



CITY COUNCIL AGENDA

AUGUST 5, 2014

(For General Information and Rules of Courtesy, please see opposite side.)
(La Información General y las Reglas de Cortesía que Deben Observarse Durante las Asambleas del
Consejo Municipal Aparecen en el Lado Opuesto. Por Favor, Leerlas.)

I. General Information

The Arlington City Council is comprised of a Mayor and eight City Council members. Elections are conducted every spring in May.

Arlington City Council meetings are broadcast live on the Arlington Government Channel (A.G.C.) and replayed throughout the week. Visit the City's Web site for the A.G.C. broadcast schedule.

www.arlingtontx.gov

CITY COUNCIL SCHEDULE-2014

MONTH	SCHEDULED
January	7, 21
February	11, 25
March	4, 18
April	8, 22
May	13, 20*, 27***
June	10, 24
July	Break
August	5, 12**, 19
September	2, 11**, 16
October	14, 28
November	4, 18
December	2, 16

* Special Meeting – Official Canvass of Votes
** Special Meeting - Budget Related Items Only
*** Swear in newly elected Council members

II. Support or Opposition on Agenda Items

Anyone wishing to speak or register their support or opposition on a given matter should fill out a card available at the entrance and give it to a staff member at the main table before the opening of the meeting. If you've signed up that you wish to speak, and your name is called:

- Please come to the microphone at the podium and state your name and ~~address before you begin your presentation.~~
- To the extent possible, please refrain from repeating testimony which has already been given.
- Speakers in support or in opposition of an item will be given **two** minutes to make their statements.
- Public Hearings: an applicant has **five** minutes for their presentation and **two** minutes for any rebuttal.
- A bell will signal at the end of the speaker's time. Please wrap up your comments promptly.
- We ask that you address your comments to the Mayor and Council.

III. Citizen Participation

Citizen participation gives the public an opportunity to make comments or address concerns that are not posted on the evening's agenda. Please understand that the Mayor and Council are not permitted by law to respond to or address your concerns at this time, as these items are not included on the posted Council Agenda for this evening. The Mayor and Council may only ask clarifying questions and/or direct staff to take appropriate action.

IV. Rules of Courtesy

We ask that citizens and other visitors in attendance assist in preserving the order and decorum of this meeting. Any person making personal, profane, slanderous, or threatening remarks or who becomes disruptive while addressing the Mayor and the City Council or while attending the City Council meeting may be removed from the Council Chambers.

I. Información General

El Ayuntamiento de la Ciudad de Arlington consiste de un Alcalde y ocho miembros del concilio municipal. Las elecciones se llevan a cabo cada Mayo en la primavera.

Las reuniones del Ayuntamiento de la Ciudad de Arlington se transmiten en vivo en el canal del Gobierno de Arlington (A.G.C.) y se repiten durante la semana. Visita la página web de la Ciudad para el horario del programa. www.arlingtontx.gov

EL HORARIO DEL AYUNTAMIENTO-2014

EL MES	PROGRAMADO
Enero	7, 21
Febrero	11, 25
Marzo	4, 18
Abril	8, 22
Mayo	13, 20*, 27***
Junio	10, 24
Julio	Descanso
Agosto	5, 12**, 19
Septiembre	2, 11**, 16
Octubre	14, 28
Noviembre	4, 18
Diciembre	2, 16

* Reunion especial – sólo para aprobar los votos oficiales de eleccion
** Reunions especial - sólo los artículos relacionados con el presupuesto de la ciudad
*** Jurar los nuevos miembros electos del Ayuntamiento municipal

II. Apoya u Opone los Artículos del Orden del Día

Alguno que desea hablar o registrar su apoyo u oposición en un asunto dado debe llenar una tarjeta disponible en la entrada y darlo a un empleado localizado en la mesa principal antes de la apertura de la reunión. Si usted se ha inscrito que desea hablar y tu nombre es llamado:

- Venga por favor al micrófono en el podio e indique su nombre y la dirección antes que empiece su presentación.
- Hasta el punto posible, por favor de abstenerse de repetir testimonio que ya ha sido dado.
- Los oradores en apoyo u oposición de un artículo sera dado **dos** minutos de hacer sus declaraciones.
- Las Audiciones Publicas: un solicitante tiene **cinco** minutos para su presentación y **dos** minutos para cualquier refutación.
- Una campana señalará a fines del tiempo del orador. Por favor, concluye tus comentarios inmediatamente.
- Pedimos que dirige sus comentarios al Alcalde y el Concilio.

III. Participación de los Ciudadanos

La participación del ciudadano da el público una oportunidad a hacer comentarios o dirigir preocupaciones que no son anunciados en el orden del día o agenda. Comprenda por favor que el Alcalde y el concilio no son permitidos por ley a responder o abordar tus preocupaciones en este tiempo, porque estos artículos no son incluidos en los anunciados del orden del día del Ayuntamiento para esta tarde. El Alcalde y el Concejo sólo pueden pedir clarificación a preguntas y/o dirigen el personal a tomar acción apropiada.

IV. Reglas de Cortesía

Pedimos que los ciudadanos y otros visitantes presente asisten en la preservación del orden y el decoro de esta junta. Cualquier persona que haga comentarios personales, profanos, difamatorios o intimidatorios, o alguien que lo haga en forma disruptivo durante dirigirse al Alcalde y el Ayuntamiento, o cuando está asistiendo la reunión del Ayuntamiento puede ser quitado de la Sala del Ayuntamiento.

Agenda



Arlington City Council Meeting

City Hall Council Chamber
101 W. Abram St.

**Tuesday, August 05, 2014
6:30 PM**

- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE
- III. SPECIAL PRESENTATIONS
- IV. APPOINTMENTS TO BOARDS AND COMMISSIONS
- V. SPEAKER GUIDELINES AND GENERAL DECORUM
- VI. APPROVAL OF ITEMS FROM EXECUTIVE SESSION

A. *The consideration of the use of eminent domain to condemn property. (Requires separate motion and vote). (If there is a council member objection to any item, then that item must be read separately)*

1. **Stadium Drive (Abram Street to Division Street) – BSL, Inc., Project No. PWST09001**

Condemnation Resolution. A resolution ordering condemnation of 5,749 square feet of right-of-way, 68 square feet of pedestrian and 1,433 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot B1, Block 4, Hillview Addition, an addition to the City of Arlington, as recorded in Cabinet B, Slide 2139, Plat Records, Tarrant County, otherwise known as 134 Stadium Drive, City of

- The Arlington City Hall is wheelchair accessible. For accommodations or sign interpretive services, please call 817-459-6100 no later than 24 hours in advance.
- Council meetings are broadcast live on Arlington's Government Channel, and rebroadcast throughout the week at the following times:

	Afternoon meetings	Evening Meetings
Sunday	1:00 p.m.	6:00 p.m.
Wednesday	1:30 p.m.	6:30 a.m.
Saturday	6:00 p.m.	6:30 a.m.

The Council agenda can be viewed on the City's website at www.ArlingtonTX.gov

- For a complete Arlington Government Channel program schedule, please visit www.ArlingtonTX.gov/Broadcast

Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

VII. APPROVAL OF MINUTES

Special Meeting, June 17, 2014
Afternoon Meeting, June 24, 2014
Evening Meeting, June 24, 2014
Special Meeting, June 30, 2014

VIII. APPROVAL OF CONSENT AGENDA

Approval of the Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations and all votes on final reading will be recorded as reflected on first reading unless otherwise indicated. Public comment will be accepted on items, with the exception of those items on which a public hearing has been held and closed by Council, which will be indicated as **(CLOSED)** on the agenda.

A. Minute Orders

1. **Annual Requirements Contract for Demolition & Abatement Services, Bid Project 14-0187 (MO#08052014-001)**
Authorize the City Manager or his designee to approve an annual requirements contract for the purchase of demolition and abatement services with Intercon Environmental, Inc. of Mansfield, Texas through the State of Texas Cooperative Purchasing Program in the estimated amount of \$250,000, and execute any and all documents necessary to carry out such contract. Funds are budgeted in Code Compliance Services Account No. 410301-61034 and subject to FY2015 budget approval.
2. **Annual Requirements Contract for Facility and Grounds Maintenance Supplies, Bid Project 14-0176 (MO#08052014-002)**
Authorize the City Manager or his designee to execute an annual requirements contract for the purchase of facility and grounds maintenance supplies with The Home Depot Company of Atlanta, Georgia, through the U.S. Communities Government Purchasing Alliance (U.S. Communities) in the estimated amount of \$175,000, and execute any and all documents necessary to carry out such contract. Funds are budgeted in various departmental accounts and subject to FY 2015 budget approval.
3. **Annual Requirements Contract for Miscellaneous Concrete and Handicap Ramp Program; Project No. PWSM14001 (MO#08052014-003)**
Authorizing the City Manager or his designee to execute an annual requirements contract for miscellaneous concrete work with Axis Contracting, Inc., of Dallas, Texas, in an amount not to exceed \$2,164,951. Funds are available in the Street Maintenance Sales Tax Account No. 728501-63132-61350695 [\$1,972,825.50] and Public Works Street Bond Account No. 358504-68153-65650698 [\$192,125.50].

4. **Annual Requirements Contracts for Vehicle Detection Equipment, Bid Project 14-0171 (MO#08052014-004)**
Authorize the City Manager or his designee to execute annual requirements contracts for vehicle detection equipment with Texas Highway Products of Round Rock, Texas, in the estimated amount of \$86,363 and with Iteris, Inc. of Austin, Texas, in the estimated amount of \$86,363; both through the State of Texas Cooperative Purchasing Program for a total estimated amount of \$172,726, and execute any and all documents necessary to carry out such contracts. Funds are budgeted in the Public Works Department Traffic Bond Account No. 358505-80550799-68300 and subject to FY 2015 budget approval.
5. **Annual Requirements Contract for Traffic Pavement Markings and Devices, Bid Project 14-0167 (MO#08052014-005)**
Authorize the City Manager or his designee to execute an annual requirements contract for traffic pavement markings and devices with Flint Trading Inc., of Thomasville, North Carolina, through the State of Texas Cooperative Purchasing Program in the estimated amount of \$120,000, and execute any and all documents necessary to carry out such contract. Funds are budgeted in Street Maintenance Sales Tax Account No. 720101-63132 and subject to FY15 budget approval.
6. **Annual Requirements Contract for GPS Diagnostic Monitoring Services, Bid Project 14-0179 (MO#08052014-006)**
Authorize the City Manager or his designee to approve a contract for GPS Diagnostic Monitoring Services, with Networkfleet, Inc., of San Diego, California, through the United States General Services Administration (GSA) in the estimated amount of \$116,852, and execute any and all documents necessary to carry out such contract. Funds are budgeted in various departmental accounts and subject to FY 2015 budget approval.
7. **Renewal of Contract for Emergency Generator Maintenance, Bid Project 11-0149 (MO#08052014-007)**
Authorize the City Manager or his designee to exercise the first of three one-year renewal options in the contract for emergency generator maintenance with Power Pro-Tech Services of Altamonte Springs, Florida, in the estimated amount of \$67,062, and execute any and all documents necessary to carry out such renewal. This estimated amount is for one year and includes contract modifications. Funds are budgeted in various City accounts and subject to FY 2015 budget approval.
8. **Renewal of Annual Requirements Contract for Street Sweeping Services, Bid Project 10-0181 (MO#08052014-008)**
Authorize the City Manager or his designee to exercise the fourth and final, one-year renewal option in the contract for street sweeping services with Sweeping Services of Texas - Operating L.P., dba Mr. Dirt of Texas of Grand Prairie, Texas, in the estimated amount of \$204,253.59, and execute any and all documents necessary to carry out such renewal. Funds are budgeted in Storm Water Maintenance of Streets Account No. 300102-63132 and subject to FY2015 budget approval.

9. **Renewal of Annual Requirement Contracts for Concrete Repair Work, Bid Project 14-0008 (MO#08052014-009)**
Authorize the City Manager or his designee to exercise the first of four, one-year renewal options for the annual requirements contract for concrete repair work with Westhill Construction, Inc. of Cleburne, Texas in the estimated amount of \$197,475 and Reliable Paving, Inc. of Arlington, Texas in the estimated amount of \$210,820 for an estimated total amount of \$408,295, and execute any and all documents necessary to carry out such renewal. Funds are budgeted in various departmental accounts and subject to FY2015 budget approval.
10. **Renewal of Annual Requirements Contract for High-Efficiency Toilets, Bid Project 13-0181 (MO#08052014-010)**
Authorize the City Manager or his designee to exercise the first of four, one-year renewal options for the purchase of high-efficiency toilets with Ferguson Enterprises, Inc. of Arlington, Texas in the estimated amount of \$52,286 and execute any and all documents necessary to carry out such renewal. Funds are budgeted in Water Utilities Conservation Program Account No. 600103-60014.
11. **Renewal of Annual Requirements Contract for Submersible Pump Maintenance and Repair, Bid Project 11-0140 (MO#08052014-011)**
Authorize the City Manager or his designee to exercise the third of four, one-year renewal options in the contract for submersible pump maintenance and repair with Smith Pump Company, Inc. of Fort Worth, Texas, in the estimated amount of \$118,370, and execute any and all documents necessary to carry out such renewal. Funds are available in the Water Utilities Water Treatment Maintenance Account No. 620102-63122 and subject to FY2015 budget approval.
12. **Renewal of Contract for Contract Administrator for the Arlington Homebuyer's Assistance Program, RFP Project 10-0077 (MO#08052014-012)**
Authorize the City Manager or his designee to exercise the fourth and final, one-year renewal option in the contract for Contract Administrator for the Arlington Homebuyers' Assistance Program (AHAP) with Tarrant County Housing Partnership (TCHP), Inc. of Fort Worth, Texas, in the estimated amount of \$80,000 and execute any and all documents necessary to carry out such renewal. Grant funds are budgeted in Home Investment Partnership Act Grant Account No. 418605-61002-410728.
13. **Construction Contract for Bowen Road (Northbound Right Turn Lane at IH-20); Project No. PWPW14001 (MO#08052014-013)**
Authorizing the City Manager or his designee to execute a construction contract with Stabile & Winn, Inc., of Saginaw, Texas, for the Bowen Road (Northbound Right Turn Lane at IH-20) Project in an amount not to exceed \$283,254.50. The contract includes a maximum bonus of \$18,750, for a possible contract total of \$302,004.50. Funding is available in the following accounts: Street Bond Fund Account No. 358504-68153-65620698 [\$269,524.24] and Water Bond Fund Account No. 658502-68252-18075205 [\$32,480.26].

14. **Bowman Springs Road (Bridge and Realignment); Project No. PWST099001 (MO#08052014-014)**
Authorizing the City Manager or his designee to issue final payment to the Texas Department of Transportation (TxDOT), of Fort Worth, Texas, for the completed construction of the Bowman Springs Road Bridge and Realignment Project (Pennsylvania Avenue to Kennedale Junior High School) based on the Final Statement of Cost in the amount of \$126,573.28. Funding is available in the Non-Arbitrage Street Bond Fund Account No. 358502-68153-64270699.
15. **Purchase of Three Tandem Trucks, Bid Project 14-0173 (MO#08052014-015)**
Authorize the City Manager or his designee to approve the purchase of three tandem trucks with Southwest International Trucks, Inc. of Arlington, Texas, through the Texas Local Government Purchasing Cooperative (TLGPC) in the estimated amount of \$386,224.02, and execute any and all documents necessary to carry out such purchase. Funds are budgeted in the Fleet Services Administration Account No. 790101-68200.
16. **Purchase and Replacement of a Heavy Duty Equipment Lift, Bid Project 14-0181 (MO#08052014-016)**
Authorize the City Manager or his designee to approve the purchase and replacement of a heavy duty equipment lift at the South Service Center with Vehicle Service Group, LLC, dba Rotary Lift of Madison, Indiana, through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program in the estimated amount of \$106,991.90, and execute any and all documents necessary to carry out such purchase. Funds are budgeted in Public Works Fleet Account No. 790101-68101.

B. Consent Agenda Resolutions

1. **Interlocal Agreement for Providing Ultra-Low Sulfur Diesel Fuel to the University of Texas at Arlington**
A resolution authorizing the execution of an Interlocal Agreement with the University of Texas at Arlington relative to the provision of ultra-low sulfur diesel fuel.
2. **COPS Hiring Program (CHP) Grant**
A resolution authorizing the acceptance of a grant, if awarded, from the United States Department of Justice Office of Community Oriented Policing Services (COPS) in the amount of \$1,875,000 over three years through the COPS Hiring Program for 15 police officers and authorizing the execution of documents relative to the acceptance of such grant.
3. **2014 Incident Management Equipment Purchase Grant Application**
A resolution authorizing the submission of a grant application to the North Central Texas Council of Governments for the 2014 Incident Management Equipment Purchase grant and authorizing the execution of documents relative to the submission and later acceptance of such grant.
4. **Arlington Independent School District Agreement (Joint Funding for AISD Fire Academy Lieutenant)**
A resolution authorizing the execution of an Interlocal Agreement with the Arlington Independent School District relative to partial funding for a Fire Lieutenant assigned to coordinate the AISD Fire Academy.

5. **Landscape and Amenity Maintenance Agreement with Texas Department of Transportation**
A resolution authorizing the execution of a Landscape and Amenity Maintenance Agreement with the State of Texas to allow for maintenance of landscape and pedestrian amenities and other aesthetic elements within the City of Arlington Special Purpose Zoning Districts within the State's rights-of-way on portions of FM 157 and SH 180, SH 360 outside the frontage roads, and IH-30 outside the frontage roads.

6. **Jar and Filtration Research for Optimizing Chemical Use at the City of Arlington's Pierce-Burch and John F. Kubala Water Treatment Plants, WUTR14015**
A resolution authorizing the execution of an Interlocal Cooperation Contract with the University of Texas at Arlington for jar and filtration research for optimizing chemical use at the City of Arlington's Pierce-Burch and John F. Kubala Water Treatment Plants, in an amount not to exceed \$49,847.

END OF CONSENT AGENDA

IX. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

X. CONSIDER AND VOTE ON WITHDRAWN ITEMS

XI. PUBLIC HEARINGS: ORDINANCES FIRST READING

Speaker Regulations: Anyone wishing to speak for or against a Public Hearing must fill out a card at the entrance to the Council Chamber.

A. Public Hearing – Ordinances First Reading

1. **Specific Use Permit SUP14-3 (316 West Fork Dr. - 316 West Fork Drive)**
Following the public hearing, consider a request for approval of a Specific Use Permit (SUP) for Auto Service Center in Light Industrial (LI) zoning district. This request is in response to the Zoning Ordinance amendment effective January 27, 2014, requiring new minor auto repair uses to obtain a SUP if located within 200 feet from the right-of-way line of a street. The proposed business is located within the 200 feet from the right-of-way line.

ORDINANCE FIRST READING

First reading of an ordinance adopting Specific Use Permit SUP14-3 for an Auto Service Center on certain property known as 316 West Fork Drive zoned Light Industrial (LI) and amending the Zoning District Map accordingly.

2. **Development Plan DP13-8 (All Storage - 2500 Overbrook and 3000, 3050, 3100, and 3200 South Watson Road)**

Following the public hearing, consider a request for approval of a new development plan for a mini-warehouse use on approximately 8.454 acres zoned Planned Development (PD) for limited Community Commercial (CC) uses plus warehouse and mini-warehouse; generally located south of Overbrook Drive and west of South Watson Road. The original development plan that was approved as a part of the PD in 2005 expired since the site was not developed within five years.

ORDINANCE FIRST READING

First reading of an ordinance adopting Development Plan DP13-8 on certain property known as 2500 Overbrook and 3000, 3050, 3100, and 3200 South Watson Road; zoned Planned Development (PD) for limited Community Commercial (CC) uses plus warehouse and mini-warehouse and amending the Zoning District Map accordingly.

3. **Designation of Reinvestment Zone Number Thirty Eight – J & J Group, Ltd.**

Following the public hearing, consider an ordinance establishing Reinvestment Zone Number Thirty-Eight; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; and becoming effective upon second reading.

ORDINANCE FIRST READING

First Reading of an ordinance establishing Reinvestment Zone Number Thirty-Eight; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; and becoming effective upon second reading.

B. Public Hearing – Ordinances First and Final Emergency Reading

1. **Zoning Case PD14-2 (3909 South Cooper Street - 3909 South Cooper Street)**

Following the public hearing, consider first and final emergency reading of a request to change the zoning of property to Planned Development (PD) for limited Community Commercial (CC) uses plus a Package Liquor Store, with a Concept Brief on approximately 1.919 acres zoned Community Commercial (CC) and generally located south of West Arbrook Boulevard and east of South Cooper Street. First and final emergency reading of an ordinance changing the zoning classification on certain property known as 3909 South Cooper Street to Planned Development (PD) for limited Community Commercial (CC) uses, plus Package Liquor Store, with a Concept Brief and amending the Zoning District Map accordingly.

XII. ORDINANCES – FIRST AND/OR FINAL READINGS

Public comment will be accepted on items, with the exception of those items on which a public hearing has been held and closed by Council, which will be indicated as **(CLOSED)** on the agenda.

A. Ordinances- First Reading

1. School Zone Ordinance and Revision

An ordinance amending the "Traffic and Motor Vehicles" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Speed Regulations, Section 3.02, Speed Limits on State and Federal Highways, by the amendment of speed limits on State Highway F.M. 157 (Collins Street); Section 3.05, Speed Limits in School Zones, Subsection (A), by the addition of a designation for charter schools and the Hurst-Euless-Bedford AISD elementary school; Section 3.05, Subsection (C), by the amendment of the school zones on Mesquite Street and Pleasant Ridge Road; and the addition of new school zones on Blue Lake Boulevard, Brown Boulevard, Cascade Sky Drive, Collins Street, Jasmine Fox Lane, Kelly Elliott Road, Winter Fire Way and Woodside Drive; providing for a fine of up to \$200 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication.

2. Amendments to City of Arlington Ordinance Miscellaneous Offenses

An ordinance amending the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, entitled Miscellaneous Offenses, by the amendment of Section 1.05, Air Rifles - Discharge, relative to the discharge of air or gas propelled weapons within the City; and by the amendment of Section 1.07, Firearms - Discharge, relative to the discharge of firearms within the City; containing findings and other provisions; providing for a fine of up to \$500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication.

3. Amendments to City of Arlington "Fire Prevention" Ordinance

An ordinance amending the "Fire Prevention" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, General Provisions, Section 1.03, Amendments, Additions and Deletions, by the amendment of a portion of Subsection 121 relative to the amendment of Subsection 3406.3.1 related to the location of gas wells; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective 30 days after the final adoption of the ordinance.

4. **Amendments to the Flag and Logo Ordinance**

An ordinance amending the "Flag and Logo" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Definitions, Section 1.02, Logo; through the amendment of Article II, Clarifying Description of City of Arlington Flag and Logo, by the deletion of Section 2.02, Illustrating City of Arlington Flag, and the renumbering of the remaining section; and by the amendment of Section 2.03, Description of the City of Arlington Flag; through the amendment of Article V, Rules Governing the Use of the City of Arlington Logo, Section 5.02, Application Submitted; Section 5.03, Allowable Uses; Section 5.04, Approval; and Section 5.05, Guidelines to be Followed; through the amendment of Article VI, Use of the Flag, Section 6.01, Use of City of Arlington Logo, Servicemark and Trademark on City of Arlington Flag; and Section 6.04, Penalty; providing for a fine of up to \$200 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication.

B. Ordinances Final Reading

1. **Ordinance granting electric franchise to Oncor Electric Delivery Company LLC**

An ordinance amending the "Utilities" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, entitled Electricity, whereby the City grants to Oncor Electric Delivery Company LLC a franchise for the purpose of constructing, maintaining and operating an electric delivery system in the City; prescribing compensation to the City from the Company for the franchise privilege; prescribing the term and effective date of said franchise; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; and providing for publication and providing an effective date.

XIII. ANNOUNCEMENTS

XIV. CITIZEN PARTICIPATION– Recognition of visitors with items of business not on the agenda.



Minutes

Arlington City Council Special Meeting

101 W. Abram St.
3rd Floor

June 17, 2014
2:00 PM

The City Council of the City of Arlington, Texas, convened in Special Session on June 17, 2014, at 2:00 p.m. in the 101 West Abram St. 3rd Floor, with the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present, to-wit:

Mayor R. Cluck
Councilmember C. Parker
Councilmember S. Capehart
Councilmember R. Rivera
Councilmember K. Wilemon
Councilmember L. Wolff
Councilmember S. Shepard
Councilmember J. Bennett
Councilmember M. Glaspie

Trey Yelverton, City Manager
David Barber, Assistant City Attorney
Mary W. Supino, City Secretary

I. Call To Order

Mayor R. Cluck called the meeting to order at 2:04 p.m., and announced that Council would convene in Executive Session to discuss the following:

II. Executive Session

A. Section 551.072, DELIBERATION REGARDING REAL PROPERTY

1. Discussion regarding the acquisition, sale or lease of property located at 1608 N. Collins Street

At 2:42 p.m., Council reconvened in Open Session to continue discussion on the following item.

III. Work Session

A. 2014 Capital Bond Discussion

Councilmember J. Bennett proposed a fifth year option to the bond program for additional funding. He further recommended the following Public Works and Transportation projects to be included for consideration: Poly Webb Road, Eden Rd. (between Hwy. 287 and Calender), general street rebuilds and Ditto Golf Course.

Jim Parajon, Director, Community Development and Planning Department, introduced Keith Brooks, Engineering Operations Manager, Public Works and Transportation Department, who gave Council an overview of the criteria utilized to prioritize proposed projects for bond elections. Lemuel Randolph, Director, Parks and Recreation Department, discussed the project selection process for the Parks and Recreation Department and presented the senior center facility and multi-purpose center options. Jim Parajon, Director, Community Development and Planning Department, summarized project recommendations of the Citizens Bond Committee.

Cary Siegfried, Director of Libraries, discussed the Woodlands West Branch remodel.

IV. Adjourn

There being no further business, the meeting was adjourned at 3:32 p.m.

APPROVED:

Robert N. Cluck, Mayor

ATTEST:

Mary W. Supino, City Secretary



Minutes

Arlington City Council Meeting

Council Briefing Room
101 W. Abram St.

June 24, 2014
1:15 PM

The City Council of the City of Arlington, Texas, convened in Special Session on June 24, 2014, at 1:15 p.m. in the Council Briefing Room, Third Floor of the City Hall Building, 101 West Abram Street, with the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present, to-wit:

Mayor R. Cluck
Councilmember C. Parker
Councilmember S. Capehart
Councilmember K. Wilemon
Councilmember L. Wolff
Councilmember R. Shepard
Councilmember J. Bennett
Councilmember M. Glaspie

Absent: Councilmember R. Rivera

Trey Yelverton, City Manager
Jay Doegey, City Attorney
Mary W. Supino, City Secretary

I. CALL TO ORDER

Mayor R. Cluck called the meeting to order at 1:39 p.m.

II. WORK SESSION

1. Parks and Recreation Annual Report

Lemuel Randolph, Director, Parks and Recreation Department, presented the Parks and Recreation Annual Report to Council.

2. City Brand and Website Updates

Jay Warren, Marketing Communications Manager, Management Resources Department, presented the City brand and website updates to Council.

3. 2014 Capital Bond Discussion

Chief Don Crowson, Fire Department, discussed the planning for Fire Station 1. Jim Parajon, Director, Community Development and Planning Department, provided a follow-up related to the five year bond option to Council.

At 3:10 p.m., Mayor R. Cluck announced that there would be a short recess; Council reconvened at 3:33 p.m. with Mayor Pro Tem K. Wilemon presiding. Jim Parajon, Director, Community Development and Planning Department, continued the 2014 Capital Bond discussion.

III. ISSUES SESSION

A. Discussion of informal staff reports

1. 2014 Volunteer Income Tax Assistance (VITA) Program

Angela Norman, Grants Supervisor, Community Development and Planning Department, presented the 2014 Volunteer Income Tax Assistance (VITA) Program to Council.

2. Metro ArlingtonXpress (MAX) Update

Alicia Winkelblech, Planning Manager, Community Development and Planning Department, provided the Metro ArlingtonXpress update to Council.

B. Discussion of committee meetings

1. Municipal Policy - Handitran Overview

Councilmember K. Wilemon, Committee Member, reported on the committee meeting.

C. Discussion of miscellaneous items

1. Appointments to boards and commissions

There were five appointments to boards and commissions.

2. Evening Agenda items

Item Nos. VIII-A-1-4, VIII-A-12, VIII-A-17, and XII-B-1 were discussed.

3. Issues relative to City construction projects

4. Future Agenda Items

Councilmember L. Wolff requested an agenda item related to the housing overlay surrounding The University of Texas at Arlington.

5. Define an Identifiable Brand Newsletter

At 4:21 p.m., Mayor Pro Tem K. Wilemon announced Council would convene in Executive Session to discuss the following:

IV. EXECUTIVE SESSION

A. Section 551.071, CONSULTATION WITH ATTORNEY

1. Discussion of The Arlington Yacht Club Inc. (Texas) v. The City of Arlington
2. Discussion of Da Vinci Investment Limited Partnership v. City of Arlington, et. al. lawsuit
3. Discussion of New York Ave., LLC v. City of Arlington lawsuit

B. Section 551.072, DELIBERATION REGARDING REAL PROPERTY

1. The consideration of the use of eminent domain to condemn property.
 - a. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001
Condemnation Resolution. A resolution ordering condemnation of 4,664 square feet of right-of-way and 22,572 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot C1, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, otherwise known as 122 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.
 - b. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001
Condemnation Resolution. A resolution ordering condemnation of 6,474 square feet of right-of-way and 20,586 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot D, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, otherwise known as 118 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing,

maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

- c. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001
Condemnation Resolution. A resolution ordering condemnation of 8,715 square feet of right-of-way and 18,345 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot E, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, otherwise known as 114 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.
- d. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001
Condemnation Resolution. A resolution ordering condemnation of 7,720 square feet of right-of-way and 11,898 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot F, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, otherwise known as 110 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.
- e. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001
Condemnation Resolution. A resolution ordering condemnation of 40 square feet of right-of-way and 67 square feet of pedestrian easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot A1, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-27, Page 105, Plat Records, Tarrant County, Texas, otherwise known as 1717 E. Abram Street, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

2. The consideration of other real property items.

- a. Discussion of gas leases on City Property.

- b. Discussion regarding the acquisition, sale or lease of property located at 1608 N. Collins Street
- c. 1608 N. Collins Street - State of Texas
A resolution authorizing the City Manager, or his designee, to negotiate and execute the appropriate documents necessary to facilitate the purchase of fee simple property rights in approximately 18.37 acres of land, out of the G.W. Ragan Survey, Abstract No. 1288, City of Arlington, Tarrant County, Texas; otherwise known as 1608 N. Collins Street, City of Arlington, Tarrant County, Texas.
- d. 1701 E Sanford Street and 608 Stadium Drive -Contract of Sale - Ballpark Parking Partners, LLC
A resolution authorizing the City Manager, or his designee, to execute a contract of sale and related documents with Ballpark Parking Partners, LLC, for the purchase and transfer of fee determinable property rights in approximately 17.601 acres of land, being all of Lots 1 and 2, Stonegate Addition, an addition to the City of Arlington, Texas, as recorded in Instrument No. D209186698, Plat Records, Tarrant County, Texas; otherwise known as 1701 E. Sanford Street and 608 Stadium Drive, City of Arlington, Tarrant County, Texas.
- e. Execution of a Use Agreement with Texas MMJV, Sapphire, LP
A resolution authorizing the City Manager or his designee to execute a Use Agreement with Texas MMJV Sapphire, L.P., for the placement of a temporary construction trailer on property located at 119 Hosack Street, City of Arlington, Tarrant County, Texas.
- f. Stadium Drive (Abram Street to Division Street) - Stadium/Division Properties, Inc., Project No. PWST09001
A resolution determining the necessity of acquiring 144 square feet of right-of-way and 1,014 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot 8B1 of Pilant Acres, an addition to the City of Arlington, otherwise known as 1808 E. Division Street, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.
- g. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001
A resolution determining the necessity of acquiring 5,749 square feet of right-of-way, 68 square feet of pedestrian and 1,433 square feet of temporary

construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot B1, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Cabinet B, Slide 2139, Plat Records, Tarrant County, otherwise known as 134 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

C . Section 551.087, DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

1. Offers of Incentives to Business Prospects.

At 5:29 p.m., Council reconvened in Open Session and there being no further business, the meeting was adjourned.

APPROVED:

Robert N. Cluck, Mayor

ATTEST:

Mary W. Supino, City Secretary

Minutes



**Arlington City Council
Regular Meeting**

**Council Chamber
101 W. Abram St.**

**June 24, 2014
6:30 PM**

The City Council of the City of Arlington, Texas, convened in Regular Session on June 24, 2014, at 6:30 p.m. in the Council Chamber of the City Hall Building, 101 West Abram Street, with the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present, to-wit:

Councilmember C. Parker
Councilmember S. Capehart
Councilmember K. Wilemon
Councilmember L. Wolff
Councilmember R. Shepard
Councilmember J. Bennett
Councilmember M. Glaspie

Absent: Mayor R. Cluck and Councilmember R. Rivera

Trey Yelverton, City Manager
Jay Doegey, City Attorney
Mary W. Supino, City Secretary

I. CALL TO ORDER

Mayor Pro Tem K. Wilemon called the meeting to order at 6:30 p.m.

II. INVOCATION AND PLEDGE

Pastor Jonathan Stringfellow, Rock Church, gave the invocation and the Pledge of Allegiance was recited.

III. SPECIAL PRESENTATIONS

Mayor Pro Tem K. Wilemon and Council recognized volunteers who serve on City boards and commissions, and also presented Ron Reber, Landmark Preservation Commission, with the Volunteer of the Year award.

IV. APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilmember S. Capehart made a motion to approve the following resolutions appointing membership to the following Boards and Commissions. Seconded by Councilmember R. Shepard, the motion carried with 7 ayes and 0 nays.

Animal Services Center Advisory Board

Esteban Blanco, Place 2, term ending 6-30-16

RESOLUTION NO. 14-145

Citizens Environmental Committee

Janice Peterson, Place 1, term ending 6-30-16

RESOLUTION NO. 14-146

Landmark Preservation Commission

Glenn Day, Place 2, term ending 6-30-16

RESOLUTION NO. 14-147

Library Board

Tim Morris, Place 6, term ending 6-30-16

RESOLUTION NO. 14-148

Zoning Board of Adjustment

Edgar Korzeniowski, Place 2, term ending 6-30-16

RESOLUTION NO. 14-149

V. SPEAKER GUIDELINES AND GENERAL DECORUM

VI. APPROVAL OF ITEMS FROM EXECUTIVE SESSION

A. The consideration of the use of eminent domain to condemn property.

Councilmember R. Shepard made a motion to approve that the City Council authorize the use of the power of eminent domain to acquire all rights necessary for the Stadium Drive (Abram to Division Street) project that includes road improvements to Stadium Drive and East Abram Street as read by the City Secretary. This vote would apply to all units of property to be condemned for the Stadium Drive (Abram to Division Street) project on the agenda. Seconded by Councilmember L. Wolff, the motion carried with 7 ayes and 0 nays.

There being no objections by Council, items regarding eminent domain under Executive Session were considered all at once.

1. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001 Condemnation Resolution. A resolution ordering condemnation of 4,664 square feet of right-of-way and 22,572 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot C1, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, otherwise known as 122 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

Funds for these acquisitions, including closing costs, are available in Street Bond Funds Account No. 358504-68000-65240698.

