

City of Carrollton

1945 E. Jackson Road
Carrollton, TX 75006



REGULAR WORKSESSION & MEETING

Tuesday, July 12, 2016

5:45 PM

CITY HALL, 2nd Floor

City Council

Mayor Matthew Marchant
Mayor Pro Tem Doug Hrbacek
Deputy Mayor Pro Tem Steve Babick
Councilmember James Lawrence
Councilmember Anthony Wilder
Councilmember Bob Garza
Councilmember Glen Blanscet
Councilmember John Sutter

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

1. Receive **information and discuss Consent Agenda.**
2. Council will convene in Executive Session pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional Conduct regarding confidential communication with the City Council.
 - **Section 551.072** to discuss certain matters regarding real property.
 - **Section 551.087** to discuss Economic Development.
3. Council will reconvene in open session to consider action, if any, on matters discussed in the Executive Session.

*****WORKSESSION*****

4. Discuss DART Bus Stop Improvements.
5. Discuss August-September-October 2016 Council Meeting Dates.
6. Discuss Tree Replacements Underneath Oncor Power Lines.
7. Mayor and Council reports and information sharing.

*****REGULAR MEETING 7:00 PM*******INVOCATION****PLEDGE OF ALLEGIANCE****PRESENTATIONS**

8. Present A Proclamation Declaring July As Park & Recreation Month.

PUBLIC FORUM

9. **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

- *10. Consider Approval Of The June 7, 2016 Regular Meeting Minutes.
- *11. Consider Approval Of The June 17, 2016 Special Meeting And Strategic Planning Session Minutes.

BIDS & PURCHASES

- *12. Consider Approval Of The Purchase Of One Replacement 100' Aerial Ladder Truck From Hall Buick, Pontiac, GMC (A Ferrara Fire Apparatus Dealer) Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$1,187,643.
- *13. Consider Approval Of RFP #16-026 For Nursery Stock For The Parks Department From Various Vendors In An Amount To Not Exceed \$ 73,000.
- *14. Consider Approval Of Bid #16-028 For Asphalt For Public Works From Various Vendors In An Amount Not To Exceed \$98,526.00.
- *15. Consider Approval Of RFP #16-025 For Concrete Work At Various Sites From Vescorp Construction In An Amount Not To Exceed \$137,240.

- *16. Consider Approval Of The Purchase Of Furniture For The Senior Center From Various Vendors In An Amount Not To Exceed \$41,000.

CONTRACTS & AGREEMENTS

- *17. Consider Approval Of An Addendum To The Ground Lease Agreement With Blue Sky Sports Of Carrollton, LP.
- *18. Consider Approval Of A Development And Transfer Agreement With Arthur James, Inc.
- *19. Consider Authorizing The City Manager To Approve Contract Amendment #1 With Bridgefarmer And Associates For Design Modifications For The Railroad Quiet Zone Phase II Project In An Amount Of \$11,500.00, For A Revised Contract Amount Not To Exceed \$120,500.00.
- *20. Consider Authorizing The City Manager To Enter Into A Contract With ICMA-RC For Administration Of The City's Deferred Compensation, Retiree Health Savings, and Social Security Substitute (OBRA) Investment Plans.

ORDINANCE

- *21. Consider An Ordinance Amending The Operating And Capital Budget For The Fiscal Year October 1, 2015 Through September 30, 2016.

RESOLUTIONS

- *22. Consider A Resolution Supporting A Municipal Setting Designation For Property Generally Located At 11602, 11616, 11634, 11642 And 11650 Harry Hines Boulevard, 11613, 11621, 11637, 11661 And 11663 Denton Drive, And 2536 Forest Lane In The City Of Dallas.
- *23. Consider A Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Act Agreement With The City Of The Colony For Engineering Inspection Support Services At An Hourly Rate Of \$65; And Providing An Effective Date.
- *24. Consider A Resolution Authorizing The City Manager To Enter Into A Contract With Grant Thornton LLP For Independent Auditing Services In An Amount Not to Exceed \$108,770.

- *25.** Consider A Resolution Authorizing The City Manager To Enter Into Single-Family Rehabilitation Incentive Agreements With Scott And Sara Hamilton For 2318 Valleywood Drive In An Amount Not To Exceed \$761.64; With Rosa Ana Gonzalez For 2430 Briarwood Lane In An Amount Not To Exceed \$324.46; With Kirk Bracey For 2312 Briarwood Lane In An Amount Not To Exceed \$266.68; With Christopher Lamendola For 2209 Lakeland Drive In An Amount Not To Exceed \$325.83; With LaJauna Dollar For 2315 Lakeland Drive In An Amount Not To Exceed \$324.16; With Melissa Battis for 2320 Halifax Drive In An Amount Not To Exceed \$297.99; And With David Elliott For 2318 Halifax Drive In An Amount Not To Exceed \$248.46.
- *26.** Consider A Resolution Authorizing The City Manager To Execute A Contract With Lindamood Demolition, Inc. For The Asbestos Abatement And Building Demolition At 1107, 1207 And 1209 Carroll Avenue Through An Interlocal Agreement With The City Of Fort Worth In An Amount Not To Exceed \$83,760.00.
- *27.** Consider A Resolution Appointing One Member To The Board Of Managers Of The Denco Area 9-1-1 District.
- *28.** Consider A Resolution Acknowledging A Petition To Annex Two Tracts Of Land Containing Approximately 1.22 Acres Located On The South Side Of Parker Road/FM 544 West Of The Burlington Northern Santa Fe Railroad and Southern Half Of Culpepper Road, East Of Dozier Road; Directing The Development Of A Service Plan For The Proposed Annexation; Setting Dates For The Required Public Hearings; Directing The Publication Of Such Public Hearings And Providing An Effective Date. Case No. 07-16MD1 Villas at Parker, Phase 1.

PUBLIC HEARING-CONSENT AGENDA

- *29.** Hold A Public Hearing And Consider A Resolution Adopting The Program Year 2016 Community Development Block Grant One-Year Plan Of Action And Budget.
- *30.** Hold A Public Hearing To Consider A Technical Site Plan For A Multi-Family Residential Development On An Approximately 3.4-Acre Tract Zoned PD-45 Located At 1146 Trinity Mills Road. Case No. 06-16TSP1 Trinity Mills Village Apartments. Case Coordinator: Michael McCauley.

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

31. Hold A Public Hearing To Consider An Ordinance To Amend the Zoning And Establish A Special Use Permit For A Used Car Dealership To Allow Outdoor Display With Special Conditions On A 1.65 Acre Tract Zoned Light Industrial (LI) And Located At 2317 Midway Road; Amending The Official Zoning Map Accordingly. Case No. 06-16SUP1 Auto Web Car Dealership. Case Coordinator: Loren Shapiro.

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 8th day of July 2016 at 12:00pm.

Laurie Garber

Laurie Garber, 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.

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



City of Carrollton

Agenda Memo

File Number: 2709

Agenda Date: 7/12/2016

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 4.

CC MEETING: July 12, 2016

DATE: June 30, 2016

TO: Leonard Martin, City Manager

FROM: Cesar J. Molina, Jr., P.E., Director of Engineering

Discuss **DART Bus Stop Improvements.**

BACKGROUND:

In 2012 the City began work in coordination with DART to improve the most heavily used DART bus stops in Carrollton. Improvements have been completed at 14 locations to date. These improvements include construction of bus pads and the addition of benches and passenger shelter structures. Specific improvements were agreed upon with DART based on the location and ridership at each bus stop. DART funds the majority of costs associated with these improvements. City funds are incurred for survey work, acquiring easements and the additional cost for the Carrollton-standard passenger shelters above and beyond the cost of the standard DART shelter. Improvements at four additional locations are currently being planned.

FINANCIAL IMPLICATIONS:

Bus stop improvements have been completed at 14 locations. \$9,250 in City funds has been spent on these improvements.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff will brief City Council on the completed and planned DART bus stop improvement program at the July 12 worksession.



City of Carrollton

Agenda Memo

File Number: 2704

Agenda Date: 7/12/2016

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 5.

CC MEETING: July 12, 2016

DATE: June 27, 2016

TO: Leonard Martin, City Manager

FROM: Laurie Garber, City Secretary/Admin. Services Manager

Discuss August-September-October 2016 Council Meeting Dates.

BACKGROUND:

The purpose of this worksession item is to select Council Meeting dates for August, September, and October 2016.

July 2016

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

August 2016

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

September 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 City Hall Closed	6 Council Meeting	7	8 Citizens' Evening	9	10
11	12	13	14	15	16	17
18	19	20 Council Meeting	21	22	23	24
25	26	27	28	29	30	

October 2016

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



City of Carrollton

Agenda Memo

File Number: 2725

Agenda Date: 7/12/2016

Version: 1

Status: Work Session

In Control: City Council

File Type: Work Session Item

Agenda Number: 6.

CC MEETING: July 12, 2016

DATE: July 6, 2016

TO: Leonard Martin, City Manager

FROM: Laurie Garber, City Secretary/Admin. Services Manager

Discuss **Tree Replacements Underneath Oncor Power Lines.**

BACKGROUND:

At the May 17, 2016 council meeting, staff presented possible solutions to Oncor's tree trimming practices underneath powerlines. It was decided the best course of action is to remove and replace trees in problematic areas. Council requested staff rate the over-trimmed trees in the locations listed below by priority. Priority 1 areas require a prompt response. Priority 2 areas should be inspected in 2 years to determine a course of action. Priority 3 areas should be inspected in 5 years.

Priority 1

Frankford Rd. (between Josey and Kelly)
E. Russell Ave. (at Denton Dr.)

Priority 2

Keller Springs Rd. (between Old Denton and Josey)

Priority 3

Josey Ln. (between Trinity Mills and Frankford)
E. Jackson Rd. (near Crater Lake)

As this estimate is based on experience with a former contractor rather than actual bids by a tree removal contractor, competitive bidding is recommended. Estimates for removing, replacing and installing irrigation are attached.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff is requesting direction from Council on which trees to remove and replace.

Estimates to Remove, Replace, and Irrigate Trees

Priority 1

- **Frankford Road (between Josey and Kelly)** – 12 Live Oaks requiring removal

Removal	\$11,400.00
Replacement	\$10,800.00
Irrigation	\$16,662.00
Area total	\$ 38,862.00

- **E. Russell Ave. (at Denton Dr)** – Trees primarily on private property. Two trees at Russell appear to be in City ROW.

Removal	\$1,900.00
Replacement	no replacement
Irrigation	none needed
Area total	\$1,900.00

Priority 2

- **Keller Springs (between Old Denton and Josey)** – 16 trees located in an unpaved alley

Removal	\$15,200.00
Replacement	\$11,700.00
Irrigation	\$6,966.00
Area total	\$ 33,866.00

Priority 3

- **Josey (between Trinity Mills and Frankford)** – Approximately 9 Live Oaks that appear to be in the ROW

Removal	\$8,550.00
Replacement	\$8,100.00
Irrigation	undetermined
Area total	\$16,650.00

- **E. Jackson Road** – Appear to be on private property except for 11 trees at Crater Lake

Removal	\$10,450.00
Replacement	\$2,700.00
Irrigation	\$1,738.00
Area total	\$14,888.00

Tree Planting Bids will be let for bid in September of 2016, and recommended replacements can be part of that upcoming bid. Bores may be needed. Estimates do not include costs for bores at this time.



City of Carrollton

Agenda Memo

File Number: 2701

Agenda Date: 7/12/2016

Version: 1

Status: Presentations

In Control: City Council

File Type: Presentation

Agenda Number: 8.

CC MEETING: July 12, 2016

DATE: June 14, 2016

TO: Leonard Martin, City Manager

FROM: Scott Whitaker, Parks & Recreation Director

Present A **Proclamation Declaring July As Park & Recreation Month.**



WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Carrollton; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and the City of Carrollton recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that July is recognized as **Park and Recreation Month** in the City of Carrollton.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Carrollton to be affixed this 12th day of July 2016.

A handwritten signature in black ink, appearing to read "Matthew Marchant", written over a horizontal line.

Matthew Marchant, Mayor



City of Carrollton

Agenda Memo

File Number: 2720

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: *10.

CC MEETING: July 12, 2016

DATE: July 6, 2016

TO: Leonard Martin, City Manager

FROM: Laurie Garber, City Secretary/Admin. Services Manager

Consider Approval Of The June 7, 2016 Regular Meeting Minutes.

**CARROLLTON CITY COUNCIL
REGULAR WORKSESSION AND MEETING
JUNE 7, 2016**

The City Council of the City of Carrollton, Texas convened in a Regular Worksession and Meeting on Tuesday, June 7, 2016 at 5:45 p.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Anthony Wilder, Deputy Mayor Pro Tem Doug Hrbacek, Councilmembers Bob Garza, Steve Babick, John Sutter, James Lawrence and Glen Blanscet. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy, Bob Scott, and Erin Rinehart, Asst. City Attorney Susan Keller and City Secretary Laurie Garber.

5:45 P.M. – COUNCIL BRIEFING ROOM

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

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

1. Receive **information and discuss Consent Agenda.**

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

2. Council will convene in **Executive Session** pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional conduct regarding confidential communication with the City Council.

No Executive Session was held.

3. Council will reconvene in **open session** to consider action, if any, on matters discussed in the Executive Session. The Council did not convene in Executive Session.

*****WORKSESSION*****

4. Discuss **Possible Annexation Of Approximately 22.2 Acres Consisting Of Four Tracts Located Near The Intersection Of Parker Road (FM 544) And Dozier Road.**

Chief Planner Loren Shapiro used a location map to depict the areas of possible annexation and asked Council for direction with regard to proceeding with the request. No objections were raised.

5. Discuss **Location For Second Splash Park.**

Parks Director Scott Whitaker suggested Oak Hills Park for the second Splash Park noting the first one was at Thomas Park and used an aerial photograph to depict the location on Hebron Parkway. He talked about the possible layout noting this one would be a little smaller than the one at Thomas Park and reviewed three scenarios. He noted the design would be more appropriate for younger children. He talked about the water recirculation aspect of the proposal which would allow the area to remain open in times of drought. With regard to funding, he stated that \$755,000 was approved in the 2013

bond election for a Splash Park and restroom. The engineer's estimate was between \$934,000 and \$1,120,000 depending on the scenario selected, resulting in a shortfall between \$179,000 and \$365,000. The goal is to open the park in late April or May 2017. City Engineer Cesar Molina stated that the miscellaneous amount includes clearing, shade structures, benches and things that didn't fit in the other categories. Discussion was held about the activities already happening at the park and in the area. Mayor Marchant suggested funding the park at \$1,050,000 and negotiating with the Church to obtain some property in exchange for the driveway they would like.

6. Discuss Mayor Pro Tem & Deputy Mayor Pro Tem Appointments.

Mayor Marchant stated that the custom for appointment as Mayor Pro Tem has been that the person who has served the longest and has not previously served in the role would serve and the same for the Deputy Mayor Pro Tem. A consensus was reached in favor of Doug Hrbacek for Mayor Pro Tem and Steve Babick for Deputy Mayor Pro Tem.

7. Discuss Continuation Or Redistribution Of Council Sub-Committee And Liaison Appointments.

Mayor Marchant stated the item was an opportunity to make any changes. No suggestions were made for changes to sub-committee appointments. Mayor Pro Tem Wilder suggested he give up the Hebron High School Building Leadership Team and Councilmember Lawrence volunteered to fill the position. Councilmember Blanscet advised that the Landfill Committee changed the meeting night to Wednesday which is a time he is not available. Councilmember Babick stated he would attend. No other changes were made.

8. Discuss Strategic Planning Session.

Mayor Marchant stated the Session would be held at the Marriott Courtyard on June 17. He proposed that the June 21 meeting be cancelled and no objections were voiced.

9. Mayor and Council reports and information sharing.

Mayor Marchant recessed the Worksession at 7:20 pm to convene the Regular Meeting.

*****REGULAR MEETING*****

Mayor Marchant called the Regular Meeting to order at 7:28 p.m.

INVOCATION – Councilmember James Lawrence

PLEDGE OF ALLEGIANCE – Members of Boy Scout Troop 876

PUBLIC FORUM

10. 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.

Mayor Marchant noted that he received speaker cards for Item 29 and invited those speakers to the podium.

Pete Hennessey stated that if the Council plans to take any land, that they take the minimum amount and suggested a street easement for extending 4th Street. He asked that the City Manager and Economic Development Director meet with them.

Tom Washington, 1805 Countryside, spoke about traffic in general and specifically about Hebron Parkway. He asked that plans be developed to deal with traffic for approved development before the houses and businesses arrive. Mayor Marchant noted that Parker Road is under construction and he felt it would be a great reliever route for Hebron Parkway although it may not address all of the concerns.

Mary Lou Cowles, 2056 E Peters Colony Road, advised that her son suffers with Autism and Muscular Dystrophy and had been riding the SPAN bus until the program ended. She requested that the service be reinstated and talked about the independence it allows for her son while she is working.

Gwen Armstrong, 2310 Highland Heights Lane, talked about the need for the SPAN service for her adult daughter with special needs and asked Council to consider reinstating the program.

John Furlow, 2201 Glen Helen Circle, addressed the need for the SPAN service for adults with special needs and the elderly.

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 18 was moved from the consent agenda to the regular public hearing agenda.

Mayor Pro Tem Wilder moved approval of Consent Agenda Items 11-17 and 19; second by Councilmember Blanscet and the motion was approved with a unanimous 7-0 vote.

MINUTES

***11. Consider Approval Of The May 17, 2016 Regular Meeting Minutes.**

BIDS & PURCHASES

***12. Consider Approval Of The Purchase Of Travel Services For The Carrollton Senior Center From Collette Travel In An Amount Not To Exceed \$130,000.00.**

***13. Consider Approval Of The Purchase Of Travel Services For The Carrollton Senior Center From Cruise One In An Amount Not To Exceed \$97,000.00.**

CONTRACTS & AGREEMENTS

***14. Consider Authorizing The City Manager To Approve A Contract With Tiseo Paving Company For The Santa Rosa Heights NOTICE Street Reconstruction Project In An Amount Not To Exceed \$3,415,396.00.**

***15. Consider An Amendment To The Hotel Occupancy Grant And Economic Development Incentive Agreement With Lowen Holdings, Ltd.**

ORDINANCE

***16. Consider An Ordinance Annexing An Approximately 4.5-Acre Tract Of Land Located On The West Side Of Charles Street Between Plano Parkway And Hebron Parkway. Case No. 03-16MD1 Armenian Church Annexation. Case Coordinator: Loren Shapiro.**

RESOLUTIONS

***17. Consider A Resolution Appointing Teri Williams To The Museum Board.**

PUBLIC HEARING - CONSENT AGENDA

~~***18. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A Child Daycare Facility With Special Conditions On A 1.25-Acre Tract Zoned (O-2) Office District And Located At 4108 (aka 4104) Medical Parkway; Amending The Official Zoning Map Accordingly. Case No. 05-16SUP2 The Goddard School. Case Coordinator: Michael McCauley.**~~

***19. Hold A Public Hearing And Consider An Ordinance Establishing The Zoning On A Proposed Annexation Tract As A Planned Development District For The (CC) Corporate Commercial District On Approximately 4.5 Acres Located At 4421 Charles Street; Amending The Official Zoning Map Accordingly. Case No. 05-16Z1 St. Sarkis Armenian Church (Zoning). Case Coordinator: Loren Shapiro.**

CONSENT AGENDA ITEMS PULLED FOR SEPARATE CONSIDERATION.

***18. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For A Child Daycare Facility With Special Conditions On A 1.25-Acre Tract Zoned (O-2) Office District And Located At 4108 (aka 4104) Medical Parkway; Amending The Official Zoning Map Accordingly. Case No. 05-16SUP2 The Goddard School. Case Coordinator: Michael McCauley.**

Senior Planner Michael McCauley stated that the site plan, landscape plan and building elevations exceed the standards in the Comprehensive Zoning Ordinance. Staff felt the proposal would complement the area. He stated that the traffic impact analysis was approved by the City's traffic

engineer and the Planning Commission recommended approval of the request with a unanimous vote. He advised that staff received one notification in opposition to the request and one in support of the request.

Mayor Marchant noted that theoretically a two-story office building with about 60,000 sq ft of office space could be built on the site that would allow for approximately 200 commuters and Mr. McCauley confirmed the statement.

Kevin Patel, 1333 McDermott Drive, Suite 150, Allen, stated the school would serve children ages 6 months to 6 years old with about 500 locations throughout the Country and about seven in the D/FW Metroplex. He stated the size of the building would be approximately 8,000 sq ft allowing for about 150 students and 15-17 employees.

Mayor Pro Tem Wilder recognized that the permit requested was for a maximum of 159 students and asked what amount could be expected. Mr. Patel stated that based on other schools, it would be about 75-85%. He stated that about 50% of the students would be picked up around 2:00pm-2:45pm. Mayor Pro Tem Wilder voiced concern about the traffic on the neighboring residential streets, specifically on Amber Lane. Mr. Patel stated his understanding of the traffic analysis was that the business would not create a negative impact on Medical Parkway. He stated that in general, drop-off occurs between 6:30am and 8:30am with pickup generally between 2:30pm and 5:00pm resulting in about 30 – 40 cars per hour. He also noted that it would take about 2 years to ramp up the business so there wouldn't be a major impact on the traffic at one time.

Mayor Marchant opened the public hearing.

The following individuals registered opposition to the item without speaking:

Tommy Chandler; Vicki Chandler; Jeanice Johnson; Jan Livingston; Keri Witmer; Barbara Bowden;

Jet Parker, Quail Creek, spoke in opposition to the request and talked about the traffic impact the facility would have as well as the recent increase in vandalism and litter. She asked the Council to deny development until another signal light could be installed to address the traffic impact to the residents.

Derrell Conway, 1712 Sand Piper Lane, Past President of the Quail Creek HOA, stated the residents are opposed to the request until the traffic concerns are addressed noting specifically the dangerous intersection and the cut-through traffic.

There being no other speakers, Mayor Marchant closed the public hearing and opened the floor for discussion.

Mayor Marchant noted that he lives in the area and is aware of the intersection concerns. He talked about the light that will be installed at Cheyenne which was recently opened and talked about the construction on Parker Road that was expected to have a positive impact on Hebron.

Deputy Mayor Pro Tem Hrbacek moved approval of Item 18; second by Councilmember Sutter.

Deputy Mayor Pro Tem Hrbacek thanked the residents for their attendance noting the importance of their input. He felt it was important to recognize that the request was for a Special Use Permit and

that the O-2 zoning allows for a certain level of traffic. He stated it was his opinion that the SUP requested would have less traffic than the existing O-2 zoning that is allowed by right.

Councilmember Lawrence addressed the impact to Amber Lane feeling that people would use that roadway when faced with the traffic to the north or going through the school zone around Homestead to the south.

Councilmember Sutter noted that looking at the O-2 zoning and the growth in the area it is highly unlikely that the land would sit unused for any period of time and noted the capacity for the product to be much larger than the school footprint. He felt the school was a better use for the area and would have less of an impact than an office building would have.

Councilmember Babick stated he shares the opinion and noted that on this particular parcel of land, the Council is fortunate to have the opportunity to weigh in on the zoning. He reiterated that an office building could be constructed without appearing before the Council because the land is zoned for Office. He felt the school would draw its students from the neighborhood and Homestead which is already part of the traffic. He felt that the requested use was the least invasive option. He stressed that he understands and agrees with the need for a traffic light and stated he would follow up on that request.

Councilmember Blanscet voiced confusion about the traffic impact analysis and felt the City needs to begin solving the problem before adding to it. He understood that what could be developed under the current zoning could have a higher traffic impact than what is being requested but felt the Council did not have a full grasp on the extent of the traffic problem or a solution.

Mayor Marchant noted that the Traffic Advisory Committee recently met to consider the signal installation recommendation for the next budget year and the Quail Creek signal was not approved. He suggested that perhaps the Council should have a separate discussion about the traffic at the intersection at a future Worksession.

Councilmember Garza stated that knowing the traffic situation in the area, he was not comfortable with the type of business. He stated he would vote opposed to the request.

Councilmember Lawrence recognized the problem with traffic and noted he was not against commercial growth in the City. He stated the proposal was a wonderful looking building that suits the area but he was concerned about the traffic congestion calling it a possible choke point.

Mayor Pro Tem Wilder voiced concern about the traffic impact analysis because of the amount of traffic at Hebron and Josey and stated he was also concerned about Amber Lane. He stated he would vote against the request due to the traffic impact and stressed he was not opposed to the business at a different site. He stated he was not concerned about O-2 developing at the location in the next couple of years.

Mayor Marchant noted that this is not a vote on the question of bad traffic in the Hebron and Josey area; that's a different vote. He stressed that the land was zoned for a commercial use and because the building appeared residential in nature, if he were voting on the request, he would probably vote in favor of it. Regardless of the vote, he hoped the public understood that the Council really considered the request and would vote as each thinks is best for the area. He called for the vote.

The motion failed with a 3-4 vote, Lawrence, Wilder, Garza and Blanscet opposed.

PUBLIC HEARING - INDIVIDUAL CONSIDERATION

20. Hold A Public Hearing And Consider An Ordinance To Amend The Zoning And Establish A Special Use Permit For An Automobile Quick Lube And Lubrication Service With Special Conditions On A 0.77-Acre Tract Zoned PD-197 For The (LR-1) Local Retail District And Located At 1505 Hebron Parkway; Amending The Official Zoning Map Accordingly. Case No. 03-16SUP1 Jiffy Lube. Case Coordinator: Michael McCauley.

Mr. McCauley used an aerial photograph to illustrate the location of the site which is part of the Collections development site on the west side of where the Montessori school is being constructed. He stated they have the benefit of a right turn lane that allows immediate access to go southbound into the Collections as well as a second right turn lane to go southward on Huffhines Boulevard. He reported that the Staff and Planning Commission felt the elevations were very nice and the landscape plan and site plan exceed the PD standards as well as the Comprehensive Zoning Ordinance. He advised that as a result of the applicant's continuing outreach efforts, the owner of the Montessori School and the Quick Lube have reached an agreement about additional landscaping on the southern perimeter of the development site. He pointed out the various access points to the site. He advised that staff received opposition to the request from the owner of the Montessori school, but it has since been withdrawn and no other comments of opposition were received. He stated that the Planning Commission recommended approval with a unanimous vote. Staff recommended that the exhibit regarding the landscape plan be exchanged with the revised landscape plan shown to Council during the pre meeting and formal presentation. He further recommended an additional stipulation that the developer shall close the existing driveway directly in front of the subject property and replace it with curbing along Hebron Parkway and continue the landscaping consistent with the conceptual landscape plan and in conjunction with that, that the final landscape plan shall be submitted to the City Arborist for her review and approval prior to permitting.

Angel Robinson, 3000 Internet Blvd, Frisco, with Guggenheim Services, LLC, did not make a formal presentation. In response to Mayor Pro Tem Wilder, she advised that the hours of operation would be 8:00 am to 7:00 pm Monday through Saturday and 10:00 am to 4:00 pm on Sunday. The expected flow of traffic on the site would be west to east.

Deputy Mayor Pro Tem Hrbacek asked if the applicant would install more parking with the removal of the driveway and Ms. Robinson replied they did not intend to do so; they intend to continue the landscaping.

Sanjay Josni, 8600 Rivera Court, Flower Mound, representing the Montessori school stated they support the project but wanted the Council to keep in mind the large expense he had regarding the approach less than a year ago to meet the requirements of the City; and therefore would like to keep his approach.

Mayor Pro Tem Wilder asked Mr. Josni about their hours of operation and he replied that it was 6:30 am – 6:30 pm. He stated that peak traffic is 7:30-8:30 in the morning, 2:30 pm and 5:00-6:00 pm. With the aid of Mayor Marchant, he also explained the flow of traffic.

Councilmember Blanscet asked Mr. Josni for further explanation about his concerns regarding the approach. Mr. Josni felt that it would be confusing for the customers if the approach was moved and

again stated that although the drive was not a perfect location for the school, it was a compromise made for the City when his SUP was approved approximately a year earlier.

Mayor Marchant opened the public hearing and invited speakers to address the Council. There being no speakers, he opened the floor for discussion or a motion.

Mayor Pro Tem Wilder moved to approve the request without the staff recommendation; leave the ingress and egress as it is; and adding the wax myrtles and landscape plan on the southern boundary; second by Councilmember Garza.

Deputy Mayor Pro Tem Hrbacek asked that the motion be amended to include the staff recommended driveway and it was not accepted. Councilmember Blanscet asked about the impact on safety with people turning into the existing first driveway. City Engineer Cesar Molina stated the impact depends on the volume of traffic at the time of turning. He stated that to the extent possible, staff tries to minimize the number of driveways from major streets such as Hebron. He explained that the intent of staff's recommendation is to reduce the impact on safety. Councilmember Sutter voiced his agreement with the motion and not remove the driveway. Deputy Mayor Pro Tem Hrbacek stated there are other confusing areas and stated he would have to vote against the motion due to the traffic concern. Mayor Marchant called the vote.

The motion was approved 6-1, Deputy Mayor Pro Tem Hrbacek opposed.

ADJOURNMENT

Mayor Marchant adjourned the meeting at 8:45 p.m.

ATTEST:

Laurie Garber, City Secretary

Doug Hrbacek, Mayor Pro Tem



City of Carrollton

Agenda Memo

File Number: 2721

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Minutes

Agenda Number: *11.

CC MEETING: July 12, 2016

DATE: July 6, 2016

TO: Leonard Martin, City Manager

FROM: Laurie Garber, City Secretary/Admin. Services Manager

Consider Approval Of The June 17, 2016 Special Meeting And Strategic Planning Session Minutes.

**CARROLLTON CITY COUNCIL
SPECIAL MEETING AND STRATEGIC PLANNING SESSION
JUNE 17, 2016**

The City Council of the City of Carrollton, Texas convened in a Special Meeting and Strategic Planning Session on Friday, June 17, 2016 at 9 a.m. with the following members present; Mayor Matthew Marchant, Mayor Pro Tem Anthony Wilder, Deputy Mayor Pro Tem Doug Hrbacek, Councilmembers Bob Garza, John Sutter, Glen Blanscet, James Lawrence and Steve Babick. Also present were City Manager Leonard Martin, Assistant City Managers Marc Guy and Erin Rinehart, City Attorney Meredith A. Ladd, Administrative Services Director Ashley D. Mitchell, Workforce Services Director Chrystal Davis, Competition Director Tom Guilfooy, Marketing Services Director Kelli Lewis, Controller Pam Hodges, Parks and Recreation Director Scott Whitaker and City Secretary Laurie Garber. Randy Pennington of Pennington Performance Group facilitated the meeting.

9:00 A.M. – MARRIOTT COURTYARD CONFERENCE CENTER

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

Mayor Marchant called the meeting to order at 9:08 a.m.

1. Council Receive **information and discuss Consent Agenda.**

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

2. Council will convene in **Executive Session** pursuant to Texas Government Code:
 - **Section 551.071** for private consultation with the City Attorney to seek legal advice with respect to pending and contemplated litigation and including all matters on this agenda to which the City Attorney has a duty under the Texas Rules of Discipline and Professional Conduct regarding confidential communication with the City Council.
 - **Section 551.072** to discuss certain matters regarding real property.
 - **Section 551.087** to discuss Economic Development.

No Executive Session was held.

3. Council will **reconvene in open session** to consider action, if any, on matters discussed in the Executive Session. The Council did not convene in Executive Session.

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 Pro Tem Wilder moved approval of Consent Agenda Items 4-6; second by Councilmember Blanscet and the motion was approved with unanimous 7-0 vote.

RESOLUTIONS

***4. Consider A Resolution Authorizing The City Manager To Execute An Agreement With The City Of Dallas, As Fiscal Agent, And The County Of Dallas, For The 2016 Byrne Justice Assistance Grant Program Award.**

***5. Consider A Resolution Authorizing The City Manager To Apply For An Award Through The Department Of Justice Community-Oriented Policing Services Hiring Program By Signing The Application And Assurances.**

***6. Consider A Resolution Appointing A Mayor Pro Tem And Deputy Mayor Pro Tem.**

*****WORKSESSION*****

7. Discuss Meadows PSA.

Mayor Marchant noted that staff is working on the Meadows PSA and a possible contract consideration might be discussed at the July 12th Council Meeting.

8. Discuss Trinity Mills Development.

Mayor Marchant stated the intent of the item is to figure out what council's goals are for the Trinity Mills Development and establish a long-term timeline. Council agreed they would like to see a mixed-use development with a focus on Class-A office space. Multi-family residential should be limited to 10-15% of the development and they'd also like a hotel included, along with restaurants and retail. Because of the prominent location, they want this to be showcase piece in Carrollton. Mayor Pro Tem Wilder noted he couldn't support incentives for the project because of the prime location. Council is more interested in finding the right fit for the development than finding something quick. While ideally they'd like 6-story office buildings, they would accept 4-story if it were the right fit for the location; and would prefer several 6-story buildings as opposed to one 30-story building. Mayor Marchant requested the item be brought back to Council in July or August and would like to evaluate bids in February 2017.

9. Discuss Bus Rapid Transit.

Mayor Pro Tem Wilder raised his concern about the cost of Cotton Belt Corridor rail service and wanted to explore Bus Rapid Transit (BRT) as a less expensive alternative. While the rail does a lot for Downtown and makes our area more attractive for a developer, the ridership is low on a costly project. Wilder noted Carrollton's participation in Dallas Area Rapid Transit (DART) and questioned its value per rider. The addition of the Cotton Belt Corridor would require additional funds. Mayor Marchant agreed BRT is a better, cheaper, and more effective option. To remove ourselves as a DART city would require a referendum, litigation, and funding to pay DART for the stations and other infrastructure. Carrollton currently pays 1% of sales tax to DART. Councilman Garza suggested it be lowered to ½% when DART begins to profit. Council and City Manager Leonard Martin agreed getting out of DART isn't plausible. By increasing ridership with BRT, Carrollton would get more out of the initial investment. Deputy Mayor Pro Tem Hrbacek stated he believes rail is undervalued and someday riders will be able to take rail in multiple directions; those without rail have to pay for parking in their own car or take Uber.

Hrbacek hopes BRT is competitive with that and provides good service. Council came to the consensus to pursue BRT.

10. Discuss Downtown Square BYOB Policy Or License For Third Party Sale.

Councilman Babick expressed his belief that there's public interest in being able to enjoy a glass of wine legally in the Downtown Square. He'd like to explore this as an option, specifically allowing it Downtown during small events but realizes there are Texas Alcohol and Beverage Commission (TABC) rules that need to be considered. City Attorney Meredith Ladd explained the TABC operates from premises; a person cannot go from one premise to another with alcohol. While the City could allow alcoholic beverage consumption in the park, it would need to be regulated. The City cannot limit how many drinks are consumed by an individual but could limit the hours or allow consumption only during special events, potentially creating a challenge for police. If BYOB is permitted, there's no premise and restaurants would be responsible for themselves. Mayor Marchant asked Council if they want to allow consumption on any day and Councilman Babick clarified he would like this offered during events. City Manager Leonard Martin explained it would difficult to differentiate between City events and Downtown events. Mayor Pro Tem Wilder wanted to know how it would be enforced and if adding more bike officers would be a solution. Martin mentioned adding signage to which Mayor Marchant voiced his concern that signage would encourage it. Mayor Pro Tem Wilder suggested the ordinance allow BYOB from 5-10 p.m. every day. Martin recommended 5-11 p.m. in case events run over and Council agreed. Ladd said she would research the item and bring it back to Council for approval. Councilman Glen Blanscet stated he was opposed to the item.

Council took a short break at 10:22 a.m. and resumed the meeting at 10:37 a.m.

11. Discuss T.C. Rice Property.

Parks and Recreation Director Scott Whitaker presented proposals for the TC Rice Property, noting the property is located in a floodway which creates a challenge. The City currently has a development agreement with Arthur James to remove dirt from the property, if needed, but he hasn't yet removed any dirt. Whitaker recommended options for trails on the Rice Property to create a nature area, citing the cost of Master Plans for similar sites in other cities. Access could be available via bridges off of Frankford Road or along the service road along Stemmons Freeway. Councilman Babick stated his opposition to putting an access point off of the service road and Mayor Pro Tem Wilder agreed. Babick prefers to begin the project with a rough trails system and optimize the land when we're further along. Deputy Mayor Pro Tem Hrbacek added while he's okay doing a little, he doesn't feel there's an urgent need to get this done in the next year. Councilman Blanscet expressed a desire for a Master Plan that includes access. Councilman Sutter concurred, adding that Council needs to consider what the project could become in 3-5 years and would like to begin soon. Councilman Lawrence mentioned he would like Council to also keep in mind the effects of traffic through the Indian Creek area. Whitaker advised Council that Freese and Nichols could study the area to determine generic access for \$15,000 but because of the floodway, the project could be \$100,000. The 2017 bond election determines the next 5-7 years so if Council would like the project completed within 7 years, the ground work needs to be laid. Mayor Pro Tem Wilder voiced concern about creating the trails to

withstand the floodway and questioned the cost of the project if only dirt trails are created. Whitaker informed him the cost could include restrooms, access, and parking. Council came to the consensus to include passive dirt trails with east-side access and requested staff move forward the Freese and Nichols study to gain access at \$15,000.

12. Review And Revise 2015-2016 Council Strategic Goals.

A presentation reviewing the 2015-2016 City Council Vision and Strategic Goals was given by Randy Pennington of Pennington Performance Group. Council reached consensus on the following revisions:

City of Carrollton Vision:

To create and maintain a highly regarded, safe, family-oriented, vibrant and attractive community with diverse development, lively retail, a successful transit-oriented development (TOD) district and a blend of housing styles, culture, entertainment and leisure venues that provides a high quality of life; a community where the economic development and investment potential draw individuals and companies to do business in Carrollton.

