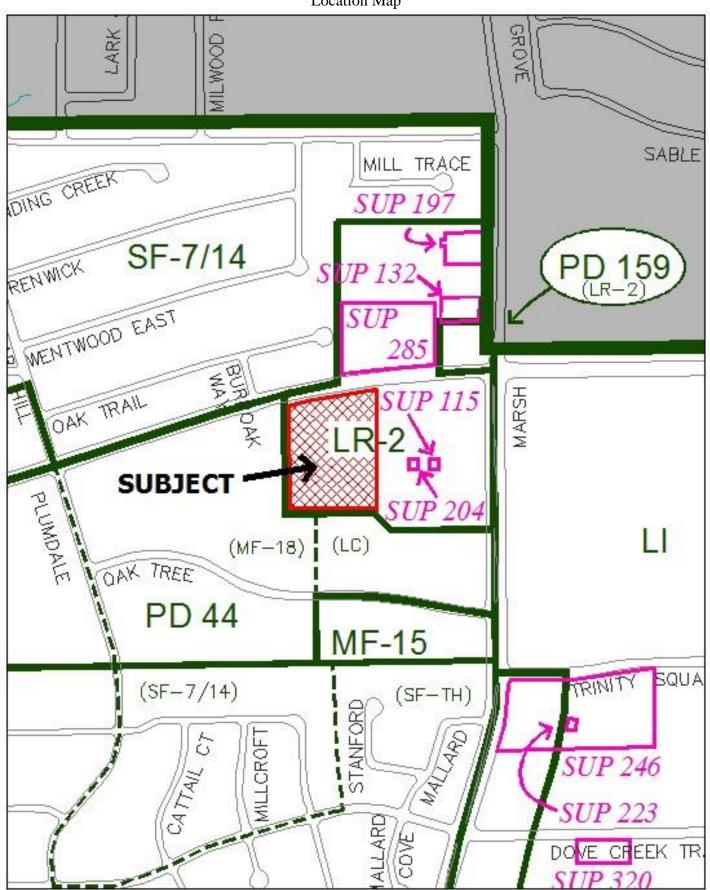


EXHIBIT A Location Map

ORDINANCE NO.____ Case No. 01-15SUP1 University Kids

EXHIBIT A General Location of Suite



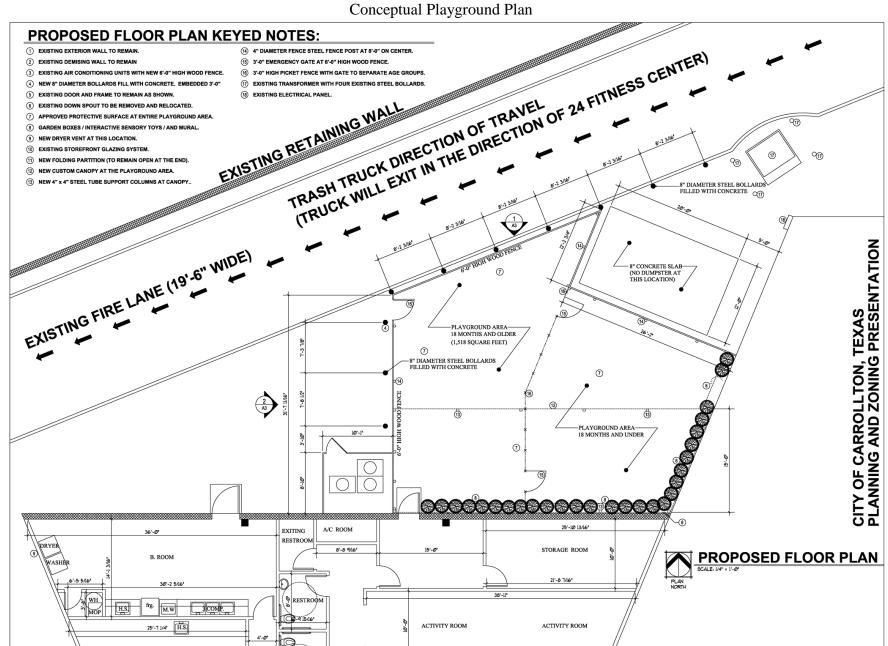


EXHIBIT B Conceptual Playground Plar

EXHIBIT C

Specifications

Commercial Shaded Canopy Structure

Shade structure made of UV stabilized high density polyethylene which blocks up to 94% of harmful UV rays.

Specifications:

Standard Wind Loads w/o Fabric: 150 MPH Entry Heights: 8' / 10'/12' Standard Wind Loads w/ Fabric: 90 MPH

http://srpshade.com/product-search/type/product/field product attributes/type-3071/field product attributes/umbrella-3326



Traffic Bollards

Specifications:

TYPE: Bollards that prevent the entry of vehicles into an area or simply protect buildings from accidental damage. DIMENENSIONS: 8" diameter x 4 feet Material: Concrete STRESS LOAD: 5000 PSI at 28 days

http://www.milanvault.com/site-amenities/concrete-bollards/ http://www.milanvault.com/content/bollards/Milan_Parking-Bollard-Spec.pdf



City of Carrollton



Agenda Memo

File Number: 1910

Agenda Date: 4/7/2015

Version: 1

In Control: City Council

Agenda Number: 34.

CC MEETING: April 7, 2015

DATE: March 12, 2015

TO: Leonard Martin, City Manager

FROM: Christopher Barton, Chief Planner

Status: Public Hearing/Individual Consideration

File Type: Public Hearing

Hold A Public Hearing And Consider An <u>Ordinance To Establish A Special Use Permit To</u> <u>Allow A Used Car Dealer With Special Conditions On An Approximately 1.3-Acre Tract</u> <u>Located At 2399 Midway Road; Amending Accordingly The Official Zoning Map. Case</u> <u>No. 03-155UP2 Texas Carz/Salah Nimer. Case Coordinator: Christopher Barton.</u>

BACKGROUND:

This is a request to establish a special use permit for a used car dealer. On September 18, 2014 the Planning & Zoning Commission recommended in favor of this request. On October 14, 2014 the City Council denied the request. Subsequently, City Council granted a waiver to the "one-year rule," allowing the applicant to resubmit an application for reconsideration

STAFF RECOMMENDATION/ACTION DESIRED:

On March 5, 2015 the Planning & Zoning Commission recommended **APPROVAL** with staff stipulations. The attached ordinance reflects the action of the Commission. Although no public opposition has been received, the action of the Commission was not unanimous. Therefore, this item is being placed on the Public Hearing - Individual Hearing portion of the agenda.

RESULTS SHEET

Date: 04/08/15 Case No./Name: 03-15SUP2 Texas Carz

A. STIPULATIONS AND RECOMMENDATIONS:

Staff recommends **APPROVAL** with the following stipulations:

- 1. A row of evergreen shrubs (such as Eleagnus, Abelia, or approved equal), a minimum of 24" in height at the time of planting, shall be planted adjacent to the curb line of the parking lots, in accordance with Article XXV of the Comprehensive Zoning Ordinance.
- 2. Landscape additions shall be completed by April 30, 2015.
- 3. The existing driveway along Midway Road shall be removed.
- **B. P&Z RECOMMENDATION** from P&Z meeting: 03/05/15 Result: **APPROVAL**/Vote: 7 – 2 (McAninch & Chadwick opposed)
- C. CC PUBLIC HEARING & ORDINANCE ACTION from CC meeting: 04/07/15 Result: /Vote:

SPECIAL USE PERMIT

Case Coordinator:	Christopher Barton		
GENERAL PROJECT INFORMATION			
SITE ZONING:	(LI) Light Industrial District		
	URROUNDING ZONING SURROUNDING LAND USES		
NORTH	LI) Light Industrial District Warehouse/Commercial		
SOUTH	LI) Light Industrial District Warehouse/Commercial		
EAST	Cown of AddisonAirport (across Midway Rd.)		
WEST	LI) Light Industrial District Warehouse/Commercial		
REQUEST:	Approval of a Special Use Permit to allow outdoor display of use cars	ed	
PROPOSED USE	Used car sales		
ACRES/LOTS:	1.3 acres/One tract		
LOCATION:	Southwest corner of Midway Road and Commander Drive.		
HISTORY:	 The current zoning on the property was established in Decemb 1973. 	er	
	 The property was subdivided in October 1978. 		
	 The existing building was constructed in 1979. 		
	 On 09/18/14 the Planning & Zoning Commission recommended favor of this request. On 10/14/14 the City Council denied Subsequently, City Council granted a waiver to the "one-ye rule," allowing the applicant to resubmit for reconsideration. 	it.	
COMPREHENS	E Industrial Uses		
TRANSPORTAT PLAN:	Midway Road is designated as an (A6D) Six-Lane Divided Arterial. Commander Drive is a local street.		
OWNER:	Nimer Group, LLC		
REPRESENTED	Salah Nimer/Texas Carz		

STAFF ANALYSIS

PROPOSAL

This is a request to establish a new Special Use Permit for a Used Car Dealer with outdoor sales.

ORDINANCE REQUIREMENTS

The (LI) Light Industrial District currently allows **outdoor** used car display only with a Special Use Permit. Used car dealerships with indoor display only are allowed "by right."

ELEMENTS TO CONSIDER:

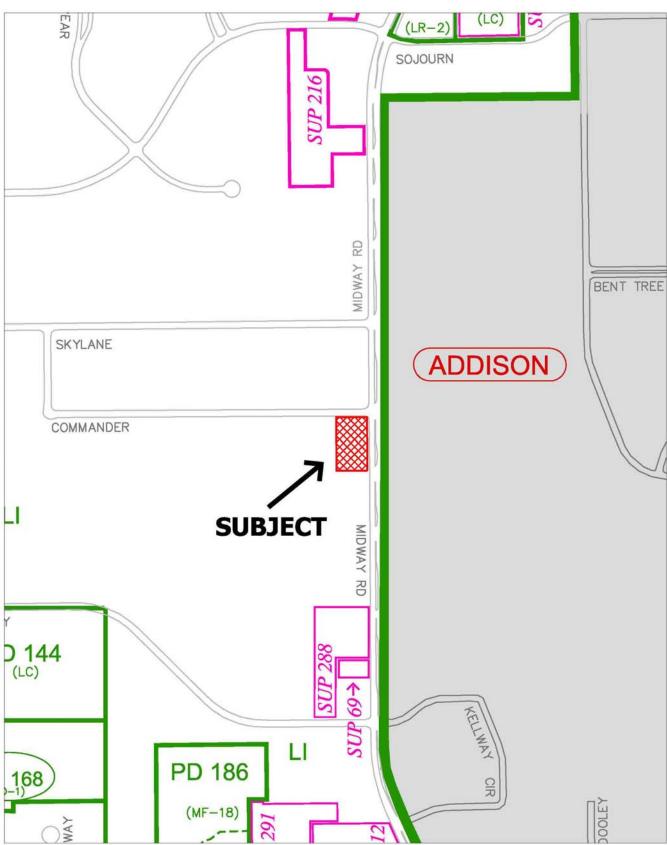
- The current business sells late-model, high-quality used cars; primarily imports.
- There is no history of code enforcement problems at this location, other than a notice of violation for outdoor display of autos for sale, issued on July 16, 2014.
- Comparison of 'before and after' photos of the site including façade treatment, signage, monument sign, and landscaping shows significant upgrading of the property.
- The applicant has already installed the evergreen shrubs called for in the staff stipulations.
- The existing driveway along Midway Road does not meet current regulations.
- On September 18, 2014 the Planning & Zoning Commission recommended approval of this case, with a 5 1 vote. On October 14, 2014 the City Council denied the case with a 4 -2 vote. On January 6, 2015 the City Council approved a waiver to the "one-year rule" and allowed the applicant to submit a new application for reconsideration.

EXISTING LANDSCAPING:

- The existing landscaping is currently non-conforming with regard to Article XXV.
- The site currently contains large shade trees on site and within the landscape buffer areas along both Midway Road and Commander Drive.
- The site currently has small ornamental trees in the landscape buffer along Midway Road.
- The site currently contains foundation plantings along a portion of the building façade facing Midway Road.
- The site currently does not have parking lot screening landscaping around the perimeter of the parking lot.
- The site currently has some dead or failing landscaping which will need to be replaced as required by Article XXV.

CONCLUSION:

The use appears appropriate.



SITE LOCATION AND ZONING MAP

SUPPLEMENTARY INFORMATION

(Text from Applicant's Application Explanation & Description as submitted)

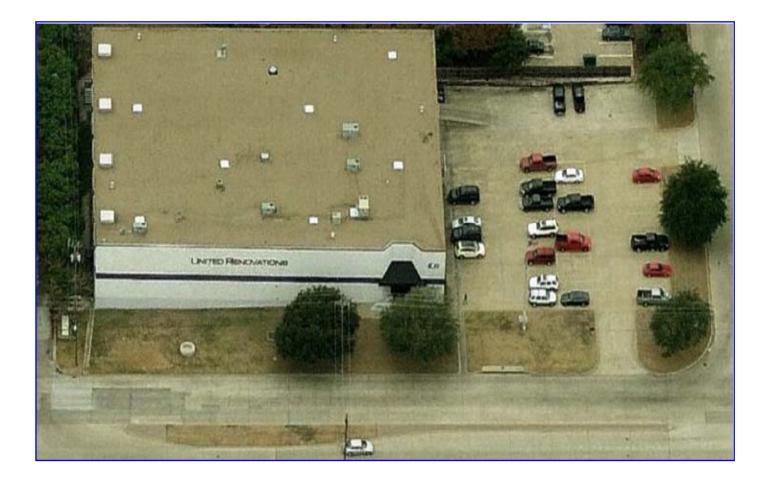
"We are an indoor used car Dealership. We bought this building in January mainly because of exposure on Midway Road and the huge parking lot. We need to be able to park cars on the parking lot for storage/outdoor sales. The cars are parked outside in a very organized and orderly manner."

SUPPLEMENTARY INFORMATION Aerial Photo Parking Lot Lay Out



Case No.03-15SUP2 Texas Carz

SUPPLEMENTARY INFORMATION Aerial View from Midway Road



Case No.03-15SUP2 Texas Carz

SUPPLEMENTARY INFORMATION Current Façade, Landscaping, Monument Sign and Flagpole



Case No.03-15SUP2 Texas Carz

SUPPLEMENTARY INFORMATION

Current Façade along Midway



Excerpt from Draft Minutes Planning & Zoning Commission Meeting of March 5, 2015

Hold A Public Hearing And Consider An Ordinance To Establish A Special Use Permit To Allow A Used Car Dealer With Special Conditions On An Approximately 1.3-Acre Tract Located At 2399 Midway Road; Amending Accordingly The Official Zoning Map. Case No. 03-15SUP2 Texas Carz/Salah Nimer. Case Coordinator: Christopher Barton.

Barton presented the case noting that on September 18, 2014, the Commission had recommended approval of the request but was subsequently denied by City Council. City Council has a "one-year rule" which prevents applicants from reapplying for at least a year after being denied. Since that time, Council has granted a waiver and will allow the applicant to submit an application for reconsideration. Staff recommended approval with stipulations noting the additional stipulation requiring that the driveway along Midway Road be removed.

Salah Nimer, 2399 Midway Road, applicant, stated that nothing had changed since the initial application; that he has read and understands the stipulations including the additional stipulation of removing the driveway on Midway Road and was prepared to do whatever was necessary to move forward.

Chair McAninch opened the public hearing inviting speakers to the podium; there being no speakers, she opened the floor for discussion or a motion.

* Nesbit moved to close the public hearing and approve Case No. 03-15SUP2 Texas Carz as submitted with stipulations and with an additional stipulation that the entrance from Midway Road be removed and it be brought up to the city's standard landscape recommendations; second by Daniel-Nix. Chair McAninch stated that she was opposed to all outdoor used car dealership sales in Carrollton and would be voting against the motion and the other case before the Commission this evening. The motion was approved with a 7-2 vote, McAninch and Chadwick opposed. ORDINANCE NO. Case No. 03-15SUP2 Texas Carz

SPECIAL USE PERMIT NO. 424

PLANNING City of Carrollton Date: 04/07/15

ORDINANCE NUMBER

ORDINANCE NO. ______ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING SPECIAL USE PERMIT NUMBER 424 FOR A USED CAR DEALER UPON PROPERTY LOCATED AT 2399 MIDWAY ROAD; AMENDING ACCORDINGLY THE OFFICIAL ZONING MAP; PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Fifth day of March, 2015, the Planning & Zoning Commission considered and made recommendation on a request regarding a Special Use Permit (Case No. 03-15SUP2), and:

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

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

Section 2.

Special Use Permit Number 424 is hereby established for a certain approximately 1.3 acre of land located at 2399 Midway Road as more specifically described on Exhibit A and generally depicted on Exhibit B, which exhibits are attached hereto and incorporated herein by reference for all purposes allowed by law, providing for a change in zoning from "Used Car Dealers (indoors only or accessory to new car sales)" to the following use:

"Used Car Dealer with Outdoor Display"

Section 3.

Development shall be in accordance with the following special conditions, restrictions, and regulations:

- 1. A row of evergreen shrubs that are a minimum of 24" in height at the time of planting shall be planted adjacent to the curb line of the parking lots.
- 2. Landscape additions shall be in accordance with Article XXV of the Comprehensive Zoning Ordinance and shall be completed by April 30, 2015.
- 3. The existing driveway along Midway Road shall be removed. (See aerial photo attached as Exhibit B)

Section 4.

The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 5.

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

Section 6.

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

Section 7.

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

Section 8.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

ORDINANCE NO.____ Case No. 03-15SUP2 Texas Carz

Section 9.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of April, 2015.

CITY OF CARROLLTON

By:

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

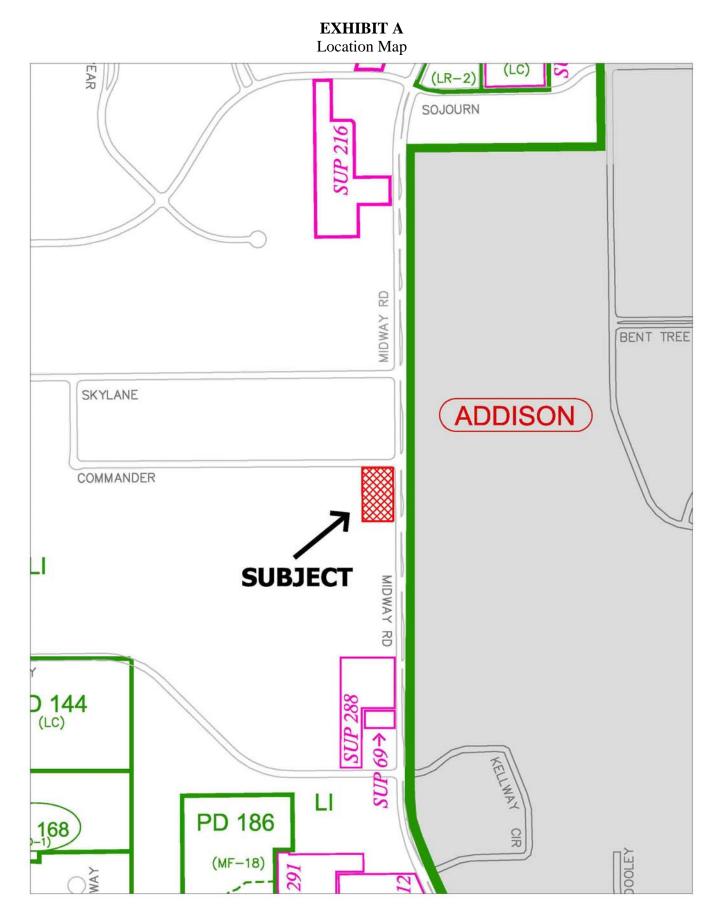
Susan Keller Assistant City Attorney Christopher Barton Chief Planner ORDINANCE NO. Case No. 03-15SUP2 Texas Carz

EXHIBIT A

Legal Descriptions

Lot 1, Block C Beltwood North, Phase 4 Addition

ORDINANCE NO.____ Case No. 03-15SUP2 Texas Carz



ORDINANCE NO. Case No. 03-15SUP2 Texas Carz

EXHIBIT B

Aerial Photo (Midway Road on right)



City of Carrollton



Agenda Memo

File Number: 1911

Agenda Date: 4/7/2015

Version: 1

In Control: City Council

Agenda Number: 35.

CC MEETING: April 7, 2015

DATE: March 12, 2015

TO: Leonard Martin, City Manager

FROM: Christopher Barton, Chief Planner

Hold A Public Hearing And Consider An Ordinance To Rezone To Amend Planned Development District 124 To Remove An Approximately 36 Acre Tract And To Establish A New Planned Development District For The (MF-18) Multi-Family Residential, (O-2) Office And (LR-2) Local Retail Districts With Modified Development Standards. The Subject Tract Is Located On The South Side Of Hebron Parkway Between Huffines Boulevard And SH 121/Sam Rayburn Tollway. Case No. 03-15Z2 The Collection/Dimension Group. Case Coordinator: Christopher Barton.