RESOLUTION NO. 14-150

2. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001 Condemnation Resolution. A resolution ordering condemnation of 6,474 square feet of right-of-way and 20,586 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot D, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, otherwise known as 118 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

Funds for these acquisitions, including closing costs, are available in Street Bond Funds Account No. 358504-68000-65240698.

RESOLUTION NO. 14-151

3. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001 Condemnation Resolution. A resolution ordering condemnation of 8,715 square feet of right-of-way and 18,345 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot E, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, otherwise known as 114 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

Funds for these acquisitions, including closing costs, are available in Street Bond Funds Account No. 358504-68000-65240698.

RESOLUTION NO. 14-152

4. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001 Condemnation Resolution. A resolution ordering condemnation of 7,720 square feet of right-of-way and 11,898 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot F, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-51, Page 41, Plat Records, Tarrant County, Texas, otherwise known as 110 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

Funds for these acquisitions, including closing costs, are available in Street Bond Funds Account No. 358504-68000-65240698.

RESOLUTION NO. 14-153

5. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001 Condemnation Resolution. A resolution ordering condemnation of 40 square feet of right-of-way and 67 square feet of pedestrian easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot A1, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Volume 388-27, Page 105, Plat Records, Tarrant County, Texas, otherwise known as 1717 E. Abram Street, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

Funds for these acquisitions, including closing costs, are available in Street Bond Funds Account No. 358504-68000-65240698.

RESOLUTION NO. 14-154

B. Approval of Executive Session Consent Agenda Items

Councilmember S. Capehart made a motion to approve all items from the Executive Session Consent Agenda. Seconded by Councilmember L. Wolff, the motion carried with 7 ayes and 0 nays.

1. 1608 N. Collins Street - State of Texas
A resolution authorizing the City Manager, or his designee, to negotiate and execute the appropriate documents necessary to facilitate the purchase of fee simple property rights in approximately 18.37 acres of land, out of the G.W. Ragan Survey, Abstract No. 1288, City of Arlington, Tarrant County, Texas; otherwise known as 1608 N. Collins Street, City of Arlington, Tarrant County, Texas.

Acquisition of the property will be paid from Account No. 760116-18004.

RESOLUTION NO. 14-155

2. 1701 E Sanford Street and 608 Stadium Drive -Contract of Sale - Ballpark Parking Partners, LLC
A resolution authorizing the City Manager, or his designee, to execute a contract of sale and related documents with Ballpark Parking Partners, LLC, for the purchase and transfer of fee determinable property rights in approximately 17.601 acres of land, being all of Lots 1 and 2, Stonegate Addition, an addition to the City of Arlington, Texas, as recorded in Instrument No. D209186698, Plat Records, Tarrant County, Texas; otherwise known as 1701 E. Sanford Street and 608 Stadium Drive, City of Arlington, Tarrant County, Texas.

RESOLUTION NO. 14-156

3. Execution of a Use Agreement with Texas MMJV, Sapphire, LP
A resolution authorizing the City Manager or his designee to execute a Use Agreement with Texas MMJV Sapphire, L.P., for the placement of a temporary construction trailer on property located at 119 Hosack Street, City of Arlington, Tarrant County, Texas.

RESOLUTION NO. 14-157

4. Stadium Drive (Abram Street to Division Street) - Stadium/Division Properties, Inc., Project No. PWST09001
A resolution determining the necessity of acquiring 144 square feet of right-of-way and 1,014 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot 8B1 of Pilant Acres, an addition to the City of Arlington, otherwise known as 1808 E. Division Street, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

Funds for these acquisitions are available in Street Bond Funds Account No. 358504-68000-65240698.

RESOLUTION NO. 14-158

5. Stadium Drive (Abram Street to Division Street) - BSL, Inc., Project No. PWST09001
A resolution determining the necessity of acquiring 5,749 square feet of right-of-way, 68 square feet of pedestrian and 1,433 square feet of temporary construction easement rights for public use in, over and through land being situated in the Joel Blackwell Survey, Abstract No. 147, City of Arlington, Tarrant County, Texas, being out of Lot B1, Block 4, Hillview Addition, an addition to the City of Arlington as recorded in Cabinet B, Slide 2139, Plat Records, Tarrant County, otherwise known as 134 Stadium Drive, City of Arlington, Tarrant County, Texas, for the public use of constructing, reconstructing, maintaining and using a

permanent right-of-way and all necessary appurtenances for the Stadium Drive (Abram Street to Division Street) project.

Funds for these acquisitions, including closing costs, are available in Street Bond Funds Account No. 358504-68000-65240698.

RESOLUTION NO. 14-159

VII. APPROVAL OF MINUTES

Afternoon Meeting, June 10, 2014

Evening Meeting, June 10, 2014

Councilmember L. Wolff made a motion to approve minutes from the Afternoon and Evening Meetings of June 10, 2014. Seconded by Councilmember C. Parker, the motion carried with 7 ayes and 0 nays.

VIII. APPROVAL OF CONSENT AGENDA

Councilmember M. Glaspie made a motion to approve all items from the Consent Agenda with the exception of Item No. VIII-A-12, from which Councilmember R. Shepard abstained. Seconded by Councilmember J. Bennett, the motion carried with 7 ayes and 0 nays.

A. Minute Orders

1. Annual Requirements Contract for Newspaper Advertising, Bid Project 14-0156 **(MO#06242014-001)**
Authorize the City Manager or his designee to execute an annual requirements contract for newspaper advertising with Fort Worth Star-Telegram of Fort Worth, Texas in the estimated amount of \$108,645.50, and execute any and all documents necessary to carry out such contract. Funds are budgeted in various departmental accounts.
2. Purchase of a Mobile Command Vehicle, Bid Project 14-0164 **(MO#06242014-002)**
Authorize the City Manager or his designee to approve the purchase of a mobile command vehicle with MBF Industries, Inc. of Sanford, Florida, through the United States General Services Administration (GSA) in the estimated amount of \$639,890, and execute any and all documents necessary to carry out such purchase. Funds for the mobile command vehicle are available in UASI Grant Fund Account No. 228601-68900-228911. Annual maintenance and fuel costs funds are available in Police Fleet Maintenance Account No. 810701-67004.
3. Purchase of Two Fire Apparatus, Bid Project 14-0150 **(MO#06242014-003)**
Authorize the City Manager or his designee to approve the purchase of two fire apparatus with Metro Fire Apparatus Specialists, Inc. of Houston, Texas, through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program, in an amount not to

exceed \$1,196,956. Funds are budgeted in Fire Department Fire Operations Account No. 220201-68200.

4. Construction Contract for Martin Luther King Jr. Sports Center Phase II Development **(MO#06242014-004)**
Authorize the City Manager or his designee to execute a construction contract with Reeder General Contractors, Inc., of Fort Worth, Texas for phase II development at Martin Luther King Jr. Sports Center in the amount of \$1,380,000. Funding is available in Park Bond Account No. 508503-53350599-68101 [\$1,227,739] and Park Capital Account No. 508501-53540598-68101 [\$152,261].
5. Modification to Arlington Gateway Monuments Consultant Contract **(MO#06242014-005)**
Authorize the City Manager or his designee to execute an amendment to the Professional Services Contract with Schrickel, Rollins and Associates to create construction documents for the Entertainment District Gateway Monuments in an amount not to exceed \$93,580.00. Funding in the amount of \$93,580.00 is available in the Convention and Event Services Fund Account No. 970104-68900.
6. Annual Requirements Contract for Tree Trimming Services, Bid Project 14-0137 **(MO#06242014-006)**
Authorize the City Manager or his designee to execute an annual requirements contract for tree trimming services with Arbor Master Service, Inc. of Grapevine, Texas in the estimated amount of \$316,725, and execute any and all documents necessary to carry out such contract. Funds are budgeted in various Parks and Recreation Department accounts.
7. Two-Year Requirements Contract for Local and Long Distance Telephone and Internet Services, Bid Project 14-0169 **(MO#06242014-007)**
Authorize the City Manager or his designee to execute a two-year requirements contract for local and long distance telephone and internet services with the Department of Information Services (DIR) of Austin, Texas through the State of Texas Cooperative Purchasing Program in the estimated amount of \$454,500, and execute any and all documents necessary to carry out such contract. Funds are budgeted various departmental accounts and subject to future budgeting requirements.
8. Annual Requirements Contract for the Purchase of Computer Equipment and Related Services, Bid Project 14-0125 **(MO#06242014-008)**
Authorize the City Manager or his designee to execute an annual requirements contract for the purchase of computer equipment and related services, including but not limited, to computer hardware, servers, storage, networking equipment, and maintenance for improvements to the City's existing IT environment through the State of Texas Department of Information Resources (DIR) of Austin, Texas, which is part of the State of Texas Cooperative Purchasing Program, in an estimated amount of \$2,350,000, and execute any and all documents necessary to carry out such contract. Funds are budgeted in various departmental accounts.

9. Annual Requirements Contract for the Purchase of Software for Desktop and Network Operations, Bid Project 14-0126 **(MO#06242014-009)**
 Authorize the City Manager or his designee to execute an annual requirements contract for the purchase of software and other services including maintenance, services related to maintenance and advice for desktop and network operations through the State of Texas Department of Information Resources (DIR) of Austin, Texas, which is part of the State of Texas Cooperative Purchasing Program in the estimated amount of \$1,000,500, and execute any and all documents necessary to carry out such contract. Funds are budgeted in various departmental accounts.

10. Purchase of a Crane Truck, Bid Project 14-0174 **(MO#06242014-010)**
 Authorize the City Manager or his designee to approve the purchase of a crane truck with Chastang Ford of Houston, Texas, through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program in the estimated amount of \$97,737, and execute any and all documents necessary to carry out such purchase. Funds are budgeted in Water Utilities Fleet Replacement Account No. 600101-68200.

11. Upgrade of the Building Automation Control System for the Water South Service Center, Bid Project 14-0166 **(MO#06242014-011)**
 Authorize the City Manager or his designee to approve the purchase of an upgrade of the Building Automation Control System at the Water South Service Center with Schneider Electric Buildings Americas, Inc. of Carrollton, Texas, through the Interlocal Purchasing System TIPS/TAPS (Region VII Education Service Center) in the estimated amount of \$107,671. Funds are budgeted in Water Utilities Bond Account No. 658502-18083205-68303.

12. Construction Contract for Center Street Rebuild (Arkansas Lane to Nottinghill Gate Street); Project No. PWST10021 **(MO#06242014-012)**
 Authorizing the City Manager or his designee to execute a construction contract with RKM Utility Services, Inc., of Dallas, Texas, for the Center Street (Arkansas Lane to Nottinghill Gate) project in the amount of \$4,387,704.05. This contract includes a maximum bonus of \$110,000, for a total contract amount not to exceed \$4,497,704.05. Funding is available in the following accounts: Street Bond Fund Account No. 358504-68153-65380699 [\$3,320,422.05], Storm Water Utility Fund Account No. 308501-68151-10850199 [\$150,000.00], Water Bond Fund Account No. 658502-68252-19940205 [\$598,668.50], Sanitary Sewer Bond Fund Account No. 648502-68250-19940204 [\$428,613.50].

Richard Weber, 2703 Crestmoor Ct., 76016, appeared in support of the proposed minute order.

Councilmember M. Glaspie made a motion to approve a minute order authorizing the City Manager or his designee to execute a construction contract with RKM Utility Services, Inc., of Dallas, Texas, for the Center Street (Arkansas Lane to Nottinghill Gate) project in the amount of \$4,387,704.05. This contract includes a maximum bonus of \$110,000, for a total contract amount not to exceed \$4,497,704.05. Funding is available in the following accounts: Street Bond Fund Account No. 358504-68153-65380699 [\$3,320,422.05], Storm Water Utility Fund Account No. 308501-68151-10850199 [\$150,000.00], Water Bond Fund Account No.

658502-68252-19940205 [\$598,668.50], Sanitary Sewer Bond Fund Account No. 648502-68250-19940204 [\$428,613.50]. Seconded by Councilmember J. Bennett, the motion carried with the following vote:

AYES: Councilmember C. Parker, Councilmember S. Capehart, Councilmember K. Wilemon, Councilmember L. Wolff, Councilmember J. Bennett and Councilmember M. Glaspie

NAYS: None

ABSTAIN: Councilmember R. Shepard

13. Annual Requirements Contract for the Fuel Card Services Program, Bid Project 14-0158 **(MO#06242014-013)**
Authorize the City Manager or his designee to approve a contract for fuel card services with Mansfield Oil Company of Gainesville, Georgia, through the interlocal agreement with the City of Plano in an estimated amount of \$1,110,000, and execute any and all documents necessary to carry out such contract. Funds are budgeted in Fleet Services Account No. 790101-60018.
14. Renewal of Annual Requirements Contract for Traffic Control Signage and Materials, Bid Project 11-0115 **(MO#06242014-014)**
Authorize the City Manager or his designee to exercise the third of four, one-year renewal options in the contract for traffic control signage and materials with Vulcan Signs of Foley, Alabama, in the estimated amount of \$69,604, and execute any and all documents necessary to carry out such renewal. Funds are budgeted in Public Works and Transportation Traffic Control Account No. 720105-60012.
15. Purchase and Installation of a Cooling Tower for the Bob Duncan Center, Bid Project 14-0168 **(MO#06242014-015)**
Authorize the City Manager or his designee to approve the purchase and installation of a cooling tower for the Bob Duncan Center with Heat Transfer Solutions, Inc., of Houston, Texas, through the Texas Local Government Purchasing Cooperative (TLGPC) in the estimated amount of \$79,729. Funds are available in Maintenance of Buildings Account No. 350408-63101.
16. Engineering Services Contract for Pavement Survey **(MO#06242014-016)**
Authorizing the City Manager or his designee to execute an Engineering Services Contract with Data Transfer Solutions, LLC, of Orlando, Florida, for the collection, analysis, and integration of data into the existing Pavement Management System. The total award for the three-year term of the contract will be for an amount not to exceed \$396,896. Funding is available in Sales Tax Fund Account No. 720101-61002.
17. FY15 Tarrant County Tax Assessment/Collection Agreement **(MO#06242014-017)**
Authorize the City Manager or his designee to execute an Agreement for the Collection of Taxes with Tarrant County Tax Assessor-Collector and Tarrant County relative to

assessment and collection services of ad valorem taxes for the City of Arlington, in the estimated amount of \$319,605, which represents a \$92,329 increase over FY14 due to an increased number of accounts. These additional funds are subject to FY15 budget approval. The funding source for this contract will be the Treasury Division Account No. 140401-61002.

18. FY15 Tarrant County Tax Assessment/Collection Agreement (**MO#06242014-018**)
Authorize the City Manager or his designee to execute an Agreement for the Collection of Business Improvement District (BID) assessments with Tarrant County Tax Assessor-Collector and Tarrant County relative to assessment and collection services of special assessments for the Arlington Downtown BID, in the estimated amount of \$450. Funding is available in Arlington Downtown BID Account No. 3028-480701-61002, subject to FY15 BID adoption and budget approval.

B. Consent Agenda Ordinances - Final Readings

1. Westador Neighborhood Plan
Consider an ordinance of the City of Arlington, Texas, amending the West Sector Plan component of the Comprehensive Plan to include the Westador Neighborhood Plan. Final reading of an ordinance adopting the Westador Neighborhood Plan, a component of the West Sector Plan of the Arlington Comprehensive Plan.

ORDINANCE NO. 14-036

2. Zoning Case ZA14-2 (310 E Randol Mill - 310 East Randol Mill Road)
Consider a request to change the zoning of property to Entertainment District Overlay-Office (ED-O) on approximately 0.45 acres currently zoned Entertainment District Overlay-Residential (ED-R) and generally located south of East Randol Mill Road and east of North Mesquite Street. Final reading of an ordinance changing the zoning classification on certain property known as 310 East Randol Mill Road to Entertainment District Overlay - Office (ED-O) and amending the Zoning District Map accordingly.

ORDINANCE 14-037

C. Consent Agenda Resolutions

1. Continued Participation in the Atmos Cities Steering Committee and payment of the participation fee
A resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

The five cents (\$0.05) per capita assessment for Arlington is \$19,004.20. These funds are available in Account No. 1000-30106.

RESOLUTION NO. 14-160

2. Modifying Boards and Commissions Policy Statement
A resolution amending the Boards and Commissions Policy Statement for the City of Arlington, Texas.

There is no financial impact to the City of Arlington.

RESOLUTION NO. 14-161

3. Reappointment of Associate Municipal Court Judge
A resolution reappointing Kathleen Weisskopf an Associate Municipal Court Judge for the Municipal Court of Record for the City of Arlington, Texas.

The financial impact is the salary and benefits over the next two years.

RESOLUTION NO. 14-162

4. Construction Manager at Risk Authorization for Central Library; Project No. CMLIB-14001
A resolution authorizing the Construction Manager at Risk method of construction to build the new facility for the Central Library.

There is no financial impact to the City of Arlington.

RESOLUTION NO. 14-163

5. Emergency Repair of Culvert on Webb Ferrell Road; Project No. PWDR14003
A resolution declaring an emergency and ratifying the emergency repair of a box culvert on Webb Ferrell Road and authorizing payment to Humphrey & Morton Construction Company of Fort Worth, Texas, in the amount of \$113,207.60.

Funding is available in the following accounts: Stormwater Utility Fund Account No. 308501-68151-10830199 and Sanitary Sewer Renewal Fund Account No. 648502-68250-17942204.

RESOLUTION NO. 14-164

6. Execution of a Lease Agreement with American Towers, LLC for the Lease of Space for the 800 MHZ Radio System
A resolution authorizing the execution of a Lease Agreement with American Towers, LLC, relative to the lease of tower space for the 800 MHZ radio system on a portion of the property located at 6100 Willard Road; City of Fort Worth, Tarrant County, Texas.

RESOLUTION NO. 14-165

7. Arlington Air Associates Lease Assignment and Sale of Leasehold Improvements to Arlington Hangars LLC.
A resolution authorizing the City Manager or his designee to negotiate and execute a consent to assignment of the lease between Arlington Air Associates, LLC and the City to

Arlington Hangars, LLC, and any and all other documents necessary to effectuate the sale of leasehold improvements from Arlington Air Associates, LLC to Arlington Hangars, LLC.

There is no financial impact to the City of Arlington.

RESOLUTION NO. 14-166

IX. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

X. CONSIDER AND VOTE ON WITHDRAWN ITEMS

XI. PUBLIC HEARINGS: ORDINANCES FIRST & FINAL READING

A. Public Hearing - Ordinances First and Final Emergency Reading

1. Zoning Case PD14-3 (iMix Rx Pharmacy - 1102 Orchard Drive, Suite B)
Following the public hearing, consider first and final emergency reading of a request to change the zoning on approximately 0.55 acres zoned Office (O) to Planned Development (PD) for all Office (O) uses, plus a Pharmacy, limited to 341 square feet, with a Concept Brief and generally located north of West Randol Mill Road and west of Orchard Drive. First and final emergency reading of an ordinance changing the zoning classification on certain property known as 1102 Orchard Drive to Planned Development (PD) for Office (O) uses, plus pharmacy, with a Concept Brief and amending the Zoning District Map accordingly.

The public hearing concerning Zoning Case PD14-3 (iMix Rx Pharmacy) opened at 6:46 p.m. Lam Nguyen, 1102 Orchard Dr. Ste. B., 76012, presented the proposed ordinance to Council. There being no further business, the public hearing was closed at 6:52 p.m.

PUBLIC HEARING CLOSED

Councilmember J. Bennett made a motion to approve first and final emergency reading of an ordinance changing the zoning classification on certain property known as 1102 Orchard Drive to Planned Development (PD) for Office (O) uses, plus pharmacy, with a Concept Brief and amending the Zoning District Map accordingly. Seconded by Councilmember R. Shepard, the motion carried with 7 ayes and 0 nays.

ORDINANCE NO. 14-038

XII. ORDINANCES - FIRST AND/OR FINAL READINGS

A. Ordinances- First Reading

1. Ordinance Granting Electric Franchise to Oncor Electric Delivery Company LLC
An ordinance amending the "Utilities" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, entitled Electricity, whereby the City grants to Oncor Electric Delivery Company LLC a franchise for the purpose of constructing.

maintaining and operating an electric delivery system in the City; prescribing compensation to the City from the Company for the franchise privilege; prescribing the term and effective date of said franchise; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; and providing for publication and providing an effective date.

Jay Doegey, City Attorney, presented the proposed ordinance to Council.

Councilmember S. Capehart made a motion to approve first reading of an ordinance amending the "Utilities" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, entitled Electricity, whereby the City grants to Oncor Electric Delivery Company LLC a franchise for the purpose of constructing, maintaining and operating an electric delivery system in the City; prescribing compensation to the City from the Company for the franchise privilege; prescribing the term and effective date of said franchise; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; and providing for publication and providing an effective date. Seconded by Councilmember M. Glaspie, the motion carried with 7 ayes and 0 nays.

FIRST READING

B. Ordinances Final Reading

1. Unified Development Code
Approve an ordinance of the City of Arlington, Texas, amending in their entirety the "Zoning" Chapter and "Subdivision Regulations" Chapter of the Code of the City of Arlington, Texas, 1987, through the adoption of a new "Unified Development Code" Chapter consisting of Article 1 entitled "General Provisions"; Article 2 entitled "Zoning Districts"; Article 3 entitled "Use Regulations"; Article 4 entitled "Dimensional Standards"; Article 5 entitled "Design and Development Standards"; Article 6 entitled "Subdivision Regulations"; Article 7 entitled "Signs"; Article 8 entitled "Enforcement and Penalties"; Article 9 entitled "Review Authorities"; Article 10 entitled "Review Procedures"; Article 11 entitled "Nonconformities"; and Article 12 entitled "Definitions". Final reading of an ordinance amending in their entirety the "Zoning" Chapter and "Subdivision Regulations" Chapter of the Code of the City of Arlington, Texas, 1987, through their replacement by the adoption of a new "Unified Development Code" Chapter consisting of Article 1 entitled "General Provisions"; Article 2 entitled "Zoning Districts"; Article 3 entitled "Use Regulations"; Article 4 entitled "Dimensional Standards"; Article 5 entitled "Design and Development Standards"; Article 6 entitled "Subdivision Regulations"; Article 7 entitled "Signs"; Article 8 entitled "Enforcement and Penalties"; Article 9 entitled "Review Authorities"; Article 10 entitled "Review Procedures"; Article 11 entitled "Nonconformities"; and Article 12 entitled "Definitions".

Jim Parajon, Director, Community Development and Planning Department, presented the proposed ordinance to Council.

Councilmember S. Capehart made a motion to approve final reading of an ordinance amending in their

entirety the "Zoning" Chapter and "Subdivision Regulations" Chapter of the Code of the City of Arlington, Texas, 1987, through their replacement by the adoption of a new "Unified Development Code" Chapter consisting of Article 1 entitled "General Provisions"; Article 2 entitled "Zoning Districts"; Article 3 entitled "Use Regulations"; Article 4 entitled "Dimensional Standards"; Article 5 entitled "Design and Development Standards"; Article 6 entitled "Subdivision Regulations"; Article 7 entitled "Signs"; Article 8 entitled "Enforcement and Penalties"; Article 9 entitled "Review Authorities"; Article 10 entitled "Review Procedures"; Article 11 entitled "Nonconformities"; and Article 12 entitled "Definitions", whose motion includes the following amendments:

1. BOUTIQUE HOTELS Add "boutique hotel" as a permitted use by Specific Use Permit in the Downtown Business district and Entertainment Distric Overlay Add the following definition for "boutique hotel" to Article 12:

Hotel, Boutique

A building providing transient lodging accommodations for compensation, containing at least 10 but not more than 100 rooms, containing luxury facilities and that is not classified as a full service hotel, limited service hotel, or residence hotel. Boutique hotels typically have smaller rooms; are predominantly located in an urban area; are of distinctive design, style, and atmosphere; offer highly personalized levels of service to guests; and provide food and beverage service on-site.

2. DROUGHT TOLERANT LANDSCAPING

Add the following language to the required landscape setback standards for multi-family and non-residential development:

Drought-tolerant plants.

A minimum of 25 percent of all required trees and 25 percent of all required plants shall be drought-tolerant native or adapted species.

If 100 percent all trees and plants are drought-tolerant native or adapted species, then:

1. the number of required trees and number of required plants may each be reduced by 10 percent; and
2. the minimum size of trees planted on the site may be reduced to 2.5 inch caliper, except for trees in the perimeter landscape setback.

3. SELF-STORAGE FACILITIES

Add "self-storage facility" as a permitted use by Specific Use Permit in the Entertainment District Overlay.

4. NON-RESIDENTIAL DESIGN STANDARDS

Add the following language to the "applicability" section of the non-residential design standards:

All new nonresidential structures or existing structures expanded by 30 percent or more in gross square footage for all uses in the LI and 1M zoning districts located within 600 feet of the right-of-way of US287 Highway between Interstate 20 and the southern city limits. Seconded by Councilmember L. Wolff, the motion carried with 7 ayes and 0 nays.

ORDINANCE NO. 14-039

XIII. RESOLUTIONS

A. Resolutions:

1. Americredit Financial Services, Inc. Chapter 380 Grant Agreement
A resolution authorizing the execution of a Chapter 380 Grant Agreement by and between AmeriCredit Financial Services, Inc. and the City of Arlington, Texas relative to the acquisition and modification of the property located at 3801 S. Collins St. in Arlington, Texas for the expansion of financial services operations into the building located on the premises.

Bruce Payne, Economic Development Manager, Economic Development Services, presented the proposed resolution to Council.

Richard Weber, 2703 Crestmoor Ct., 76016, appeared in opposition of the proposed resolution.

Councilmember M. Glaspie made a motion to approve a resolution authorizing the execution of a Chapter 380 Grant Agreement by and between AmeriCredit Financial Services, Inc. and the City of Arlington, Texas relative to the acquisition and modification of the property located at 3801 S. Collins St. in Arlington, Texas for the expansion of financial services operations into the building located on the premises. Seconded by Councilmember S. Capehart, the motion carried with 7 ayes and 0 nays.

RESOLUTION NO. 14-167

XIV. ANNOUNCEMENTS

XV. CITIZEN PARTICIPATION

There being no further business, the meeting was adjourned at 7:02 p.m.

APPROVE:

Kathryn Wilemon, Mayor Pro Tem

ATTEST:

Mary W. Supino, City Secretary



Minutes

Arlington City Council Special Meeting

101 W. Abram St.
3rd Floor

June 30, 2014
4:00 PM

The City Council of the City of Arlington, Texas, convened in Special Session on June 30, 2014, at 4:00 p.m. in the 101 West Abram St. 3rd Floor, with the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by V.T.C.A., Government Code, Chapter 551, with the following members present, to-wit:

Mayor R. Cluck
Councilmember C. Parker
Councilmember S. Capehart
Councilmember R. Rivera
Councilmember K. Wilemon
Councilmember L. Wolff
Councilmember R. Shepard
Councilmember J. Bennett
Councilmember M. Glaspie

Trey Yelverton, City Manager
Jay Doegey, City Attorney
Mary W. Supino, City Secretary

I. CALL TO ORDER

Mayor R. Cluck called the meeting to order at 4:06 p.m.

II. WORK SESSION

A. 2014 Capital Bond Discussion

Jim Parajon, Director, Community Development and Planning Department, presented a summary of the potential 5-year bond option to Council. Per consensus of Council, Ditto Golf Course was removed from the 5-year bond program for consideration. As such, Mike Finley, Chief Financial Officer and Director, Finance Department, discussed the Ditto Golf Course alternative funding. Lemuel Randolph, Director, Parks and Recreation Department, discussed the current indoor City recreation facility assessments. Cary Siegfried, Director of Libraries; Keith Melton, Director, Public Works and Transportation Department; Bill Gilmore,

Assistant Director, Parks and Recreation Department; and Chief Don Crowson, Fire Department, were available for questions.

III. ADJOURN

There being no further business, the meeting was adjourned at 5:12 p.m.

APPROVE:

Robert N. Cluck, Mayor

ATTEST:

Mary W. Supino, City Secretary



Staff Report

Annual Requirements Contract for Demolition & Abatement Services, Bid Project 14-0187	
City Council Meeting Date: 8-5-14	Document Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to approve an annual requirements contract for the purchase of demolition and abatement services with Intercon Environmental, Inc. through the State of Texas Cooperative Purchasing Program in the estimated amount of \$250,000.

PRIOR BOARD OR COUNCIL ACTION

On April 1, 2008, the City Council adopted Resolution 08-102, allowing the City of Arlington to continue participating in the State of Texas Cooperative Purchasing Program.

ANALYSIS

This agreement is for demolition and abatement of dangerous and substandard structures within the City of Arlington. The services will be provided on an as-needed basis as directed by court orders, demolition agreements from owners, and properties not meeting city code standards.

Contract term: August 1, 2014 – July 8, 2015

FINANCIAL IMPACT

Utilizing the agreement with the State of Texas Cooperative Purchasing Program was determined to be the most cost-effective method for demolition and asbestos abatement services. Intercon Environmental, Inc. of Mansfield, Texas, is currently under contract with the State of Texas Cooperative Purchasing Program and will provide demolition and asbestos abatement services in the estimated amount of \$250,000. This contract is for one-year and will be reviewed annually. The projected financial impact for this contract term is as follows:

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2015</u>
\$41,666.67	\$208,333.33	\$0

Funds are budgeted in Code Compliance Services Account No. 410301-61034 and subject to FY2015 budget approval.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing office:	Bid File
MWBE:	Yes-Woman Owned

STAFF CONTACT(S)

Mike Bass, Asst. Director Code Compliance Services 817-459-6254 Mike.Bass@arlingtontx.gov	Will Velasco Purchasing Agent 817-459-6302 Will.Velasco@arlingtontx.gov	Mike Finley Finance Director 817-459-64345 Mike.Finley@arlingtontx.gov
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Staff Report

Annual Requirements Contract for Facility and Grounds Maintenance Supplies, Bid Project 14-0176

City Council Meeting Date: 8-5-14 | Action Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to execute an annual requirements contract for the purchase of facility and grounds maintenance supplies with The Home Depot Company through the U.S. Communities Government Purchasing Alliance (U.S. Communities) in the estimated amount of \$175,000.

PRIOR BOARD OR COUNCIL ACTION

On August 13, 2002, the City Council adopted Resolution No. 02-390, allowing the City of Arlington to participate in the U.S. Communities Interlocal Purchasing Program.

ANALYSIS

The contract is for facility and grounds maintenance supplies for use in maintaining city-owned buildings and facilities. The supplies include appliances, building materials, hardware, HVAC, irrigation equipment and supplies, janitorial, landscaping equipment and supplies, motors, pumps, paints and coatings, plumbing, pool chemicals and supplies, handheld general purpose tools, and power tools. The supplies will be purchased on an as-needed basis.

Contract term: August 1, 2014 – July 31, 2015

FINANCIAL IMPACT

Utilizing the agreement with U.S. Communities was determined to be the most cost-effective method for obtaining facility and grounds maintenance supplies. The Home Depot Company of Atlanta, Georgia, is currently under contract with U.S. Communities and can provide the supplies for a total estimated amount of \$175,000. This contract term is for one year. The projected financial impact for this contract term is as follows:

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$29,170	\$145,830	\$0

Funds are budgeted in various departmental accounts and subject to FY 2015 budget approval.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid file
MWBE:	No

STAFF CONTACT(S)

Mike Finley
 Director of Finance
 817-459-6345
Mike.Finley@arlingtontx.gov

Janice Hughes
 Sr. Purchasing Agent
 817-459-6304
Janice.Hughes@arlingtontx.gov



Staff Report

Annual Requirements Contract for Miscellaneous Concrete and Handicap Ramp Program; Project No. PWSM14001

City Council Meeting Date: 08/05/14 Action Being Considered: Minute Order

RECOMMENDATION

Authorize the execution of an annual requirements contract for miscellaneous concrete work with Axis Contracting, Inc., of Dallas, Texas, in an amount not to exceed \$2,164,951.

PRIOR BOARD OR COUNCIL ACTION

None.

ANALYSIS

This contract provides for miscellaneous concrete repairs and is performed in conjunction with asphalt resurfacing programs. This work includes the removal and replacement of curb, gutter, sidewalks, and drive approaches and generally occurs a few months before the asphalt reclamation process.

The Handicap Ramp section of the contract includes replacement of adjacent sidewalks to ensure proper grade and installation of compliant ramps as per the Americans with Disabilities Act (ADA). The cost includes all labor, materials, and equipment to perform the work.

Date of Bid:	July 8, 2014
Number of Bids Received:	3
Number of Bids of Arlington Firms:	0
Bidder Prequalification:	Yes
Engineer's Estimate:	\$2,200,00
Range of Bids:	\$2,164,951 to \$2,191,751
Recommended Low Bidder:	Axis Contracting, Inc.
Contract Term:	One year/four one-year renewals
Current term:	Initial term
Liquidated Damages for Delay:	\$500 per day
Bonus for Early Completion:	N/A
Total:	\$2,164,951

VENDOR	MWBE	TOTAL
Axis Contracting, Inc. Dallas, Texas	Yes – W/O*	\$2,164,951
Ken-Do Contracting, LP Dallas, Texas	No	\$2,167,006
Estrada Concrete Company, LLC Dallas, Texas	Yes – HI*	\$2,191,751

W/O = Woman Owned; HI = Hispanic Owned

This project included one bid alternative for "Green Cement" to promote improved air quality in the North Texas region. City Staff recommends awarding the green cement alternate in the amount of \$1.

FINANCIAL IMPACT

Funds are available in the Street Maintenance Sales Tax Account No. 728501-63132-61350695 (\$1,972,825.50) and Public Works Street Bond Account No. 358504-68153-65650698 (\$192,125.50).

The contract allows for an annual increase at a rate not to exceed the effective percentage change in the Consumer Price Index (CPI) for the previous 12 month period, calculated at the time of renewal. Based on the current, allowable 2.1 percent change in the CPI, the projected three-year financial impact is as follows:

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$2,164,951	\$2,210,414.98	\$2,256,833.70

ADDITIONAL INFORMATION

Attached:	Bid Tab
Under separate cover:	None
Available in City Secretary's Office:	None

STAFF CONTACT(S)

Keith Melton, P.E. Director of Public Works and Transportation 817-459-6553 Keith.Melton@arlingtontx.gov	Mindy Carmichael, P.E. Assistant Director of Public Works and Transportation 817-459-6552 Mindy.Carmichael@arlingtontx.gov
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BID TABULATION REPORT

2014 Miscellaneous Concrete and Handicap Ramp Program

PROJECT No. PWSM14001

BID OPENED : 07/08/14 at 2 p.m.