2016-2017 Strategic Goals

Financially sustain our community

- Ensure Public Safety sustainability while maintaining a low property crime rate
- Continue implementing bond programs
- Maintain warehouse and industrial development tax base

Maintain and enhance the quality, vitality and attractiveness of our community

- Maintain and enhance Neighborhood IMPACT Program
- Revitalize and potentially purchase shopping centers
- Ensure hotels and apartments are operating cleanly, safely and responsibly
- Monitor the implementation of railroad quiet zones throughout the City and analyze future opportunities

Maintain and enhance amenities and services that enhance the quality of life

- Continue code enforcement and neighborhood integrity efforts
- Continue to expand trail system
- Maintain a priority on redevelopment of existing parks
- Maintain traffic signal synchronization at key intersections
- Complete an “Adopt-a-Neighborhood” program through the NAC to create more neighborhood ownership and connections
- Pursue alternatives for re-developing the golf course

Maintain and enhance our infrastructure and transportation system

- Schedule and fund priority street improvement and sidewalk repair projects

- Monitor completion of the IH-35E widening project with TXDOT including design of the Belt Line Road underpass and establishing IH-35E entry features
- Increase emphasis on securing multi-modal opportunities in Carrollton
- Implement a plan to upgrade the top 20 high-traffic, strategic DART bus stops

Operate city government as a service business

- Maintain on-going emphasis on operating as a competitive service business
- Pursue opportunities for increased local representation on regional boards and commissions that affect the City of Carrollton
- Continue to optimize and build relationships with other government agencies, and neighboring cities
- Continue to optimize and build relationships with school districts
- Maintain a total rewards environment that optimizes employee compensation, benefits, development, and work environment

Reflect and promote a positive image of our community

- Continue a targeted branding and advertising strategy to improve perception in the Metroplex and with our citizens
- Provide activities that support a sense of community
- Promote historical landmarks within the community as part of our marketing efforts
- Optimize sponsorships for City assets and events
- Continue to conduct festivals and events (i.e. – Festival at the Switchyard, Bluebonnet Festival, and 5K Trail Run)

Intentionally encourage quality new development and strategic re-development

- Implement and revisit the Transit-Oriented Development Master Plan
- Expand retention, attraction and growth efforts of specific types of restaurants and retail that fit Carrollton's long term vision
- Enhance the connection between the City of Carrollton and small businesses, including retail
- Pursue intentional redevelopment of aging apartments that do not fit Carrollton's long term vision
- Pursue and Market Trinity Mills Office Opportunity

Maintain and enhance the image of Carrollton's major corridors

- Pursue major street corridor redevelopment and cleanup including entry points and the Marsh-Rosemeade substation
- Implement urban design guidelines to promote quality development and redevelopment in the city's major street corridors
- Explore and present options for distinguishing Carrollton city limits from Dallas in areas where boundaries are connected

Maintain and enhance transparency throughout the organization

- Continue to exceed minimum legal requirements for transparency and open government

When asked how the Council will define success in 2016, Council determined the following projects need to be completed:

- Marsh and Rosemeade Substations
- Police Station
- Splashpad
- Creeks Course

13. Discuss Transit-Oriented Development Districts.

Councilman Blanscet requested clarity on Transit-Oriented Development (TOD) zoning that defines a specific plan for each area. Assistant City Manager Marc Guy responded that staff could put together a proposal to redefine uses and standards for each area, sustaining the transit-centered zoning concept and differentiating among the 3 transit areas for developing allowable uses and development standards. Councilman Lawrence mentioned he likes the idea of specifically defining characteristics. Deputy Mayor Pro Tem Hrbacek requested Council receive a refresher on TOD, as the idea is density and height but if Council approves 3-story buildings, the mark is missed. Mayor Marchant explained it's tricky as they must also consider what the market is requesting. Councilman Blanscet stated he wants to ensure a vision is put into place so a new Council has a plan to pursue. Council agreed they'd like recommendations based on a staff history report in order to set a vision.

14. Discuss Redevelopment Of Restaurants And Retail.

Mayor Marchant mentioned several upscale restaurants that are unique to Carrollton, stating he believes these restaurants will help improve the quality of the older shopping centers in which they're located. Assistant City Manager Marc Guy mentioned that retail occupancy is at 90%, which is the highest he can recall. Marchant went on to update Council on the status of several restaurant and retail projects in progress.

Council discussed several shopping centers that need to be redone. Mayor Marchant would like to approach the Albertson's shopping center at Josey Lane and Keller Springs Road to redo the stone. The Big Lots shopping center at Josey Lane and Rosemeade Parkway also needs to be redone; the owner has been approached and is open to it. Development Services Director Ravi Shah is working with 7-Eleven at Rosemeade Parkway and Josey Lane to redo their gas pumps to make better use of their land. The City is also working with Marshall's Barbecue, located behind the 7-Eleven. Assistant City Manager Marc Guy mentioned the southwest corner of Josey Lane and Walnut Hill Plaza would be an easy center to redo with canopies and other small changes. Mayor Marchant replied that we're working with Sara Lee and they're open to a change. Auto Zone at Belt Line Road and Josey Lane has been approached but they weren't receptive. Councilman Garza mentioned the façade and parking lot of Old House Barbecue on Josey Lane could be updated. Councilman Blanscet asked about the Nico's shopping center. Mayor Marchant agreed the parking lot needs improved but the façade isn't bad. Councilman Babick stated our overall goal is to have future priority needs instead of waiting until it's out of control. Mayor Marchant would like to approach Albertson's now in case it takes a few years to get done.

Deputy Mayor Pro Tem Hrbacek talked about the great job the Mayor has done with restaurants and retail and expressed his concern that his predecessor will not do as well. Council discussed the need to have a plan in place for staff to continue redevelopment. Councilman Blanscet questioned why our residents don't believe we have enough restaurants. Discussion was had about the businesses the public says they want and where they actually shop. When stores are low-performing, they don't survive. Councilman Babick reminded Council the Catalyst Commercial report will be brought to Council in August and will provide direction for what is needed in Carrollton. Assistant City Manager Marc Guy explained that Catalyst Commercial will use data to show what Carrollton has and what the public will actually support.

Councilman Babick noted with numerous retail and restaurants in neighboring cities like Addison and Plano, it's difficult to recruit those same businesses in Carrollton. Mayor Marchant explained that while Carrollton doesn't have the larger retail opportunities in its boundaries, those places are only 10-minutes away and our residents don't have to deal with the traffic that comes with big retail stores. The Mayor clarified our goal is to maintain retail tenants that are here and put quality stores in shopping centers.

15. Discuss Leisure Amenities.

Council asked Parks and Recreation Director Scott Whitaker about charging user fees for non-residents and he informed them this was discussed 15 years ago and didn't pass. City Manager Leonard Martin explained that staff looked at these fees as it's not fair that non-taxpayers are using the amenities and don't pay for them, however, charging user fees may only bring in an additional \$10,000 so it's not worth the hassle.

Whitaker requested Council approval to use the Miracle Field funds to pay for the remaining balance of the Gazebo at the Perry Museum and Council approved.

Councilman Garza stated the Veterans' Memorial would be ready in 90-120 days and would like for residents to be able to place commemorative pavers around the memorial. He believes the Senior Advisory Council would be a good fit to run the paver program and Whitaker agreed to take the idea to the group. Garza also mentioned benches and a water feature could be added to the project later on but those items need to be taken into consideration when planning the site.

Councilman Garza also notified Council he'd spoken with former Councilmember Andy Olivo about opening a time capsule. It was determined that Museum Curator Toyia Pointer would be best suited to coordinate the opening.

Whitaker also requested an update on the purchase of the Gravley property. Mayor Marchant directed staff to contact the broker every 3 months to let them know we're still interested.

Deputy Mayor Pro Tem Hrbacek asked Council about adding parks in northeast Carrollton. Mayor Marchant stated he's aware there's an interest from the public but noted real estate for a 1-2 acre park in that area of the City is costly. Northeast Carrollton residents have access to amenities like Arbor Hills which they don't have to pay for. The Tressel Connection is also coming that way and will benefit those residents. The net amount of green space in that part of the City is comparable to the amount of parks that are located in south Carrollton, where there's

not a lot of green space. Mayor Pro Tem Wilder added if a park is built in that area it will serve a larger population of The Colony than Carrollton. He also noted the LISD Master Plan for that area includes 3 more schools that will all include parks. Councilman Babick suggested a map be created to show green space as well as parks. Mayor Marchant directed that the addition of the splash park in the north should be a sufficient addition.

Whitaker asked Council for direction regarding funding of the ODCA. City Attorney Meredith Ladd advised that as this wasn't a posted item on the agenda, it couldn't be discussed. Council was notified that it could be discussed when the budget is brought to Council.

Councilman Blanscet asked about the Carrollton Train Depot and Mayor Marchant gave a brief history of the City's efforts to find a use for the building. He explained the cost to restore the building is over \$1 million and the Perry Society didn't want the building relocated to the Perry Museum.

16. Discuss Street Improvements.

No discussion was held on the item.

17. Discuss Arterial Enhancements.

Councilman Babick requested an ATB to add dollars to fix the Eddie Mann walls. Mayor Marchant added that Rosemeade between Furneaux and Josey also needs work. An ATB will be put in the budget to fund the improvements. Babick also asked about entryway improvements and City Manager Leonard Martin stated an ATB will be added for those as well.

18. Discuss Tax Growth And Relationship To General Obligation Bonds.

Mayor Pro Tem Anthony Wilder explained that Carrollton's excess sales tax is above \$10 million and in 2 years he estimates it will reach \$15 million. Wilder proposed using General Obligation Bonds to pay down the debt in 15 years, then operate on a pay-go system to be a debt-free City. He noted Carrollton has a lot of infrastructure to be repaired and suggested we put the increased funding from Ad Valorem growth towards infrastructure. Wilder added that excess sales tax is the financial standard and is currently non-recurring so he would like to codify it. City Attorney Meredith Ladd explained Council can't codify it and limit future Council spending. City Manager Leonard Martin told Council the City has been through this before and sales tax is unpredictable. Wilder expressed concern over having another bond election next year and Councilman Babick added that he would like a plan for spending. Mayor Marchant suggested Council use the Capital Improvements Plan Advisory Committee (CIPAC) list to determine what projects can be funded now with excess sales tax. By taking immediate items off of the list, it's similar to what Mayor Pro Tem Wilder is trying to accomplish, reducing the urgency of a bond election. Council came to the consensus that they must manage future debt.

ADJOURNMENT

Mayor Marchant adjourned the meeting at 3:23 p.m.

ATTEST:

Laurie Garber, City Secretary

Doug Hrbacek, Mayor Pro Tem



City of Carrollton

Agenda Memo

File Number: 2706

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *12.

CC MEETING: July 12, 2016

DATE: June 30, 2016

TO: Leonard Martin, City Manager

FROM: Gregg Salmi, Assistant Fire Chief
Carl W. Shelton, Fleet and Facilities Director
Vince Priolo, Purchasing Manager

Consider Approval Of The Purchase Of One Replacement 100' Aerial Ladder Truck From Hall Buick, Pontiac, GMC (A Ferrara Fire Apparatus Dealer) Through An Interlocal Agreement With BuyBoard In An Amount Not To Exceed \$1,187,643.

BACKGROUND:

This agenda item is for the purchase of a replacement 100' aerial ladder truck for Carrollton Fire Rescue. The current aerial ladder (Truck 112) is being retired per Fleet's policy on age, hours and maintenance. A \$200,000 trade-in allowance for existing Truck 112 is being given by Ferrara, thus the purchase price is \$1,187,643 for the new rig.

For competitive purposes, quotes were obtained from the following:

BuyBoard - \$1,187,643

HGAC - \$1,188,143

The purchase will be through BuyBoard in an amount not to exceed \$1,187,643, which includes a 1.75% contingency allowance of \$20,784 to cover any unexpected changes required during the extensive build process. The contingency funds would be used to cover safety improvements, factory design change requirements and/or other compliance change orders.

The normal replacement life cycle for an aerial ladder apparatus is 11 years. Existing Truck 112's replacement date is May 1, 2017, at which time the rig will be fully depreciated. Truck 112's chassis and ladder platform, a 2005 demo unit, was built by Spartan Motors. The body was built by Ferrara Fire Apparatus. This ladder truck has been a maintenance burden since the unit was placed in service in April 2006. For fiscal years 2011 through 2015 the unit was out of service for 14,244 hours (yearly average equates to 2,848.8 hours or 32.52% of the time). The lifetime maintenance cost, through the first quarter of FY16, is \$348,973. Issues during the rig's

service life included repetitive chassis cross member failures; numerous chassis electrical issues; parts obsolesce of some of the chassis accessories which were added prior to Carrollton ownership; chassis engine has been discontinued and the phasing out process has started; reduced parts availability and cost increases of replacement parts; ladder platform hydraulic issues; and chassis air conditioning problems. The rig's downtime, maintenance costs and most importantly negative service level impacts (being out of service for extended periods) support immediate replacement.

In preparation for the replacement of Truck 112, the staffs from Centerra and CFR contacted representatives of the following manufacturers of aerial ladder apparatus: EOne; Ferrara; KME; Pierce; Rosenbauer; Spartan; and Sutphen in order to evaluate each company's aerial ladder products. Items considered were cost, past performance, sales experience, service after the sale, service locations, warranty, and HGAC/BuyBoard pricing capability. Discussions were conducted with representatives of each manufacturer along with extensive product reviews. Interviews with existing fire agency customers as well as site visits to see the different apparatus firsthand, were conducted by the apparatus evaluation team before reaching a unanimous decision on the selection of Ferrara Fire Apparatus as the manufacturer. Unlike current Truck 112, this apparatus will be built by a single manufacturer. Spartan Motors will not be part of the build process.

Current apparatus build time for a new Ferrara aerial ladder truck is estimated at 300 days after award of the contract. This replacement for Truck 112 will be funded from the Fleet Replacement Fund. A budget amendment will be required to move money into the 2016 Fleet Replacement budget and will be included as a separate agenda item.

The replacement aerial ladder truck will be purchased through the City's interlocal agreement with BuyBoard. This interlocal agreement 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 equipment will be purchased from budgeted funds from the account and amount listed below:

<u>COST CENTER</u>	<u>LINE ITEM</u>	<u>BUDGET AMOUNT</u>
Fleet Replacement	Capital Equipment	\$1,187,643

IMPACT ON COMMUNITY SUSTAINABILITY:

This replacement aerial ladder truck will help ensure that Carrollton's citizens and visitors are receiving a high quality of fire and rescue service and will reduce major maintenance and repair costs being experienced with the existing aerial ladder truck.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval to purchase a replacement 100' aerial ladder truck from Hall Buick, Pontiac, GMC (a Ferrara Fire Apparatus dealer) through an interlocal agreement with BuyBoard in an amount not to exceed \$1,187,643.



APPARATUS PROPOSAL

June 27, 2016

City of Carrollton
1945 East Jackson Road
Carrollton, TX 75006

We are pleased to submit our proposal for your consideration on the following complete apparatus in strict accordance with the attached proposal for:

**One-(1) or more Ferrara Fire Apparatus, Inc. custom 100' Mid-Mount Platform mounted on an Inferno chassis purchased thru HGAC Contract:
Trade in Unit 2006 Spartan Chassis 100' Rear Mount Platform**

Purchase Price:	\$ 1,388,143.00
Trade In Value:	<u>\$ (-200,000.00)</u>
Total Purchase Price	\$ 1,188,143.00

The pricing provided is **exclusive** of all Federal, State and Local taxes and any other fees, which may apply unless specifically noted herein.

Payment Terms: Payment is due upon delivery and acceptance of completed apparatus.

The apparatus and equipment shall be supplied and shipped in accordance with the specifications and approvals by the City of Carrollton. Delays due to strikes, war or other causes beyond our control not preventing, within **300 calendar days after the pre-construction conference**, and will be delivered to you at:

2711 Nimitz Road Carrollton, TX 75007

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the City of Carrollton. The proposal specifications are supplied for construction purposes. Any additions and/or changes to the enclosed specifications shall be generated and/or approved by the City of Carrollton and accepted by Hall Motors/Ferrara Fire Apparatus, Inc.

Unless accepted within 75 days from this date, Hall Motors/Ferrara Fire Apparatus, Inc. reserves the right to withdraw this proposal.

Sincerely,
Hall Motors

A Ferrara Fire Apparatus Dealer

5721 Highway 31 West • Tyler, Texas 75712
E-mail: dean@halltruckcenter.com
Phone 903-592-6151
Fax 903-592-5029



APPARATUS PROPOSAL

June 27, 2016

City of Carrollton
1945 East Jackson Road
Carrollton, TX 75006

We are pleased to submit our proposal for your consideration on the following complete apparatus in strict accordance with the attached proposal for:

**One-(1) ore more Ferrara Fire Apparatus, Inc. custom 100' Mid-Mount Platform mounted on an Inferno chassis purchased thru Buy Board Contract:
Trade-In Unit 2006 Spartan Chassis 100' Rear Mount Platform**

Purchase Price:	\$ 1,387,643.00
Trade-In Value:	<u>\$ (-200,000.00)</u>
Total Purchase Price:	\$ 1,187,643.00

The pricing provided is **exclusive** of all Federal, State and Local taxes and any other fees, which may apply unless specifically noted herein.

Payment Terms: Payment is due upon delivery and acceptance of completed apparatus.

The apparatus and equipment shall be supplied and shipped in accordance with the specifications and approvals by the City of Carrollton. Delays due to strikes, war or other causes beyond our control not preventing, within **300 calendar days after the pre-construction conference**, and will be delivered to you at:

2711 Nimitz Road Carrollton, TX 75007

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the City of Carrollton. The proposal specifications are supplied for construction purposes. Any additions and/or changes to the enclosed specifications shall be generated and/or approved by the City of Carrollton and accepted by Hall Motors/Ferrara Fire Apparatus, Inc.

Unless accepted within 75 days from this date, Hall Motors/Ferrara Fire Apparatus, Inc. reserves the right to withdraw this proposal.

Sincerely,
Hall Motors

A Ferrara Fire Apparatus Dealer

5721 Highway 31 West • Tyler, Texas 75712
E-mail: dean@halltruckcenter.com
Phone 903-592-6151
Fax 903-592-5029



City of Carrollton

Agenda Memo

File Number: 2711

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *13.

CC MEETING: July 12, 2016

DATE: June 30, 2016

TO: Leonard Martin, City Manager

FROM: Vince Priolo, Purchasing Manager

Consider **Approval Of RFP #16-026 For Nursery Stock For The Parks Department From Various Vendors** In An Amount To Not Exceed \$ 73,000.

BACKGROUND:

The trees, shrubs and ground cover to be purchased from this price agreement will be used to supply the necessary plant material required by the Parks departments. This bid award is for one year with the option to renew for two additional years based on mutual approval.

A Request for Proposal was advertised and received from two vendors of which both responded.

FINANCIAL IMPLICATIONS:

The materials on RFP # 16-026 will be purchased from budgeted funds for the cost centers and amounts as listed below

<u>COST CENTER</u>	<u>LINE ITEM</u>	<u>BUDGET AMOUNT</u>
PARKS - 353001	60210 - LANDSCAPE MATERIALS	\$ 68,000.00
CAP #854201	60210 - LANDSCAPE MATERIALS	\$ 5,000.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the bid meeting all specifications be awarded as listed below for an amount not to exceed \$73,000.00. Staff recommends Southwest Nursery as the primary vendor and Siteone Supply Wholesale Nursery as the secondary vendor. By awarding a primary and secondary, the Parks Department can have the option from ordering from the secondary vendor when stock is not available from the primary thereby ensuring product availability and quality.

Staff will be sure to review all purchases from the secondary vendor as they require a minimum purchase of \$500.00 on the same invoice to the same delivery address.

<u>Vendor</u>	<u>Items</u>	
Southwest Wholesale Nursery		Primary Vendor
Siteone Wholesale Nursery		Secondary Vendor

Nursery Stock Bid #16-026	Site One	Southwest Nursery
ITEM/DESCRIPTION SUMMARY		
Category 1 - Trees	\$10,899 (two no bid items)	\$7,643 (one no bid item)
Category 2 – Ground Cover	\$18.65	\$15.55
Category 3 - Shrubs	\$840.85	\$733.35
Category 4 - Perennials & Grass	\$199.20	\$170.25
Category 5 – Landscape Materials	\$130 (seven no bid items)	\$123.61 (one no bid item)
TOTAL ALL CATEGORIES	\$12,087.70	\$8,685.76

CERTIFICATE OF INTERESTED PARTIES



FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2016-66244

Date Filed:
06/06/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Southwest Wholesale Nursery
Carrollton, TX United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Carrollton

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

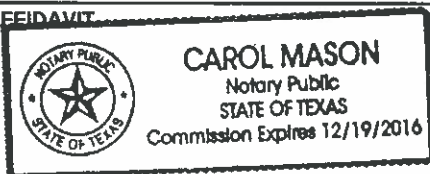
RFP#16-026
Nursery Stock

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	Grant, Heath	Carrollton, TX United States	X	

5 Check only if there is NO Interested Party.

☐

6 AFFIDAVIT



I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

[Signature]

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Heath Grant, this the 6th day of June, 2016, to certify which, witness my hand and seal of office.

Carol Mason
Signature of officer administering oath

Carol Mason
Printed name of officer administering oath

Notary Public
Title of officer administering oath

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY
CERTIFICATION OF FILING

Certificate Number:
2016-68704

Date Filed:
06/10/2016

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

SiteOne Landscape Supply
Cleveland, OH United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Carrollton

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

RFP# 16-026

Request For Proposal For Nursery Stock

[illegible]

5 Check only if there is NO Interested Party.



6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Keith McGinty, this the 10th day of June, 2020, to certify which, witness my hand and seal of office.

to certify which, witness my hand and seal of office.



MONIQUE POTTS
Notary Public - State of Ohio
Recorded In Cuyahoga County
My Commission Expires 2/22/2021

Printed name of officer administering oath

Title of officer administering oath



City of Carrollton

Agenda Memo

File Number: 2713

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *14.

CC MEETING: July 12, 2016

DATE: June 30, 2016

TO: Leonard Martin, City Manager

FROM: Vince Priolo, Purchasing Manager

Consider Approval Of Bid #16-028 For Asphalt For Public Works From Various Vendors
In An Amount Not To Exceed \$98,526.00.

BACKGROUND:

The materials to be purchased from this price agreement will be used by the Street and Water Divisions of Public Works for miscellaneous paving and repair work throughout the City. This bid has one annual renewal option if mutually agreeable between the city and the winning vendors.

Bids were advertised and received of which three responded.

FINANCIAL IMPLICATIONS:

The materials on Bid # 16-028 will be purchased from budgeted funds for the cost centers and amounts as listed below.

<u>COST CENTER</u> <u>AMOUNT</u>	<u>LINE ITEM</u>		<u>BUDGET</u>
STREETS - 402001	ASPHALT	\$	85,626.00
WATER - 405002	ASPHALT	\$	2,900.00
WATER - 405003	ASPHALT	\$	1,000.00
WATER - 405005	ASPHALT	\$	9,000.00
	TOTAL	\$	98,526.00

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the overall low bids meeting all specifications be awarded as listed below for an amount not to exceed the budget allocation of \$98,526.00.

COMPANY NAME

ITEM

Austin Bridge & Road	Primary for All Items
Reynolds Asphalt	Secondary for All Items
APAC	Tertiary for All Items

Public Works requested that this bid be awarded in a primary, secondary, and tertiary status due to occasional product shortages, plant closings, and the urgency of having this product on the job site at a specific time. The amount spent with the secondary and tertiary vendors will not exceed \$50,000. The recommended bid award is by the total of all three items combined.

16-028 ASPHALT				Austin Bridge & Road	Reynolds	APAC
Tons						
ITEM	ANNUAL QUANTITY	DESCRIPTION	PER TON			
Type "B" Fine graded base course 340.4						
1	400	PICK UP ONLY	\$ 52.00	\$ 54.00	\$ 56.00	
1B		DELIVERED ONLY	\$ 58.01	\$ 59.50	\$ 62.50	
Type "D" Fine graded surface course 340.4 with an exception to bin #3 -no rocks larger than 3/8"						
2	1500	PICK UP ONLY	\$ 56.00	\$ 57.00	\$ 56.00	
2B		DELIVERED ONLY	\$ 62.01	\$ 62.90	\$ 62.00	
Type "D" Fine graded surface course 340.4 with an exception to bin #3 -no rocks larger than 3/8"						
3	100	PICK UP ONLY	\$ 56.00	\$ 57.00	\$ 56.00	
3B		DELIVERED ONLY	\$ 62.01	\$ 62.90	\$ 62.50	
Miles from plant to intersection of PGBT & Josey			10.3 miles	10 miles	17 miles	
State policy for ordering binder			n/a	1 day	24 hrs	
Capacity of trucks			13 ton load	12 ton	12 tons & 22 tons	
Primary						
Secondary						
Tertiary						



City of Carrollton

Agenda Memo

File Number: 2712

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *15.

CC MEETING: July 12, 2016

DATE: June 30, 2016

TO: Leonard Martin, City Manager

FROM: Vince Priolo, Purchasing Manager

Consider Approval Of RFP #16-025 For Concrete Work At Various Sites From Vescorp Construction In An Amount Not To Exceed \$137,240.

BACKGROUND:

The services to be purchased from this RFP will be used to pour the concrete for various locations and projects. The work includes a parking lot, the entry way and shade areas for the McInnish Dog Park and miscellaneous trails repairs and park sidewalk areas. Also, the Creek Course needs some repairs due to the flooding and this will fix several high priority sections.

Bids were advertised and received of which two responded.

FINANCIAL IMPLICATIONS:

The services on Bid # 16-025 will be purchased from budgeted funds for the cost centers and amounts as listed below.

<u>COST CENTER</u>	<u>LINE ITEM</u>	<u>BUDGET AMOUNT</u>
CAP Account 854157	115650199 Dog Park	\$ 129,240
Parks Athletics	60310 - Concrete	\$ 35,000
Golf CAP Acct.	117078099 Cart Paths	<u>\$ 50,000</u>
	TOTAL	\$ 137,240

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the overall low bid meeting all specifications be awarded to Vescorp Construction for an amount not to exceed the budget allocation of \$137,240.

The amount specified for the Dog Park includes a 20% contingency which will not be spent if no problems are encountered during the project.

RFP# 16-023 Concrete Work at Various Parks Sites and ICGC			
		Vescorp Construction LLC	North Rock Construction
UNIT COST			
Sq. Ft.	4 Inch Concrete - Sidewalk repairs	\$ 9.25	\$ 11.50
L.F	Installation of 6" integral curb in conjunction with pavement repairs	\$ 35.00	\$ 14.00
Sq. Ft.	New sidewalks	\$ 8.10	\$ 11.25
Cu. Yds.	Topsoil fill material	\$ 40.00	\$ 59.00
Sq. Yds.	Common Bermuda sod	\$ 9.25	\$ 5.70
Sq. Yds.	Raleigh St. Augustine sod	\$ 10.25	\$ 6.75
Sq. Ft.	4 Inch Concrete – Sidewalk Remote access buggy price	\$ 10.00	\$ 11.80
Work Area A & B for Dog Park	5,000 sf. for concrete plaza (colored and non-colored) plus splash pad, 9,600 parking lot and pavillion	\$ 107,700.00	\$ 147,328.00

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Vescorp Construction, LLC
Balch Springs, TX 75180 USA

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Crty of Carrollton

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the goods or services to be provided under the contract.

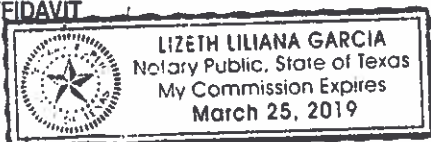
RFP# 16-025
Concrete work at various parks sites and Indian Creek Golf Course

Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary
Adan Torres	Dallas, TX U.S.A.		X
David Rico	Irving, TX U.S.A.		X
Luz E. Mendoza	Balch Springs, TX U.S.A.	X	
Hugo Chavez	Balch Springs, TX U.S.A.	X	

5 Check only if there is NO Interested Party.

☐

6 AFFIDAVIT



AFFIX NOTARY STAMP / SEAL ABOVE

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Hugo Chavez
Signature of authorized agent of contracting business entity

Sworn to and subscribed before me, by the said Hugo Chavez, this the 14th day of June, 20 16, to certify which, witness my hand and seal of office.

Lizeth Garcia
Signature of officer administering oath

Lizeth Garcia
Printed name of officer administering oath

Accts Receivables
Title of officer administering oath

ADD ADDITIONAL PAGES AS NECESSARY



City of Carrollton

Agenda Memo

File Number: 2728

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Bid/Purchases

Agenda Number: *16.

CC MEETING: July 12, 2016

DATE: June 23, 2016

TO: Leonard Martin, City Manager

FROM: Gena Spradling, Recreation Supervisor

Consider **Approval Of The Purchase Of Furniture For The Senior Center From Various Vendors** In An Amount Not To Exceed \$41,000.

The Parks and Recreation Department is purchasing items using Capital Improvement Funds set aside for Fixtures, Furniture and Equipment (FFE) in association with the Senior Center Expansion Project. This project was funded through the bond election on November 5, 2013. The entire bond amount for the Senior Center Expansion was \$2,000,000 of which \$190,000 was allocated toward FFE. The project is coming to a close and there is a need to purchase additional tables and chairs for the facility with the additional 5,174 square feet added to the facility.

Additional furniture is needed to accommodate the expanded areas within the building and to meet the request and quality demands for rentals in the larger rooms where the seating capacity for the rooms has increased. We have received quotes from various vendors and selected the vendors that could match the existing furniture for consistency. We are not seeking council approval for additional funds, only approvals for purchase as the combined purchases are larger than the \$25,000 for purchases of a single commodity.

FINANCIAL IMPLICATIONS:

The furniture will be funded out of the following account.

ACCT UNIT	ACCOUNT	BUDGET AMOUNT
8854360 SRC Expansion FFE	117260399 Activity	\$41,000

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approval of the purchase of furniture from Mity-Lite \$10,031.72, KI \$14,627.52, Wilson \$13,241, Shelby Williams \$2,456 in an amount not to exceed \$41,000 using the City's existing agreement with BuyBoard, TXMAS or other means while staying

within the law for purchasing.



City of Carrollton

Agenda Memo

File Number: 2714

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *17.

CC MEETING: July 12, 2016

DATE: July 5, 2016

TO: Leonard Martin, City Manager

FROM: Scott Whitaker, Parks & Recreation Director

Consider Approval Of An Addendum To The Ground Lease Agreement With Blue Sky Sports Of Carrollton, LP.

BACKGROUND:

In August 2015 City Council approved a lease agreement with Blue Sky Sports for approximately 30 acres of land adjacent to McInnish Park. This land was previously a landfill and Blue Sky Sports plans to develop an indoor and outdoor soccer facility.

Due to the challenges of this site and working with a third party, Blue Sky Sports is asking to amend the lease to provide an extension of the period Blue Sky must begin construction on their facility.

The current agreement listed March 1, 2016, as the construction start date. The addendum would modify the date to March 1, 2017.

FINANCIAL IMPLICATIONS:

There will be no costs to the city for approving this addendum.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff requests approval for the addendum to the ground lease agreement.

ADDENDUM TO
CARROLLTON GROUND LEASE AGREEMENT

This *Addendum* to that certain CARROLLTON GROUND LEASE AGREEMENT by and between City of Carrollton, Texas and Blue Sky Sports Center of Carrollton, LP and dated September 2, 2015 (the “Lease”) is made and entered into by and between CITY OF CARROLLTON, TEXAS, a municipal corporation (“Lessor” or “City”) and BLUE SKY SPORTS CENTER OF CARROLLTON, LP, a Texas limited partnership (“Lessee” or “Blue Sky”) with regard to the following:

WHEREAS, the pursuant to the terms of the Lease, Blue Sky leased approximately 30 acres of land located in Exhibit “A” to the Lease; and

WHEREAS, the parties desire to modify and amend the Lease to provide an extension of the period by which Blue Sky must begin construction of their facility;

THEREFORE, upon the conditions and terms set forth herein, the parties hereby amend the Lease as follows:

1. Section 8.04 is amended to read as follows:

Commencement of Construction. Lessee shall commence improvements according to Exhibit “B” on or before March 1, 2017. The Commencement shall be contingent upon the Lessee obtaining third-party financing upon reasonable terms consistent with its past practices.

IN WITNESS WHEREOF, the parties have caused this Addendum to be executed in multiple counterparts each of which shall have the full force and effect of any original, by their respective duly authorized representatives on the day and year first set forth above.

-SIGNATURE PAGE-

LESSOR:

ATTEST:

THE CITY OF CARROLLTON, TEXAS

Laurie Garber, City Secretary

Leonard Martin, City Manager

LESSEE:

BLUE SKY SPORTS CENTER OF CARROLLTON, LP

By: _____
Peter Brody, President of Blue Sky
Carrollton Management, Inc. its General Partner



City of Carrollton

Agenda Memo

File Number: 2726

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *18.

CC MEETING: July 12, 2016

DATE: July 5, 2016

TO: Leonard Martin, City Manager

FROM: Scott Whitaker, Parks & Recreation Director

Consider **Approval Of A Development And Transfer Agreement With Arthur James, Inc.**

BACKGROUND:

In August 2015 City Council approved a lease agreement with Blue Sky Sports on land next to McInnish Park. This land was previously a landfill and Blue Sky Sports plans to develop an indoor and outdoor soccer facility on approximately thirty acres.

Arthur James, Inc. proposes to do all the rough grading and dirt work at this location. In consideration for all the grading work, the City will transfer 6.27 acres of land on Sandy Lake Road to Arthur James, Inc.

Arthur James, Inc. will also grade soccer field "A" at Veterans Park where Blue Sky Sports will install a synthetic turf field at no cost to the City. This will take place when Blue Sky Sports is building the indoor facility next door to Veterans Parks.

This agreement provides the City with developable land, that once developed will be added to the tax rolls, and a new field that can be used year-round.

FINANCIAL IMPLICATIONS:

There will be no cost to the City for this development agreement and potential development will occur on land that currently is vacant and in need of grading.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff requests approval for this development and transfer agreement.

DEVELOPMENT AND TRANSFER AGREEMENT

THIS DEVELOPMENT AND TRANSFER AGREEMENT (this "***Agreement***") is made and entered into on this ____ day of July, 2016 (the "***Effective Date***"), by and between the CITY OF CARROLLTON, TEXAS, a Texas home rule municipality (the "***City***"), and ARTHUR JAMES, INC., a Texas corporation, and its successors and assigns ("***Developer***").

RECITALS

A. The City is the owner of that certain 41.94 acre tract of real property located in the City of Carrollton, County of Denton, State of Texas, as more particularly described in Exhibit A attached hereto and made a part hereof, along with the McInnish Park soccer field, for the limited purposes of grading for a turf field as set forth in Exhibit F-1 (collectively, the "***City Property***").

B. The City and Blue Sky Sports Center of Carrollton, LP, a Texas limited partnership ("***Blue Sky***"), have entered into a ground lease for such portion of the City Property described in Exhibit B attached hereto and made a part hereof (the "***Blue Sky Tract***").

C. Developer is experienced in the performance of grading land and has agreed to grade the City Property pursuant to the terms of this Agreement.

D. In consideration of the grading of the City Property, City has agreed to transfer to Developer that certain 6.27 acre tract located in the City of Carrollton, County of Denton, State of Texas, as more particularly described in Exhibit C attached hereto and made a part hereof (the "***Developer Tract***"), perform such other actions as set forth in this Agreement.

NOW, THEREFORE, in consideration of the foregoing premises and the covenants and agreements herein contained, the receipt and sufficiency of which are hereby acknowledged by the parties, City and Developer agree as follows:

AGREEMENTS

1. Definitions. As used herein, the following terms shall have the following definitions:

a. "***Conception Plan***" shall be the Conception Plan (12/22/2015) prepared by Engineer, a copy of which is attached hereto as Exhibit D and made a part hereof. The Conception Plan is not a final, approved plan and is subject to modification.

b. "***Engineer***" shall mean Homeyer Engineering, Inc., a Texas corporation.

c. ***"Grading Plan"*** shall be the mass grading plan prepared by Engineer for the City Property. A preliminary copy of the Grading Plan is attached hereto as Exhibit E and made a part hereof.

2. Developer Obligations.

a. Developer shall submit the proposed final Grading Plan to the City within thirty (30) days of the Effective Date of this Agreement.

b. Developer shall grade the City Property in accordance with the Grading Plan and as further set out in Section 4 of this Agreement.

c. Developer shall furnish to the City payment and performance bonds in the name of the City and Developer for one hundred percent (100%) of the cost of the grading project. Developer shall furnish all bonds to the City prior to the commencement of the grading of the City Property. The bonds shall meet the requirements of Chapter 2253 of the Texas Government Code.

3. City Obligations. In consideration of Developer grading the City Property, City shall:

a. provide final approval of the Grading Plan within thirty (30) days of Developer submitting the Grading Plan application to City;

b. transfer to Developer, good and indefeasible title to the Developer Tract, free and clear of any and all liens, assessments, unrecorded easements, security interests and other encumbrances, in accordance with Section 5 of this Agreement; and

c. issue a permit to Developer to construct, as evidenced on and in accordance with the Conception Plan, one or more of the following: (i) a deceleration lane on Sandy Lake Road, adjacent to the Northern boundary of the Developer Tract, (ii) two (2) curb cuts on the Northern boundary of the Developer Tract providing access to Sandy Lake Road, and (iii) a median opening and left turn lane on Sandy Lake Road. Upon issuance of the permit(s), Developer shall have the option, but not the obligation, to construct the aforementioned deceleration lane, curb cuts, median opening and left turn lane.

4. Grading of the City Property. Developer shall, at its sole cost and expense, grade the City Property in accordance with the Grading Plan and Exhibit F attached hereto and made a part hereof and subject to the following terms and conditions:

a. Within sixty (60) days of the final approval of the Grading Plan by both City and Developer, Developer shall commence grading the City Property. Approval of the Grading Plan shall not be unreasonably, withheld, conditioned or delayed.

b. Commencing on the Effective Date and continuing until final approval by the Engineer of the grading on the City Property, City shall grant Developer full, free and complete access to the City Property and McInnish Park at all times to enable Developer to perform the grading services on the City Property. During the period upon which Developer is performing its grading services, the City shall not enter onto the City Property without the express prior written consent of Developer, which shall not be unreasonably denied. Any request by City to enter onto the City Property during this period shall be made at least one (1) business day in advance.

c. Subject to the terms of Exhibit F, Developer shall have the exclusive power to accomplish the arranging, supervising, coordinating and completing all aspects of the grading of the City Property. Subject to Exhibit F, Developer may make non-material changes to the Grading Plan as Developer may, in the exercise of its sole judgment, deem necessary to complete the grading of the City Property.

d. Developer shall have the right to add or remove soil, dirt and other fill on the City Property necessary to comply with the Grading Plan.

e. During the period upon which Developer is performing its grading services, Developer may, at its sole cost and expense, install temporary signs on the City Property to identify Developer as the party performing the grading services and to provide warnings regarding entering onto the City Property.

f. Final written approval of the grading shall be made by the Engineer, which approval shall not be unreasonably withheld, conditioned or delayed. Engineer shall provide such written approval by providing Developer, Blue Sky and the City with a letter confirming that the work performed by Developer complies with the Grading Plan. Engineer's approval of the grading shall occur within fifteen (15) days after Developer notifies Engineer, in writing, of Developer's completion of the grading services.

g. Blue Sky and/or the City shall provide Developer with the most recent copy of a Phase I performed in relation to the City Property.

h. Developer shall not be liable for any pre-existing environmental issues related to the City Property, unless Developer fails to comply with the Grading Plan which results in an environmental issue to the City Property.

i. Except as otherwise specifically provided in this Agreement, upon completion of the grading of the City Property, Developer shall have no further obligation with regard to the City Property.