BACKGROUND:

This is a request for approval of amendments to Planned Development 124 to change certain development standards on an approximately 36-acre tract. Upon staff review of the existing ordinance, it appears that removing the subject tract from PD-124 and establishing a new planned development district with modified development standards is appropriate. The site is located on the south side of Hebron Parkway between Huffines Boulevard and SH 121/Sam Rayburn Tollway and is currently zoned PD-124 for the (MF-18) Multi-Family Residential, (O-2) Office and (LR-2) Local Retail Districts with SUP 370 for a restaurant with drive-through services and SUP 417 for child day care services.

STAFF RECOMMENDATION/ACTION DESIRED:

On March 5, 2015 the Planning & Zoning Commission recommended **APPROVAL** as presented. The attached ordinance reflects the action of the Commission. Although the action of the Commission was unanimous, public opposition has been received. Therefore, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

Status: Public Hearing/Individual Consideration

File Type: Public Hearing

RESULT SHEET

Date: 04/08/15 Case No./Name: 03-15Z2 The Collection (zoning)

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** with the ordinance elements found in the case report.

- **B. P&Z RECOMMENDATION** from P&Z meeting: 03/05/15 Result: **APPROVAL**/Vote: 9 - 0
- C. CC PUBLIC HEARING from CC meeting: 04/07/15 Result: /Vote:

ZONING

Case Coordinator:		Christopher Barton	
GENERAL PROJECT INFORMATION			
SITE ZONING:		PD-124 for the (O-2) Office, (LR-2) Local Retail and (MF-18) Multi- Family Residential Districts with SUP 370 for a restaurant with drive- through service and SUP 417 for a child day care center	
	SURROUNDING ZONING		SURROUNDING LAND USES
NORTH	PD-124 for the (LR-2) Local RetailRetail usesDistrict (across Hebron Pkwy., and at the "hard" southeast corner of Hebron Pkwy. and SH 121)Retail uses		
SOUTH	PD-124 for the (SF-7/16) Single- Single family homes Family Residential District		
EAST	PD-124 for the (O-1) Office District with SUP 214 for a child day care center (across Huffines Blvd.)		Child day care center and professional office
WEST			Retail uses, professional offices and mini-storage warehouse
REQUEST:		Approval of an amendment to PD-124 to remove approximately 36 acres from it and create a new Planned Development District with modified development standards.	
PROPOSED USE:		Limited Service Restaurant, with drive-through window (specific applicant, at the "hard" southwest corner of Hebron Pkwy. and Huffines Blvd.)	
ACRES/LOTS:		Approximately 36 acres/11 lots	
LOCATION:		South side of Hebron Parkway, between SH 121 and Huffines Boulevard.	
HISTORY:		PD-124 was originally created in 1992 as an approximately 1,280-acre tract with many different uses and development standards. Over the years it was amended many times.	
			for an approximately 36-acre tract with integrated, cohesive development. This

development area is currently known as "The Collection."

At this time a restaurant with drive-through service wishes to build at the "hard" southwest corner of Hebron Parkway and Huffines Boulevard (See Case No. 01-15TSP1 DQ Hebron at Huffines). Because the restaurant developer cannot meet certain design requirements of PD-124, they have applied to amend the PD ordinance.

COMPREHENSIVE Mixed Use/Urban (Mixed) uses **PLAN:**

- **TRANSPORTATION**Huffines Boulevard is designated as a (C4U) Four-Lane Undivided**PLAN:**Collector. Hebron Parkway is designated as an (A6D) Six-LaneDivided Arterial.State Highway 121/Sam Rayburn Tollway is
designated as a Controlled Access Highway.
- **OWNERS:** Carrollton Residential Associates, LLC, 360 @ Hebron, LLC, YNS Properties, LLC., Rice Independence Group, LLC and the City of Carrollton.

REPRESENTED BY: Daniel Murphree/Dimension Group

STAFF ANALYSIS

PROPOSAL

This proposal consists of two parts.

The first part is the application by the developer of a proposed Limited Service Restaurant with drive-through service (see Case No. 01-15TSP1), requesting to amend the development standards as they apply to this project. On January 15, 2015 the Planning & Zoning Commission continued that case indefinitely to allow the applicant to make this request. The specific details of this request are to:

- 1. Remove the requirement that doors be inset by 5 feet.
- 2. Remove the minimum window requirement for facades facing a street.
- 3. Remove the requirement for a minimum of 75' of internal storage for all driveways on Hebron or Huffines.

The second part of the application is a City-initiated request to take advantage of this opportunity to make certain other modifications to the development standards for "The Collection" to remove elements which simply repeat (e.g. certain setbacks) or conflict with other City ordinances (e.g. the sign ordinance) and generally "clean up" and "improve" the ordinance. As part of this, staff suggests removing "The Collection" from PD-124 entirely and create a new planned development district.

The specific changes proposed to the ordinance – whether by the applicant or the City – will be discussed as part of the ordinance "markup" starting on the following page.

ORDINANCE MARKUP

(proposed deletions are shown *struck through*. Proposed additions are in *italics*. Staff comments are in *red italics*.) Note: the sections will need to be renumbers, as many are deleted in their entirety.

I. Tracts 1A & 1B Tract 1 (there is only one tract for multi-family)

Permitted uses shall be all principal and accessory uses which are allowed by right in the (MF-18) Multi-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (MF-18) Multi-Family District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (MF-18) Multi-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

- A. Tract 1A: Urban Multi-Family
 - a. *Maximum density shall be 23 units per acre.* (matches current development)
 - b. Minimum front yard setback: 20'
 - c. Minimum side yard setback measured from the back of curb at parallel parking spaces shall be 5 feet. (found in "base" zoning)
 - d. Minimum rear yard setback: 20' (found in "base" zoning)
 - e. Minimum floor area of *any* dwelling unit: 600 square feet
 - f. Maximum building height: 3 stories, not to exceed 50 feet provided however that any building within 100 feet of the southwesterly property line shall be limited to 2 stories. (matches current development and "base" zoning)
 - g. Maximum building impervious coverage: 90% (correction)
 - h. Minimum brick or stone content per elevation: 25%. The remaining portion of each elevation shall be any combination of stucco and cementitious fiber board.
 - i. Minimum distance, to face of garage door to fire lane: 2 feet
 - j. No wood fences may be placed in front yards between any building and any mutual access easement or driveway. (correction)
 - k. Chain link fences are prohibited. (found in "base" ordinances)
- B. Tract 1B: Luxury Condominium
 - a. Minimum front yard setback, measured from an access drive: 20'
 - b. Minimum side yard setback measured from the back of curb at parallel parking spaces: 5'
 - c. Minimum rear yard setback: 20'

- d. Minimum Floor Area of Dwelling Unit: 1,200 square feet
- e. Maximum Building height: 2 stories, not to exceed 36 feet
- f. Maximum Building Coverage: 90%
- g. Minimum Brick or Stone Content per elevation: 25%. The remaining portion of each elevation shall be any combination of stucco and cementious fiber board.
- h. Minimum Distance to Face of Garage Door to Fire Lane: 5'
- i. No wood fences may be placed in front yards.
- j. Chain link fences are prohibited.

(entire section regarding "Luxury Condominium" deleted as repetitive and superfluous)

- C. Design Standards (Tracts 1A & 1B) (there is only one tract for multi-family)
 - a.No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
 - b.Exterior steps, stoops, balconies, awnings, chimneys, and bay windows may encroach beyond the front setback up to five (5') feet; however, these same features shall not be allowed to encroach into utility easements or over utilities. (found in "base" zoning)
 - c.Screening walls between tracts shall not be required and are prohibited so as to maintain the mixed-use concept.
 - d.Pedestrian ways shall be integrated into the design to connect the retail within Tracts 3 and 4 and the office within Tracts 5 and 6 with the residential within Tracts 1A & 1B. These pedestrian connections should promote foot traffic from the residential in Tracts 1A & 1B.
 - e. An enclosed storage area of not less than thirty-two (32) square feet of total floor area shall be provided for 50% of all dwelling units. Such enclosed storage area shall be attached to, and made an integral part of, the main building where the dwelling unit to be served is located.
 - f. Landscaping: The 15-foot wide landscape buffer along all public rights-of-way shall be planted as follows:
 - i. Shade trees: One (1), three (3) inch caliper shade tree, 10-12 feet in height at the time of planting, for each forty (40) feet of street frontage or fraction thereof, and
 - ii. Three (3) ornamental trees, 6 8 feet in height at the time of planting, for each forty (40) feet of street frontage or fraction thereof.
 - iii. Trees may not be located within 60' in front of a traffic sign.

iv. All plantings shall be installed and maintained in accordance with the Landscape Ordinance.

(entire section regarding landscaping found in "base" zoning; deleted as repetitive)

- g. Screening
 - i. Any screening wall shall consist of masonry and/or decorative iron fencing, and must be constructed in accordance with the General Design Standards (GDS). (found in "base" zoning)
 - ii. A minimum 6-foot tall, black decorative iron fence with masonry columns shall be provided for the entire length of the southern property line of Tract 1. Additionally, a minimum 5-foot tall evergreen shrubs planted 5-foot on center shall be provided for the entire length of the southern property line of Tract 1. The shrubs shall be from the approved plant list and planted and maintained in accordance with the Landscape Ordinance.
- h.Parking:
 - i. Parking shall be calculated at 1.75 spaces per unit.
 - ii. Each luxury condominium shall provide a 2-car garage.
- i. Signage: Signs must comply with the City of Carrollton Sign Code, except the following:
 - a. District/Special Event Flags
 - i. District/Special Event Flags may be mounted to a vertical support, or attached to a building or parking deck and may cross the street.
 - ii. District/Special Event Flags which are mounted to a vertical support may be integrated onto street and pedestrian light poles.
 - iii. District/Special Event Flags may only display artwork or a message that pertains to the district or a special event, and may not advertise a specific business.

b. Projecting Signs

i. Projecting signs are allowed within this district only.

(entire section regarding signage deleted as repetitive and possibly conflicting with "base" sign ordinance)

II. Tract 2

Permitted uses shall be all principal and accessory uses which are allowed by right in the (O-2) Office District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable

regulations of the (O-2) Office District, and in the Comprehensive Zoning Ordinance, as amended, except as listed below:

1. Maximum building height shall be 37 feet.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (O-2) Office District, and in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

This Tract may be reserved for future development of a City of Carrollton fire station. The design of the fire station shall be generally in conformance with the character of the surrounding development.

III. Tracts 3 and 4 (*will become one tract*)

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LR-2) Local Retail District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (LR-2) Local Retail District, and the Comprehensive Zoning Ordinance, as amended, except as provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (LR-2) Local Retail District, and in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

A. The following uses shall be prohibited:

- 1. Rail Transportation Distribution System
- 2. Railroad Distribution System
- 3. Bus Charter Service Without On-Premises Parking or Storage of Buses
- 4. Bus Parking or Storage (Accessory to an Institutional Use)
- 5. Private Parking Lot (for overflow or non-required parking as a principal use or located on a separate lot from the main use)
- 6. Communications Tower (Excluding antennas or support structures for amateur radio communications)
- 7. Telephone (Telecommunications) Distributing System
- 8. Electricity Power Distribution System
- 9. Natural Gas Distribution System

10. Water Supply and Irrigation System

- 11. Water or Sewerage Pipeline Distribution System
- 12. Water Storage
- 13. Petroleum Pipeline Distribution System
- 14. Snow Cone Stand in a Portable Building
- 15. Bus Timed Transfer Center
- 16. Private Parking Lot (For overflow or non required parking as a principal use or located on a separate lot from the main use and located greater than 300 feet from the main use)
- 17. Telephone (Telecommunications) Exchange Station or Relay Tower
- 18. Other Telephone Communication, NEC
- 19. Electricity Regulating Substation-Electric Bulk Power Transmission and Control
- 20. Natural Gas Pressure Control Station
- 21. Other Electric or Natural Gas Utilities, NEC
- 22. Other Water Utilities, NEC
- 23. Pipeline Control Stations, NEC
- 24. Cemetery
- 25. Day Labor Employment Placement Agency
- 26. General Rental Centers 27. Check Cashing Centers

(found in "base" zoning)

- B. Design Standards
 - 1. Maximum height of all buildings shall be 3 stories, not to exceed 50 feet. The minimum building height of the four 1-story retail buildings, as shown on the site plan, shall have a minimum building height of be 20 feet.
 - 2. All buildings shall have a minimum of 40% of the square footage of the ground floor façade comprised of window area along Hebron Parkway and Huffines Boulevard, *provided however that "faux windows" shall be permitted for up to one-half this requirement.* The bottom windows shall not be higher than 24" above the adjacent grade. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.

(first of the three specific requirements the developer of the restaurant wishes to remove. Staff suggests that a compromise allowing "faux windows" would achieve the intent of architectural interest.)

- 3. No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
- 4. Off-street loading docks for non-residential uses may not be located adjacent to or across a street or alley from buildings containing residential uses.
- 5. Each building shall provide a canopy or awning which extends at least four (4') feet past the building façade. A canopy or awning shall be provided over all door openings and a minimum of seventy-five percent (75%) of all window openings.
- 6. Exterior steps, stoops, balconies, awnings, chimneys, and bay windows may encroach beyond the front setback up to five (5') feet; however, these same features shall not be allowed to encroach into utility easements or over utilities.

(found in the "base" zoning)

 Each building along the street edge shall have a functioning primary entry from the sidewalk. Entries must be inset from the front building plane by at least five (5') feet.

(second of the three specific requirements the developer of the restaurant wishes to remove. While the requirement for a truly urban development might require the door to be inset (so as not to interfere with pedestrians on the sidewalk), it is of little use in a more suburban environment.)

- 8. Screening walls between tracts shall not be required and are prohibited so as to maintain the mixed-use concept.
- 9. Pedestrian ways shall be integrated into the design to connect the retail within Tracts 3 and 4 with the residential within Tracts 1A & 1B. These pedestrian connections should promote foot traffic from the residential in Tracts 1A & 1B.
- 10. Building facades fronting Hebron Parkway or Huffines Boulevard shall have a maximum setback of 30 feet from the right-of-way or to an easement line if greater than 30 feet. Building facades fronting Hebron Parkway or Huffines Boulevard may be increased to a maximum setback of 100' if a drive-aisle with double-loading parking is installed along Hebron Parkway.
- 11. Outdoor patio and sidewalk dining, as well as other public seating areas are *is* permitted. Outdoor patios and dining areas must be separated from the sidewalk area with wrought iron and masonry columns. Outdoor patios and dining areas may not be located within the entire sidewalk. Sidewalks are in addition to the outdoor patios and dining areas and must be provided. These areas shall be included in the parking calculations.
- 10. Landscaping: The 15 foot wide landscape buffer along all public right of ways shall be planted as follows:
 - a. Shade trees: One (1), three (3) inch caliper shade tree, 10–12 feet in height at the time of planting, for each forty (40) feet of street frontage or fraction thereof, and
 - b. Three (3) ornamental trees, 6-8 feet in height at the time of planting, for each forty (40) feet of street frontage or fraction thereof.
 - c. Trees may not be located within 60' in front of a traffic sign.
 - d. All plantings shall be installed and maintained in accordance with the Landscape Ordinance.

(entire section regarding landscaping found in "base" zoning; deleted as repetitive)

- 13. Signage: Signs must comply with the City of Carrollton Sign Code, except the following:
 - a. District/Special Event Flags
 - i. District/Special Event Flags may be mounted to a vertical support, or attached to a building or parking deck and may cross the street.
 - ii. District/Special Event Flags which are mounted to a vertical support may be integrated onto street and pedestrian light poles.
 - iii. District/Special Event Flags may only display artwork or a message that pertains to the district or a special event, and may not advertise a specific business.

b. Directory Map

- i. A directory map is a map listing the occupants within a shopping center, retail district, office district, or commercial site.
- ii. A directory map shall be provided at a minimum of two places within the district at points along Hebron Parkway and Huffines Boulevard.
- iii. The directory signs may be freestanding, mounted to a wall, mounted to a vertical support, incorporated into a kiosk, or anchored within the public right of way.
- iv. A directory map is used to provide way-finding information for pedestrians.

c. Sandwich Board Signs

- i. A sandwich board sign is a self-supporting A-shaped sign with two visible sides that are located on or adjacent to a sidewalk.
- ii. Sandwich board signs may only be placed within the sidewalks of this district and may not extend closer than one foot from the face of curb. A license agreement must be obtained from the City for use of rightof way. A minimum sidewalk width of 3' shall remain free from intrusion.
- iii. The maximum number of sandwich board signs shall be one per occupancy.
- iv. Sandwich board signs must be sufficiently weighted or anchored.
- v. Sandwich board signs are only allowed as a temporary use, during business hours.

d. Projecting Signs

- Projecting signs are allowed within this district only.

(entire section regarding signage deleted as repetitive and possibly conflicting with "base" sign ordinance)

IV. Tracts 5 and 6 (entire section for these tracts deleted, and incorporated into the regulations for Tract 3)

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LR-2) Local Retail District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (LR-2) Local Retail District and the Comprehensive Zoning Ordinance, as amended, except as provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (LR 2) Local Retail District, and in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

- A. The following uses shall be prohibited:
 - 1. Rail Transportation Distribution System
 - 2. Railroad Distribution System
 - 3. Bus Charter Service Without On-Premises Parking or Storage of Buses
 - 4. Bus Parking or Storage (Accessory to an Institutional Uses
 - 5. Private Parking Lot (for overflow or non-required parking as a principal use or located on a separate lot from the main use)
 - 6. Communications Tower (Excluding antennas or support structures for amateur radio communications)
 - 7. Telephone (Telecommunications) Distributing System
 - 8. Electricity Power Distribution System
 - 9. Natural Gas Distribution System
 - **10. Water Supply and Irrigation System**
 - 11. Water or Sewerage Pipeline Distribution System
 - 12. Water Storage
 - 13. Petroleum Pipeline Distribution System
 - 14. Snow Cone Stand in a Portable Building
 - 15. Bus Timed Transfer Center
 - 16. Private Parking Lot (For overflow or non-required parking as a principal use or located on a separate lot from the main use and located greater than 300 feet from the main use)
 - 17. Telephone (Telecommunications) Exchange Station or Relay Tower
 - 18. Other Telephone Communication, NEC

- 19. Electricity Regulating Substation-Electric Bulk Power Transmission and Control
- 20. Natural Gas Pressure Control Station
- 21. Other Electric or Natural Gas Utilities, NEC
- 22. Other Water Utilities, NEC
- 23. Pipeline Control Stations, NEC
- 24. Cemetery
- 25. Day Labor Employment Placement Agency
- 26. General Rental Centers
- 27. Check Cashing Centers
- **B.** Design Standards Commercial
 - 1. Maximum height of all buildings shall be 3 stories, not to exceed 50 feet. Minimum building height shall be 20 feet.
 - 2. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.
 - 3. No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
 - 4. Off street loading docks for non-residential uses may not be located adjacent to or across a street or alley from buildings containing residential uses. ??
 - 5. Each building shall provide a canopy or awning which extends at least four (4') feet past the building façade. A canopy or awning shall be provided over all door openings and a minimum of seventy five percent (75%) of all window openings.
 - 6. Exterior steps, stoops, balconies, awnings, chimneys, and bay windows may encroach beyond the front setback up to five (5') feet; however, these same features shall not be allowed to encroach into utility easements or over utilities.
 - Each building along the street edge shall have a functioning primary entry from the sidewalk. Entries must be inset from the front building plane by at least five (5') feet.
 - 8. Screening walls between tracts shall not be required and are prohibited so as to maintain the mixed-use concept.