SALES TAX FUNDED IMPROVEMENTS

				<i>Axis Contracting, Inc. Dallas, TX 75336</i>		<i>Ken-Do Contracting, Inc. DeSoto, TX 75115</i>		<i>Estrada Concrete Company, LLC Dallas, TX 75216</i>		
ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	
101	Remove and replace Concrete Panels; with a minimum thickness of 8" reinforced (3,600 psi) concrete and 6" of cement treated base material over compacted subgrade	900	SY	\$ 80.00	\$ 72,000.00	\$ 72.00	\$ 64,800.00	\$ 90.00	\$ 81,000.00	
102	Remove and replace Concrete Panels; with a minimum thickness of 8" reinforced (High Early Strength) concrete and 6" of cement treated base material over compacted subgrade	100	SY	\$ 90.00	\$ 9,000.00	\$ 93.00	\$ 9,300.00	\$ 140.00	\$ 14,000.00	
103	Remove and replace Concrete Valley Gutter with a minimum thickness of 6" reinforced concrete, including 6" cement treated base material and all incidentals	2,000	SY	\$ 60.00	\$ 120,000.00	\$ 61.00	\$ 122,000.00	\$ 72.00	\$ 144,000.00	
104	Remove and replace Drive Approach, with a minimum thickness of 6" reinforced concrete, including 6" cement treated base material and all incidentals	3,500	SY	\$ 60.00	\$ 210,000.00	\$ 59.00	\$ 206,500.00	\$ 72.00	\$ 252,000.00	
105	Install ADA complaint curb ramp per TXDOT's details, including all incidentals, transitions and tie-ins	100	EA	\$ 950.00	\$ 95,000.00	\$ 1,250.00	\$ 125,000.00	\$ 1,000.00	\$ 100,000.00	
106	Remove and replace Concrete Curb and Gutter with a minimum thickness of 6" of reinforced concrete, including 6" of cement treated base material and all incidentals	30,000	LF	\$ 25.00	\$ 750,000.00	\$ 35.75	\$ 1,072,500.00	\$ 30.00	\$ 900,000.00	
107	Install Retaining Wall 6" to 24" (adjacent to sidewalks), including jointing, form liner finish and reinforcing steel	135	CY	\$ 595.00	\$ 80,325.00	\$ 376.00	\$ 50,760.00	\$ 450.00	\$ 60,750.00	
108	Furnish and install Curb Opening Casting for existing drain pipes	60	EA	\$ 150.00	\$ 9,000.00	\$ 125.00	\$ 7,500.00	\$ 150.00	\$ 9,000.00	
109	Remove and replace Exposed Aggregate Concrete	300	SY	\$ 60.00	\$ 18,000.00	\$ 53.00	\$ 15,900.00	\$ 81.00	\$ 24,300.00	
110	Furnish and install matching sod (level with existing sod) and approved top soil on disturbed areas as needed	7,500	LF	\$ 2.00	\$ 15,000.00	\$ 4.50	\$ 33,750.00	\$ 1.50	\$ 11,250.00	
111	Remove and replace existing asphalt with Type "D" HMA at a minimum depth of 6", including compacting, leveling, and all incidentals	2,500	TN	\$ 200.00	\$ 500,000.00	\$ 73.00	\$ 182,500.00	\$ 115.00	\$ 287,500.00	
112	Adjust Existing Manhole to match new street surface, including replacing with new manhole lids and rings (with same diameter as existing), and reinforced concrete pad	10	EA	\$ 350.00	\$ 3,500.00	\$ 525.00	\$ 5,250.00	\$ 2,500.00	\$ 25,000.00	
113	Mobilization & Bonds in accordance with Section 11-82	1	LS	\$ 66,000.00	\$ 66,000.00	\$ 66,000.00	\$ 66,000.00	\$ 66,000.00	\$ 66,000.00	
114	Construction Contingency Allowance for Sales Tax Funded Items, as directed by the Field Operations Manager	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	
SUBTOTAL SALES TAX FUNDED IMPROVEMENTS:						\$ 1,972,825.00		\$ 1,986,760.00		\$ 1,999,800.00

BOND FUNDED IMPROVEMENTS									
ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
201	Remove and replace Concrete Panels; with a minimum thickness of 8" reinforced (3,600 psi) concrete and 6" of cement treated base material over compacted subgrade	45	SY	\$ 80.00	\$ 3,600.00	\$ 91.00	\$ 4,095.00	\$ 120.00	\$ 5,400.00
202	Remove and replace Concrete Panels; with a minimum thickness of 8" reinforced (High Early Strength) concrete and 6" of cement treated base material over compacted subgrade	5	SY	\$ 90.00	\$ 450.00	\$ 110.00	\$ 550.00	\$ 150.00	\$ 750.00
203	Remove and replace Concrete Valley Gutter with a minimum thickness of 6" reinforced concrete, including 6" cement treated base material and all incidentals	50	SY	\$ 60.00	\$ 3,000.00	\$ 73.00	\$ 3,650.00	\$ 72.00	\$ 3,600.00
204	Remove and replace Drive Approach, including 6" cement treated base material and all incidentals	50	SY	\$ 60.00	\$ 3,000.00	\$ 71.00	\$ 3,550.00	\$ 72.00	\$ 3,600.00
205	Install ADA complaint curb ramp per TXDOT's details, including all incidentals, transitions and tie-ins	10	EA	\$ 950.00	\$ 9,500.00	\$ 1,250.00	\$ 12,500.00	\$ 1,000.00	\$ 10,000.00
206	Remove and replace Concrete Sidewalk, including all incidentals	2,900	SY	\$ 56.00	\$ 162,400.00	\$ 49.50	\$ 143,550.00	\$ 54.00	\$ 156,600.00
207	Remove and replace Concrete Curb and Gutter with a minimum thickness of 6" reinforced concrete, including 6" of cement treated base material and all incidentals	200	LF	\$ 25.00	\$ 5,000.00	\$ 36.00	\$ 7,200.00	\$ 35.00	\$ 7,000.00
208	Install Retaining Wall 6" to 24" (adjacent to sidewalks), including jointing, form liner finish and reinforcing steel	5	CY	\$ 595.00	\$ 2,975.00	\$ 550.00	\$ 2,750.00	\$ 500.00	\$ 2,500.00
209	Furnish and install matching sod (level with existing sod) and approved top soil on disturbed areas as needed	100	LF	\$ 2.00	\$ 200.00	\$ 4.00	\$ 400.00	\$ 5.00	\$ 500.00
210	Construction Contingency Allowance for Bond Funded Items, as directed by the Engineer	1	LS	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
SUBTOTAL BOND FUNDED IMPROVEMENTS:					\$ 192,125.00		\$ 180,245.00		\$ 191,950.00
ALTERNATE A									
ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
199A	The additional cost for using Green Cement above the cost of cement in accordance with Section 11-84 for raw cement and for items where concrete is placed or cast-in-place	1	LS	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00
SUBTOTAL ALTERNATE A:					\$ 1.00		\$ 1.00		\$ 1.00
SUBTOTAL SALES TAX FUNDED IMPROVEMENTS:					\$ 1,972,825.00		\$ 1,986,760.00		\$ 1,999,800.00
SUBTOTAL BOND FUNDED IMPROVEMENTS:					\$ 192,125.00		\$ 180,245.00		\$ 191,950.00
TOTAL BASE BID AMOUNT					\$ 2,164,950.00		\$ 2,167,005.00		\$ 2,191,750.00
TOTAL BASE BID + ALTERNATE A					\$ 2,164,951.00		\$ 2,167,006.00		\$ 2,191,751.00

Staff Report



Annual Requirements Contracts for Vehicle Detection Equipment, Bid Project 14-0171

City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order
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RECOMMENDATION

Authorize the City Manager or his designee to execute annual requirements contracts for vehicle detection equipment with Texas Highway Products in the estimated amount of \$86,363 and with Iteris, Inc. in the estimated amount of \$86,363; both through the State of Texas Cooperative Purchasing Program for a total estimated amount of \$172,726.

PRIOR BOARD OR COUNCIL ACTION

On May 28, 2002, the City Council adopted Resolution No. 02-249, allowing the City of Arlington to participate in the State of Texas Cooperative Purchasing Program.

ANALYSIS

This contract is for industry standard vehicle detection equipment for the Public Works and Transportation Department. The equipment will be used to monitor various intersections of traffic, in an effort to promote safe and efficient traffic flow on roadways. Vehicle images are processed in real-time, based on movement detected within the direct view of the detection camera, and used to manage traffic incidents, reduce traffic congestion, vehicle delays, decrease travel time and improve air quality.

The new detection equipment allows maintenance and repairs to be conducted in the road-side signal cabinet, or on the overhead mast arm, resulting in repairs and maintenance taking less time which minimizes lengthy lane closures. The equipment will be ordered on an as-needed basis. Vendor selection will be based on the needs of the traffic intersection.

Contract term: August 6, 2014 thru August 31, 2015

FINANCIAL IMPACT

Utilizing the contract with State of Texas was determined to be the most cost-effective method for obtaining the vehicle detection equipment. Texas Highway Products of Round Rock, Texas and Iteris, Inc. of Austin, Texas are both under contract currently through State of Texas Cooperative Purchasing Program and can provide the equipment in the estimated amount of \$172,726.

FY 2014
\$26,573.23

FY 2015
\$146,152.77

FY 2016
\$0

Funds are budgeted in the Public Works Department Traffic Bond Account No. 358505-80550799-68300 and subject to FY 2015 budget approval.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid file
MWBE:	No

STAFF CONTACT(S)

Keith Melton, P.E., Director
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817-459-6553
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Sr. Purchasing Agent
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Mike Finley
Director of Finance
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Mike.Finley@arlingtontx.gov

Staff Report



Annual Requirements Contract for Traffic Pavement Markings and Devices, Bid Project 14-0167	
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City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order
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RECOMMENDATION

Authorize the City Manager or his designee to execute an annual requirements contract for traffic pavement markings and devices with Flint Trading Inc., through the State of Texas Cooperative Purchasing Program in the estimated amount of \$120,000.

PRIOR BOARD OR COUNCIL ACTION

On May 28, 2002, the City Council adopted Resolution No. 02-249, allowing the City of Arlington to participate in the State of Texas Cooperative Purchasing Program.

ANALYSIS

This contract is for preformed thermoplastic traffic pavement markings and devices. The ongoing efforts of the City's pavement marking program is vital, as pavement markings play an essential role in the safe and efficient movement of traffic and for the guidance of pedestrians.

The preformed thermoplastic pavement markings are applied by the Public Works Department in-house crews to new locations and to aging pavement markings such as school crosswalks, intersection stop-bars and bike lanes. Pavement markings and devices will be ordered and installed on an as needed basis.

Contract term: September 1, 2014 – August 31, 2015

FINANCIAL IMPACT

Utilizing the contract through the State of Texas Cooperative Purchasing Program, the City of Arlington will be able to purchase traffic pavement markings and devices with Flint Trading, Inc., of Thomasville, North Carolina, in the estimated amount of \$120,000. This contract is for one year and will be reviewed annually. The projected financial impact for this contract term is as follows:

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$10,000	\$110,000	\$0

Funds are budgeted in Street Maintenance Sales Tax Account No. 720101-63132 and subject to FY15 budget approval.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing office:	Bid file
MWBE:	No

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Staff Report



Annual Requirements Contract for GPS Diagnostic Monitoring Services, Bid Project 14-0179	
City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to approve a contract for GPS Diagnostic Monitoring Services, with Networkfleet, Inc., through the United States General Services Administration (GSA) in the estimated amount of \$116,852.

PRIOR BOARD OR COUNCIL ACTION

On September 18, 2012, City Council approved MO09182012-016, authorizing the approval of the sole-source purchase of the Fuel Focus Fuel Maintenance Management Information System with AssetWorks, Inc. of Wayne, Pennsylvania, in the estimated amount of \$88,003.

On April 22, 2014, City Council approved MO04222014-009 a three year contract for hosting services for the Fleet/Fuel Maintenance Management Information System with AssetWorks, Inc., in the estimated amount of \$100,200.

ANALYSIS

This contract is for GPS monitoring services for City of Arlington fleet. Monitoring services will enhance Fleet Operations tracking and control, and will provide transparency through access to real-time data. Data provided will include vehicle location, mileage, speed, and fuel consumption. The data will be used to increase efficiency and productivity, reduce fuel costs, identify routes to job sites, confirm time on job sites, and to track idle time and scheduled maintenance.

The City currently has 287 GPS diagnostic devices, of which 262 are installed in vehicles and active. The remaining 25 devices will be installed and activated by September 1, 2014.

Contract term: August 1, 2014 thru December 31, 2015

FINANCIAL IMPACT

In accordance with Texas Local Government Code Section 271.103, local governments may purchase goods and services under the Federal supply schedules through the United States General Services Administration. Utilizing the contract with Networkfleet, Inc., of San Diego, California, through the United States GSA was determined to be the best value method for obtaining the GPS monitoring services.

Networkfleet, Inc. will provide GPS monitoring services over the next 17 months in the estimated amount of \$116,852 (\$6,873.64 monthly). The projected financial impact is as follows:

FY 2014
\$13,747.30

FY 2015
\$82,483.80

FY 2016
\$20,620.90

Funds are budgeted in various departmental accounts and subject to FY 2015 budget approval.

ADDITIONAL INFORMATION

Attachments:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid File
MWBE:	No

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Staff Report



Renewal of Contract for Emergency Generator Maintenance, Bid Project 11-0149	
City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to exercise the first of three one-year renewal options in the contract for emergency generator maintenance with Power Pro-Tech Services, in the estimated amount of \$67,062. This estimated amount is for one year and includes contract modifications.

PRIOR BOARD OR COUNCIL ACTION

On August 16, 2011, City Council passed MO08162011-14 awarding a three-year requirements contract for emergency generator routine maintenance with Power Pro-Tech Services, in the estimated amount of \$190,136 (approximately \$63,378.66 annually).

ANALYSIS

This contract is for routine preventive maintenance and repair of approximately 30 emergency power generators. The generators are located at various City facilities including fire stations, water treatment pump facilities, administration buildings and the Convention Center. Emergency power generators at other City locations may be added to the contract on an as-needed basis. The contract provides for scheduled quarterly oil changes, filter changes, adjusting belts and settings, testing, and inspections.

Contract term: Three-year/three one-year renewals

Current term: First renewal (September 1, 2014 – August 31, 2015)

Modification 1:

On November 15, 2012, Modification 1 was made to the contract adding Generator 1 located at the John F. Kubala Water Treatment Plant in the estimated amount of \$7,000, and Generator 2 located at the Pierce-Burch Water Treatment Plant in the estimated amount of \$1,250 for a total amount of \$8,250. The new estimated three-year contract amount is \$198,386.

Modification 2:

On July 9, 2013, Modification 2 was made to the contract adding Generator 1 located at the Arkansas Pump Station in the estimated amount of \$2,800. The new estimated three-year contract amount is \$201,186.

FINANCIAL IMPACT

The Purchasing Division and the Public Works Department have determined that it is in the City's best interest to renew the contract for an additional term. The contract term is for one year and will be reviewed annually to determine subsequent renewal terms.

In accordance with the bid specifications, the Purchasing Division received a letter from Power Pro-Tech Services of Altamonte Springs, Florida, requesting the first one-year renewal at the current pricing. The projected financial impact for this contract term is as follows:

FY 2014
\$5,588.50

FY 2015
\$61,473.50

FY 2016
\$0

Funds are budgeted in various City accounts and subject to FY 2015 budget approval.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid file
MWBE:	No

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Staff Report



Renewal of Annual Requirements Contract for Street Sweeping Services, Bid Project 10-0181	
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City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order
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RECOMMENDATION

Authorize the City Manager or his designee to exercise the fourth and final, one-year renewal option in the contract for street sweeping services with Sweeping Services of Texas - Operating L.P., dba Mr. Dirt of Texas, in the estimated amount of \$204,253.59.

PRIOR BOARD OR COUNCIL ACTION

On September 14, 2010, City Council passed MO09142010-023 awarding the annual requirements contract for street sweeping services to Sweeping Services of Texas - Operating L.P., dba Mr. Dirt of Texas, in the estimated amount of \$193,045.

On August 16, 2011, City Council approved MO08162011-012 exercising the first of four, one-year renewal options in the contract for street sweeping services with Sweeping Services of Texas - Operating L.P., dba Mr. Dirt of Texas, in the estimated amount of \$197,871. This amount reflects a 2.5 percent CPI increase.

On August 21, 2012, City Council approved MO08212012-007 exercising the second of four, one-year renewal options in the contract for street sweeping services with Sweeping Services of Texas - Operating L.P., dba Mr. Dirt of Texas, in the estimated amount of \$201,037. This amount reflects a 1.6 percent CPI increase.

On September 17, 2013, City Council approved MO09172013-016 exercising the third of four, one-year renewal options in the contract for street sweeping services with Sweeping Services of Texas - Operating L.P., dba Mr. Dirt of Texas, in the estimated amount of \$204,253.59. This amount reflects a 1.6 percent CPI increase.

ANALYSIS

This contract is for street sweeping services for the Public Works and Transportation Department. The contract includes the sweeping of major intersections, Arlington Municipal Airport roadways, Entertainment District streets, residential streets and parking lots. It also includes street sweeping services after special events, storms and emergencies on an as-needed basis.

Contract term: One year/four one-year renewal options

Current term: Fourth and final renewal (October 1, 2014 – September 30, 2015)

FINANCIAL IMPACT

The Public Works and Transportation Department and the Purchasing Division have determined that it is in the City's best interest to renew the contract for the final term. This contract term is for one year.

In accordance with the bid specifications, the Purchasing Division has received a letter from Sweeping Services of Texas – Operating L.P. dba Mr. Dirt of Texas of Grand Prairie, Texas, requesting the final renewal at the current pricing. The projected financial impact for this contract term is as follows:

<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
\$204,253.59	\$0	\$0

Funds are budgeted in Storm Water Maintenance of Streets Account No. 300102-63132 and subject to FY2015 budget approval.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid file
MWBE:	No

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Staff Report



Renewal of Annual Requirement Contracts for Concrete Repair Work, Bid Project 14-0008	
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City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order
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RECOMMENDATION

Authorize the City Manager or his designee to exercise the first of four, one-year renewal options for the annual requirements contract for concrete repair work with Westhill Construction, Inc. in the estimated amount of \$197,475 and Reliable Paving, Inc. in the estimated amount of \$210,820 for a total estimated amount of \$408,295.

PRIOR BOARD OR COUNCIL ACTION

On October 15, 2013, City Council approved MO10152013-003 executing an annual requirements contract for concrete repair work with Westhill Construction, Inc. of Cleburne, Texas in the estimated amount of \$197,475 and Reliable Paving, Inc. of Arlington, Texas in the estimated amount of \$210,820 for a total estimated amount of \$408,295.

ANALYSIS

This contract is for various concrete and emergency concrete repairs resulting from water and sewer main repair excavations for the Arlington Water Utilities Department on an as needed basis. This contract includes replacement of major thoroughfares, which require a higher grade of material and specific traffic control actions that cannot be completed with internal assets. Initiation of this contract is intended to allow for the quickest response time possible to place major thoroughfares back in service after emergency water and sewer main repairs. The proposed contract will be awarded to multiple vendors to ensure that emergency repairs are initiated within two days of notification and include all labor, equipment and materials.

Original contract term: One-year/four one-year renewal options
Current term: First renewal (October 1, 2014 – September 30, 2015)

FINANCIAL IMPACT

The Arlington Water Utilities Department and the Purchasing Division have determined that it is in the City's best interest to renew the contract for an additional term. The contract term is for one year and will be reviewed annually to determine subsequent renewal terms.

In accordance with the bid specification, the Purchasing Division has received a letter from Westhill Construction, Inc. of Cleburne, Texas and Reliable Paving, Inc. of Arlington, Texas requesting the first renewal at the current pricing. The projected financial impact for this contract term is as follows:

<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
\$408,295	\$0	\$0

Funds are budgeted in various departmental accounts and subject to FY2015 budget approval.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid file
MWBE:	No

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Staff Report



Renewal of Annual Requirements Contract for High-Efficiency Toilets, Bid Project 13-0181	
City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to exercise the first of four, one-year renewal options for the purchase of high-efficiency toilets with Ferguson Enterprises, Inc. in the estimated amount of \$52,286.

PRIOR BOARD OR COUNCIL ACTION

On September 3, 2013, City Council approved MO09032013-003 approving the purchase of 922 High-efficiency toilets with Ferguson Enterprises, Inc. of Arlington, Texas, in the estimated amount of \$74,263.

ANALYSIS

This purchase is for 650 high efficiency toilets to support the City of Arlington Water Conservation Plan, adopted in 2014. The conservation plan includes measures to increase water use efficiency through education, reclaimed water use, sprinkler system audits, leak detection and repair and the residential high-efficiency toilet distribution program. The toilet program was chosen as a water conservation incentive because of its high water savings potential at a low cost when compared to other programs. The program is designed to identify residents with older toilets that use 3.5-7 gallons per flush, and to offer qualified residents a WaterSense high-efficiency toilet rated at 1.28 gallons or less, per flush.

To date, over 4,000 high-efficiency toilets have been provided through specific neighborhood and city-wide distribution events and Arlington Housing Authority rehabilitation projects. Distribution will be made through a voucher system, which will allow residents to pick up their toilet fixtures from the vendor at a date and time that accommodates their schedule.

Original contract term: One year/four one-year renewal options
Current term: First renewal (September 1, 2014 - August 31, 2015)

FINANCIAL IMPACT

The Arlington Water Utilities Department and the Purchasing Division have determined that it is in the City's best interest to renew the contract for an additional term. The contract term is for one year and will be reviewed annually to determine subsequent renewal terms.

In accordance with the bid specification, the Purchasing Division has received a letter from Ferguson Enterprises, Inc. of Arlington, Texas requesting the first renewal at the current pricing. The projected financial impact for this contract term is as follows:

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$52,286	\$0	\$0

Funds are budgeted in Water Utilities Conservation Program Account No. 600103-60014.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid file
MWBE:	No

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Staff Report



Renewal of Annual Requirements Contract for Submersible Pump Maintenance and Repair, Bid Project 11-0140	
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City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order
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RECOMMENDATION

Authorize the City Manager or his designee to exercise the third of four, one-year renewal options in the contract for submersible pump maintenance and repair with Smith Pump Company, Inc. in the estimated amount of \$118,370.

PRIOR BOARD OR COUNCIL ACTION

On August 16, 2011, City Council approved MO08162011-007 executing an annual requirements contract for submersible pump maintenance and repair with Smith Pump Company, Inc. of Fort Worth, Texas in the estimated amount of \$118,370.

On August 7, 2012, City Council approved MO08072012-015 exercising the first of four, one-year renewal options in the contract for submersible pump maintenance and repair with Smith Pump Company, Inc. of Fort Worth, Texas, in the estimated amount of \$118,370.

On August 6, 2013, City Council approved MO08062013-003 exercising the second of four, one-year renewal options in the contract for submersible pump maintenance and repair with Smith Pump Company, Inc. of Fort Worth, Texas, in the estimated amount of \$118,370.

ANALYSIS

The Arlington Water Utilities Department manages four wastewater lift stations containing 14 submersible pumps. This contract is for maintenance and repair of these submersible pumps located at various facilities. The pumps are used to elevate the city's wastewater from the low points in the sanitary sewer system to an elevation that will allow continuation of the wastewater to the wastewater treatment facilities governed by the Trinity River Authority.

The contract includes all materials, labor, transportation, and equipment needed to disassemble, inspect, repair, and reinstall the pumps. Repair and maintenance services will be used on an as-needed basis.

Original contract term: One year/four one-year renewals
Current term: Third renewal (September 1, 2014 - August 30, 2015)

FINANCIAL IMPACT

The Arlington Water Utilities Department and the Purchasing Division have determined that it is within the City's best interest to renew the contract for an additional term. The contract term is for one year and will be reviewed annually to determine subsequent renewal terms.

In accordance with the bid specification, the Purchasing Division has received a letter from Smith Pump Company, Inc. of Fort Worth, Texas, requesting the third renewal term at the current pricing. The projected financial impact for this contract term is as follows:

FY 2014
\$9,864.17

FY 2015
\$108,505.83

FY 2016
\$0

Funds are available in the Water Utilities Water Treatment Maintenance Account No. 620102-63122 and subject to FY2015 budget approval.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid file
MWBE:	No

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Staff Report



Renewal of Contract for Contract Administrator for the Arlington Homebuyer's Assistance Program, RFP Project 10-0077	
City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to exercise the fourth and final, one-year renewal option in the contract for Contract Administrator for the Arlington Homebuyers' Assistance Program (AHAP) with Tarrant County Housing Partnership (TCHP), Inc. in the estimated amount of \$80,000.

PRIOR BOARD OR COUNCIL ACTION

On August 17, 2010, City Council approved MO08172010-005 awarding the contract for Contract Administrator for the Arlington Homebuyers' Assistance Program (AHAP) with Tarrant County Housing Partnership, Inc. of Fort Worth, Texas, in the estimated amount of \$70,560.

On October 18, 2011, City Council approved MO10182011-006, exercising the first of four, one-year renewal options in the contract for Contract Administrator for the Arlington Homebuyers' Assistance Program (AHAP) with Tarrant County Housing Partnership, Inc. of Fort Worth, Texas in the estimated amount of \$70,560.

On August 21, 2012, City Council approved MO08212012-006, exercising the second of four, one-year renewal options in the contract for Contract Administrator for the Arlington Homebuyers' Assistance Program (AHAP) with Tarrant County Housing Partnership, Inc. in the estimated amount of \$80,000.

On May 7, 2013, City Council approved Resolution 13-088, authorizing the utilization of federal HOME program funds in the amount of \$1,493,978 of which \$323,911 was designated for the AHAP.

On August 6, 2013, City Council approved MO08062013-002, exercising the third of four, one-year renewal options in the contract for Contract Administrator for the Arlington Homebuyers' Assistance Program (AHAP) with Tarrant County Housing Partnership (TCHP), Inc. in the estimated amount of \$80,000.

ANALYSIS

The AHAP provides funding to enable qualified low-to-moderate income households to become first time homebuyers in Arlington. The contract administrator acts as liaison between the City, participating mortgage lenders and realtors to ensure that the homebuyer is qualified for the AHAP. The contract administrator is responsible for verifying information, preparing and reviewing all the necessary documents for accuracy, completion and compliance with program policies and HUD regulations, and for providing pre-purchase and post purchase housing counseling services.

TCHP contract performance over the past four program-years (PY) is summarized below:

TCHP Homebuyer Contract Goals	PY 2010		PY 2011		PY 2012		PY 2013	
	Goal	Actual	Goal	Actual	Goal	Actual	Goal	Actual
First Time Homebuyer Closings	50	38	50	37	50	34	31	27
Homebuyer Counseling/Education	220	280	220	791	220	631	220	618

TCHP has not met the homebuyer goal for closings for the past four years primarily due to stricter FHA and credit guidelines and the difficulty that low- to moderate-income families have in qualifying for a mortgage. TCHP works with families, often for more than a year, to improve credit scores, provide financial literacy counseling, and homebuyer education to prepare them to purchase their first home. From Program Year 2010 to 2013, TCHP provided outreach to over 3,271 individuals with information about the program. During the same period they provided 430 lender orientations. TCHP also provides counseling to homeowners after purchasing a home to prevent foreclosure in the event a family is experiencing financial hardship.

The total amount of Program Year 2014 HOME funds available for AHAP is \$368,465 with a goal of 31 first-time homebuyer closings and 220 individuals served with homebuyer counseling and education.

Original term: One year/four one-year renewal options
 Current term: Fourth and final renewal (September 1, 2014 – August 31, 2015)

FINANCIAL IMPACT

The Community Development & Planning Department and the Purchasing Division has determined that it is in the City’s best interest to renew the contract for the final one year term.

In accordance with specifications, the Purchasing Division has received a letter from Tarrant County Housing Partnership, Inc. requesting the final renewal at the current pricing. Contract renewals are contingent upon annual approval of grant funding provided by the U.S. Department of Housing and Urban Development / HOME Program. Funding has been confirmed for PY 2014. The projected three-year financial impact for this term is as follows:

<u>PY 2014</u>	<u>PY 2015</u>	<u>PY 2016</u>
\$80,000	\$0	\$0

Grant funds are budgeted in Home Investment Partnership Act Grant Account No. 418605-61002-410728.

ADDITIONAL INFORMATION

Attached: None
 Under separate cover: None
 Available in the Purchasing Division: Bid file
 MWBE: No

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Staff Report



Construction Contract for Bowen Road (Northbound Right Turn Lane at IH-20); Project No. PWPW14001	
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City Council Meeting Date: 8/5/2014	Action Being Considered: Minute Order
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RECOMMENDATION

Authorizing the City Manager or his designee to execute a construction contract with Stabile & Winn, Inc., of Saginaw, Texas, for the Bowen Road (Northbound Right Turn Lane at IH-20) Project in an amount not to exceed \$283,254.50. The contract includes a maximum bonus of \$18,750, for a possible contract total of \$302,004.50.

PRIOR BOARD OR COUNCIL ACTION

None

ANALYSIS

This project consists of the construction of a northbound right turn lane on Bowen Road at the eastbound frontage road of Interstate Highway 20. The construction includes storm drainage and water line improvements, sidewalks, and ADA ramps.

Date of Bid:	July 8, 2014
Number of Bids Received:	5
Number of Bids from Arlington Firms:	0
Bidder Prequalification:	Yes
Engineer's Estimate:	\$250,000
Range of Bids:	\$283,254.50 to \$483,095.00
Low Bid:	\$283,254.50
Recommended Low Bidder:	Stabile & Winn, Inc. of Saginaw, Texas
Contract Scope:	Construction of a right turn lane
Proposed Start Date:	August 2014
Proposed End Date:	October 2014
Contract Time:	75 calendar days
Liquidated Damages for Delay:	\$500 per day
Bonus for Early Completion:	\$500 per day
Maximum Bonus:	\$18,750
Total:	\$302,004.50

VENDOR	MWBE	TOTAL
Stabile & Winn, Inc. Saginaw, Texas	No	\$ 283,254.50
McClendon Construction Co. Inc. Burleson, Texas	No	\$ 288,864.25
XIT Paving & Construction, Inc. Waxahachie, Texas	No	\$ 316,980.00
Pavecon Public Works LP Grand Prairie, Texas	No	\$ 395,263.27
Jackson Construction, LTD Fort Worth, Texas	No	\$ 483,095.00

This project included one bid alternative for "Green Cement" to promote improved air quality in the North Texas region. City Staff recommends awarding the green cement alternate in the amount of \$1.

FINANCIAL IMPACT

Funding is available in the following accounts:

Street Bond Fund Account No. 358504-68153-65620698	\$269,524.24
Water Bond Fund Account No. 658502-68252-18075205	\$32,480.26

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$0	\$302,004.50	\$0

This project was not included in any previous bond elections and will be funded with street bond fund reserves. The City will request \$40,000 from Athlos Academy (International Leadership of Texas), located at the intersection of Bowen Road and Bardin Road, for their participation in this project, which included participation in off-site roadway improvements at Bowen Road/IH-20.

ADDITIONAL INFORMATION

Attached:	Bid Tab
	Location Map
	Street Bond Fund Five-Year Overview
Under separate cover:	None
Available in the City Secretary's Office:	None

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BID TABULATION REPORT

**BOWEN ROAD NORTHBOUND RIGHT TURN LANE AT IH-20
PROJECT No. PWPW14001**

BID OPENED: Tuesday, July 8, 2014 - 3:30 p.m.

PAVING & DRAINAGE IMPROVEMENTS

				<i>Stabile & Winn, Inc.</i>		<i>McClendon Const. Co. Inc.</i>		<i>XIT Paving & Construction, Inc.</i>		<i>Pavecon Public Works LP</i>		<i>Jackson Construction, LTD</i>	
ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
101	Mobilization & Bond	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
102	Right-of-way Preparation	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 14,500.00	\$ 14,500.00	\$ 30,000.00	\$ 30,000.00	\$ 54,500.00	\$ 54,500.00	\$ 31,000.00	\$ 31,000.00
103	Unclassified Roadway Excavation	600	CY	\$ 30.00	\$ 18,000.00	\$ 35.00	\$ 21,000.00	\$ 29.00	\$ 17,400.00	\$ 25.50	\$ 15,300.00	\$ 40.00	\$ 24,000.00
104	Compacted Roadway Fill	90	CY	\$ 20.00	\$ 1,800.00	\$ 20.00	\$ 1,800.00	\$ 10.00	\$ 900.00	\$ 16.76	\$ 1,508.40	\$ 32.00	\$ 2,880.00
105	12-inch thick Cement Treated Base (CTB)	628	SY	\$ 50.00	\$ 31,400.00	\$ 50.00	\$ 31,400.00	\$ 55.00	\$ 34,540.00	\$ 61.54	\$ 38,647.12	\$ 105.00	\$ 65,940.00
106	Type "B" HMAC Underlayment for Pavement	60	TN	\$ 160.00	\$ 9,600.00	\$ 100.00	\$ 6,000.00	\$ 200.00	\$ 12,000.00	\$ 223.28	\$ 13,396.80	\$ 382.00	\$ 22,920.00
107	Type "D" HMAC for Asphalt Street Transition	5	TN	\$ 275.00	\$ 1,375.00	\$ 160.00	\$ 800.00	\$ 900.00	\$ 4,500.00	\$ 408.97	\$ 2,044.85	\$ 2,000.00	\$ 10,000.00
108	7-inch Continuously Reinf. Conc. Pavement with 6-inch Mono. Curb	133	SY	\$ 70.00	\$ 9,310.00	\$ 82.00	\$ 10,906.00	\$ 65.00	\$ 8,645.00	\$ 143.53	\$ 19,089.49	\$ 141.00	\$ 18,753.00
109	Additional Cost for 7-inch High Early Strength Concrete	133	SY	\$ 8.50	\$ 1,130.50	\$ 5.25	\$ 698.25	\$ 6.00	\$ 798.00	\$ 5.38	\$ 715.54	\$ 15.00	\$ 1,995.00
110	8-inch Continuously Reinf. Conc. Pavement with 6-inch Mono. Curb	444	SY	\$ 77.00	\$ 34,188.00	\$ 88.00	\$ 39,072.00	\$ 66.00	\$ 29,304.00	\$ 87.87	\$ 39,014.28	\$ 154.00	\$ 68,376.00
111	Additional Cost for 8-inch High Early Strength Concrete	100	SY	\$ 9.50	\$ 950.00	\$ 5.25	\$ 525.00	\$ 7.00	\$ 700.00	\$ 5.94	\$ 594.00	\$ 17.00	\$ 1,700.00
112	9-inch Continuously Reinf. Conc. Pavement with 6-inch Mono. Curb	108	SY	\$ 84.00	\$ 9,072.00	\$ 100.00	\$ 10,800.00	\$ 100.00	\$ 10,800.00	\$ 166.57	\$ 17,989.56	\$ 200.00	\$ 21,600.00
113	Additional Cost for 9-inch High Early Strength Concrete	108	SY	\$ 10.50	\$ 1,134.00	\$ 5.25	\$ 567.00	\$ 8.00	\$ 864.00	\$ 6.34	\$ 684.72	\$ 19.00	\$ 2,052.00
114	Pavement for Full Depth Transverse Joint Repair	28	SY	\$ 225.00	\$ 6,300.00	\$ 245.00	\$ 6,860.00	\$ 200.00	\$ 5,600.00	\$ 527.07	\$ 14,757.96	\$ 300.00	\$ 8,400.00
115	Concrete Pavement Header	21	LF	\$ 15.00	\$ 315.00	\$ 10.00	\$ 210.00	\$ 15.00	\$ 315.00	\$ 20.54	\$ 431.34	\$ 26.00	\$ 546.00
116	4-inch Reinforced Concrete Sidewalks	240	SY	\$ 75.00	\$ 18,000.00	\$ 65.00	\$ 15,600.00	\$ 34.00	\$ 8,160.00	\$ 55.62	\$ 13,348.80	\$ 68.00	\$ 16,320.00
117	Retaining Wall (8-inch < H ≤ 24-inch) adjacent to Sidewalk	12	CY	\$ 1,275.00	\$ 15,300.00	\$ 1,000.00	\$ 12,000.00	\$ 1,300.00	\$ 15,600.00	\$ 1,380.00	\$ 16,560.00	\$ 1,450.00	\$ 17,400.00
118	ADA Compliant Barrier Free Ramp (TxDOT PED-12A)	3	EA	\$ 1,500.00	\$ 4,500.00	\$ 1,300.00	\$ 3,900.00	\$ 900.00	\$ 2,700.00	\$ 1,300.00	\$ 3,900.00	\$ 1,400.00	\$ 4,200.00
119	5-foot TxDOT Curb Inlet CI(1)-02 (FW)	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 4,500.00	\$ 4,500.00	\$ 3,200.00	\$ 3,200.00	\$ 3,960.00	\$ 3,960.00	\$ 6,500.00	\$ 6,500.00
120	TxDOT Grated Drop Inlet Type 1 DI-1-02(FW)	1	EA	\$ 5,300.00	\$ 5,300.00	\$ 5,000.00	\$ 5,000.00	\$ 3,500.00	\$ 3,500.00	\$ 3,600.00	\$ 3,600.00	\$ 6,200.00	\$ 6,200.00
121	18-inch Class III Reinforced Concrete Pipe	10	LF	\$ 81.00	\$ 810.00	\$ 100.00	\$ 1,000.00	\$ 80.00	\$ 800.00	\$ 84.00	\$ 840.00	\$ 210.00	\$ 2,100.00
122	24-inch Class III Reinforced Concrete Pipe	32	LF	\$ 92.00	\$ 2,944.00	\$ 110.00	\$ 3,520.00	\$ 100.00	\$ 3,200.00	\$ 120.00	\$ 3,840.00	\$ 170.00	\$ 5,440.00
123	Connect to Existing 24-inch Reinforced Concrete Pipe	1	EA	\$ 850.00	\$ 850.00	\$ 1,250.00	\$ 1,250.00	\$ 1,000.00	\$ 1,000.00	\$ 3,000.00	\$ 3,000.00	\$ 750.00	\$ 750.00
124	Trench Safety System for Storm Drain	42	LF	\$ 5.00	\$ 210.00	\$ 5.00	\$ 210.00	\$ 12.00	\$ 504.00	\$ 1.20	\$ 50.40	\$ 1.00	\$ 42.00
125	GPS Data on New Stormwater Attributes	1	LS	\$ 325.00	\$ 325.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 900.00	\$ 900.00	\$ 1,500.00	\$ 1,500.00
126	Grass Sodding	700	SY	\$ 3.45	\$ 2,415.00	\$ 4.00	\$ 2,800.00	\$ 7.00	\$ 4,900.00	\$ 9.16	\$ 6,412.00	\$ 10.00	\$ 7,000.00
127	Pavement Markings and Traffic Sign	1	LS	\$ 3,700.00	\$ 3,700.00	\$ 3,800.00	\$ 3,800.00	\$ 7,000.00	\$ 7,000.00	\$ 5,050.00	\$ 5,050.00	\$ 6,500.00	\$ 6,500.00
128	Remove, Salvage and Deliver Sidewalk Bridge to TxDOT	2	EA	\$ 150.00	\$ 300.00	\$ 300.00	\$ 600.00	\$ 2,000.00	\$ 4,000.00	\$ 1,100.00	\$ 2,200.00	\$ 750.00	\$ 1,500.00
129	Erosion Control Plan (SWPPP)	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
130	Construction Contingency For Public Works' Items	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
131	4-inch Type B HMAC for Temporary Traffic Control	50	TN	\$ 125.00	\$ 6,250.00	\$ 61.50	\$ 3,075.00	\$ 130.00	\$ 6,500.00	\$ 210.00	\$ 10,500.00	\$ 250.00	\$ 12,500.00
SUBTOTAL PAVING & DRAINAGE IMPROVEMENTS:					\$ 255,478.50		\$ 257,893.25		\$ 272,930.00		\$ 347,835.26		\$ 423,114.00

BID TABULATION REPORT

**BOWEN ROAD NORTHBOUND RIGHT TURN LANE AT IH-20
PROJECT No. PWPW14001**

BID OPENED: Tuesday, July 8, 2014 - 3:30 p.m.