5. Transfer of Developer Tract. Upon Developer's completion and approval by the Engineer of the grading of the City Property in accordance with Grading Plan, City shall transfer to Developer good and indefeasible title to the Developer Tract, free and clear of any and all liens, assessments, unrecorded easements, security interests and other encumbrances and in accordance with the following terms and conditions:

a. The Developer Tract shall be transferred to Developer by Special Warranty Deed immediately upon completion of the grading of the City Property. The transfer of the Developer Tract shall be together with all of City's right, title and interest appurtenant to such land, including, without limitation, all of City's right, title and interest, if any, in and to all access, air, water, riparian, development, and utility rights pertaining thereto, and all improvements and personal property located on the Developer Tract. The City shall have the right to maintain easements on the boundaries of the Developer Tract for any and all public utilities, drainage and water/wastewater, or other public rights and necessities. Said easements shall not interfere with Developer's use of the Developer Tract.

b. As of the Effective Date, in accordance with the applicable standards and regulations of the Texas Commission on Environmental Quality, Developer may conduct inspections of the Developer Tract to conduct feasibility studies regarding Developer's intended use of the Developer Tract. Developer's studies may include, but not be limited to, core borings; environmental and architectural tests and investigations and physical inspections of all subsurface soils. Developer, its agents, employees, consultants and invitees shall have the right of reasonable entry onto the Developer Tract for purposes of said inspections, tests and examinations deemed necessary by Developer. All said studies, tests and inspections shall be at Developer's sole cost and expense.

c. Developer shall only be responsible for such ad valorem taxes and/or operating expenses incurred on the Developer Tract subsequent to the transfer of the Developer Tract to Developer.

6. Rezoning of Developer Tract. As of the Effective Date, Developer may begin taking such actions to rezone the Developer Tract to a Local Retail District (LR-1 or LR-2). The Developer Tract is limited to uses in accordance with a City Council-approved rezoning classification for LR-1 or LR-2. The City will use all good-faith efforts to assist in the rezoning process.

7. Cross-Easement and Parking Agreement. Subsequent to the transfer of the Developer Tract to Developer, Developer will enter into a mutual access easement and parking agreement with Blue Sky. The terms of this Section 7 shall survive the termination of this Agreement.

8. Construction Easement.

a. Blue Sky Tract. City and Blue Sky hereby grant, bargain, sell and convey unto Developer, a non-exclusive, perpetual temporary construction easement on, over, across, along, under and through the Blue Sky Tract to permit the construction and development of the Developer Tract, provided; however, that the use of this construction easement shall be kept to a minimum, shall not unreasonably interfere with City's or Blue Sky's use of the Blue Sky Tract, and that such area shall be restored by Developer to its original condition at no expense to City or Blue Sky. The construction easement shall be for ingress and egress only for persons, vehicles, materials, machinery and equipment in, over, on, across, under and through such portions of the construction easement as are, and only to the extent, reasonably necessary for Developer to construct and develop the Developer Tract. Developer may file a memorandum of the easement in the Dallas County Real Property Records so that legal notice of the easement is provided to all persons. Furthermore, Developer may require City and/or Blue Sky to execute the memorandum of the easement in a mutually-acceptable form. This construction easement shall expire upon one and one-half (1½) years after the final approval of the grading of the City Property by Developer. The terms of this Section 8 shall survive the termination of this Agreement.

b. McInnish Park. City hereby grants, bargains, sells and conveys unto Developer, a non-exclusive, perpetual temporary construction easement on, over, across, along, under and through McInnish Park to permit the construction and development of the City Property, provided; however, that the use of this construction easement shall be kept to a minimum, shall not unreasonably interfere with City's use of the McInnish Park, and that such area shall be restored by Developer to its original condition at no expense to City. The construction easement shall be for ingress and egress only for persons, vehicles, materials, machinery and equipment in, over, on, across, under and through

such portions of the construction easement as are, and only to the extent, reasonably necessary for Developer to construct and develop the City Property.

9. Insurance.

a. From the commencement of the grading of the City Property through the final approval by the Engineer of the grading on the City Property (the ***“Insurance Period”***), Developer shall, at Developer’s expense, maintain in full force and effect from an insurer authorized to operate in Texas, public liability insurance naming City and Blue Sky as additional insureds with policy limits on an occurrence basis in a minimum amount of \$1,000,000.

b. Prior to the Insurance Period, Developer must provide City and Blue Sky with a copy of insurance certificate evidencing the required coverage. If the insurance coverage is renewed or changes in any manner or degree at any time during the Insurance Period, Developer must, not later than ten (10) days after the renewal or change, provide City and Blue Sky a copy of an insurance certificate evidencing the renewal or change.

c. If Developer fails to maintain the required insurance in full force and effect at all times during the Insurance Period, after written notice from City to Developer and reasonable opportunity for Developer to cure such failure, City may:

i. purchase insurance that will provide City the same coverage as the required insurance and Developer must immediately reimburse City for such expense; or

ii. exercise Landlord’s remedies under Section 12.

10. Liability. Except as otherwise provided in this Agreement, City is not responsible to Developer or Developer’s employees, guests, or invitees for any damages, injuries, or losses to person or property incurred on the City Property caused by:

a. an act, omission, or neglect of: Developer’s agents, Developer’s guests, Developer’s employees, or Developer’s invitees; or

b. fire, flood, water leaks, ice, snow, hail, winds, explosion, smoke, riot, strike, interruption of utilities, theft, burglary, robbery, assault, vandalism, other persons, environmental contaminants, or other occurrences or casualty losses.

11. Indemnity. FROM AND AFTER EXECUTION OF THIS AGREEMENT, DEVELOPER ASSUMES ALL RISKS OF ITS OWN OPERATIONS, AND THOSE OF ITS AGENTS, INDEPENDENT CONTRACTORS, AND ANY LICENSEES ON THE CITY PROPERTY. DEVELOPER AND ITS AGENTS, INDEPENDENT CONTRACTORS, AND ANY LICENSEES, SHALL INDEMNIFY, DEFEND AND HOLD CITY, ITS EMPLOYEES, DIRECTORS, OFFICERS AND AGENTS HARMLESS FROM AND AGAINST, ANY AND ALL DEMANDS, CLAIMS, CAUSES OF ACTION, FINES, PENALTIES, DAMAGES (INCLUDING CONSEQUENTIAL DAMAGES), LIABILITIES, JUDGEMENTS, AND EXPENSES (INCLUDING, WITHOUT LIMITATION, REASONABLE ATTORNEYS' FEES AND EXPERT WITNESS FEES) WHICH ARISE OUT OF OR RELATE TO (1) THE GRADING OF THE CITY PROPERTY; (2) ANY ACTIVITY, WORK, OR THING DONE OR PERMITTED BY DEVELOPER IN OR ABOUT THE CITY PROPERTY; (3) ANY BREACH BY DEVELOPER OR ITS EMPLOYEES, AGENTS, CONTRACTORS OR INVITEES OF THIS AGREEMENT; AND (4) ANY INJURY, LOSS OR DAMAGE TO THE PERSON, PROPERTY OR BUSINESS OF DEVELOPER, ITS EMPLOYEES, AGENTS, OR CONTRACTORS OR ANY INVITEES ENTERING UPON THE CITY PROPERTY UNDER THE EXPRESS OR IMPLIED INVITATION OF DEVELOPER. IF ANY ACTION OR PROCEEDING IS BROUGHT AGAINST CITY OR ITS EMPLOYEES, DIRECTORS, OFFICERS OR AGENTS BY REASON OF ANY SUCH CLAIM FOR WHICH DEVELOPER HAS INDEMNIFIED CITY, DEVELOPER, UPON WRITTEN NOTICE FROM CITY, WILL DEFEND THE SAME AT DEVELOPER'S EXPENSE WITH COUNSEL REASONABLY SATISFACTORY TO CITY. DEVELOPER'S OBLIGATIONS UNDER THIS SECTION SHALL SURVIVE THE EXPIRATION OR OTHER TERMINATION OF THIS AGREEMENT.

12. Defaults and Remedies.

a. Developer Default. Each of the following shall constitute a "***Developer Default***" hereunder:

i. Failure of Developer to comply with any material provision of this Agreement and the continuation of such failure for a period of thirty (30) days after receipt of written notice from the City of such failure.

ii. Failure of Developer to complete grading in accordance with the terms of this Agreement within ninety (90) days from the date of final approval of the Grading Plan by both City and Developer, as further described in Section 3.a. of this Agreement (the "***Completion Date***"); however, the Completion Date shall be extended by one day for each day Developer cannot perform its obligations under this Agreement due to adverse weather conditions. The City shall, in its sole reasonable discretion, determine what constitutes adverse weather conditions.

Upon the occurrence of any Developer Default, City shall have the right, at any time after the final expiration of the curative period prescribed above, and while such Developer Default continues, (A) to enforce specific performance of this Agreement; or (B) to bring suit for damages against Developer, or both, or (C) to exercise any other remedies that may be provided by law or in equity. In the event of Developer Default, the easement rights granted hereunder shall immediately terminate on the date of the final expiration of the curative period. Upon termination of this Agreement, City shall have no further claims, demands or actions against Developer in connection with the terms of this Agreement, except for such provisions in this Agreement the survive the termination of this Agreement.

b. City Default. Each of the following shall constitute a “*City Default*” hereunder:

i. Failure of City to transfer the Developer Tract to Developer upon completion, in accordance with the terms of this Agreement, and acceptance of the grading of the City Property.

ii. Failure of City to comply with any material provision of this Agreement and the continuation of such failure for a period of thirty (30) days after receipt of written notice from the Developer of such failure.

Upon the occurrence of any City Default, Developer shall have the right, at any time after the final expiration of the curative period prescribed above, and while such City Default continues, (A) to enforce specific performance of this Agreement; or (B) to bring suit for damages against City, or both, or (C) to exercise any other remedies that may be provided by law or in equity. Upon termination of this Agreement, Developer shall have no further claims, demands or actions against City.

c. Other Remedies. In the event of the occurrence of either a Developer Default or a City Default hereunder, the aggrieved party (Developer or City, as the case may be) shall, in addition to its other rights and remedies hereunder, have the right to recover from the party in default all reasonable costs and expenses incurred by the aggrieved party in enforcing its rights and remedies hereunder, including reasonable attorneys’ fees. The termination of this Agreement by either Developer or City by reason of default by the other party, as aforesaid, shall not relieve either party of any of its obligations theretofore accrued under this Agreement prior to the effective date of such termination.

13. Miscellaneous.

a. Notice. Any notice or communication required or permitted hereunder shall be given in writing, sent by (i) personal delivery; or (ii) United States mail, postage prepaid, first class, registered or certified mail, return receipt requested; or (iii) overnight delivery by a nationally recognized overnight courier service (e.g. UPS, Federal Express), addressed as follows:

If to City: City of Carrollton
 City Manager's Office
 1945 E. Jackson Rd.
 Carrollton, Texas 75006
 Attention: _____

If to Developer: Arthur James, Inc.
 1017 Colonial Drive
 Coppell, Texas 75019
 Attention: Arthur James

If to Blue Sky: Blue Sky Sports Center of Carrollton, LP
 1278 FM 407, Suite 109
 Lewisville, Texas 75077
 Attention: Greg Bertrand

or to such other address or to the attention of such other person as hereafter shall be designated in writing by the applicable parties sent in accordance herewith. Any such notice or communication shall be deemed to have been given either at the time of delivery to the party's address provided herein, or in the case of mail, as of three (3) days after postmark when sent by United States mail to the address and in the manner provided herein. Either party may from time to time, by written notice to the other party in accordance with the terms hereof, designate a different address for notice.

b. Captions. The titles or captions contained in this Agreement shall have no effect and shall neither limit nor amplify the provisions of the Agreement itself.

c. Entire Agreement. This Agreement, when signed by both City and Developer, constitutes a final written expression of all the terms of this Agreement and is a complete and exclusive statement of those terms relating to the subject matter hereof. This Agreement shall not be amended or changed except by written instrument signed by the party to be charged therewith.

d. Severable Provisions. If any provision of this Agreement or the application thereof to any person or circumstance shall be invalid or unenforceable to any

extent, then the other provisions of this Agreement, the provision in question to any other extent, and the application thereof to any other person or circumstance shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

e. Governing Law and Venue. This Agreement has been entered into in the State of Texas, is performable in the State of Texas, and shall be governed by the laws of the State of Texas. Venue shall be in Dallas County, Texas, for any lawsuit between the parties hereto with respect to any matter covered by this Agreement.

f. Non-Assignable without the Consent of the Other Party. Neither City nor Developer shall assign, transfer, mortgage, pledge or otherwise encumber or dispose of this Agreement or all or any part of its rights and interests hereunder except to an affiliated entity, and any attempted assignment, mortgage, pledge, encumbrance or disposition shall be void ab initio.

g. Parties Bound. This Agreement shall be binding upon and inure to the benefit of City and the Developer and their respective successors and assigns.

h. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be effective only upon delivery and thereafter shall be deemed an original, and all of which shall be taken to be one and the same instrument, for the same effect as if all parties hereto had all signed the same signature page. Any signature page of this Agreement may be detached from any counterpart of this Agreement without impairing the legal effect of any signature thereon and may be attached to another counterpart of this Agreement identical in form hereto but having attached to it one or more additional signature pages. This Agreement may be executed by facsimile signatures and such signatures shall be deemed an original.

i. Force Majeure. Whenever a period of time is prescribed in this Agreement for the taking of any action (other than monetary obligations) by a party, no party shall be liable or responsible for, and there shall be excluded from the computation of such period of time, any delays resulting from (a) acts or occurrences beyond the reasonable control of such party (including fire, explosion, power failure, lightning, severe weather, acts of God, war, revolution, or civil commotion); or (b) labor unrest (including strikes, slowdowns, picket-lines, and boycotts whether primary or secondary), and without regard to whether such labor unrest could have been settled by acceding to the demands of a labor organization. In such event, the party whose performance is directly affected by the circumstances shall be excused from such performance on a day-for-day basis to the extent of the interference. If such excuse of the performance of the directly affected party shall prevent related performance by the other party, then the

performance of the other party shall be excused from such performance on a day-for-day basis to the extent of the interference. In the event that any such event of force majeure shall continue for more than sixty (60) days, then the parties shall enter into good faith negotiations directed toward a mutually acceptable resolution of outstanding obligations hereunder.

j. Confidentiality. Except as and to the extent required by law or as may otherwise be provided in the Agreement, without the prior written consent of the other party, no party shall, and each party shall direct their respective officers, directors, shareholders, members, managers, partners, employees and other representatives not to, disclose (except to their respective accountants, attorneys and other professionals having a bona fide need to know) the contents, terms or conditions contained in this Agreement and the other documents and instruments executed in connection herewith. If one party is required by law to make any such unauthorized disclosure, it must first provide to the other party the content of the proposed disclosure, the reasons that such is required, and the time and place such disclosure will be made. The terms of this Section 11.j shall survive the termination of this Agreement.

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EXECUTED as of the Effective Date.


CITY:

CITY OF CARROLLTON,
a Texas home rule municipality

By: _____
Name: _____
Title: _____

DEVELOPER:

ARTHUR JAMES, INC.,
a Texas corporation

By: 
Name: ARTHUR JAMES
Title: PRESIDENT

Acknowledged and agreed to for purposes of Section 4.f.:

HOMEYER ENGINEERING, INC.,
a Texas corporation

By: 
Name: STEVEN HOMEYER
Title: PRESIDENT

Acknowledged and agreed to for purposes of Sections 4.g., 7. and 8.a.:

BLUE SKY SPORTS CENTER OF CARROLLTON, LP,
a Texas limited partnership

By: Blue Sky Carrollton Management, Inc.,
a Texas corporation,
its general partner

By: 
Peter Brody, President



EXHIBIT A

City Property

EXHIBIT B

Blue Sky Tract

EXHIBIT C

Developer Tract



EXHIBIT D
Conception Plan

EXHIBIT E

Grading Plan

Exhibit F

Obligations of Arthur James relating to grading and other issues for the Blue Sky Tract

1. Arthur James shall be responsible for grading of Blue Sky Tract, including parking, drive aisles, fire lanes, fields and common areas. All grades are to vary no more than 0.1 feet of grades established by Homeyer Engineering. With regard to the seven outdoor soccer fields, Arthur James will provide the addition of sufficient top soil as established by Homeyer Engineering.
2. Arthur James shall be responsible for the Blue Sky Tract building pad preparation to specifications as established by geotech by Geoscience and the RCS Enterprises (the structural engineering firm). Grade of the Blue Sky building pads to be within 0.1 feet of the final grade as set forth in the grading plans by Homeyer Engineering.
3. Arthur James shall provide all grading equipment, labor and materials.
4. Arthur James shall provide for all import or export of soils needed for grading and select fill placement and compaction under buildings.
4. Arthur James shall be responsible for the backfilling of curbs and final grading shall be included.
5. Arthur James shall also provide all necessary water for site work on the Blue Sky Tract.
6. Arthur James shall be responsible for all grading of the "off site" soccer field located at McInnish Park, along with modifying the existing McInnish Park soccer field to a condition which is ready to install artificial turf according to the specifications of AstroTurf USA as set forth in Exhibit F-1.
7. Arthur James shall be responsible for all Field Survey work associated with grading.
8. Arthur James shall be responsible for all testing of soils related to the grading work.



City of Carrollton

Agenda Memo

File Number: 2722

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *19.

CC MEETING: July 12, 2016

DATE: July 6, 2016

TO: Leonard Martin, City Manager

FROM: Cesar J. Molina, Jr., P.E., Director of Engineering

Consider Authorizing The City Manager To Approve Contract Amendment #1 With Bridgefarmer And Associates For Design Modifications For The Railroad Quiet Zone Phase II Project In An Amount Of \$11,500.00, For A Revised Contract Amount Not To Exceed \$120,500.00.

BACKGROUND:

City Council authorized the original quiet zone engineering design contract on March 20, 2012. After the project went out for construction bids, the BNSF Railway required a crash barrier for their equipment on the Josey Lane median, which resulted in an unforeseen redesign effort. The barrier was later redesigned to compensate for BNSF placing their equipment in a location different than what the original design established. A retaining wall was also redesigned as a consequence of the rail equipment placement. The manufacturer's shop drawings for pedestrian safety hand-rails required significant review and design efforts. Other design modifications were undertaken by the consultant during construction to compensate for field conditions, which made a positive contribution to the overall timeline and quality of the project.

FINANCIAL IMPLICATIONS:

The original amount of the railroad quiet zone phase II engineering contract is \$109,000.00. The proposed amendment is for \$11,500.00 (a 10.5% increase). Funding is available in the Traffic Consolidated - Railroad Quiet Zone project account.

IMPACT ON COMMUNITY SUSTAINABILITY:

The project contributes to community sustainability by reducing train noise and increasing safety at multiple BNSF crossings in the city.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council authorize the City Manager to execute amendment #1 for the railroad quiet zone phase II contract with Bridgefarmer and Associates in an amount of

\$11,500, increasing the total cost to an amount not to exceed \$120,500.00.

The map displays the Perry-Ryan area with various streets and proposed transit routes. Key features include:

- Rail Lines:** KCS RAIL and BNSF RAIL are shown at the top.
- Major Roads:** Plano Pkwy. (Done), Hebron Pkwy. (Done), Rosemeade Pkwy., Peters Colony Rd., Frankford Rd. (Dallas), Old Mill Rd., Trinity Mills EB & WB S.R., Keller Springs Rd., Josey Lane, and Perry-Ryan.
- Proposed Route:** Indicated by a green line with red squares at key locations.
- Other Streets:** Rolling Oaks Dr., Virginia Pine Dr., Standridge Dr., E Branch Hollow Dr., Countryside Dr., E Rosemeade Pkwy., Furrdaux Ln., Southern Oaks, Kelly Blvd., Dove Creek Ln., Willowdale Ln., Carmel Dr., Le Marje Dr., N Denton Dr., Jackson Rd., and Balantack.
- North Arrow:** Located in the top left corner.



City of Carrollton

Agenda Memo

File Number: 2724

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type:
Contracts/Agreements

Agenda Number: *20.

CC MEETING: July 12, 2016

DATE: July 5, 2016

TO: Leonard Martin, City Manager

FROM: Chrystal Davis, Director of Workforce Services and Bob Scott, Assistant City Manager/CFO

Consider **Authorizing The City Manager To Enter Into A Contract With ICMA-RC For Administration Of The City's Deferred Compensation, Retiree Health Savings, and Social Security Substitute (OBRA) Investment Plans.**

BACKGROUND:

Since the early 1980's, the city has offered its employees the opportunity to save for retirement through an IRS Code Section 457 deferred compensation plan which is similar to the private sector's 401(k) plans. Over the years the city also added a 401(a) plan-which is no longer active- and two retiree health savings (RHS) plans, one now closed to new investment due to changes in IRS regulations and one serving as a defined contribution substitute for any employee with less than 20 years of service as of January 1, 2009. This defined contribution RHS plan replaces the defined benefit retiree health benefit plan that is now closed to new participants. In addition, changing IRS regulation required the city to establish a social security substitute plan for temporary and non-benefitted contract employees. These various plans are currently administered by ICMA-RC and Nationwide. ICMA-RC administers a 457, both RHS plans and the 401a plan. Nationwide administers a 457 and the social security substitute plan.

While effectively outsourcing the administration of these plans to the two providers, applicable statutes and related case law create a fiduciary responsibility on the part of the city to ensure that only appropriate investments are offered to plan participants and that the plan administrators are acting appropriately. In performing these fiduciary responsibilities, the city determined that it would be in both the City's and plan participants best interest to consolidate administration of the participant's approximately \$86 million of investments to a single provider through a competitive request for proposal (RFP) process. The goals for the RFP were to:

- Reduce investment expenses for plan participants thereby increasing their effective rate

of return.

- Streamline and improve investment offerings with the same investments available to all participants.
- Ensure high quality customer service and educational programs as well as access to financial planning services.
- Streamline and facilitate fiduciary monitoring on the part of the city by consolidating all programs to a single provider and offering fewer but very high quality investment options to participants.

On September 1, 2015, the city council approved the Hyas Group to assist the city in preparing and evaluating the RFP. Upon issuance of the RFP, the City Manager appointed eight employees to a Deferred Compensation Employee Advisory (DCEA) committee. These employees work in both supervisory and non-supervisory positions for the following departments: police, fire, environmental services, building inspections, parks, traffic operations, transit oriented development and streets.

FINANCIAL IMPLICATIONS:

The administrator of the various plans is compensated through participant fees based on the investment balances of each participant. There is no financial impact to the city.

STAFF RECOMMENDATION/ACTION DESIRED:

Seven proposals were received from Empower, Nationwide, ICMA-RC Lincoln Financial, MassMutual, National Life Group, and Voya. The first five firms were interviewed by the DCEA and ultimately they recommended Lincoln Financial and ICMA-RC to city management for negotiations. Following extensive negotiations, DCEA met and voted to support pursuit of a contract with ICMA-RC. Negotiated rates for the consolidated contract represent a significant reduction in investment expense borne by plan participants and this contract should meet all goals of the RFP as stated above (reduced costs, enhanced services, streamlined investment offerings, streamlined administration etc.).

Therefore it is DCEA and staff recommendation that the city council authorize the city manager to negotiate a contract with ICMA-RC for a ten year term.



City of Carrollton

Agenda Memo

File Number: 2716

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Ordinance

Agenda Number: *21.

CC MEETING: July 12, 2016

DATE: July 5, 2016

TO: Leonard Martin, City Manager

FROM: Bob Scott, Assistant City Manager

Consider An **Ordinance Amending The Operating And Capital Budget For The Fiscal Year October 1, 2015 Through September 30, 2016.**

BACKGROUND:

The City Council approved the Operating and Capital Budget for Fiscal Year 2016 on September 15, 2015. To date the following amendments to the budgets have been approved:

1. On October 13, 2015 to provide funding for athletic field light pole replacements,
2. On November 3, 2015 to providing funding for the repair and reopening on the Indian Creek Golf Club Lakes Course,
3. On November 17, 2015 to provide funding for traffic upgrades and surface infrastructure improvements,
4. On January 5, 2016 to provide for funding of a 5th Medic Unit,
5. On January 19, 2016 to provide funding for the repair and reopening on the Indian Creek Golf Club Creek Course, and
6. On February 2, 2016 to provide funding for three additional Police fleet unit replacements.

An additional budget amendment is needed for the following items:

Fire Department Aerial Ladder Truck: The original fleet replacement budget included the replacement of for a Fire Department aerial ladder (Truck 112) in Fiscal Year 2017. However, due to issues with the current truck and the long build time for the truck, this replacement needs to be approved and ordered in Fiscal Year 2016. The purchase price of this unit is \$1,387,643, and the vendor has agreed to a \$200,000 trade-in allowance on the current unit. This replacement will be funded by fund balance in the General Fleet Replacement Fund.

Sprayground: At the June 7, 2016 Council work session, Council provided staff direction

regarding the location of the new Sprayground. The current planned location will require an additional \$300,000 above what was funded in the recent bond issue. This amount will be funded from the Strategic Community Reinvestment funds.

In addition to the previous budget amendments, \$350,000 was allocated from the Strategic Community Reinvestment funds for the WinCo site demolition. Including funds carried forward for prior years of \$84,158 and after this budget amendment for the Sprayground, the Strategic Community Reinvestment funds will only have \$9,517 remaining

Meadows Apartments: The City is currently in negotiations for a purchase and sales agreement with the Meadows Apartments. This agreement commits \$2,700,000 for the purchase and a rehabilitation grant. This purchase will be funded through a transfer of excess sales taxes from the General Fund to the General and Public Facilities Capital Budget.

The attached updated fund summaries show the impact of the needed budget amendments.

FINANCIAL IMPLICATIONS:

Amend the Fiscal Year 2016 Operating and Capital Budget making the following changes:

- In the General Fleet Replacement Fund, increase recurring uses of funds by \$1,387,643.
- In the General and Public Safety Capital Budget, decrease the Projected FY 16 Resources Transfer from the General and Administrative Funds and Additional Projects for Strategic Community Reinvestment by \$300,000.
- In the Parks Capital Budget, increase the Projected FY 16 Resources Transfer from the General Fund and Additional Projects for Sprayground by \$300,000.
- In the General Fund, in non-recurring sources of fund increase the Sales Tax and in non-recurring uses of funds increase the transfer for Capital Projects Funds by \$2,700,000.
- In the General and Public Safety Capital Budget, increase the Projected FY 16 Resources Transfer from the General and Administrative Funds and Additional Projects for Meadows Apartments Purchase and Rehabilitation Grant by \$2,700,000.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff desires the City Council to pass the attached ordinance authorizing an amendment to the Fiscal Year 2016 Operating and Capital Budget.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING ORDINANCE NUMBER 3705, BEING THE OPERATING AND CAPITAL BUDGET FOR THE CITY OF CARROLLTON, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016, FOR THE PURPOSE OF PROVIDING APPROPRIATIONS FOR ADDITIONAL FLEET REPLACEMENTS, ADDITIONAL CAPITAL FUNDS FOR SPLASHGROUND AND THE MEADOWS APARTMENT PURCHASE AND REHABILITATION GRANT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council passed and approved Ordinance number 3705 dated September 15, 2015, adopting and approving an operating and capital budget for the City of Carrollton, Texas, and authorizing appropriations for the fiscal year October 1, 2015 through September 30, 2016, and providing an effective date; and

WHEREAS, a grave public necessity exists and such expenditures to meet unusual and unforeseen conditions, which could not, by reasonably diligent thought and attention, have been included in the original budget;

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

SECTION 1

The City Council hereby adopts and approves an amendment to Ordinance No. 3705, being the Operating and Capital Budget for the City of Carrollton, Texas, for the fiscal year beginning October 1, 2015 through September 30, 2016, making the following changes:

- (1) In the General Fleet Replacement Fund, increase recurring uses of funds by \$1,387,643.
- (2) In the General and Public Safety Capital Budget, decrease the Projected FY 16 Resources Transfer from the General and Administrative Funds and Additional Projects for Strategic Community Reinvestment by \$300,000.
- (3) In the Parks Capital Budget, increase the Projected FY 16 Resources Transfer from the General Fund and Additional Projects for Sprayground by \$300,000.
- (4) In the General Fund, in non-recurring sources of fund increase the Sales Tax and in non-recurring uses of funds increase the transfer for Capital Projects Funds by \$2,700,000.
- (5) In the General and Public Safety Capital Budget, increase the Projected FY 16 Resources Transfer from the General and Administrative Funds and Additional Projects for Meadows Apartments Purchase and Rehabilitation Grant by \$2,700,000.

SECTION 2

This Ordinance shall become effective on and after its adoption.

PASSED AND APPROVED THIS 12th DAY OF JULY, 2016.

City of Carrollton, Texas

By:

Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber, City Secretary

APPROVED AS TO FORM:

Meredith Ladd, City Attorney

APPROVED AS TO CONTENT:

Bob Scott, Assistant City Manager

GENERAL FLEET REPLACEMENT FUND

	ORIGINAL BUDGET FY 2015-16	CURRENT AMENDED BUDGET FY 2015-16	PROPOSED AMENDED BUDGET FY 2015-16
Beginning Fund Balance	\$ 2,221,554	\$ 2,221,554	\$ 2,221,554
Recurring Sources of Funds			
Fleet replacement allocation	2,732,365	2,732,365	2,732,365
Auction proceeds	200,000	200,000	200,000
Investment and Miscellaneous Income	10,000	10,000	10,000
Total Recurring Sources of Funds	<u>2,942,365</u>	<u>2,942,365</u>	<u>2,942,365</u>
Recurring Uses of Funds			
Allocations	130,950	130,950	130,950
Capital outlay	1,035,925	1,181,405	2,569,048
Total Recurring Uses of Funds	<u>1,166,875</u>	<u>1,312,355</u>	<u>2,699,998</u>
The Bottom Line - Net Recurring Funds	1,775,490	1,630,010	242,367
Ending Fund Balance	<u>\$ 3,997,044</u>	<u>\$ 3,851,564</u>	<u>\$ 2,463,921</u>

GENERAL FUND

	ORIGINAL BUDGET FY 2015-16	CURRENT AMENDED BUDGET FY 2015-16	PROPOSED AMENDED BUDGET FY 2015-16
Beginning Fund Balance	\$ 14,999,670	\$ 14,999,670	\$ 14,999,670
Recurring Sources of Funds			
Taxes	62,523,061	62,523,061	62,523,061
Franchise Fees	11,345,046	11,345,046	11,345,046
Licenses and Permits	2,937,969	2,937,969	2,937,969
Charges for Services	4,950,462	4,950,462	4,950,462
Fines and Forfeitures	6,234,450	6,234,450	6,234,450
Investment Income	246,750	246,750	246,750
Miscellaneous	495,900	495,900	495,900
Utility Operating Fund - Payment in Lieu of Taxes	2,514,353	2,514,353	2,514,353
Total Recurring Sources of Funds	<u>91,247,991</u>	<u>91,247,991</u>	<u>91,247,991</u>
Recurring Uses of Funds			
Personnel Services	57,190,162	57,190,162	57,190,162
Supplies and Services	12,327,028	12,327,028	12,327,028
Utilities	2,382,566	2,382,566	2,382,566
Allocations*	17,318,226	17,318,226	17,318,226
Capital Outlay	555,009	555,009	555,009
Utility Rate Review	25,000	25,000	25,000
Essential Technology Replacement Funds	1,450,000	1,450,000	1,450,000
Total Recurring Uses of Funds	<u>91,247,991</u>	<u>91,247,991</u>	<u>91,247,991</u>
Net Recurring Funds	<u>-</u>	<u>-</u>	<u>-</u>
Non-recurring "One-time" Sources of Funds			
Sales Tax	6,905,434	6,905,434	9,605,434
Repayment from Golf Fund for debt early retirement	407,630	407,630	407,630
Total Non-recurring "One-time" Sources of Funds	<u>7,313,064</u>	<u>7,313,064</u>	<u>10,013,064</u>
Non-recurring "One-time" Uses of Funds			
Hotel Motel Tax Fund Subsidy	213,325	213,325	213,325
Golf Course Subsidy	1,249,984	1,926,256	1,926,256
Facility Maintenance Fund	950,000	950,000	950,000
ECG Monitor/Defibrillator Replacements	275,500	275,500	275,500
Police overtime - Bicycle unit	242,278	242,278	242,278
5th Medic - On-demand and Full-time implementation	128,742	396,460	396,460
Parks Strategic Amenity Fund	125,000	125,000	125,000
Other Capital Projects Funds	4,128,235	3,184,245	5,884,245
Total Non-recurring "One-time" Uses of Funds	<u>7,313,064</u>	<u>7,313,064</u>	<u>10,013,064</u>
Net Non-recurring "One-time" Funds	<u>-</u>	<u>-</u>	<u>-</u>
The Bottom Line - Net Recurring and Non-recurring Funds	<u>-</u>	<u>-</u>	<u>-</u>
Additional recurring sources or reductions in recurring uses needed to maintain Target Fund Balance	<u>-</u>	<u>-</u>	<u>-</u>
Ending Fund Balance	<u>\$ 14,999,670</u>	<u>\$ 14,999,670</u>	<u>\$ 14,999,670</u>
Days of Recurring Uses of Funds	60	60	60

* Allocations include Overhead Allocations from Administrative Services and Risk Management Funds and Public Works Administration Division, Fleet

**CAPITAL IMPROVEMENTS PROGRAM
GENERAL AND PUBLIC SAFETY CAPITAL BUDGET
FISCAL YEAR 2016**

	ORIGINAL	CURRENT AMENDED	PROPOSED AMENDED
Resources:			
<u>Current FY 15 Resources as of 5/31/15 -</u>			
Cash	\$ 30,006,664	\$ 30,006,664	\$ 30,006,664
Misc. Receivable and Prepaid Asset	1,063,144	1,063,144	1,063,144
Accrued Interest Earnings	28,141	28,141	28,141
Liabilities	(120,095)	(120,095)	(120,095)
Pending Transfers	13,025,594	13,025,594	13,025,594
Pending Rent Transit Oriented Development	40,466	40,466	40,466
Pending Court Technology Revenue	56,000	56,000	56,000
Pending Cable Franchise Fees	15,000	15,000	15,000
Pending Interest Income	40,000	40,000	40,000
Pending Grant Funds	1,530,616	1,530,616	1,530,616
Remaining unspent budget amount for projects in process	(34,622,660)	(34,622,660)	(34,622,660)
Net unobligated balances and contingencies	<u>11,062,870</u>	<u>11,062,870</u>	<u>11,062,870</u>
 <u>Projected FY16 Resources:</u>			
Interest Income	120,000	120,000	120,000
2016 GO Bonds	7,900,000	7,900,000	7,900,000
Court Technology Fee	168,000	168,000	168,000
Rent Income - Transit Oriented Development (TOD)	134,442	134,442	134,442
Cable Franchise Fees	365,000	365,000	365,000
Grant Funds	130,000	130,000	130,000
Land Sale	1,880,000	1,880,000	1,880,000
Transfer from General and Administrative Services Funds	5,094,899	303,241	2,703,241
Transfer to the Golf Course Capital Fund	-	(900,000)	(900,000)
Total Future Resources	<u>15,792,341</u>	<u>10,100,683</u>	<u>12,500,683</u>
 Funds available to be committed	 <u>26,855,211</u>	 <u>21,163,553</u>	 <u>23,563,553</u>
 Additional Projects:			
Bond Program - 2016			
Police Station	7,000,000	7,000,000	7,000,000
Fire Burn Center	500,000	500,000	500,000
Retail Redevelopment and Rehabilitation	400,000	400,000	400,000
Transit Oriented Development	361,278	361,278	361,278
Cable Franchise Projects	380,000	380,000	380,000
Court Technology Projects	178,893	178,893	178,893
Homeland Security Grant	130,000	130,000	130,000
Restaurant Finish Out	380,000	380,000	380,000
Crosby Road Development	1,500,000	1,500,000	1,500,000
Flood Damage Repairs	2,000,000	2,000,000	2,000,000
Retail Rehabilitation Grant Program	250,000	250,000	250,000
Corridor Beautification	100,000	100,000	100,000
TASER replacements	75,000	75,000	75,000
Police Station	2,000,000	2,000,000	2,000,000
SCBA refill station	38,000	38,000	38,000
SCBA equipment Replacement	338,587	338,587	338,587
ECG monitors/defibrillators replacements	275,500	275,500	275,500
Central Service Center improvements	380,000	380,000	380,000
Building Inspection front counter remodel	45,000	45,000	45,000
Josey/Belt Line Property Rehabilitation Incentive Program	50,000	50,000	50,000
Resolution Center space remodel	159,316	159,316	159,316
Facility Special Projects	950,000	950,000	950,000
Fleet equipment replacement and fuel island upgrade	104,500	104,500	104,500
Technology Replacements	1,600,000	1,600,000	1,600,000
Snow Plow	35,000	35,000	35,000
Body Worn Video Cameras	135,000	135,000	135,000
5th Medic ambulance and related equipment	-	256,977	256,977
Strategic Community Reinvestment	6,523,994	575,359	275,359
Meadows Apartment Purchase and Rehabilitation Grant	-	-	2,700,000
Contingencies	965,143	965,143	965,143
Total Additional Projects	<u>26,855,211</u>	<u>21,163,553</u>	<u>23,563,553</u>
 PROJECTED REMAINING UNOBLIGATED FUND BALANCE	 <u>\$ -</u>	 <u>\$ -</u>	 <u>\$ -</u>

**CAPITAL IMPROVEMENTS PROGRAM
PARKS CAPITAL BUDGET
FISCAL YEAR 2016**

	ORIGINAL	CURRENT AMENDED	PROPOSED AMENDED
Resources:			
<u>Current FY 15 Resources as of 5/31/15 -</u>			
Cash	\$ 6,975,287	\$ 6,975,287	\$ 6,975,287
Accrued Interest Earnings	6,456	6,456	6,456
Liabilities	(83,348)	(83,348)	(83,348)
Pending Interest Income	9,000	9,000	9,000
Pending Leisure Program Fee Receipts	26,000	26,000	26,000
Pending Aquatic Program Fee Receipts	54,000	54,000	54,000
Pending Intergovernmental Participation	3,733,353	3,733,353	3,733,353
Pending Transfers	1,753,006	1,753,006	1,753,006
Remaining unspent budget amount for projects in process	(12,316,521)	(12,316,521)	(12,316,521)
Net unobligated balances and contingencies	<u>157,233</u>	<u>157,233</u>	<u>157,233</u>
 <u>Projected FY 16 Resources:</u>			
Interest Income	27,000	27,000	27,000
Leisure Program Fee Receipts	80,000	80,000	80,000
Aquatic Program Fee Receipts	57,000	57,000	57,000
Transfer from General Fund	815,000	1,277,168	1,577,168
2016 GO Bonds	<u>2,550,000</u>	<u>2,550,000</u>	<u>2,550,000</u>
Total Future Resources	<u>3,529,000</u>	<u>3,991,168</u>	<u>4,291,168</u>
 Total Resources	 <u>3,686,233</u>	 <u>4,148,401</u>	 <u>4,448,401</u>
 Additional Projects:			
Bond Program - 2016			
Downtown Trail: Belt Line to T Mills	605,000	605,000	605,000
Mary Head Carter Improvements	500,000	500,000	500,000
Thomas Athletic Complex	475,000	475,000	475,000
Dudley Branch Trail: T center to S Fe	195,000	195,000	-
Furneaux Trail: T Mills to Old Denton	775,000	775,000	420,000
Sprayground	-	-	550,000
Park Pro-rata projects**			
Leisure Program Equipment Replacement	74,888	74,888	74,888
Aquatic Program Equipment Replacement	94,344	94,344	94,344
Leisure Program Marketing	12,475	12,475	12,475
Parks Strategic Amenity Fund	125,000	125,000	125,000
Replaster Rosemeade Rainforest Play Area, Lazy River, & Catch Pool	85,000	85,000	85,000
Right turn lane for NB Rosemeade Park Rd/Cromwell to EB Rosemeade	52,000	52,000	52,000
Public Restrooms in Downtown	95,000	95,000	95,000
Hike/Bike Trail to connect Mustang Park	350,000	350,000	350,000
McInnish Field 16 Improvements	48,000	48,000	48,000
Josey Ranch - Playground	60,000	60,000	60,000
Athletic Field Light Pole replacements	-	462,168	462,168
Sprayground - additional funds			300,000
Contingencies - represents .88% of remaining budgeted funds for active projects			
Contingencies	139,526	139,526	139,526
Total Additional Projects	<u>3,686,233</u>	<u>4,148,401</u>	<u>4,448,401</u>
 PROJECTED REMAINING UNOBLIGATED FUND BALANCE	 <u><u>\$ -</u></u>	 <u><u>\$ -</u></u>	 <u><u>\$ -</u></u>

**Park Pro-rata funds are restricted to Park projects located within the Park District the funds were assessed in.



City of Carrollton

Agenda Memo

File Number: 2705

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *22.