- 9. Pedestrian ways shall be integrated into the design to connect the office within Tracts 5 and 6 with the residential within Tracts 1A & 1B. These pedestrian connections should promote foot traffic from the residential in Tracts 1A & 1B.
- 1. Building facades fronting SH 121 shall have a minimum setback of 30 feet and a maximum setback of 100 feet.
- 2. Landscaping: The 15-foot wide landscape buffer along all public rights-of-way shall be planted as follows:
 - a. Shade trees: One (1), three (3) inch caliper shade tree, 10-12 feet in height at the time of planting, for each forty (40) feet of street frontage or fraction thereof, and
 - b. Three (3) ornamental trees, 6 8 feet in height at the time of planting, for each forty (40) feet of street frontage or fraction thereof.
 - c. Trees may not be located within 60' in front of a traffic sign.
 - d. All plantings shall be installed and maintained in accordance with the Landscape Ordinance.
- 12. Signage: Signs must comply with the City of Carrollton Sign Code, except the following:
 - a. District/Special Event Flags
 - i. District/Special Event Flags may be mounted to a vertical support, or attached to a building or parking deck and may cross the street.
 - ii. District/Special Event Flags which are mounted to a vertical support may be integrated onto street and pedestrian light poles.
 - iii. District/Special Event Flags may only display artwork or a message that pertains to the district or a special event, and may not advertise a specific business.
 - b. Directory Map
 - i. A directory map is a map listing the occupants within a shopping center, retail district, office district, or commercial site.
 - ii. A directory map shall be provided at a minimum of one place within the district at a point along S.H. 121.
 - iii. The directory signs may be freestanding, mounted to a wall, mounted to a vertical support, incorporated into a kiosk, or anchored within the public right of way.
 - iv. A directory map is used to provide way-finding information for pedestrians.
- 13. Screening:

a. In lieu of a masonry screening wall along the southern property line of Tract 6, a minimum 6-foot tall, black decorative iron fence with masonry columns shall be provided for the entire length of the southern property line of Tract 6. Additionally, a minimum 5-foot tall evergreen shrubs planted 5-foot on center shall be provided for the entire length of the southern property line of Tract 6. The shrubs shall be from the approved plant list and planted and maintained in accordance with the Landscape Ordinance.

- V. Special Provisions Affecting all Tracts
 - 1. Enhanced paving will be provided to define significant vehicular drive intersections and pedestrian ways as shown on the concept plan.
 - 2. Technical Site Plan approval will be required for the multi-family development prior to receipt of building permits.

(found in "base" zoning)

3. A license agreement will be required for any private improvements located in City rights-of-way

(found in "base" ordinances)

4. Right of way dedications shall be required at the time of final platting in accordance with the comprehensive Subdivision Ordinance.

(found in "base" subdivision ordinance)

- 5. All sanitary sewer lines in this development will be owned and maintained by the owner(s) of this development.
- 6. All driveways shall have internal storage of 75 feet, except for the Condominium driveway along Huffines shall be 50 feet of internal storage.

(third of the three specific requirements the developer of the restaurant wishes to remove. The original intent was to create a shared, network of mutual access drives that looked and functioned as "streets. The two main drives were created. However, there is no special minimum lot size and no requirement that driveways to public streets actually be shared. Several smaller lots have been legally created which cannot be developed under the current zoning regulations in PD-124. The developer of the proposed restaurant (Case No. 01-15TSP1) has suggested a new site plan which meets both the intent of this regulation as well as the "base" driveway internal storage requirement of the City. Therefore, staff can support removing this particular standard.) 7. All drives to comply to Carrollton fire lane standards. All dead-end fire lanes longer than 150 feet shall have an appropriate circulation or turn arounds for emergency vehicle access.

(found in "base" ordinances)

8. Some driveways shall have mutual access with adjacent properties (driveway splitting two separate properties, etc.) *as shown on the Conceptual Site Plan attached herein as Exhibit* ____. Mutual access shall be obtained by plat or separate instrument.

(clarifies that an exhibit actually shows where the mutual access driveways are, since this is not the case in the present ordinance. Deletes a redundant statement.)

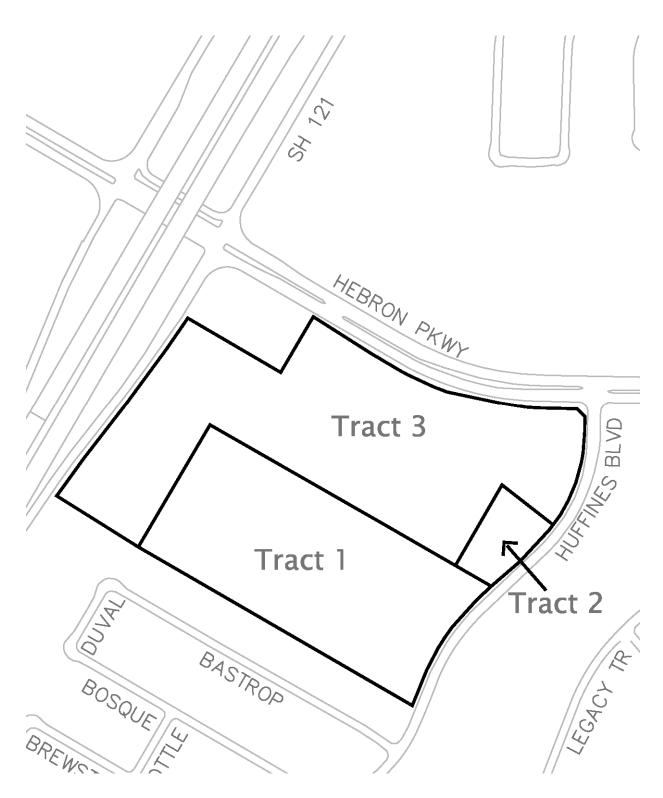
9. All driving aisles shall be private access drives.

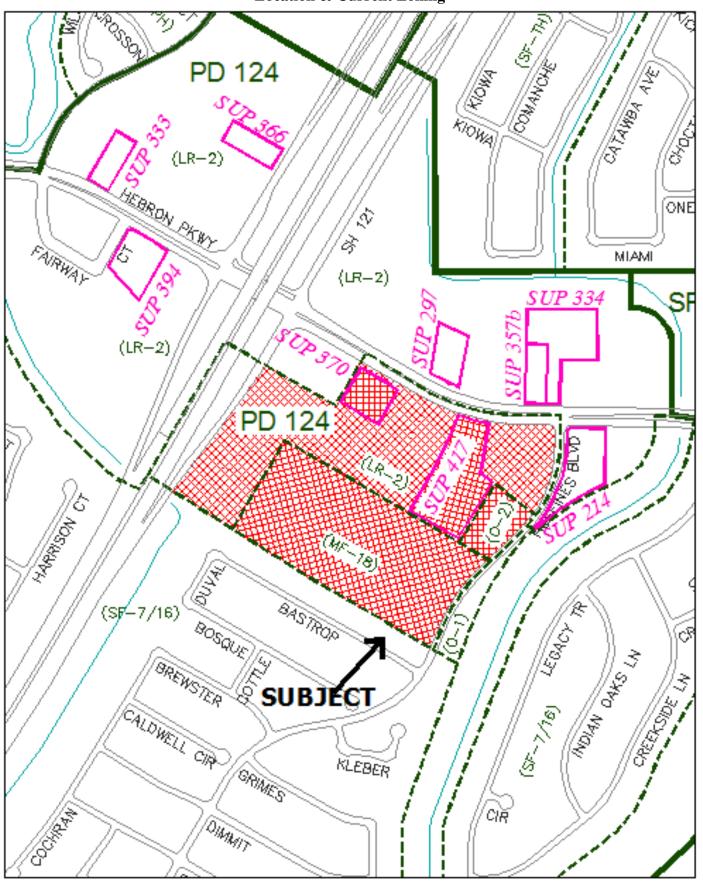
(found in "base" ordinances)

10. Except for the items listed above, the site shall be developed in accordance with the General Design Standards, the Comprehensive Zoning and Subdivision Ordinances.

(found in "base" ordinances)

PROPOSED NEW TRACT MAP (note: all other exhibits will be carried forward unchanged)





Location & Current Zoning

Excerpt from Draft Minutes Planning & Zoning Commission Meeting of March 5, 2015

Hold A Public Hearing And Consider An Ordinance To Rezone To Amend Planned Development District 124 To Remove An Approximately 35 Acre Tract And To Establish A New Planned Development District For The (MF-18) Multi-Family Residential, (O-2) Office And (LR-2) Local Retail Districts With Modified Development Standards . The Subject Tract Is Located On The South Side Of Hebron Parkway Between Huffines Boulevard And SH 121. Case No. 03-15Z2 The Collection (zoning)/Dimension Group. Case Coordinator: Christopher Barton.

Barton presented the request noting there were three parts to the zoning amendment, describing the suggested changes to the PD and advised that staff recommended approval.

Dana Murphy, 5900 Highgate Drive, Arlington, stated he has read the staff stipulations and understands it.

Chair McAninch opened the public hearing inviting speakers to the podium; there being no speakers, she opened the floor for discussion or a motion.

* Kraus moved to close the public hearing and approve Case No. 03-15Z2 The Collection with staff stipulations; second by Daniel-Nix and the motion was approved with a unanimous 9-0 vote.

Case No/Name: 03-1522 Date: 3-16-15 Castle Hills Montesson VIKAS PATE Name: Hebron 1416 Address: PKW Carrollton City, ST, ZIP: 2015 Opposition Cty of C I hereby register my: Support to the above referenced case. 511 \mathcal{D} **Comments:** 0 6 PI 0 -Trang 26 9re ycares 0 mmec 9 10 tines also 0 a bryn O Montessori Ò da Signature:

PLANNING DEPARTMENT City of Carrollton Date: 04/07/15

PLANNED DEVELOPMENT NO. _____ DEVELOPMENT NAME: The Collection

ORDINANCE NUMBER

ORDINANCE NO. ______OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY ESTABLISHING PLANNED DEVELOPMENT NO. _____ PROVIDING FOR THE (MF-18) MULTI-FAMILY RESIDENTIAL, (O-2) OFFICE AND (LR-2) LOCAL RETAIL DISTRICTS WITH MODIFIED DEVELOPMENT STANDARDS; AMENDING ORDINANCES NUMBER 1797, 2498 AND 3198 TO REMOVE FROM PLANNED DEVELOPMENT 124 A CERTAIN 36.2 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF HEBRON PARKWAY BETWEEN STATE HIGHWAY 121 AND HUFFINES BOULEVARD; PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the 5th day of March, 2015, the Planning and Zoning Commission considered and made recommendations on a certain request for a Planned Development District (Case No. 03-15Z2);

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended;

WHEREAS, this change of zoning will distinguish development standards specially applicable to the unique nature of the 36.2 acre tract; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare:

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

Section 1.

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

Section 2.

Ordinance Number 1797 creating Planned Development Number 124 is hereby amended to remove the property described in the attached Exhibit A from Planned Development 124 and the provisions thereof, and to amend the boundaries of Planned Development 124 accordingly.

Section 3.

Ordinance Number 2498 amending Planned Development Number 124 is hereby amended to remove the property described in the attached Exhibit A from Planned Development 124 and the provisions thereof, and to amend the boundaries of Planned Development 124 accordingly.

Section 4.

Ordinance Number 3198 amending Planned Development Number 124 is hereby amended to remove the property described in the attached Exhibit A from Planned Development 124 and the provisions thereof, and to amend the boundaries of Planned Development 124 accordingly.

Section 5.

Planned Development Number ______is hereby established for a certain 36.1-acre tract of land located on the south side of Hebron Parkway, between S.H. 121 and Huffines Boulevard, situated in the El Paso Irrigation Company Survey, Abstract No. 408, Denton County, Texas, and more specifically described on the attached Exhibit A.

"I. Permitted Uses

The following uses will be permitted:

A. Tract 1 Multi-Family

Permitted uses shall be all principal and accessory uses which are allowed by right in the (MF-18) Multi-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (MF-18) Multi-Family District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (MF-18) Multi-Family District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

B. Tract 2 Office

Permitted uses shall be all principal and accessory uses which are allowed by right in the (O-2) Office District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (O-2) Office District, in and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (O-2) Office District, in, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

C. Tract 3 Local Retail

Permitted uses shall be all principal and accessory uses which are allowed by right in the (LR-2) Local Retail District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (LR-2) Local Retail District, in and the Comprehensive Zoning Ordinance, as amended, except as provided below.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (LR-2) Local Retail District, in, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions, and regulations:

A. Tract 1 Multi-Family

- a. Maximum density shall be 23 units per acre.
- b. Minimum front yard setback: 20'
- c. Minimum floor area of any dwelling unit: 600 square feet
- d. Maximum building height: 3 stories, provided however that any building within 100 feet of the southwesterly property line shall be limited to 2 stories.
- e. Maximum impervious coverage: 90%
- f. Minimum brick or stone content per elevation: 25%. The remaining portion of each elevation shall be any combination of stucco and cementitious fiber board.
- g. Minimum distance from face of garage door to fire lane: 2 feet
- h. No fences may be placed between any building and any mutual access easement or driveway.
- i. No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
- j. An enclosed storage area of not less than thirty-two (32) square feet of total floor area shall be provided for 50% of all dwelling units. Such enclosed storage area shall be attached to, and made an integral part of, the main building where the dwelling unit to be served is located.
- k. A minimum 6-foot tall, black decorative iron fence with masonry columns shall be provided for the entire length of the southern property line of Tract 1. Additionally, a minimum 5-foot tall evergreen shrubs planted 5-foot on center shall be provided for the entire length of the southern property line of Tract 1. The shrubs shall be from the approved plant list and planted and maintained in accordance with the Landscape Ordinance.
- 1. Parking shall be calculated at 1.75 spaces per unit.
- m. Multi-family units within 100 feet of the southerly property line (abutting the Elm Wood Trail subdivision) shall be designed with the appearance of "townhouses" or "row houses" and shall not exceed two stories in height.
- B. Tract 2 Office
 - 1. Maximum building height shall be 37 feet.
 - 2. All buildings shall have a minimum of 40% of the square footage of the ground floor façade comprised of window area along Hebron Parkway and Huffines Boulevard, provided however that "faux windows" may be permitted for up to one-half this requirement provided it can be demonstrated that said faux windows will have a glass window

appearance. The bottom windows shall not be higher than 24" above the adjacent grade. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.

- 3. No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
- 4. Off-street loading docks for non-residential uses may not be located adjacent to or across a street or alley from buildings containing residential uses.
- 5. Each building shall provide a canopy or awning which extends at least four (4') feet past the building façade. A canopy or awning shall be provided over all door openings and a minimum of seventy-five percent (75%) of all window openings.
- 6. Each building along the street edge shall have a functioning primary entry from the sidewalk.
- 7. Building facades fronting Huffines Boulevard shall have a maximum setback of 30 feet from the right-of-way, or 30 feet to an easement line if the set back from the right of way is greater than 30 feet. Building facades fronting Huffines Boulevard may be increased to a maximum setback of 100' if a drive-aisle with double-loading parking is installed along Hebron Parkway.
- C. Tract 3 Local Retail
 - 1. Maximum height of all buildings shall be 3 stories, not to exceed 50 feet. Minimum building height shall be 20 feet.
 - 2. All buildings shall have a minimum of 40% of the square footage of the ground floor façade comprised of window area along Hebron Parkway and Huffines Boulevard, provided however that "faux windows" may be permitted for up to one-half this requirement provided it can be demonstrated that said faux windows will have a glass window appearance. The bottom windows shall not be higher than 24" above the adjacent grade. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.

- 3. No building façade shall exceed a length of one hundred (100) feet without a break in the façade. The break shall be a minimum depth of five (5) feet for a minimum length of ten (10) feet.
- 4. Off-street loading docks for non-residential uses may not be located adjacent to or across a street or alley from buildings containing residential uses.
- 5. Each building shall provide a canopy or awning which extends at least four (4') feet past the building façade. A canopy or awning shall be provided over all door openings and a minimum of seventy-five percent (75%) of all window openings.
- 6. Each building along the street edge shall have a functioning primary entry from the sidewalk.
- 7. No glass having an exterior visible reflectance of more than 30% shall be permitted as an exterior building material.
- 8. Building facades fronting S.H. 121 shall have a minimum setback of 30 feet and a maximum setback of 100 feet.
- D. Special Provisions Affecting all Tracts
 - 1. The site shall be generally developed in accordance with the attached site plan and façade elevations attached hereto as Exhibits B, C, D and E. Said exhibits are intended to be only a general, conceptual indication of the layout and designs of buildings, driveways and parking lots to achieve the vision of a connected, walkable, mixed-use "village." Said exhibits are not intended tofinalize particular building designs or orientation.
 - 2. Enhanced paving will be provided to define significant vehicular drive intersections and pedestrian ways as shown on the concept plan.
 - 3. All sanitary sewer lines in this development will be owned and maintained by the owner(s) of this development.
 - 4. Some driveways shall have mutual access with adjacent properties (driveway splitting two separate properties, etc). Mutual access shall be obtained by plat or separate instrument.
 - 5. Screening walls between tracts are prohibited so as to maintain the mixed-use concept.
 - 6. Pedestrian ways shall be integrated into the design to connect the retail within Tract 3 and the office within Tract 2 with the residential within

Tract 1. These pedestrian connections should promote foot traffic from the residential development in Tract 1.

Section 6.

The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

Section 7.

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

Section 8.

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

Section 9.

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

Section 10.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 11.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of April, 2015

CITY OF CARROLLTON

By:

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller Assistant City Attorney Christopher Barton, AICP Chief Planner

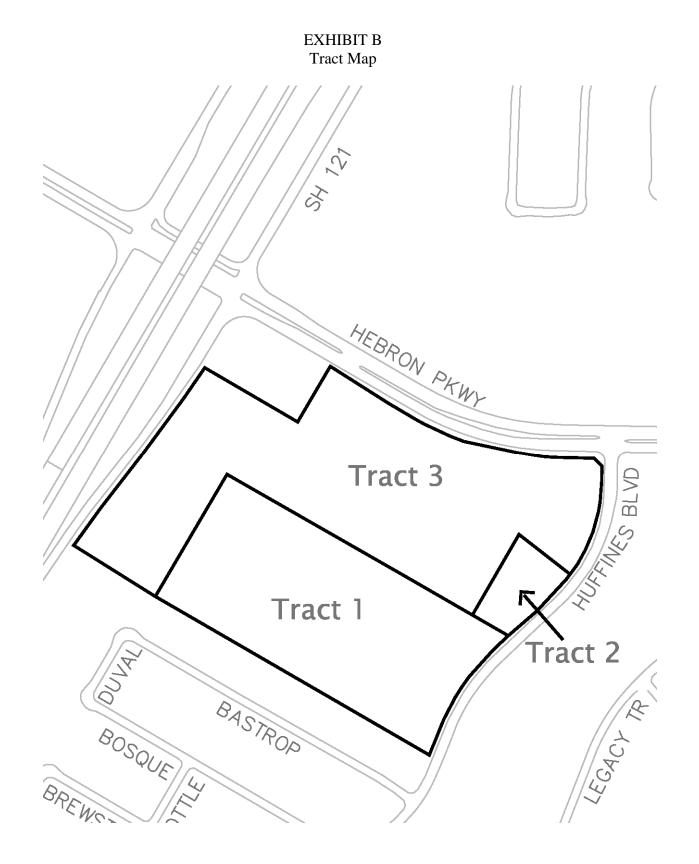
EXHIBIT A Legal Description

- FIELD NOTES to that certain tract situated in the El Paso Irrigation Company Survey, Abstract Number 408, City of Carrollton, Denton County, Texas, the subject tract being all of the tract described in the deed to RCC Indian Creek, Ltd. recorded under Document Number 2007- 117186 of the Real Property Records of Denton County, Texas; the subject tract being more particularly described by metes and bounds as follows:
- BEGINNING at a 1/2 inch rebar found at the southeast comer of the said tract described in the deed to RCC Indian Creek, Ltd. recorded under Document Number 2007-117186 of the Real Property Records of Denton County, Texas (hereinafter referred to as the RCC Indian Creek, Ltd. tract) and at the southwest comer of Huffines Boulevard according to the plat recorded in Volume 0, Page 178 & 179 of the Plat Records of Denton County, Texas;
- THENCE NORTH 61 DEGREES 54 MINUTES 20 SECONDS WEST, with the south line of the RCC Indian Creek, Ltd. tract, a distance of 111.94 feet to a 1/2 inch capped rebar stamped "VOTEX" found at an angle point in the said south line of the RCC Indian Creek, Ltd. tract;
- THENCE NORTH 60 DEGREES 11MINUTES16 SECONDS WEST (BEARING BASIS), continuing with the south line of the RCC Indian Creek, Ltd. tract, a distance of 650.40 feet to a 1/2 inch capped rebar stamped "VOTEX" found at an angle point in the said south line of the RCC Indian Creek, Ltd. tract;
- THENCE NORTH 57 DEGREES 21 MINUTES 50 SECONDS WEST, continuing with the south line of the RCC Indian Creek, Ltd. tract a distance of 668.78 feet to a 1/2 inch capped rebar stamped "HALFF & ASSOC." found at a comer of the RCC Indian Creek, Ltd. tract, said found rebar being in a curve concave to the southwest having a radius of 135.00 feet;
- THENCE In a northwesterly direction, continuing with the south line of the RCC Indian Creek, Ltd. tract and along the arc of the said curve an arc length of 54.33 feet (a chord bearing of NORTH 39 DEGREES 19 MINUTES 24 SECONDS WEST a chord distance of 53.96 feet) to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the end of the said curve;