<i>Stabile & Winn, Inc.</i>	<i>McClendon Const. Co. Inc.</i>	<i>XIT Paving & Construction, Inc.</i>	<i>Pavecon Public Works LP</i>	<i>Jackson Construction, LTD</i>
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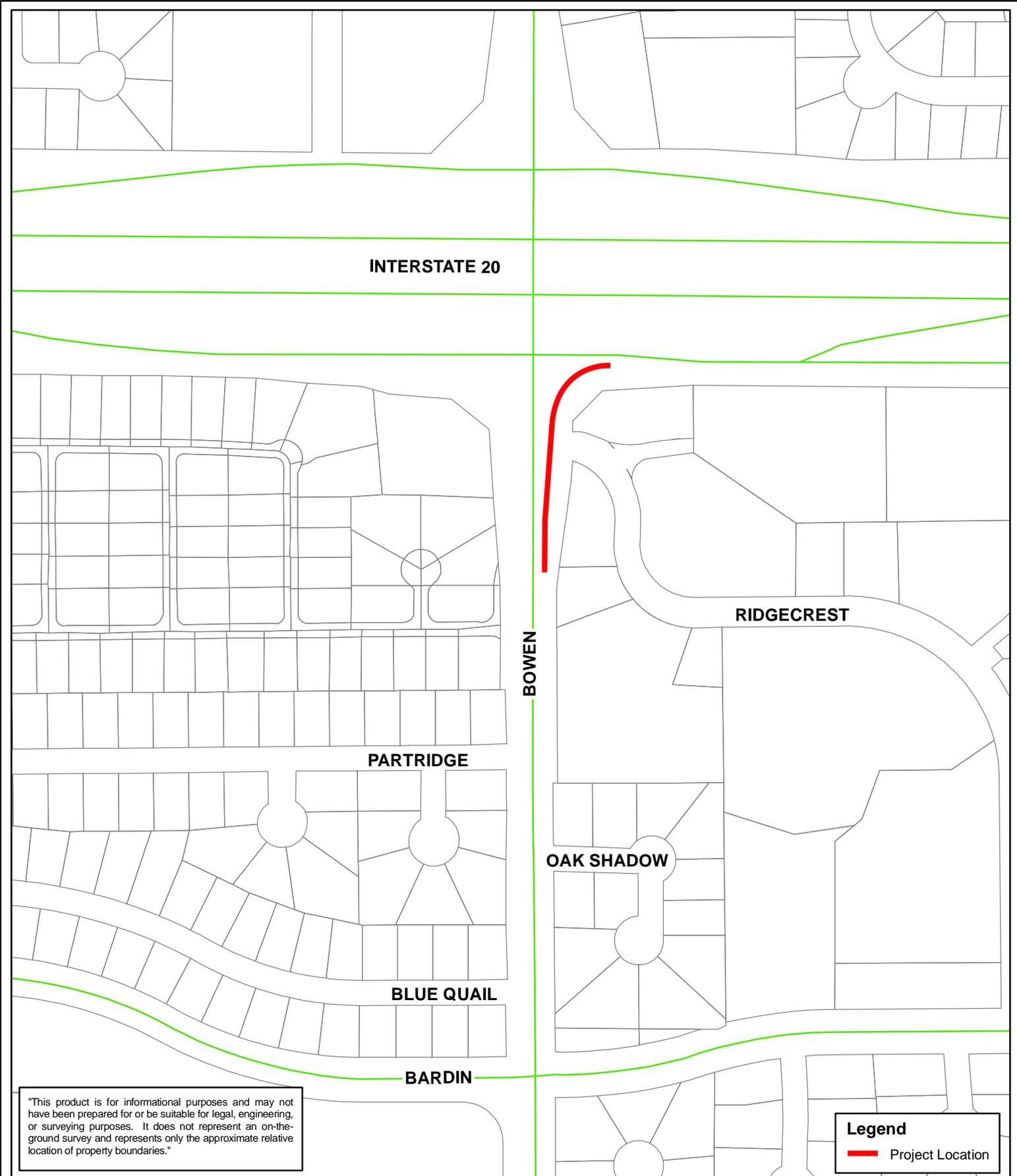
WATER IMPROVEMENTS

ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	TOTAL COST								
201	8-inch Water Main, PVC C900 by open cut	90	LF	\$ 87.00	\$ 7,830.00	\$ 100.00	\$ 9,000.00	\$ 90.00	\$ 8,100.00	\$ 114.00	\$ 10,260.00	\$ 255.00	\$ 22,950.00
202	8-inch Gate Valve	2	EA	\$ 1,600.00	\$ 3,200.00	\$ 1,600.00	\$ 3,200.00	\$ 2,000.00	\$ 4,000.00	\$ 2,400.00	\$ 4,800.00	\$ 2,000.00	\$ 4,000.00
203	Rem./Repl. up to two (2) joints of exist. 24-inch RCP for waterline crossing	1	LS	\$ 600.00	\$ 600.00	\$ 600.00	\$ 600.00	\$ 7,500.00	\$ 7,500.00	\$ 3,600.00	\$ 3,600.00	\$ 5,200.00	\$ 5,200.00
204	Connect to Existing 8-inch Water Main	3	EA	\$ 850.00	\$ 2,550.00	\$ 1,250.00	\$ 3,750.00	\$ 2,000.00	\$ 6,000.00	\$ 3,600.00	\$ 10,800.00	\$ 3,500.00	\$ 10,500.00
205	Cut, Plug and Abandon Existing Water Main	2	EA	\$ 300.00	\$ 600.00	\$ 350.00	\$ 700.00	\$ 1,000.00	\$ 2,000.00	\$ 1,800.00	\$ 3,600.00	\$ 700.00	\$ 1,400.00
206	Abandon Existing Gate Valve	2	EA	\$ 300.00	\$ 600.00	\$ 350.00	\$ 700.00	\$ 500.00	\$ 1,000.00	\$ 600.00	\$ 1,200.00	\$ 120.00	\$ 240.00
207	Temp. HMAC Trench Repair for Waterline and Service Construction	90	LF	\$ 20.00	\$ 1,800.00	\$ 25.00	\$ 2,250.00	\$ 50.00	\$ 4,500.00	\$ 24.00	\$ 2,160.00	\$ 50.00	\$ 4,500.00
208	Trench Safety Systems for Waterline	90	LF	\$ 3.00	\$ 270.00	\$ 3.00	\$ 270.00	\$ 5.00	\$ 450.00	\$ 1.20	\$ 108.00	\$ 1.00	\$ 90.00
209	GPS Data on New Water Attributes	1	LS	\$ 325.00	\$ 325.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 900.00	\$ 900.00	\$ 1,100.00	\$ 1,100.00
210	Construction Contingency Allowance for Water Items	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
SUBTOTAL WATER IMPROVEMENTS:					\$ 27,775.00		\$ 30,970.00		\$ 44,050.00		\$ 47,428.00		\$ 59,980.00

ALTERNATE A

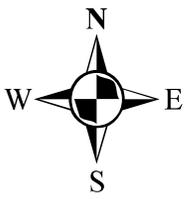
ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
199A	Green Cement	1	LS	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ -	\$ -	\$ 0.01	\$ 0.01	\$ 1.00	\$ 1.00
SUBTOTAL ALTERNATE A:					\$ 1.00		\$ 1.00		\$ -		\$ 0.01		\$ 1.00

SUBTOTAL PAVING & DRAINAGE IMPROVEMENTS:	\$ 255,478.50	\$ 257,893.25	\$ 272,930.00	\$ 347,835.26	\$ 423,114.00
SUBTOTAL WATER IMPROVEMENTS:	\$ 27,775.00	\$ 30,970.00	\$ 44,050.00	\$ 47,428.00	\$ 59,980.00
TOTAL BASE BID AMOUNT	\$ 283,253.50	\$ 288,863.25	\$ 316,980.00	\$ 395,263.26	\$ 483,094.00
TOTAL BASE BID + ALTERNATE A	\$ 283,254.50	\$ 288,864.25	\$ 316,980.00	\$ 395,263.27	\$ 483,095.00



"This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

Legend
 Project Location



**Bowen Road (Northbound Right Turn Lane @ IH-20)
 Location Map
 Project No. PWPW14001**



Prepared By:
 PWT Engineering Operations
 01/24/2014

Street Bond Fund Five-Year Overview

Project Name	Bid Date	No. of Bidders	Engr's Estimate	Low Bid	(Over)/Under	% Over/Under
Green Oaks Blvd (Lincoln to Ballpark Way)	10/13/2009	12	\$4,800,000.00	\$3,818,260.38	\$981,739.62	-20
Railroad Quiet Zone (Bowen & Davis)	12/22/2009	3	\$400,000.00	\$398,730.00	\$1,270.00	0
UTA Center Street Greenscape	2/18/2010	4	\$2,200,000.00	\$2,161,600.00	\$38,400.00	-2
2009 Residential Rebuilds	5/11/2010	8	\$3,000,000.00	\$2,814,567.60	\$185,432.40	-6
Arkansas Ln (Browning to SH 360)	10/26/2010	6	\$7,800,000.00	\$5,591,404.00	\$2,208,596.00	-28
Town North Sidewalk Improvement	12/7/2010	3	\$885,292.00	\$868,488.75	\$16,803.25	-2
Copeland Rd Utility Duct Bank	1/21/2011	3	\$80,000.00	\$57,930.15	\$22,069.85	-28
South Collins (SE Parkway to CL)	2/15/2011	7	\$11,500,000.00	\$10,190,822.50	\$1,309,177.50	-11
2010 Residential Rebuilds	9/14/2011	7	\$4,500,000.00	\$4,633,133.00	(\$133,133.00)	3
Matlock 5th & 6th (Mayfield to Bardin)	10/25/2011	7	\$2,300,000.00	\$1,836,145.04	\$463,854.96	-20
I30/Nolan Ryan Sign Replacement	4/3/2012	1	\$80,000.00	\$78,400.00	\$1,600.00	-2
2011 Residential Rebuilds	9/18/2012	7	\$4,100,000.00	\$4,733,015.55	(\$633,015.55)	15
Park Row Dr (SH 360 to City Limits)	10/4/2012	8	\$4,500,000.00	\$4,200,677.47	\$299,322.53	-7
2011 CDBG Residential Rebuild Phase I	11/6/2012	5	\$3,000,000.00	\$2,620,232.70	\$379,767.30	-13
Collins/UPRR Quiet Zone	11/6/2012	2	\$225,000.00	\$285,546.00	(\$60,546.00)	27
TxDOT Intersections	3/19/2013	3	\$1,430,000.00	\$1,982,970.36	(\$552,970.36)	39
Lamar Blvd (Collins to Ballpark)	5/22/2013	5	\$10,378,400.00	\$9,458,408.92	\$919,991.08	-9
Bowman Springs (I-20 to City Limit)	6/25/2013	4	\$2,100,000.00	\$2,072,028.72	\$27,971.28	-1
2011 CDBG Residential Rebuild Phase II	8/20/2013	6	\$1,400,000.00	\$1,506,161.85	(\$106,161.85)	8
2013 Sidewalk Program	8/20/2013	2	\$1,100,000.00	\$1,476,651.00	(\$376,651.00)	34
Arbrook/Melear Drainage Improvements	10/29/2013	3	\$3,509,956.00	\$3,617,740.00	(\$107,784.00)	3
2012 Residential Rebuild	12/20/2013	5	\$3,479,360.00	\$3,264,762.35	\$214,597.65	-6
Center/I-20 Bridge (Highlander to Bardin) TXDOT Let	4/2/2014	9	\$10,732,639.00	\$10,457,967.33	\$274,671.67	-3
Abram (SH 360 to City Limit)	4/22/2014	4	\$8,000,000.00	\$8,481,419.90	(\$481,419.90)	6
Tri-Schools	4/29/2014	4	\$12,500,000.00	\$15,999,933.00	(\$3,499,933.00)	28
Abram (Stadium to SH 360)	5/13/2014	3	\$7,200,000.00	\$8,001,266.73	(\$801,266.73)	11
Center Street (Arkansas to Nottinghill Gate)	5/28/2014	7	\$4,900,000.00	\$4,497,704.05	\$402,295.95	-8
NB Bowen/I-20 Right Turn Lane	7/8/2014	5	\$250,000.00	\$269,524.24	(19,524.24)	8

Total		143	\$116,350,647	\$115,375,492	\$975,155	
Average Number of Bids		5				
Average %						-1

Staff Report



Bowman Springs Road (Bridge and Realignment); Project No. PWST099001	
City Council Meeting Date: 8-5-2014	Action Being Considered: Minute Order

RECOMMENDATION

Authorize final payment to the Texas Department of Transportation (TxDOT), of Fort Worth, Texas, for the completed construction of the Bowman Springs Road Bridge and Realignment Project (Pennsylvania Avenue to Kennedale Junior High School) based on the Final Statement of Cost in the amount of \$126,573.28.

PRIOR BOARD OR COUNCIL ACTION

On September 7, 1999, Council approved Resolution 99-665 authorizing execution of an Advance Funding Agreement with TxDOT in the amount of \$94,044 for the design of the realignment of Bowman Springs Road from approximately 800 feet north of Pennsylvania Avenue to Kennedale Junior High School.

On May 6, 2008, Council approved Minute Order No. MO05062008-007 authorizing payment to TxDOT in the amount of \$66,856 for design costs for the Bowman Springs Road project.

On July 1, 2008, Council approved Minute Order No. MO07012008-006 authorizing the execution of a Local Project Advance Funding Agreement with TxDOT in the amount of \$176,724 for final design for the Bowman Springs Road project.

On January 20, 2009, Council approved Minute Order No. MO01202009-003, authorizing the City Manager or his designee to execute a Local Project Advance Funding Agreement and authorize payment to TxDOT in the estimated amount of \$178,605 for the construction of the Bowman Springs Road project.

ANALYSIS

The project realigned and widened Bowman Springs Road to five lanes 800 feet north of Pennsylvania Drive to Kennedale Junior High School to remove a hazardous curve. The construction included a new bridge over a tributary to Village Creek. The construction contract with McMahon Contracting was administered by TxDOT. The project was completed and accepted by TxDOT in March 2013. Per the attached Statement of Costs, a total of \$520,579 (\$355,329 and \$165,250) in advanced cash payments have been sent to TxDOT for the City's share of the construction. After completion of construction, TxDOT conducted a final audit, which revealed the total amount charged for the City's portion had increased to \$647,152.28 (\$481,902.28 and \$165,250) and additional funds were due to TxDOT for the City's share of various change orders that occurred during construction. This payment represents the City's remaining portion of construction costs.

FINANCIAL IMPACT

Funding is available in the Non-Arbitrage Street Bond Fund Account No. 358502-68153-64270699.

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$126,573.28	\$0	\$0

ADDITIONAL INFORMATION

Attached:	Final Statement of Cost
Under separate cover:	None
Available in the City Secretary's Office:	None

STAFF CONTACT(S)

Keith Melton, P.E. Director of Public Works and Transportation 817-459-6553 Keith.Melton@arlingtontx.gov	David G. Wynn, P.E. Assistant Director of Public Works and Transportation 817-459-6560 David.Wynn@arlingtontx.gov
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June 4, 2014

RE: Bowman Springs
at Tributary Village Creek, CSJ: 0902-48-381
south of IH 20 at Tributary to Village Creek, CSJ 0902-48-652
Tarrant County

JUN 9 '14 AM 10:27

Mr. Trey Yelverton
City Manager
City of Arlington
P.O. Box 90231
Arlington, TX 76004-3231

Dear Mr. Yelverton:

The above captioned projects have been completed and accepted by the State. In accordance with the terms of the agreements negotiated with the State, the City of Arlington placed a total of \$520,579.00 as advanced payments to cover its share of the estimated costs associated with the construction of these projects. Final auditing by this office revealed additional funds due to TxDOT.

Attached is your final Statement of Cost (for each project) amounting to \$647,152.28 leaving a deficit of \$126,573.28. Please remit a check made payable to the Texas Department of Transportation in the amount of \$126,573.28 within thirty days from receipt of this letter. Please mail check along with the Payment Form to:

Texas Department of Transportation
Attn: Rose Rodriguez – Transportation Planning & Development
2501 S. W. Loop 820
Fort Worth, Texas 76133

If you should have any questions concerning this matter, please contact Rose Rodriguez at (817) 370-6997.

Sincerely,



Loyl C. Bussell, P.E.
Transportation Planning & Development Director
Fort Worth District

Enclosures
cc: Greg Cedillo, P.E., South Tarrant County Area Office



FOR STATE USE ONLY

Deposit 27-927(06380-3790) Project Charge: 02-76-0902-48-652

ADVANCE PAYMENT

Highway CS CSJ 0902-48-652
 County Tarrant Project No. STP 1102(329)MM
 Limits South of IH 20 on Bowman Springs at Trib to Village Creek
 Description Replace approach roadway and realignment
 Type of Agreement AFA

Requested By Rose Rodriguez
 Section TP&D
 Date June 4, 2014
 Entity Name City of Arlington
 Entity Code 01750

Reason & Amount of Funds Requested

Right of Way	<input type="checkbox"/>	\$ 0.00
Preliminary Engineering	<input type="checkbox"/>	\$ 0.00
Preliminary Engineering Overrun	<input type="checkbox"/>	\$ 0.00
Preletting	<input type="checkbox"/>	\$ 0.00
Construction	<input type="checkbox"/>	\$ 0.00
Construction Overrun	<input checked="" type="checkbox"/>	\$ 126,573.28
Total		\$ 126,573.28

To be Filled in by Outside Entity

Amount Submitted _____
 Check # _____
 Date Submitted _____

PLEASE RETURN THIS COMPLETED FORM WITH PAYMENT

To be Filled in by TxDOT After Receipt

Amount Received _____
 Date Received _____
 Name of Employee
 (who received and
 processed deposit) _____

STATEMENT OF COST

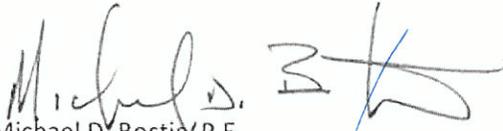
City of Arlington
6/2/2014

	PS&E 190	E&C 309	CONSTRUCTION 220	E&C 390	TOTAL
0902-48-652					
STP1102(329)MM	\$303,882.27	\$639.40	\$778,304.74	\$108,598.39	\$1,191,424.80
	\$303,882.27	\$639.40	\$778,304.74	\$108,598.39	\$1,191,424.80

	% Participation	
PS&E Portion Funded by Entity	100%	\$303,882.27
E&C (Consultant Plans) Portion Funded by Entity	100%	\$639.40
Construction Portion Funded by Entity	20%	\$155,660.94
E&C Portion Funded by Entity	20%	\$21,719.67
ROW Portion Funded by Entity		

Total Amount Charged to Entity	\$481,902.28
Advanced Cash Payments Received	\$355,329.00
Less Amount Charged	\$481,902.28
AMOUNT DUE TO TxDOT	\$126,573.28

Certified Correct:


 Michael D. Bostic, P.E.
 Director of Construction

STATEMENT OF COST

City of Arlington
5/13/2014

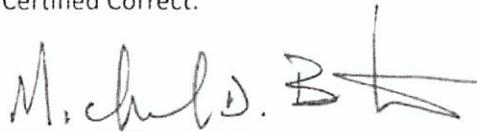
	PS&E 190	CONSTRUCTION 220	E&C 390	TOTAL
0902-48-381 BR99(522)	\$165,250.00			\$165,250.00
	<u>\$165,250.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$165,250.00</u>

	% Participation	
PS&E Portion Funded by Entity	100%	\$165,250.00

Total Amount Charged to Entity	\$165,250.00
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Advanced Cash Payments Received	\$165,250.00
Less Amount Charged	\$165,250.00
AMOUNT DUE TO COUNTY	\$0.00

Certified Correct:



Michael D. Bostic, P.E.
Director of Construction

Staff Report



Purchase of Three Tandem Trucks, Bid Project 14-0173	
City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to approve the purchase of three tandem trucks with Southwest International Trucks, Inc. through the Texas Local Government Purchasing Cooperative (TLGPC) in the estimated amount of \$386,224.02.

PRIOR BOARD OR COUNCIL ACTION

On June 25, 2002, the City Council passed Resolution 02-314, authorizing the City of Arlington to participate in the TLGPC.

ANALYSIS

This purchase is for three tandem trucks for the Public Works department. The new trucks will replace three existing units that are 15 years old and beyond useful service life. The new trucks will be used to support year round street maintenance operations, hauling asphalt, road construction materials, and will carry sand spreaders during the winter months.

The City risks increased annual maintenance cost and penalties under the contract with G4S Integrated Fleet Services, if aged fleet is not replaced. The new vehicles meet the most current U.S. EPA's Emission standards for pollutant emissions for both gasoline and diesel engines.

FINANCIAL IMPACT

Utilizing the interlocal agreement with the TLGPC was determined to be the most cost-effective method to purchase the trucks. Southwest International Trucks, Inc. of Arlington, Texas is under contract with the TLGPC and will provide the trucks in the estimated amount of \$386,224.02. The trucks are a one-time purchase and will replace existing units; therefore, no additional maintenance or fuel costs will be incurred.

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$386,224.02	\$0	\$0

Funds are budgeted in the Fleet Services Administration Account No. 790101-68200.

ADDITIONAL INFORMATION

Attached:	None
Under separate cover:	None
Available in the Purchasing office:	Bid file
MWBE:	No

STAFF CONTACT(S)

Keith Melton, P.E., Director Public Works & Transportation 817-459-6553 Keith.Melton@arlingtontx.gov	Janice Hughes Sr. Purchasing Agent 817-459-6304 Janice.Hughes@arlingtontx.gov	Mike Finley Director of Finance 817-459-6345 Mike.Finley@arlingtontx.gov
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Staff Report

Purchase and Replacement of a Heavy Duty Equipment Lift, Bid Project 14-0181	
City Council Meeting Date: 8-5-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to approve the purchase and replacement of a heavy duty equipment lift at the South Service Center with Vehicle Service Group, LLC, dba Rotary Lift, through the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program in the estimated amount of \$106,991.90.

PRIOR BOARD OR COUNCIL ACTION

On June 24, 1997, City Council adopted Resolution 97-411, authorizing City participation in the Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program.

ANALYSIS

This purchase is for a heavy duty equipment lift for the South Service Center located at 1100 S.W. Green Oaks. The new lift will replace the existing lift, which was installed in 1990 and has outlived its useful service life. The new lift has a capacity lift rate at 75,000 lbs., thus providing a safe lifting capacity for servicing City vehicles and equipment, such as Vactor and Tri-Axle trucks, and will allow services and repairs to be made efficiently and safely.

FINANCIAL IMPACT

Rotary Lift of Madison, Indiana, is under contract through H-GAC and will provide the lift and replacement services in the estimated amount of \$106,991.90. This is a one-time purchase and will replace existing equipment; therefore, no additional maintenance costs will be incurred.

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$106,991.90	\$0	\$0

Funds are budgeted in Public Works Fleet Account No. 790101-68101.

ADDITIONAL INFORMATION

Attachments:	None
Under separate cover:	None
Available in the Purchasing Division:	Bid file
MWBE:	No

STAFF CONTACT(S)

Keith Melton, P.E., Director Public Works & Transportation 817-459-6553 Keith.Melton@arlingtontx.gov	Janice Hughes Sr. Purchasing Agent 817-459-6304 Janice.Hughes@arlingtontx.gov	Mike Finley Director of Finance 817-459-6345 Mike.Finley@arlingtontx.gov
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Staff Report



Interlocal Agreement for Providing Ultra-Low Sulfur Diesel Fuel to the University of Texas at Arlington	
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City Council Meeting Date: 08/05/14	Document Being Considered: Resolution
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RECOMMENDATION

Approve a resolution authorizing the execution of an interlocal agreement authorizing the City of Arlington to provide ultra-low sulfur diesel fuel to the University of Texas at Arlington (UTA).

PRIOR BOARD OR COUNCIL ACTION

On January 12, 2010, City Council adopted Resolution 10-018 allowing the City of Arlington to participate in the National IPA interlocal purchasing programs.

ANALYSIS

Texas Government Code, Chapter 791, provides for the voluntary participation of local governments to contract with one another, and with agencies of the state, in an effort to increase efficiency and effectiveness in the performance of government functions. The primary purpose of the interlocal agreement is to provide for the shared use of infrastructure to the mutual benefit of both cities.

The Agreement will provide UTA with access to the City’s two fuel sites for the purpose of purchasing ultra-low diesel fuel for its fleet of busses. Benefits of this agreement include:

- Close proximity to UTA’s bus fleet (Main Street).
- An annual savings of approximately \$2,500 for UTA, by utilizing the City’s participation in Plano’s National IPA fuel contract.
- Faster turnaround of the City’s diesel fuel inventory, helping to prevent bacterial contamination.
- Anticipated annual usage will be approximately 8,000 gallons.

FINANCIAL IMPACT

There will be no financial impact for the City of Arlington and UTA will realize an approximate annual savings of \$2,500.

ADDITIONAL INFORMATION

Attached:	Resolution
	Interlocal Agreement
Under separate cover:	None
Available in the City Secretary’s Office:	None

STAFF CONTACT(S)

Keith Melton. P.E.
Director of Public Works & Transportation
817-459-6553
Keith.Melton@arlingtontx.gov

Resolution No. _____

A resolution authorizing the execution of an Interlocal Agreement with the University of Texas at Arlington relative to the provision of ultra-low sulfur diesel fuel

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the City Manager or his designee is hereby authorized to execute an Interlocal Agreement with the University of Texas at Arlington relative to providing access to the City's two fuel sites and providing ultra-low sulfur diesel fuel at those sites for authorized UTA vehicles.

II.

A substantial copy of said agreement is attached hereto and incorporated herein for all intents and purposes.

PRESENTED AND PASSED on this the ____ day of _____, 2014, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY Eddie Martin

INTERLOCAL AGREEMENT

THE STATE OF TEXAS §

COUNTY OF TARRANT §

THIS INTERLOCAL AGREEMENT is entered into on this ___ day of _____, 2014, by and between the **CITY OF ARLINGTON, TEXAS**, a municipal corporation located in Tarrant County, Texas (hereinafter referred to as "CITY"), acting by and through its City Manager or his designee, and **THE UNIVERSITY OF TEXAS AT ARLINGTON** (hereinafter referred to as "UTA"), located at 701 S. Nedderman Drive, Arlington, TX 76010, a State University of Higher Education established under the laws of the State of Texas as an institution of the University of Texas System. City and UTA may be referred to herein individually as a "party" or collectively as the "parties".

WITNESSETH:

WHEREAS, CITY desires to provide access to certain fueling stations to UTA;

WHEREAS, the City finds that the undertaking is necessary for the benefit of the public and the Agreement is authorized by Chapter 791 of the Texas Government Code;

WHEREAS, the governing bodies of each party find that that each party is legally authorized to enter this Agreement;

WHEREAS, the governing bodies further find that the performance of this Agreement is in the common interest of both parties; and

WHEREAS, the parties in providing funds for the performance of governmental functions by the City or UTA, shall make payments therefore only from revenues legally available to the City or UTA.

IN CONSIDERATION of the covenants and agreements hereinafter contained and subject to the terms and conditions hereinafter stated, the parties hereto do mutually agree as follows:

I.
Scope of Services

CITY agrees to provide access to its refueling facilities located at Fleet Services facilities at 1015 W. Main Street, Arlington, Texas and at its South Service Center at 1100 S.W. Green Oaks Blvd., Arlington, Texas. CITY further agrees to provide Ultra Low Sulfur, Low Emission Diesel Distillate, at those sites for authorized UTA vehicles.

2.
Billing and Payment

CITY will provide UTA with one monthly invoice generated by the CITY's Fuel Management System that indicates the vehicle number, odometer and/or hour meter reading (as entered by UTA personnel), date and time of transaction, quantity issued, unit price and extended amount. The unit cost will be based on the published Dallas Metro, Oil Price Information Service (OPIS) RACK AVERAGE price of OPIS NET ULTRA LOW SULFUR LED DISTILLATE for that day. The unit cost will include current additions of the Excise Tax (\$0.20), Federal Oil Spill Tax (\$0.0019) and the Texas Load Fee (\$0.002) per gallon. Each vehicle will be issued a unique identification code for dispensing fuel, in addition to a 4-digit numeric code, chosen by UTA, for each driver to access the system.

Monthly invoice will be sent electronically to an email address or facsimile number provided by UTA.

UTA agrees to pay invoices for fuel furnished by CITY within thirty (30) days of receipt of the invoice in accordance with Chapter 2251 of the Texas Government Code. An "authorized UTA vehicle" is described as a vehicle owned by UTA, for which UTA has provided the following description to the CITY: Year, Make, Model, Description, VIN, and license number.

UTA has the right to audit and inspect the books and records of CITY related to the pricing of fuel purchased by UTA. UTA must give CITY reasonable notice of its intent to audit and/or inspect such records. Reasonable notice under the terms and conditions of this Contract shall be no less than thirty (30) days written notice. CITY will provide a reasonable place for inspection by UTA and will be done during normal business hours. The terms of billing and payment in this Section shall survive the termination of this Contract.

3.
Insurance

A. UTA at its own cost and expense shall provide minimum insurance in the requirements as set forth below and shall cause it to remain in effect throughout the term of this AGREEMENT.

1. Worker's Compensation Insurance, Statutory limits as required by law.
2. Commercial General Liability Insurance, including Independent Contractor's Liability, Completed Operations and Contractual Liability. *It is the stated policy of the State of Texas not to acquire commercial general liability insurance for torts committed by employees*

of the state who are acting within the scope of their employment. Rather, Chapter 101 of the Civil Practice and Remedies Code states "that a governmental unit in the state is liable for property damage, personal injury and death proximately caused by the wrongful act or omission or negligence of an employee acting within his scope of employment...." Liability of the state government under this chapter is limited to money damages in a maximum amount of \$250,000 for each person and \$500,000 for each single occurrence for bodily injury or death and \$100,000 for each single occurrence for injury to or destruction of property.

3. Comprehensive Automobile and Truck Liability Insurance, covering owned, hired and non-owned vehicles, with a combined bodily injury and property damage limit of \$1,000,000.00 per occurrence.

Should no UTA vehicles be utilized in the performance of these services, each privately owned vehicle must be insured to a minimum as required by the State of Texas.

- B. Each insurance policy to be furnished by UTA shall include the following conditions by endorsement to the policy:

1. Name CITY as an additional insured for the Comprehensive Auto and Truck Liability Insurance;
2. Thirty (30) days prior to the expiration, cancellation, nonrenewal or any material change in coverage, UTA shall ensure a notice thereof shall be given to CITY by certified mail to:

Risk Management
City of Arlington
Post Office Box 90231
Arlington, Texas 76004-0231

If the policy is canceled for nonpayment of premium, only ten (10) days advance written notice to CITY is required;

3. The term "Owner" or "CITY" shall include all authorities, boards, bureaus, commissions, divisions, departments and offices of CITY and the individual members, employees and agents thereof in their official capacities, and/or while acting on behalf of CITY;
4. The policy phrase "other insurance" shall not apply to CITY where CITY is an additional insured on the policy; and

- C. Concerning insurance to be furnished by UTA, it is a condition precedent to acceptability thereof that:

1. All policies are to be written through companies duly approved to transact that class of insurance in the State of Texas; and

2. Insurance is to be placed with insurers with a Best rating of no less than A VII, and

D. UTA agrees to the following:

1. UTA hereby waives subrogation rights for loss or damage to the extent same are covered by insurance. Insurers shall have no right of recovery or subrogation against CITY, it being the intention that the insurance policies shall protect all parties to the AGREEMENT and be primary coverage for all losses covered by the policies;
2. Companies issuing the insurance policies and UTA shall have no recourse against CITY for payment of any premiums, or assessments for any deductible, as all such premiums are the sole responsibility and risk of UTA;
3. Approval, disapproval or failure to act by CITY regarding any insurance supplied by UTA (or any subcontractors) shall not relieve UTA of full responsibility or liability for damages and accidents as set forth in the AGREEMENT documents. Neither shall the insolvency or denial of liability by the insurance company exonerate UTA from liability; and
4. Any of the insurance policies required under this section may be written in combination with any of the others, where legally permitted, but none of the specified limits may be lowered thereby.