CC MEETING: July 12, 2016

DATE: June 27, 2016

TO: Leonard Martin, City Manager

FROM: Scott Hudson, Environmental Services Director

Consider A Resolution Supporting A Municipal Setting Designation For Property Generally Located At 11602, 11616, 11634, 11642 And 11650 Harry Hines Boulevard, 11613, 11621, 11637, 11661 And 11663 Denton Drive, And 2536 Forest Lane In The City Of Dallas.

BACKGROUND:

This agenda item seeks approval of a resolution granting support to a request for a Municipal Setting Designation (MSD) by applicant Rochester Gauges, Inc. for property located in the City of Dallas. The groundwater beneath this designated property has been contaminated by chlorinated volatile organic compounds and by petroleum-related chemicals, but is separated from Carrollton groundwater resources and deemed to pose essentially no risk to the Carrollton community.

A Municipal Setting Designation (MSD) is a state certification of a property declaring that the groundwater beneath the designated property is not used as potable water and is prohibited from future use as potable water. The purpose of the MSD law is to provide a faster and less expensive alternative to state remediation requirements for a contaminated property. This designation allows for redevelopment of areas that may otherwise have been left abandoned and unproductive.

To meet the state requirements, an MSD application needs a resolution of support from municipalities owning public water wells within five miles from the designated property. The City of Carrollton owns and operates an emergency public water supply well within the five-mile radius north of the designated property. It is for this reason that Rochester Gauges, Inc. is requesting from the City of Carrollton a support resolution for its MSD application to the Texas Commission on Environmental Quality.

City staff has reviewed the pertinent materials submitted by Rochester Gauges, Inc., including

the approval of its MSD application by the City of Dallas MSD Ordinance (No. 29741) for the designated property passed on May 13, 2015.

FINDINGS:

The detected contaminants of concern that exceeded the groundwater protective concentration levels are chlorinated volatile organic compounds such as tetrachloroethene, trichloroethene, cis-1,2-dichloroethene, vinyl chloride and 1,1-dichloroethylene. These were traced to former paint booth operations, vapor degreasers, and waste management and chemical storage areas. Results from the groundwater monitoring wells have indicated that the levels of these contaminants have either stabilized or decreased. Benzene, methyl-tert-butyl ether (MTBE) and total petroleum hydrocarbons (TPH) exceedances above the ingestion pathway have affected groundwater in a limited area of the southeast portion of the property. The potential source of these hydrocarbons was traced to a nearby underground storage tank that was already removed and the site closed.

The affected groundwater zone is estimated to be up to twenty-three feet deep below ground surface. The contaminated plume is considered to be stable as the source is no longer operating.

Carrollton's emergency water supply well is cemented from 0 to 2,230 feet which separates the production zone from the shallower aquifers and groundwater bearing units. This municipal water supply well is about 4.9 miles north of the designated property. The general groundwater flow beneath the designated property is generally to the south-southwest down gradient. In addition, Farmers Branch Creek is located between the MSD properties and the wells in the City of Carrollton. This creek provides a significant barrier to any potential contamination.

Based on the above findings staff has determined there is essentially no risk to the interests of the City of Carrollton in granting consent to Rochester Gauges, Inc.'s application for a Municipal Setting Designation support resolution. Furthermore, Rochester Gauges, Inc. has signed an Indemnity Agreement to compensate the City for any risks unforeseeable at this time.

FINANCIAL IMPLICATIONS:

Rochester Gauges, Inc. has paid the MSD application fee of \$2,500.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the City Council approve the attached resolution supporting a Municipal Setting Designation as submitted by Rochester Gauges, Inc..

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF CARROLLTON, TEXAS IN SUPPORT OF THE APPLICATION BY ROCHESTER GAUGES, INC. TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION FOR PROPERTY GENERALLY LOCATED AT 11602, 11616, 11634, 11642 AND 11650 HARRY HINES BOULEVARD, 11613, 11621, 11637, 11661 AND 11663 DENTON DRIVE, AND 2536 FOREST LANE IN THE CITY OF DALLAS.

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (TCEQ) to certify Municipal Setting Designations for properties upon receipt and approval of a properly submitted application to the TCEQ; and,

WHEREAS, as part of the application to the TCEQ for a Municipal Setting Designation, the Applicant is required to provide documentation that the application is supported by the City Council of each municipality that owns or operates a groundwater supply well located not more than five miles from the proposed designated area; and,

WHEREAS, Rochester Gauges, Inc. (Applicant) filed an application with the City of Dallas, Texas for the issuance of a Municipal Setting ordinance for the property located at 11602, 11616, 11634, 11642 and 11650 Harry Hines Boulevard, 11613, 11621, 11637, 11661 and 11663 Denton Drive, and 2536 Forest Lane in the City of Dallas and adjacent public rights of way in Dallas, Texas (Site), more fully described in Exhibit A; and,

WHEREAS, on May 13, 2015 the City Council of the City of Dallas, Texas approved and adopted Ordinance No. 29741 (the Dallas Ordinance, attached as Exhibit A) which, among other things, prohibits the potable use of groundwater beneath the Site to a depth of 200 feet; and,

WHEREAS, with the adoption of the Dallas Ordinance, the Applicant now desires and intends to submit to the TCEQ an application for certification of a Municipal Setting Designation for the Site pursuant to the Texas Health and Safety Code, Chapter 361, Subchapter W; and,

WHEREAS, the City of Carrollton owns and operates a groundwater supply well identified as State ID G0570034A, located north of the Country Club Drive, near the Country Club Pump Station, east of Kelly Boulevard, which is within five miles from the Site; and,

WHEREAS, the designated groundwater identified in the Applicant's City of Dallas Municipal Setting Designation Application is shallow perched groundwater beneath the Site to a depth of eleven to twenty-three feet below ground surface while the well owned by the City of Carrollton collects water from the Twin Mountains aquifer at depths greater than 2,200 feet below ground surface; and,

WHEREAS, the City of Carrollton groundwater supply well is approximately 4.9 miles north of the Site and is up-gradient or cross-gradient of the contaminated groundwater beneath the Site; and,

WHEREAS, Farmers Branch Creek, which is located between the Site and the City of Carrollton groundwater supply well, provides a significant barrier to potential contamination;

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

1. That the City of Carrollton supports the Applicant's Municipal Setting Designation application to the Texas Commission on Environmental Quality for the Site described in Exhibit A.

2. That this Resolution shall take effect upon its adoption.

PASSED AND APPROVED by the City Council of the City of Carrollton, Texas on this 12th day of July, 2016

APPROVED:

Doug Hrbacek
Mayor Pro Tem

APPROVED AS TO FORM:

Meredith Ladd
City Attorney

APPROVED AS TO CONTENT:

Scott Hudson
Director, Environmental Services

ATTEST:

Laurie Garber
City Secretary




STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF DALLAS §

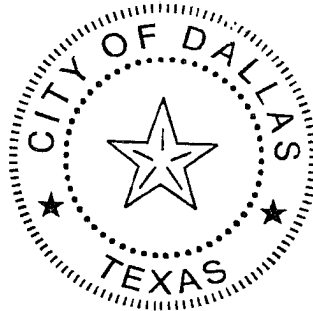
I, **BILIERAE JOHNSON**, Assistant City Secretary, of the City of Dallas, Texas, do hereby certify that the attached is a true and correct copy of:

ORDINANCE NO. 29741

Which was passed by the Dallas City Council on **May 13, 2015**.

WITNESS MY HAND AND THE SEAL OF THE CITY OF DALLAS, TEXAS, this the **15th** day of **April, 2016**.


BILIERAE JOHNSON
ASSISTANT CITY SECRETARY
CITY OF DALLAS, TEXAS



Prepared By: AG

04-17-15

ORDINANCE NO. 29741

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 11602, 11616, 11634, 11642, and 11650 Harry Hines Boulevard, 11613, 11621, 11625, 11637, 11661, and 11663 Denton Drive, and 2536 Forest Lane and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

- (1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;
- (2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;
- (3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying

drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.
- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned Voluntary Cleanup Program (“VCP”) No. 2443 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than May 13, 2017.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than May 13, 2017. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;
- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

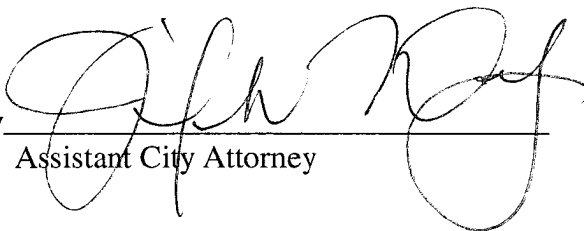
SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By 
Assistant City Attorney

Passed MAY 13 2015

EXHIBIT A

Page 1 of 3

22.797 Acres
J. B. Shade Survey, Abstract No. 1390
Wm. Sprowls Survey, Abstract No. 1289
City Block No. 6568
City of Dallas
Dallas County, Texas

BEING 22.797 acres of land situated in the City of Dallas, in the J. B. Shade Survey, Abstract No. 1390 and the Wm. Sprowls Survey, Abstract No. 1289 of Dallas County, Texas and being: all of Lots 44, 45, 46, 47, 48, 49, 53, 54 and 55, Block 6568 of DENTON ROAD ESTATES, an addition to the City of Dallas, according to the plat thereof recorded in Volume 6, Page 173, Map Records, Dallas County, Texas (M.R.D.C.T.), as described in a deed to Gas Equipment Company, recorded in Volume 87029, Page 863, Deed Records, Dallas County, Texas (D.R.D.C.T.); all of Lot 52 and part of Lot 51, Block 6568 of said DENTON ROAD ESTATES, as described in a deed to GAS Equipment Company, recorded in Volume 89185, Page 3209, D.R.D.C.T.; all of lot 50, Block 6568 of said DENTON ROAD ESTATES, as described in a deed to Precise C Corp., recorded in Volume 97209, Page 1750, D.R.D.C.T. and all of Lots 57, 58, 59, 60, 61, 62 and 63, Block 6568 of said DENTON ROAD ESTATES, as described in a deed to An Luxury Imports, Ltd., recorded in Instrument No. 200409200102, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and said 22.796 acres of land being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2 inch iron rod, topped with a plastic cap, stamped "Precise", found on the East right-of-way line of Harry Hines Boulevard (164' wide R.O.W. at this point) for the Northwest corner of the above described Lot 44, Block 6568 and same being the Southwest corner of Lot 43, Block 6568 as described in a deed to Howard E. Carr, Jr., recorded in Instrument No. 201200039426, O.P.R.D.C.T.;

THENCE: North 89 deg. 47 min. 59 sec. East, along the common line of said Lots 43 and 44, a distance of 396.11 feet to the Northeast corner of said Lot 44 and same being the common corner of said Lots 43, 57 and 58, Block 6568;

THENCE: North 14 deg. 32 min. 00 sec. West, along the West line of the above described Lots 58, 59, 60, 61, 62 and 63 and the East line of Lots 43, 42, 41, 40, 39 and 38 of Block 6568, at 585.00 feet, passing the Northwest corner of said Lot 63 and the South right-of-way line of Forest Lane (variable width R.O.W. at this point) and continuing on across said Forest Lane for a total distance of 651.55 feet to a point for corner on the North right-of-way line of said Forest Lane, the South right-of-way line of L.B.J. Freeway (I-635) and same being the original South line of City Block 6572;

THENCE: North 89 deg. 47 min. 34 sec. East, along the common line of said Forest Lane and L.B.J. Freeway, at 396.10 feet, passing the original Southeast corner of said Block 6572 at the West right-of-way line of Denton Drive (80' wide R.O.W. at this point) and continuing on across said Denton Drive for a total distance of 478.67 feet to a point for the original Southwest corner of City Block 6569, on the East right-of-way line of said Denton Drive and same being the West right-of-way line of the Dallas Area Rapid Transit (DART) Railway as described in a deed recorded in Volume 90177, Page 4219, D.R.D.C.T.;

THENCE: South 14 deg. 32 min. 00 sec. East (Reference Bearing), across said Forest Lane with the West line of said DART Railway, at 51.60 feet, crossing the South right-of-way line of said Forest Lane and continuing along the common line of said Denton Drive and DART Railway for a total distance of 751.62 feet to a point for corner;

THENCE: South 89 deg. 47 min. 59 sec. West, departing from the common line of said Denton Drive and DART Railway, across said Denton Drive, at 82.57 feet, passing the West right-of-way line of said Denton Drive at the Southeast corner of the above described Lot 57, Block 6568 and same being the Northeast corner of Lot 56, Block 6568 as described in a deed to Larry Keith Chatham, recorded in Volume 98230, Page 3198, D.R.D.C.T. and continuing on along the common line of said Lot 56 and Lot 57, for a total distance of 478.68 feet to the common corner of said Lots 57, 56, 44 and 45, Block 6568;

THENCE: South 14 deg. 32 min. 00 sec. East, along the common line of said Lot 45 and Lot 56, a distance of 100.00 feet to the common corner of said Lots 45, 46, 55 and 56, Block 6568;

THENCE: North 89 deg. 47 min. 59 sec. East, along the common line of said Lot 55 and Lot 56, at 396.11 feet passing the Northeast corner of said Lot 55 and the Southeast corner of said Lot 56 on the West right-of-way line of said Denton Drive and continuing on across said Denton Drive for a total distance of 478.68 feet to a point for corner on the East right-of-way line of said Denton Drive and the West right-of-way line of said DART Railway;

THENCE: South 14 deg. 32 min. 00 sec. East, along the common line of said Denton Drive and DART Railway, a distance of 400.00 feet to a point for corner;

THENCE: South 89 deg. 47 min. 59 sec. West, departing from the common line of said Denton Drive and DART Railway, across said Denton Drive, at 82.57 feet, passing the West right-of-way line of said Denton Drive at the Southeast corner of the above described Lot 52, Block 6568 and same being the Northeast corner of Lot 51, Block 6568 as described in a deed to REZ Enterprises, Inc., recorded in Instrument No. 200900123110, O.P.R.D.C.T. and continuing along the common line of said Lot 52 and Lot 51 for a total distance of 308.35 feet to the Northwest corner of said REZ Enterprises tract and same being an inside ell corner for the above described tract of land conveyed by deed to Gas Equipment Company, recorded in Volume 89185, Page 3209, D.R.D.C.T.;

THENCE: South 14 deg. 21 min. 35 sec. East, along the common line of said Gas Equipment Company and REZ Enterprises tracts, at 158.29 feet, passing the Southerly Southeast corner of said Gas Equipment Company tract and the Southwest corner of said REZ Enterprises tract, on the North line of a 25' wide Reservation for Road as per the above described plat recorded in Volume 6, Page 173, M.R.D.C.T. and continuing across said road reservation for a total distance of 184.10 feet to a point for corner on the South line of said 25' road reservation;

THENCE: North 89 deg. 59 min. 00 sec. West, along the South line of said 25' road reservation, at 566.42 feet, passing the East right-of-way line of the above described Harry Hines Boulevard and continuing across said Harry Hines Boulevard for a total distance of 735.85 feet to a point for corner on the West right-of-way line of said Harry Hines Boulevard and the East line of City Block 6567;

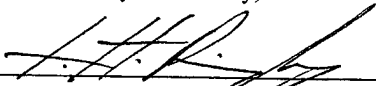
THENCE: North 14 deg. 32 min. 00 sec. West, along the common line of said Harry Hines Boulevard and Block 6567, a distance of 781.37 feet to a point for corner;

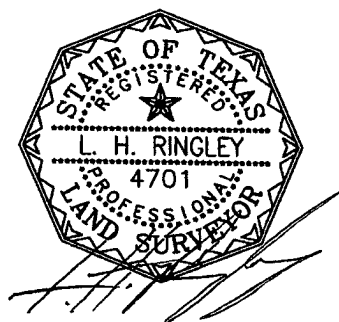
THENCE: North 89 deg. 47 min. 59 sec. East, across said Harry Hines Boulevard, a distance of 169.27 feet to the POINT OF BEGINNING and containing 993,014 square feet or 22.797 acres of land.

Note:

1. The Reference Bearing for the above prepared metes & bounds description is South 14 deg. 32 min. 00 sec. East along the West right-of-way line of Denton Drive as described in the Dedication of the Plat, Denton Road Estates, recorded in Volume 6, Page 173, Map Records of Dallas County, Texas.
2. This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
3. A drawing exhibit of equal date, accompanies this metes & bounds description

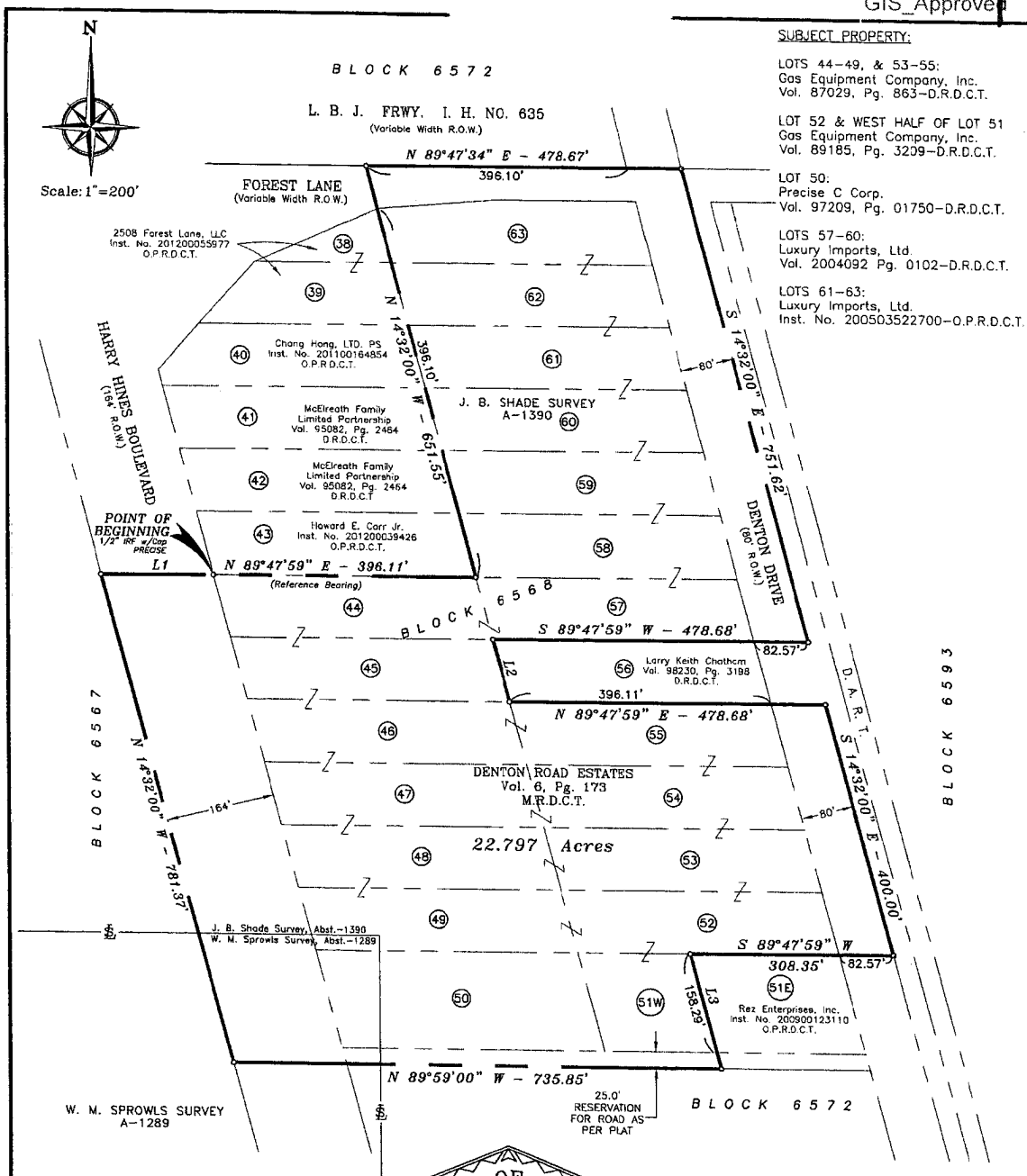
Prepared Under My Hand and Seal,
This 20th Day of February, 2013.


Lawrence H. Ringley, R.P.L.S.
State of Texas, No. 4701



Prepared By:

RINGLEY & ASSOCIATES, INC.
701 S. Tennessee Street
McKinney, Texas 75069
972-542-1266



SUBJECT PROPERTY:

LOTS 44-49, & 53-55:
Gas Equipment Company, Inc.
Vol. 87029, Pg. 863-D.R.D.C.T.

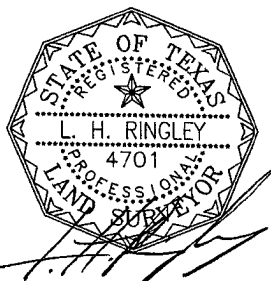
LOT 52 & WEST HALF OF LOT 51
Gas Equipment Company, Inc.
Vol. 89185, Pg. 3209-D.R.D.C.T.

LOT 50:
Precise C Corp.
Vol. 97209, Pg. 01750-D.R.D.C.T.

LOTS 57-60:
Luxury Imports, Ltd.
Vol. 2004092 Pg. 0102-D.R.D.C.T.

LOTS 61-63:
Luxury Imports, Ltd.
Inst. No. 200503522700-O.P.R.D.C.T.

A metes & bounds description
of equal date accompanies this
drawing exhibit.



REFERENCE BEARING:

The Basis of Bearings for this Exhibit is South 14 deg. 32 min. 00 sec.
East, along the West right-of-way line of Denton Drive as described in
the Dedication of the Plat, Denton Road Estates, recorded in Volume 6,
Page 173 of the Map Records of Dallas County, Texas.

CERTIFICATION

I, Lawrence H. Ringley, Registered Professional Land Surveyor in
and for the State of Texas, hereby certify that this document
was prepared under 22 TAC 663.21, does not necessarily reflect
all the results of an on the ground survey, and is not to be
used to convey or establish interests in real property except
those rights and interests implied or established by the creation
or reconfiguration of the boundary of the political subdivision
for which it was prepared this 20th Day of February, 2013.

LAWRENCE H. RINGLEY, R.P.L.S. No. 4701

LINE	BEARING	DISTANCE
L1	N 00°15'02" W	169.27'
L2	S 14°32'00" E	100.00'
L3	S 14°21'35" E	184.10'

EXHIBIT A

PAGE 3 OF 3

22.797 ACRES
Part of Block 6568
DENTON ROAD ESTATES
J.B. Shade Survey, A-1390
Wm. Sprowls Survey, A-1289
City of Dallas
Dallas County, Texas

RINGLEY & ASSOCIATES, INC. SURVEYING - MAPPING - PLANNING 701 S. Tarrant Ave. - McKinney, Texas 75069 (972) 542-1266		
Drawn by	Date	Scale
Mark Stolt	02/20/13	1"=200'
Job	Title	Sheet
13009	13009-EX DWG	3 of 3



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 13 2015

ORDINANCE NUMBER 29741

DATE PUBLISHED MAY 16 2015

ATTESTED BY:

Attachment E

Executed Indemnity Agreement

INDEMNITY AGREEMENT

This Indemnity Agreement (this “**Agreement**”) is made this 21 day of April, 2016 by Indemnitor, Rochester Gauges Inc. (“**RGI**”), in favor of Indemnatee, the City of Carrollton, Texas (“**Carrollton**”).

RECITALS

WHEREAS, Chapter 361, Subchapter W, of the Texas Solid Waste Disposal Act authorizes the Texas Commission on Environmental Quality (“**TCEQ**”) to certify a Municipal Setting Designation (“**MSD**”) for property upon receipt and approval of a properly submitted application to the TCEQ;

WHEREAS, RGI is seeking a MSD for property located at the southwest corner of Forest Lane and Denton Drive in Dallas, Texas, more fully described in Exhibit “A” (the “**Designated MSD Property**”);

WHEREAS, applicants for a MSD must obtain approval from all municipalities that own or operate a groundwater supply well within five miles of a property for which a MSD is sought;

WHEREAS, Carrollton owns a groundwater supply well identified with TCEQ Water System Source Number G0570034A and State Well Number 33-02-102 and located on Country Club Drive in Carrollton, approximately 0.75 miles west of the intersection of Country Club Drive and Columbian Club Drive (the “**Carrollton Well**”);

WHEREAS, the Carrollton Well is located within five miles of the Designated MSD Property;

WHEREAS, Carrollton agrees to provide a resolution in support of RGI’s MSD application to the TCEQ in exchange for this Agreement;

AGREEMENT

NOW THEREFORE, in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, RGI and Carrollton hereby agree as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated into the Agreement.

2. **Definitions.** As used in this Agreement, the following terms are hereby defined as follows:

(a) **Contaminants.** “Contaminants” means tetrachloroethylene (PCE), trichloroethylene (TCE), cis-1,2-dichloroethylene (cis-1,2-DCE), vinyl chloride (VC), 1,1-dichloroethylene (1,1-DCE), benzene, methyl tertiary-butyl ether (MTBE), and total petroleum hydrocarbons (TPH) (C06-C12) that are present in the Carrollton Well in excess of applicable standards of the Texas Risk Reduction Program.

(b) **Date of Resolution.** “Date of Resolution” means the date the City of Carrollton approves and passes an ordinance or resolution in support of RGI’s MSD application to the TCEQ.

(c) **Remediation Costs.** “Remediation Costs” means costs incurred in connection with remediation of the Carrollton Well required under the Texas Risk Reduction Program, including, but not limited to, the costs of defending and resolving any and all third party claims related to same.

3. **Representation and Warranty by Carrollton.** Carrollton represents and warrants that, as of the date of this Agreement, it has no knowledge of and no reason to know of the presence of tetrachloroethylene (PCE), trichloroethylene (TCE), cis-1,2-dichloroethylene (cis-1,2-DCE), vinyl chloride (VC), 1,1-dichloroethylene (1,1-DCE), benzene, methyl tertiary-butyl ether (MTBE), or total petroleum hydrocarbons (TPH) (C06-C12) in the Carrollton Well or in the aquifer in which the Carrollton Well is completed. In the event of a breach of the representation and warranty in this section 3 of this Agreement, this Agreement shall be null and void, of no force and effect, and RGI will have no obligation to indemnify Carrollton.

4. **Indemnification Agreement.** Subject to the terms and conditions contained in this Agreement, RGI agrees to indemnify and hold Carrollton harmless from and against any and all claims for Remediation Costs arising or resulting from, but only to the extent arising or resulting from, the migration of Contaminants from the MSD Designated Property to the Carrollton Well (individually an “**Indemnified Claim**” and collectively the “**Indemnified Claims**”) on or after the Date of Resolution.

5. **Timely Notice of Indemnified Claim.** Within ten days of the date Carrollton obtains knowledge of an Indemnified Claim, Carrollton must deliver written notice of the Indemnified Claim to RGI. Notwithstanding anything to the contrary contained in this Agreement, if Carrollton fails to deliver timely written notice of an Indemnified Claim to RGI, such Indemnified Claim will not be covered by this Agreement. Notice of an Indemnified Claim must be provided by Carrollton to RGI via certified mail, return receipt requested or via a nationally recognized overnight delivery service to the address set forth in section 10 of this Agreement. Notice under this section 5 shall be deemed received upon the earlier of (a) the date of actual receipt, (b) three business days after mailing by certified mail, or (c) one business day after sending by a nationally recognized overnight delivery service.

6. **Procedure for Indemnification.** Within 30 days of providing notice of an Indemnified Claim under section 5 of this Agreement, Carrollton must provide a written explanation of its basis for concluding that an Indemnified Claim exists. The explanation must include how Carrollton determined that the Carrollton Well has been affected by Contaminants arising or resulting from migration from the MSD Designated Property. After receiving the written explanation from Carrollton, RGI will provide a response. RGI will indicate in the response whether it agrees that an Indemnified Claim exists and the basis for its response. In setting forth the basis for an Indemnified Claim, or in any suit, action, or proceeding involving RGI and Carrollton arising out of or relating to this Agreement, the burden to demonstrate that the Carrollton Well has been

affected by Contaminants lies solely with Carrollton; that is, Carrollton must demonstrate that the Carrollton Well has been affected by Contaminants originating from historical operations on the MSD Designated Property, that the Contaminants migrated to the Carrollton Well, and that the Contaminants did not arise from any other source or property.

7. **Covenant to Provide Resolution.** In exchange for this Indemnity, Carrollton agrees to pass a resolution in support of RGI's MSD application to the TCEQ. The passage of such a resolution is a condition precedent for any claim made under this Agreement. In the event that Carrollton does not pass a resolution in support of RGI's MSD application to the TCEQ, this Agreement shall be of no force and effect and RGI will have no obligation to indemnify Carrollton.

8. **Termination.** This Agreement will terminate when the TCEQ issues a letter or certificate confirming that no further response actions are required to remove, decontaminate, or control environmental impacts to groundwater from the Designated MSD Property based solely on potential potable water use.

9. **No Third Party Beneficiary.** The terms of this Agreement are for the sole and exclusive protection and use of Carrollton. No party shall be a third-party beneficiary hereunder, and no provision hereof shall operate or inure to the use and benefit of any third party.

10. **Notices.** All notices required or permitted to be given or made under this Agreement shall be addressed to the following as appropriate:

If to: **Rochester Gauges, Inc.**

Kevin LaDue
Rochester Gauges, Inc.
11637 Denton Drive
Dallas, TX 75229

With a copy to:

Jeff Civins
Haynes and Boone, LLP
600 Congress Ave. Suite 1300
Austin, TX 78701

If to: **City of Carrollton**

Mr. Marc Guy
City of Carrollton
1945 E. Jackson Rd
Carrollton, TX 75006

With a copy to:

Meredith Ladd
City of Carrollton
1945 E. Jackson Rd
Carrollton, TX 75006

Mr. Scott Hudson
City Hall, 2nd Floor

1945 E. Jackson Road
Carrollton, Texas 75006

11. **Captions.** The captions used in this Agreement are for convenience of reference only and may not be used in the interpretation of any of the terms contained in this Agreement.

12. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which will constitute one and the same agreement.

13. **Severability.** If any provision of this Agreement is held to be invalid or unenforceable, such invalidity of unenforceability will not affect the validity or enforceability of the remaining provisions of this Agreement.

14. **Amendment.** This Agreement may be amended only by a written instrument executed by RGI and Carrollton.

15. **Gender and Number.** Within this Agreement, words of any gender shall be construed to include any other gender, and words in the singular shall be construed to include the plural, and words in the plural shall be construed to include the singular, unless in each instance the context otherwise requires.

16. **APPLICABLE LAW.** THIS AGREEMENT AND THE RIGHTS AND OBLIGATIONS OF RGI AND CARROLLTON HEREUNDER SHALL IN ALL RESPECTS BE GOVERNED BY, AND CONSTRUED AND ENFORCED IN ACCORDANCE WITH, THE LAWS OF THE STATE OF TEXAS.

17. **CONSENT TO FORUM.** RGI AND CARROLLTON HEREBY IRREVOCABLY SUBMIT TO THE NON-EXCLUSIVE JURISDICTION OF ANY STATE OR FEDERAL COURT SITTING IN DALLAS COUNTY, TEXAS OVER ANY SUIT, ACTION, OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT.

18. **REVIEW OF COUNSEL.** CARROLLTON REPRESENTS AND WARRANTS THAT IT HAS READ EACH AND EVERY PROVISION OF THIS AGREEMENT, HAS BEEN GIVEN THE OPPORTUNITY TO HAVE THIS AGREEMENT REVIEWED BY, AND HAS CONSULTED WITH, COMPETENT LEGAL COUNSEL SELECTED BY CARROLLTON AND THAT CARROLLTON UNDERSTANDS, AGREES TO, AND ACCEPTS ALL PROVISIONS OF THIS AGREEMENT.

19. **Waiver.** The failure of RGI to insist upon strict compliance with any of the terms hereof shall not be considered to be a waiver of any such terms, nor shall it prevent RGI from insisting upon strict compliance with this Agreement at any time thereafter.

20. **Assignability.** This Agreement may not be assigned by RGI without the express written consent of Carrollton. This Agreement may not be assigned by Carrollton without the express written consent of RGI.

21. **Execution of Agreement.** Each of the undersigned persons hereby represents and warrants that he is authorized and competent to execute this Agreement on behalf of the party he purports to represent.

IN WITNESS HEREOF, this Agreement has been executed by RGI and Carrollton effective as the date first set forth above.

Rochester Gauges, Inc.



By: Skeeter LaDue

Title: V.P.

CITY OF CARROLLTON, TEXAS

By: _____

Title: _____

EXHIBIT “A”

Map and Legal Description of the MSD Designated Property.

THENCE: North 89 deg. 47 min. 59 sec. East, along the common line of said Lot 55 and Lot 56, at 396.11 feet passing the Northeast corner of said Lot 55 and the Southeast corner of said Lot 56 on the West right-of-way line of said Denton Drive and continuing on across said Denton Drive for a total distance of 478.68 feet to a point for corner on the East right-of-way line of said Denton Drive and the West right-of-way line of said DART Railway;

THENCE: South 14 deg. 32 min. 00 sec. East, along the common line of said Denton Drive and DART Railway, a distance of 400.00 feet to a point for corner;

THENCE: South 89 deg. 47 min. 59 sec. West, departing from the common line of said Denton Drive and DART Railway, across said Denton Drive, at 82.57 feet, passing the West right-of-way line of said Denton Drive at the Southeast corner of the above described Lot 52, Block 6568 and same being the Northeast corner of Lot 51, Block 6568 as described in a deed to REZ Enterprises, Inc., recorded in Instrument No. 200900123110, O.P.R.D.C.T. and continuing along the common line of said Lot 52 and Lot 51 for a total distance of 308.35 feet to the Northwest corner of said REZ Enterprises tract and same being an inside ell corner for the above described tract of land conveyed by deed to Gas Equipment Company, recorded in Volume 89185, Page 3209, D.R.D.C.T.;

THENCE: South 14 deg. 21 min. 35 sec. East, along the common line of said Gas Equipment Company and REZ Enterprises tracts, at 158.29 feet, passing the Southerly Southeast corner of said Gas Equipment Company tract and the Southwest corner of said REZ Enterprises tract, on the North line of a 25' wide Reservation for Road as per the above described plat recorded in Volume 6, Page 173, M.R.D.C.T. and continuing across said road reservation for a total distance of 184.10 feet to a point for corner on the South line of said 25' road reservation;

THENCE: North 89 deg. 59 min. 00 sec. West, along the South line of said 25' road reservation, at 566.42 feet, passing the East right-of-way line of the above described Harry Hines Boulevard and continuing across said Harry Hines Boulevard for a total distance of 735.85 feet to a point for corner on the West right-of-way line of said Harry Hines Boulevard and the East line of City Block 6567;

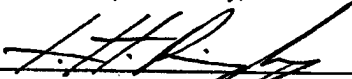
THENCE: North 14 deg. 32 min. 00 sec. West, along the common line of said Harry Hines Boulevard and Block 6567, a distance of 781.37 feet to a point for corner;

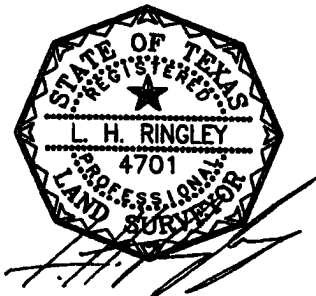
THENCE: North 89 deg. 47 min. 59 sec. East, across said Harry Hines Boulevard, a distance of 169.27 feet to the POINT OF BEGINNING and containing 993,014 square feet or 22.797 acres of land.