- THENCE NORTH 50 DEGREES 51 MINUTES 08 SECONDS WEST, continuing with the south line of the RCC Indian Creek, Ltd. tract a distance of 44.76 feet to a 1/2 inch capped rebar stamped "JPH LAND SURVEYING" set at the most westerly southwest comer of the RCC Indian Creek, Ltd. tract and in the east line of the tract described in the deed to the State of Texas recorded in Volume 3451, Page 1 of the Real Property Records of Denton County, Texas (said State of Texas tract being State Highway 121);
- THENCE NORTH 37 DEGREES 27 MINUTES 44 SECONDS EAST, with the east line of the said State of Texas tract a distance of 742.65 feet to a 5/8 inch rebar with an aluminum cap stamped "TEXAS DEPARTMENT OF TRANSPORTATION" found;
- THENCE NORTH 30 DEGREES 50 MINUTES 34 SECONDS EAST, continuing with the east line of the State of Texas tract a distance of 52.88 feet to a 1/2 inch capped rebar stamped "VOTEX" found at the southwest comer of Indian Creek Crossing Addition according to the plat recorded in Cabinet P, Page 125 of the said Plat Records and being the most westerly northwest comer of the RCC Indian Creek, Ltd. tract;
- THENCE SOUTH 59 DEGREES 09 MINUTES 26 SECONDS EAST, with the south line of the said Indian Creek Crossing Addition and the south line of Lot 1, Block A of Senior Bueno Addition according to the plat recorded in Cabinet Q, Page 330 of the said Plat Records, a distance of 400.12 feet to an"+" cut found at the southern comer of the said Senior Bueno Addition;
- THENCE NORTH 30 DEGREES 50 MINUTES 19 SECONDS EAST, with the southeast line of Senior Bueno Addition, passing at a distance of 208.98 feet a comer clip in the said southeast line of Senior Bueno Addition, and continuing on the said course, with an interior northwest line of the RCC Indian Creek, Ltd. tract (being a prolongation of the southeast line of the Senior Bueno Addition), in all, a total distance of 238.78 feet to an"+" cut found in concrete in the south line of West Hebron Parkway (width varies and on dedicating document found for reference) and at a salient comer of the RCC Indian Creek, Ltd. tract;
- THENCE SOUTH 59 DEGREES 09 MINUTES 41 SECONDS EAST, with the northeast line of the RCC Indian Creek, Ltd. tract, a distance of 344.53 feet to a 1/2 capped rebar stamped "VOTEX" found at the beginning of a tangent curve being concave to northeast having a radius of 1,120.00 feet;

- THENCE In a southeasterly direction, continuing with the northeast line of the RCC Indian Creek, Ltd. tract and along the arc of the said curve through a central angle of 29 DEGREES 20 MINUTES 04 SECONDS (arc length of 573.42 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the end of the said curve;
- THENCE SOUTH 88 DEGREES 29 MINUTES 45 SECONDS EAST, continuing with the northeast line of the RCC Indian Creek, Ltd. tract a distance of 128.32 feet to a 1/2 inch capped rebar stamped "VOTEX" found at the northwest comer of Huffines Boulevard according to the plat recorded in Cabinet 0, Page 178 & 179 of the Plat Records of Denton County, Texas;
- THENCE with the east line of the RCC Indian Creek, Ltd. tract and the west line of Huffines Boulevard the following eight calls:
 - 1. SOUTH 43 DEGREES 29 MINUTES 54 SECONDS EAST, a distance of 35.36 feet to a Yz capped rebar stamped "VOTEX" found at an angle point.
 - 2. SOUTH 01 DEGREE 30 MINUTES 06 SECONDS WEST a distance of 82.25 feet to a 1/2 inch capped rebar stamped "VOTEX" found at the beginning of a tangent curve being concave to the west having a radius of 560.00 feet;
 - 3. in a southwesterly direction along the arc of the curve, through a central angle of 04 DEGREES 05 MINUTES 07 SECONDS (an arc length of 39.93 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the beginning of a compound curve being concave to the west having a radius of 562.50 feet;
 - 4. in a southwesterly direction along the arc of the curve, an arc length of 140.80 feet (chord bearing of SOUTH 10 DEGREES 47 MINUTES 47 SECONDS WEST, a chord distance of 140.43 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the beginning of a compound curve being concave to the northwest having a radius of 565.00 feet;
 - 5. in a southwesterly direction along the arc of the curve, an arc length of 269.39 feet (a chord bearing of SOUTH 33 DEGREES 38 MINUTES 13 SECONDS WEST, a chord distance of 266.84 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the end of the said second compound curve;

- 6. SOUTH 47 DEGREES 17 MINUTES 45 SECONDS WEST a distance of 298.10 feet to a 1/2 inch capped rebar stamped "VOTEX" found at the beginning of a tangent curve being concave to the southeast having a radius of 835.00 feet;
- in a Southwesterly direction, along the arc of the curve an arc length of 371.95 feet (a chord bearing of SOUTH 34 DEGREES 32 MINUTES 05 SECONDS WEST, a chord distance of 368.88 feet) to a 1/2 inch capped rebar stamped "VOTEX" found at the end of the said curve;
- 8. SOUTH 21 DEGREES 46 MINUTES 24 SECONDS WEST, a distance of 96.57 feet returning to the PLACE OF BEGINNING and enclosing 36.168 acres.



Ord No.

EXHIBIT C Concept Plan



EXHIBIT C Concept Plan aerial view, looking towards the southwest



EXHIBIT D Multi-Family Residential Elevation Concept "flat" design



EXHIBIT D Multi-Family Residential Elevation Concept "row house" design



EXHIBIT E Commercial Buildings Architectural Design Concept



City of Carrollton



Agenda Memo

File Number: 1939

Agenda Date: 4/7/2015

Version: 1

In Control: City Council

Agenda Number: 36.

CC MEETING: April 7, 2015

DATE: March 31, 2015

TO: Leonard Martin, City Manager

FROM: Michael McCauley, Senior Planner

Hold A Public Hearing And Consider A <u>Resolution For An Amendment To The</u> <u>Comprehensive Plan And The Future Land Use Map To Change An Approximately</u> <u>3.4-Acre Site From Single-Family Residential Detached To Single-Family Residential</u> <u>Attached Uses Located In The Vicinity Of The Southwest Corner Of Frankford Road</u> <u>And McCoy Road. Case No. 03-15MD1 McCoy Villas Comprehensive Plan</u> <u>Amendment/Harlan Properties, Inc. Case Coordinator: Michael McCauley.</u>

BACKGROUND:

This is a request for an amendment to the Comprehensive Plan and the Future Land Use Map to change an approximately 3.4-acre site from single-family residential detached to single-family residential attached uses.

A companion request to amend PD-63 to change the base zoning from the (SF-12/20) Single-Family Residential District to the (SF-TH) Single-Family Townhouse Residential District with modified standards is also on this agenda (Case No. 10-14Z3 McCoy Villas PD Amendment).

STAFF RECOMMENDATION/ACTION DESIRED:

On March 5, 2015, the Planning & Zoning Commission recommended **APPROVAL**. The attached resolution reflects the action of the Commission. Because the action of the Commission was not unanimous and there was opposition received, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

Status: Public Hearing/Individual Consideration

File Type: Public Hearing

RESULT SHEET

Date: 04/08/15Case No./Name:CASE NO. 03-15MD1 McCoy Villas Comprehensive Plan Amendment

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **DENIAL** of the Comprehensive Plan Amendment.

- B. P&Z RECOMMENDATION from P&Z meeting: 03/05/15 Result: APPROVAL /Vote: 7-2 (Chadwick and McAninch opposed)
- C. CC PUBLIC HEARING from CC meeting: 04/07/15 Result: /Vote:

STAFF ANALYSIS

PROPOSAL/REQUEST

- The applicant is requesting an amendment to the Comprehensive Plan and the Land Use Map to change an approximately 3.4-acre site from Single-Family Residential Detached to Single-Family Residential Attached. Approving the Comprehensive Plan amendment will allow a zoning change to be considered by Council to allow a proposed townhouse development on this site.
- The applicant has submitted a companion request to amend PD-63 to change the base zoning from the (SF-12/20) Single-Family Residential District to the (SF-TH) Single-Family Townhouse Residential District with modified standards is also on this agenda (Case No. 10-14Z3 McCoy Villas PD Amendment).

SITE ELEMENTS

• The subject property is bordered on all sides by PD-63 with the following uses and zoning districts:

North – Church (SF-12/20) Single-Family Residential Detached District

South – Detached Residential (SF-PH) Single-Family Patio Homes District

East – Apartments (MF-15) Multi-Family District

West – Elementary School (SF-12/20) Single-Family Residential District

- The subject property has a 30 foot ingress/egress easement and 15 foot utility easement used by the church and the adjoining elementary school from McCoy Road. As shown by the applicant, the proposed townhouse development will be over the easements.
- The property has a current land use designation of Single-Family Residential Detached allowing for a density of 0-6 dwelling units per net acre.
- The proposed land use designation change to Single-Family Residential Attached will allow a density of 6-12 dwelling units per net acre.
- The property was not intended for high-density residential townhouse development.

APPLICANT'S POSITION

The applicant has stated the following:

We respect the City's Comprehensive Plan. However, the issue here is why we have chosen townhome development over single family lots. The reasons for our choice to develop townhomes here are as follows:

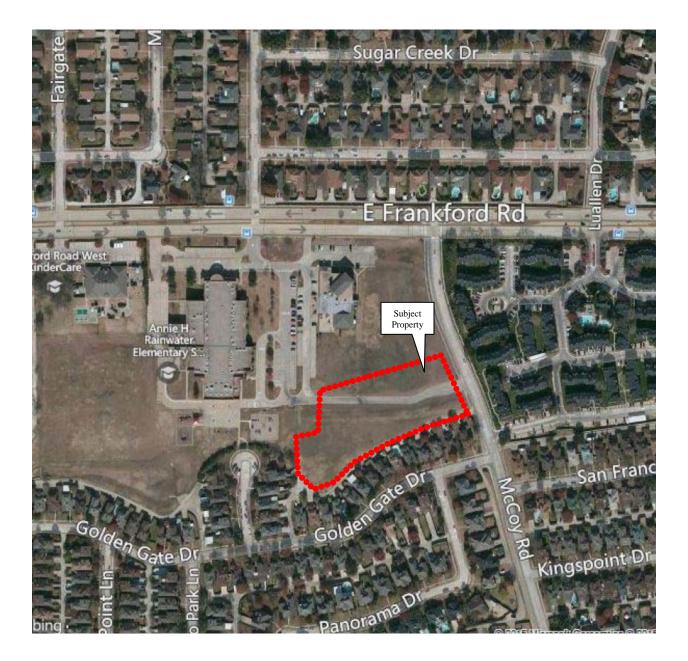
a. All maturing cities should look for higher density quality developments, in our opinion. In this scenario, all city services are more efficiently utilized. Quality denser neighborhoods create safer and friendlier environment. Trips to work, shopping and pleasure become shorter, hence less pollution.

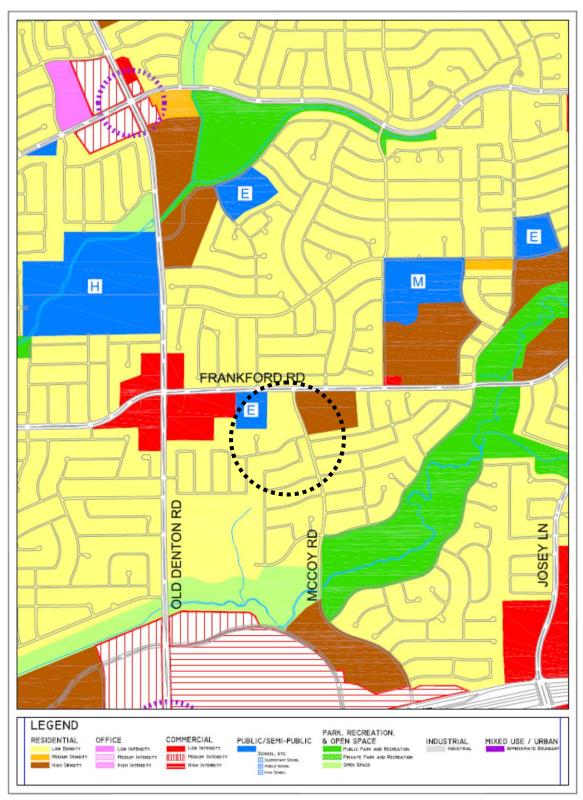
- b. When the maturing city has only few developable infill parcels left, prices go up and the developer can justify the economics of the project only by creating greater density. The city also benefits by having greater dollar amount on their tax roll.
- c. We are creating here a little lifestyle community where the young buyer and the empty nester will let their HOA take care of the exterior façade and yard maintenance, freeing up their weekends more pleasant activities.

Conclusion

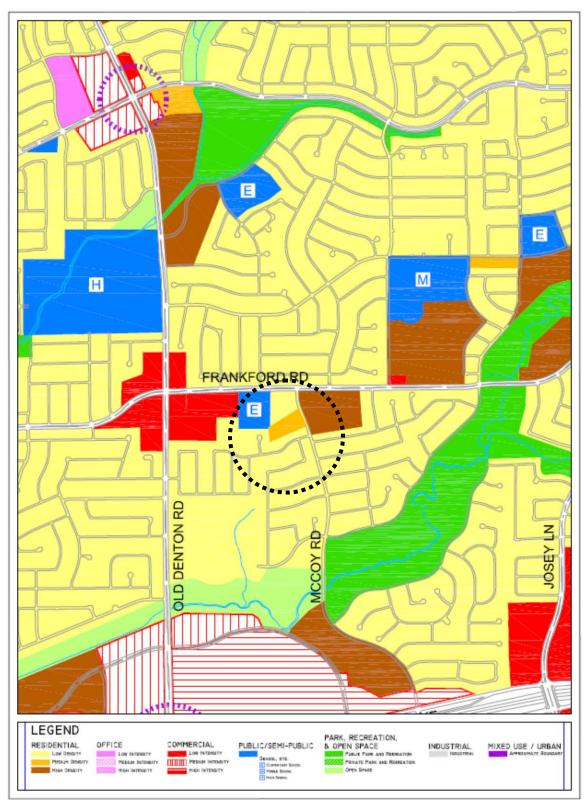
The applicant's request for a land use designation change will permit twice the density currently allowed and adversely impact the usage of the ingress/egress easement the adjoining church and elementary school uses. Therefore, staff does not find the applicant's request for a Comprehensive Plan Amendment appropriate for this site.

LOCATION MAP





EXISTING COMPREHENSIVE PLAN (Land Use Map)



PROPOSED COMPREHENSIVE PLAN (Land Use Map)

PUBLIC COMMENTS OPPOSITION

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name ANNA GOSLING Phone 972-815-918 Bate 35/15 Address 1602 E. FRANCKFORD #1207 City CARPOLITONZip 75007

Public Hearing Agenda Item # 13 + 14

I wish to speak IN FAVOR of this item. ____ I wish to speak IN OPPOSITION to this item. I do not wish to speak; however, please record my ____ SUPPORT ___ OPPOSITION. Please identify the group or organization you represent, if any: _____ ON that land.

Acloy VillAS Date: 3-22-15 Case No/Name: 10-1 1 any Forti Name: GATE DR 3 6 aller Address: 150 2 City, ST, ZIP: <00 MAR 2 3 2015 I hereby register my: 🔲 Support **D**Opposition to the above referenced case. Planning City of Carroliton **Comments:** are Ace TUV. 215 me Ne 1 S. Signature:

Name:	
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Signature:	Building Inspection City of Carrollton
Case No/Names 03	-15MD1 Macaulalian 2/05/
Name: Ja Address: 140	-15MD1 McCoy Villas Date: 2/25/1 cob Anderson 03 Golden Gote Dr.
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Name:Address:A City, ST, ZIP: I hereby register my:	Cob Anderson 03 Golden Gate Dr. arrollton, TX 75007 Support D Opposition I case.
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Name:Address: City, ST, ZIP:C I hereby register my: to the above referenced	Cob Anderson D3 Golden Gote Dr. arrollton, TX 75007 Support D Opposition I case. Received MAR 0 2 2015

SUPPORT

 Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

 Name
 Heather Erickson
 Phone 214-529-04920ate 3/5

 Address
 1737 Delaford
 Dr
 City Carrollton Zip 75007

 Public Hearing Agenda Item # 14,15
 I wish to speak IN FAVOR of this item.
 I wish to speak IN FAVOR of this item.

 I do not wish to speak; however, please record my
 SUPPORT OPPOSITION.

 Please identify the group or organization you represent, if any:
 McLoy
 Villas

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name Jan Erickson	Phone 972.492 92 92 Date 3. 5-15
Address 1731 DELAFORD DR	City CARROLLY on Zip 7500
Public Hearing Agenda Item # 14,15	
I wish to speak IN FAVOR of this item.	I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record	-
Please identify the group or organization you repres	ent, if any: McCoy Willis

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name ABREAN WALLER Phone ABIAGS 4326 Date 3/5/2015 Address 64326 ARCHING HOUSE (N) City DATAGE Zip 7252
Address 643 CXRINGHOUSEIN City CARE Zip 75252
Public Hearing Agenda Item #
I wish to speak IN FAVOR of this item I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION.
Please identify the group or organization you represent, if any: MSCOV VH4485

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name Barbara Shell Phone 4724661944 Jate 3/5/15 Address 4253 Hunt 121 #2309 Carrollton 75010

Public Hearing Agenda Item # _____

I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item. I do not wish to speak; however, please record my \times SUPPORT OPPOSITION. Please identify the group or organization you represent, if any: MCCOY Villas

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name Edwin BAYARD Phone 972-242-9844 Date 3-5-2015
Address 1404 Jolden Gate City CARPollin Zip 75007
Public Hearing Agenda Item # ? IU ? I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item.
I wish to speak IN FAVOR of this item I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION.
Please identify the group or organization you represent, if any:

CARROLLTON TEXAS PLANNING & ZONING APPEARANCE CARD
Please complete this card and submit it to a city staff member prior to the beginning of the meeting.
Name Marcia Sectachan Phone 2144581054 Date 35
Address 2019 Stefani (t City Carvolltonzip
Public Hearing Agenda Item # 14
I wish to speak IN FAVOR of this item I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION.
Please identify the group or organization you represent, if any:
Please read and comply with the "Guidelines for Speaking at City Government Public Meetings."

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name Mark Mohinis Phone 972.746 7187 Date March 5 2015
Address 1533 Brighton Dr City Conolltan Zip 75007
Y Public Hearing Agenda Item # 14 115
X I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION.
Please identify the group or organization you represent, if any: Ridumir Coverant Church

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name 🥝	GABE C	RUZ	Phon	ne <u>9</u>)	948-	1503 D	ate <u>3</u>	er
Address _	2909	PANORAMA	DR.	_ City	CARRO	Zip	75	7007
Pu V I w	blic Hearing	Agenda Item #} N FAVOR of this iter	<u>5</u>	I wish	to speak I	N OPPOSI	TION to	o this item.
IP. CONTRACT		speak; however, pleas						
Please ide	entify the grou	up or organization you	u represent, if	any:	VEIGHE	DRItoc	DINT D	ASSOC.

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Phone Mal Name GENE Burks _ City Address

Public Hearing Agenda Item # _____

I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item.

____ I do not wish to speak; however, please record my _____ SUPPORT _____ OPPOSITION.

Please identify the group or organization you represent, if any: Kerder Mer CHurth

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name LOBY 4 SHARI SPARKS Phone 9724920031 Date 3/ Address 2357 Highand Check Rd City CARROLDON Zip 75007 Public Hearing Agenda Item # 14 215 I wish to speak IN FAVOR of this item. _____ I wish to speak IN OPPOSITION to this item. I do not wish to speak; however, please record my _____ SUPPORT _____ OPPOSITION. Please identify the group or organization you represent, if any: Redeemer Covenant Church

Please complete this card and submit it to a city staff member prior to the beginning of the meeting. Name <u>Randall D. Chaisman</u> Phone <u>972-466-0969</u> Date <u>3-5-2015</u> Address <u>1501 Broken Bow Thai</u> City <u>Carnollton</u> zip <u>75007</u> **Public Hearing Agenda Item #** <u>14415</u> I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item. I do not wish to speak; however, please record my <u>SUPPORT</u> OPPOSITION. Please identify the group or organization you represent, if any:

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.
Name CLIFF ERICKSU Phone 214-492-9527 Date 3-5-15
Address 1737 DELDEVOD ORIVE City ARR BUTILZip 75007
Public Hearing Agenda Item # I wish to speak IN FAVOR of this item I wish to speak IN OPPOSITION to this item I do not wish to speak; however, please record my SUPPORT OPPOSITION. Please identify the group or organization you represent, if any: MELCY VILLAS

Excerpt from Draft Minutes Planning & Zoning Commission Meeting of March 5, 2015

14. Hold A Public Hearing And Consider A Resolution For An Amendment To The Comprehensive Plan And The Future Land Use Map To Change An Approximately 3.4-Acre Site From Single-Family Residential Detached To Single-Family Residential Attached Located In The Vicinity Of The Southwest Corner Of Frankford Road And McCoy Road. Case No. 03-15MD1 McCoy Villas/Harlan Properties, Inc. Case Coordinator: Michael McCauley.