E. If UTA and CITY agrees upon another method of coverage for any or all coverage above including self- insurance then that shall be evidenced in writing and the documentation shall be attached to this Contract and incorporated as Exhibit "A" as if written word for word.

4. **Term**

This Contract shall begin on the date first written above, and shall be effective for a period of one year, and shall thereafter automatically renew form year to year unless terminated in accordance with this Contract.

5. **Contract Termination Provision**

This Contract may be canceled or terminated at any time by the CITY or UTA with or without cause by providing the other ninety (90) days written notice of such termination. Until the effective date of termination UTA shall be able to fuel vehicles upon the terms of this Contract.

6.
Changes

From time to time, changes may be required in the scope of services to be performed under this Contract. Such changes as are mutually agreed upon by and between CITY and UTA shall be incorporated by written modification to this Contract.

7.
Notices

All notices, communications and reports required or permitted under this Contract shall be personally delivered or mailed to the respective parties by depositing same in the United States mail, postage prepaid, at the addresses shown below, unless and until either party is otherwise notified in writing by the other party, at the following addresses. Mailed notices shall be deemed communicated as of five (5) days after mailing regular mail.

If intended for CITY, to:
Tom Jelley – Fleet Manager
City of Arlington
PO Box 90231; MS 13-0100
Arlington, Texas 76004-3231

If intended for UTA, to:
Perry Eggleston – Director Parking and Transportation Services
The University of Texas at Arlington
1225 W. Mitchell St. Suite 112
Arlington, TX 76019

8.
Confidential Information

UTA hereby acknowledges and agrees that its representatives may have access to or otherwise receive information during the furtherance of its obligations in accordance with this Contract, which is of a confidential, non-public or proprietary nature. UTA shall treat any such information received in full confidence and will not disclose or appropriate such Confidential Information for its own use or the use of any third party at any time during or subsequent to this Contract. As used herein, "Confidential Information" means all oral and written information concerning City of Arlington, its affiliates and subsidiaries, and all oral and written information concerning CITY or its activities, that is of a non-public, proprietary or confidential nature including, without limitation, information pertaining to customer lists, services, methods, processes and operating procedures, together with all analyses, compilation, studies or other documents, whether prepared by UTA or others, which contain or otherwise reflect such information which is identified by the CITY as confidential at the time of disclosure or by its very nature is confidential.. The term "Confidential Information" shall not

include such materials that are or become generally available to the public other than as a result of disclosure of UTA, or are required to be disclosed by a governmental authority.

9.
Applicable Law

The CONTRACT is entered into subject to the Arlington City Charter and ordinances of CITY, as same may be amended from time to time, and is subject to and is to be construed, governed and enforced under all applicable State of Texas and federal laws. UTA will make any and all reports required per federal, state or local law including, but not limited to, proper reporting to the Internal Revenue Service, as required in accordance with UTA's income. Situs of this Contract is agreed to be Tarrant County, Texas, for all purposes, including performance and execution.

10.
Severability

If any of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, conditions or any other part of this Contract are for any reason held to be invalid, void or unenforceable, the remainder of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, conditions or any other part of this Contract shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

11.
Entire Agreement

This Contract embodies the complete agreement of the parties hereto, superseding all oral or written previous and contemporaneous agreements between the parties relating to matters herein, and except as otherwise provided herein cannot be modified without written agreement of the parties.

12.
Headings

The headings of this Contract are for the convenience of reference only and shall not affect any of the terms and conditions hereof in any manner.

13.
No Third Party Beneficiary

For purposes of this Contract, including its intended operation and effect, the parties (CITY and UTA) specifically agree and contract that: (1) the Contract only affects matters/disputes between the parties to this Contract, and is in no way intended by the parties to benefit or otherwise affect any third person or entity notwithstanding the fact that such third person or entity may be in contractual relationship with CITY or UTA or both; and

(2) the terms of this Contract are not intended to release, either by contract or operation of law, any third person or entity from obligations owing by them to either CITY or UTA.

14.
Indemnification

UTA and CITY does hereby to the extent allowed by the laws and Constitution of Texas, covenant and contract to waive all claims, release, indemnify, defend and hold harmless each other and all of its officials, officers, agents, employees and invitees, in both their public and private capacities, from any and all liability, claims, suits, demands or causes of action, including all expenses of litigation and/or settlement, that may arise by reason of death of or injury to persons or damage to or loss of use of property occasioned by any wrongful intentional act or omission of the other party as well as any negligent omission, act or error of the other party, its officials, officers, agents, employees and invitees, or other persons for whom the party is legally liable with regard to the performance of this Contract, whether said negligence is sole negligence, contractual comparative negligence, concurrent negligence or any other form of negligence. In the event of joint or concurrent negligence of UTA and CITY, responsibility, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas unless otherwise mutually agreed by UTA and CITY. Nothing in this paragraph is intended to waive any governmental immunity available to CITY and UTA under Texas law or waive any defenses of UTA or CITY under Texas law. This paragraph shall not be construed for the benefit of any third party, nor does it create or grant any right or cause of action in favor of any third party against CITY or UTA. This provision shall survive the termination of this agreement.

15.
Force Majeure

The performance of the Agreement by either party is subject to acts of God, war, government regulation, travel restrictions, disease outbreak, disaster, fire, strikes, civil disorder, curtailment of transportation or other similar cause beyond the control of the parties making it inadvisable, illegal or impossible to provide the services.

IN WITNESS WHEREOF, the parties hereto have set their hands by their representatives duly authorized on the day and year first written above.

THE UNIVERSITY OF TEXAS AT ARLINGTON

BY _____
Name
Title

WITNESS:

CITY OF ARLINGTON, TEXAS

BY _____
Trey Yelverton
City Manager

ATTEST:

MARY W. SUPINO
City Secretary

APPROVED AS TO FORM:

BY _____
JAY DOEGEY
City Attorney

THE STATE OF TEXAS §
COUNTY OF TARRANT §

UTA
Acknowledgment

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me (or proved to me on the oath of _____ or through _____ (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for and as the act and deed of _____, and as _____ thereof, and for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20__.

Notary Public in and for
The State of Texas

My Commission Expires

Notary's Printed Name

THE STATE OF TEXAS §
COUNTY OF TARRANT §

CITY OF ARLINGTON, TEXAS
Acknowledgment

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Trey Yelverton**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for and as the act and deed of the **CITY OF ARLINGTON, TEXAS**, a municipal corporation of Tarrant County, Texas, and as the **CITY MANAGER** thereof, and for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20__.

Notary Public in and for
The State of Texas

My Commission Expires

Notary's Printed Name

Staff Report



COPS Hiring Program (CHP) Grant	
City Council Meeting Date: 08-05-14	Document Being Considered: Resolution

RECOMMENDATION

Approve a resolution authorizing the acceptance if awarded of a grant from the United States Department of Justice Office of Community Oriented Policing Services (COPS) for funding in the amount of \$1,875,000 over three years through the COPS Hiring Program (CHP) for 15 police officers.

PRIOR BOARD OR COUNCIL ACTION

Council approved a similar resolution on May 19, 2009 via resolution #09-121.

ANALYSIS

The COPS Hiring Program allows agencies with a service population of less than 1 million to apply for up to 15 officer positions. If awarded, the CHP funding would be utilized to create jobs for 15 police officers allocated to supplement the number of officers in patrol operations. Officers will have the primary goal of increasing citizen-centered, results-oriented community policing and problem-solving partnerships. These goals will be accomplished through increased communication with citizens encouraging them to become more involved and invested in their communities and through educational programs and volunteer opportunities.

The department is authorized for 643 officers; however, the current actual strength is 600 officers due to attrition and prior fiscal year reductions. Grant funds are proposed to supplement permanent freezes through an additional academy class similar to the 2009 COPS Hiring grant.

FINANCIAL IMPACT

If awarded, this grant will provide \$1,875,000 over three years to cover salary and benefits for 15 entry level police officers. A cash match of \$1,713,314.40 is required by the City and is available in Police Services Account #810301-61002. Additionally, the grant requires the City to retain all 15 positions for a minimum of 12 months after the conclusion of grant funding at an estimated annual cost of \$1,196,104.80. This request has been proposed within the context of the annual budget process.

ADDITIONAL INFORMATION

Attached:	Resolution
Under separate cover:	None
Available in the City Secretary's office:	None

STAFF CONTACT(S)

Will Johnson Police Chief 817-459-5702 Will.Johnson@arlingtontx.gov	Steve Evans Management Services Director 817-459-5321 Steve.Evans@arlingtontx.gov
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Resolution No. _____

A resolution authorizing the acceptance of a grant, if awarded, from the United States Department of Justice Office of Community Oriented Policing Services (COPS) in the amount of \$1,875,000 over three years through the COPS Hiring Program for 15 police officers and authorizing the execution of documents relative to the acceptance of such grant

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the Deputy City Manager is hereby authorized to accept, if awarded, grant funds from the United States Department of Justice Office of Community Oriented Policing Services (COPS) in the amount of \$1,875,000 over three years through the COPS Hiring Program for 15 police officers. A cash match of \$1,713,314.40 is required by the City and is available in Police Services Account 810301 61002. Additionally, the grant requires the City to retain all 15 positions for a minimum of 12 months after the conclusion of grant funding at an estimated annual cost of \$1,196,104.80.

II.

Further, the Deputy City Manager is hereby authorized to administer all matters relating to such grant and to execute all necessary applications, assurances, certifications and other documents relative to the acceptance of such grant.

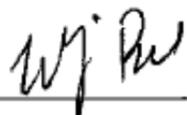
PRESENTED AND PASSED on this the ____ day of _____, 2014, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY  _____

Staff Report



2014 Incident Management Equipment Purchase Grant Application

City Council Meeting Date: 8/5/2014 | Document Being Considered: Resolution

RECOMMENDATION

Approve a resolution authorizing the submission of a grant application to the North Central Texas Council of Governments (NCTCOG) for the 2014 Incident Management Equipment Purchase, and authorizing the City Manager or his designee to sign and submit all associated application documentation and execute related grant agreements.

PRIOR BOARD OR COUNCIL ACTION

None

ANALYSIS

The North Central Texas Council of Governments (NCTCOG) Incident Management Equipment Purchase 2014 Call for Projects includes \$2 million available for the purchase of equipment and technology used to aid in quick clearance, and to mitigate crashes in the North Central Texas Non-attainment Area. While not required to qualify for funding under this program, adoption of the resolution by this jurisdiction increases the application package score.

FINANCIAL IMPACT

The funds are on a cost reimbursement basis, therefore there is no impact.

FY 2014
\$ 0

FY 2015
\$ 0

FY 2016
\$ 0

ADDITIONAL INFORMATION

Attached:	Resolution 2014 Call for Projects Application Information Packet
Under separate cover:	None
Available in the City Secretary's Office:	None

STAFF CONTACT(S)

Don Crowson
Fire Chief
817-459-5501
don.crowson@arlingtontx.gov

Resolution No. _____

A resolution authorizing the submission of a grant application to the North Central Texas Council of Governments for the 2014 Incident Management Equipment Purchase grant and authorizing the execution of documents relative to the submission and later acceptance of such grant

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments (NCTCOG) and the regional forum for cooperative decisions on transportation; and

WHEREAS, the RTC adopted Resolution R08-10 (an update to RTC Resolution R03-01) that supports a comprehensive, coordinated, interagency approach to Freeway Incident Management; and

WHEREAS, the goal of the NCTCOG Freeway Incident Management Training Program is to initiate a common, coordinated response to traffic incidents that will build partnerships, enhance safety for emergency personnel, reduce secondary traffic crashes, improve the efficiency of the transportation system, and improve air quality in the Dallas-Fort Worth region; and

WHEREAS, non-recurring traffic incidents are responsible for about 50 percent of all congestion and the secondary crashes caused by these incidents kill or injure hundreds annually in the Dallas-Fort Worth area; and

WHEREAS, multi-agency coordination and the implementation of “best practices” Freeway Incident Management techniques reduce congestion on affected roadways and improve the safety of incident responders; and

WHEREAS, effective policies, training, equipment and technology that aid in quick incident clearance can both assist with keeping motorists and first responders safe on the roadway and assist in improved air quality for the region; and

WHEREAS, in partnership with regional incident response agencies, NCTCOG has established definitions for regional incident management performance measures: incident clearance time, roadway clearance time, secondary crash, and recovery time; NOW THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the City of Arlington, Texas supports a comprehensive, coordinated, interagency approach to Freeway Incident Management as applied for in the 2014 Incident Management Equipment Purchase Call for Projects application.

II.

That the City of Arlington, Texas supports the quick detection and clearance of traffic incidents using state-of-the-art traffic surveillance, traveler notification, and crash investigation equipment.

III.

That the City of Arlington, Texas encourages all personnel involved in Freeway Incident Management to participate in available training opportunities and exercises that promote the objectives within this resolution—a common, comprehensive approach that maintains the safety of incident responders and travelers, while minimizing clearance time.

IV.

That the City of Arlington, Texas supports an enhanced Geographic Information Systems (GIS) based incident location system that will aid incident reporters and responders in the timely detection and verification of incidents.

V.

That the City of Arlington, Texas supports a uniform policy whereby law enforcement agency personnel may remove personal property from a roadway or right-of-way, without the consent of the owner or carrier of the property, if the agency determines that the property blocks the roadway or endangers public safety.

VI.

That the City of Arlington, Texas supports adopting a quick clearance policy or towing ordinance that mandates the arrival of appropriate equipment within a specified time limit.

VII.

That the City of Arlington, Texas supports the use and tracking of regional incident management performance measures.

VIII.

That the City of Arlington, Texas supports the development of interagency agreements for incident management operations that include safe, quick clearance goals stated as time goals for incident clearance.

IX.

That the City of Arlington, Texas supports participation in multi-disciplinary post incident reviews after major incidents to share lessons learned.

X.

That the City of Arlington, Texas supports consistent, coordinated operational strategies for major freeway and toll road projects that include quick incident clearance practices, and that these strategies will be consistently adopted prior to major freeway and toll road improvement expenditures in order to ensure that the expected mobility benefits are realized.

XI.

That the City Manager or his designee is hereby authorized to submit a grant application to the North Central Texas Council of Governments for the 2014 Incident Management Equipment Purchase grant. That the City of Arlington understands and acknowledges that all awarded funding is provided on a reimbursement basis.

XII.

Further, the City Manager or his designee is hereby authorized to administer all matters relating to such grant and to execute all necessary applications, assurances, certifications and other documents relative to acceptance of such grant.

PRESENTED AND PASSED on this the _____ day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

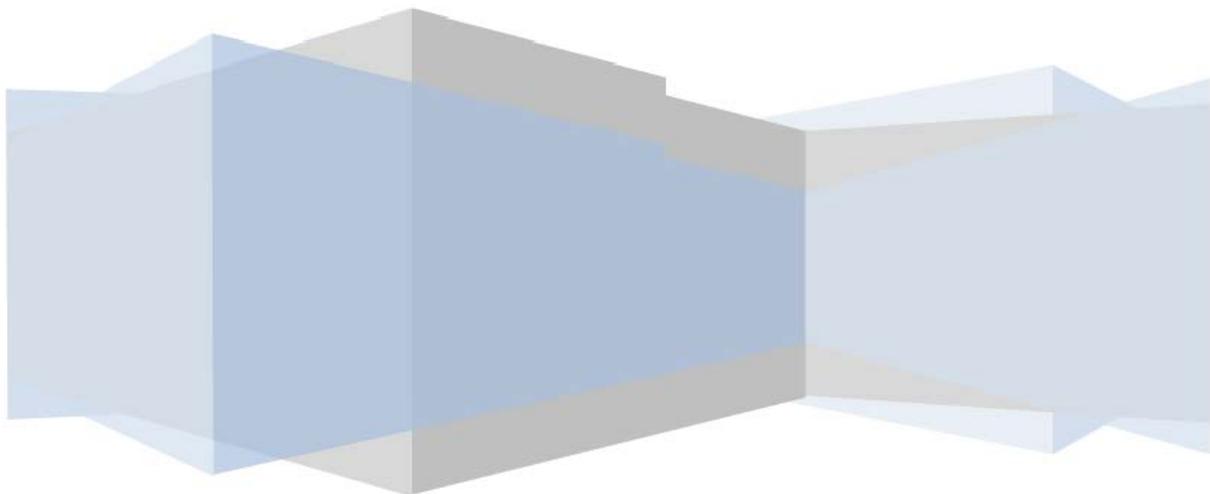
APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY Eddie Martin

NCTCOG INCIDENT MANAGEMENT EQUIPMENT PURCHASE

2014 Call for Projects

Application Information Packet
Applications Due: August 15, 2014



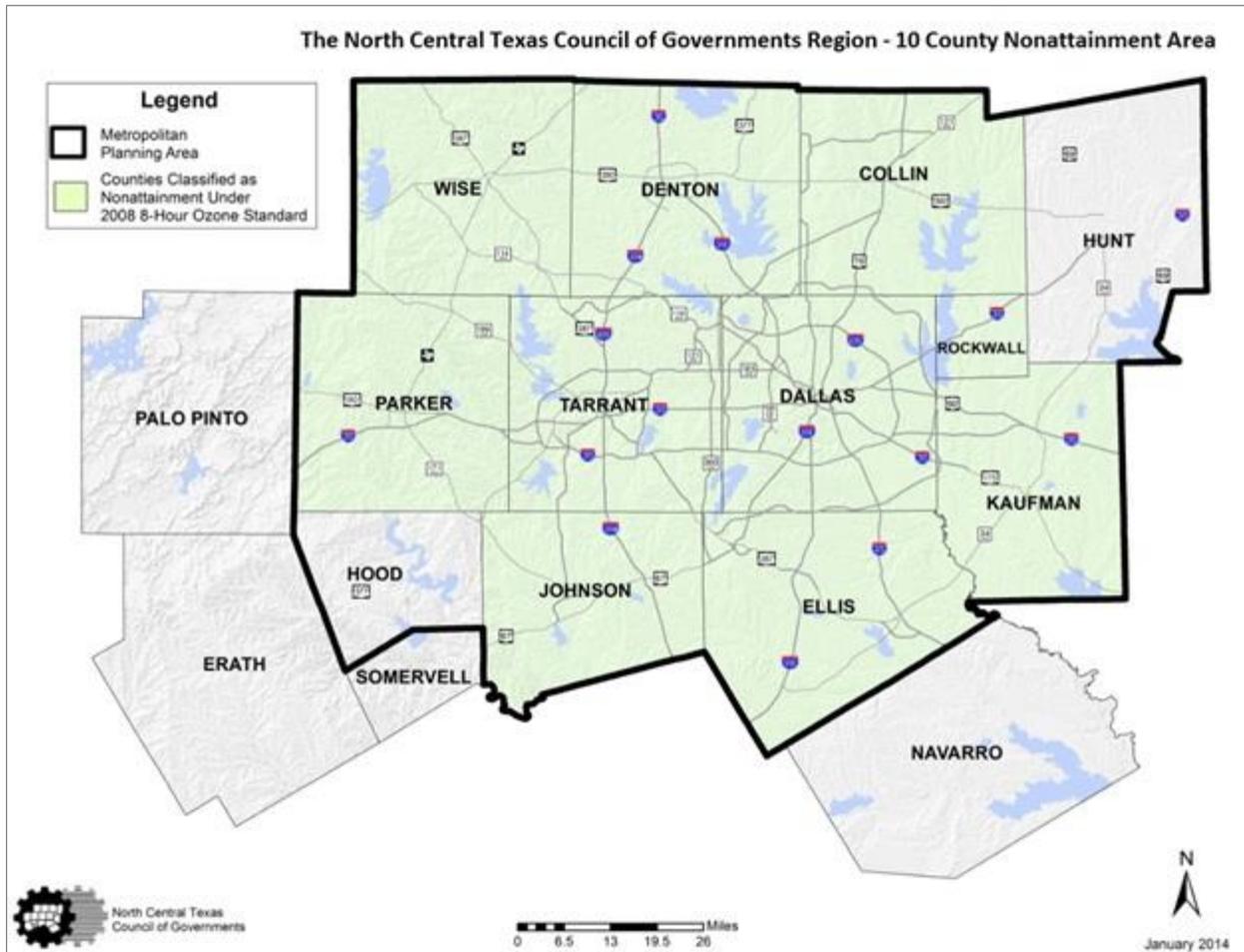
This Call for Projects - Application Information Packet contains information on: the type of Call for Projects, background information, funding information, eligible recipients, eligible activities, evaluation criteria, information on the application process, and the schedule.

NCTCOG Incident Management Equipment Purchase 2014 Call for Projects –

Application Information

INTRODUCTION

The North Central Texas Council of Governments (NCTCOG) Incident Management Equipment Purchase 2014 Call for Projects includes \$2 million available for the purchase of equipment and technology used to aid in quick incident clearance and to mitigate crashes in the North Central Texas (NCT) Nonattainment Area. Eligible types of equipment to be used for traffic incident management activities may include, but are not limited to: cones, protective clothing, traffic barriers, signs, cameras, flares, barrels, lighting, radio equipment, accident reconstruction equipment/technology, etc. To be considered for funding, the submitting agency must be a regional public-sector partner agency (i.e. police, fire/EMS, courtesy patrol, etc.) actively involved in freeway incident management in the NCT nonattainment area: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties (*see map below*). Freeway incident management component activities include, but are not limited to: safe practices for clearing incidents, clearing vehicles, debris, or hazardous materials from the roadway, incident response, site management, data collection, safe parking, quick clearance, and activities that maintain safety in work zones, etc.



NCTCOG Incident Management Equipment Purchase 2014 Call for Projects –

Application Information

BACKGROUND

In 2003, NCTCOG became the first agency in the nation to formalize incident management training for all responders in the region. The goal of the NCTCOG Freeway Incident Management Training Program is to initiate a common, coordinated response to traffic incidents that will build partnerships, enhance safety for emergency personnel, reduce upstream traffic accidents, improve the efficiency of the transportation system, and improve air quality in the Dallas-Fort Worth region. To reemphasize this commitment, in 2008 the Regional Transportation Council (RTC) adopted Resolution R08-10: Resolution Supporting a Comprehensive, Coordinated, Interagency Approach to Freeway Incident Management (an update to RTC Resolution R03-01).

Non-recurring traffic incidents and crashes are responsible for about 50 percent of all congestion. The secondary crashes caused by these incidents kill or injure hundreds annually in the Dallas-Fort Worth area with an economic loss of more than \$90 billion nationwide each year. Multi-agency coordination and the implementation of best practices freeway incident management techniques reduce congestion on affected roadways and improve the safety of incident responders. Additionally effective policies, training, equipment and technology that aid in quick incident clearance can both assist with keeping motorists and incident responders safe on the roadway and assist in improved air quality for the region.

In support of the incident management training recommendation to use Best Practice equipment and technology, NCTCOG is conducting the Incident Management Equipment Purchase 2014 Call for Projects. The goal of the Call for Projects is to assist partner agencies in purchasing equipment and technology that aid in quick incident clearance and crash mitigation. The Call for Projects emphasizes NCTCOG's commitment to regional traffic incident management efforts by our regional partners and emphasizes the importance of implementing incident management strategies and training.

GENERAL GUIDELINES

The following list is not all inclusive; it identifies the most basic guidelines of the NCTCOG Incident Management Equipment Purchase 2014 Call for Projects process. Please contact NCTCOG early in the process for questions related to submitting a project application.

1. **There is no limitation on the number of project purchases included in the application that may be submitted by an eligible agency.** However, agencies submitting more than one project purchase must rank the project purchases by priority. The submitting agency must also specify the fiscal year in which the purchases will occur.
2. **The NCTCOG Incident Management Equipment Purchase 2014 Call for Projects funding is *not* a grant.** The funds provided are on a cost reimbursement basis. Therefore, it is important to understand that the applicant will need adequate cash flow to accommodate the payment of 100 percent of the project purchase costs. Applicants will be reimbursed after submitting the appropriate documentation to NCTCOG.

NCTCOG Incident Management Equipment Purchase 2014 Call for Projects –

Application Information

3. **Project purchases must be completed within the timeframe specified in the contract with NCTCOG or risk the loss of funding.**
4. **The agency receiving the award is responsible for any and all cost overruns.**
5. **The Regional Transportation Council will approve all final projects and funding levels.** Itemized budgets submitted through the 2014 Call for Projects will be reviewed by NCTCOG to ensure that project purchases are eligible and itemized costs are reasonable. Based on available funds, project application requests for funds may not be fully funded.

FUNDING AVAILABILITY

The NCTCOG Incident Management Equipment Purchase 2014 Call for Projects is funded through the Category 5 – Congestion Mitigation and Air Quality Improvement Program (CMAQ) and covers multiple jurisdictions throughout the NCT nonattainment area. The East/West equity split for the allocation of CMAQ funds is 66 percent East and 34 percent west. The total approved project budget is \$2 million. Agencies selected to receive funding will be responsible for purchasing the desired equipment and seeking reimbursement from NCTCOG.

Eastern Subregion Dallas District Share (66%)	Western Subregion Fort Worth District Share (34%)	Total NCTCOG Incident Management Equipment Purchase 2014 Call for Projects Funding Available
\$1,320,000	\$680,000	\$2,000,000

ELIGIBLE RECIPIENTS

Agencies eligible to be awarded funding through the NCTCOG Incident Management Equipment Purchase 2014 Call for Projects must be public-sector partner agencies actively involved in traffic incident management in the NCT nonattainment area (*i.e. police, fire/EMS, courtesy patrol, etc.*). The public sector agencies must be located in one of the following counties: Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, or Wise Counties.

ELIGIBLE ACTIVITIES

Types of equipment and technology eligible for purchase may include, but are not limited to: cones, protective clothing, traffic barriers, signs, cameras, flares, barrels, lighting, radio equipment, accident reconstruction equipment/technology, etc. The equipment or technology must be used as part of the agency's incident management program to achieve quick incident clearance and crash mitigation. The proposed equipment must meet Texas Manual on Uniform

NCTCOG Incident Management Equipment Purchase 2014 Call for Projects –

Application Information

Traffic Control Devices ([TMUTCD](#)) guidelines. Personnel and staffing charges are not applicable.

MATCHING REQUIREMENTS

Agencies receiving funds through the NCTCOG Incident Management Equipment Purchase 2014 Call for Projects will not be required to provide a local match as a part of this Call for Projects.

EVALUATION CRITERIA

Projects will be awarded through a competitive selection process. Each project application will be screened for completeness and timeliness. Applications that are deemed incomplete or arrive after the deadline will not be reviewed. Applicants will be considered based on the following [Scoring Criteria](#):

Scoring Component	Available Points
Explanation of How Equipment will be Used in Quick Incident Clearance or to Mitigate Crashes	50
NCTCOG or In-house Traffic Incident Management Training Participation	15
Completion of NCTCOG Incident Management Commitment Level Survey	10
Number of Crashes Occurring in the Applicant's Jurisdiction (Relative to Population)	10
Adopted (NCTCOG or Agency) Freeway Incident Management Resolution	10
Implemented Incident Management Goals/Targets	5
Total Score	100

1. Explanation of how equipment will used to mitigate crashes:
Submitted applications should include a detailed description of the proposed equipment or technology to be purchased and an explanation of how it will assist in quick incident clearance and/or mitigating crashes. Supplemental materials such as photographs, diagrams, exhibits, etc. are required. Associated specifications for the equipment, along with the itemized costs are also required.
2. NCTCOG or In-house Traffic Incident Management Training Participation:
Submitted applications should identify if the agency has participated in the NCTCOG [Freeway Incident Management Training Courses](#). Participation in First Responder and

NCTCOG Incident Management Equipment Purchase 2014 Call for Projects –

Application Information

Manager's Course or the Executive Level Training Course is applicable. NCTCOG staff will verify if the agency has participated in NCTCOG-sponsored training.

In-house or agency-sponsored Traffic Incident Management Training will also satisfy this requirement. The training should include components related to safe and effective incident management techniques. Course material documentation must be submitted to receive credit for in-house or agency-sponsored training.

3. Completion of NCTCOG Incident Management Commitment Level Survey:
Submitted applications should identify if an agency representative submitted a response to the NCTCOG Incident Management Commitment Level Survey. Multiple agency responses to the survey are accepted. The purpose of this survey is to gather information on our partner agencies' commitment to incident management. The release of this survey is a part of our continued efforts to emphasize the importance of effective incident management goals and objectives throughout the region. The online survey is available at <http://www.nctcog.org/trans/safety/IMSsurvey.asp>. NCTCOG staff will verify if a completed survey has been submitted by the agency.
4. Number of crashes occurring in the applicant's jurisdiction (Relative to Population):
The submitting agency is not required to submit jurisdictional crash data. NCTCOG staff will utilize crash data from the TxDOT Crash Records Information System (CRIS) to satisfy this scoring component. CRIS data from 2009 – 2013 will be used to satisfy this scoring component.
5. Adopted (NCTCOG or Agency) Freeway Incident Management Resolution:
Submitted applications should identify if the agency has adopted a Freeway Incident Management Resolution. In October 2008, the Regional Transportation Council (RTC) adopted [Resolution R08-10](#): Resolution Supporting a Comprehensive, Coordinated, Interagency Approach to Freeway Incident Management (an update to RTC Resolution R03-01). A [model resolution](#) has also been drafted to assist agencies in developing a similar jurisdictional resolution. A copy of the adopted jurisdictional resolution must be submitted to receive credit for this scoring component.
6. Implemented Incident Management Goals/Targets:
Submitted applications should identify if the agency has implemented specific incident management program goals and objectives or time related targets. A copy of the documented goals or time targets must be submitted to receive credit for this scoring component.

Appendices A – F contain other relevant documentation for the Call including: the FHWA Best Practice List; the NCTCOG FIM Course Description; the NCTCOG FIM Course Brochure; the NCTCOG Incident Management Commitment Level Survey questions; the NCTCOG Incident Management Resolution R08-10; and the FIM Model Resolution.

Applications will be evaluated based on the criteria above and projects recommended for funding will be brought to the Regional Safety Advisory Committee, Surface Transportation Technical Committee (STTC), and the Regional Transportation Council (RTC) for approval. Applicants will be notified of the final awards after RTC approval scheduled for November 2014.

NCTCOG Incident Management Equipment Purchase 2014 Call for Projects –

Application Information

NCTCOG is not obligated to fund an application from a submitting agency that has demonstrated marginal or unsatisfactory performance on previous grants, funding and/or contracts with NCTCOG or other State agencies. NCTCOG is not obligated to fund an application from a submitting agency based on a determination of the risks associated with the agency, including the financial condition of the agency and other risk factors as may be determined by NCTCOG.

NCTCOG may base funding decisions on factors associated with best achieving the goals of the program, and NCTCOG is not obligated to select a project for funding. Additionally, NCTCOG may select parts of an application for funding and may offer to fund less than the dollar amount requested in an application. NCTCOG reserves the right to not fund every project and reprogram remaining funds for a later Call for Projects.

Interested applicants are urged to develop projects that involve multiple jurisdictions or multiple discipline and/or agencies partnering to provide service over a greater area and to serve a higher number of individuals. This in turn can broaden the impacts of a project and enable a greater number of people to be served more cost effectively than several small projects.

APPLICATION PROCESS

The Project Application and supplemental materials related to the NCTCOG Incident Management Equipment Purchase 2014 Call for Projects may be obtained online at www.nctcog.org/FIMCFP or by contacting Camille Fountain, Transportation Planner at cfountain@nctcog.org or (817) 704-2521.

To be considered under the 2014 Call for Projects, three (3) hard copies of the application and supporting materials and one (1) electronic copy of all materials should be provided on CD or USB drive. All electronic documents should be submitted as portable document format (PDF). Graphics, such as maps or photographs, should also be submitted as portable document format (PDF), jpeg, or bitmap files. The submittal must be received by 5:00 pm, Central Standard Time (CST), on Friday, August 15, 2014. Supplemental information, other than administrative clarifications, will not be accepted after the application deadline. Incomplete applications or those not submitted by the deadline will not be accepted.

Project applications should be submitted to:

Mail:
North Central Texas Council of Governments
Transportation Department
Attn: Camille Fountain
P.O. Box 5888
Arlington, Texas 76005-5888

OR

NCTCOG Incident Management Equipment Purchase 2014 Call for Projects –

Application Information

Physical location:
North Central Texas Council of Governments
Transportation Department
Attn: Camille Fountain
616 Six Flags Drive
Arlington, Texas 76011

In accordance with Call for Projects Procedures established by the Regional Transportation Council Bylaws, NCTCOG must have the submitted project applications “in hand” at the NCTCOG offices by the August 15, 2014 submittal deadline. A postmark by the established deadline does not constitute an on-time application. Project sponsors are encouraged to submit their applications far enough in advance of the submission deadline to allow NCTCOG staff to review applications for completeness.

FUNDING ADMINISTRATION AND REIMBURSEMENT OF EXPENSES

Successful applicants will be notified in writing of their selection and the amount of funds awarded. Agencies selected to receive funding will be required to enter into a contract with NCTCOG. In addition, all purchases under a contract awarded as a result of this Call for Projects must be completed within the scope, time frames, and funding limitations specified by the contract. Upon signature and execution of the contract by NCTCOG, a copy of the executed contract will be returned to the applicant.

Funding recipients will be required to submit information as follows:

Reimbursement – Invoices should be submitted following the costs incurred for each project purchase. Reimbursement should be made at the end of the NCTCOG fiscal year (October 1 through September 30).

Required Documentation – Requests for reimbursement should include an itemized list of expenses for which reimbursement is requested, as well as supporting documentation.

Eligible Expenses – Costs must be determined by NCTCOG to be the reasonable, necessary, actual, and eligible costs of the project purchase.

Availability of Funds – This Agreement and all claims, suits, or obligations arising under or related to this Agreement are subject to and limited to the receipt and availability of CMAQ Funds.