Note:

1. The Reference Bearing for the above prepared metes & bounds description is South 14 deg. 32 min. 00 sec. East along the West right-of-way line of Denton Drive as described in the Dedication of the Plat, Denton Road Estates, recorded in Volume 6, Page 173, Map Records of Dallas County, Texas.
2. This document was prepared under 22 TAC 683.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
3. A drawing exhibit of equal date, accompanies this metes & bounds description

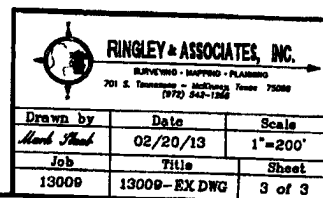
Prepared Under My Hand and Seal,
This 20th Day of February, 2013.


Lawrence H. Ringley, R.P.L.S.
State of Texas, No. 4701



Prepared By:

RINGLEY & ASSOCIATES, INC.
701 S. Tennessee Street
McKinney, Texas 75069
972-542-1266





City of Carrollton

Agenda Memo

File Number: 2676

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *23.

CC MEETING: July 12, 2016

DATE: June 22, 2016

TO: Leonard Martin, City Manager

FROM: Cesar J. Molina, Jr., P.E., Director of Engineering

Consider A **Resolution Authorizing The City Manager To Enter Into An Interlocal Cooperation Act Agreement With The City Of The Colony For Engineering Inspection Support Services** At An Hourly Rate Of \$65; And Providing An Effective Date.

BACKGROUND:

The Colony Engineering Director approached Carrollton staff to request short-term assistance with engineering inspections for several subdivisions currently under construction. Due to the retirement of a long-tenured employee and the current labor market, The Colony has had a difficult time finding a suitable replacement. They are currently in the process of hiring an individual and providing them with training. The Colony has requested that Carrollton provide infrastructure inspection support for approximately 6 weeks. A similar agreement for building inspection and plan review services was entered into between Carrollton and The Colony during the construction of the Nebraska Furniture facility.

Carrollton staff feels that short-term support can be provided without negatively affecting any Carrollton projects. In the event that unforeseen events occur, The Colony understands that staff will be reallocated to support Carrollton projects first, and they have made a backup arrangement with a private company that will backfill as needed. Additionally, The Colony will provide the Carrollton inspector with a vehicle to support this effort.

Staff has met with The Colony and has reviewed their workload where the proposed subdivisions and inspection assistance is needed. Carrollton staff has worked with the engineering firm that has developed the construction plans as well as the contractors that have been selected to build The Colony projects.

FINANCIAL IMPLICATIONS:

Staff is proposing an hourly rate of \$65 per hour. This is consistent with the proposed fee increase for engineering inspection services that will be recommended in the FY 2016-17

operating budget. If Carrollton Engineering is able to provide assistance for 40 hours per week for 6 weeks then the City would be paid \$15,600 by The Colony.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of the attached resolution authorizing the City Manager to enter into an interlocal cooperation agreement with the City of The Colony for temporary engineering inspection services.

**INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF
THE COLONY AND THE CITY OF CARROLLTON
FOR
ASSISTANCE IN ENGINEERING INSPECTIONS FOR PRIVATE
SUBDIVISIONS**

THIS AGREEMENT, (the “Agreement”), is made and entered into by and between the City of Carrollton, Texas a home-rule municipal corporation located in Collin, Dallas and Denton counties, Texas (hereinafter referred to as “Carrollton”) and the City of The Colony, Texas, a home-rule municipal corporation located in Denton County, Texas (hereinafter referred to as “The Colony”)

WHEREAS, this Agreement is being entered into pursuant to the Interlocal Cooperation Act, V.T.C.A., Government Code, Section 791.001, et seq. (the “Act”); and

WHEREAS, Carrollton and The Colony are both local governments as defined by Section 791.003(a) of the Act engaged in the provision of governmental functions and services to their citizens. Part of these governmental functions and services includes review of residential and commercial subdivision infrastructure design and construction; and

WHEREAS, these functions and services serve the public health, safety and welfare, promote efficiency and effectiveness of local governments, and are of mutual concern to the contracting parties; and

WHEREAS, Carrollton Engineering Department performs infrastructure examination, inspections and The Colony has a need for such services on a temporary basis; and

WHEREAS, The Colony has current revenues available to satisfy the fees and/or expenses incurred pursuant to this Agreement; and

WHEREAS, The Colony may utilize Carrollton on an as needed basis when necessary to keep up with work load demands as specifically requested; and

WHEREAS, Carrollton and The Colony mutually desire to be subject to the provisions of V.T.C.A. Government Code §791.001, et. seq., the Interlocal Cooperation Act, and other applicable sections, statutes and contracts pursuant thereto;

NOW THEREFORE, for mutual consideration hereinafter stated, Carrollton and The Colony agree as follows:

I. TERM

The initial term of this Agreement shall be for a period beginning on the effective date of the Agreement, as provided herein, and ending August 26, 2016. Thereafter, upon mutual agreement of the parties hereto, this Agreement may be renewed for an additional 45 days term, unless terminated earlier by either Carrollton or The Colony as set forth below.

II. AGREEMENT

Carrollton agrees to provide infrastructure inspection services to The Colony at the rate of \$65.00 per hour, subject to the following conditions:

- 1) The Colony City Manager, or his duly authorized designee shall identify the projects for which The Colony is requesting assistance and Carrollton's Director of Engineering will coordinate Carrollton staff to provide these services to The Colony on an "as available" basis. Carrollton's own projects shall take precedence over The Colony's projects.
- 2) The Colony will make available all plans for projects to be inspected by the Carrollton's Engineering Department either by deliver to Carrollton City Hall located at 1945 East Jackson Road, Carrollton, Texas 75006 or by providing a copy at the Colony City Hall.
- 3) Carrollton will perform:
 - a) Standard pavement inspection including inspection of steel rebar spacing, size and tied;
 - b) Review material tests lab reports prior to accepting concrete shipment. In the event of a failure to meet the applicable standard, have the authority to not accept the concrete mix;
 - c) Inspect placement of underground water and sewer pipes to ensure they are placed in accordance with applicable specifications;
 - d) Request Materials Testing services, CATV pipeline services and other testing services necessary to ensure conformance with project requirement.
- 4) Carrollton will perform other associated surface and subsurface inspection work as needed.

III. PAYMENT/FUNDING

The Colony shall compensate Carrollton at the rate of \$65.00 per hour for the time that Carrollton spends inspecting subdivision projects for The Colony. Carrollton will invoice The Colony for services rendered once a month. Carrollton will invoice The Colony in increments no smaller than one-half of an hour. The Colony shall make payment to Carrollton within thirty (30) days of receipt of invoice. All charges incurred by The Colony as a result of its obligations hereunder shall be paid from current revenues legally available to The Colony. The Colony and Carrollton recognize that the continuation of any contract after the close of any given fiscal year of either The Colony or Carrollton, which fiscal year's end on September 30th of each year, shall be subject to approval by the Carrollton City Council and/or The Colony City Council. In the event that either the Carrollton City Council or The Colony City Council does not approve the appropriation of funds for this contract, the contract shall terminate at the end of the fiscal year for which funds were appropriated and the parties shall have no further obligations hereunder.

IV. TERMINATION

This Agreement may be terminated at any time, with or without cause, by either party giving thirty (30) days advance written notice to the other party. In the event of such termination by either party, The Colony shall immediately pay all fees which may be due and owing to Carrollton for work performed through the date of termination of the agreement.

V. NOTICE

Notice as required by this Agreement shall be in writing delivered to the parties via facsimile or certified mail at the addresses listed below:

CARROLLTON

Cesar Molina
Director of Engineering
City of Carrollton
1945 East Jackson Road
Carrollton, Texas 75006
Telephone: 972 466-3051
Facsimile: 972 466-3193

THE COLONY

Gordon Scruggs
Director of Engineering
City of The Colony
6800 Main Street
The Colony, Texas 75056
Telephone: 972 624-
Facsimile: 972 624-2229

Each party shall notify the other in writing within ten (10) days of any change in the information listed in this paragraph.

VI.
HOLD HARMLESS

Each party does hereby agree to waive all claims against, release, and hold harmless the other party and its respective officials, officers, agents, employees, in both their public and private capacities, from any and all liability, claims, suits, demands, losses, damages, attorney's fees, including all expenses of litigation or settlement, or causes of action which may arise by reason of injury to or death of any person or for loss of, damage to, or loss of use of any property arising out of or in connection with this contract.

In the event of joint or concurrent negligence of the parties, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to either party individually under Texas law. Carrollton shall be responsible for its sole negligence. THE COLONY shall be responsible for its sole negligence. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

VII.
ENTIRE AGREEMENT

This Agreement represents the entire and integrated agreement between Carrollton and The Colony and supersedes all prior negotiations, representations and/or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

VIII.
VENUE

This Agreement and any of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas, and this Agreement is performable in Denton County, Texas. Exclusive venue shall be in Denton County, Texas.

IX.
SEVERABILITY

The provisions of this agreement are severable. In the event that any paragraph, section, subdivision, sentence, clause, or phrase of this agreement shall be found to be contrary to the law, or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of this agreement. However, upon the occurrence of such event, either party may terminate this Agreement by giving the other party thirty (30) days written notice of its intent to terminate

X.
AUTHORITY TO SIGN / CITY COUNCIL AUTHORIZATION

The undersigned officer and/or agents of the parties hereto are the duly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto. **THE COLONY** has executed this Agreement pursuant to duly authorized action of the governing body for the City of The Colony, Texas on _____, 2016. **CARROLLTON** has executed this Agreement pursuant to duly authorized City Council Resolution No. _____ dated _____, 2016.

XI.
ASSIGNMENT AND SUBLETTING

This Agreement may not be assigned without the prior written consent of the parties.

XII.
INTERPRETATION OF AGREEMENT

This is a negotiated document. Should any part of this Agreement be in dispute, the parties agree that the Agreement shall not be construed more favorably for either party.

XIII.
REMEDIES

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy granted by law or equity; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this Agreement may be waived without the express written consent of the parties. It is further agreed that one (1) or more instances of forbearance by either party in the exercise of its respective rights under this Agreement shall in no way constitute a waiver thereof.

EXECUTED in duplicate originals this ____ day of _____, 2016.

CITY OF CARROLLTON, TEXAS

By: _____
Leonard Martin
CITY MANAGER
1945 East Jackson Road
Carrollton, Texas 75006

APPROVED AS TO FORM:

Meredith Ladd, CITY ATTORNEY

CITY OF THE COLONY, TEXAS

By: _____
Troy C. Powell
CITY MANAGER
6800 Main Street
The Colony, TX 75056

ACKNOWLEDGMENTS

STATE OF TEXAS)
)
DENTON COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2016, by **Troy C. Powell**, City Manager of **THE COLONY, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public, State of Texas

STATE OF TEXAS)
)
DALLAS COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2016, by **Leonard Martin**, City Manager of the **CITY OF CARROLLTON, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public, State of Texas

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATION ACT AGREEMENT WITH THE CITY OF THE COLONY FOR ENGINEERING INSPECTION SUPPORT SERVICES AT AN HOURLY RATE OF \$65; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the cities of Carrollton and The Colony desire to enter into an Interlocal Cooperation Agreement for the purposes of providing short term engineering inspection support;

WHEREAS, the Interlocal Cooperation Act, Texas Government Code, Chapter 791, provides authorization for a local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, the city of The Colony, upon approval by formal action of their city council, agrees to pay the city of Carrollton an hourly rate of \$65 up to an anticipated 240 hours of service for engineering inspection support at various subdivisions as assigned by The Colony Engineering Staff.

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

SECTION 1

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

SECTION 2

The City Manager, or his designee, is hereby authorized to enter into an Interlocal Cooperation Act Agreement with The Colony to provide engineering inspection support services.

SECTION 3

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

SECTION 4

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

PASSED AND APPROVED July 12, 2016.

CITY OF CARROLLTON, TEXAS

By: _____
Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber, City Secretary

Approved as to form:

Meredith Ladd, City Attorney

Approved as to content:

Cesar J. Molina, P.E.
Director of Engineering



City of Carrollton

Agenda Memo

File Number: 2702

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *24.

CC MEETING: July 12, 2016

DATE: June 20, 2016

TO: Leonard Martin, City Manager

FROM: Bob Scott, Assistant City Manager

Consider A **Resolution Authorizing The City Manager To Enter Into A Contract With Grant Thornton LLP For Independent Auditing Services** In An Amount Not to Exceed \$108,770.

BACKGROUND:

A Request for Proposals (RFP) for independent auditing services was distributed in April 2016. Proposals were received from seven firms. The Finance/Audit Committee members selected two firms as top finalists and have completed interviews of these firms. The recommendation of the committee is to re-appoint our current audit firm, Grant Thornton LLP. This new contract is for an initial three year period with the City having the option to extend for an additional two years.

The base fee for the fiscal year 2016 audit is \$100,770. 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 \$8,000 per program. It is possible that the City will have more than one major program in fiscal year 2016. As such, approval for an additional \$8,000 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 2016 audit are \$100,770 plus an \$8,000 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 2016 financial statements for an amount not to exceed \$108,770.

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, 2016; 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, 2016, in an amount not to exceed \$108,770.

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 12th day of July, 2016.

CITY OF CARROLLTON, TEXAS

By: _____
Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber, City Secretary

Approved as to form:

Approved as to content:

Meredith Ladd, City Attorney

Bob Scott, Assistant City Manager



City of Carrollton

Agenda Memo

File Number: 2708

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *25.

CC MEETING: July 12, 2016

DATE: June 27, 2016

TO: Leonard Martin, City Manager

FROM: Scott Hudson, Environmental Services Director

Consider A **Resolution Authorizing The City Manager To Enter Into Single-Family Rehabilitation Incentive Agreements** With Scott And Sara Hamilton For 2318 Valleywood Drive In An Amount Not To Exceed \$761.64; With Rosa Ana Gonzalez For 2430 Briarwood Lane In An Amount Not To Exceed \$324.46; With Kirk Bracey For 2312 Briarwood Lane In An Amount Not To Exceed \$266.68; With Christopher Lamendola For 2209 Lakeland Drive In An Amount Not To Exceed \$325.83; With LaJauna Dollar For 2315 Lakeland Drive In An Amount Not To Exceed \$324.16; With Melissa Battis for 2320 Halifax Drive In An Amount Not To Exceed \$297.99; And With David Elliott For 2318 Halifax Drive In An Amount Not To Exceed \$248.46.

BACKGROUND:

In November 2014, City Council adopted the Single-Family Rehabilitation Incentive Program ("Incentive Program") to provide financial incentives to homeowners in Neighborhood Empowerment Zones. This program provides payment equivalent to abating a portion of an owner's property tax, depending on the property value and rehabilitation project expense.

Infrastructure improvements are currently underway in the Carrollton Downs subdivision through the NOTICE program. A concurrent option offered where the street and driveway approaches are being replaced allows for private driveway and walkway replacement at the owners' expense. To participate, residents make a separate arrangement with the city's contractor to replace their private driveways and walkways during the NOTICE project. Payment is made upon verification of the completed work. These replacements are not part of the capital project.

Seven property owners have applied for rehabilitation incentives to take advantage of this driveway/walkway replacement opportunity. Their seven properties are located within a Neighborhood Empowerment Zone and meet the eligibility requirements of the Incentive Program. *The program's policy requires review by the Re-Development Sub-Committee prior to*

Council action. Due to scheduling conflicts, the Sub-Committee will not review these applications until July 7, 2016, after the preparation of the Council agenda packet.

IMPACT ON COMMUNITY SUSTAINABILITY:

Rehabilitation projects such as these driveway replacements improve property values and the appearance of the neighborhood. Such expenditures encourage further investment in the community.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing the City Manager to enter into Single-Family Rehabilitation Incentive Agreements with Scott and Sara Hamilton, Rosa Ana Gonzalez, Kirk Bracey, Christopher Lamendola, LaJuana Dollar, Melissa Battis and David Elliot for incentives not to exceed \$761.64, \$324.46, \$266.68, \$325.83, \$324.16, \$297.99 and \$248.46 respectively, for an aggregate total not to exceed \$2,549.22.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO SINGLE-FAMILY REHABILITATION INCENTIVE AGREEMENTS WITH THE OWNERS OF SIX PROPERTIES TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND STIMULATE BUSINESS AND COMMERCIAL ACTIVITY WITHIN THE CITY; AUTHORIZING THEIR EXECUTION BY THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 4, 2014 the City Council of the City of Carrollton, Texas (“City Council”), adopted the Single-Family Rehabilitation Incentive Program (a Chapter 378 and Chapter 380 Economic Development Program) in order to promote local economic development and stimulate business and commercial activity within designated areas in the City of Carrollton, Texas (“City”); and

WHEREAS, the City Council been presented and reviewed six applications for Single-Family Rehabilitation Incentives, which are further described in summaries attached hereto as Exhibits A, B, C, D, E, F and G which are incorporated herein for all purposes; and

WHEREAS, City Council desires to enter into an agreement with Scott Hamilton and Sara Hamilton (“Exhibit A”), establishing an incentive in an amount not to exceed \$761.64 for the replacement of the driveway at 2318 Valleywood; and

WHEREAS, City Council desires to enter into an agreement with Rosa Ana Gonzalez (“Exhibit B”), establishing an incentive in an amount not to exceed \$324.46 for the replacement of the driveway at 2430 Briarwood; and

WHEREAS, City Council desires to enter into an agreement with Kirk Bracey (“Exhibit C”), establishing an incentive in an amount not to exceed \$266.68 for the replacement of the driveway at 2312 Briarwood; and

WHEREAS, City Council desires to enter into an agreement with Christopher Lamdendola (“Exhibit D”), establishing an incentive in an amount not to exceed \$325.83 for the replacement of the driveway at 2209 Lakeland; and

WHEREAS, City Council desires to enter into an agreement with LuJuana Dollar (“Exhibit E”), establishing an incentive in an amount not to exceed \$324.16 for the replacement of the driveway at 2315 Lakeland; and

WHEREAS, City Council desires to enter into an agreement with Melissa Battis (“Exhibit F”), establishing an incentive in an amount not to exceed \$297.99 for the replacement of the driveway at 2320 Halifax; and

WHEREAS, City Council desires to enter into an agreement with David Elliott (“Exhibit G”), establishing an incentive in an amount not to exceed \$248.46 for the replacement of the driveway at 2318 Halifax; and

WHEREAS, upon full review and consideration of the application summaries, and all matters attendant and related thereto, the City Council is of the opinion that the City Manager shall be authorized to execute agreements with the applicants listed in Exhibits A – G on behalf of the City of Carrollton;

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

Section 1

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

Section 2

The City Manager is hereby authorized to execute agreements with the property owners identified in the above premises, in accordance with the terms and conditions set forth in Exhibits A, B, C, D, E, F and G, and all other documents in connection therewith on behalf of the City of Carrollton, substantially according to the terms and conditions set forth in this Resolution, but not to exceed the amounts set forth above.

Section 3

This Resolution shall take effect upon passage.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 12th day of July, 2016.

CITY OF CARROLLTON, TEXAS

Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd
City Attorney

APPROVED AS TO CONTENT:

Scott Hudson
Environmental Services Director

Exhibit A
2318 Valleywood
Application Summary and Property Description

Homeowner: Scott and Sara Hamilton

Legal Description: CARROLLTON DOWNS 1, BLK 1, LT 13, INT201400164372
DD06242014 CO-DC, 0095000101300 2CC00950001

Description:

Complete driveway replacement by RKM Utility Services in conjunction with Carrollton Downs Phase 2 NOTICE project.

Project Value:
\$5,891.00

Incentive Amount:
\$761.64

End of Exhibit A

Exhibit B
2430 Briarwood
Application Summary and Property Description

Homeowner: Rosa Ana Gonzalez

Legal Description: CARROLLTON DOWNS 3, BLK 7 LOT 6, INT201100101172
DD04192011 CO-DC, 0115000700600 2CC01150007

Description:

Complete replacement of driveway and walkway from driveway to front door by RKM Utility Services in conjunction with Carrollton Downs Phase 2 NOTICE project.

Project Value:
\$3,168.00

Incentive Amount:
\$324.46

End of Exhibit B

Exhibit C
2312 Briarwood
Application Summary and Property Description

Homeowner: Kirk Bracey

Legal Description: CARROLLTON DOWNS 1, BLK 3 LOT 10, VOL93091/7367 EX043093
CO-DALLAS, 0095000301000 11400950003

Description:

Complete replacement of existing driveway plus eight feet additional width by RKM Utility Services in conjunction with Carrollton Downs Phase 1 NOTICE project.

Project Value:

\$3,774.00

Incentive Amount:

\$266.68

End of Exhibit C

Exhibit D
2209 Lakeland
Application Summary and Property Description

Homeowner: Christopher Lamendola

Legal Description: CARROLLTON DOWNS 1, BLK 2 LOT 16, VOL2002068/3825 DD040196
CO-DC, 0095000201600 11400950002

Description:

Complete replacement of driveway and walkway from driveway to front door by RKM Utility Services in conjunction with Carrollton Downs Phase 2 NOTICE project.

Project Value:
\$2,574.00

Incentive Amount:
\$325.83

End of Exhibit D

Exhibit E
2315 Lakeland
Application Summary and Property Description

Homeowner: LaJuana Dollar

Legal Description: CARROLLTON DOWNS 1, BLK 6 LOT 28, VOL85091 PG1637 CO
DALLAS, 0095000602800 11400950006

Description:

Complete replacement of driveway and walkway from driveway to front door by RKM Utility Services in conjunction with Carrollton Downs Phase 2 NOTICE project.

Project Value:
\$2,064.00

Incentive Amount:
\$324.16

End of Exhibit E

Exhibit F
2320 Halifax
Application Summary and Property Description

Homeowner: Melissa Battis

Legal Description: CARROLLTON DOWNS 3, BLK 6 LOT 47, VOL2005121/0254
DD06132005 CO-DC, 0115000604700 2CC01150006

Description:

Complete replacement of driveway and walkway from driveway to front door by RKM Utility Services in conjunction with Carrollton Downs Phase 2 NOTICE project.

Project Value:
\$2,374.00

Incentive Amount:
\$297.99

End of Exhibit F

Exhibit G
2318 Halifax
Application Summary and Property Description

Homeowner: David Elliot

Legal Description: CARROLLTON DOWNS 3, BLK 6 LOT 46, INT200900295600
DD10152009 CO-DC, 0115000604600 2CC01150006

Description:

Complete replacement of driveway and walkway from driveway to front door by RKM Utility Services in conjunction with Carrollton Downs Phase 2 NOTICE project.

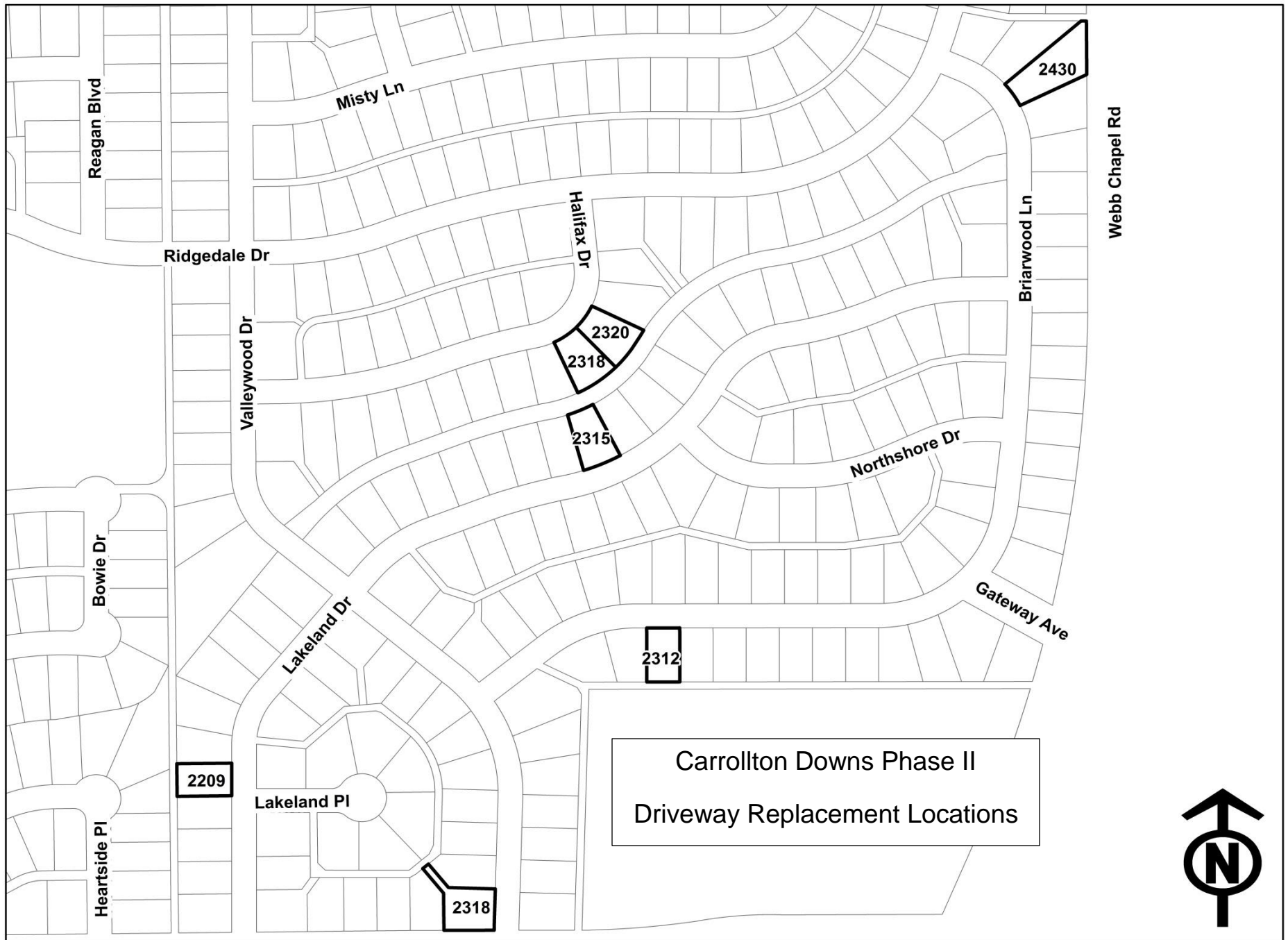
Project Value:

\$1,200.00

Incentive Amount:

\$248.46

End of Exhibit G





City of Carrollton

Agenda Memo

File Number: 2707

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *26.

CC MEETING: July 12, 2016

DATE: June 27, 2016

TO: Leonard Martin, City Manager

FROM: Scott Hudson, Environmental Services Director and Krystle Nelinson, Development Program Manager

Consider A **Resolution Authorizing The City Manager To Execute A Contract With Lindamood Demolition, Inc. For The Asbestos Abatement And Building Demolition At 1107, 1207 And 1209 Carroll Avenue** Through An Interlocal Agreement With The City Of Fort Worth In An Amount Not To Exceed \$83,760.00.

BACKGROUND:

The structures at the city-owned properties on 1107, 1207 and 1209 Carroll Avenue are being demolished in preparation for the development and expansion of The Union at Carrollton Square, Phase III.

Asbestos has been identified as extensive in the interiors and exteriors of the structures on 1107 and 1207 Carroll. These will require asbestos abatement prior to demolition. This requires the services of a state-certified asbestos contractor and a demolition contractor.

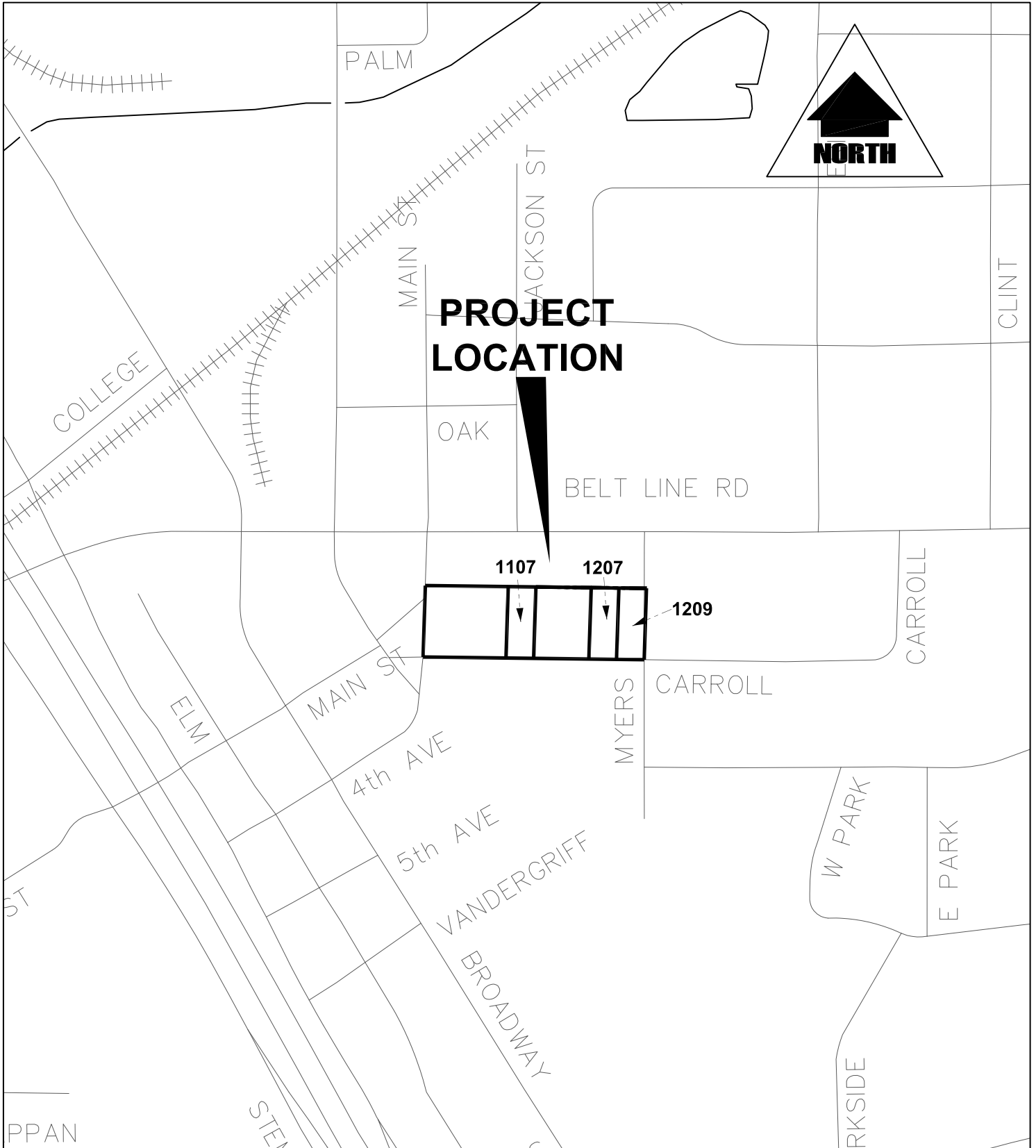
An automotive shop was previously in operation at 1107 Carroll. There is evidence that the site contained three in-ground hydraulic lifts. However, there is no documentation of lift removal. During the Phase I Environmental Site Assessment, it was difficult to determine how much of these probable systems may remain in place as only patched concrete and anchor bolts were visible. If subsurface lift equipment is found during demolition, tank assessment, soil testing and removal will be conducted.

Three vendors were invited to provide asbestos abatement and demolition quotes. Lindamood Demolition submitted the lowest cost and is the recommended vendor based on a bid award from the City of Fort Worth and a general action resolution from City Council to access other North Texas government bid award contracts. One vendor did not submit a quote and the other vendor's quote was about 20% higher than Lindamood Demolition.

Lindamood Demolition submitted a quote of \$69,800.00 for the asbestos abatement and demolition of all the structures on these three properties. With a 20% contingency, the total expenditure would not exceed \$83,760.00. Funding for this work is allocated in the Transit-Oriented Development Capital Projects Fund.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends City Council approval of a resolution authorizing the City Manager to contract with Lindamood Demolition, Inc. in an amount not to exceed \$83,760.00 for the asbestos abatement and building demolition of 1107, 1207 and 1209 Carroll Avenue.



Where Connections Happen

1107, 1207 and 1209 CARROLL AVENUE

SCALE:NTS DATE: 06-16

**PUBLIC WORKS
DEPARTMENT**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LINDAMOOD DEMOLITION FOR THE PURPOSE OF PROVIDING ASBESTOS ABATEMENT AND DEMOLITION SERVICES AT 1107, 1207 AND 1209 CARROLL AVENUE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Carrollton, Texas (“City Council”), authorized the purchase of the properties at 1107, 1207 and 1209 Carroll Avenue in 2014; and,

WHEREAS, these properties are earmarked for the Phase III development and expansion of The Union at Carrollton Square; and,

WHEREAS, the City Council has directed staff to pursue asbestos abatement and demolition of the current structures to prepare the site for the development and expansion of The Union at Carrollton Square;

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

Section 1

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

Section 2

The City Manager is hereby authorized to contract with Lindamood Demolition, Inc. for asbestos abatement and demolition services for 1107, 1207 and 1209 Carroll Avenue in an amount not to exceed eighty-three thousand, seven hundred sixty dollars (\$83,760.00). The funds for these services are to be taken from the Transit-Oriented Development (TOD) Capital Projects Fund.

Section 3

This Resolution shall take effect upon passage.

PASSED AND APPROVED ON JULY 12, 2016.

CITY OF CARROLLTON, TEXAS

Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber, City Secretary

APPROVED AS TO FORM:

Meredith Ladd
City Attorney

APPROVED AS TO CONTENT:

Scott Hudson
Environmental Services Director



City of Carrollton

Agenda Memo

File Number: 2723

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *27.

CC MEETING: July 12, 2016

DATE: July 6, 2016

TO: Leonard Martin, City Manager

FROM: Laurie Garber, City Secretary/Admin. Services Manager

Consider A **Resolution Appointing One Member To The Board Of Managers Of The Denco Area 9-1-1 District.**

BACKGROUND:

Each year the City of Carrollton votes for a member to be appointed to the Denco Area 9-1-1 District Board of Managers. The following people have been nominated:

Nominee

Jim Carter

Nominating Municipality

City of Carrollton

City of Corinth
City of Lake Dallas
City of Lewisville
City of Sanger
City of The Colony
Town of Argyle
Town of Bartonville
Town of Copper Canyon
Town of Double Oak
Town of Hickory Creek
Town of Northlake
Town of Shady Shores
Town of Trophy Club

Brandon Barth

Town of Flower Mound

Gary Johnson

City of Roanoke

Paul Young

City of Pilot Point

Attached for your review are bios/resumes of each nominee.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends approving the resolution appointing a member to the Denco 9-1-1 Board of Managers.

Denco Area 9-1-1 District Board of Managers FY2016

Jack Miller, Chairman

- Appointed by Denton County Commissioners Court
- Member since October 2000
- Term expires September 2016
- Former mayor and council member of Denton
- Self-employed as a human resource manager

Bill Lawrence, Vice Chair

- Appointed by Denton County Commissioners Court
- Member since October 2006
- Term expires September 2017
- Former Mayor of Highland Village
- Businessman, Highland Village

Chief Terry McGrath, Secretary

- Appointed by Denton County Fire Chief's Association
- Member since October 2011
- Term expires September 2017
- Assistant Fire Chief, City of Lewisville

Jim Carter

- Appointed by member cities in Denton County
- Member since October 2014
- Term expires September 2016
- President of Emergency Services District #1
- Former Mayor of Trophy Club and Denton County Commissioner

Sue Tejml

- Appointed by member cities in Denton County
- Member since 2013
- Term expires September 2017
- Mayor, Town of Copper Canyon
- Attorney at Law

Rob McGee

- Non-voting member appointed by largest telephone company (Verizon)
- Member since 2012
- Serves until replaced by telephone company
- Manager, Region Network Reliability, Verizon

All voting members serve two-year terms and are eligible for re-appointment.

JIM CARTER

6101 Long Prairie Road, Suite 744-110 (817) 239-7791
Flower Mound, Texas 75028 jcarter@halff.com

EDUCATION

College Degree:	University of Georgia, B.B.A. Finance
Post Graduate:	Georgia Tech, University of Tennessee, University of Michigan, Texas Women's University, American Management Association

PROFESSIONAL EXPERIENCE

Department Head, Finance	General Motors Corporation
Senior Vice-President	Frito-Lay, Inc., International and Domestic Development
President, C.E.O	Mercantile Corporation Responsible for 3 Banks, developed 2,000 prime commercial acres in Fort Worth adjacent to I-35W
Current: Principal	James P. Carter & Associates – Consultant & Mediator To business and governmental entities
Professional Licenses	Texas Real Estate License, Certified Mediator

PUBLIC SERVICE EXPERIENCE

Mayor	Trophy Club, Texas – 14 years
Municipal Court Judge	Trophy Club, Texas – 12 years
County Commissioner	Denton County, Texas – 8 years
Vice President	Texas Association of Counties
President	Denton County Emergency Services District #1 Fire and Emergency Medical over 56 square miles Serving 5 municipalities: (Argyle, Bartonville, Copper Canyon, Corral City and Northlake); Lantana Freshwater Supply Districts #6 and #7 and rural areas of Denton County
Texas State Board Member	SAFE-D – Trains Emergency Services District Commissioners
Board Member Denco 911	Emergency telecommunications system that assists its member jurisdictions in responding to police, fire and medical emergency calls.