15. Hold A Public Hearing And Consider An Ordinance **Amending PD-63** Changing The Zoning Of A Certain Tract From (SF-12/20) Single-Family Residential District To (SF-TH) Single-Family Townhouse Residential District With Special Development Standards; Amending Accordingly The Official Zoning Map. The Approximately 3.4-Acre Tract Is Located In The Vicinity Of The Southwest Corner Of Frankford Road And McCoy Road. **Case No. 10-14Z3 McCoy Villas**/Harlan Properties, Inc. Case Coordinator: Michael McCauley.

McCauley presented the two cases in detail and advised that staff received three letters in opposition to the request. He stated that staff felt the development was too dense for the location and that it should remain as single family detached, which would provide a lower density than the townhouses. He referred to proposed stipulations in the event the Commission chose to approve the request.

Jim Dewy, JDJR Engineers, 2500 Texas Drive, Irving, stated the applicant understands the stipulations but didn't agree with some of the comments presented by staff. He noting it was an in-fill development and felt it was an appropriate buffer between the single family development and the multifamily development. He explained that one reason they did not propose alleys was because the homeowners association to the south did not want to share the alley and talked about the easement. He noted that a buffer between single family developments was not required and felt the screening wall was a sufficient buffer between the townhomes and the single family neighborhood. With regard to the stipulations, he stated they could not agree to the stipulation with regard to the separate easement and driveway to the north of the site but could agree with the remaining stipulations. He talked about the economics of the proposal and requested the Commission's approval.

Discussion was held with regard to the traffic impact on Joy Drive due to the proximity of and access to the elementary school and church. While reviewing each of the stipulations, Mr. Dewy noted that none of the existing homes in the neighborhood had enhanced driveways but if required, they would prefer to use exposed aggregate. With regard to the front building setback, he stated the garage would have a 25 foot setback but was requesting a 20 foot front building setback. With regard to school buses being able to make the necessary turns from Joy Drive to the school, he said there were fire lanes on the property and said since fire trucks could navigate the turn, then it should be able to accommodate school buses turning.

CASE NO. 03-15MD1 McCoy Villas (Comp Plan)

McCauley noted a correction to the case report in that Lots 2 - 10 had less than the required minimum depth of 110 foot. Mr. Dewy stated the Code required 100 feet and noted that most were 110 foot, but a few were even a little less.

Stotz voiced concern with the 25 foot lot width and felt that the City needed to maintain the 35 foot lot width requirement. Mr. Dewy noted that they try to break up the garage door look by using single and double garage doors and felt the 25 foot lot width would be a good product for the area. Concern was also voiced by the Commission with regard to amount of concrete at the front of the homes because the yard would be in the back. Mr. Dewy felt that the people who would buy the product don't want much yard maintenance and won't have a problem with the amount of concrete.

Chair McAninch opened the public hearing and invited speakers to the podium.

The following individuals spoke in favor of the request:

Randall D. Chrisman, 1501 Broken Bow Tr., Carrollton, TX Coby & Shari Sparks, 2357 Highlands Creek Rd., Carrollton, TX Gene Burks, 3704 Standridge, Carrollton, TX Gabe Cruz, 2909 Panorama Dr., Carrollton, TX Mark Mohrweis, 1533 Brighton Dr., Carrollton, TX Marcia Seebachan, 2019 Stefani Ct., Carrollton, TX Edwin Bayard, 1404 Golden Gate, Carrollton, TX

The following people were in support but didn't wish to speak:

Jan Erickson, 1737 Delaford Dr., Carrollton, TX Heather Erickson, 1737 Delaford Dr., Carrollton, TX Barbara Shell, 4253 Hunt Dr., Carrollton, TX Cliff Erickson, 1737 Delaford Dr., Carrollton, TX J. Steven Walker, Dallas, TX

The following person did not wish to speak but was in opposition:

Anna Gosling, 1602 E. Frankford Rd., Carrollton, TX

In rebuttal and closing comments, Mr. Dewy requested the Commission's support for the request as presented.

Chair McAninch opened the floor for discussion. In response to a question from Nesbit, McCauley stated that the preliminary plat reflects a 20 foot front building setback and a 25 foot garage door setback which is what is required by City Code for front loaded homes but because the lots were more narrow, staff felt it would be more appropriate to have a 25 foot front building setback. McCauley also said that staff would support a 100 foot lot depth.

CASE NO. 03-15MD1 McCoy Villas (Comp Plan)

Chair McAninch advised the Board that legal counsel recommended another stipulation as part of the zoning case as follows: provide the City with a letter from the School district agreeing to the abandonment of the existing 30 foot wide ingress and egress easement prior to the City Council consideration of the zoning case and as an abandonment of such easement at the time of platting of the property executed by the School District. Mr. Dewy stated he understood the stipulation and asked that it be required at the time of platting.

* Stotz moved to close the public hearing and approve Case No. 03-15MD1 McCoy Villas Comprehensive Plan amendment; second by Kiser and the motion was approved with a 7-2 vote, Chadwick and McAninch opposed.

* Stotz moved to close the public hearing and approve Case No. 10-14Z3 McCoy Villas with staff stipulation Nos. 2 – 11 specifying that No. 6 - the driveways shall be constructed of decorative pavers; No. 9 - the entry ribbon shall be constructed with decorative pavers, and the stipulation proposed by legal counsel; second by Daniel-Nix. Chair McAninch stated she agreed with the Church trying to do something with the land but did not think the proposed plan was the right choice due to the density. Chadwick stated that he supported the Church but could not support the reduced setbacks.

Rob Guarnieri, Dev. Services Sr. Engineer, noted that a 15 foot landscape buffer is required on McCoy which was not reflected on the preliminary plat and also that the first driveway had to be 40 foot from the intersecting property lines from McCoy and Joy Drive to be in compliance with the Driveway Ordinance. He stated that these issues would normally surface when the plans are submitted for review. Adam D. Lathrom, Attorney, suggested a possible continuance to address the raised issues.

Chair McAninch noted that Stotz did not wish to withdraw the motion and called for the vote. The motion was approved with a 5-4 vote; Kraus, Chadwick, McAninch and Romo opposed.

DEVELOPMENT NAME: McCoy Villas (Comprehensive Plan)

PLANNING DEPARTMENT City of Carrollton Date: 04/07/15

RESOLUTION NUMBER

RESOLUTION NUMBER ______ OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE LAND USE PLAN, ADOPTED BY RESOLUTION NUMBER 2672 ON FEBRUARY 18, 2003, FOR AN APPROXIMATELY 3.4-ACRE TRACT OF LAND LOCATED IN THE VICINITY OF THE SOUTHWEST CORNER OF FRANKFORD ROAD AND MCCOY ROAD TO ALLOW FOR SINGLE-FAMILY ATTACHED USES; PROVIDING FOR SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE AFTER ITS PASSAGE.

WHEREAS, the Planning & Zoning Commission reviewed and studied an amendment to the Comprehensive Plan (Case No. 03-15MD1); and

WHEREAS, the Planning & Zoning Commission conducted a public hearing on March 5, 2015 and after all persons were given an opportunity to present testimony, considered and recommended the following change regarding an appropriate future land use; and

WHEREAS, the City Council conducted a public hearing on April 7, 2015, at which all persons were given an opportunity to present testimony; and

WHEREAS, the City Council has concluded that the amendment to the Plan is in the best interest of the city and is for the purpose of protecting the health, safety, and general welfare of the city and its citizens; and

WHEREAS, the amendment is in accordance with the goals, objectives and policies of the Comprehensive Plan, adopted by Resolution Number 2672 on February 18, 2003, as amended.

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

Section 1.

An amendment to the Future Land Use Map of the City's Comprehensive Land Use Plan, which amendment is attached hereto as Exhibit B and incorporated herein for all purposes, is hereby adopted by the City Council for property located in the vicinity of the southwest corner of Frankford Road and McCoy Road.

Section 2.

This amendment is intended to repeal the 2003 Comprehensive Land Use Plan land use designation for only that portion of the City of Carrollton as identified on the attached Exhibit A (Single-Family Detached uses) and replace it with the land use designation as identified on Exhibit B (Single-Family Attached uses), and this change will constitute the Comprehensive Plan for all matters related to long-range guidance relative to zoning decisions, land subdivision, thoroughfare construction and growth management on such property.

Section 3.

Save and except as amended herein, the Comprehensive Plan adopted on February 18, 2003 by Resolution Number 2672, as amended, shall remain in full force and effect.

Section 4.

The provisions of this Resolution are severable. If any section, sub-section, paragraph, clause, phrase or provision of this Resolution or its application to any person or circumstance shall be adjudged or held invalid, that invalidity shall not affect the provisions that can be given effect without the invalid provision or application.

Section 5.

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

PASSED AND APPROVED this the Seventh day of April, 2015.

CITY OF CARROLLTON

By:

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller Assistant City Attorney Michael McCauley Senior Planner

EXHIBIT A CURRENT LAND USE MAP

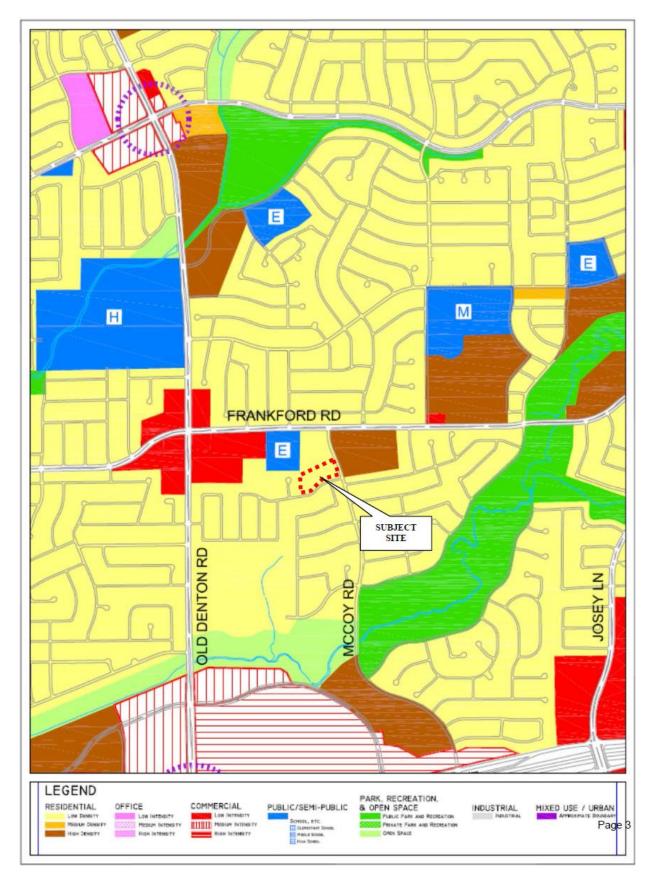
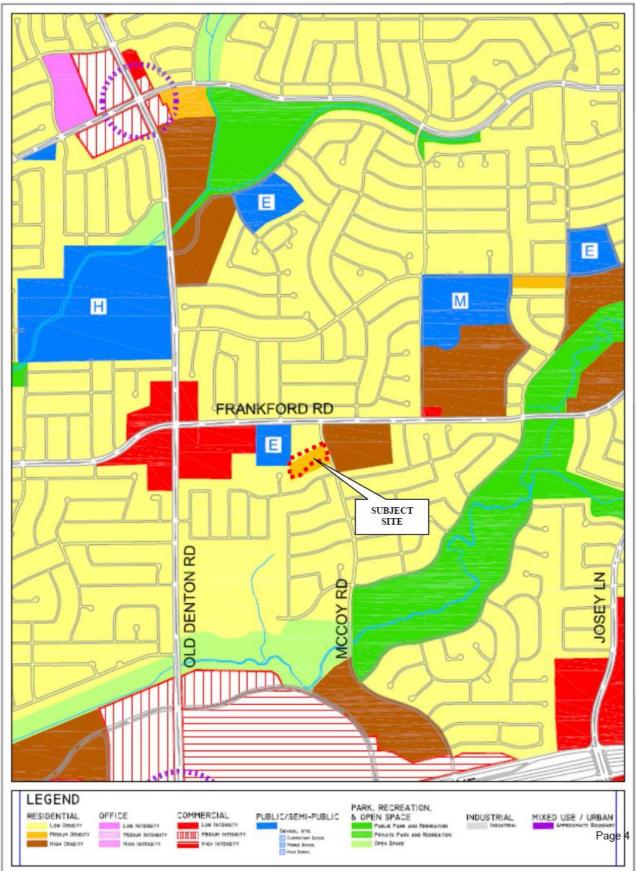


EXHIBIT B REVISED LAND USE MAP



City of Carrollton



Agenda Memo

File Number: 1941

Agenda Date: 4/7/2015

Version: 1

In Control: City Council

Agenda Number: 37.

CC MEETING: April 7, 2015

DATE: March 31, 2015

TO: Leonard Martin, City Manager

FROM: Michael McCauley, Senior Planner

Status: Public Hearing/Individual Consideration

File Type: Public Hearing

Hold A Public Hearing And Consider An Ordinance Amending PD-63 Changing The Zoning Of A Certain Tract From The (SF-12/20) Single-Family Residential District To The (SF-TH) Single-Family Townhouse Residential District With Special Development The Map. The Approximately Standards; Amending Accordingly Official Zoning 3.4-Acre Tract Is Located In The Vicinity Of The Southwest Corner Of Frankford Road And McCoy Road. Case No. 10-14Z3 McCoy Villas/Harlan **Properties**, Inc. Case **Coordinator: Michael McCauley.**

BACKGROUND:

This is a request for an amendment to Planned Development No. 63 (PD-63) to change the zoning of a 3.4 acre tract from the (SF-12/20) Single-Family Residential District to the (SF-TH) Single-Family Townhouse Residential District with modified standards to allow a proposed townhouse development.

A companion request for an amendment to the Comprehensive Plan and the Future Land Use Map to change the land use designation on this site from single-family residential detached uses to single-family residential attached uses is also on this agenda (Case No. 03-15MD1 McCoy Villas Comprehensive Plan Amendment).

STAFF RECOMMENDATION/ACTION DESIRED:

On March 5, 2015, the Planning and Zoning Commission recommended **APPROVAL** with stipulations. The attached ordinance reflects the recommendation of the Commission. Because the vote of the Commission was not unanimous and public opposition has been received, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

RESULT SHEET

Date: 04/08/15 Case No./Name: 10-14Z3 McCoy Villas

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **DENIAL.** However, if the Commission chooses to recommend in favor of the request, staff recommends the following stipulations:

- 1. A separate easement and driveway shall be provided north of Joy Drive between McCoy Road and the Rainwater Elementary parking lot. No access from the parking lot to Joy Drive shall be allowed. Joy Drive shall not be a thru street.
- 2. Landscaping shall be compliant with Article XXV of the City's Comprehensive Zoning Ordinance.
- 3. Alleys shall not be required and front-entry garages shall be allowed no closer than 25 ft. from the front property line.
- 4. The front building setback shall be a minimum 25 ft.
- 5. Garage doors shall be clad in stained natural cedar or faux wood.
- 6. Driveways shall be decorative pavers, exposed concrete aggregate, stained and pattern-stamped, patterned, saw-cut or salt-finished concrete.
- 7. Carports shall be prohibited.
- 8. A homeowner's association shall be established in accordance with the Comprehensive Subdivision Ordinance prior to platting the tract. The homeowner's association will be responsible for the improvement and maintenance of all common areas and/or common facilities shown, including perimeter wall, on the Conceptual Site Plan.
- 9. An "entry ribbon" consisting of decorative pavers or stained and pattern-stamped concrete shall be placed in the street intersection with McCoy Road. Said entry ribbon shall be no less than ten feet (10') in depth, shall extend across the width of the street and shall generally align with the abutting sidewalk.
- 10. The development shall be in general conformance with Exhibit A.
- 11. Drainage shall comply with all codes and ordinances.

B. P&Z RECOMMENDATIONS from P&Z meeting: 03/05/2015

Result: **APPROVED** with stipulations /Vote: 5-4 (McAninch, Chadwick, Romo, Kraus opposed)

PLANNING COMMISSION RECOMMENDED STIPULATIONS

- 1. Landscaping shall be compliant with Article XXV of the City's Comprehensive Zoning Ordinance.
- 2. Alleys shall not be required and front-entry garages shall be allowed no closer than 25 ft. from the front property line.
- 3. The front building setback shall be a minimum 25 ft.
- 4. Garage doors shall be clad in stained natural cedar or faux wood.
- 5. Driveways shall be decorative pavers.
- 6. Carports shall be prohibited.
- 7. A homeowner's association shall be established in accordance with the Comprehensive Subdivision Ordinance prior to platting the tract. The homeowner's association will be responsible for the improvement and maintenance of all common areas and/or common facilities shown, including perimeter wall, on the Conceptual Site Plan.
- 8. An "entry ribbon" consisting of decorative pavers shall be placed in the street intersection with McCoy Road. Said entry ribbon shall be no less than ten feet (10') in depth, shall extend across the width of the street and shall generally align with the abutting sidewalk.
- 9. The development shall be in general conformance with Exhibit A.
- 10. Drainage shall comply with all codes and ordinances.
- 11. The applicant will provide the City with written documentation signed by the School District reflecting the School District's agreement to abandon the existing 30' wide ingress and egress easement extending between McCoy Road and Rainwater Elementary School prior to the zoning case proceeding to the City Council for consideration; and, shall provide the City with the School District's fully executed abandonment of said 30' wide ingress and egress easement contemporaneously with Applicant's plat submittal for McCoy Villas.
- C. CC PUBLIC HEARING and ORDINANCE ACTION from CC meeting: 04/07/2015 Result: /Vote:

REZONING

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: PD-63 for the (SF-12/20) Single-Family Residential District

SURROUNDING ZONING

SURROUNDING LAND USES

NORTH		or the (SF-12/20) Single- desidential District	Church	
		or the (SF-PH) Single-Family me District	Single-Family Residential Subdivision	
EAST		or the (MF-15) Multi-Family ial District	Apartment Complex	
WEST	WEST PD-63 for the (SF-12/20) Single- Family Residential District		Elementary School	
REQUEST:		Approval for an amendment to PD-63 to change the zoning on a 3.4-acre tract from (SF-12/20) Single-Family Residential District to (SF-TH) Single-Family Townhouse Residential District with special development standards		
PROPOSED U	USE:	Townhouse Residential development		
ACRES/LOTS:		3.4 Acres/35 residential lots		
LOCATION:		Vicinity of southwest corner of I	Frankford Road and McCoy Road	
HISTORY:		PD-63 was established in 1980 as a 525-acre master plan with various residential, retail and office uses.		
		PD-63 was amended in 1983 to change the Office Zoning District to Single-Family Detached (SF-PH/Single-Family Patio Home District) for the property bordering the southern perimeter of this site.		
		PD-63 was amended in 1992 to change the (O-2) Office District to (SF-12/20) Single-Family Residential District for this site.		
COMPREHE PLAN:	NSIVE	Single-Family Detached		
TRANSPORTATION PLAN:		McCoy Road is designated Collector.	as a (C2U) Two-Lane Undivided	

OWNER: Redeemer Evangelical Covenant Church, Inc.

REPRESENTED BY: Harlan Properties, Inc.

STAFF ANALYSIS

PROPOSAL/BACKGROUND

This is a request for approval for an amendment to PD-63 to change the zoning on a 3.4-acre tract from (SF-12/20) Single-Family Residential District to (SF-TH) Single-Family Townhouse Residential District with special development standards for a 35-lot townhouse development without alleys.

PD-63 was established in 1980 as a 525-acre master plan with various residential, retail and office uses. It was amended in 1983 to change the Office Zoning District to Single-Family Detached (SF-PH/Single-Family Patio Home District) for the property bordering the southern perimeter of this site. The Planned Development was later amended in 1992 to change the (O-2) Office District to (SF-12/20) Single-Family Residential District for this site.

The following table provides a comparison of the current (SF-12/20) Single-Family Residential District standards, proposed (SF-TH) Single-Family Townhouse Residential District and the proposed standards from the applicant. Other than the base zoning in PD-63, the Planned Development does not provide any restrictions or limitations to the property.

	(SF-12/20)	(SF-TH)	(SF-TH)
Requirements	Current Standards	Current Standards	Proposed Standards
Minimum Lot Area (sq. ft.)	12,000	3,500	2,500
Maximum Building Coverage (%)	45	45	70
Minimum Lot Width (ft.)	90	35	25
Minimum Lot Depth (ft.)	120	100	100
Minimum Front Setback (ft.)	35	20	20
Minimum Rear Yard Setback (ft.)	20	10	10
Minimum Brick or Stone Content (%)	70	70	86
Alleys Required	Yes	Yes	No

ELEMENTS TO CONSIDER

• The subject property has a 30 foot ingress/egress easement and 15 foot utility easement used by the church and the adjoining elementary school from McCoy Road. As shown by the applicant, the proposed townhouse development will be over the easements.