NCTCOG Incident Management Equipment Purchase 2014 Call for Projects –

Application Information

SCHEDULE

Date	Action
April 2014	STTC (Action) – Received Approval to Conduct Call for Projects
May 2014	RTC (Action) – Received Approval to Conduct Call for Projects and Use Transportation Development Credits
June 16, 2014	Open Call for Projects
August 15, 2014	Close Call for Projects
August/September 2014	Evaluate and Score Submitted Project Applications
September 26, 2014	Regional Safety Advisory Committee Meeting
October 2014	Public Meetings
October 24, 2014	STTC (Action) – Approval of Selected Projects
November 13, 2014	RTC (Action) – Approval of Selected Projects

CONTACT INFORMATION

Website: www.nctcog.org/FIMCFP

NCTCOG PROJECT STAFF:

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Transportation Planner III
cfountain@nctcog.org
(817) 704-2521

Sonya Landrum
Principal Transportation Planner
slandrum@nctcog.org
(817) 695-9273



U.S. Department of Transportation
Federal Highway Administration

Office of Operations

21st Century Operations Using 21st Century Technologies



BEST PRACTICES IN TRAFFIC INCIDENT MANAGEMENT

SEPTEMBER 2010

FHWA Best Practices List

<http://ops.fhwa.dot.gov/publications/fhwahop10050/fhwahop10050.pdf>

Detection and Verification

1. Field Verification by On-Site Responders
2. Closed-Circuit Television Cameras
3. Frequent/Enhanced Roadway Reference Markers
4. Enhanced 9-1-1/Automated Positioning Systems
5. Motorists Aid Call Boxes
6. Automated Collision Notification Systems

Traveler Information

7. 5-1-1 Systems
8. Traveler Information Websites
9. Media Partnerships
10. Dynamic Message Signs
11. Standardized DMS Message Sets/Use Protocol

Response

12. Personnel/Equipment Resource Lists
13. Towing and Recovery Vehicle Identification Guide
14. Instant Tow Dispatch Procedures
15. Towing and Recovery Zone-Based Contacts
16. Enhanced Computer-Aided Dispatch
17. Dual/Optimized Dispatch Procedures
18. Motorcycle Patrols
19. Equipment Staging Areas/Pre-positioned

Scene Management and Traffic Control

20. Incident Command System
21. Response Vehicle Parking Plans
22. High-Visibility Safety Apparel/Vehicle Markings
23. On-scene Emergency Lighting Procedures
24. Safe, Quick Clearance Laws – Move Over
25. Effective Traffic Control Through On-Site Traffic Management Teams
26. End-of-Queue Advance Warning Systems
27. Alternate Route Plans

Quick Clearance and Recovery

28. Abandoned Vehicle Legislation/Policy
29. Safe, Quick Clearance Laws-Driver Removal
30. Service Patrols
31. Vehicle-Mounted Push Bumpers
32. Incident Investigation Sites
33. Safe, Quick Clearance Laws – Authority Removal
34. Quick Clearance/Open Roads Policy
35. Non-cargo Vehicle Fluid Discharge Policy

FHWA Best Practices List

<http://ops.fhwa.dot.gov/publications/fhwahop10050/fhwahop10050.pdf>

36. Fatality Certification/Removal Policy
37. Expedited Crash Investigation
38. Quick Clearance Using Fire apparatus
39. Towing and Recovery Quick Clearance Incentives
40. Major Incident Response Teams

Agency Relations

41. Routine, Periodic "TIM Team" Meetings
42. Joint Agency/Jurisdictional Protocols
43. Joint/Traffic Emergency Management Center

Training

44. National TIM Training
45. Information Clearinghouses/Communities of Practice
46. Local Multidisciplinary TIM Training
47. Tabletop Exercises/Scenarios
48. After-Action Reviews/Debriefings
49. Multidisciplinary TIM Response Plan/Operating Procedures
50. TIM Personnel Certifications/Training Requirements

Communications

51. Common Mutual-Aid Frequency/Channel
52. Alternative Communications Devices
53. Wireless Information Networks
54. Mobile Unified Communications Vehicle
55. Standardized Communications Technology/Protocol

Technology

56. Expedited Standards Development
57. Standards Requirements for Sate Procurement

Performance Measurement

58. National Performance Measurement Guidance
59. Annual TIM Self-Assessment
60. Strong Funding and Performance Link
61. Multi-agency Data Exchange Protocol

Program Resources and Funding

62. Dedicated, Ongoing Funding
63. Guidelines for Federal/State Funding Sources
64. Metropolitan Planning Organization Partnerships
65. TIM Strategic Plan
66. Efficient/Effective TIM Resource Management
67. Executive Outreach Materials/Event

FREEWAY INCIDENT MANAGEMENT TRAINING

The goal of the [Freeway Incident Management \(FIM\) training course](#) is to initiate a common, coordinated response to traffic incidents that will build partnerships, enhance safety for emergency personnel, reduce upstream traffic accidents, improve the efficiency of the transportation system, and improve air quality in the Dallas-Fort Worth region. Specific courses have been designed for both first responders and managers, and executive level policy makers.

Each course explains the goals, objectives, and benefits of multi-agency incident management coordination and training. Students are eligible for Texas Commission on Law Enforcement (TCOLE) and Fire Commission credits. Students are also eligible to receive Emergency Medical Services (EMS) Continuing Education Credits (CEUs) – upon successful completion of an EMS student exam.

FIM FIRST RESPONDER AND MANAGER'S COURSE

Learning Objectives:

In this FIM First Responder and Manager's Course, the "best practices" methods used throughout the country will be discussed in detail. Local incident management policy and procedures will also be discussed. This course is offered at least six (6) times per year, and is specifically designed for those with daily involvement in responding to traffic incidents on the region's freeways. The course is also equivalent to the SHRP2 National Traffic Incident Management Responder Training Program.

Upcoming Course Schedule:

[July 22-23, 2014](#)

[September 29-30, 2014](#)

Special Instructions:

Cost:

Free – For all police, fire, TxDOT, EMS, media, towing, CDA, and other public sector agencies in Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties.

\$225 – For all private consultants, police, fire, TxDOT, EMS, media, towing, CDA, and other public sector agencies outside of Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties.

Length of Course:

Two days (15 hours).

FIM EXECUTIVE LEVEL COURSE

Learning Objectives:

The Executive Level Course is geared towards agency decision makers and policy makers. This course provides a high-level overview of the topics discussed during the First Responder and Manager's Course. The Executive Level Course is offered twice yearly - typically one Spring course offering and one Fall course offering.

Special Instructions:

Cost: There is no charge to attend this course.

Length of Course:

Two hours.



Multi-agency training can:

- Increase awareness of responder safety issues
- Improve multi-agency coordination
- Reduce expenses and clearance times for traffic incidents
- Reduce confusion of roles, responsibilities and jurisdiction lines
- Reduce congestion and increase efficiency of the transportation system
- Improve air quality in the Dallas-Fort Worth area



Separate courses have been developed for incident responders, managers and policymakers. Each explains goals, objectives and benefits of multi-agency incident management coordination and training.

Those attending will receive information about:

- Operations and training
- Providing motorist information
- Detection and verification
- Response
- Site management
- Clearance
- Traffic operations/management



Conducted at NCTCOG's Regional Training Center, courses can also be held on location, allowing incident responders, managers and executives from different departments and agencies to share ideas for improving incident management.



This program is authorized for 1.5 Continuing Education Units (CEUs) through the University of Texas at Arlington Division for Enterprise Development. Course participants can earn CEU credits toward their Texas Commission on Law Enforcement Standards and Education (TCLEOSE), Track Type II Fire, and other certifications.

For course schedules or more information:

Length of courses :

- **First Responder & Manager**
- 2 days (15 hours)
- **Executive Level**
- 2 hours

NCTCOG Regional Training Center
624 Six Flags Drive, Suite 130
Arlington, Texas 76011
817.608.2310 (p) / 817.640.9145 (f)

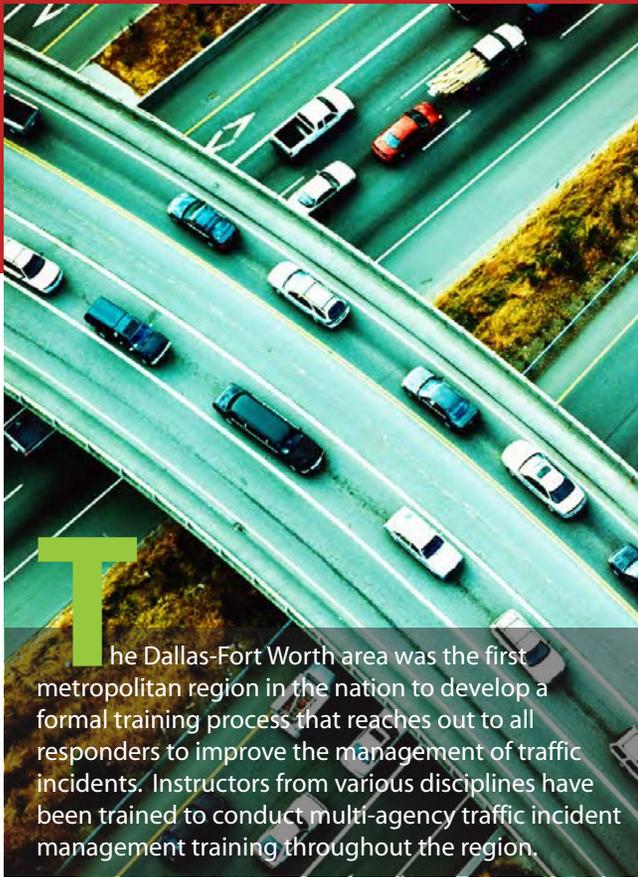
CONGESTION
MANAGEMENT
PROCESS

APPENDIX C

FREEWAY INCIDENT MANAGEMENT

DALLAS-FORT WORTH AREA

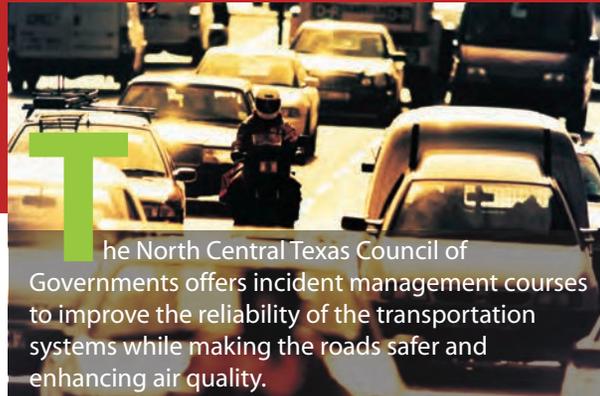




The Dallas-Fort Worth area was the first metropolitan region in the nation to develop a formal training process that reaches out to all responders to improve the management of traffic incidents. Instructors from various disciplines have been trained to conduct multi-agency traffic incident management training throughout the region.

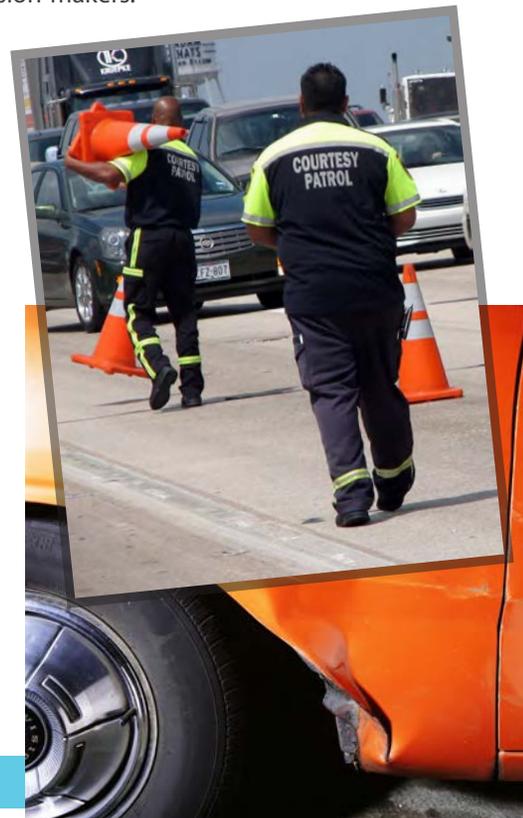


Safer roads and easier commutes are important to North Texas drivers. They want to know their trips will be reliable and safe. The North Texas transportation system relies heavily on capacity improvements and technology to keep pace with growth. But another component essential to mobility is the management of traffic accidents and other incidents.



The North Central Texas Council of Governments offers incident management courses to improve the reliability of the transportation systems while making the roads safer and enhancing air quality.

Courses are customized for first responders and policymakers. First-responder classes are open to police, fire, EMS, transportation agencies, as well as towing operators and the media. The executive level course is open to policymakers and other decision-makers.



Multi-agency training improves responder and driver safety. Agencies that are better prepared for the challenges traffic incidents pose are able to open affected roads sooner. Rapid clearance of traffic incidents can save hundreds of thousands of hours per year.

In a metropolitan area where clogged roadways are often the norm, quickly resolving traffic incidents can allow drivers to get to and from work more easily, improving productivity and quality of life.



By implementing techniques that have proved effective, agencies can reduce clearance times by as much as 40 percent. This benefits regional air quality and improves the safety and efficiency of travel for drivers.

Background for instructors :

- Fire
- Police
- EMS
- Towing operators
- Transportation agencies

NCTCOG - Incident Management Commitment Level Survey

Page 1 of 1

In 2003, the North Central Texas Council of Governments (NCTCOG) became the first agency in the nation to formalize incident management training for all responders in the region, the goal of which was to initiate a common, coordinated response to traffic incidents that will build partnerships, enhance safety for emergency personnel, reduce upstream traffic accidents, improve the efficiency of the transportation system, and improve air quality in the Dallas-Fort Worth region. In October 2008, the Regional Transportation Council (RTC) adopted Resolution R08-10: Resolution Supporting a Comprehensive, Coordinated, Interagency Approach to Freeway Incident Management (an update to RTC Resolution R03-01).

The purpose of this survey is to gather information on our partner agencies' commitment to incident management. The release of this survey is a part of our continued efforts to emphasize the importance of effective incident management goals and objectives throughout the region. It should be noted that the submittal of this survey will be a scoring factor in the upcoming 2014 Incident Management Equipment Purchase Call for Projects. If you have any questions, please contact Camille Fountain, Transportation Planner, at cfountain@nctcog.org or 817-704-2521.

*Indicates answer is required.

1. Name (first and last)*

2. Agency Name and Department*

3. Telephone Number*

4. Email Address*

5. Has your agency implemented / adopted the RTC resolution R08-10 or similar policy regarding incident management practices within your jurisdiction?*
 If yes, please provide a copy of the adopted resolution by email to cfountain@nctcog.org
 --Please Select--

6. Has your agency participated in the NCTCOG Freeway Incident Management (FIM) Training Program (First Responder and Manager's Course and/or Executive Level Course)?*
 --Please Select--

7. Has your agency sent students to NCTCOG FIM training in the last three years?*

--Please Select--

8. Please select all applicable participants who have attended the FIM training.*

- Not Applicable - No Students
- City Manager
- Assistant City Manager
- Emergency Management Coordinator
- Transportation Director
- Traffic Engineer / Planner
- Fire Chief
- Assistant Fire Chief
- Deputy Chief
- Fire Battalion or Section Chief
- Fire Captain
- Fire Lieutenant
- Incident Commander
- Firefighters / Paramedics
- Police Chief
- Assistant Police Chief
- Deputy Chief
- Police Major
- Police Captain
- Police Lieutenant
- Police Sergeant
- Police Corporal
- Police Officers or Troopers
- Contracted Tower Service Provider
- Contracted HazMat Service Provider
- Other, please specify

9. Does your agency offer a form of the incident management training program in-house?*

--Please Select--

10. If applicable, would your agency be willing to provide training performance measures to NCTCOG?

--None--

11. Is your agency aware that NCTCOG offers free iWitness Photogrammetry Training workshops for qualifying agencies?*

*Participants of the training receive all of the necessary training, equipment, and software to operate the system at no cost to the participating agency.

--Please Select--

12. Does your agency track the regional incident management performance measures (Incident Clearance Time, Roadway Clearance

Time, Secondary Crash, and Recovery Time) outlined by NCTCOG?*

--Please Select--

13. Does your agency utilize your own standard incident management definitions (i.e. response time, clearance time)?*
If yes, please provide a copy of the definitions by email to cfountain@nctcog.org

--Please Select--

14. Does your agency collect and monitor incident response times?*
If yes, please provide three years (preferred) of response time data by email to cfountain@nctcog.org

--Please Select--

15. Does your agency collect and monitor incident clearance times?*
If yes, please provide three years (preferred) of clearance time data by email to cfountain@nctcog.org

--Please Select--

16. Has your agency adopted a quick clearance policy?*
If yes, please provide a copy of the policy by email to cfountain@nctcog.org

--Please Select--

17. Does your agency have Incident Management Goals or Targets in place? (i.e. quick clearance goal, minimum response time)*
If yes, please provide a copy of the goals / targets by email to cfountain@nctcog.org

--Please Select--

18. Does your agency / city have a minimum response time for tow trucks responding to incidents? *

--Please Select--

19. If applicable, please provide the minimum response time in the comment box below.

20. Has your agency established a multi-disciplinary major incident review process?*

--Please Select--

21. Are there any hardware, software, or other needs to assist your agency to respond and clear incidents more safely and efficiently?*

--Please Select--

22. If applicable, please provide examples of what equipment, software is needed.

Done

Cancel

[CONTACT US](#) | [SITE MAP](#) | [LEGAL](#) | [SYSTEM REQUIREMENTS](#)

North Central Texas Council of Governments | 616 Six Flags Drive P.O. Box 5888 Arlington, TX 76005-5888
Main Operator: (817) 640-3300 | Fax: (817) 640-7806 | Acc: 32857

**RESOLUTION SUPPORTING A COMPREHENSIVE, COORDINATED, INTERAGENCY
APPROACH TO FREEWAY INCIDENT MANAGEMENT
(R08-10)**

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

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

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) assigns the MPO the responsibility for carrying out the metropolitan planning process, in cooperation with the State and public agencies; and,

WHEREAS, regionwide, commuters have experienced a 35 percent increase in travel time due to congestion, resulting in unacceptable levels of vehicle emissions and \$4.2 billion in lost productivity due to traffic congestion annually; and,

WHEREAS, reducing traffic congestion and its related impacts on air quality, energy, safety, and the quality of life are primary goals of Mobility 2030: The Metropolitan Transportation Plan for the Dallas Fort Worth Area; and,

WHEREAS, congestion mitigation is an integral element of The Metropolitan Transportation Plan, with a total program cost of approximately \$3.1 billion, and congestion mitigation strategies are intended to decrease congestion in the Dallas-Fort Worth Metropolitan Area; and,

WHEREAS, multi-agency coordination and the implementation of “best practices” Freeway Incident Management techniques reduce congestion on affected roadways and improve the safety of incident responders.

NOW, THEREFORE, BE IT RESOLVED THAT:

- Section 1.** The Regional Transportation Council (RTC) supports the quick detection and clearance of traffic incidents using state-of-the-art traffic surveillance, traveler notification, and crash investigation equipment.
- Section 2.** The RTC encourages all personnel involved in freeway incident management to be trained in NCTCOG training classes, opportunities, and exercises that promote the objectives within this resolution—a common, comprehensive approach that maintains the safety of incident responders and travelers, while minimizing clearance time.
- Section 3.** The RTC supports an enhanced geographic information systems (GIS) based incident location system that will aid incident reporters and responders in the timely detection and verification of incidents.

Section 4. The RTC supports a uniform policy whereby law enforcement agency personnel may remove personal property from a roadway or right-of-way, without the consent of the owner or carrier of the property, if the agency determines that the property blocks the roadway or endangers public safety.

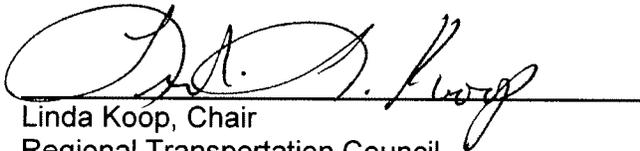
Section 5. The RTC encourages local governments to adopt a towing ordinance that mandates the arrival of appropriate equipment within a specified time limit and instructs staff to inventory towing ordinance policies impacting freeway and toll road facilities.

Section 6. The RTC supports consistent, coordinated operational strategies for all major freeway and toll road projects that include quick incident clearance practices, and that these strategies be consistently adopted prior to major freeway and toll road improvement expenditures in order to ensure that the expected mobility benefits are realized.

Section 7. The RTC may consider compliance with this resolution when considering future Regional Transportation Council funding actions.

Section 8. This resolution shall be transmitted to the Texas Transportation Commission, Texas Department of Transportation Dallas and Fort Worth Districts, the North Texas Tollway Authority, Dallas/Fort Worth International Airport, counties within the Metropolitan Planning Organization planning boundary, and cities having freeways and toll roads within their jurisdiction.

Section 9. This resolution shall be in effect immediately upon its adoption.



Linda Koop, Chair
Regional Transportation Council
Councilmember, City of Dallas

I hereby certify that this resolution was adopted by the Regional Transportation Council of the North Central Texas Council of Governments for the Dallas-Fort Worth Metropolitan Area on October 9, 2008.



Ron Natinsky, Secretary
Regional Transportation Council
Councilmember, City of Dallas

COMPREHENSIVE, COORDINATED, INTERAGENCY APPROACH TO FREEWAY INCIDENT MANAGEMENT MODEL RESOLUTION

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments (NCTCOG) and the regional forum for cooperative decisions on transportation; and,

WHEREAS, the RTC adopted Resolution R08-10 (an update to RTC Resolution R03-01) that supports a comprehensive, coordinated, interagency approach to Freeway Incident Management; and,

WHEREAS, the goal of the NCTCOG Freeway Incident Management Training Program is to initiate a common, coordinated response to traffic incidents that will build partnerships, enhance safety for emergency personnel, reduce secondary traffic crashes, improve the efficiency of the transportation system, and improve air quality in the Dallas-Fort Worth region; and,

WHEREAS, non-recurring traffic incidents are responsible for about 50 percent of all congestion and the secondary crashes caused by these incidents kill or injure hundreds annually in the Dallas-Fort Worth area; and,

WHEREAS, multi-agency coordination and the implementation of “best practices” Freeway Incident Management techniques reduce congestion on affected roadways and improve the safety of incident responders; and,

WHEREAS, effective policies, training, equipment and technology that aid in quick incident clearance can both assist with keeping motorists and first responders safe on the roadway and assist in improved air quality for the region; and,

WHEREAS, in partnership with regional incident response agencies, NCTCOG has established definitions for regional incident management performance measures: incident clearance time, roadway clearance time, secondary crash, and recovery time.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT:

- Section 1.** (The Jurisdiction) supports a comprehensive, coordinated, interagency approach to Freeway Incident Management.
- Section 2.** (The Jurisdiction) supports the quick detection and clearance of traffic incidents using state-of-the-art traffic surveillance, traveler notification, and crash investigation equipment.
- Section 3.** (The Jurisdiction) encourages all personnel involved in Freeway Incident Management to participate in available training opportunities and exercises that promote the objectives within this resolution—a common, comprehensive approach that maintains the safety of incident responders and travelers, while minimizing clearance time.

- Section 4.** (The Jurisdiction) supports an enhanced Geographic Information Systems (GIS) based incident location system that will aid incident reporters and responders in the timely detection and verification of incidents.
- Section 5.** (The Jurisdiction) supports a uniform policy whereby law enforcement agency personnel may remove personal property from a roadway or right-of-way, without the consent of the owner or carrier of the property, if the agency determines that the property blocks the roadway or endangers public safety.
- Section 6.** (The Jurisdiction) supports adopting a quick clearance policy or towing ordinance that mandates the arrival of appropriate equipment within a specified time limit.
- Section 7.** (The Jurisdiction) supports the use and tracking of regional incident management performance measures.
- Section 8.** (The Jurisdiction) supports the development of interagency agreements for incident management operations that include safe, quick clearance goals stated as time goals for incident clearance.
- Section 9.** (The Jurisdiction) supports participation in multi-disciplinary post incident reviews after major incidents to share lessons learned.
- Section 10.** (The Jurisdiction) supports consistent, coordinated operational strategies for major freeway and toll road projects that include quick incident clearance practices, and that these strategies will be consistently adopted prior to major freeway and toll road improvement expenditures in order to ensure that the expected mobility benefits are realized.
- Section 11.** Please include any additional sections, language, elements, or attachments necessary to fulfill local point of view or local requirements. Should include language about any formal partnerships as well if applicable.
- Section 12.** (The Governing Body of the Jurisdiction) directs staff to develop and bring forth a set of policies and/or ordinance consistent with the principles contained herein for the (Governing Body's) consideration.
- Section 13.** That this resolution shall be in effect immediately upon its adoption.

I hereby certify that this resolution was adopted by *[Jurisdiction]* on *[date]*.

[Name], [Title]
[Jurisdiction]

Staff Report



Arlington Independent School District Agreement (Joint Funding for AISD Fire Academy Lieutenant)

City Council Meeting Date: 8-5-14

Document Being Considered: Resolution

RECOMMENDATION

Approve a resolution authorizing the City Manager or his designee to execute a one-year agreement with the Arlington Independent School District to receive partial funding for a Fire Lieutenant assigned to coordinate the AISD Fire Academy.

PRIOR BOARD OR COUNCIL ACTION

No prior action

ANALYSIS

Due to the growth of the AISD Fire Academy, the Arlington Independent School District (AISD) and the Arlington Fire Department (AFD) are requesting the services for the 2014-2015 school year of a Fire Lieutenant in a full-time capacity, jointly funded by both organizations and renewed annually.

Under general direction, the Lieutenant would manage Fire Department activities in order to promote a positive and encouraging learning environment for public school students. The position will require the officer to maintain a cooperative relationship between the Arlington Fire Department, Tarrant County College and Arlington Independent School District (AISD). Duties will include coordinating public school education programs; developing Fire Academy curricula; managing instructor scheduling; maintaining accurate records and evaluation documents; and developing positive relationships with students, family members, and faculty of public schools. The Lieutenant will also work closely with Fire Training Staff to coordinate, facilitate, and instruct other educational classes.

FINANCIAL IMPACT

The Arlington Independent School District will pay the Arlington Fire Department \$75,000 for the AISD Coordinator. The Fire Department will utilize available funds from the Battalion Chief of Training position now reclassified as a Fire Lieutenant.

FY 2014
\$ 18,750

FY 2015
\$ 56,250

ADDITIONAL INFORMATION

Attached:	Agreement, Resolution
Under separate cover:	None
Available in the City Secretary's Office:	None

STAFF CONTACT(S)

Don Crowson
Fire Chief
817-459-5501
don.crowson@arlingontx.gov

Bill McQuatters
Assistant Chief
817-459-5503
bill.mcquatters@arlingontx.gov

Resolution No. _____

A resolution authorizing the execution of an Interlocal Agreement with the Arlington Independent School District relative to partial funding for a Fire Lieutenant assigned to coordinate the AISD Fire Academy

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the City Manager or his designee is hereby authorized to execute an Interlocal Agreement with the Arlington Independent School District relative to partial funding for a Fire Lieutenant assigned to coordinate the AISD Fire Academy. AISD will pay the Arlington Fire Department \$75,000 for the AISD Coordinator. The Fire Department will utilize available funds from the Battalion Chief of Training position now reclassified as a Fire Lieutenant.

II.

A substantial copy of said Interlocal Agreement is attached hereto and incorporated herein for all intents and purposes.

PRESENTED AND PASSED on this the ____ day of _____, 2014, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY *Edwin Marten*

- A. “parties” means CITY and AISD.
- B. “Program” is that certain program operated by AISD titled the AISD High School Fire Academy Program.

II.

PURPOSE

The purpose of this AGREEMENT is to provide for the provision of a trained Fire Lieutenant-School Resource Officer from the City to provide coordination and support for the Program run by AISD.

III.

TERM

The term of this agreement shall be from August 15, 2014 through September 1, 2015. The annual contract may be renewed each year as agreed upon by the parties.

IV.

OFFICER AND DUTIES

1. City will provide one Fire Lieutenant-School Resource Officer for the fire training academy for the contract term.
2. The Fire Lieutenant-School Resource Officer will perform but not be limited to the duties listed in Attachment “A” which is attached hereto and incorporated herein for all purposes.
3. The officer will be permitted a 45 minute lunch period. The officer will be subject to emergency calls as needed by City’s Fire Department.
4. The officer will be allowed the use of a City vehicle and carry City radios that will allow contact from the AISD while on duty.
5. The AISD will provide, at no cost to the City, office space in the school to which the officer is assigned. The office space will provide the necessary privacy to do his AISD program duties as well as any related City business as necessary.

6. The office may be contacted to assist in any situation related to his fire training which is beyond the normal ability of AISD to handle administratively or an emergency situation which the officer would have special knowledge or expertise.
7. Nothing in this Agreement shall limit or eliminate the need to utilize the 9-1-1 reporting system, or the use of AISD officer or employee to handle or supplement calls for service. Use of 9-1-1 is encouraged for priority calls even if the officer is called.
8. The officer is not responsible for handling minor, non-priority incident typically handled by other AISD employees. The officer may assist in his/her discretion if free to do so and within his knowledge and expertise as an officer.
9. Except in extreme emergency, the officer should not be called away from his fire academy classes, this being destructive to the teacher/student relationship. The officer may be contacted, and he/she may then respond as soon as possible to assist other AISD employees who may have been called in his/her place.
10. The officer will be expected to maintain a close liaison with AISD employees in the program in order to exchange information and to ensure efficient handling of his duties.
11. The officer shall be scheduled to attend and participate in mandatory training set out by law or City policy. The officer should participate in reasonable training programs that directly impact his/her ability and skills for the position. These additional programs will be communicated in advance between the AISD program supervisors and the City.
12. The City reserves the right to assign the officer to any fire function in the event of an emergency or a situation that dictates a call-up of personnel as directed in fire General Orders. The AISD reserves the right to adjust the monthly invoice for days missed under this provision.
13. The officer will be considered an employee of the City and the Arlington Fire Department and shall be at the control and supervision of the City's supervisors. Complaints or problems with the officer shall be directed through the City's supervisor.
14. Nothing herein extends or confers legal entitlement to the officer or otherwise affects his/her relationship as an employee of the City. The Agreement between the AISD and City being between the two entities and not a contract with an employee of the City.

V.
COMPENSATION

AISD will pay City an amount equal to \$75,000 as its contribution to the annual salary and benefits for the officer's position for the term of the contract. The payments will be made in an equal amount of \$7,500.00 starting October, 2014. The City will invoice AISD and the amount shall be due on the tenth (10th) day following the month in which City submits the invoice. The schedule of payments will be as follows:

August, 2014	-0-	February, 2014	\$7,500.00
September, 2014	-0-	March, 2014	\$7,500.00
October, 2014	\$7,500.00	April, 2014	\$7,500.00
November, 2014	\$7,500.00	May, 2014	\$7,500.00
December, 2014	\$7,500.00	June, 2014	\$7,500.00
January, 2014	\$7,500.00	July, 2014	\$7,500.00

VI.
DISPUTES

In the event that the parties to this Agreement dispute the terms, application of the terms of this Agreement, or performance hereunder, the parties hereby agree, as a condition precedent to filing or pursuing any legal remedy (including suit in any court or arbitration), to participate in good faith in a full day of non-binding mediation, assisted by a trained neutral mediator.

VII.
NO VERBAL AGREEMENT

This Contract contains all the terms, commitments and covenants of the PARTIES pursuant to this Contract. Any verbal or written commitment not contained in this Contract or expressly referred to in this Contract and incorporated by reference shall have no force or effect

VIII.
AGREEMENT INTERPRETATION AND VENUE

The PARTIES covenant and agree that in any litigation relating to this AGREEMENT, the terms and conditions of the AGREEMENT will be interpreted according to the laws of the State of Texas and venue shall be proper exclusively in Tarrant County, Texas.

IX.
4

CAPTION

The captions to the various clauses of this AGREEMENT are for informational purposes only and in no way alter the substance of the terms and conditions of this AGREEMENT.

X.

INDEMNITY AND IMMUNITY

Each party shall hold the other party harmless, to the extent allowed by Texas law, from any and all claims or damages that arise from or are related to the acts or omissions of its respective officers, employees, and agents as they arise from or are related to this Agreement. It is expressly understood and agreed that, in the execution of this AGREEMENT, no party waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

XI.

SERVERABILITY

If any of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants or conditions of this AGREEMENT are for any reason held to be invalid, void or unenforceable, the remainder of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, or conditions in this AGREEMENT shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

XII.

JOINT VENTURES

Nothing contained in this Agreement is intended by the parties to create a partnership or joint venture between the parties, and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint any party as an agent of any other party, for any purpose whatsoever.

XIII.

THIRD PARTIES

The parties to this Agreement do not intend by this Agreement that any specific third party may obtain a right by virtue of the execution or performance of this Agreement.

This agreement shall become effective on the date first written above.

IN WITNESS WHEREOF, the parties hereto have executed four (4) copies of this contract in TARRANT COUNTY, Texas, this _____ day of _____, 2014.

ARLINGTON INDEPENDENT SCHOOL DISTRICT

BY _____
President, Board of Trustees

ATTEST:

Secretary

ATTEST:

CITY OF ARLINGTON, TEXAS

MARY W. SUPINO, City Secretary

TREY YELVERTON, CITY MANAGER

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY: _____

ATTACHMENT “A”

Fire Lieutenant – School Resource Office

Job Functions:

- Perform and apply all knowledge, skills, and abilities of a standard Fire Lieutenant.
- Develop and coordinate the Fire Department’s programs associated with the AISD Fire Academy.
- Work with the Operations Division to schedule emergency response units for fire and life safety presentations.
- Develop program objectives and performance measures, collect and analyze data and evaluate the effectiveness of educational programs.
- Maintain accurate records on student performance in accordance with AISD standards.
- Make presentations and communicate with all levels of the Fire Department, educators, citizens and the media, conduct public education programs and television presentations.
- Prepare and produce brochures, pamphlets and other printed and visual material for distribution and/or presentation to potential students of the AISD Fire Academy.
- Make recommendations regarding the budgetary needs for the AISD Fire Academy.
- Represent the Fire Department and AISD during community programs and public meetings.
- Maintain Department/State continuing education requirements.
- Develop strategies to expand and grow the Emergency Medical Technician portion of the AISD Fire Academy.

Other Job Functions:

This description in no way states or implies that these are the only duties to be performed by the employee occupying this position. Employee will be required to follow any other job-related instructions and to perform any other job-related duties requested by their supervisor. Such tasks shall be capable of being performed with reasonable accommodation, if necessary, that does not impair a business necessity or impose an undue business hardship and without presenting a direct threat to the safety of the applicant or others.

Staff Report



Landscape and Amenity Maintenance Agreement with Texas Department of Transportation	
City Council Meeting Date: 8-5-14	Document Being Considered: Resolution

RECOMMENDATION

Approve a resolution authorizing the execution of a Landscape and Amenity Maintenance Agreement with the Texas Department of Transportation (TxDOT) for maintenance of landscape and pedestrian amenities and other aesthetic elements within the City of Arlington Overlay Districts within the State's rights-of-way on portions of FM 157 and SH 180, SH 360 outside the frontage roads, and IH-30 outside the frontage roads.

PRIOR BOARD OR COUNCIL ACTION

On December 15, 1969, the City of Arlington entered into our current MMA with TxDOT.

Resolution No. 07-109 was passed by the City Council on February 27, 2007, authorizing the execution of an updated MMA between TxDOT and the City of Arlington.

ANALYSIS

Development of properties within Overlay Districts, i.e. Downtown Neighborhood Overlay (DNO), Entertainment District Overlay (EDO) and Lamar Collins Mixed-Use Overlay (LCMUO), require the installation streetscape improvements with an approved site development plan. Since the installation and maintenance of streetscape amenities often occur within the State's rights-of-way, a Landscape and Amenity Maintenance Agreement (LAMA) is required between the State and City to define obligations and responsibilities.

The proposed LAMA will allow for the following streetscape amenities to be constructed in State rights-of-way:

- Installation of trees, shrubs and turf planting
- Irrigation systems
- Pedestrian light poles
- Street furniture (i.e., benches and trash receptacles)
- Bike racks
- News racks
- Flagpoles
- Tree grates
- Wayfinding and Gateway signs
- Vertical banner signs

The attached map identifies the applicable State rights-of-way. The improvements must be installed to TxDOT specifications and standards, and must be approved by the State in writing prior to any work being performed.

While the maintenance obligation for the streetscape improvements is transferred to the City in accordance with the LAMA, the City requires the execution of a Landscape Maintenance and Use Agreement with property developers and owners which transfers the City's responsibility to them to maintain the public realm amenities being installed within the State's rights-of-way corridor.