COMMUNITY AND CHARITY SERVICES

Baylor Healthcare System	Trustee – 10 Years
University of North Texas	President's Council
Texas Student Housing Corp	Chairman – 20 Years, providing Residential Scholarships at UNT, A&M, UT Austin
Boy Scouts of America	Longhorn Council, District Chairman
First Baptist Church, Trophy Club	Chairman, Stewardship Committee
American Heart Association	Board of Directors, Celebrity Waiter

BUSINESS ORGANIZATIONS

North Texas Council of Governments	Transportation Board
Fort Worth Chamber of Commerce	Chairman, North Area Chamber Annual Golf Tournament Economic Development Council Governmental Affairs Committee
Texas Alliance for Growth Greater Fort Worth Area	Legislative Committee
Northeast Leadership Forum	Board of Directors, Chairman Mayors Forum, Chairman Legislative Committee
Metroport Partnership	Founding Member and Chairman
Northwest Community Partners	Founding Member, Chairman Board of Directors
Industrial Developer Association	Developer Representative

Honors: Who's Who in the South and Southwest, Who's Who in U.S. Executives

Brandon Barth

PROFILE SUMMARY

Results-oriented, dependable self-starter who is knowledgeable of and experienced in media relations, customer service, safety, and hazardous materials work in a fast-paced, high-stress environment. Exhibits superior communication and multi-tasking skills with an acute attention to detail.

EDUCATION

Bachelor of Business Administration, International Business

Georgia College & State University, Milledgeville, GA, May 2007

PROFESSIONAL EXPERIENCE

Flower Mound Fire Department, Town of Flower Mound, TX

March 2014-Present

Emergency Management Officer

- Examines potential disaster events and evaluates the effect on the Town.
- Produces the Town's Emergency Operations Plan. Plans the Town's response to disasters and ensures that all entities are able to respond as outlined in the Emergency Operations Plan.
- Serves in the Town's Emergency Operation Center (EOC), if activated.
- Trains and coordinates activities in preparing for or responding to disaster situations with all Town departments, neighboring communities, schools, hospitals, and public and private agencies
- Responsible for designing, training, and evaluation of periodic exercises to test elements of emergency plan.
- Responsible for ensuring operability of outdoor warning and other Town emergency communication systems.
- Serves as liaison with community, state and federal authorities concerned with disaster planning and response.
- Serves as one of the fire department's Fire Investigators
- Maintains certification as a State of Texas Firefighter and National Registry Emergency Medical Technician
- Coordinates the fire department's Citizen Fire Academy
- Serves as a Public Information Officer

Allied International Emergency, Fort Worth, TX

September 2013-March 2014

Operations Manager

- Managed the daily operations of the company's Fort Worth/Corporate branch.
- Oversaw multiple hazardous materials and environmental remediation projects daily (500+ annually) in a rapid paced environment with multiple deadlines.
- Prepared bids and proposals to current and future customers.
- Ensured that all supplies and equipment at the facility are in a constant state of operational readiness.
- Provided response and laboratory reports to customers as well as state regulatory agencies regarding hazardous material/environmental incidents.
- Executed service agreements with new customers during an emergency response.

Brandon Barth

Allied International Emergency, Fort Worth, TX

May 2011-September 2013

Project Manager

- Managed personnel at various types of hazardous materials and environmental incidents ranging from tractor-trailer accidents to chemical plant fires per OSHA 1910.120 and requiring travel to various cities and states on a moment's notice.
- Supervised projects through the emergency response, mitigation, remediation, and closure phases.
- Oversaw the decontamination of Naturally Occurring Radioactive Materials (NORM) as a Radiation Safety Officer.
- Performed confined space entry and confined space rescue standby as outlined by OSHA 1910.146.
- Interacted with customers as well as state regulatory agencies such as the Texas Railroad Commission and the Texas Commission on Environmental Quality during hazardous materials incidents as well as environmental emergencies.
- Responsible for the profiling and disposal of hazardous, non-hazardous, and RCRA E&P exempt waste streams.
- Maintained an up-to-date survey that tracks employees' training, certifications, fit tests, and physical exams to ensure conformance with OSHA regulations.
- Conducted sampling of water, air, and soil to determine potential contamination.
- Conducted training classes for employees and customers on subjects such as hazardous materials, confined space entry, and fall protection.
- Wrote policies for new hires to the company.

Baldwin County Fire Rescue, Milledgeville, GA

January 2007-March 2011

Full-time Firefighter/Public Information Officer

As the department's Public Information Officer, responsibilities include:

- Presented a marketing/communications plan to the department's executive staff, thus creating the position of a PIO as well as creating the department's social media accounts.
- Conducted interviews with local media outlets: newspaper, radio, and TV.
- Wrote news releases and operated the department's social media site.
- Redesigned the department's report writing system and making a quick reference guide to assist those writing reports.
- Interacted with members of the community in both emergency and non-emergency settings; requiring a unique set of customer service skills.
- Worked in conjunction with the Executive Staff of the fire department in projecting their message to the public.
- Assisted in the development of presentations to the County Commissioners as well as the County Manager on behalf of the Fire Chief.
- Provided public service announcements to the public through the use of various media platforms.
- Assisted with grant and compliance research on behalf of the executive staff.

Brandon Barth

As a Firefighter, responsibilities include:

- Worked 24 hour shifts; responding to various types of emergency incidents including emergency medical calls, vehicle accidents, and fires.
 - Served as the acting-officer in charge; certified through the National Professional Qualifications Pro Board as a Fire Officer 1; overseeing the day-to-day tasks and emergency operations of the on-duty personnel when the shift officer was absent.
 - Served as part of the regional Hazardous Materials Team; certified through the National Professional Qualifications Pro Board as a Hazardous Materials Technician
 - Assisted in the training of firefighters; certified through the National Professional Qualifications Pro Board as a Fire Instructor 1
 - Provided fire safety demonstrations and classes to children in the local school system.
 - Wrote detailed incident reports based on the National Fire Incident Reporting System format.
 - Conducted pre-incident/safety inspections of commercial properties to assess dangers and to determine proper mitigation procedures based on building layout, hazards, and building construction.
 - Drove and operated fire apparatus to include engines, tankers, aerials, and rescue trucks.
- Recognition: Awarded Firefighter of the Year for 2008-2009.

Baldwin County Fire Rescue, Milledgeville, GA

January 2005-January 2007

Part-time/Volunteer Firefighter

While pursuing bachelor's degree, worked part-time covering shifts for full-time personnel who were on leave. Was entrusted to work alone at stations in rural parts of the county that only had one person on-duty during a shift. Maintained attendance in excess of 80% of emergency calls and training drills and responded to emergencies via notification by pager.

Gary D. Johnson

609 Dallas Drive

Roanoke, Texas 76262

Cell 817-832-5469

E-mail: gjohnson@roanokepolice.com

Executive Profile

A professional public safety administrator with more than 26 years of senior management experience in a modern public safety agency. Known as an innovative leader with a special talent for problem solving, and providing outstanding service to citizens and employees. Areas of strength include:

Strategic Planning
Policy Development
Operations Management
Written & Verbal Communications

Implementing Change
Budget Development & Control
Citizen & Business Relations
Training & Staff Development

Professional Experience

City of Roanoke

Assistant City Manager/Chief of Police (2015 – Present)

An executive management position responsible for seventy-one full time personnel and all public safety operations. Oversee the creation and administration of five departmental budgets exceeding 9 million dollars, and provide leadership and guidance to five high level managers. Project manager for a new digital P25 public safety radio system including all new equipment in the 911 call center.

City of Roanoke Police Department

Chief of Police (2003 – Present)

An executive management position responsible for thirty-nine full time personnel and all Police operations. Responsible for policy development and implementation within an ever changing judicial and legislative environment. Responsible for the creation and administration of an annual budget of 5 million dollars, and the allocation of all assigned resources.

Key Contributions

- Reorganized personnel and schedules that resulted in a significant increase in overall productivity.
- Created a positive and collaborative environment with internal and external stakeholders to identify problems and improve relationships.
- Initiated a two part National Night Out event that resulted in a national award.
- Created a Citizens Police Academy and Citizens on Patrol organization.

- Implemented Texas Police Chiefs Best Practices program by directing the complete re-write of policies and procedures, and meeting 165 strict standards that allowed the department to become “Recognized Agency” after passing a two day inspection by outside assessors.
- Using a regional approach help to create a multi-agency Swat Team that dramatically reduced the cost of this specialized service.

City of Watauga, Department of Public Safety

Deputy Director of Public Safety (1989 – 2003)

A senior management position responsible for a staff of fifty-two full time personnel and all public safety operations. Areas of responsibility include: police patrol and traffic enforcement, fire suppression, criminal investigations, community services, departmental records, training, fire inspections, 9-1-1 communications, animal control, contract administration, public information, professional standards, and policy development. The Deputy Director is also responsible for the creation and administration of the annual General Fund and Crime Control District budgets that exceed 3.5 million dollars.

Key Contributions

- Implemented scenario based policy training that significantly increased understanding and compliance with new policies.
- Developed and implemented a new departmental salary structure within budget constraints, thereby greatly reducing employee turnover.
- Created a survey card system that gathers citizen input and evaluates performance of all services rendered.
- Authored bid specifications, evaluated proposals, recommended final purchase, and supervised the training and installation of a public safety software and radio communications system.
- Developed a plan and budget proposal for the continuation of a Crime Control District. Worked closely with City Council to organize and schedule presentations made to several key citizen groups that resulted in the continuation of a one-half cent sales tax to fund the Crime Control District.
- Conducted an in-depth analytical analysis of the City’s contract ambulance service and options for change. Successfully implemented a City operated ambulance service within a mandated ninety-day time frame.

Patrol Captain, Police and Fire Services (1988-1989)

A command level position directly responsible for the day-to-day operations and delivery of first line police, fire, and emergency medical services to the community. Maintained staffing levels to ensure adequate personnel resources on a twenty-four hour a day basis. Responsible for the training and operation of the department’s Special Weapons and Tactics team and Reserve Police Officer’s Program.

Key Contributions

- Created a career development program for commissioned personnel.
- Initiated a new process for the testing and evaluation of candidates for the position of public safety officer.

- Developed and instituted a system that accommodated the needed shift rotation while allowing patrol personnel to attend college classes.

Patrol Sergeant, Police and Fire Services (1984-1988)

A first line supervisor position responsible for the activities of four public safety officers while directly delivering police, fire, and emergency medical services to the community. Served as the department's training officer.

Key Contributions

- Authored a grant application that resulted in the award of a five-year grant for a crime prevention officer, a new van, and related equipment.
- Co-leader of a dual city murder investigation that led to the arrest and conviction of the perpetrator.
- Instrumental in the formation of a Special Weapons and Tactics Team. Served as the team's commander for 5+ years.
- Successfully planned and executed over seventy high risk narcotic search warrants without an incident of serious injury to officers or suspects.

Police Officer/PSO, Police and Fire Services (1982-1984)

Delivered first line police, fire, and emergency medical services to the community. Conducted police patrols and traffic enforcement, investigated crimes, initiated arrests of suspected perpetrators, extinguished fires, and provided medical treatment to the sick and injured.

Town of Fairview, Strategic Planning Consultant (April – November, 2000)

Provided professional assistance to a committee of citizens and political leaders in the development of a five-year strategic plan for the Town's Public Safety Department. After a completed plan was in place assisted with the selection of a new Public Safety Director.

Education & Credentials

Master of Public Administration (2000)
University of North Texas, Denton, Texas
Member Pi Alpha Alpha National Honor Society

Bachelor of Applied Arts and Sciences (1997)
Interdisciplinary Studies, Criminal Justice/Management
Dallas Baptist University, Dallas, Texas

Specialized Training

F.B.I. National Academy (2001)
Federal Bureau of Investigation
Quantico, Virginia

School of Police Supervision (1987)
The Southwestern Law Enforcement Institute
Richardson, Texas

Certifications & Licenses

Texas Master Peace Officer License
Texas Peace Officer Instructor License
Texas Advanced Firefighter Certification
F.A.A. Private Pilot License

Professional & Civic Organizations

Texas Police Chief's Association (2nd Vice President)
North Texas Police Chief's Association (Past President)
International Association of Chiefs of Police
Denton County Police Chief's Association
F.B.I. Academy Associates Association
Roanoke Lions Club (Charter Member)

PAUL YOUNG

940-390-4685

670 W Walcott, Pilot Point, TX 76258

pyoung@cityofpilotpoint.org

Objective

Denco 911 Board

Education

- Weatherford College 2013 – AAS Fire Administration
- Weatherford College 2013 – AAS Fire Protection Technology
- Considered for Phi Theta Kappa
- Texas Commission on Fire Protection—Master Firefighter
- Texas Commission on Fire Protection Fire Instructor II
- Texas Commission on Fire Protection Field Examiner
- UT Southwestern EMT Basic 1988
- Metrocrest Medical School—Paramedic 1995
- National Fire Academy - Fire Service Supervision 2008
- Wildland Firefighter I Red Card 2009

Experience

May 2014 – Present

Pilot Point City Council – Place 1

October 1984 - March 1988 Volunteer Firefighter

Lewisville Volunteer Fire Department | Lewisville, TX

March 1988 – September 2014 Firefighter Paramedic

Lewisville FD: Served on the Strategy and goals committee for the Lewisville Fire Department
Trained new paramedics and assisted in continuing education for current paramedics as Field Training Officer from 2001-2006

Acted as a Second Driver Engineer from 1990 – present

Firefighter / Paramedic for the Lewisville Fire Department

Fire Dispatcher May 2014 –September 2014

2008-2010 Chief Officer

Pilot Point Fire Department

Division Chief of Operations, Assistant Chief and Interim Fire Chief

Directed day to day operations, commanded emergency operations, created budget

Oversaw final inspection and acceptance of new 2000 gallon water tender

Chaired the Brush Truck Spec committee for Pilot Point Fire Department

Wrote and awarded a grant for \$47,000 from the Assistance For Firefighters fund

2010 - 2013 Firefighter / Paramedic

Texas Motor Speedway

On - track Firefighter / Jump Medic

2005 - 2010 Pit Road Medic

Texas Motor Speedway

1997 - 2003 Firefighter / Paramedic

Highland Village Fire Department

Part time Firefighter / Paramedic

Responsible for training new paramedics and newly hired fire officers

Coordinated renovation and construction of the dormitory for the fire station

Assisted in the transition from an all-volunteer department to a combination department

Substituted for Captains on leave

1998 Paramedic

Pilot Point Ambulance Service

1994-1996 Volunteer Firefighter

Pilot Point Volunteer Fire Department

Firefighter, Assistant Chief, and Captain

Skills

- Computer literate, able to use Windows 10, MS Office 2010, mapping programs
- Working knowledge of dealing with underfunded and understaffed fire departments
- Familiarity in both rural, and suburban firefighting techniques
- Working knowledge of current dispatching systems used by Lewisville FD/PD

Professional References

Chief Joe Florentino

Little Elm Fire Department

Little Elm, Tx.

469-853-4229

Chief Ken Swindle

Krum Fire Department

Krum, TX

972-571-6330

Calvin Allison (ret)

Clear Water, Florida

903-815-1582

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, APPOINTING ONE MEMBER TO THE BOARD OF MANAGERS OF THE Denco 9-1-1 DISTRICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communication District shall be appointed jointly by all cities and towns lying wholly or partly within the District;

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

SECTION 1

The City of Carrollton hereby votes for _____ as the City's appointed member of the Board of Managers for the Denco Area 9-1-1 Emergency Communication District.

SECTION 2

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 12th day of July, 2016.

Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber, City Secretary

APPROVED AS TO FORM:

Meredith Ladd, City Attorney



City of Carrollton

Agenda Memo

File Number: 2729

Agenda Date: 7/12/2016

Version: 1

Status: Consent Agenda

In Control: City Council

File Type: Resolution

Agenda Number: *28.

CC MEETING: July 12, 2016

DATE: July 6, 2016

TO: Leonard Martin, City Manager

FROM: Loren Shapiro, Chief Planner

Consider A Resolution Acknowledging A Petition To Annex Two Tracts Of Land Containing Approximately 1.22 Acres Located On The South Side Of Parker Road/FM 544 West Of The Burlington Northern Santa Fe Railroad and Southern Half Of Culpepper Road, East Of Dozier Road; Directing The Development Of A Service Plan For The Proposed Annexation; Setting Dates For The Required Public Hearings; Directing The Publication Of Such Public Hearings And Providing An Effective Date. Case No. 07-16MD1 Villas at Parker, Phase 1.

BACKGROUND:

This is a request for approval of a resolution acknowledging a request for annexation, setting hearing dates, and directing staff to prepare a Service Plan with regard to the proposed annexation of two tracts of land totaling approximately 1.22 acres.

The request is being submitted by Taylor Duncan Interests proposing development of Villas at Parker, Phase 1, a 102 lot single-family detached subdivision at the southeast corner of Parker Road/FM 544 and Dozier Road. One common area tract is designated as an open space area along the south side of Parker Road but outside the current Carrollton city limits. The southern one-half of Culpepper Road is also outside the city limits and needs to be annexed, as it provides a second point of access into the Villas at Parker, Phase 1 subdivision.

On May 3, 2016 City Council adopted an ordinance rezoning 14.6 acres at the southeast corner of Parker Road and Dozier Road.

On June 7, 2016 City Council received a presentation from staff during the worksession on considering annexation of the two 1.3 acre tracts (phase 1) and phases 2 and 3 along the south side of Parker Road, west of Dozier Road. City Council indicated that they wished to proceed with the development of an annexation schedule.

The attached resolution is for the two tracts totaling about 1.22-acres for the Villas at Parker, Phase 1.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends **APPROVAL** of the attached resolution instructing staff to prepare the Service Plan for Villas at Parker, Phase 1.

RESULT SHEET

Case No./Name: 07-16MD1 Villas at Parker, Phase 1

A. STAFF STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** of the attached Resolution which instructs staff to prepare the Service Plan.

B. CC RESOLUTION directing staff to prepare a Service Plan from CC meeting: 07/12/2016

Result: /Vote:

C. FIRST CC PUBLIC HEARING: 08/02/2016

Result: /Vote:

D. SECOND CC PUBLIC HEARING: 08/16/2016

Result: /Vote:

E. ANNEXATION ORDINANCE APPROVAL: 09/06/2016

Result: /Vote:

RESOLUTION NUMBER _____

RESOLUTION NUMBER _____ OF THE CITY OF CARROLLTON, TEXAS
ACKNOWLEDGING A PETITION TO ANNEX TWO TRACTS OF
APPROXIMATELY 1.22 ACRES LOCATED ON THE SOUTH SIDE OF
PARKER ROAD WEST OF THE BURLINGTON NORTHERN SANTA FE
RAILROAD AND THE SOUTH ONE HALF OF CULPEPPER ROAD EAST OF
DOZIER ROAD; DIRECTING THE DEVELOPMENT OF A SERVICE PLAN
FOR THE PROPOSED ANNEXATION; SETTING DATES FOR THE
REQUIRED PUBLIC HEARINGS; DIRECTING THE PUBLICATION OF SUCH
PUBLIC HEARINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has been petitioned by the owner of two tracts of approximately 1.22 acres of land located on the south side of Parker Road, west of the Burlington Northern Santa Fe Railroad and the south one-half of Culpepper Road, east of Dozier Road;

WHEREAS, the City is authorized, pursuant to the Texas Local Government Code, Chapter 43, to annex an area located in its extraterritorial jurisdiction;

WHEREAS, the Charter of the City of Carrollton, authorizes the annexation of property adjoining the City of Carrollton by written petition by a majority of landowners to the City Council,

WHEREAS, pursuant to the Texas Local Government Code, section 43.065, the City Council shall direct the planning department, or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed; and

WHEREAS, pursuant to Texas Local Government Code, two public hearings must be conducted to allow persons interested in the annexation an opportunity to be heard, and must be conducted on or before the 40th day but before the 20th day before the date of the institution of the proceedings.

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

Section 1.

The owners of two tracts of approximately 1.22 acres of land located on the south side of Parker Road west of the Burlington Northern Santa Fe Railroad (Tract 1), and the south one-half of Culpepper Road, east of Dozier Road (Tract 2), as described in Exhibit A and shown in Exhibit B ("Property") which are attached hereto and incorporated herein, have submitted an affidavit, attached as Exhibit C, petitioning the City of Carrollton to annex the Property and in accordance with the City Charter and Texas state laws, this Council will provide an opportunity to all interested persons to be heard regarding the annexation of the Property.

Section 2.

The Planning Department shall prepare a service plan providing for the extension of full municipal services to the Property.

Section 3.

The public annexation hearings shall be held on August 2nd and August 16th 2016 in City Council Chambers of City Hall.

Section 4.

The City Manager or his designee is directed to cause notice of such public hearings to be published once in a newspaper having general circulation in the city and in the above described territory and to post notice on the City's Internet website not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

Section 5.

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

Section 6.

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

PASSED AND APPROVED this the Twelfth day of July, 2016.

CITY OF CARROLLTON

By: _____
Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Loren Shapiro
Chief Planner

**EXHIBIT A
LEGAL DESCRIPTION**

TRACT 1

LEGAL DESCRIPTION:

BEING a 0.852 acre tract of land situated in the Samuel H. Brown Survey, Abstract No. 111, Denton County, Texas, and being all of a called 0.851 acre ("Tract 2") of land in the Town of Hebron, conveyed by a Special Warranty Deed with Vendor's Lien to KELSPAR, LLC, recorded as Document No. 2013-77373, in the Deed Records of Denton County, Texas (DRDCT), and being more particularly described as follows (Bearings are based on State Plane Coordinates using City of Carrollton Monuments COC-8 and COC-12):

BEGINNING at a 5/8" iron rod with a cap stamped, "SURVCON" found for corner at the intersection of the northeast right-of-way line of Dozier Road (80' right-of-way) with the south right-of-way line of Parker Road (variable width right-of-way) and being the southwest corner of a right-of-way dedication for Parker Road, as described in a Affidavit recorded in Volume 4927, Page 1469 (DRDCT), and the northwest corner of said 0.851 acre tract;

THENCE along the south right-of-way line of said Parker Road and the north line of said 0.851 acre tract as follows:

North 89°15'46" East, a distance of 351.50 feet to a 5/8" iron rod with a cap stamped, "SURVCON" found for corner at an interior "ell" corner of said 0.851 acre tract;

North 00°40'24" West, a distance of 4.45 feet to a point for corner at an exterior "ell" corner of said 0.851 acre tract, from which a 5/8" iron rod with a cap stamped, "SURVCON," found for reference bears North 41°47'31" West, a distance of 0.17 feet, said point for corner being in a non-tangent curve to the left, having a radius of 1,110.00 feet and a chord which bears North 79°06'51" East, a distance of 391.70 feet;

Along said curve to the left, through a central angle of 20°19'30", an arc distance of 393.76 feet to a 5/8" iron rod with a cap stamped, "SURVCON," found for the end of said curve to the left and the beginning of a reverse curve to the right, having a radius of 990.00 feet and a chord which bears North 70°50'32" East, a distance of 65.33 feet;

Along said curve to the right, through a central angle of 03°46'54", an arc distance of 65.34 feet to a 1/2" iron rod found for the end of said curve;

North 80°52'26" East, a distance of 158.53 feet to a 5/8" iron rod with a cap stamped, "SURVCON," found for corner at the northeast corner of said 0.851 acre tract and being an interior "ell" corner of said Parker Road right-of-way dedication;

EXHIBIT A
LEGAL DESCRIPTION

THENCE South 00°45'16" East along the east line of said 0.851 acre tract and a west line of said Parker Road right-of-way dedication, a distance of 122.39 feet to a 5/8" iron rod with a cap stamped, "SURVCON," found for the southeast corner of said 0.851 acre tract and being in the north line of a 9.725 acre ("Tract 1") conveyed by a Special Warranty Deed With Vendor's Lien to KELSPAR, LLC, recorded as Document No. 2013-77373, in the Deed Records of Denton County, Texas (DRDCT), same being an exterior "ell" corner of said Parker Road right-of-way dedication;

THENCE South 89°16'11" West along the common line of said 9.725 acre and 0.851 acre tracts, a distance of 952.16 feet to a 5/8" iron rod with a cap stamped, "SURVCON," found for corner at the common west corner thereof and being in a curve to the left, having a radius of 421.97 feet and a chord which bears North 37°33'18" West, a distance of 6.29 feet;

THENCE along said curve to the left, through a central angle of 00°51'13", an arc distance of 6.29 feet to the PLACE OF BEGINNING and Containing 0.852 acres, or 37,116 square feet, of land.

**EXHIBIT A
LEGAL DESCRIPTION**

TRACT 2

LEGAL DESCRIPTION:

BEING a 15,925 square foot (0.366 acre) tract of land situated in the A. Dyer Survey, Abstract No. 360, Town of Hebron, Denton County, Texas, and being part of a called 3.820 acre tract of land conveyed to Peruna Acquisition, LLC, recorded as Document No. 2011-116441 of the Official Public Records, Denton County, Texas (OPRDCT), and being more particularly described as follows (Bearings are based on State Plane Coordinates using City of Carrollton Monuments COC-8 and COC-12):

BEGINNING at a 1/2" iron rod found for corner at the northwest corner of said 3.820 acre tract and being the southwest corner of a called 4.8636 acre tract of land conveyed to WJ Family, LP, recorded as Document No. 2010-3352 (OPRDCT), and being in the northeast right-of-way line of Dozier Road (80' right-of-way) and being near the center of Culpepper Road (a partially asphalted surface);

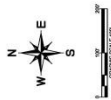
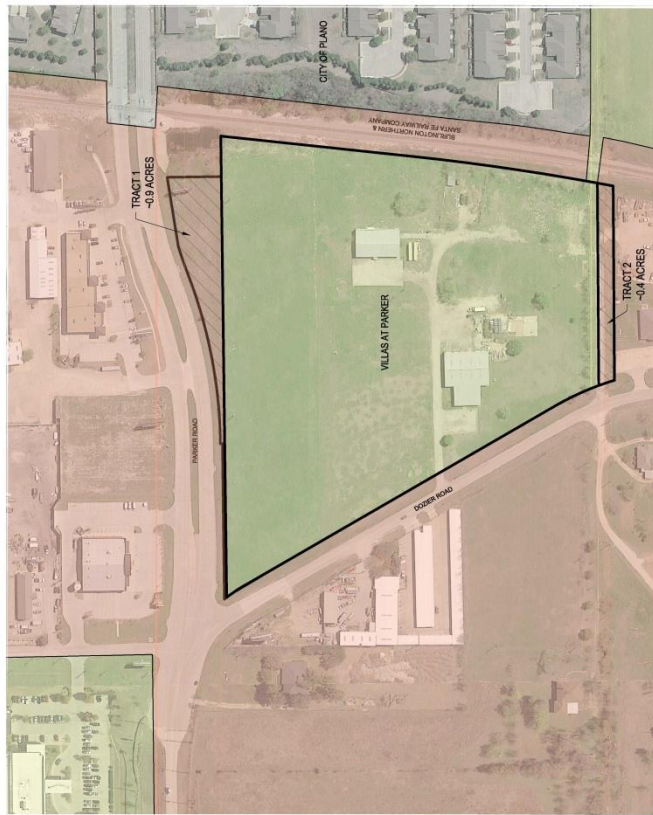
THENCE North 89°36'13" East near the center of said Culpepper Road and along the common line of last mentioned tracts, a distance of 457.92 feet to a 1/2" iron rod found for corner at the common east corner thereof and being in the northwest right-of-way line of Burlington Northern & Santa Fe (BNSF) Railway right-of-way (100' right-of-way), said point also being in a non-tangent curve to the right, having a radius of 5,679.58 feet and a chord which bears South 10°30'03" West, a distance of 36.15 feet;

THENCE along said curve to the right and said BNSF Railway right-of-way, through a central angle of 00°21'53", an arc distance of 36.15 feet to a point for corner at the end of said curve;

THENCE South 89°36'13" West, along a line that is 35.50 feet south of and parallel to the north line of said 3.820 acre tract, a distance of 439.60 feet to a point for corner in the east right-of-way line of said Dozier Road, said point being in a non-tangent curve to the left, having a radius of 613.00 feet and a chord which bears North 18°19'20" West, a distance of 37.31 feet;

THENCE along said curve to the left and said Dozier Road, through a central angle of 03°29'17", an arc distance of 37.32 feet to the PLACE OF BEGINNING and Containing 15,925 square feet, or 0.366 acres, of land.

EXHIBIT B LOCATION



NOTE:
CITY LIMITS ARE APPROXIMATE BASED ON
DATA DOWNLOADED FROM DENTON COUNTY.

Villas at Parker Disannexation/Annexation Exhibit

Tract 1 (~0.9 acres)
Tract 2 (~0.4 acres)

June 27, 2016



Kimley»Horn
5750 Gamble Court
Ft. Worth, TX 76124
Phone: 817.335.7500
Fax: 817.335.7501
Email: info@kimleyhorn.com
State of Texas Registration No. P-628

EXHIBIT C

AFFIDAVIT/PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF THE GOVERNING BODY OF CARROLLTON,
TEXAS:

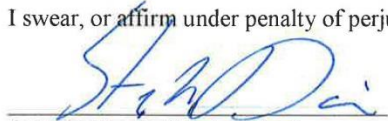
The undersigned owners of the hereinafter described tract of land, hereby petition your honorable Body to extend the present city limits so as to include as part of the City of Carrollton, Texas, the territory more fully described in Exhibit A, attached hereto and incorporated herein for all intents and purposes, and hereinafter known as the "Property".

Villas at Parker Road, LLC is the legal owner of the Property, and is hereinafter referred to as the "Owner". I legally represent the Owner of the Property, and I am a duly authorized representative of the Owner with the legal authority to execute this document.


I certify the Property is contiguous and adjacent to the City of Carrollton, Texas, and the undersigned represents that the Owner of the Property desires to be annexed to and made part of the City of Carrollton, Texas, subject to all laws, rules, and regulations of said city.

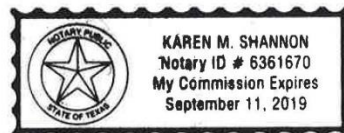
There are no qualified voters in the said territory, and I certify that this affidavit is signed and acknowledged by each and every person, including any entity owning the described land or having an interest in any part thereof.

I swear, or affirm under penalty of perjury, that the information in this affidavit is true and correct.


AFFIANT, Mr. Stephen Davis
Manager
Villas at Parker Road, LLC

Subscribed and sworn to before me, this the 5 day of July, 2016.


Notary Public in and for the State of Texas





City of Carrollton

Agenda Memo

File Number: 2703

Agenda Date: 7/12/2016

Version: 1

Status: Public Hearing/Consent
Agenda

In Control: City Council

File Type: Public Hearing

Agenda Number: *29.

CC MEETING: July 12, 2016

DATE: June 24, 2016

TO: Leonard Martin, City Manager

FROM: Scott Hudson, Environmental Services Director

Hold A Public Hearing And Consider A **Resolution Adopting The Program Year 2016
Community Development Block Grant One-Year Plan Of Action And Budget.**

BACKGROUND:

This agenda item is to hold a public hearing and receive comments on the proposed Community Development Block Grant Program Year (PY) 2016 One-Year Plan of Action and Budget. The item also includes a proposed resolution to adopt this document.

On October 1, 2016 the City of Carrollton will receive \$753,231 in Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD). The CDBG program is designed to address housing and community development concerns for low to moderate income families and neighborhoods. According to federal law, these funds must be used for the principal benefit of persons of low and moderate income in Carrollton. The proposed Plan of Action fulfills these requirements.

The proposed budget includes \$614,140 for the reconstruction of streets and sidewalks in the Santa Rosa Neighborhood (NOTICE), \$79,000 for the Housing Rehabilitation Repair Program, and \$60,091 for Enhanced Code Enforcement in the CDBG Target Area. All of the activities in the proposed budget are identified as major priorities in the previously adopted 2014-2018 Consolidated Plan.

On June 9, 2016, the NAC voted unanimously to recommend adoption of the One-Year Plan of Action by the City Council.

FINANCIAL IMPLICATIONS:

The PY 2016 Community Development Block Grant will provide \$753,231 in new financial resources for community development initiatives.

IMPACT ON COMMUNITY SUSTAINABILITY:

Annually, the Carrollton Community Development Block Grant program secures, allocates and administers approximately \$700,000 in new community development resources for use in the low-and-moderate income areas of the City. Long-term community sustainability is supported by significant financial reinvestment in the physical infrastructure of aging neighborhoods, housing rehabilitation and code enforcement.

STAFF RECOMMENDATION/ACTION DESIRED:

Staff recommends that the City Council conduct the public hearing and adopt the PY 2016 Community Development Block Grant One-Year Plan of Action and Budget.



Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The One-Year Action Plan represents the third year of the Carrollton's 2014-2018 Consolidated Plan. It identifies activities for Program Year 2016 to address community needs. The Plan outlines and describes resources, projects and activities to be funded and the proposed goals for the 2016 program year.

The City of Carrollton established the following housing and community development goals, objectives and outcomes for 2014-2018 program years.

- The three *Goals* guide how the City allocates its block grant funding for the next three program years.
- The *Objectives* and *Outcomes* refer to the 2016 One-Year Action Plan. These fall under one of the three five-year goals. The objectives detail what the City intends to accomplish with identified funding sources to meet housing and community needs. Outcomes detail how the City will monitor the accomplishments (e.g., households assisted, facilities rehabilitated, etc).

The City is to receive \$753,231 in CDBG funding for the 2016-2017 year. Funding will be used to partially fulfill the following five-year goals and meet annual objectives.

The analysis for the Consolidated Plan found the City's housing needs as relatively modest. Community development needs identified areas of city infrastructure needing major replacement or repair in low to moderate income areas that need to be addressed. As stated in the "Broken Window Theory," neighborhoods with blight and disrepair lead to a perception of a lack of social order in the community, further leading to deterioration in the community. These types of repairs would not be affordable to the low income households and failing to address them would lead to lower property values. Therefore, along with infrastructure repair, the city will provide funding for homeowners' rehabilitation needs through CDBG and General Fund allocations. It will also assist its social service organizations with needed operating dollars through General Funds.

The need assessments and housing market analyses conducted to support the 2014-2018 Consolidated Plan identified two primary needs in Carrollton:

- 1) Very low income renters, who have grown in numbers, have difficulty finding affordable rental units. In 2012, an estimated 2,950 renters earned less than \$20,000 a year. These renters need rental units priced at less than \$500/month, but less than 50 were available. This leaves a shortage of 2,900 rental units for very low income renters.
- 2) Challenges with aging infrastructure, which is imperative to maintain preservation of the City's housing stock. The total cost of replacing infrastructure for the City of Carrollton is estimated at over \$2 billion dollars. Currently, the City of Carrollton's infrastructure rating is C+.

The City of Carrollton has demonstrated commitment to serving residents with the greatest needs. To continue this commitment and effectively implement the Community Development Plan, the City will dedicate an estimated \$350,000 in general fund resources to fund partners providing social services to Carrollton residents in need.

To determine which low and moderate income neighborhoods have the greatest needs, the City has developed a needs identification and ranking system, which it reviews and updates on a regular basis. This takes into account property/housing values, crime, age of housing stock, code violations and other relevant characteristics.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

One-Year (2016) Action Plan—Objectives and Outcomes

The One-Year Objectives and Outcomes demonstrate how the City's activities support and achieve the three goals listed below.

Goal No. 1: Revitalize and maintain public infrastructure in the City's low and moderate income neighborhoods.

Due to the City's aging neighborhoods and unique circumstances involving soil quality in the Carrollton area, significant public infrastructure repairs are needed in the City. The City has elected to systematically implement needed street, alley, sidewalk, water and sewer line repairs or replacement one neighborhood at a time until the entire public infrastructure in that area has been addressed. Once

infrastructure repairs or replacement are completed the City ensures the neighborhoods are preserved through code enforcement activities.

Objective 1.1. (SL-3.1, DH-3.1) Continue to fund the City's Neighborhood Oriented Targeted Infrastructure and Code Enforcement (NOTICE) program with CDBG dollars. Update and revise existing ranking system as needed to prioritize neighborhoods for the program. Complete necessary infrastructure repairs or replacement to streets, alleys, sidewalks, water and sewer lines until the entire neighborhood is addressed.

- *Outcome 1.1.* Through the NOTICE program, the City will repair and reconstruct public infrastructure in two to three low and moderate income neighborhoods over the next four years.

Objective 1.2. (SL-3.2, DH-3.2) Continue enhanced code enforcement with CDBG funds in neighborhoods where NOTICE repairs are completed.

- *Outcome 1.2.* Utilization of enhanced code enforcement preserves neighborhoods from blight and along with infrastructure repairs ensures a a lasting improved quality to the neighborhood.

Objective 1.3. (SL-3.3) Continue providing matching grants with general funds to neighborhood groups to upgrade and restore public property in the City by City's Neighborhood Enhancement Matching Grant Program (NEMGP).

- *Outcome 1.3.* At the discretion of City Council, the City will continue to allocate up to \$60,000 per year in NEMGP funds. This will be matched by the neighborhood groups in sweat equity (volunteer work hours), donated materials, cash and labor.

Goal No. 2: Preserve and strengthen existing housing stock through various housing rehabilitation programs.

Objective 2.1. (DH-3.4) Continue to fund the City's Housing Rehabilitation program with CDBG funds to assist low to moderate income homeowners with minor home repairs that they would otherwise be unable to afford.

- *Outcome 2.1.* The City will provide financial assistance to approximately fifteen households each year through its Housing Rehabilitation program.

Goal No. 3: Assist local social service providers targeting low to moderate income residents.

Objective 3.1. (SL-2.1) Continue to allocate a portion of the City's General Fund towards grants and donations for Carrollton service providers that target low to moderate income residents.

Outcome/Objective Codes	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Table 1 - Outcome and Objectives

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Last year's accomplishments include: reconstruction of streets and sidewalks in the Carrollton Downs Phase I neighborhood, successful completion of twenty-three Minor Home Repair projects and a total of 1,439 code enforcement actions in the CDBG target area. The City expended 100 percent of its CDBG funds for activities that principally benefit low and moderate income persons.

Current Year's (PY 2016) Activities Include:

NOTICE Santa Rosa Neighborhood	\$614,140
Housing Rehabilitation	\$79,000
Enhanced Code Enforcement	<u>\$60,091</u>
Total Funds	<u>\$753,231</u>

To address these needs, the City proposes a strategy that focuses on preserving residential infrastructure, neighborhood stability and affordable housing. This will be supplemented by annual general fund contributions from the City to support the emergency assistance, homeless prevention and supportive services provided by nonprofit partners.

The City of Carrollton's CDBG investments have been used to make long lasting improvements to many low and moderate income neighborhoods. Last year's accomplishments include: Replacement and reconstruction of streets and sidewalks in the Carrollton Downs, Phase I neighborhood, successful completion of twenty-three Housing Rehabilitation projects and over 1,400 code enforcement actions in the CDBG target area

NOTICE - Santa Rosa Neighborhood	\$614,140
Housing Rehabilitation	\$79,000
Enhanced Code Enforcement	\$60,091

Total	\$753,231
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Table 2 - Current Year's (PY 2016) Activities

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Summary from citizen participation section of plan.