The City Engineering Department stipulated a separate easement and driveway be provided along the northern perimeter of the proposed development between McCoy Road and the Rainwater Elementary parking lot to avoid access from Joy Drive (proposed). This will eliminate any possible stacking and congestion on Joy Drive caused by vehicular traffic to and from the school and church. The applicant informed staff that the Church will not sell the developer any additional land.

 Appropriate transitional methods should be considered at all locations where the development of higher-density residential land uses abuts lower-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available.

The applicant is not providing a transitional buffer.

 The retention of trees, natural vegetation, and environmentally sensitive areas whenever possible to separate low-density residential developments from other more intensive land uses, such as townhouse development, should be applied wherever possible.

The applicant is not proposing any landscape buffering between the residential uses.

Avoid the use of fences as a sole means of providing screening and buffering.

The applicant is providing an 8' brick screening wall along the northern perimeter of the development site and a 6' brick wall along the eastern perimeter. Further, the applicant is providing a 6' cedar fence along the rest of the developments perimeter.

 Because of the narrowness of townhouse development lots, garage access should be from the rear via an alley.

The applicant is not proposing alleys with the townhouse development.

 "Minimized emphasis" on garages facing the front should be considered when single-family residential development is considered.

The applicant's proposal maximizes the garages on the front façade.

• Townhouse developments require 1 guest parking space per 4 dwelling units. The applicant is required to provide 9 guest parking spaces.

The applicant is not providing any guest parking spaces.

- Due to the applicant's proposal, they are not able to provide a 15 ft. landscape buffer along McCoy Road as requested by staff.
- The city's driveway ordinance requires the driveway location to be a minimum 40 feet from the intersecting property lines from McCoy Road and Joy Drive. Appeal to the Director of Engineer for the distance reduction is required.

The applicant has not asked the Director of Engineering for a reduction.

• The applicant has stated that the building elevations will be consistent with his Shoals Creek Trails townhouse development project in Garland.

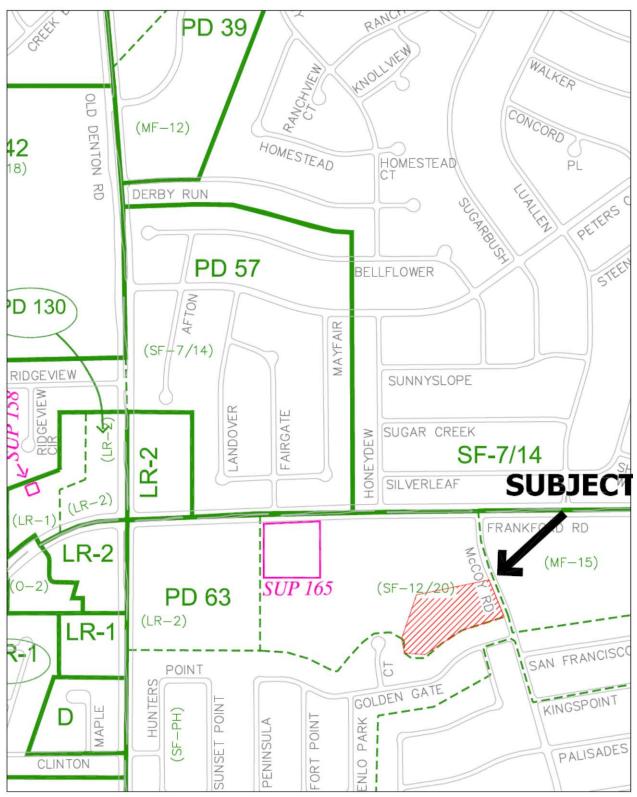
Shoals Creek is a master-planned townhouse development with guest parking and a community pool. This proposal has neither.

The city has approved a few residential townhouse developments with lot widths 35 feet or less. Below is a listing of some of these residential townhouse developments and their design features:

Subdivision Name	Lot Width	Guest Parking	Alleys	Front Entry Garage
Parkview Villas	22.00	Yes	Yes	No
Austin Woods Phase 1	30.00	Yes	Yes	No
Raiford Crossing	25.00	Yes	Yes	No
Estates of Indian Creek, Phase 4	27.50	Yes	Yes	No
Mustang Park, Phase 7	22.00	Yes	Yes	No
Quail Creek North, Phase 1	25.00	Yes	Yes	No

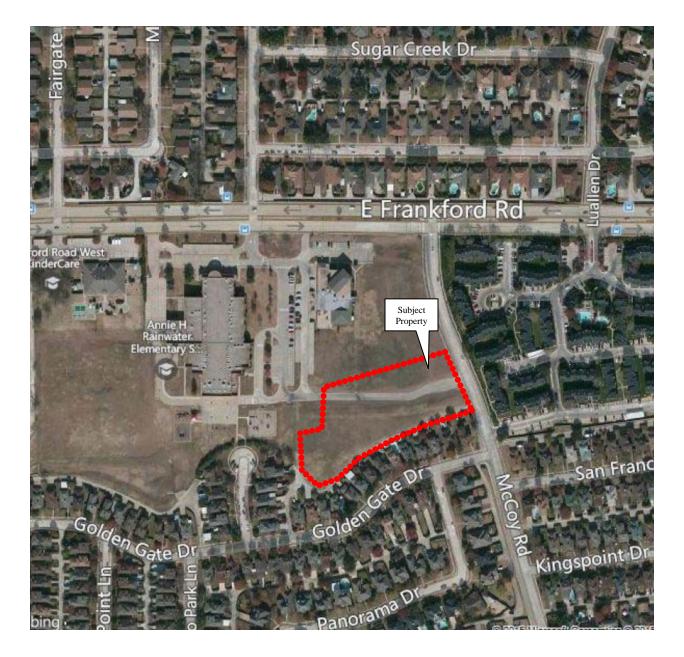
CONCLUSION

The city has required newer townhouse developments, including those with lot widths less than the required 35 feet, to include alleys and open green space. Staff believes the proposed amendment and zoning change will encourage future townhouse developments without alleys and with front loaded garages as the main front focal feature. Unlike a master-planned residential townhouse development, where transitional buffers, open space, guest parking and amenities are well-planned for different residential densities, this approximately 3.4-acre site is limited to what it can design. Therefore, staff does not support the applicant's request.



LOCATION MAP

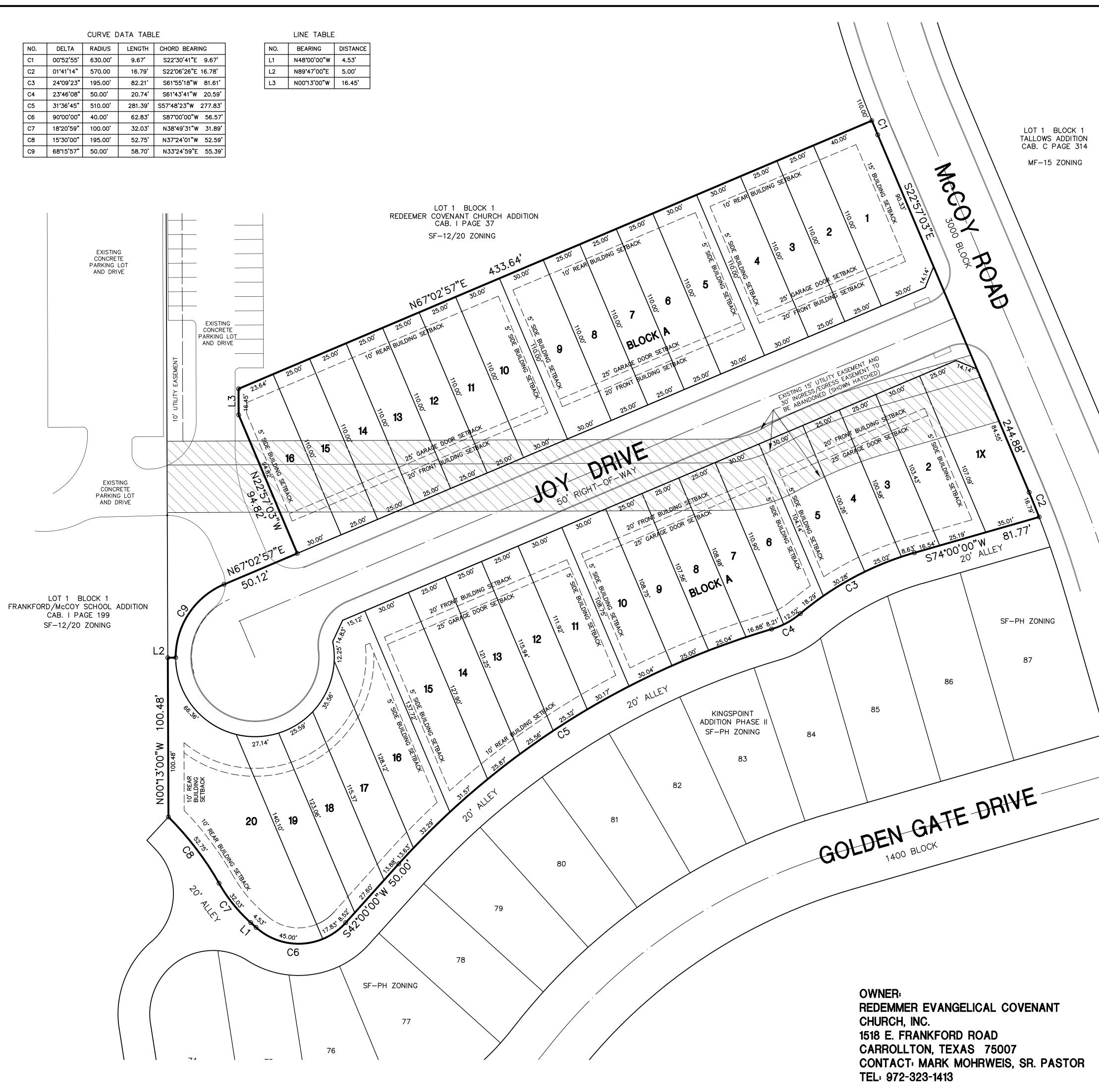
AERIAL PHOTO

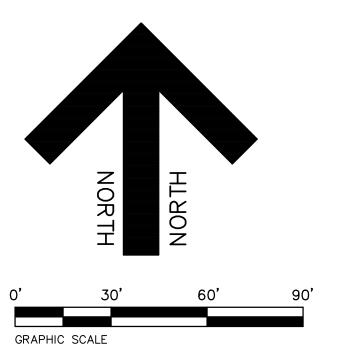


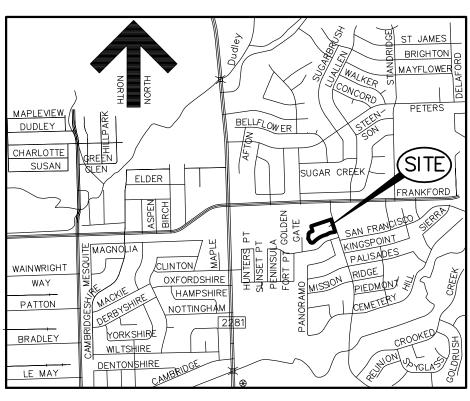
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	DIVIN	

	CURVE DATA TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING		
C1	00 ° 52'55'	630.00'	9.67'	S22°30'41"E 9.67'		
C2	01*41'14"	570.00	16.79'	S22*06'26"E 16.78'		
С3	24 ° 09'23"	195.00'	82.21'	S61*55'18"W 81.61'		
C4	23•46'08"	50.00'	20.74'	S61*43'41"W 20.59'		
C5	31*36'45"	510.00'	281.39'	S57 * 48'23"W 277.83'		
C6	90 ° 00'00"	40.00'	62.83'	S87*00'00"W 56.57'		
C7	18 ° 20'59"	100.00'	32.03'	N38°49'31"W 31.89'		
C8	15 ° 30'00"	195.00'	52.75 '	N37°24'01"W 52.59'		
C9	68 ° 15'57"	50.00'	58.70'	N33°24'59"E 55.39'		

NO.	BEARING	DISTANCE
L1	N48°00'00"W	4.53'
L2	N89 ° 47'00"E	5.00'
L3	N00°13'00"W	16.45'







LOCATION MAP

GENERAL NOTES:

1. ALL USES PERMITTED BY ARTICLE VIII (SF-TH) WILL BE ALLOWED AND ALL REQUIREMENTS OF SECTION ARTICLE VIII (SF-TH) TOWNHOUSE DISTRICT OF THE ZONING ORDINANCE AND ANY OTHER APPLICABLE REQUIREMENTS OF THE ZONING ORDINANCE WILL BE COMPLIED WITH, EXCEPT:

A) MINIMUM LOT AREA REQUIRED: 3,500 SQ. FEET; PROVIDED: 2,500 SQ. FEET.

B) GARAGE DOOR SETBACK FROM FRONT PROPERTY LINE REQUIRED: 20 FEET; PROVIDED: 25 FEET.

C) FLOOR AREA REQUIREMENT REQUIRED: 1,200 SQ. FEET. PROVIDED: 1400 SQ. FEET

D) MAXIMUM LOT COVERAGE REQUIRED: 45% PROVIDED: 70%

E) MINIMUM LOT FRONTAGE ON PUBLIC STREET REQUIRED: 35 FEET PROVIDED: 25 FEET

2. ALL SURFACE MATERIALS SHALL MEET THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE CITY OF CARROLLTON.

3. FINAL STREET LAYOUT, LOT CONFIGURATIONS, DIMENSIONS AND AREAS MAY VARY PROVIDING NO VARIANCES TO THE R-TH DISTRICT REGULATIONS ARE CREATED OTHER THAN THOSE WHICH ARE NOTED. 4. LANDSCAPING SHALL COMPLY WITH THE ZONING ORDINANCE.

5. DRIVEWAY ACCESS TO MCCOY ROAD SHALL NOT BE PERMITTED.

6. A 6 FOOT SCREENING FENCE WILL BE PROVIDED ALONG MCCOY ROAD SUBJECT TO SIGHT VISIBILITY REQUIREMENTS AND EXISTING OR PROPOSED UTILITY LOCATIONS.

7. ALL RESIDENTIAL UNITS WILL BE REQUIRED TO BE FIRE SPRINKLED.

8. AT TIME OF PLATTING, GRADE CHANGES MAY REQUIRE GREATER EASEMENTS AND SETBACKS FROM PIONEER THAN WHAT IS SHOWN ON THIS SITE PLAN.

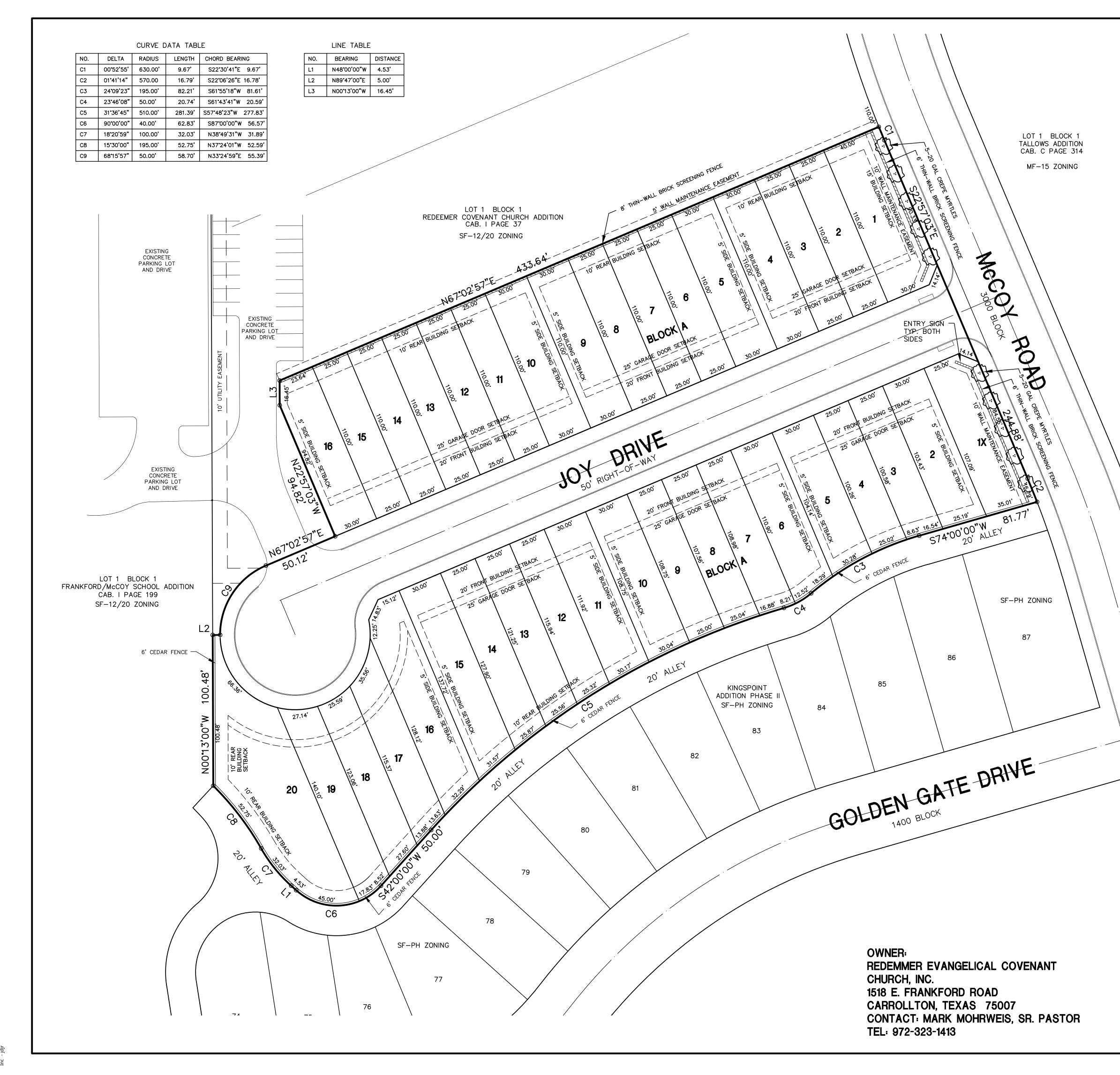
REVISIONS:				
1-9-15	CITY COMMENTS			

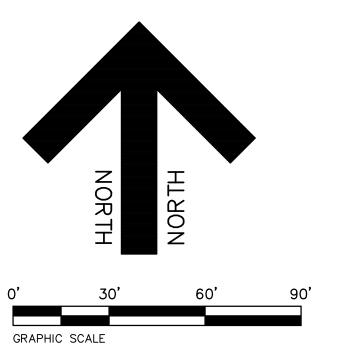
DEVELOPER: HARLAN PROPERTIES, INC 2404 TEXAS DRIVE, SUITE 103 IRVING, TEXAS 75062 PHONE (972) 659-0655 ATTN: SURESH SHRIDHARANI

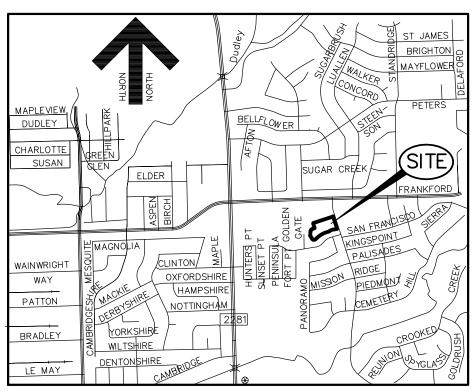
CITY CASE NO. 10-14Z3

SHEET TITLE: ZONING EXHIBIT FOR PD FOR SF-TH McCOY VILLAS 36 TOWNHOUSE LOTS McCOY ROAD CARROLLTON, TX				
JDJR ENGINEERS & CONSULTANTS, INC. TSBPE REGISTRATION NUMBER F-8527				
ENGINEERS • SURVEYORS • LAND PLANNERS 2500 Texas Drive Suite 100 Irving, Texas 75062 Tel 972-252-5357 Fax 972-252-8958				
DATE: 8/26/14	DRAWN BY: JDJR SHEET NO.			
$\frac{\text{SCALE:}}{1^{"}} = 30$	CHECKED BY: JDJR 1 OF 1			

JDJR FILE NO. 1119-3-14







LOCATION MAP

GENERAL NOTES:

1. ALL USES PERMITTED BY ARTICLE VIII (SF-TH) WILL BE ALLOWED AND ALL REQUIREMENTS OF SECTION ARTICLE VIII (SF-TH) TOWNHOUSE DISTRICT OF THE ZONING ORDINANCE AND ANY OTHER APPLICABLE REQUIREMENTS OF THE ZONING ORDINANCE WILL BE COMPLIED WITH, EXCEPT:

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B) GARAGE DOOR SETBACK FROM FRONT PROPERTY LINE REQUIRED: 20 FEET; PROVIDED: 25 FEET.