FINANCIAL IMPACT

The streetscape amenities will be installed and maintained by the property owner. With the exception of gateway and wayfinding signs, the City should not incur any expense related to the streetscape improvements installed within TxDOT rights-of-way.

ADDITIONAL INFORMATION

Attached:	Resolution Landscape and Amenity Maintenance Agreement Site Map
Under separate cover:	None
Available in the City Secretary's office:	None

STAFF CONTACT(S)

James F. Parajon, AICP
Director
Community Development & Planning
817-459-6527
Jim.Parajon@arlingtontx.gov

Roger Venables
Assistant Director
Community Development and Planning
817-459-6613
Roger.Venables@arlingtontx.gov

Resolution No. _____

A resolution authorizing the execution of a Landscape and Amenity Maintenance Agreement with the State of Texas to allow for maintenance of landscape and pedestrian amenities and other aesthetic elements within the City of Arlington Special Purpose Zoning Districts within the State's rights-of-way on portions of FM 157 and SH 180, SH 360 outside the frontage roads, and IH-30 outside the frontage roads

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the City Manager or his designee is hereby authorized to execute a Landscape and Amenity Maintenance Agreement with the State of Texas to allow for maintenance of landscape and pedestrian amenities and other aesthetic elements within the City of Arlington Special Purpose Zoning Districts within the State's rights-of-way on portions of FM 157 and SH 180, SH 360 outside the frontage roads, and IH-30 outside the frontage roads.

II.

A substantial copy of the agreement is attached hereto and incorporated herein for all purposes.

PRESENTED AND PASSED on this the _____ day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

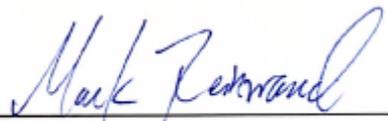
ATTEST:

MARY W. SUPINO, City Secretary

ROBERT N. CLUCK, Mayor

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____





LANDSCAPE AND AMENITY MAINTENANCE AGREEMENT

Form 2043
(Rev. 04/12)
Page 1 of 3

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

This AGREEMENT made this _____ day of _____, 20__, by and between the State of Texas, hereinafter referred to as the “State”, and the City of **Arlington**, Tarrant County, Texas, acting by and through its duly authorized officers, hereinafter called the “City”.

WITNESSETH

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the State and the City have entered into a Municipal Maintenance Agreement dated February 27, 2007, **the provisions of which are incorporated herein by reference**, and wherein the City has agreed to retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State; and

WHEREAS, the State and the City have existing and proposed landscape improvements, such as, but not limited to, the installation of tree, shrub, and turf plantings, irrigation systems, and other aesthetic elements for areas within the right of way of state highway routes within the City as shown on **ATTACHMENT “A”**; and

WHEREAS, the City will provide proposed landscape and amenity improvements such as, but not limited to, the installation of trees, shrubs, and turf plantings, irrigation systems, pedestrian light poles, street furniture such as benches and

trash receptacles, bike racks, news racks, flagpoles, tree grates, tree guards and bollards, wayfinding and gateway signs, vertical banner signs, and other aesthetic elements within the City of Arlington Special Purpose Zoning Districts, being the right of way of FM 157 and SH 180, SH 360 outside the frontage roads, and IH-30 outside the frontage roads, as shown on ATTACHMENT "A", provided that the City agrees to be responsible for all required maintenance of the landscape improvements.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, it is agreed as follows:

Contract Period

This Agreement becomes effective upon the date of final execution by the State, and shall remain in effect until terminated or modified as hereinafter provided.

Coverage

This agreement prescribes the responsibilities of the State and the City relating to the installation and maintenance of landscape elements located within the City of Arlington Special Purpose Zoning Districts, being FM 157 and SH 180, SH 360 outside the frontage roads, and IH-30 outside the frontage roads, as shown on ATTACHMENT "A".

Amendment

The parties agree that this agreement may be amended. Such amendments, to be effective, must be in writing and signed by both parties.

State's Responsibilities

The State may install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents.

City's Responsibilities

The City may install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents. Any installations shall be performed in accordance with Texas Department of Transportation specifications and standards, and must be approved by the State in writing prior to any work being performed.

The City shall maintain all landscape elements installed by City within the limits of the right of way including all median and island areas, but excluding paved areas intended for vehicular travel. Landscape maintenance shall include but not be limited to plant maintenance, plant replacement, mowing and trimming, hardscape element maintenance, and irrigation system operation and maintenance. All landscape elements must be maintained in a functional and aesthetically pleasing condition.

ATTACHMENT "B" further describes the City's responsibilities relative to landscape and irrigation operation and maintenance as well as amenity maintenance.

TERMINATION

It is understood and agreed between the parties hereto that should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon thirty days written notice. Additionally, this agreement may be terminated by mutual agreement and consent of both parties.

Should the City terminate this agreement, as prescribed here above, the City shall, at the option of the State, reimburse any reasonable costs incurred by the State.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of **Arlington** on the _____ day of _____, 20____, and the Texas Department of Transportation, on the _____ day of _____, 20__.

ATTEST:

Attachments

CITY OF ARLINGTON

By _____
(Title of Signing Official)

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and the established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

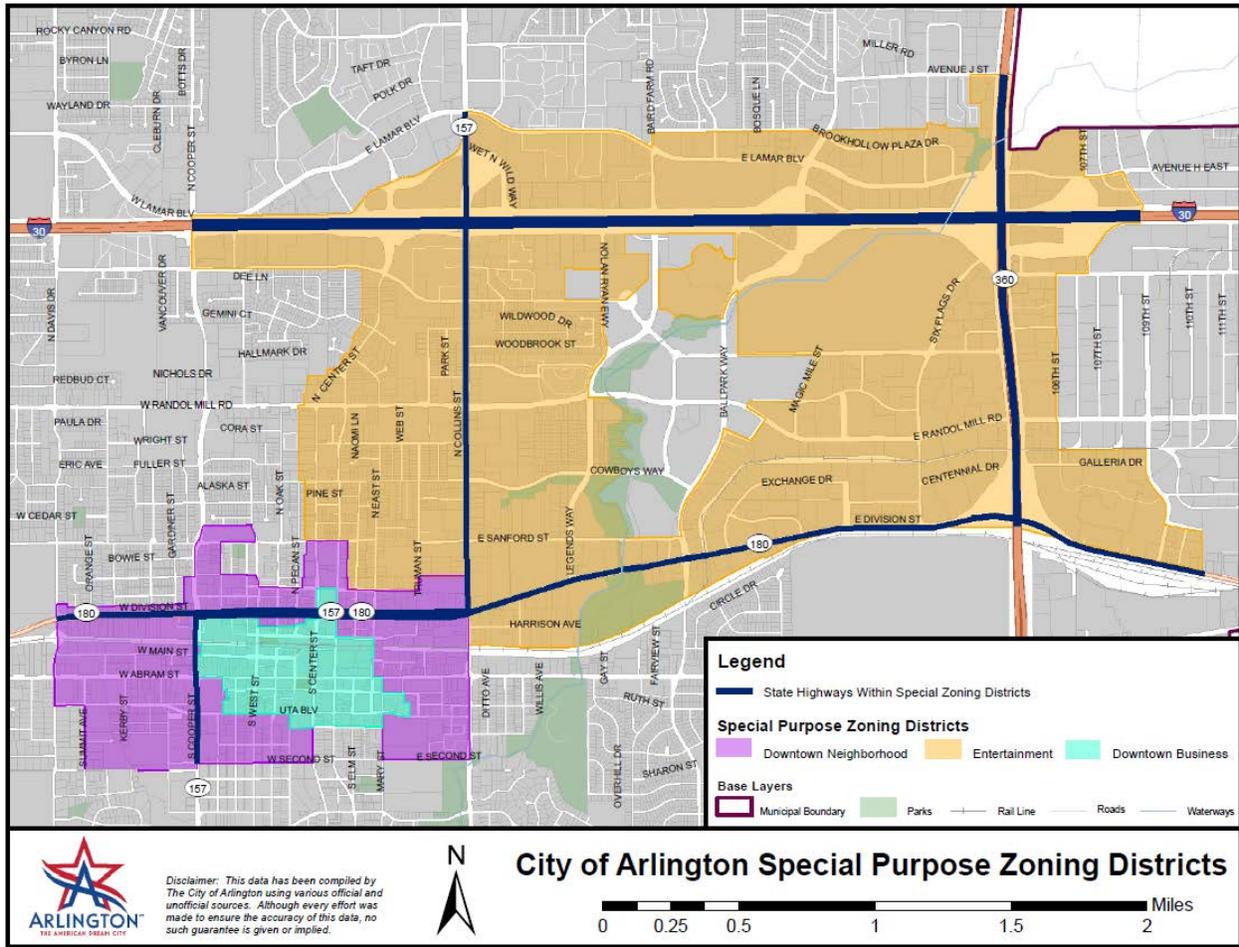
By _____
District Engineer

District

ATTACHMENT "A"

City of Arlington Special Purpose Zoning Districts

1. Farm to Market 157 from Lamar Boulevard to SH 180
2. Farm to Market 157 from SH 180 to Greek Row Drive
3. State Highway 180 from Davis Drive to east property line of 3219 E. Division Street
4. SH 360 outside the frontage road from SH180 to Avenue J
5. IH 30 outside the frontage road from Cooper Street to west right-of-way line of Ave G



ATTACHMENT “B”

The City of Arlington is to operate and maintain landscape trees, shrubs, and turf plantings, irrigation systems, pedestrian light poles, street furniture such as benches and trash receptacles, bike racks, news racks, flagpoles, tree grates, tree guards and bollards, wayfinding and gateway signs, vertical banner signs, and other aesthetic elements on the State’s rights-of-way within the City of Arlington Special Purpose Zoning Districts to include the following:

Landscape Design

- Landscaping shall be designed so as not to create safety concerns along State highways. These concerns include, but are not limited to, sight distance and clear zones.
- Landscaping shall be designed in accordance with Texas Department of Transportation requirements.

Landscape Maintenance

- All reasonable means shall be employed to preserve the plants and vegetative material existing within the project limits in a healthy and vigorous growing condition. This maintenance activity shall include, but not be limited to, the following:
 - Watering of plant material.
 - Shaping, weeding, mulching of plant beds.
 - Replacing unhealthy or dead plants.
 - Controlling pests, insects, and diseases.
 - Fertilizing.
 - Mowing and trimming.
 - Restaking, reguying, rebracing or removal of staking, guying, and bracing.
 - Pruning.
 - Gathering litter.

Irrigation System Design

- Rain guards shall be installed which will automatically turn the irrigation system off during rain events.
- Freeze guards will be installed which will automatically turn the irrigation system off during freezing temperatures.
- Wind anemometer will be installed which will allow for an interruption of irrigation when wind velocity reaches a programmed set point. Anemometer will be set for winds greater than 15 miles per hour.

- Rotary nozzles shall be used to allow for larger water droplets to minimize overspray from light winds and more accurately irrigate the coverage areas.
- The irrigation controller will feature a cycle and soak feature which optimizes cycle time and soak time to reduce water runoff.
- Irrigation system shall be equipped with a master control valve which reads the water flow through the valve and automatically turns off the system in the event of a line break.

Irrigation System Operation and Maintenance

- Irrigation system operation and maintenance shall include, but not be limited to, water monitoring, adjustment, repair, and proper operation of the irrigation system to ensure adequate moisture to the plant material. All replacement parts shall be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the State, prior to replacement. The State shall have access to shut off irrigation system.
- During the mowing season irrigations system will be inspected weekly by landscape maintenance company for malfunctions. All irrigation breaks will be handled on a priority basis and repaired immediately.
- During the off-season system will be adjusted to lower water usage program and system will be inspected by landscape maintenance company for malfunctions monthly. All irrigation breaks are handled on a priority basis and repaired immediately.
- On-site personnel from adjacent property owner or tenant under maintenance agreement with the City will inspect the State right-of-way weekly to ensure all malfunctions are attended to immediately. All irrigation breaks will be handled immediately.
- Monthly inspection charts and programming will be delivered to adjacent property owner or tenant under maintenance agreement with the City each month along with weekly site visit reports. This will allow the manager to adjust the system weekly.

Amenity Design

- Amenities shall be designed so as not to create safety concerns along State highways. These concerns include, but are not limited to, sight distance and clear zones.
- Amenities shall be designed in accordance with Texas Department of Transportation requirements.

Amenity Operation and Maintenance

- On-site personnel from the adjacent property owner or tenant under maintenance agreement with the City will inspect the State right-of-way weekly to ensure all amenities are in proper working order and in generally good condition. Any observed deficiencies shall be repaired immediately.

Incident Response Plan

- Upon notification of the City by TxDOT of an irrigation leak or malfunction, the City will contact the responsible property owner or tenant by telephone or email within two (2) hours. When the leak or malfunction creates a safety issue, the irrigator shall respond within two (2) hours of notification, otherwise the irrigator shall respond within eight (8) hours. The irrigation system will be repaired within 24 hours if no water flow is occurring. If water flow is occurring then the system will be manually shut off within 2 hours.
- Upon notification of the City by TxDOT of any need for repair to pedestrian light poles, street furniture such as benches and trash receptacles, bike racks, news racks, flagpoles, tree grates, tree guards and bollards, wayfinding signs, vertical banner signs, and other aesthetic elements, the City will contact the responsible party by telephone or email within two (2) hours. When the amenity creates a safety issue, the responsible party shall respond within two (2) hours of notification, otherwise the responsible party shall respond and repair the amenity within seventy-two (72) hours.
- The following contact list shall be updated with five (5) business days with any changes:
 - City of Arlington contact number (Weekdays 8 a.m. to 5 p.m.): (817) 459-6502
 - City of Arlington contact number (other times): (817) 235-7884

ATTACHMENT “C”

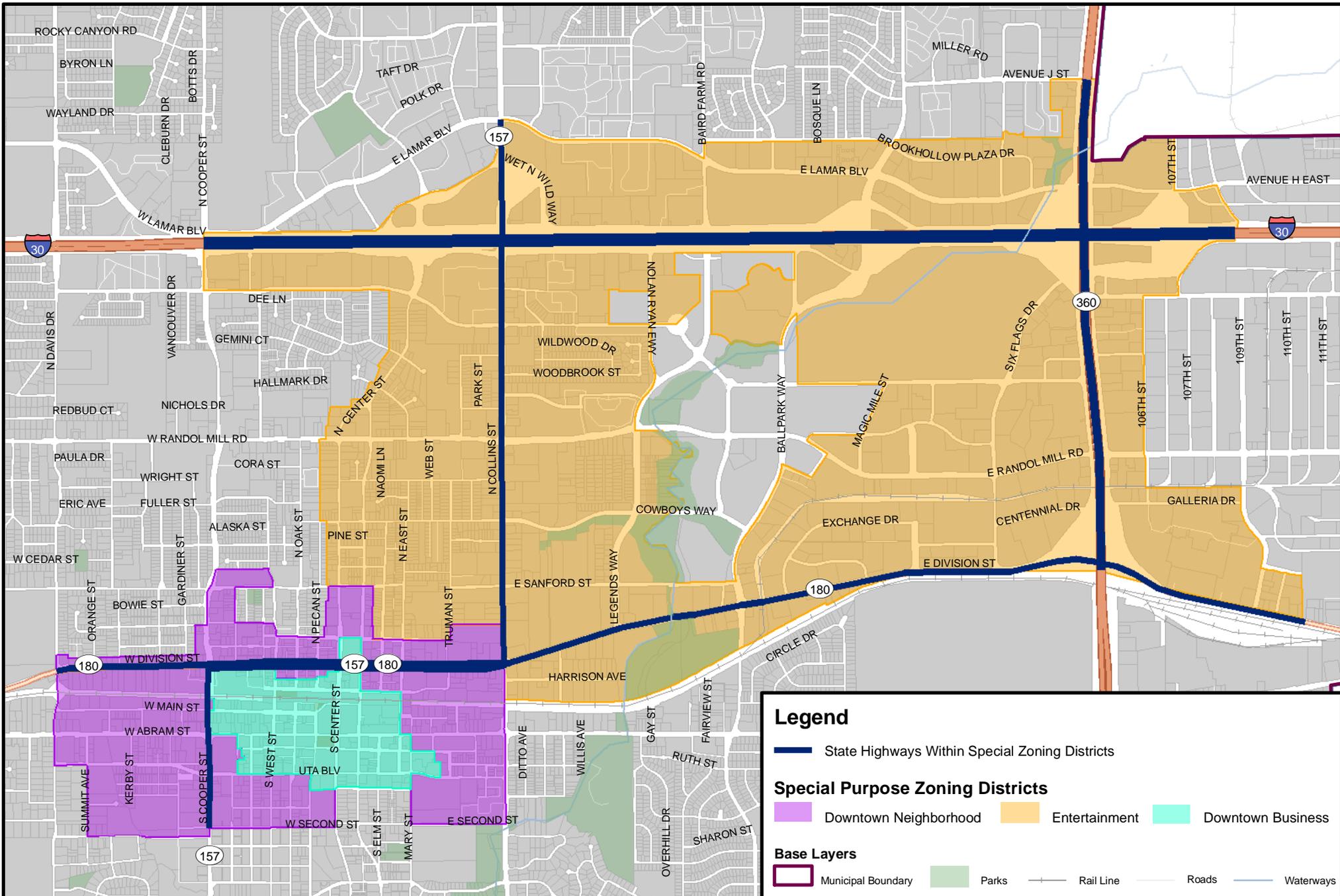
Examples of Amenity Improvements







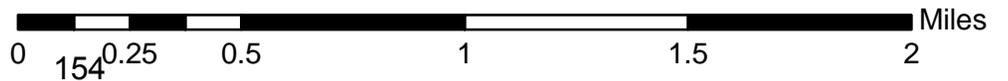




Disclaimer: This data has been compiled by The City of Arlington using various official and unofficial sources. Although every effort was made to ensure the accuracy of this data, no such guarantee is given or implied.



City of Arlington Special Purpose Zoning Districts



Staff Report



Jar and Filtration Research for Optimizing Chemical Use at the City of Arlington's Pierce-Burch and John F. Kubala Water Treatment Plants, WUTR14015

City Council Meeting Date: 08-05-14

Document Being Considered: Resolution

RECOMMENDATION

Authorize the execution of an Interlocal Cooperation Contract with the University of Texas at Arlington for the Jar and Filtration Research for Optimizing Chemical Use at the City of Arlington's Pierce-Burch and John F. Kubala Water Treatment Plants, in an amount not to exceed \$49,847.

PRIOR BOARD OR COUNCIL ACTION

None

ANALYSIS

The City of Arlington (COA) has operated the Pierce-Burch and the John F. Kubala water treatment plants for many years using chemicals and practices developed many years earlier but not validated recently. The COA staff desires to optimize the chemical feed doses at its two water treatment plants and develop protocols for future chemical dose choices. Dr. Kruzic will supervise laboratory studies at the COA's two plants to meet these objectives. The studies will include laboratory jar and filtration research with varying doses of several chemicals, as well as measurement of several water quality parameters to determine the optimum cost effective doses. The study will also identify optimum sample locations at both plants, specific methods for performing the research, and specific techniques for measuring Dissolved Organic Carbon (DOC). The COA is also interested to learn if addition of hydrogen peroxide to its preozonation processes would improve geosmin removal, especially at the Pierce-Burch plant.

The Arlington Water Utilities department has negotiated an Interlocal Cooperation Contract with the University of Texas at Arlington for this study for a base fee of \$49,847.

FINANCIAL IMPACT

Funding Source:

Water Bond Fund 658502-61002-18084205

FY 2014
\$24,923.50

FY 2015
\$24,923.50

FY 2016
\$0

ADDITIONAL INFORMATION

Attached: Contract Resolution
Under separate cover: None
Available in the City Secretary's Office: None

STAFF CONTACT(S)

Walter J. Pishkur
Director of Water Utilities
817-459-6603
Buzz.Pishkur@arlingtontx.gov

Craig M. Cummings
Asst. Director of Water Utilities/Treatment
817-575-8959
Craig.Cummings@arlingtontx.gov

Resolution No. _____

A resolution authorizing the execution of an Interlocal Cooperation Contract with the University of Texas at Arlington for jar and filtration research for optimizing chemical use at the City of Arlington's Pierce-Burch and John F. Kubala Water Treatment Plants, in an amount not to exceed \$49,847

WHEREAS, pursuant to Chapter 791, Texas Government Code, known as the Interlocal Cooperation Act, the City of Arlington ("City") and the University of Texas at Arlington ("UTA") are allowed to make agreements that support the functions of both entities; and

WHEREAS, the City desires that UTA perform research to optimize the chemical use at the City's water treatment facilities; and

WHEREAS, the parties, in paying for the performance of governmental functions or in performing such governmental functions shall make payments therefore only from revenues legally available to such parties; and

WHEREAS, the governing bodies of each party find that the project or undertaking is necessary for the benefit of the public and that each party has the legal authority to provide such service, and the services are in the common interest of both parties hereto; and that the division of costs provided for constitutes adequate consideration to each party, NOW THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

I.

That the City Manager or his designee is hereby authorized to execute an Interlocal Cooperation Contract with the University of Texas at Arlington for jar and filtration research for optimizing chemical use at the City of Arlington's Pierce-Burch and John F. Kubala Water Treatment Plants, for an amount not to exceed \$49,847. These funds are available in Water Bond Fund account 658502 61002 18084205.

II.

A substantial copy of said Interlocal Cooperation Contract is attached hereto and incorporated herein for all intents and purposes.

PRESENTED AND PASSED on this the ____ day of _____, 2014, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

INTERLOCAL COOPERATION CONTRACT

THE STATE OF TEXAS
COUNTY OF TARRANT

This Interlocal Cooperation Contract (this "Contract") is entered into by and between the Contracting Parties shown below pursuant to authority granted in and in compliance with the *Interlocal Cooperation Act, Chapter 791, Texas Government Code*.

I. Contracting Parties:

The Receiving Party: City of Arlington (sometimes "City"), a local government of the State of Texas

Mohammad Bayan
Email: Mohammad.Bayan@arlingtontx.gov
Phone: 817-459-6644

Bill Gase
Water Treatment Manager - Pierce-Burch
817-575-8940
Bill.Gase@ArlingtonTx.Gov
Water Treatment Plant
190 I Lakewood Drive
Arlington, TX 76013
(817)457-7550 • Fax (81 7)496-4 133
www.arlingtontx.gov/water

The Performing Party: The University of Texas at Arlington (sometimes "UTA" or "University"), a State University of Higher Education established under the laws of the State of Texas as an institution of the University of Texas System:

Contact Persons' Name, Address and Phone:

Programmatic Matters:

Andrew Kruzic, P.E., Ph.D
Associate Professor
Dept. of Civil Engineering
UTA Box 19308
Arlington, TX 76019
Tel. 817-272-3822 Fax. 817-272-2630
Email:kruzic@uta.edu

Agreement terms and all other matters:
Jeremy Forsberg
Assistant Vice President for Research
The University of Texas at Arlington
701 S. Nedderman Drive
Box 19145
Arlington, TX 76019-0145

II. Statement of Research Services to be Performed

Performing Party will perform such research services (sometimes “Services”) as are necessary to meet the research goals described briefly below, and enumerated more fully in Exhibit A, from and after August 1, 2014.

The City has operated its two water treatment plants for many years using chemicals and practices developed many years earlier but not validated recently. The City staff desires to optimize the chemical feed doses at its two water treatment plants and develop protocols for future chemical dose choices. Dr. Kruzic will supervise laboratory studies at the City's two plants to meet these objectives. The studies will include laboratory jar and filtration testing with varying doses of several chemicals, as well as measurement of several water quality parameters to determine the optimum cost effective doses. The study will also identify optimum sample locations at both plants, specific methods for performing the testing, and specific techniques for measuring DOC. The City is also interested to learn if addition of hydrogen peroxide to its preozonation processes would improve geosmin removal, especially at the Pierce Burch plant.

The primary deliverable for this project will be a final report summarizing and interpreting results. One addendum to the final report will detail the specific recommended sampling locations and testing procedures for future determinations of optimum chemical doses.

III. Basis for Payments and Schedule

See Exhibit B.

IV. Contract Amount

The total amount of this Contract shall not exceed Forty Nine Thousand Eight Hundred Forty Seven Dollars (\$49,847).

V. Payment of Services

Receiving Party will remit payments to Performing Party for Services satisfactorily performed under this Contract in accordance with the *Texas Prompt Payment Act, Chapter 2251, Texas Government Code*.

Payments made under this Contract will (1) fairly compensate Performing Party for the Services performed under this Contract, and (2) be made from current revenues available to Receiving Party.

VI. Warranties

Performing Party warrants that (1) it has authority to perform the Services under authority granted in Section 65.31, *Texas Education Code* and Chapter 791, *Texas Government Code*; (2) it has all necessary power and has received all necessary approvals to execute and deliver this Contract; and (3) the representative signing this Contract on its behalf is authorized by its governing body to sign this Contract.

Receiving Party warrants that (1) the Services are necessary and authorized for activities that are properly within its statutory functions and programs; (2) it has the authority to contract for the Services under Chapter 791, *Texas Government Code*; (3) it has all necessary power and has received all necessary approvals to execute and deliver this Contract; and (4) the representative signing this Contract on its behalf is authorized by its governing body to sign this Contract.

VII. Term of the Agreement

This Agreement is effective as of August 1, 2014 ("Effective Date") and shall terminate on August 31, 2015.

VIII. Termination

This Contract may be canceled or terminated at any time by the City or UTA with or without cause by providing the other thirty (30) days written notice of such termination. Upon receipt of such notice, all work and labor being performed shall immediately cease, pending final cancellation at the end of such thirty (30) day period. UTA shall be compensated in accordance with the terms of this Contract for all work accomplished prior to the receipt of notice of such termination, and for such other Services (if any) provided during the notice period reasonably necessary to terminate this Contract, and any noncancellable expenses for Services accrued prior to termination, including all reasonable expenses incurred or committed to be expended as of the effective termination date. UTA shall invoice the City for all such items within sixty (60) of the termination notice.

All notices, communications and reports required or permitted under this Contract shall be personally delivered or mailed to the respective parties by depositing same in the United States mail, postage prepaid, at the addresses shown below, unless and until either party is otherwise notified in writing by the other party, at the following addresses. Mailed notices shall be deemed communicated as of actual receipt.

If intended for City, to:

Mohammad Bayan
Email: Mohammad.Bayan@arlingtontx.gov
Phone: 817-459-6644

Bill Gase
Water Treatment Manager - Pierce-Burch
817-575-8940
Bill.Gase@ArlingtonTx.Gov
Water Treatment Plant
190I Lakewood Drive
Arlington, TX 76013
(817) 457-7550 • Fax (817) 496-4133
www.arlingtontx.gov/water

If intended for UTA, to:

Jeremy Forsberg
Assistant Vice President for Research
The University of Texas at Arlington
701 S. Nedderman Drive, Box 19145
Arlington, TX 76019-0145

IX. Ownership of Deliverables

Each Party recognizes that under University's academic policy, the results of any research project must be publishable. Accordingly, University and City agree that the individuals engaged in the Services or the Contract on behalf of their respective Party, shall be permitted to present at symposia, national and international, or regional professional meetings, and to publish in journals, theses or dissertations, or otherwise of their own choosing, methods and results of the Services or the Contract, as per usual and customary academic custom. Under University policy, University investigators such as its designated faculty for a project own copyright in their scholarly works.

City and University agree that Services and Contract deliverables (other than University intellectual property and UTA faculty copyrights in scholarly works) delivered to City by University in connection with this Agreement are hereby assigned to City, to use in any manner City sees fit. UTA shall have no liability for changes made to any materials or other documents by others subsequent to the completion of the Services or the Contract. City

grants to the University a perpetual, non-exclusive, worldwide, royalty-free, fully paid up license to use, copy, modify, and create derivative works of the statement of work for the Services or the Contract, the results of the Services or the Contract, and any reports, publications or other materials or work product (excluding scholarly works, which copyright is owned by the University principal investigators) created or developed-with funding from City, for the University's educational and research purposes and missions, and any other lawful purpose. University retains all its other rights as per usual and customary academic practice, including, subject to the rights of the City herein to use deliverables as City sees fit, University commercialization of University intellectual property (if any).

X. OTHER PROVISIONS:

a. Insurance

UTA is an agency of the State of Texas and as such does not purchase certain insurance policies. Employees of UTA are provided worker's compensation insurance coverage under a self-insured, self-managed program as authorized by the Texas Labor Code, Chapter 503. UTA purchases automobile liability insurance for all UTA owned, hired, and non-owned vehicles with limits of \$250,000 per person and \$500,000 per accident for bodily injury and \$100,000 for property damage. These damage limits are set by the Texas Tort Claims Act (the "Act"), Chapter 101 of the Texas Civil Practice and Remedies Code. UTA does not purchase general liability or employer's liability insurance for its general operations. However, the Act does provide a limited waiver of the State's sovereign immunity. The Act may provide a remedy for claimants who make tort claims that fall under its provisions. These claims fall into two general categories: (i) injuries arising out of use of publicly owned motor vehicles and motor-driven equipment and (ii) injuries arising out of conditions or use of property. UTA's liability is limited under the Act. Liability in cases of personal injuries or death is limited to a maximum amount of \$250,000 per person and \$500,000 for each single occurrence. The maximum amount of liability for injury to or destruction of property is \$100,000 for each single occurrence.

b. Venue; Governing Law.

Tarrant County, Texas shall be the proper place of venue for suit on or in respect of this Contract. This Contract and all of the rights and obligations of the parties hereto and all of the terms and conditions hereof shall be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of Texas.

c. Entire Agreement; Modifications.

This Contract supersedes all prior agreements, written or oral, between City and UTA and shall constitute the entire agreement and understanding between the parties with respect to the subject matter hereof. This Contract and each of its provisions shall be binding upon the parties and may not be waived, modified, amended or altered except by a writing signed by UTA and City.

d. Loss of Funding.

Performance by a Contracting Party of its duties and obligations under this Contract may be dependent upon the appropriation and allotment of funds by the Texas State Legislature (the "Legislature") and/or allocation of funds by that Contracting Party's governing board. If the Legislature fails to appropriate or allot the necessary funds to a Contracting Party, or a Contracting Party's governing board fails to allocate the necessary funds, then the Contracting Party that loses funding may terminate this Contract without further duty or obligation under this Contract.

e. Assignment.

This Contract is not transferable or assignable except upon written approval by UTA and City.

f. Severability.

If any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein.

Executed effective as of the Effective Date by the following duly authorized representatives of the Contracting Parties:

Receiving Party
City of Arlington

Performing Party
The University of Texas at Arlington

By: _____

By: _____

Name: Walter J. Pishkur

Name: Jeremy Forsberg

Title: Director of Water Utilities

Title: Assistant VP for Research

Date: _____

Date: _____

ATTEST:

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

Mary W. Supino, City Secretary

BY: _____

Scope of Research

Jar and Filtration Testing for Optimizing Chemical Use at the City of Arlington's Pierce Burch and John Kubala Water Treatment Plants

Introduction and Scope of Research:

The City of Arlington (COA) has operated its two water treatment plants for many years using chemicals and practices developed many years earlier but not validated recently. The COA staff desires to optimize the chemical feed doses at its two water treatment plants and develop protocols for future chemical dose choices. Dr. Kruzic will supervise laboratory studies at the COA's two plants to meet these objectives. The studies will include laboratory jar and filtration testing with varying doses of several chemicals, as well as measurement of several water quality parameters to determine the optimum cost effective doses. The study will also identify optimum sample locations at both plants, specific methods for performing the testing, and specific techniques for measuring DOC. The COA is also interested to learn if addition of hydrogen peroxide to its preozonation processes would improve geosmin removal, especially at the Pierce Burch plant.

Research Methodologies:

A minimum of 100 jar tests (using 6 jars in each test) and 50 filtration tests will be performed at each of the COA's two water treatment plants to meet the objectives of this study using equipment from both the COA and UTA. A limited number of samples will be transported to the UTA laboratories for determination of Dissolved Organic Carbon (DOC) and UV 254 by standard methods (minimum of 600 determinations), and Assimilable Organic Carbon (AOC) using a modified procedure from EPA employing cell enumeration by flow cytometry (minimum of 50 determinations) developed by Dr. Prabakar. Turbidity and residual pH will be determined for every jar in all jar tests and total alkalinity will be determined in approximately half the jars.

Although the equipment used in jar testing is standardized, the specific procedures can vary significantly. Initial jar testing at each water treatment plant will focus on establishing the specific procedures that give results which most closely fit the actual performance at the plant. Mixing energy and time, and settling time will be varied using the currently used chemicals to establish the baseline procedures for all future testing. Once the specific jar testing procedures are identified jar testing will then focus on the impacts of varying doses of several chemicals, including ozone, alum, polymer, PACl, ferric sulfate, and lime. The chemicals chosen for testing will be determined by the COA staff.

Filtration testing using filter paper is not widely used to simulate depth filtration with sand or GAC because the primary mechanisms of removal are so different. However, one reference has used Whatman No 1 filters (retains 11 um) to do so. The procedures for the filtration testing will be defined after initial testing but it is anticipated a fixed volume (between 500 and 1000 mL) of settled water from a jar test would be filtered by gravity alone through a Whatman No 1 filter and the time required to filter the volume would be

EXHIBIT A

recorded. If this test is done often enough with top of filter samples from the full scale operation it may be possible to develop a relationship between filtration run times in the actual filters and jar test results.

The COA would like to also assess the impact of preozonation on geosmin and manganese removal. A limited number of jar tests will be performed with spiked raw water. Manganese measurements will be performed by UTA, but measurement of geosmin by UTA is not included in this proposal.

Research Deliverables:

The primary deliverable for this project will be a final report summarizing and interpreting results. One addendum to the final report will detail the specific recommended sampling locations and testing procedures for future determinations of optimum chemical doses.

Research Schedule:

Testing research will begin in early August 2014 and continue through the end of the July 2015. A intermediate report will be delivered at the end of January 2015 and a final report will be delivered at the end of August 2015.

Payments shall be made in accordance with Exhibit B.

EXHIBIT B

PAYMENT TERMS

UTA will bill City for their services an amount of Forty Nine Thousand Eight Hundred Forty Seven Dollars (\$49,847).

Billing invoices shall be sent to Receiving Party care of the email addresses in Section I UNLESS stated differently here: _____

Receiving Party agrees to pay 50% (\$24,923.50) on Agreement execution, with balance in 2 equal installments of \$12,461.75 each, the first on delivery of UTA's intermediate report (scheduled to be delivered on or after January 31, 2015) and the second on delivery of UTA's final report (scheduled to be delivered on or after August 31, 2015).

Within thirty (30) days of receipt of each invoice, Receiving Party shall make payments in the amount shown by UTA's invoice. The payments shall be submitted to: The University of Texas at Arlington, 219 West Main Street, Box 19136, Arlington, TX 76019-0136 (Attn: Grant and Contract Accounting).

Staff Report



Specific Use Permit SUP14-3 (316 West Fork Dr.)	
City Council Meeting Date: 8-5-14	Document Being Considered: Ordinance

RECOMMENDATION

Following the public hearing, consider Specific Use Permit SUP14-3.

PRIOR BOARD OR COUNCIL ACTION

On July 16, 2014, the Planning and Zoning Commission recommended approval by a vote of 7-0-0.