Leadership responsibility for the success of this program ultimately rests with the City of Carrollton and more specifically with the Community Services Division. The Community Services staff assists in coordinating the efforts of the entities involved, making periodic progress reports to federal, state and local governmental bodies, providing technical assistance to local not-for-profit organizations, and encouraging involvement from the business community. The 2016 Action Plan Draft was submitted to the City's Neighborhood Advisory Committee (NAC) at the May 2016 meeting with review information and to inform them of the first scheduled public meeting at the June 2016 NAC meeting.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Neighborhood Advisory Commissioners provided two comments as part of the Citizen Participation of the Annual Plan:

1. Commissioner inquired about the possibility of including foundation repairs as part of the Minor Home Repair Program or one of the Housing Rehabilitation Projects.
2. Another Commissioner inquired if tree plantings could occur in the neighborhoods where CDBG funding was used to complete a NOTICE project.

6. Summary of comments or views not accepted and the reasons for not accepting them

N/A all comments and views were included in the plan.

7. Summary

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role		Name	Department/Agency
CDBG Administrator		CARROLLTON	Environmental Services and Community Development

Table 3 – Responsible Agencies

Narrative (optional)

Consolidated Plan Public Contact Information

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Carrollton consulted with residents and stakeholders (e.g., social service providers, local churches, City departments and other community partners). Consultation included two public meetings to obtain citizen participation in the PY 2016 Annual Action Plan process; dialogue on Carrollton's Nextdoor social media channel; and other written communications. The process and results are described in detail in the attached summary of Citizen Input.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

As needed, the Community Services Division provides technical assistance and information to private and public organizations that seek to provide affordable housing and support services to residents of Carrollton.

During the PY 2016 Annual Action Plan period, the City will continue to promote and emphasize the need for greater coordination between all agencies active in Carrollton so as to minimize the duplication of efforts. Cooperative efforts in applying for available funds will be initiated between public and private housing providers so as to maximize the potential for being awarded funds by the State and Federal Government. Efforts to enhance coordination between the public and private sector will ensure needs are being properly addressed and resources are being maximized.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

As detailed in the Citizen Input document (attached), homelessness is a relatively new need in the Carrollton community. The City is not formally a member of the Continuum of Care and through this planning process has begun to consider how to coordinate in the future with the Continuum to address this emerging issue.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City has expressed an interest and willingness to assist and participate in the Dallas Area Consortium on Homelessness, as well as the Denton County Consortium on Homelessness. This would be a supporting role, offering assistance to agencies that are working to mitigate homelessness in the region.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 4 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Metrocrest Services
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Education Services-Employment
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Metrocrest Services is the primary provider of non-profit social services in the City of Carrollton. Metrocrest Services was sent a Draft of the PY 2016 Annual Action plan via e-mail for comment.
2	Agency/Group/Organization	Bea's Kids
	Agency/Group/Organization Type	Services-Children Services-Education Child Welfare Agency
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Bea's Kids is a non-profit organization that has been serving underprivileged children. Bea's Kids was sent the Draft of the PY 2016 Annual Action Plan via e-mail for comment.
3	Agency/Group/Organization	Carrollton Community Gardens
	Agency/Group/Organization Type	Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Carrollton Community Gardens/Keep Carrollton Beautiful is a non-profit organization that has been serving Carrollton with beautification, environmental responsibility and three (3) community gardens. Carrollton Community Gardens/KCB was sent the Draft PY 2016 Annual Action Plan via e-mail for comment.
4	Agency/Group/Organization	Neighborhood Advisory Commission
	Agency/Group/Organization Type	Other government - Local

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Neighborhood Revitalization
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Neighborhood Advisory Commission is comprised of a group of Carrollton citizens appointed by the Carrollton City Council to assist and identify areas of the city for use of CDBG projects and grants which assist in removing blight from the community and enhancing low to moderate income neighborhoods within Carrollton. Each member was e-mailed a Draft PY 2016 Annual Action Plan and was first discussed at the May 2016 NAC meeting. Further review by the NAC members was conducted as part of the public hearing scheduled for June 9, 2016.
5	Agency/Group/Organization	CASA OF DENTON COUNTY
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Victims of Domestic Violence Services-homeless Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	CASA of Denton County was sent the Draft PY 2016 Annual Action Plan via e-mail for comment.
6	Agency/Group/Organization	CHILDRENS ADVOCACY CENTER OF DENTON CO
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Victims of Domestic Violence Services-homeless Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Children's Advocacy Center was sent the Draft PY 2016 Annual Action Plan via e-mail for comment.
7	Agency/Group/Organization	CHRISTIAN COMMUNITY ACTION
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Health Agency

	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Christian Community Action was sent the Draft PY 2016 Annual Action Plan via e-mail for comment.
8	Agency/Group/Organization	THE FAMILY PLACE
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Family Place was sent the Draft PY 2016 Annual Action Plan via e-mail for comment
9	Agency/Group/Organization	Metrocrest Community Clinic
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Metrocrest Community Clinic was sent the Draft PY 2016 Annual Action Plan via e-mail for comment.
10	Agency/Group/Organization	MOSAIC
	Agency/Group/Organization Type	Housing Services - Housing Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	MOSAIC was sent the Draft PY 2016 Annual Action Plan via e-mail for comment.

Identify any Agency Types not consulted and provide rationale for not consulting

N/A; all relevant agencies and organizations were invited to participate in the PY 2016 Annual Action Plan process.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		

Table 5 – Other local / regional / federal planning efforts

Narrative (optional)

Carrollton participates in joint funding of the nonprofit organizations providing services to low income residents in many municipalities in the region. This cooperative funding promotes efficient delivery of services to residents in need and recognizes that needs do not end at jurisdictional boundaries, but require regional solutions.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The City of Carrollton and its community partners hosted two public meetings to obtain citizen participation in the PY 2016 Action Plan process.

The City of Carrollton promoted the public meetings through local print media; social media including Carrollton's Nextdoor channel; and through direct invitations to local stakeholders. The first public hearing was held on June 9th, 2016 as part of the Neighborhood Advisory Committee Meeting at Carrollton City Hall, a second public hearing occurred on July 12th, 2016 as part of the City Council Meeting at Carrollton City Hall.

Each public meeting included:

A brief overview of the Action Plan purpose and process;

- A presentation of the allowed uses of CDBG funds;
- A presentation of the location of low and moderate income (LMI) areas in the City of Carrollton;
- A presentation of how the City has invested CDBG funds in LMI neighborhoods in the past; and
- A discussion with attendees about housing and community development needs in Carrollton and the activities they would prioritize.

(Brief description of attendees and results they brought or submitted)

Citizens and stakeholders were also invited to comment on the draft PY 2016 Action Plan during the 30-day public comment period that began on June 2nd, 2016. A public hearing was held on July 12th, 2016 with City Council where staff presented the proposed goals and objectives of the funding allocation for the 2016 Annual Action Plan.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/broad community	First public hearing conducted on June 9, 2016 in conjunction with the Neighborhood Advisory Committee(NAC) meeting had no attendance from the general public. Present were 8 members of the NAC committee, 1 city council member and 4 city staff members.Second public hearing conducted on July 12, 2016 in conjunction with the City Council meeting had	First public hearing on June 9, 2016 resulted in no comments being received relating to the 2016 Action Plan.	No comments or reasons were not accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Meeting	Non-targeted/broad community	Comments were made by commissioners of the city's Neighborhood Advisory Committee.	1. Commissioner inquired about the possibility of including foundation repairs as part of the Minor Home Repair Program or one of the Housing Rehabilitation Projects.2. Another Commissioner inquired if tree plantings could occur in the neighborhoods where CDBG funding was used to complete a NOTICE project.	All comments were accepted	
3	Newspaper Ad	Non-targeted/broad community				www.cityofcarrollton.com/cdbg

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Internet Outreach	Non-targeted/broad community				www.nextdoor.com/carrollton

Table 6 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

This section discusses the resources that will be used to meet the goals of the 2014-2018 Five-year Consolidated Plan. These resources are financial, involve partnership opportunities, and include ability to leverage additional funds.

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	753,231	0	150,000	903,231	0	Yearly CDBG allocation to the city. Prior Year Resources for Rhoton Park
General Fund	public - local	Public Improvements	60,000	0	0	60,000	0	Neighborhood Enhancement Matching Grants
Other	public - local	Housing Public Services Other	350,000	0	0	350,000	0	Social Service Agency funding for various service groups serving Carrollton.

Annual Action Plan
2016

20

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
Other	public - local	Other	38,000	0	0	38,000	0	NEZ grant funding for Housing Rehabilitation
Other	public - local	Public Improvements	3,415,396	0	0	3,415,396	0	NOTICE - Santa Rosa Neighborhood Street Repair/Replacement General Funds allocated in conjunction with CDBG NOTICE project funding for repair/replacement of streets in the Santa Rosa Neighborhood.

Table 7 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

In exchange for the funding, the agencies and organizations work closely with the City in the provision of social services to all citizens in need. The close partnership the City has with the various agencies grows with each year of collaboration. Staff that is employed as part of CDBG grant administration and planning activity provide technical, referral and capacity building assistance for the agencies on an ongoing basis.

The list below identifies some of the principal partners for the City's priority funding and service development:

- Bea's Kids
- CASA of Denton County
- Children's Advocacy Center for Denton County
- Christian Community Action
- The Family Place
- Habitat for Humanity

- Keep Carrollton Beautiful/Carrollton Community Gardens
- Launchability
- Metrocrest Community Clinic
- Metrocrest Services
- MOSAIC
- PediPlace

The City meets with all of its partners on an as-needed basis to develop organization capacity and programming offerings. Staff also regularly provides technical assistance and professional expertise to further develop institutional structure for all agencies and organizations serving the low-to-moderate income citizens of Carrollton.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City does not intend to use publicly owned land or property to fulfill the goals of the 2014-2018 Five-year Consolidated Plan.

Discussion

Please see above.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Goal 1. Improve Neighborhood Infrastructure	2014	2018	Non-Housing Community Development	2014-2018 NOTICE Priority Neighborhoods	Neighborhood Infrastructure Improvements	CDBG: \$614,140	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 162 Persons Assisted
2	Goal 2. Enhance Code Enforcement	2014	2018	Non-Housing Community Development	2014-2018 NOTICE Priority Neighborhoods	Housing and Neighborhood Improvements	CDBG: \$60,091	Buildings Demolished: 2 Buildings Housing Code Enforcement/Foreclosed Property Care: 1500 Household Housing Unit
3	Goal 3. Provide Neighborhood Matching Grants	2014	2018	Non-Housing Community Development	2014-2018 NOTICE Priority Neighborhoods	Housing and Neighborhood Improvements	General Fund City: \$60,000	
4	Goal 4. Preserve Existing Housing Stock	2014	2018	Affordable Housing Non-Housing Community Development		Housing and Neighborhood Improvements	CDBG: \$79,000	Homeowner Housing Rehabilitated: 15 Household Housing Unit

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Goal 5. Assist Service Providers	2014	2018	Homeless Non-Homeless Special Needs Non-Housing Community Development			CDBG: \$0	Homelessness Prevention: 15000 Persons Assisted
6	Promote Economic Development	2014	2018	Non-Housing Community Development	2014-2018 NOTICE Priority Neighborhoods		CDBG: \$0	

Table 8 – Goals Summary

Goal Descriptions

1	Goal Name	Goal 1. Improve Neighborhood Infrastructure
	Goal Description	<p>As captured in the analysis conducted for this Consolidated Plan, the City's housing needs are relatively modest. The City's community development needs, however, are much greater. As noted above, the City's infrastructure needs replacing to prevent substantial repair bills for owners. Low-income households in particular would have much difficulty affording the \$10,000 to \$15,000 it would take to pay for infrastructure improvements themselves. If these repairs were not made, infrastructure would continue to decline, leading to lower property values and neighborhood decline. To preserve the housing stock of its low and moderate income neighborhoods, many of which are minority-concentrated, the City has made public infrastructure improvements its top priority. In addition, the City will provide capital funding for materials and specialized labor for neighborhood revitalization in LMI target neighborhoods.</p> <p>To determine which low and moderate income neighborhoods have the greatest needs, the City has developed a needs identification and ranking system, which it reviews and updates on a regular basis. This system takes into account property/housing values, crime, age of housing stock, code violations and other relevant characteristics to determine which neighborhoods have the greatest needs and would benefit the most from community investment.</p>

2	Goal Name	Goal 2. Enhance Code Enforcement
	Goal Description	Utilization of enhanced code enforcement preserves infrastructure repairs and ensures that the improved aesthetic and structural quality of neighborhoods will last.
3	Goal Name	Goal 3. Provide Neighborhood Matching Grants
	Goal Description	Continue to provide matching grants to neighborhood groups to upgrade and restore public property in the City through the City's Neighborhood Enhancement Matching Grant Program.
4	Goal Name	Goal 4. Preserve Existing Housing Stock
	Goal Description	Low-income households in particular would have much difficulty affording the \$3,000 to \$10,000 it would take to pay for housing improvements themselves. If these repairs were not made, infrastructure would continue to decline, leading to lower property values and neighborhood decline. To preserve the housing stock of its low and moderate income neighborhoods, many of which are minority-concentrated, the City has made it their priority to continue to fund the City's Housing Rehabilitation program which includes People Helping People, Minor Home Repair and Emergency Repair projects to assist low to moderate income homeowners complete minor home repairs that they would otherwise been unable to afford with additional general funds.
5	Goal Name	Goal 5. Assist Service Providers
	Goal Description	Continue to allocate a portion of the City's General Fund towards grants and donations for Carrollton service providers that target low to moderate income residents.
6	Goal Name	Promote Economic Development
	Goal Description	Continue to allocate a portion of the City's General Fund toward grants to maintain and enhance aging retail spaces through the Retail Redevelopment program.

Table 9 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

AP-35 Projects – 91.220(d)

Introduction

This section details the projects proposed for the 2014-2015 program year.

#	Project Name
1	Enhanced Code Enforcement
2	HOUSING REHABILITATION
3	N.O.T.I.C.E. - Infrastructure
4	Assist Service Providers

Table 10 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The priorities for Program Year 2016 are based on identification of the greatest needs in Carrollton, as described in the MA and NA sections of the Consolidated Plan. These include aging infrastructure and aging housing stock. In Program Year 2016, the City of Carrollton will allocate a total of \$753,231 in CDBG funds along with \$150,000 in prior year 2015 Funding to meet these objectives. The specific allocation of those funds is as follows:

- 82% or \$614,140 dedicated to physical improvements to the infrastructure within Santa Rosa Neighborhood
- 10% or \$79,000 dedicated to the development of the City's Housing Rehabilitation Program which includes Minor Home Repair, Emergency Repair and People Helping People activities.
- 8% or \$60,091 for Enhanced Code Enforcement in the CDBG Targeted area.
- \$150,000 in PY 2015 funding for redevelopment of Rhoton Park.

Projects

AP-38 Projects Summary

Project Summary Information

Table 11 – Project Summary

1	Project Name	Enhanced Code Enforcement
	Target Area	2014-2018 NOTICE Priority Neighborhoods
	Goals Supported	Goal 2. Enhance Code Enforcement
	Needs Addressed	Housing and Neighborhood Improvements
	Funding	CDBG: \$60,091
	Description	To pay salary and benefits for code enforcement officer dedicated to designated CDBG target areas in Carrollton.
	Target Date	9/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 1,500 homes will benefit from CDBG Enhanced Code Enforcement activities
	Location Description	2014-2018 CDBG Target Area
	Planned Activities	Monitoring and enforcement of residential land use codes.
2	Project Name	HOUSING REHABILITATION
	Target Area	
	Goals Supported	Goal 4. Preserve Existing Housing Stock

	Needs Addressed	Housing and Neighborhood Improvements
	Funding	CDBG: \$79,000
	Description	Funding for owner occupied unit home repair for low to moderate income residents. Program includes emergency repair, minor exterior repair and people helping people volunteer projects for qualifying homeowners.
	Target Date	9/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Fifteen families are expected to benefit from home rehabilitation projects each year
	Location Description	2014-2018 CDBG Target Area
	Planned Activities	Emergency repair, minor exterior repair and people helping people volunteer projects for qualifying homeowners. Due to better identification and outreach of the Minor Home Repair Program a higher number of housing rehabilitation projects was completed by staff.
3	Project Name	N.O.T.I.C.E. - Infrastructure
	Target Area	
	Goals Supported	Goal 1. Improve Neighborhood Infrastructure
	Needs Addressed	Neighborhood Infrastructure Improvements
	Funding	CDBG: \$614,140
	Description	Physical improvements to the infrastructure within CDBG Eligible Neighborhood.
	Target Date	7/7/2017
	Estimate the number and type of families that will benefit from the proposed activities	162 families

	Location Description	2014-2018 CDBG Target Area - Santa Rosa Subdivision, 1800 Block of Gravley Drive, 1800 Block of Hood Street, 1800 Block of Baxley Drive, 1800 Block of Spring Avenue, 1500, 1600 and 1700 Block of Santa Rosa Drive
	Planned Activities	Replace sidewalks and streets.
4	Project Name	Assist Service Providers
	Target Area	
	Goals Supported	Goal 5. Assist Service Providers
	Needs Addressed	Housing and Neighborhood Improvements Public Services/Social Supports
	Funding	General Fund: \$350,000
	Description	
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

During the 2016 Action Plan year, CDBG funding for the NOTICE program will be allocated to CDBG-eligible priority neighborhoods. Neighborhoods receiving improvements are ranked according to infrastructure needs.

For the 2014-2018 Consolidated Plan, low and moderate income (LMI) areas were identified based on the 2008-2012 and 2012 American Community Survey (ACS) and the 2014 HUD LMI categories.

The calculation used to identify LMI areas was: 1) Determine average household size by Census tract using 2012 ACS; 2) Determine the LMI ceiling by tract, which is 80% of the median family income limit closest to the tract-level average family size; 3) Using household income distribution data from the ACS, determine the number of households in the tract that earn less than the LMI ceiling; 4) Calculate the proportion of the tract's households that the LMI households represent. If 42.59% or more, the tract is an LMI tract. The LMI tracts are shown in the Grantee Unique Appendices. The first map identifies the LMI tracts in Carrollton. The second map shows the proportion of LMI households for all tracts.

During the 2016 Action Plan year, the City of Carrollton will allocate funding geographically toward the Santa Rosa neighborhood, in Dallas County (113), census tract 137.18 , block group 2 and 3. This neighborhood is a hispanic minority-concentrated area.

The appendix also shows where minority-concentrated tracts are located. These are based on the following definition: A minority-concentrated area is any neighborhood or Census tract in which: 1) The percentage of households in a particular racial or ethnic minority group is at least 20 percentage points higher than the percentage of that minority group for the housing market areas; 2) The total percentage of minority persons is at least 20 percentage points higher than the total percentage of all minorities in the housing market areas as a whole; or 3) If a metropolitan area, the total percentage of minority persons exceeds 50 percent of its population. The housing market area is the region where it is likely that renters and purchasers would be drawn for a particular housing project. Generally the housing market area is the county.

Geographic Distribution

Target Area	Percentage of Funds
2014-2018 NOTICE Priority Neighborhoods	90

Table 12 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Neighborhoods receiving improvements are ranked according to infrastructure needs and LMI status. Many of these neighborhoods are also minority concentrated areas.

Discussion

Please see above

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

This section summarizes
the affordable housing goals for the FY2014-2015
Action Plan

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	0
Special-Needs	0
Total	0

Table 13 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	15
Acquisition of Existing Units	0
Total	15

Table 14 - One Year Goals for Affordable Housing by Support Type

Discussion

Please see above

AP-60 Public Housing – 91.220(h)

Introduction

This section is not applicable, as Carrollton does not have a public housing authority.

Actions planned during the next year to address the needs to public housing

Actions to encourage public housing residents to become more involved in management and participate in homeownership

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

This section describes the activities planned during the PY2016 program year to address the needs of persons who are homeless and other non-homeless special needs.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Outreach to persons experiencing homelessness is done through the City's partner agencies, primarily Metrocrest Services and Christian Community Action. Carrollton allocates a portion of general funds each year to supporting these organizations and their efforts to prevent homelessness and provide needed services to the homeless population.

Addressing the emergency shelter and transitional housing needs of homeless persons

Addressing the emergency shelter and transitional housing needs of homeless persons

The City will continue to partner with Metrocrest Services, who will provide the following services:

- Case Management
- Thorough assessment and evaluation of individual needs. Monitoring individuals as they move from homelessness to transitional housing to permanent housing
- Prevention
- Rent/Mortgage assistance
- Utility assistance
- Education and training on budgeting and financial management
- Supportive Services
- Emergency financial assistance
- Rent/Mortgage assistance
- Counseling and/or advocacy
- Medical/Dental/Vision assistance
- Emergency food assistance
- Emergency clothing assistance
- Emergency shelter assistance
- Employment assistance

- Transportation assistance
- Programs: holiday food and gifts
- Education
- Job counseling
- Employment skills training
- Tax preparation assistance
- Money management classes
- Summer camp
- Information and referral to various programs
- Seasonal programs: school supplies and school shoes

The above-mentioned services are provided to the homeless population, population at risk of becoming homeless and those transitioning from homelessness.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Please see above.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

Please see above.

Discussion

Please see above.

One year goals for the number of households to be provided housing through the use of HOPWA for:

Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family
Tenant-based rental assistance
Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds
Total

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

This section describes the City's plan to address barriers in affordable housing identified in the 2015 Analysis of Impediments to Fair Housing Choice (AI).

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

2015 Recommended Fair Housing Action Plan

It is recommended that the City of Carrollton consider the following Fair Housing Action Plan (FHAP) and activities for reducing fair housing impediments.

Action Item 1. Improve the personal credit and financial literacy of certain Carrollton residents.

Action Item 2. Continue city funding of home improvement and modification programs. Carrollton should continue to help low income residents with home improvements and accessibility modifications that they cannot afford and/or for which they cannot access residential credit from the private sector.

Action Item 3. Increase the inventory of deeply affordable rentals in Carrollton. The city should continue to support the development of subsidized rental units that are affordable to residents earning less than \$20,000 per year, and accommodate a range of unit sizes to ensure that the families living in poverty with children have access to stable and affordable housing.

Action Item 4. Modify some aspects of the city's land use code to mitigate discriminatory treatment of persons with disabilities.

Action Item 5. Improve access to fair housing information

Discussion

The fair housing impediments found in the 2015 AI update are discussed below.

Impediment 1. Residential credit—particularly home improvement loans—can be difficult for minority households in Carrollton to access. This may adversely affect conditions of Carrollton’s neighborhoods with high proportions of minority residents.

- Residential loans are denied between 20 and 30 percent of the time for most minority applicants, compared to between 13 and 14 percent for non-Hispanic, white and Asian applicants.
- Middle-income African American loan applicants are denied residential loans at almost twice the rate of white applicants.
- For the majority of borrower groups (whites excepted), home improvement loans are denied more than 70 percent of the time. The high rates of denials have implications for the condition of homes—and spillover effects in neighborhoods—of the city’s minority residents.
- Although not perfectly correlated, many areas of high denials and high subprime lending are also found in the neighborhoods where minority residents are concentrated.

Impediment 2. Lack of affordable rental housing in Carrollton may disproportionately impact Hispanic residents and children.

Carrollton’s Hispanic residents have a poverty rate that is twice as high as other racial groups. Children have the highest poverty rate of any age cohort. As such, these two groups of residents are disproportionately affected by limited affordable housing in the city.

The limited number of affordable rentals in Carrollton relative to low income household growth, coupled with rising housing costs, has increased the need for affordable rentals during the past decade. The shortage of affordable rentals may disproportionately impact residents of Hispanic descent and children, who have the highest rates of poverty in Carrollton.

Impediment 3. Fair housing information may be difficult for residents to find.

Although city staff has a standard process for referring residents with questions about their fair housing rights to appropriate organizations in the greater Dallas area, city websites do not contain information about fair housing. When faced with fair housing questions, residents would need to contact city staff directly, then be referred to the appropriate department or organization outside of Carrollton.

AP-85 Other Actions – 91.220(k)

Introduction

This section reports additional efforts the City will undertake during the 2016-2017 program year to address residents' housing and community development needs.

Actions planned to address obstacles to meeting underserved needs

Limited funding and resources to address the most complicated situations (e.g., chronically homeless) are the primary obstacles to meeting underserved needs in Carrollton. The City will allocate approximately \$350,000 in general fund dollars to its social service partners to help meet the basic unmet needs of residents, including food, medical care, clothing and emergency housing assistance.

Actions planned to foster and maintain affordable housing

Housing actions will be accomplished through existing efforts to preserve affordable housing through neighborhood and housing unit improvement programs (NOTICE, Housing Rehabilitation).

Actions planned to reduce lead-based paint hazards

Mitigating lead-based paint hazards will mostly be accomplished through lead paint testing and, if lead is found, abatement through the Minor Home Repair program.

The City will also provide information to all program applicants regarding the hazards of lead-based paint and display and distribute materials (in English and Spanish) on lead-based paint hazards during community events.

Actions planned to reduce the number of poverty-level families

In addition, the Community Services Division will provide technical assistance and information to private and public organizations that seek to provide affordable housing and support services to residents of Carrollton.

Actions planned to develop institutional structure

The City will promote and emphasize the need for greater coordination between all agencies active in Carrollton so as to minimize the duplication of efforts. Cooperative efforts in applying for available funds will be initiated between public and private housing providers so as to maximize the potential for being awarded funds by the State and Federal Government. Efforts to enhance coordination between the public and private sector will ensure that needs are being properly addressed and that resources are being maximized.

Actions planned to enhance coordination between public and private housing and social service agencies

Please see above.

Discussion

Please see above.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.	

Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.

100.00%

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, ADOPTING THE DRAFT PROGRAM YEAR 2016 COMMUNITY DEVELOPMENT BLOCK GRANT ONE-YEAR PLAN OF ACTION AND BUDGET 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 of Carrollton is entitled to receive \$753,231 in Community Development Block Grant funds from the United States Department of Housing and Urban Development in Program Year 2016; and

WHEREAS, the Neighborhood Advisory Commission reviewed the Program Year 2016 Community Development Block Grant One-Year Plan of Action and Budget; and

WHEREAS, on June 9, 2016, the Neighborhood Advisory Commission held a public hearing on the Program Year 2016 Community Development Block Grant One-Year Plan of Action and Budget, and after all persons were given an opportunity to present verbal and written testimony, did consider and make recommendations for this Plan and Budget incorporated therein; and

WHEREAS, the City Council conducted a public hearing on July 12, 2016 and thereby provided all persons with an opportunity to present verbal and written testimony; and

WHEREAS, the City Council has concluded that the adoption of the Plan and Budget for Program Year 2016 is in the best interest of the City and is for the purpose of securing additional community development resources for the primary benefit of low and moderate income citizens:

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

SECTION 1

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

SECTION 2

The Program Year 2016 Community Development Block Grant One-Year Plan of Action and Budget, which draft document is attached hereto and incorporated herein for all

purposes, establishes the strategies and goals for the Carrollton Community Development Block Grant Program and is hereby adopted by the City Council.

SECTION 3

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

SECTION 4

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

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 12th day of July, 2016.

CITY OF CARROLLTON, TEXAS

Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd
City Attorney

APPROVED AS TO CONTENT:

Scott Hudson
Environmental Services Director



City of Carrollton

Agenda Memo

File Number: 2715

Agenda Date: 7/12/2016

Version: 1

Status: Public Hearing/Consent
Agenda

In Control: City Council

File Type: Public Hearing

Agenda Number: *30.

CC MEETING: July 12, 2016

DATE: July 5, 2016

TO: Leonard Martin, City Manager

FROM: Michael McCauley, Senior Planner

Hold A Public Hearing To Consider A Technical Site Plan For A Multi-Family Residential Development On An Approximately 3.4-Acre Tract Zoned PD-45 Located At 1146 Trinity Mills Road. Case No. 06-16TSP1 Trinity Mills Village Apartments. Case Coordinator: Michael McCauley.

BACKGROUND:

This is a request for approval of a technical site plan for an apartment complex.

PD-45 (Ordinance No. 3665) requires site plan review for Tract A for site design and consistency of the conceptual building elevation design with those of Tract B (westerly tract) by the Planning and Zoning Commission and then forwarded to City Council for final action.

STAFF RECOMMENDATION/ACTION DESIRED:

On June 2, 2016, the Planning & Zoning Commission recommended **APPROVAL** with stipulations. Because the action of the Commission was unanimous and no public opposition has been received, this item is being placed on the Public Hearing - Consent portion of the agenda.

RESULT SHEET

Date: 07/13/16

Case No./Name: 06-16TSP1 Trinity Mills Village Apartments

A. STIPULATIONS AND RECOMMENDATIONS

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

1. If developed as an apartment complex, the development shall be in general conformance with the drawings attached hereto as Exhibits B, C and D, and in accordance with the following special conditions, restrictions and regulations:

- a. ~~Prior to City Council action, a complete Conceptual Landscape Plan showing all the landscape requirements of PD 45 and those of Article XXV of the Comprehensive Zoning Ordinance shall be submitted for review and approval by the City Arborist.~~

RESUBMITTED PLANS SHOW COMPLIANCE

- b. ~~Prior to City Council action, the development plans shall be revised to show a minimum 33 feet of internal vehicular stacking at the northeasternmost driveway.~~

RESUBMITTED PLANS SHOW COMPLIANCE

- c. ~~Prior to City Council action and per PD 45, the development plans shall be revised to show one decorative, pedestrian-oriented light (e.g. illuminated bollard or decorative street light) for every thirty feet (30') placed in a formal row. Lighting of the shade trees is encouraged and may count towards one half of this requirement, provided that said tree lighting can be demonstrated to also illuminate the sidewalk.~~

RESUBMITTED PLANS SHOW COMPLIANCE

- d. All remaining special conditions, restrictions and regulations outlined in PD-45 (Ordinance 3665) shall apply.

B. P&Z ACTION from P&Z meeting: 06/02/16

Result: **APPROVED** with stipulations /Vote: 6-0 (Sundaran, Nesbit and Romo absent)

C. CC PUBLIC HEARING from CC meeting: 07/12/16

Result: /Vote:

TECHNICAL SITE PLAN

Case Coordinator: Michael McCauley

GENERAL PROJECT INFORMATION

SITE ZONING: PD-45 for the (MF-18) Multi-Family Residential District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	PD-45 for the (MF-18) Multi-Family District	Apartments
SOUTH	(LI) Light Industrial District	Self-Storage/Retail (Across PGBT)
EAST	PD-45 for the (LR-2) Local Retail District	Institutional (Language)
WEST	PD-45 for the (O-2) Office District	Apartments (Under Construction)
REQUEST:	A Technical Site Plan for multi-family residential development.	
PROPOSED USE:	200-unit, 5-story apartment building with first floor parking.	
ACRES/LOTS:	Approximately 3.4 acres/1 lot.	
LOCATION:	1146 W. Trinity Mills Road (north side of Trinity Mills and west of Carter Road).	
HISTORY:	The current zoning on the property was established in February 2015. The Planned Development requires a Technical Site Plan review by both Planning & Zoning Commission and City Council for this site. The property has not been platted or developed.	
COMPREHENSIVE PLAN:	Multi-Family Residential.	
TRANSPORTATION PLAN:	W. Trinity Mills Road is designated as a Controlled Access Highway and MacArthur Drive is designated as a (C4T) Four-Lane Undivided Collector (TOD area).	
OWNER:	TM Village Ltd.	
REPRESENTED BY:	Carrell Partners & Yost Architecture.	

STAFF ANALYSIS

PROPOSAL/BACKGROUND

This is a request for approval of a Technical Site Plan (TSP) for an apartment complex.

ORDINANCE REQUIREMENTS

PD-45 (Ordinance No. 3665) requires site plan (Technical Site Plan) approval by the Planning and Zoning Commission and the City Council for this site, Tract A.

Tract A (easterly tract) is zoned for the (MF-18) Multi-Family Residential District and Tract B (westerly tract) is zoned for the (O-2) Office District. Both sites are intended to provide for a modified urban design,.

GENERAL DEVELOPMENT STANDARDS

1. The maximum building height shall be six stories.

The proposal is five stories, including first floor parking, and consistent with the office/apartment complex to the west and under construction.

2. The minimum building setback along MacArthur Drive shall be six feet.

The minimum building setback along MacArthur Drive is approximately fifteen feet.

3. Prior to development on Tract A, a review of the proposed development shall be required in accordance with the process set forth in Article XXVIII Special Conditions & Development Standards, Section F Site Plan Review, provided however that:

- a. Said review shall also include consistency of conceptual building elevation design with those on Tract B (westerly platted tract), and;
- b. Said review shall also be forwarded to City Council for final action.

The proposal is consistent with the building design of the western tract, Tract B.

Tract B is proposed as an office and apartment complex. The building will have 49 residential units and its design consists mostly of a brick, stone, split face block and glass façade. The five-story building has a variation in roof heights with recessed balconies.

Tract A, the subject site, is proposed for a 200-unit apartment complex and its building design consists mostly of brick, stone and split face block. This project will not have the large, glass façade shown on Tract B's proposal because this proposal is solely for multi-family residential and the glass shown for Tract B is used to complement the office complex use.

4. Article XXVIII Special Conditions & Development Standards, Section F, of the Comprehensive Zoning Ordinance, sets forth the following conditions for site plan review by

the Planning and Zoning Commission:

- a. Provision of a safe and efficient vehicular and pedestrian circulation system.

Compliant.

- b. Design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.

Compliant.

- c. Use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary.

Will be compliant.

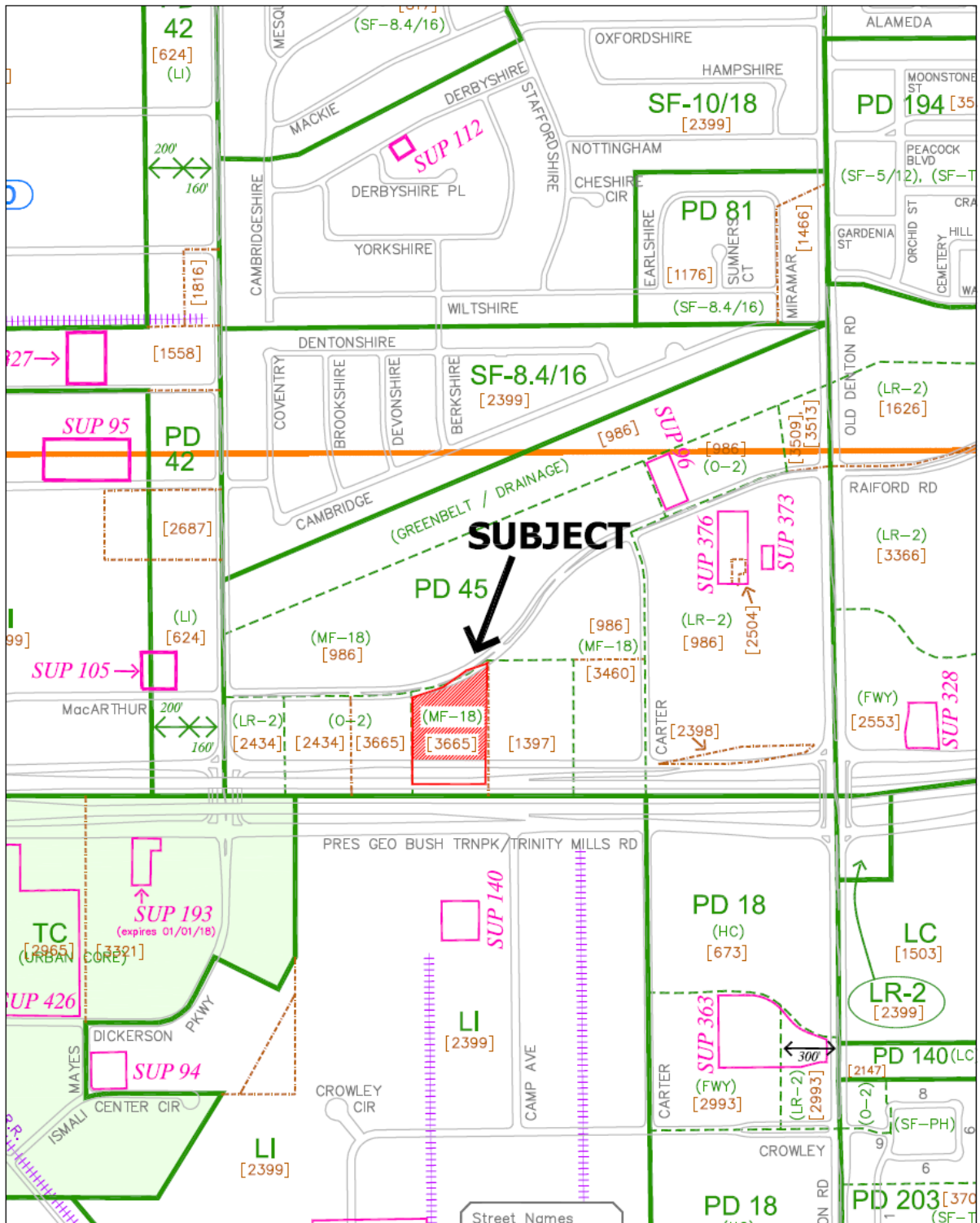
- d. The placement and orientation of buildings and other facilities.

Compliant.

CONCLUSION

With the exception to staff's stipulations for approval, staff believes the proposal has met all conditions for approving the Technical Site Plan. Further, staff believes the building's architecture is exceptional and will complement the area.