C) FLOOR AREA REQUIREMENT REQUIRED: 1,200 SQ. FEET. PROVIDED: 1400 SQ. FEET

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4. LANDSCAPING SHALL COMPLY WITH THE ZONING ORDINANCE.

5. DRIVEWAY ACCESS TO MCCOY ROAD SHALL NOT BE PERMITTED.

6. A 6 FOOT BRICK SCREENING FENCE WILL BE PROVIDED ALONG MCCOY ROAD SUBJECT TO SIGHT VISIBILITY REQUIREMENTS AND EXISTING OR PROPOSED UTILITY LOCATIONS. BRICK SCREENING WALL WILL BE CONSTRUCTED PER CITY OF CARROLLTON STANDARD DETAILS M4 (SHEETS 1 THRU 4). ALL OTHER FENCING WITHIN SUBDIVISION SHALL BE WOOD FENCING WITH A MAXIMUM HEIGHT OF 8 FEET.

7. ALL RESIDENTIAL UNITS WILL BE REQUIRED TO BE FIRE SPRINKLED.

8. AT TIME OF PLATTING, GRADE CHANGES MAY REQUIRE GREATER EASEMENTS AND SETBACKS FROM PIONEER THAN WHAT IS SHOWN ON THIS SITE PLAN.

9. SEE SHEET 2 FOR SCREENING WALL DETAILS AND LANDSCAPING DETAILS AT ENTRY SIGNS.

REVISIONS:			
1-9-15	CITY COMMENTS		
2-13-15	CITY COMMENTS		

DEVELOPER: HARLAN PROPERTIES, INC 2404 TEXAS DRIVE, SUITE 103 IRVING, TEXAS 75062 PHONE (972) 659-0655 ATTN: SURESH SHRIDHARANI CITY CASE NO. 10-14Z3

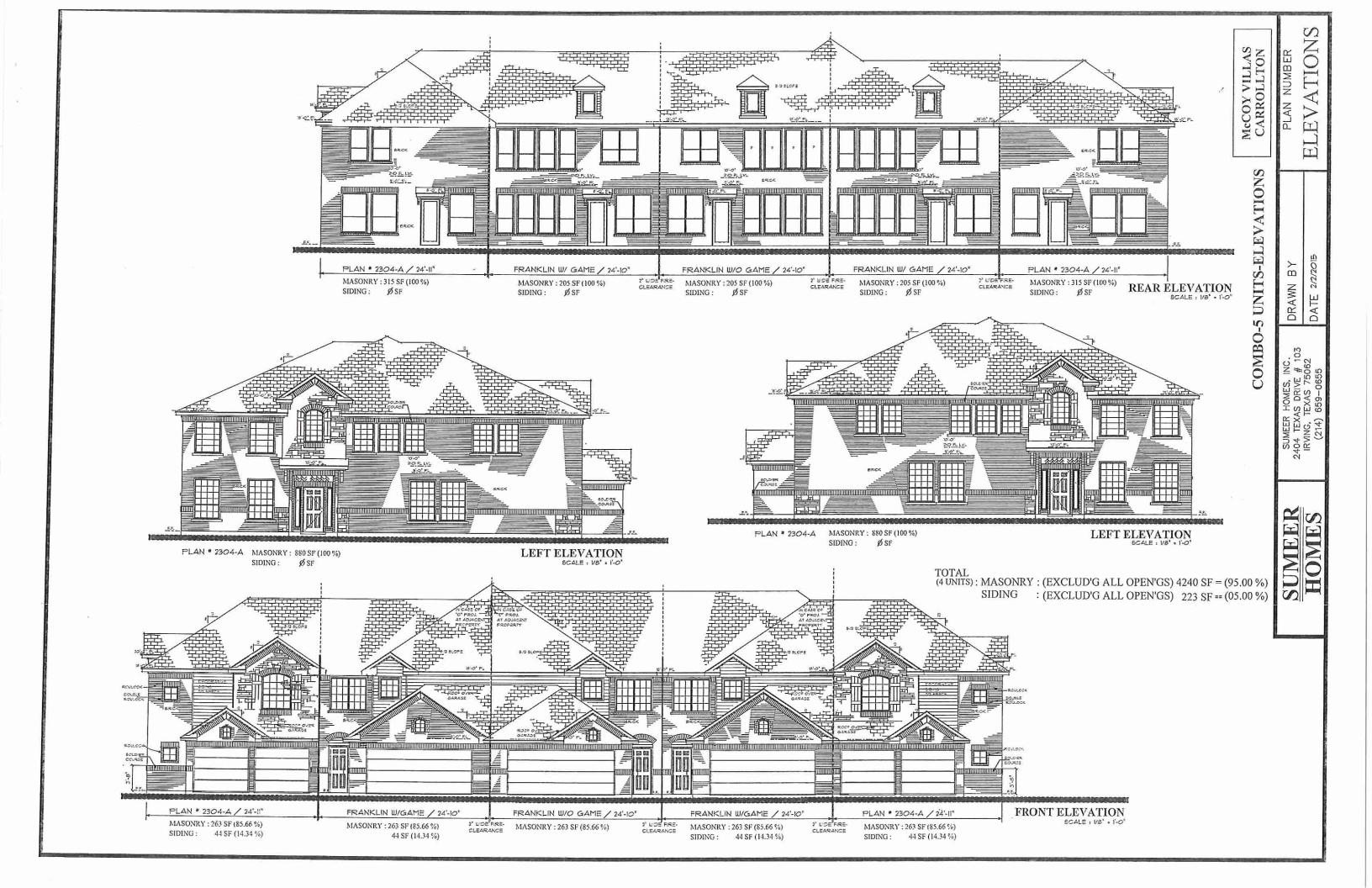
SHEET TITLE: ZONING EXHIBIT FOR PD FOR SF-TH McCOY VILLAS 36 TOWNHOUSE LOTS McCOY ROAD CARROLLTON, TX			
JDJR PREPARED BY: ENGINEERS & CONSULTANTS, INC. TSBPE REGISTRATION NUMBER F-8527			
ENGINEERS • SURVEYORS • LAND PLANNERS 2500 Texas Drive Suite 100 Irving, Texas 75062 Tel 972-252-5357 Fax 972-252-8958			
DATE: 8/26/14	DRAWN BY:	JDJR	SHEET NO.
SCALE: $1'' = 30'$	CHECKED BY:	JDJR	1 OF 2

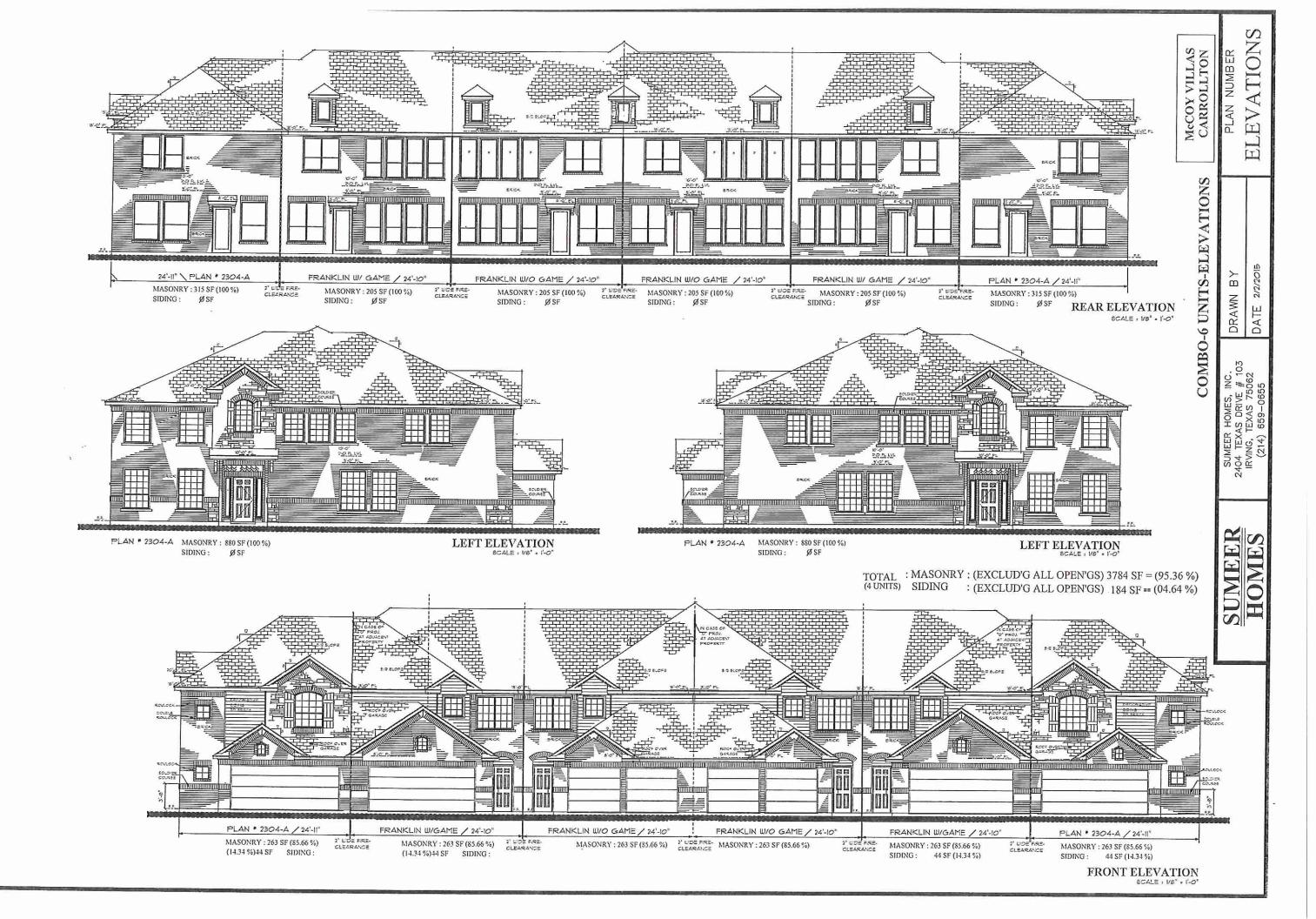


SCREENING WALL ENTRANCE

Case No. 10-14Z3 McCoy Villas PD Amendment

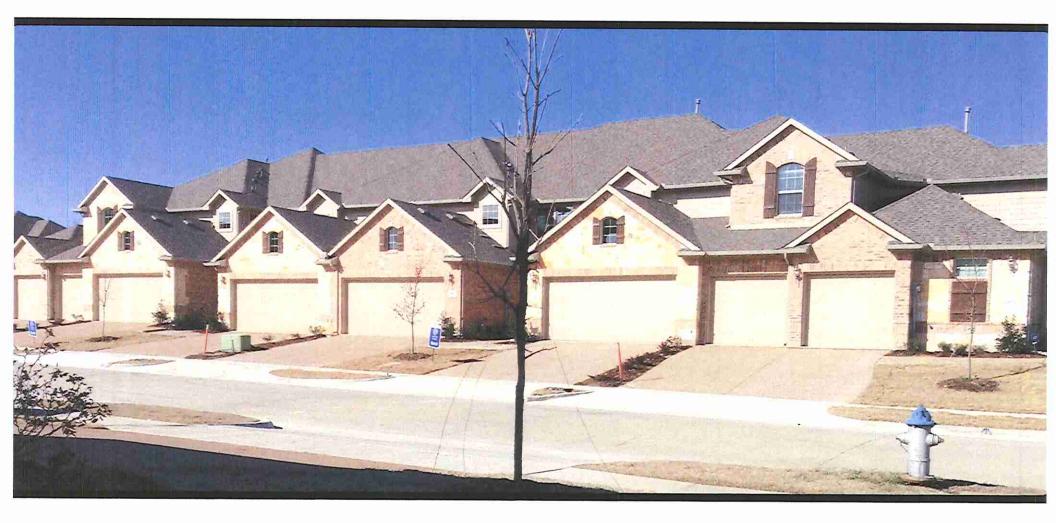


























PUBLIC COMMENTS OPPOSITION

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name ANNA GOSLING Phone 972-815-918 Bate 35/15 Address 1602 E. FRANCKFORD #1207 City CARPOLITONZip 75007

Public Hearing Agenda Item # 13 + 14

I wish to speak IN FAVOR of this item. ____ I wish to speak IN OPPOSITION to this item. I do not wish to speak; however, please record my ____ SUPPORT ___ OPPOSITION. Please identify the group or organization you represent, if any: _____ ON that land.

Acloy VillAS Date: 3-22-15 Case No/Name: 10-1 1 any Forti Name: GATE DR 3 6 aller Address: 150 2 City, ST, ZIP: <00 MAR 2 3 2015 I hereby register my: 🔲 Support **Opposition** to the above referenced case. Planning City of Carroliton **Comments:** are Ace \mathcal{UV} 215 me Ne 1 S. Signature:

Name:	
Address:	6 (Volden Fate Dr.
City, ST, ZIP:	arrolltan, TX 7(007
I hereby register my: to the above referenced	
Comments: <u>Do</u>	NOT WANT
- Pagsteur	ction - this is
- Childsen	- WOOL CWRECEIVED
	Mar 0.9 2015
	0041X 072 2013
Signature:	Building Inspection City of Carrollton
Case No/Names 03.	15MD1 McCarl Miles Dlock
Name: Jac Address: 140	15MD1 McCoy Villas Date: 2/25/1 cob Anderson 13 Golden Gote Dr.
Name: Jac Address: 140	cob Anderson
Name: Jac Address: 140	Cob Anderson 3 Golden Gote Dr. Invallton, TX 75007 Support D Opposition
Name: Jac Address: <u>140</u> City, ST, ZIP: <u>Co</u> I hereby register my:	Cob Anderson 3 Golden Gate Dr. invallton, TX 75007 Support D Opposition case.
Name: Jos Address: 140 City, ST, ZIP: Co I hereby register my: to the above referenced	Cob Anderson 3 Golden Gate Dr. invallton, TX 75007 Support D Opposition case.
Name: Jos Address: 140 City, ST, ZIP: Co I hereby register my: to the above referenced	Cob Anderson 3 Golden Gote Dr. Wrollton, TX 75007 Support D Opposition case. Received
Name: Jos Address: 140 City, ST, ZIP: Co I hereby register my: to the above referenced	Cob Anderson 3 Galden Gate Dr. Wrollton, TX 75007 Support D Opposition case. Received MAR 0 2 2015

SUPPORT

 Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

 Name
 Heather Erickson
 Phone 214-529-04920ate 3/5

 Address
 1737 Delaford
 Dr
 City Carrollton Zip 75007

 Public Hearing Agenda Item # 14,15
 I wish to speak IN FAVOR of this item.
 I wish to speak IN FAVOR of this item.

 I do not wish to speak; however, please record my
 SUPPORT OPPOSITION.

 Please identify the group or organization you represent, if any:
 McLoy
 Villas

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name Jan Erickson	Phone 972.492 92 92 Date 3. 5-15
Address 1731 DELAFORD DR	City CARROLLY on Zip 7500
Public Hearing Agenda Item # 14,15	
I wish to speak IN FAVOR of this item.	I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record	-
Please identify the group or organization you repres	ent, if any: McCoy Willis

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name ABREAN WALLER Phone ABIAGS 4326 Date 3/5/2015 Address 64326 ARCHING HOUSE (N) City DATAGE Zip 7252
Address 643 CXRINGHOUSEIN City CARE Zip 75252
Public Hearing Agenda Item #
I wish to speak IN FAVOR of this item I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION.
Please identify the group or organization you represent, if any: MSCOV VH4485

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name Barbara Shell Phone 4724661944 Jate 3/5/15 Address 4253 Hunt 121 #2309 Carrollton 75010

Public Hearing Agenda Item # _____

I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item. I do not wish to speak; however, please record my \times SUPPORT OPPOSITION. Please identify the group or organization you represent, if any: MCCOY Villas

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name Edwin BAYARD Phone 972-242-9844 Date 3-5-2015
Address 1404 Jolden Gate City CARPollin Zip 75007
Public Hearing Agenda Item # ? IU ? I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item.
I wish to speak IN FAVOR of this item I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION.
Please identify the group or organization you represent, if any:

CARROLLTON TEXAS PLANNING & ZONING APPEARANCE CARD
Please complete this card and submit it to a city staff member prior to the beginning of the meeting.
Name Marcia Sectachan Phone 2144581054 Date 35
Address 2019 Stefani (t city Carrolltonzip
Public Hearing Agenda Item # 14
I wish to speak IN FAVOR of this item I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION.
Please identify the group or organization you represent, if any:
Please read and comply with the "Guidelines for Speaking at City Government Public Meetings."

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name Mark Mohinis Phone 972.746 7187 Date March 5 2015
Address 1533 Brighton Dr City Conolltan Zip 75007
Y Public Hearing Agenda Item # 14 115
X I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item.
I do not wish to speak; however, please record my SUPPORT OPPOSITION.
Please identify the group or organization you represent, if any: Ridumir Coverant Church

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name 🥝	GABE C	RUZ	Phor	ne <u>9)</u>	948-	1503 D	ate <u>3</u>	
Address _	2909	PANORAMA	DR.	_ City	CARRO	Zip	75	7007
Pu V I w	blic Hearing	Agenda Item #	<u>5</u>	I wish	to speak I	1 OPPOSI	TION t	o this item.
Provide State		speak; however, pleas						
Please ide	entify the grou	up or organization yo	u represent, if	any:P	VEIGHB	ES P DR1400	DINT D	Assoc.

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Phone Mal Name GENE Burks _ City Address

Public Hearing Agenda Item # _____

I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item.

____ I do not wish to speak; however, please record my _____ SUPPORT _____ OPPOSITION.

Please identify the group or organization you represent, if any: Kerder Mer CHurth

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.

Name LOBY 4 SHARI SPARKS Phone 9724920031 Date 3/ Address 2357 Highand Check Rd City CARROLDON Zip 75007 Public Hearing Agenda Item # 14 215 I wish to speak IN FAVOR of this item. _____ I wish to speak IN OPPOSITION to this item. I do not wish to speak; however, please record my _____ SUPPORT _____ OPPOSITION. Please identify the group or organization you represent, if any: Redeemer Covenant Church

Please complete this card and submit it to a city staff member prior to the beginning of the meeting. Name <u>Randall D. Chaisman</u> Phone <u>972-466-0969</u> Date <u>3-5-2015</u> Address <u>1501 Broken Bow Thai</u> City <u>Carnollton</u> zip <u>75007</u> **Public Hearing Agenda Item #** <u>14415</u> I wish to speak IN FAVOR of this item. I wish to speak IN OPPOSITION to this item. I do not wish to speak; however, please record my <u>SUPPORT</u> OPPOSITION. Please identify the group or organization you represent, if any:

Please complete this card and submit it to a city staff member prior to the beginning of the meeting.
Name CLIFF ERICKSU Phone 214-492-9527 Date 3-5-15
Address 1737 DELDEVOD ORIVE City ARR BUTILZip 75007
Public Hearing Agenda Item # I wish to speak IN FAVOR of this item I wish to speak IN OPPOSITION to this item I do not wish to speak; however, please record my SUPPORT OPPOSITION. Please identify the group or organization you represent, if any: Metery VILLAS

Excerpt from Draft Minutes Planning & Zoning Commission Meeting of March 5, 2015

14. Hold A Public Hearing And Consider A Resolution For An Amendment To The Comprehensive Plan And The Future Land Use Map To Change An Approximately 3.4-Acre Site From Single-Family Residential Detached To Single-Family Residential Attached Located In The Vicinity Of The Southwest Corner Of Frankford Road And McCoy Road. Case No. 03-15MD1 McCoy Villas/Harlan Properties, Inc. Case Coordinator: Michael McCauley.

15. Hold A Public Hearing And Consider An Ordinance **Amending PD-63** Changing The Zoning Of A Certain Tract From (SF-12/20) Single-Family Residential District To (SF-TH) Single-Family Townhouse Residential District With Special Development Standards; Amending Accordingly The Official Zoning Map. The Approximately 3.4-Acre Tract Is Located In The Vicinity Of The Southwest Corner Of Frankford Road And McCoy Road. **Case No. 10-14Z3 McCoy Villas**/Harlan Properties, Inc. Case Coordinator: Michael McCauley.

McCauley presented the two cases in detail and advised that staff received three letters in opposition to the request. He stated that staff felt the development was too dense for the location and that it should remain as single family detached, which would provide a lower density than the townhouses. He referred to proposed stipulations in the event the Commission chose to approve the request.