EXHIBIT A
SITE LOCATION AND ZONING MAP



[illegible]

EXHIBIT C CONCEPTUAL SITE PLAN

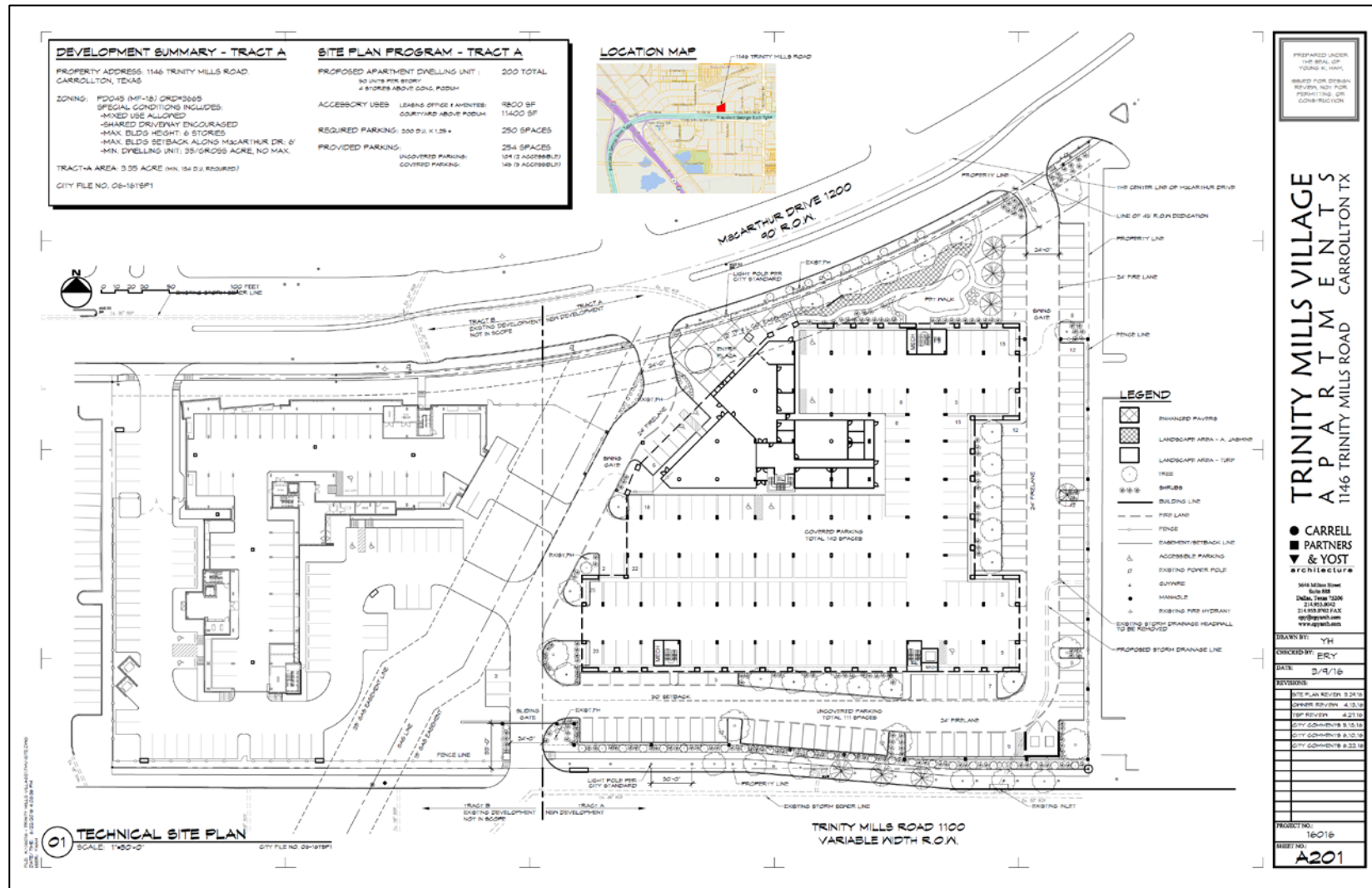


EXHIBIT D
CONCEPTUAL BUILDING ELEVATIONS





















TRINITY MILLS VILLAGE CONCEPT DESIGN

TECHNICAL SITE REVIEW REVISION

5/18/2016

CITY FILE No. 06-16TSP1

CARROLLTON, TEXAS



**Excerpt from Draft Minutes
Planning & Zoning Commission
Meeting of June 2, 2016**

Public Hearing To Consider A **Technical Site Plan** For A Multi-Family Residential Development On An Approximately 3.4-Acre Tract Zoned PD-45 Located At 1146 Trinity Mills Road. Case No. 06-16TSP1 Trinity Mills Village Apartments. Case Coordinator: Michael McCauley.

McCauley presented the case noting that the Technical Site Plan was required by the PD. He advised that staff believes the Technical Site Plan is consistent with PD 45 as well as the Comprehensive Zoning Ordinance and with what was approved last year. Staff recommended approval subject to the stipulations outlined in the case report.

Ed Yost, Carrell Partners & Yost Architecture, 5646 Milton Street, Dallas, stated Trinity Mills Village is the newest addition to the vision to provide urban style development for this Carrollton district. He referred to the conceptual site plan showing that the two developments work together with easy access to Trinity Mills as well as McArthur. He stated that 200 units were proposed with 254 parking spaces with the majority of the spaces covered. He stated that they understood there were some stipulations they would need to meet before the case gets to the City Council. He stated they were striving to match and compliment the other building.

Chair McAninch opened the public hearing and invited speakers to address the Commission; there being no speakers she offered the applicant an opportunity to make closing comments.

Mr. Yost presented documents to the Commission and stated he was present to get their feedback and hopefully their approval.

Chair McAninch closed the public hearing and opened the floor for discussion or a motion.

* ***Chadwick moved approval of the Technical Site Plan for Case No. 06-16TSP1 Trinity Mills Village Apartments with stipulations, with the first three stipulations being met prior to being submitted to City Council; second by Kraus and the motion was approved with a unanimous 6-0 vote (Nesbit, Sundaran and Romo absent).***



City of Carrollton

Agenda Memo

File Number: 2727

Agenda Date: 7/12/2016

Version: 1

Status: Public
Hearing/Individual
Consideration

In Control: City Council

File Type: Ordinance

Agenda Number: 31.

CC MEETING: July 12, 2016

DATE: July 6, 2016

TO: Leonard Martin, City Manager

FROM: Loren Shapiro, Chief Planner

Hold A Public Hearing To Consider An **Ordinance To Amend the Zoning And Establish A Special Use Permit For A Used Car Dealership To Allow Outdoor Display With Special Conditions On A 1.65 Acre Tract Zoned Light Industrial (LI) And Located At 2317 Midway Road; Amending The Official Zoning Map Accordingly. Case No. 06-16SUP1 Auto Web Car Dealership. Case Coordinator: Loren Shapiro.**

BACKGROUND:

This is a request to establish a special use permit (SUP) for a used car dealership with outdoor display.

STAFF RECOMMENDATION/ACTION DESIRED:

On June 2, 2016 the Planning & Zoning Commission recommended **APPROVAL** of the special use permit to allow an outdoor used car lot, but with additional stipulations. The attached ordinance reflects the action of the Commission. Although no public opposition has been received, the action by the Commission was not unanimous. Therefore, this item is being placed on the Public Hearing - Individual Consideration portion of the agenda.

RESULTS SHEET

Case No./Name: 06-16SUP1 Auto Web Car Dealership

A. STIPULATIONS AND RECOMMENDATIONS:

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

1. The used car dealership shall be in substantial conformance with the conceptual site and landscape plan, conceptual building façade, and conceptual auto display pad attached as Exhibits A, B, and C respectively.
2. Security fencing shall be ornamental ~~or metal picket~~ fencing.
3. The parking lot shall be improved and paved consistent with development and parking standards.
4. All parking spaces shall be striped and vehicles parked in individual marked spaces.
5. No more than 45 vehicles may be stored or displayed outside.
6. ~~The car auto display pad and ground sign, with components of the exterior façade, shall be in substantial conformance with the conceptual monument signage and auto display plan shown on Exhibit C.~~ Exhibits A and C and city codes.
7. Lighting for the auto display shall be directed away from adjoining properties and streets.
8. All exterior lighting shall be brought into conformance with the glare standards in Article XXVII, Section B of the Comprehensive Zoning Ordinance or as amended in the city Code of Ordinances.
9. Shade structures, carports, or similar devices shall not be allowed over parking spaces.
10. Add a landscape island with a canopy or two ornamentals at the end of the parking row adjacent and north of the entry drive. The landscaped island and number of parking spaces provided in the site statistics shall be adjusted prior to the City Council meeting.
11. Screening shall conceal all mechanical equipment on the roof.

B. P&Z RECOMMENDATION from P&Z meeting: 06/02/2016

Result: Approved with additional stipulations added/Vote: 4-2 (McAninch and Chadwick in opposition; Sundaran, Nesbit, & Romo absent)

1. Landscaping with trees shall be provided along the north property line.
2. Landscaping shall be inspected by the City Arborist ensuring compliance with an approved landscape plan prior to issuance of a Certificate of Occupancy (C.O.).

C. CC PUBLIC HEARING and ORDINANCE ACTION from CC meeting: 07/12/2016

Result: /Vote:

SPECIAL USE PERMIT

Case Coordinator: Loren Shapiro

GENERAL PROJECT INFORMATION

SITE ZONING: (LI) Light Industrial District

	<u>SURROUNDING ZONING</u>	<u>SURROUNDING LAND USES</u>
NORTH	(LI) Light Industrial District with SUP 421 for used auto sales	Used car dealer
SOUTH	(LI) Light Industrial District with SUP 412 for parking on a lot separate from the main use	Auto repair
EAST	Town of Addison	Addison Airport (across Midway Road)
WEST	(LI) Light Industrial District with SUP 421 for used auto sales and SUP 291 for a child day care center (not operating)	Church

REQUEST: A new Special Use Permit allowing for a used car dealer

PROPOSED USE: Used car dealer

ACRES/LOTS: Approximately 1.65 acres/1 lot

LOCATION: West side of Midway Road, just north of Keller Springs Road

HISTORY:

- The current zoning on the property was established in 1973.
- The property was originally platted into a lot of legal record in 1978, and replatted most recently on April 6, 2015.
- The existing building was constructed in 1980.
- A Special Use Permit was approved by City Council for the Texas Legend Gun Range on February 2, 2016. However, there were property covenants and financing issues preventing the indoor gun range to locate on site.

COMPREHENSIVE PLAN: Industrial Uses

TRANSPORTATION PLAN: Midway Road is designated as an (A6D) Six-Lane Divided Arterial.

OWNER: ELL Commercial Properties, LLC

REPRESENTED BY: Ardi Fazeli/DORS Family Ltd. Partnership

STAFF ANALYSIS

PROPOSAL AND BACKGROUND

This is a request for approval of a new Special Use Permit to allow an outdoor used car dealership with outdoor storage.

Auto Web Expo sells luxury automobiles and wants to relocate their Plano facility to the old Toni and Guy property. The applicant proposes vehicles sales inside and outdoors.

Auto Web Expo has provided a conceptual site and landscape plan (Exhibit A), building façade plan (Exhibits B), and auto display pad (Exhibit C) proposing improvements and upgrades to the subject property.

ORDINANCE REQUIREMENTS

The proposed use is classified in NAICS Code 44112 as used car dealers. The Comprehensive Zoning Ordinance identifies two types - used car dealerships (indoors or accessory to a new car dealership) or used car dealerships with outdoor display and sales. Selling and displaying vehicles, indoors only, are allowed in the (LI) Light Industrial District. However, used car dealers displaying vehicles for sale outdoors require an approved Special Use Permit.

ELEMENTS TO CONSIDER

- The subject property is located in an industrial area, in close proximity to Addison Airport, and away from residential areas and schools.
- Four other used car dealers have been approved by Special Use Permit with development stipulations over the past two years along Midway Road.
 - RUF Auto Center – 3236 Skyline Drive – southwest corner of Midway and Skyline. Approved on December 9, 2014.
 - Earth Motors Cars – 3216 Kellway Drive – southwest corner of Midway and Kellway. Approved April 7, 2015.
 - Texas Carz – 2399 Midway Road – southwest corner of Midway and Commander. Approved April 7, 2015.
 - Dallas Autos Direct – 3228 and 3232 Skyline Drive. Approved December 1, 2015
 - Stipulations to the four SUPs included but were not limited to increase landscape screening, limits on time and number of vehicles allowed for outdoor sales, designated marked parking spaces, and regulations on lighting.
- The former Toni and Guy building is not in use. The parking lot surface is in unsatisfactory condition and contains no landscaping. Additionally, little or no

landscaping exists along Midway Road.

PROPOSED USED CAR DEALERSHIP

- The applicant proposes to sell late-model used cars.
- The applicant proposes to improve and upgrade the exterior building facade with a stone finish on the corners and entry with the remainder painted earth tones to contrast. Additional display windows would be added for indoor display of vehicles. The building already exceeds the minimum masonry content of 80 percent.
- One raised auto display pad area will be provided on the northeast portion of the property, and contain lighting directed to the vehicle and away from streets and adjacent properties.
- All signs shall be in conformance with the sign ordinance.

The Planning and Zoning Commission was presented with a conceptual monument sign plan in order to ensure the sign contained materials matching the building. However, the sign ordinance already requires monument signs to match materials of the building. Therefore, staff has removed the referenced monument sign stipulations from the conditions of approval and proposed ordinance.

- The applicant proposes to pave and stripe the parking lot, in conformance with the city's parking standards.
- Outdoor auto display would be limited to 45 parking spaces. Parking islands with trees will be added to the upgraded parking lot.
- Canopy and ornamental trees with shrubs will be planted along Midway Road in an existing 10 – 45 foot wide grass strip between the right-of-way and parking lot.
- The unsightly utility generator will contain vegetative screening reducing view from Midway Road.
- Staff recommended enhanced metal ornamental fencing around the perimeter of the property.

Since the Planning and Zoning Commission meeting, the applicant stated they did not want any security fencing around the property. The fencing has been removed from the conceptual site plan. However, text requiring the perimeter metal ornamental fencing is included in the proposed ordinance, and has been reworded to be clearer.

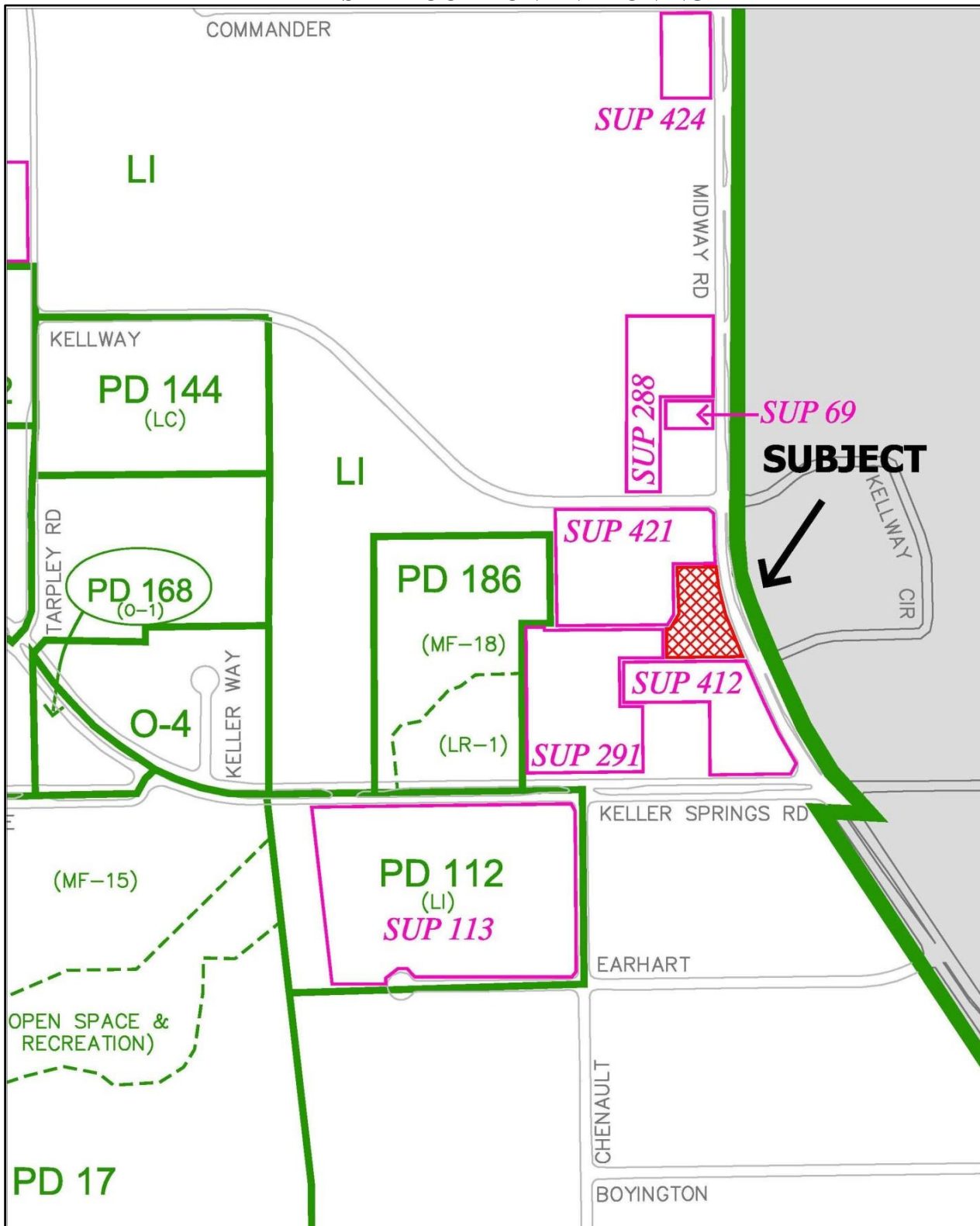
- Access will be provided from an existing driveway on Midway Road.

CONCLUSION:

The area along Midway Road contains industrial and commercial uses with no schools or residential uses, and is in close proximity to Addison Airport. The property has not been occupied since Toni and Guy moved from the site. There have been four outdoor used car dealerships approved with a Special Use Permit over the past two years.

The applicant plans significantly upgrades the former Toni and Guy property. The building façade will be repainted with earth tones coloring, while corners and the front entry will contain a new stone finish. Canopy trees, ornamentals, and shrubs shall be added on the grassy strip between the street and parking lot. Landscape islands with trees will be provided in the parking lot. The parking lot will be repaved removing the potholes and unimproved portion of existing asphalt. The Special Use Permit (SUP) proposes to limit the maximum number of vehicles to be displayed for sale to 45 autos. The use and upgrades proposed appears to improve the property and Midway Road corridor.

SITE LOCATION AND ZONING MAP



SUPPLEMENTARY INFORMATION
Photos of Existing Site

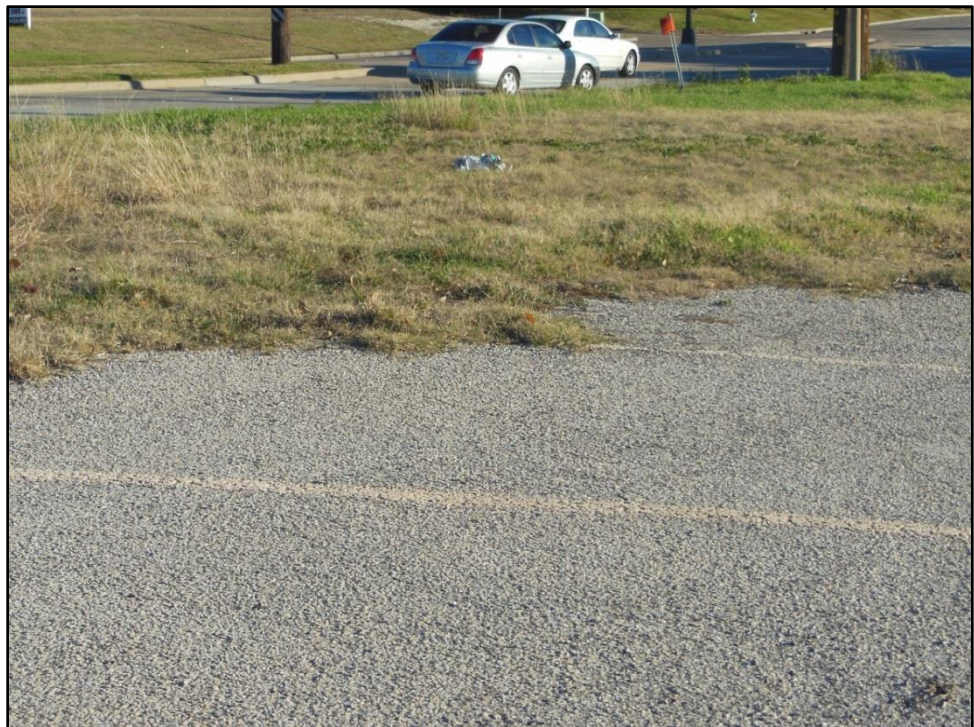


Above: East Façade – Note Existing Mature Trees To Be Retained

Below: North Façade – Note Rooftop Equipment



SUPPLEMENTARY INFORMATION
Photos of Asphalt Parking Area



SUPPLEMENTARY INFORMATION
Photos Along Midway Road



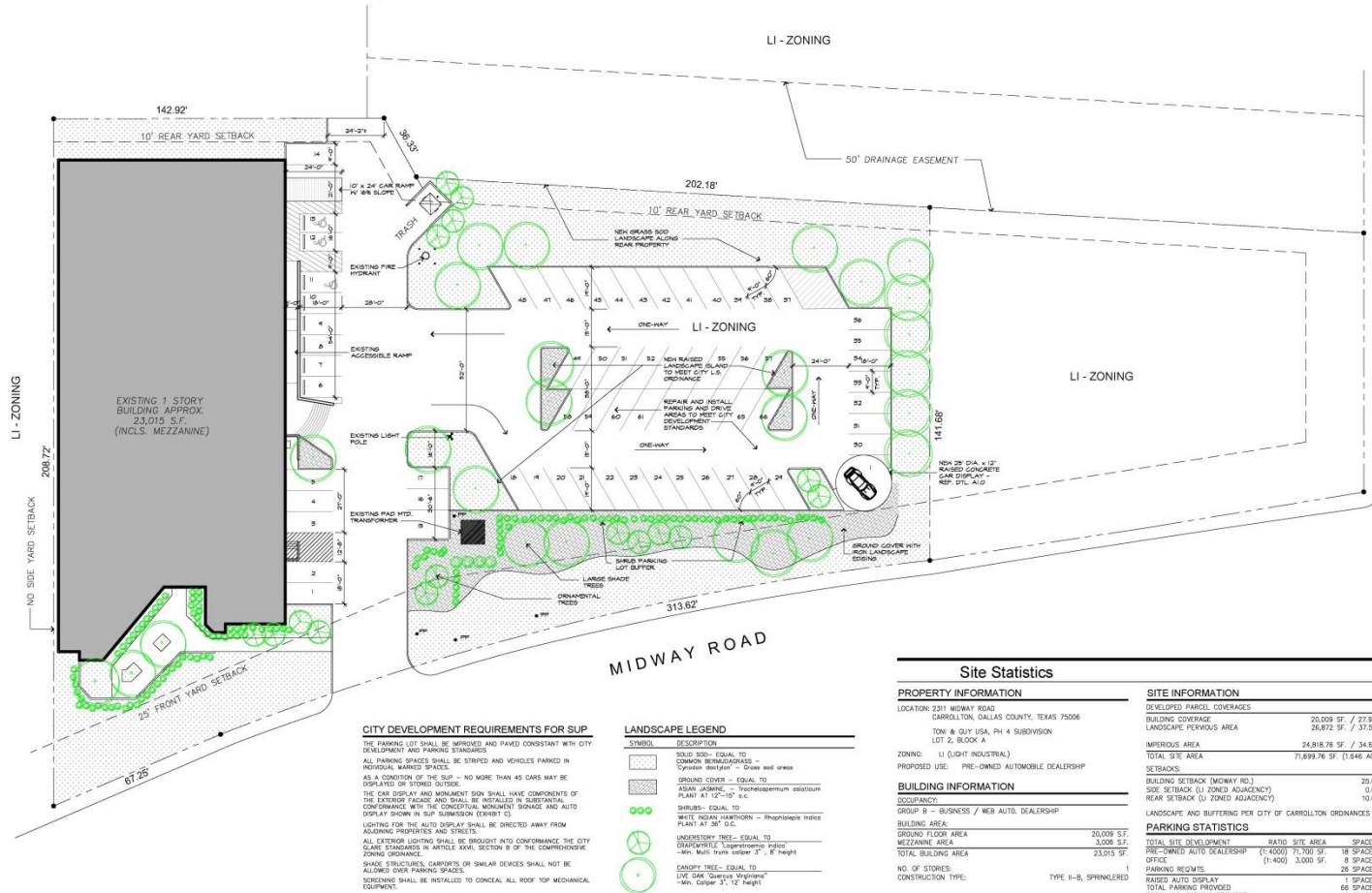
Views Along Midway – North (L) and South (R)



View of Utility Generator – Lack of Landscaping and Screening Along Midway

Exhibit A

Conceptual Site and Landscape Plan



Site Statistics	
PROPERTY INFORMATION	
LOCATION: 2311 MIDWAY ROAD	
CARROLLTON, DALLAS COUNTY, TEXAS 75006	
TONI & GUY USA, PH 4 SUBDIVISION	
LOT 2, BLOCK 8	
ZONING: (I) LIGHT INDUSTRIAL	
PROPOSED USE: PRE-OWNED AUTOMOBILE DEALERSHIP	
BUILDING INFORMATION	
OCCUPANCY: GROUP B - BUSINESS / WEB AUTO. DEALERSHIP	
BUILDING AREA:	
GROUND FLOOR AREA	20,008 S.F.
MEZZANINE AREA	3,008 S.F.
TOTAL BUILDING AREA	23,015 S.F.
NO. OF STORES:	1
CONSTRUCTION TYPE:	TYPE II-B, SPRINKLERED
SITE INFORMATION	
DEVELOPED PARCEL COVERAGES	
BUILDING COVERAGE	20,008 SF / 27.8%
LANDSCAPE PAVEMENT AREA	26,872 SF / 37.5%
IMPERVIOUS AREA	24,818.76 SF / 34.6%
TOTAL SITE AREA	71,899.76 SF (1.946 AC)
SETBACKS	
BUILDING SETBACK (MIDWAY RD.)	25.0'
SIDE SETBACK (I) ZONED ADJACENCY	0.0'
REAR SETBACK (I) ZONED ADJACENCY	10.0'
LANDSCAPE AND BUFFERING PER CITY OF CARROLLTON ORDINANCES	
PARKING STATISTICS	
TOTAL SITE DEVELOPMENT	RATIO SITE AREA SPACES
PRE-OWNED AUTO DEALERSHIP (1:4000)	71,700 SF 18 SPACES
OFFICE (1:400)	3,000 SF 8 SPACES
PARKING REQWTS.	25 SPACES
RAISED AUTO DISPLAY	1 SPACES
TOTAL PARKING PROVIDED	66 SPACES
TOTAL H.C. PARKING PROVIDED	3 SPACES

Landry
ARCHITECTS

1222 Richardson St. #100
Houston, Texas 77002
Tel: 281.433.0841
Fax: 281.433.0814
ARCHITECT: PENDING PROFESSIONAL

Seal

5/25/16

Consultant

Project Title

AUTO WEB EXPO
AUTO DEALERSHIP
2311 MIDWAY ROAD
CARROLLTON, TX 75006

Revisions:

1	SUP REV - 5/25/16
2	SUP REV - 6/28/16
3	SUP REV - 6/30/16

Drawing Title:

CONCEPTUAL SITE PLAN / LANDSCAPE PLAN

Date:

5/25/16

Project No:

G18-020

Sheet No.

SP.0

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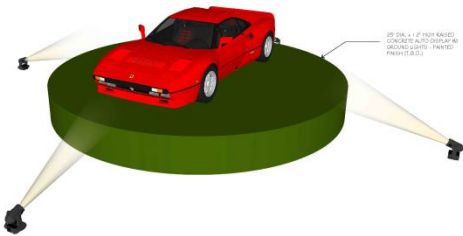
Exhibit B
Conceptual Building Façade Plans
View South



Exhibit B
Conceptual Building Façade Plans
View West From Midway Road



Exhibit C
Conceptual Auto Display Pad



25' DIA. x 4' 6" HIGH (6400)
CONCRETE AUTO DISPLAY PAD
ARCHITECTURE (FURNISHED)
PREFAB (S.S.)

2 CONCEPTUAL AUTO DISPLAY PAD
SCALE: NONE

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Consultant

Project Title

AUTO WEB EXPO
AUTO DEALERSHIP
2311 MIDWAY ROAD
CARROLLTON, TX 75006

Revisions:
1. F.R. - 5/25/16

Drawing Title:
CONCEPTUAL

AUTO DISPLAY

Date: 5/25/16

Project No. G16-020

Sheet No.

A1.0

**Auto Web Expo
DRAFT P&Z MINUTES
JUNE 2, 2016**

Public Hearing To Consider And Act On An Ordinance To Amend the Zoning And **Establish A Special Use Permit For A Used Car Dealership To Allow Outdoor Display** With Special Conditions On An 1.65 Acre Tract Zoned Light Industrial (LI) And Located at 2317 Midway Road; Amending The Official Zoning Map Accordingly. **Case No. 06-16SUP1 Auto Web Car Dealership.** Case Coordinator: Loren Shapiro.

Shapiro presented the case stating that the applicant proposed to install landscaping along Midway, repave the parking area, to enhance the façade with stone and to have one raised display pad on the NW portion of the property. He reviewed the stipulations and advised that staff recommended approval.

Dillon Rahani, Dallas, stated offer high end luxury automobiles and were excited to be part of Carrollton. He stated the appearance of the building is very important because of the type of automobiles they sell. He stated they would comply with all of the stipulations required.

Kraus suggested landscaping between the north end of the property and the adjacent vacant lot and Mr. Rahani voiced his agreement stating they were working closely with the City Arborist.

Chair McAninch asked the applicant if there would be an objection to a stipulation requiring approval by the Arborist to insure compliance prior to the issuance of a Certificate of Occupancy and Mr. Rahani replied there would be no objection.

Kiser voiced a concern about emergency service access and Fire Marshal Scott Tittle replied that they would require a fire lane along the north façade of the building. Kiser also asked about the limitation of 45 vehicles and the applicant replied they would do what is necessary to make sure they meet the limit. He added that they do not service the vehicles on site.

Daniel-Nix asked about their previous site and the applicant stated they sold the building on Plano Parkway but wanted to stay in the North Dallas area. Daniel-Nix asked how they obtain the inventory and Mr. Rahani stated the vehicles were lease returns from the factory. He explained that they would have a separate facility for preparing the vehicles for sale and would also use the site for vehicles above the 45 limit.

Chair McAninch opened the public hearing and invited speakers to address the Commission. There were no speakers. She offered the applicant an opportunity for closing comments. Mr. Rahani stated they've had a great experience so far and hoped Commission would believe in them. He stated they would be an outstanding resident for Carrollton.

Chair McAninch stated she has been opposed to the used car dealerships in the area and stated the City did not need to cover the area with used cars. She stated she lives in close proximity and is very sensitive to the fact. She agreed that the location currently looks terrible and appreciates the fact that the applicant would do the landscaping which would make it look great and the building would look great, but when the used cars are displayed, it would not look great any longer. She stated she was opposed to the request and stated that she did not think that the City needed any more used car dealerships in that area of Carrollton; it is oversaturated.

**Auto Web Expo
DRAFT P&Z MINUTES
JUNE 2, 2016**

Chadwick stated he would also vote against the request because he did not feel another car dealership was needed along Midway Road.

Daniel-Nix underscored to the applicant the importance of meeting and maintaining the regulations. She hoped the applicant would bring back revenue and business into Carrollton and stressed the importance of keeping the area beautified.

**Daniel-Nix moved to close the public hearing and accept the ordinance to amend and approve the Special Use Permit with all the stipulations that are listed, with the added stipulations to add landscaping to the north end of the lot as well as a stipulation that the landscaping must meet full compliance with the landscape plan as inspected by the City Arborist prior to issuance of the Certificate of Occupancy, for Case No. 06-16SUP1 Auto Web Car Dealership; second by Kiser and the motion was approved with a 4-2 vote, McAninch and Chadwick opposed; Nesbit, Sundaran and Romo absent.*

PLANNING
City of Carrollton

SPECIAL USE PERMIT NO. 436
Development Name: Auto Web Expo

ORDINANCE NUMBER _____

ORDINANCE NO. _____ OF THE CITY OF CARROLLTON
AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY
ESTABLISHING SPECIAL USE PERMIT NUMBER 436 PROVIDING
FOR A USED CAR DEALER UPON PROPERTY LOCATED AT 2311
MIDWAY ROAD; AMENDING THE OFFICIAL ZONING MAP;
PROVIDING FOR PENALTY, REPEALER, SEVERABILITY, AND
SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE
ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Second day of June, 2016, the Planning & Zoning Commission considered and made recommendation on a request regarding a Special Use Permit (Case No. 06-16SUP1), 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 436 is hereby established for a certain approximately 1.7-acre tract of land located at 2311 Midway Road as more specifically described on the attached Exhibit A and generally located on the location map attached hereto as Exhibit B, providing for a change in zoning to the following use:

Used Car Dealer (outdoors)

Section 3.

Development shall be in accordance with the following special conditions, restrictions, and regulations:

1. Development shall be in accordance with the attached Conceptual Site and Landscape Plan (Exhibit C) and Conceptual Building Elevations (Exhibit D), with the following additional stipulations:
 - a. Security fencing shall be ornamental metal fencing.
 - b. The parking lot shall be improved and paved consistent with development and parking standards.
 - c. All parking spaces shall be striped and vehicles parked in individual marked spaces.
 - d. No more than 45 vehicles may be stored or displayed outside.
 - e. The auto display pad shall be in substantial conformance with Exhibits A and C and city codes.
 - f. Lighting for the auto display shall be directed away from adjoining properties and streets.
 - g. All exterior lighting shall be brought into conformance with the glare standards in Article XXVII, Section B of the Comprehensive Zoning Ordinance or as amended in the city Code of Ordinances.
 - h. Shade structures, carports, or similar devices shall not be allowed over parking spaces.
 - i. Add a landscape island with a canopy or two ornamentals at the end of the parking row adjacent and north of the entry drive. The landscaped island and number of parking spaces provided in the site statistics shall be adjusted prior to the City Council meeting.
 - j. Screening shall conceal all mechanical equipment on the roof.
 - k. Landscaping with trees shall be provided along the north property line.
 - l. Landscaping shall be inspected by the City Arborist ensuring compliance with an approved landscape plan prior to issuance of a Certificate of Occupancy (C.O.).

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.

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.

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

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 Twelfth day of July, 2016.

CITY OF CARROLLTON

By: _____
Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Loren Shapiro, AICP
Chief Planner

Ord. No. _____

EXHIBIT A
Legal Description

TONI & GUY USA PH 4
BLK A LT 2

EXHIBIT B

Location Map

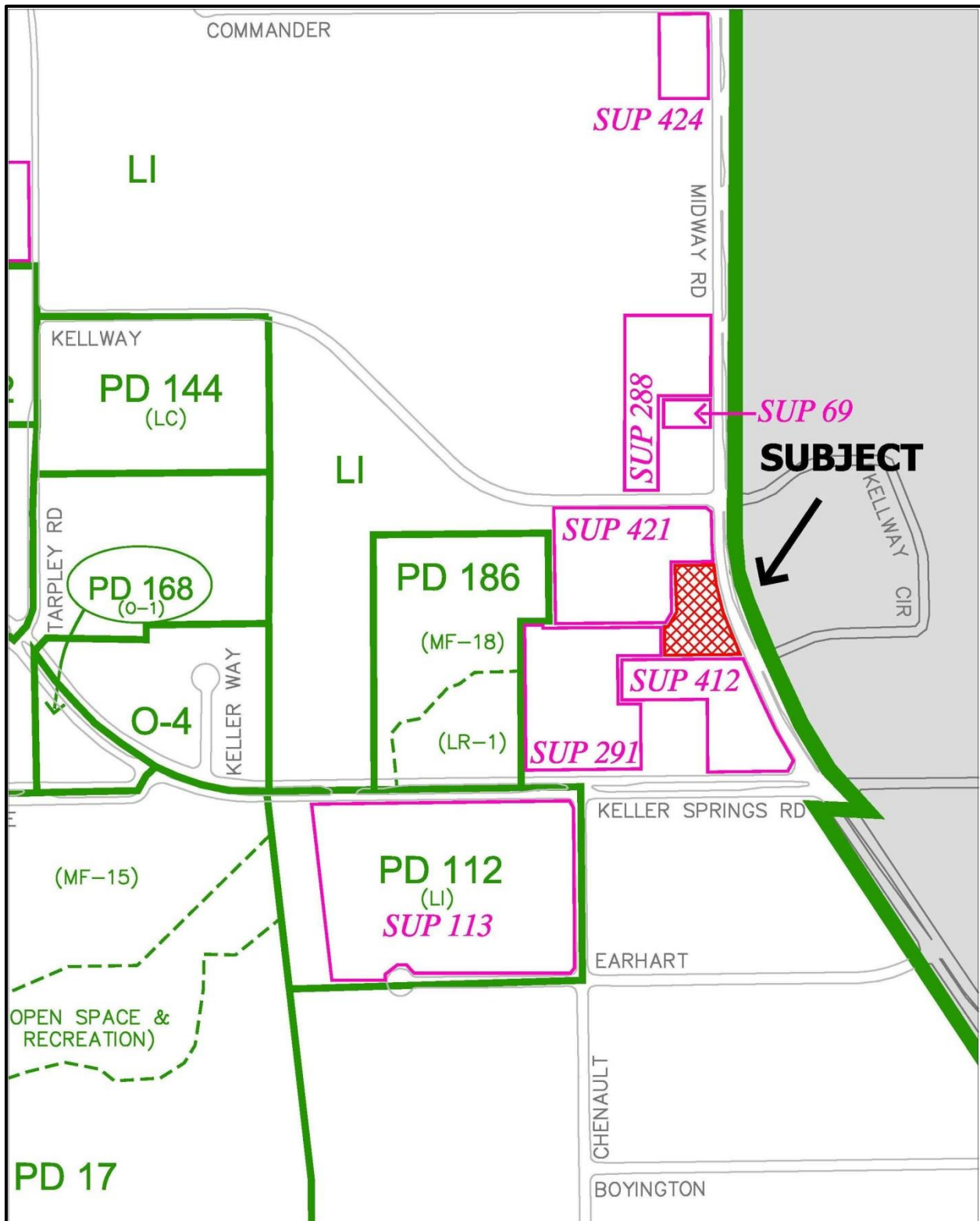


EXHIBIT D
Conceptual
Building Elevation Plan



EXHIBIT D
Conceptual
Building Elevation Plan



EXHIBIT D
Conceptual
Building Elevation Plan