Jim Dewy, JDJR Engineers, 2500 Texas Drive, Irving, stated the applicant understands the stipulations but didn't agree with some of the comments presented by staff. He noting it was an in-fill development and felt it was an appropriate buffer between the single family development and the multifamily development. He explained that one reason they did not propose alleys was because the homeowners association to the south did not want to share the alley and talked about the easement. He noted that a buffer between single family developments was not required and felt the screening wall was a sufficient buffer between the townhomes and the single family neighborhood. With regard to the stipulations, he stated they could not agree to the stipulation with regard to the separate easement and driveway to the north of the site but could agree with the remaining stipulations. He talked about the economics of the proposal and requested the Commission's approval.

Discussion was held with regard to the traffic impact on Joy Drive due to the proximity of and access to the elementary school and church. While reviewing each of the stipulations, Mr. Dewy noted that none of the existing homes in the neighborhood had enhanced driveways but if required, they would prefer to use exposed aggregate. With regard to the front building setback, he stated the garage would have a 25 foot setback but was requesting a 20 foot front building setback. With regard to school buses being able to make the necessary turns from Joy Drive to the school, he said there were fire lanes on the property and said since fire trucks could navigate the turn, then it should be able to accommodate school buses turning.

CASE NO. 03-15MD1 McCoy Villas (Comp Plan)

McCauley noted a correction to the case report in that Lots 2 - 10 had less than the required minimum depth of 110 foot. Mr. Dewy stated the Code required 100 feet and noted that most were 110 foot, but a few were even a little less.

Stotz voiced concern with the 25 foot lot width and felt that the City needed to maintain the 35 foot lot width requirement. Mr. Dewy noted that they try to break up the garage door look by using single and double garage doors and felt the 25 foot lot width would be a good product for the area. Concern was also voiced by the Commission with regard to amount of concrete at the front of the homes because the yard would be in the back. Mr. Dewy felt that the people who would buy the product don't want much yard maintenance and won't have a problem with the amount of concrete.

Chair McAninch opened the public hearing and invited speakers to the podium.

The following individuals spoke in favor of the request:

Randall D. Chrisman, 1501 Broken Bow Tr., Carrollton, TX Coby & Shari Sparks, 2357 Highlands Creek Rd., Carrollton, TX Gene Burks, 3704 Standridge, Carrollton, TX Gabe Cruz, 2909 Panorama Dr., Carrollton, TX Mark Mohrweis, 1533 Brighton Dr., Carrollton, TX Marcia Seebachan, 2019 Stefani Ct., Carrollton, TX Edwin Bayard, 1404 Golden Gate, Carrollton, TX

The following people were in support but didn't wish to speak:

Jan Erickson, 1737 Delaford Dr., Carrollton, TX Heather Erickson, 1737 Delaford Dr., Carrollton, TX Barbara Shell, 4253 Hunt Dr., Carrollton, TX Cliff Erickson, 1737 Delaford Dr., Carrollton, TX J. Steven Walker, Dallas, TX

The following person did not wish to speak but was in opposition:

Anna Gosling, 1602 E. Frankford Rd., Carrollton, TX

In rebuttal and closing comments, Mr. Dewy requested the Commission's support for the request as presented.

Chair McAninch opened the floor for discussion. In response to a question from Nesbit, McCauley stated that the preliminary plat reflects a 20 foot front building setback and a 25 foot garage door setback which is what is required by City Code for front loaded homes but because the lots were more narrow, staff felt it would be more appropriate to have a 25 foot front building setback. McCauley also said that staff would support a 100 foot lot depth.

CASE NO. 03-15MD1 McCoy Villas (Comp Plan)

Chair McAninch advised the Board that legal counsel recommended another stipulation as part of the zoning case as follows: provide the City with a letter from the School district agreeing to the abandonment of the existing 30 foot wide ingress and egress easement prior to the City Council consideration of the zoning case and as an abandonment of such easement at the time of platting of the property executed by the School District. Mr. Dewy stated he understood the stipulation and asked that it be required at the time of platting.

* Stotz moved to close the public hearing and approve Case No. 03-15MD1 McCoy Villas Comprehensive Plan amendment; second by Kiser and the motion was approved with a 7-2 vote, Chadwick and McAninch opposed.

* Stotz moved to close the public hearing and approve Case No. 10-14Z3 McCoy Villas with staff stipulation Nos. 2 – 11 specifying that No. 6 - the driveways shall be constructed of decorative pavers; No. 9 - the entry ribbon shall be constructed with decorative pavers, and the stipulation proposed by legal counsel; second by Daniel-Nix. Chair McAninch stated she agreed with the Church trying to do something with the land but did not think the proposed plan was the right choice due to the density. Chadwick stated that he supported the Church but could not support the reduced setbacks.

Rob Guarnieri, Dev. Services Sr. Engineer, noted that a 15 foot landscape buffer is required on McCoy which was not reflected on the preliminary plat and also that the first driveway had to be 40 foot from the intersecting property lines from McCoy and Joy Drive to be in compliance with the Driveway Ordinance. He stated that these issues would normally surface when the plans are submitted for review. Adam D. Lathrom, Attorney, suggested a possible continuance to address the raised issues.

Chair McAninch noted that Stotz did not wish to withdraw the motion and called for the vote. The motion was approved with a 5-4 vote; Kraus, Chadwick, McAninch and Romo opposed.

PLANNING DEPARTMENT City of Carrollton Date: 04/07/15

PLANNED DEVELOPMENT NO. 63 DEVELOPMENT NAME: McCoy Villas

ORDINANCE NUMBER

ORDINANCE NO. ______ OF THE CITY OF CARROLLTON AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING PLANNED DEVELOPMENT NUMBER 63, IN PART, TO CHANGE THE ZONING OF AN APPROXIMATELY 3.4-ACRE TRACT LOCATED IN THE VICINITY OF THE SOUTHWEST CORNER OF FRANKFORD ROAD AND MCCOY ROAD FROM THE (SF-12/20) SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE (SF-TH) SINGLE-FAMILY TOWNHOUSE RESIDENTIAL DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS; AMENDING ACCORDINGLY THE OFFICIAL ZONING MAP; PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at its regular meeting held on the Fifth day of March, 2015, the Planning and Zoning Commission considered and made recommendations on a certain request for a Planned Development District (Case No. 10-14Z3);

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals, and general welfare.

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

Section 1.

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

Section 2.

Planned Development Number 63 is hereby amended for a certain approximately 3.4-acre tract ("Tract A") located in the vicinity of the southwest corner of Frankford Road and McCoy Road and described on the attached Exhibit A and depicted on the attached Exhibit B, to read as follows:

I. Permitted Uses

The following uses will be permitted on Tract A:

Permitted uses shall be all principal and accessory uses which are allowed by right in the (SF-TH) Single-Family Townhouse Residential District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations of the (SF-TH) Single-Family Townhouse Residential District and the Comprehensive Zoning Ordinance, as amended, except as otherwise provided in this ordinance.

A Special Use Permit shall be required for all uses otherwise requiring a Special Use Permit in the (SF-TH) Single-Family Townhouse Residential District, in accordance with Article V of the Comprehensive Zoning Ordinance, as amended, except as otherwise provided below. Such Special Use Permit(s) shall be subject to the conditions established in Articles XXI and XXXI of the Comprehensive Zoning Ordinance, as amended, and shall be developed in accordance with all applicable regulations.

II. Special Development Standards For Tract A

Development shall be in accordance with the following special conditions, restrictions, and regulations:

- 1. Landscaping shall be compliant with Article XXV of the City's Comprehensive Zoning Ordinance.
- 2. Alleys shall not be required and front-entry garages shall be allowed no closer than 25 feet from the front property line.
- 3. The front building setback shall be a minimum 25 feet.
- 4. Garage doors shall be clad in stained natural cedar or faux wood.
- 5. Driveways shall be decorative pavers.
- 6. A homeowner's association shall be established in accordance with the Comprehensive Subdivision Ordinance prior to platting the tract. The homeowner's association will be responsible for the improvement and maintenance of all common areas, including perimeter wall and fence, and/or common facilities shown on the Conceptual Site Plan.
- 7. An "entry ribbon" consisting of decorative pavers shall be placed in the street intersection with McCoy Road. Said entry ribbon shall be no less than ten feet (10') in depth, shall extend across the width of the street and shall generally align with the abutting sidewalk.
- 8. Drainage shall comply with all codes and ordinances.

9. The development shall be in general conformance with Exhibit C.

SECTION 3.

The Comprehensive Zoning Ordinance and the Official Zoning Map are hereby amended to reflect the action taken herein.

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

SECTION 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of April, 2015.

CITY OF CARROLLTON

By:

Matthew Marchant, Mayor

ATTEST:

Krystle Nelinson City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller Assistant City Attorney Michael McCauley Senior Planner

Exhibit A Legal Description

BEING a 3.3416 acre tract or parcel of land lying and being situated in the B. BACCUS SURVEY, Abstract 119, in the City of Carrollton, Denton County, Texas and being a portion of Lot 1, Block 1, REDEEMER COVENANT CHURCH ADDITION, an addition to the City of Carrollton, Denton County, Texas as recorded in Cabinet I, Page 37, Plat Records, Denton County, Texas (P.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the intersection of the west right-of-way line of McCoy Road (a 60-foot wide public right-of-way per Cabinet I, Page 37, P.R.D.C.T.) with the north line of a 20-foot wide alley shown on the plat of said REDEEMER COVENANT CHURCH ADDITION;

THENCE along the north line of said 20-foot wide alley and the south line of said Lot 1 the following:

South 74 degrees 00 minutes 00 seconds West, a distance of 81.77 feet to a 1/2 inch iron rod found for the beginning of a curve to the left having a radius of 195.00 feet and a chord bearing South 61 degrees 55 minutes 18 seconds West, 81.61 feet;

THENCE Southwesterly, along said curve to the left, through a central angle of 24 degrees 09 minutes 23 seconds, an arc distance of 82.21 feet to a 1/2 inch iron rod found for the end of said curve and the beginning of a curve to the right having a radius of 50.00 feet and a chord bearing South 61 degrees 43 minutes 41 seconds West, 20.59 feet;

THENCE Southwesterly, along said curve to the right, through a central angle of 23 degrees 46 minutes 08 seconds, an arc distance of 20.74 feet to a 1/2 inch iron rod found for the end of said curve and the beginning of a curve to the left having a radius of 510.00 feet and a chord bearing South 57 degrees 48 minutes 23 seconds West, 277.83 feet;

THENCE Southwesterly, along said curve to the left, through a central angle of 31 degrees 36 minutes 45 seconds, an arc distance of 281.39 feet to a 1/2 inch iron rod found for the end of said curve;

THENCE South 42 degrees 00 minutes 00 seconds West, a distance of 50.00 feet to a 1/2 inch iron rod found for the beginning of a curve to the right having a radius of 40.00 feet and a chord bearing South 87 degrees 00 minutes 00 seconds West, a distance of 56.57 feet;

THENCE Westerly, along said curve to the right, through a central angle of 90 degrees 00 minutes 00 seconds, an arc distance of 62.83 feet to a 1/2 inch iron rod found for the end of said curve;

THENCE North 48 degrees 00 minutes 00 seconds West, a distance of 4.53 feet to a 1/2 inch iron rod found for the beginning of a curve to the right having a radius of 100.00 feet and a chord bearing North 38 degrees 49 minutes 31 seconds West, 31.89 feet;

THENCE Northwesterly, along said curve to the right, through a central angle of 18 degrees 20 minutes 59 seconds, an arc distance of 32.03 feet to a 1/2 inch iron rod found for the end of said curve and the beginning of a curve to the left having a radius of 195.00 feet and a chord bearing North 37 degrees 24 minutes 01 seconds West, 52.59 feet;

THENCE Northwesterly, along said curve to the left, through a central angle of 15 degrees 30 minutes 00 seconds, an arc distance of 52.75 feet to a 1/2 inch iron rod found for the end of said curve and the most westerly southwest corner of said Lot 1;

THENCE North 00 degrees 13 minutes 00 seconds West, along the west line of said Lot 1, a distance of 100.48 feet to a point for corner;

THENCE North 89 degrees 47 minutes 00 seconds East, a distance of 5.00 feet to a point for the beginning of a curve to the right having a radius of 49.94 feet and a chord bearing North 33 degrees 23 minutes 54 seconds East, 55.37 feet;

THENCE Northeasterly, along said curve to the right, through a central angle of 67 degrees 20 minutes 00 seconds, an arc distance of 58.69 feet to a point for the end of said curve;

THENCE North 67 degrees 03 minutes 28 seconds East, a distance of 50.14 feet to a point for corner;

THENCE North 22 degrees 57 minutes 03 seconds West, a distance of 94.82 feet to a point for corner;

THENCE North 00 degrees 13 minutes 00 seconds West, a distance of 16.45 feet to a point for corner;

THENCE North 67 degrees 02 minutes 57 seconds East, a distance of 433.64 feet to a point on the aforementioned west right-of-way line of McCoy Road and the east line of said Lot 1; said point also being the beginning of a curve to the left having a radius of 7,892.50 and a chord bearing South 22 degrees 57 minutes 03 seconds East, 9.67 feet;

THENCE Southeasterly, along said curve to the left, said east lot line and said west right-of-way line, through a central angle of 00 degrees 04 minutes 13 seconds, an arc distance of 9.67 feet to a point for the end of said curve;'

THENCE South 22 degrees 57 minutes 03 seconds East, along said west right-of-way line and the east line of said Lot 1, a distance of 244.88 feet to a 1/2 inch iron rod found for the beginning of a curve to the right having a radius of 570.00 feet and a chord bearing South 22 degrees 06 minutes 26 seconds East, 16.76 feet;

THENCE Southerly, along said curve to the right, said west right-of-way line and the east line of said Lot 1, through a central angle of 01 degrees 41 minutes 14 seconds, an arc distance of 16.79 feet to the Point of Beginning and containing 3.3416 Acres (145,561 Square Feet) of land.

(This description is based upon the plat of Lot 1, Block 1, REDEEMER COVENANT CHURCH ADDITION, an addition to the City of Carrollton, recorded in Cabinet I, Page 37, P.R.D.C.T.)

Exhibit B Location Map

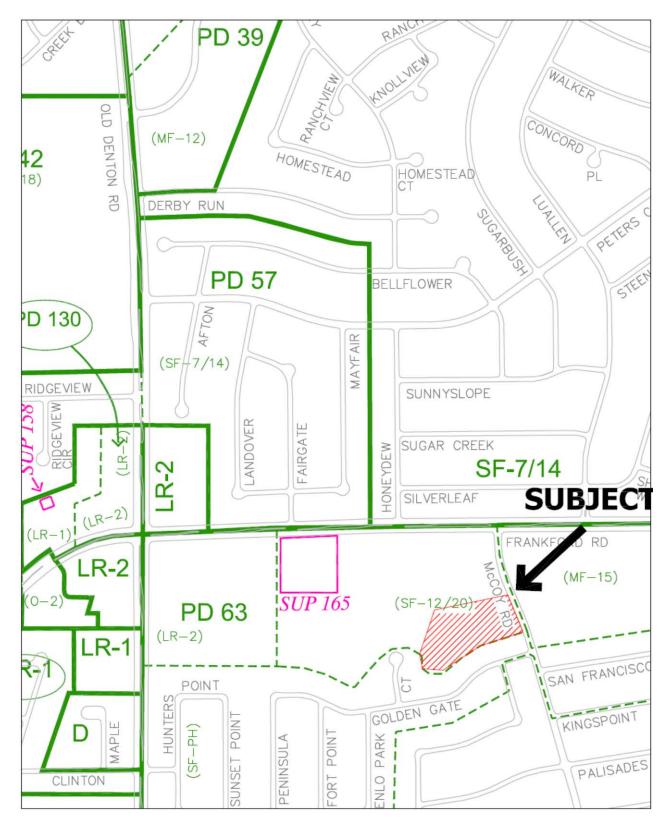
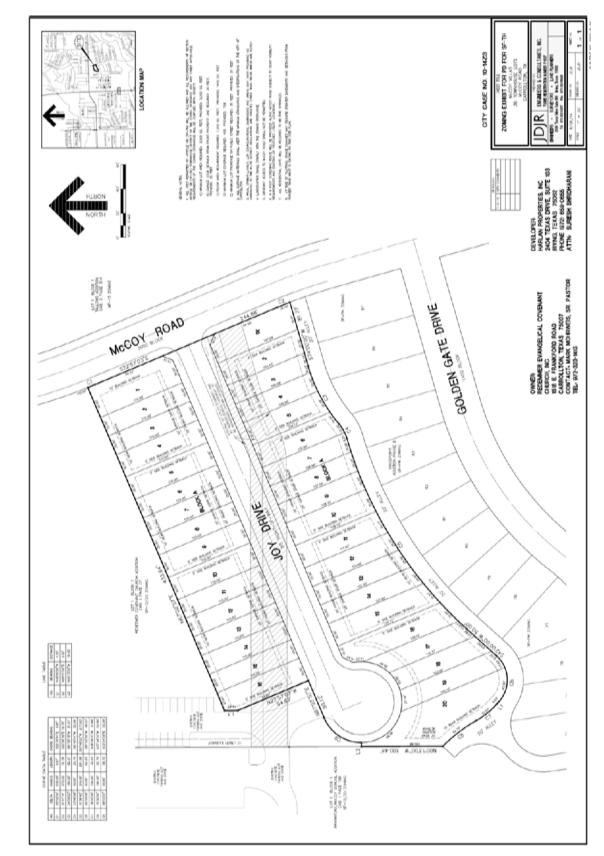
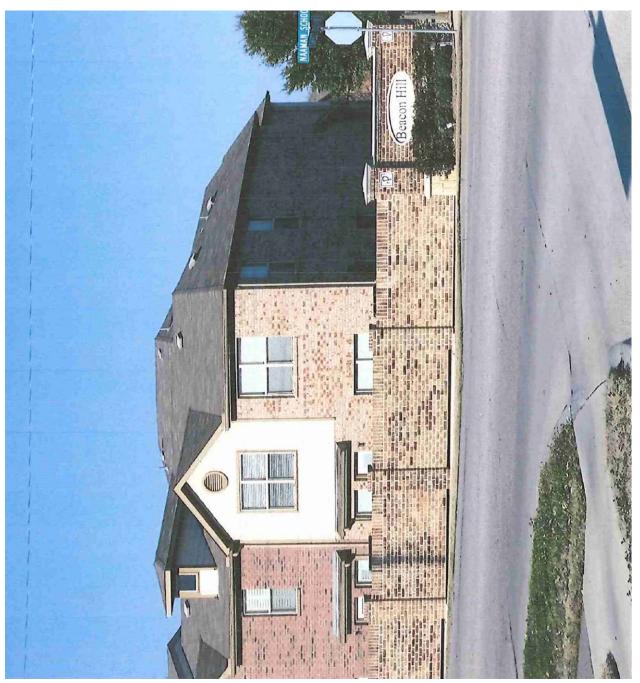


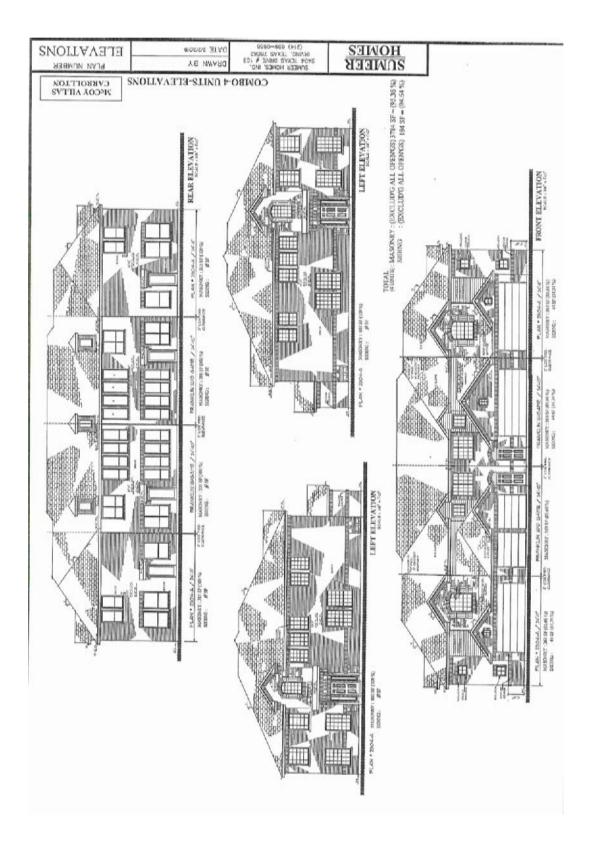
Exhibit C Zoning Exhibits



Ord No. _____



CONCEPTUAL SCREENING WALL



CONCEPTUAL BUILDING ELEVATIONS