ANALYSIS

Request - The applicant requests approval of a Specific Use Permit (SUP) for Auto Service Center in Light Industrial (LI) zoning district. This request is in response to the Zoning Ordinance amendment effective January 27, 2014, requiring new minor auto repair uses to obtain a SUP if located within 200 feet from the right-of-way line of a street. The proposed business is located within the 200 feet from the right-of-way line.

The existing structure is of an aggregate finish exterior with a garage bay set back from the front elevation of the west side of the building. The building is currently vacant, with its most recent use as Office/Warehouse. The applicant is not proposing any changes to the structure or site.

Surrounding Land Uses - Immediate surrounding properties to the east, north, and south are also zoned LI; however, the property directly behind the property is zoned Business (B) with an SUP for gas well drilling, and the land to the northwest is a PD (PD Z84-170/P-188) zoned mostly for single-family, zero-lot line, townhouse, and multi-family residential uses but is, to date, undeveloped.

Sector Plan Conformity - The West Sector Plan designates this area as "Industrial," which provides for the development of research, light industrial processing, warehousing, heavy industrial and manufacturing uses as well as supporting business and office uses. The Industrial designation does not directly address auto repair facilities and whether they are an appropriate use in this designation.

The requested SUP is in general conformance with the Comprehensive Plan.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:

Ordinance with Exhibit A&B
Case Information with P&Z Summary
Site Plan

Under separate cover:

None

Available in the City Secretary's office:

None

STAFF CONTACTS

Gincy Thoppil, AICP
Development Planning Manager
Community Development and Planning
817-459-6662
Gincy.Thoppil@arlingtontx.gov

Shon Brooks
Senior Planner
Community Development and Planning
817-459-6514
Shon.Brooks@arlingtontx.gov

Ordinance No. 14-xxx

An ordinance adopting Specific Use Permit SUP14-3 for an Auto Service Center on certain property known as 316 West Fork Drive zoned Light Industrial (LI); amending the Zoning District Map accordingly; authorizing the building official to issue permits upon an effective date; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard and recommended approval of the Specific Use Permit SUP14-3 on July 16, 2014;

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the use will: complement or be compatible with the surrounding uses and community facilities; contribute to, enhance or promote the welfare of the area of the SUP and adjacent properties; not be detrimental to the public health, safety or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the specific use permit be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

A specific use permit for an Auto Service Center is hereby granted for the property known as 316 West Fork Drive, described in Exhibit A, and the Zoning District Map shall be amended to reflect the change made by this ordinance. Development and use of the property shall be in compliance with this ordinance, the conditions stated in Exhibit B, and the attached site plan. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

2.

If no development activity has commenced on the property described in Exhibit A within two years after the date of City Council approval, the Specific Use Permit shall expire, unless the director of Community Development and Planning grants an extension as provided in Section 10.3.10.B of the Unified Development Code.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the 5th day of August, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **19th** day of **August, 2014**, by a vote of ___ **ayes** and ___ **nays** at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

SUP14-3

EXHIBIT "A"

BEING approximately 0.422 acres of land with frontage on West Fork Drive, and commonly known as Lot 4R, Block 1, Arlington West Industrial Park Addition, an addition to the City of Arlington, Texas;

AND being generally located north of West Division Street and west of West Fork Drive with the approximate address being 316 West Fork Drive.

SUP14-3

EXHIBIT "B"

1. The zoning of this site is Light Industrial (LI) with a Specific Use Permit for an Auto Service Center.
2. The auto service center shall occupy an approximately 0.422-acre tract of land.
3. The proposed use shall have no automobile repair work performed inside the building.
4. All upholstery work will be performed inside the building.
5. No outside display or storage is permitted.
6. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.

Case Information



- Applicant:** Fred Levingston
- Property Owner:** Texas Star, Inc. represented by Matthew Hines
- Sector Plan:** West
- Council District:** 4
- Allowable Uses:** All uses as itemized in attachment ii.
- Development History:** The subject site is currently platted as Lot 4R, Block 1, Arlington West Industrial Park Addition. No previous zoning cases have occurred in the general vicinity within the past five years.
- Transportation:** The proposed development has one point of access from West Fork Drive.
- | Thoroughfare | Existing | Proposed |
|-----------------|---------------------------------|---------------------------------|
| West Fork Drive | 60-foot, 2-lane undivided local | 60-foot, 2-lane undivided local |
- Traffic Impact:** The proposed SUP will generate similar traffic patterns as the existing LI zoning and will not significantly impact the adjacent street system.
- Water & Sewer:** Water and sanitary Sewer are available along West Fork Drive.
- Drainage:** The site is located within the Rush Creek drainage basin and is not located within the FEMA floodplain. No significant drainage impacts are expected to result from development of this site as long as all relevant city ordinances are complied with.
- Fire:** Fire Station Number 14, located at 5501 Ron McAndrew Drive, provides protection to this site. The estimated fire response time is less than five minutes, which is in keeping with recommended standards.
- School District:** The proposed specific use permit request is located in the Arlington Independent School District and has no impact on the schools serving this site.

Case Information



Notices Sent:

Neighborhood

Associations:

ACTION North
Arlington Alliance for Responsible Government
Arlington Chamber of Commerce
Arlington Neighborhood Council
East Arlington Renewal
East Arlington Review
Far South Arlington Neighborhood Assn
Forest Hills HOA
Northern Arlington Ambience
WeCan (West Citizen Action Network)
Shady Valley West HOA
Woodland West

Property Owners: 12

Letters of Support: 0

Letter of Opposition: 0

PLANNING AND ZONING COMMISSION SUMMARY:**Public Hearing: July 16, 2014**

Specific Use Permit SUP14-3 (316 West Fork Dr. – 316 West Fork Drive)

Application for approval of a Specific Use Permit for an Auto Repair Garage, Minor on approximately 0.422 acres zoned Light Industrial (LI); generally located north of West Division Street and west of West Fork Drive.

Present to speak in support of this case was Charles Clawson, 6219 Lake Ridge Road, 76016.

Vice Chair McAlister moved to Approve Specific Use Permit SUP14-3. Seconded by Commissioner McKissic, the motion was approved by a vote of 7-0-0.

APPROVED

Itemized Allowable Uses



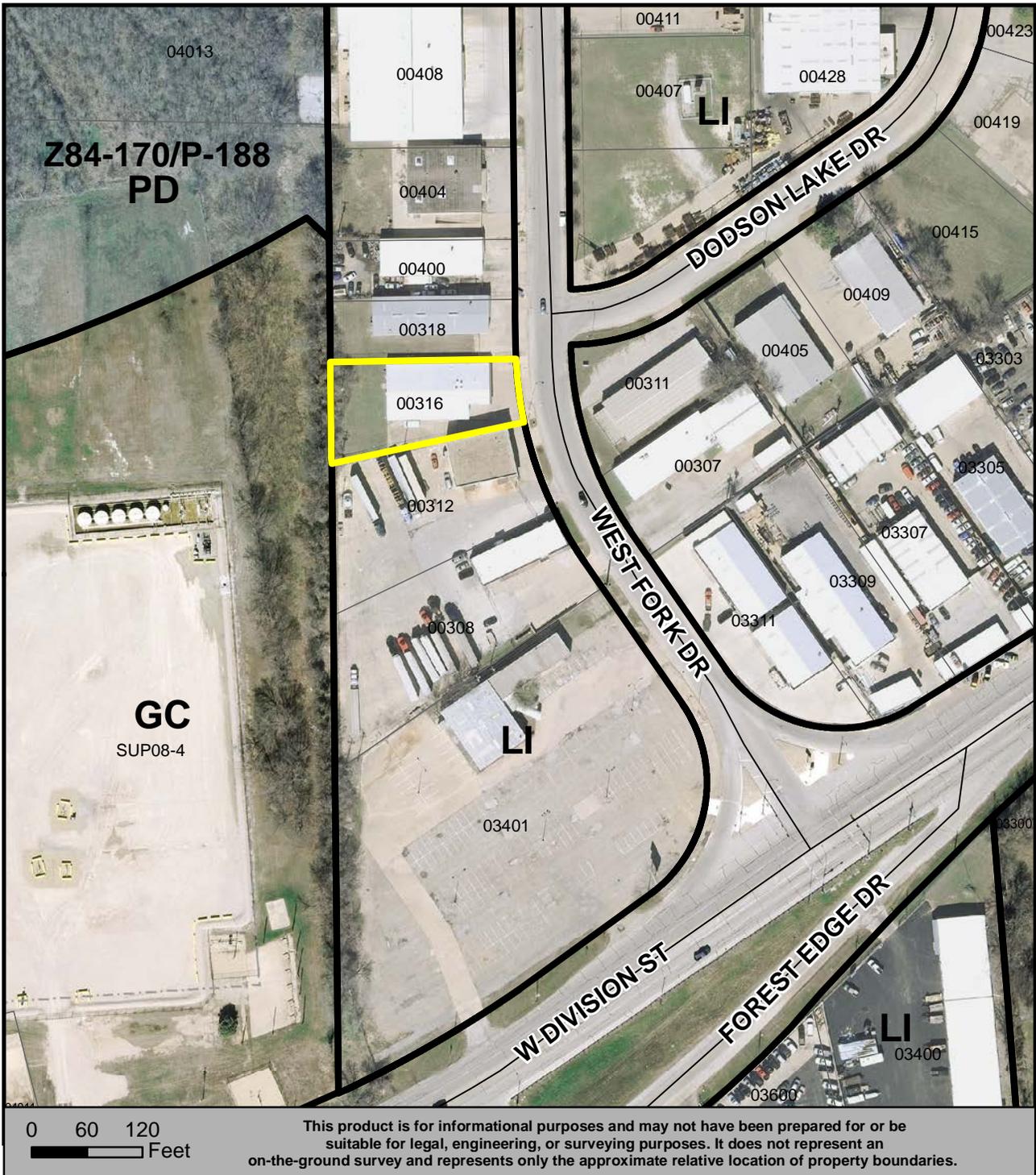
Allowable Uses:

Light Industrial (LI)

Permitted – Art gallery or museum, Domestic Violence Shelter, Emergency shelter, Government administration and civic buildings, Mortuary|crematory|funeral chapel, Philanthropic institution (other than listed), Religious assembly, Business school, Trade school, University|college|seminary, Hospital, Medical or dentist office or clinic, Cemetery, Community garden, Public park or playground, Crop production, Kennel, commercial, Veterinary Clinic, Car wash, Gasoline sales, Motor vehicle rental, Motor vehicle sale, new, Catering service, Restaurant, Restaurant, take-out and delivery only, Office, business or professional, Telemarketing call center, Bail bond service, General personal services (other than listed), Massage therapy clinic, Tattoo parlor or piercing studio, Gun range (indoor), Private club|lodge|fraternal organization, Country club, Golf course, Recreation, general outdoor (other than listed), Boat and accessory sales, rental and service, Building and landscaping materials and lumber sales, General retail store (other than listed), Firearm sales, Nursery, garden shop or plant sales, Pawn shop, Second-hand goods store, Swimming pool, spa and accessory sales and service, Cleaners, commercial, Food processing, Heavy machinery rental, sales, and service, Medical or scientific research laboratory, Microbrewery|microdistillery|winery, Wrecker service, Custom and craft work, Manufacturing, light, Salvage yard (indoor), Transit passenger terminal, Electric utility substation, Radio or TV station or studio, Utility lines, towers or metering station, Utility installation other than listed, Cold storage plant, Contractors plant, shop and/or storage yards, Distribution Center |warehouse, Wholesale supply business

Specific Use Permit – Halfway House, Public or private school, Auto service center, Auto repair garage, major, Motor vehicle sales, used, Hotel, limited service, Residence hotel, Day care center, Gun club, skeet, or target range (outdoor), Marina, Specialty paraphernalia sales, Gas well, Airport of landing field, Electric generating plant, Telecommunications Facilities Towers >75ft, Stealth towers>100ft

Conditions – Stables, commercial, Financial service, Bar, Restaurant with drive-through, Hotel, full service, Trailer camp|RV park, Nightclub, Open-air vending, Package liquor store, Sexually oriented business, Building maintenance sales and service, Telecommunications Facilities Building-mounted antennae and towers, Telecommunication Facilities Towers ≤75ft Stealth towers ≤100ft, Self-storage facility, Outside storage



**LOCATION MAP
SUP14-3**

 **SPECIFIC USE PERMIT FOR
AUTO SERVICE CENTER
0.422 ACRES**





SUP14-3

West of West Fork Drive and north of West Division Street



View west of subject site.



View south from subject site.



View east across West Fork Drive from subject site.



View north of notification sign adjacent to West Fork Drive.



1
Parking Spaces

LOT 5RA
385-141 / 13

LOT 4R
385-141 / 13

**1 STORY
BRICK FRAME & CONC.
COMMERCIAL BUILDING**

TAX TRACT
32A2A
CHESAPEAKE LAND
DEVELOPMENT CO.
12059448006



SCALE: 1" = 20'

POINT UNABLE TO SET
FROM WHICH A 3" METAL
FENCE POST IN CONC.
BEARS N 08° 11' - 0.31"

POINT UNABLE TO SET
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POINT UNABLE TO SET
FROM WHICH A 3" METAL
FENCE POST IN CONC.
BEARS N 08° 11' - 0.31"

MEAS. N 00° 28' 58" W 110.96'

MEAS. S 77° 53' 14" W 212.96'

MEAS. S 77° 53' 14" W 212.70'

MEAS. S 77° 53' 14" W 212.70'

MEAS. S 77° 53' 14" W 212.70'

Reference No: 2133Y14 G.F. No: 1698003-HX759
Title Co: HEXTERFAIR/FIRST AMERICANTITLE COMPANY
Purchaser: TEXAS STAR INC.

PROPERTY DESCRIPTION
Lot 4R, Block 1, ARLINGTON WEST INDUSTRIAL PARK, an Addition to the City of Arlington, Tarrant County, Texas, according to the Plat recorded in Volume 385-141, Page 13, Plat Record, Tarrant County, Texas.

Minimum finished floor elevation requirement (MIN. F.F.) shown is per filled plat of record. Actual finished floor elevation of residence was not verified.

LEGEND

	EXISTING STONE & CONC. COMMERCIAL BUILDING
	BRICK
	WOOD DECK
	CONCRETE

DAVID J. ROSE, REGISTERED PROFESSIONAL LAND SURVEYOR, TARRANT COUNTY, TEXAS
THIS SURVEY WAS MADE ON THE GROUND LINES BY SURVEYING AND MEASURING AND
PROVIDING THE ACCESS TO THE LAND AND THE ADJACENT THEREON AND THAT THE
TO ANY AND ALL INTERESTS, RECORDS AND RECORDS THAT MAY BE SUBJECT
AND THOSE OF WHICH THE BURDEN ON THE INSTRUMENTED PLAT OF RECORD, WHILE COMPANY
ARE SHOWN ON THIS PLAT, SURVEYOR DID NOT ABSTRACT THAT THE COMPANY
FOR ONE SHALL USE SURVEYOR'S NAME AND ADDRESS AND INCREASED
ANY OTHER PURPOSE. SURVEYOR MAKES NO REPRESENTATION FOR THE USE.



PROLINE
SURVEYING LTD.
www.prolinesurveyors.com
Ph # 817-276-1148 info@prolinesurveyors.com

DRAWN BY: NH DATE: 1-27-14

SURVEY ONLY VALID WITH ORIGINAL SIGNATURE

This survey is hereby
accepted and approved,
Purchaser
Date



Staff Report



Development Plan DP13-8 (All Storage)	
City Council Meeting Date: 8-5-14	Document Being Considered: Ordinance

RECOMMENDATION

Following the public hearing, consider Development Plan DP13-8.

PRIOR BOARD OR COUNCIL ACTION

On September 1, 2004, the Planning and Zoning Commission recommended approval, by a vote of 9-0-0, of zoning amendment Z03-36/P03-36, a Planned Development for Community Service (PD-CS) uses plus warehouse and mini-warehouses with an accessory caretaker's quarters more than 800 square feet, and excluding the following uses: building and landscape materials, lumber sales, teen club, greenhouse, nursery, garden shop or plant sales, swimming pool, spa and accessory services, restaurant with a drive-thru, hospital, full service hotel, motel, residence hotel/motel, theatre, boat and accessory sales, convenience store with gasoline sales, large scale retail, recycling collection center, wholesale supply business, cemetery, mortuary, funeral chapel, outside storage of any kind, crop production, church, public or private school, day care facility, country club with golf course, public park, playground, transit passenger shelters, and utility lines, with a Development Plan.

On September 28, 2004, the City Council approved Z03-36/P03-36 on first reading by a vote of 9-0-0.

On October 12, 2004, the City Council tabled Z03-36/P03-36 until October 26, 2004, by a vote of 9-0-0. On October 26, 2004, Z03-36/P03-36 remained tabled by City Council. On November 9, 2004, the City Council tabled Z03-36/P03-36 indefinitely by a vote of 8-0-0.

On February 22, 2005, the City Council removed Z03-36/P03-36 from the table by a vote of 9-0-0 and approved on second and final reading by a vote of 8-1-0.

On April 16, 2014, the Planning and Zoning Commission continued Development Plan DP13-8 for a mini-storage facility until June 18, 2014, at the request of the applicant to allow them to address access issues from TxDOT right-of-way (South Watson Road) to their site.

On June 18, 2014, the Planning and Zoning Commission continued the case until July 16, 2014, at the request of the applicant to allow them to address access issues from TxDOT right-of-way (South Watson Road) to their site.

On July 16, 2014, the Planning and Zoning Commission recommended approval of DP13-8 with six stipulations by a vote of 7-0-0. The stipulations were as follows: 1) Incorporate more design features along the elevation of the 3-story building fronting State Highway 360, 2) provide faux glass on the first floor level of the 3-story building to make it look more like an office/retail space, 3) use a more subtle red color on the accent features of the buildings fronting State Highway 360, 4) on the one story buildings, use a more subdued brick color such as earth tones instead of the red brick, 5) add awnings/canopies over the windows on buildings I and M fronting State Highway 360, and 6) identify the double-sided wood fence on the southern property line such as Cedar or a like material.

ANALYSIS

Request - The applicant requests approval of a new development plan for a mini-warehouse use on approximately 8.454 acres zoned Planned Development (PD) for limited Community Commercial (CC) uses plus warehouse and mini-warehouse; addressed at 2500 Overbrook and 3000, 3050, 3100, and 3200 South Watson Road, and generally located south of Overbrook Drive and west of South Watson Road. The original development plan that was approved as a part of the PD in 2005 expired since the site was not developed within five years.

The subject site is still undeveloped with no trees, and has frontage on Overbrook Drive and South Watson Road, the frontage road for Highway 360. Currently, the approximate 8.5-acre site is platted as five lots. However, a replat for the site is being reviewed concurrently, which will combine four lots and reduce the total number of platted lots on the site to two. The new configuration will create one 6.79-acre lot and one 1.66-acre lot.

Adjacent Land Uses

The properties to the north and west of the subject site are zoned Residential (R) and developed with single family residences. The property to the south is zoned Planned Development (PD) for Multi-family (MF) uses and developed with a multi-family residential complex at 26.26 dwelling units per acre. The subject site is adjacent to Highway 360 on the east.

Development Plan

There will be two access points to the site, one on Overbrook Drive and the other on South Watson Road. The applicant is proposing to develop the subject property with a mini-warehouse use on the two lots. The mini-warehouse facility will consist of 12 total buildings. There will be one three-story building approximately 49 feet tall and 11 one-story red-brick buildings. The applicant revised their plans to comply with the stipulations requested by the Planning and Zoning Commission on July 16, 2014.

The three-story building will be a climate-controlled facility with a 1,500-square-foot office and 594 storage units accessible via internal corridors and elevators. The building will have a controlled access door for security. There will be six parking spaces located on the first floor of the building for closer proximity to the elevators.

The exterior building materials of the three-story building will consist of concrete tilt wall and textured concrete on all four elevations of the structure. At the northeast corner of the building, the applicant proposes the use of glass on all three levels to give the appearance of a contemporary office building. Smaller faux windows are also utilized on the third floor of all four elevations as well as a metal canopy on the north and south ends of the building as accent features. The primary colors for the building are beige and gray with red accents on the northeast and southeast corners of the building and on the center of the east façade. Other design features utilized to enhance the structure include varied roof heights and articulated cornice lines that encircle the building.

The single-story buildings will range in size from 4,000 square feet to 9,275 square feet and provide a total of 367 storage units in the 11 buildings. Each of those buildings will have earth-tone or tan colored brick exteriors with standing seam metal roofs. All roll-up doors for the storage units will be screened by walls, landscaping, or other buildings. Three access gates will be provided on site to secure these buildings.

Residential Adjacency and Transitional Buffers

The previous Zoning Ordinance required a height/setback ratio of 3:1 for non-residential structures when adjacent to residential properties, with special provisions that would allow for a reduction to 2:1 if met. The Unified Development Code (UDC) limits the maximum height of all structures in a non-residential district within 40 feet of the residential property line to 40 feet. Structures that are more than 40 feet from the residential property line do not have a maximum height limit. The only structure being proposed that is greater than 40 feet tall is over 100 feet away from any residential property line.

The UDC requires a screening device of six to eight feet in height constructed of masonry products, ornamental metal rail, composite fencing, or wood. The applicant proposes to use a six-foot tall, masonry wall along the property line that is adjacent to the single family residential properties. A new double-sided Cedar wood fence will be installed along the south property line adjacent to the multi-family property. The UDC requires a transitional buffer of 15 feet for commercial-zoned property with structures one to three-stories tall. The buffer area must contain one tree, three-inch caliper and 10 feet tall, for every 450 square feet of area. The applicant proposes to provide a 30-foot transitional buffer all property lines where the site is adjacent to residential properties. Within the transitional buffers, there will be four-inch caliper trees at the rate of one per 300 square feet. The applicant is proposing to use Lacebark Elm, Cedar Elm, and Deodar Cedar as their primary species in the transitional buffer area.

Other Landscaping

In addition to the landscaping in the transitional buffer, the applicant has provided the requisite landscape setback of 20 feet along South Watson Road (Highway 360 frontage road). The required number of canopy trees in the setback (one per 35 linear feet) has been provided as well as the curvilinear planting with shrubs to screen the on-site parking areas. Four-inch caliper Live Oak trees will be placed at the terminus of each parking row and four-foot screening shrubs surround the walls for each dumpster enclosure. In addition, the applicant proposes to enhance the entries to the site with ground covering and bulb flowers.

Sector Plan Review

The site is located within Arlington’s East Planning Sector. The *East Sector Plan* Land Use Policy Map identifies the property as “MF” (Multi-Family Residential), which is described as attached multi-family residential units with an average density of 14-22 units per acre. These are typically uses which can act as a transition between two land uses of significantly different intensities. The appropriate zoning is “MF14”, “MF18”, or “MF22”.

While the proposed Development Plan for mini-warehouses is not consistent with the East Sector Plan, it is in compliance with the previously approved zoning.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:	Ordinance with Exhibit A & B Case Information with P&Z Summary Development Plan (13 pages)
Under separate cover:	None
Available in the City Secretary’s office:	None

STAFF CONTACTS

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Nathaniel Barnett, AICP
Senior Planner
Community Development and Planning
817-459-6670
Nathaniel.Barnett@arlingtontx.gov

Ordinance No. _____

An ordinance adopting Development Plan DP13-8 on certain property known as 2500 Overbrook and 3000, 3050, 3100, and 3200 South Watson Road; zoned Planned Development (PD) for limited Community Commercial (CC) uses plus warehouse and mini-warehouse; amending the Zoning District Map accordingly; authorizing the building official to issue permits upon the effective date; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard and recommended approval of the Development Plan DP13-8 on July 16, 2014; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the Development Plan be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

Development of the property known as 2500 Overbrook and 3000, 3050, 3100, and 3200 South Watson Road, described in Exhibit A, zoned Planned Development (PD) for limited Community Commercial (CC) uses plus warehouse and mini-warehouse, shall be in conformance with the Development Plan DP13-8, which is hereby adopted as specified in this ordinance, Exhibit B, and the attached Development Plan.

2.

The Building Official is hereby authorized and directed to issue permits in compliance with this ordinance, including all exhibits attached to this ordinance, immediately after the effective date of this ordinance. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the ___ day of ___, 201_ at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the ___ day of ___, 201_ by a vote of ___ ayes and ___ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

DP13-8

EXHIBIT "A"

BEING approximately 8.454 acres of land with frontage on South Watson Road and Overbrook Drive, and is commonly known as Lots 1B, 1C, 1D, 1E and 1F, Block 35 of the Springridge Addition, an addition to the City of Arlington, Texas;

AND being generally located south of Overbrook Drive and west of South Watson Road with the approximate address being 2500 Overbrook and 3000, 3050, 3100, and 3200 South Watson Road.

DP13-8

EXHIBIT "B"

1. The zoning of this site is Planned Development (PD) for limited Community Commercial (CC) uses plus warehouse and mini-warehouse, with a development plan.
2. The subject property shall consist of one three-story climate controlled mini-warehouse building and 11 one-story mini-warehouse buildings.
3. The three-story mini-warehouse building shall utilize exterior building materials consisting of textured concrete wall, heavy fractured concrete tilt wall, and glass, with EIFS bands and metal rooftop canopies as accent features. The building shall also incorporate design features such as wall decorations and lighting sconces.
4. The red accent color on the three-story mini-warehouse building shall be subtle in nature and not of a fluorescent or neon hue.
5. The one-story mini-warehouse buildings that front on South Watson Road will be constructed with similar design features of the three-story mini-warehouse building, utilizing the same type of building materials and accent features.
6. The one-story mini-warehouse buildings that front on South Watson Road shall incorporate awnings/canopies over the windows facing South Watson Road.
7. The other one-story mini-warehouse buildings shall be constructed with earth-tone or tan colored bricks.
8. A six-foot masonry wall shall be placed along the property line adjacent to single family residential properties on the west side of the subject property and a portion along the north property line.
9. A six-foot double-sided Cedar wood fence shall be placed along the southern property line adjacent to the multi-family property.
10. Use and development of the property must be in compliance with attached development plan (pages 1-13).
11. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.

Case Information



- Applicant:** Quine & Associates represented by Coy Quine
- Property Owner:** Plains Capital Bank
- Sector Plan:** East
- Council District:** 5
- Development History:** The subject site is currently platted as Lots 1B, 1C, 1D, 1E, and 1F, Block 35 of the Springridge Addition.
- No previous zoning cases have occurred in the general vicinity within the past five years.
- Transportation:** The proposed development has 2 points of access. One point of access is from Overbrook Drive and the other is from South Watson Road (State Highway 360 frontage road).
- | Thoroughfare | Existing | Proposed |
|-------------------|--------------------------------------|--------------------------------------|
| State Highway 360 | 500-foot, 2-lane frontage road | 500-foot, 2-lane frontage road |
| Overbrook Drive | 60-foot, 2-lane undivided local road | 60-foot, 2-lane undivided local road |
- Traffic Impact:** Since no change to the zoning is proposed, the development should generate similar traffic patterns as previously anticipated.
- Water & Sewer:** Water and Sanitary Sewer are available in Overbrook Drive and State Highway 360.
- Drainage:** The site is located in the North Fish Creek drainage basin.
- The site has no portion within the FEMA floodplain.
- No significant drainage impacts are expected to result from development of this site as long as all relevant city ordinances are complied with.
- Fire:** Fire Station Number 2, located at 1727 Sherry Street, provides protection to this site. The estimated fire response time is less than five minutes, which is in keeping with recommended standards.
- School District:** Arlington Independent School District

Case Information



Notices Sent:

Neighborhood

Associations:

ACTION North
Arlington Chamber of Commerce
Arlington Neighborhood Council
Central Arlington Property Owners, Inc.
East Arlington Renewal
East Arlington Review
Far South Arlington Neighborhood Assn
Forest Hills HOA
Northern Arlington Ambience
WeCan (West Citizen Action Network)

Property Owners: 48

Letters of Support: 0

Letter of Opposition: 0

PLANNING AND ZONING COMMISSION SUMMARY:

Public Hearing: April 16, 2014

Development Plan DP13-8 (All Storage - 2500 Overbrook Drive and 3000, 3050, 3100, and 3200 South Watson Road)

Application for approval of a development plan on approximately 8.454 acres zoned Planned Development (PD) for Community Service (CS) uses plus a mini-warehouse; generally located south of Overbrook Drive and west of South Watson Road.

Per the applicant's request, this case was continued to the June 18, 2014, meeting.

CONTINUED

PLANNING AND ZONING COMMISSION SUMMARY:

Public Hearing: June 18, 2014

CONTINUED (from 4-16-14) Development Plan DP13-8 (All Storage - 2500 Overbrook Drive and 3000, 3050, 3100, and 3200 South Watson Road)

Application for approval of a development plan on approximately 8.454 acres zoned Planned Development (PD) for Community Service (CS) uses plus a mini-warehouse; generally located south of Overbrook Drive and west of South Watson Road.

Per the applicant's request, this case was continued to the July 16, 2014 meeting.

CONTINUED

Case Information



PLANNING AND ZONING COMMISSION SUMMARY:

Public Hearing: July 16, 2014

CONTINUED (from 6-18-14) Development Plan DP13-8
(All Storage - 2500 Overbrook Drive and 3000, 3050, 3100, and 3200 South Watson Road)

Application for approval of a development plan on approximately 8.454 acres zoned Planned Development (PD) for Commercial (CC) uses plus a mini-warehouse; generally located south of Overbrook Drive and west of South Watson Road.

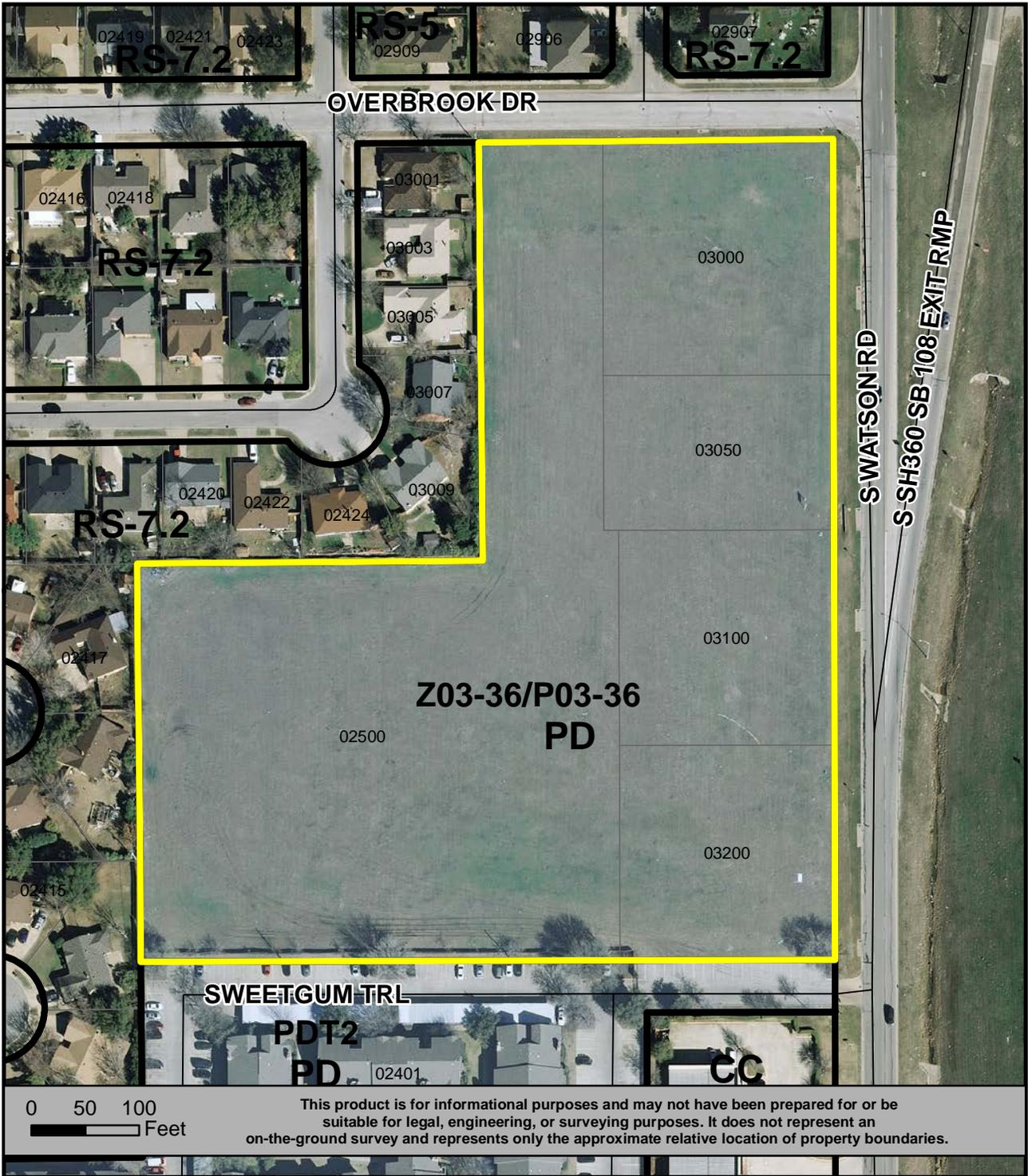
Present to speak in support of this case were Coy Quine, 301 South Sherman, suite 100, Richardson, 75081; and Mike Long, 7107 Truver Lane, 76001.

Commissioner Smith III moved to Approve Development Plan DP13-8 with the following stipulations:

1. Incorporate more design features along the elevation of the 3-story building fronting State Highway 360
2. Provide faux glass on the first floor level of the 3-story building to make it look more like an office/retail space
3. Use a more subtle red color on the accent features of the buildings fronting State Highway 360
4. On the one story buildings, use a more subdued brick color such as earth tones instead of the red brick
5. Add awnings/canopies over the windows on buildings I and M fronting State Highway 360
6. Identify the double-sided wood fence on the southern property line such as Cedar or a like material

Seconded by Commissioner Talambas, the motion was approved by a vote of 7-0-0.

APPROVED



**LOCATION MAP
DP13-8**

 **DEVELOPMENT PLAN FOR
A MINI-WAREHOUSE
8.454 ACRES**





DP13-8

South of Overbrook Drive and west of South Watson Road



Subject property. View south.



View west of subject property.



View north of subject property.



View east of subject property.

LANDSCAPE TABLE - LOT 2BR	
1. Street trees required	15 trees
1 tree / 35 LF (minus drive)	
Street trees provided	15 trees
2. Parking spaces required	
1 space / 20 stalls (warehouse units)	2 spaces
Parking spaces provided	2 spaces
3. Parking island trees required	
1 tree per 10 spaces	1 tree
Parking island trees provided	1 tree
4. Transitional buffer trees required	
1 tree / 600 SF	11 trees
Transitional buffer trees provided	20 trees
5. Non paved area	0.62 AC / 37%

LANDSCAPE TABLE - LOT 1BR	
1. Street trees required	15 trees
1 tree / 35 LF (minus drive)	
Street trees provided	15 trees
2. Parking spaces required	
1 space / 20 stalls (warehouse units)	48 spaces
3 spaces / per 1500 SF (office)	5 spaces
Parking spaces provided	53 spaces
3. No excess parking tree required	
4. Parking island trees required	5 trees
1 tree per 10 spaces	
Parking island trees provided	5 trees
5. Transitional buffer trees required	72 trees
1 tree / 600 SF	
Transitional buffer trees provided	86 trees
6. Non paved area	1.94 AC/41%

SPRINGRIDGE OFFICE/WAREHOUSE/STORAGE UNITS - LOT 1BR				
Storage Bldg.	Units	Size	SF	Total SF
Bldg. A*	82	5x5	25	2,050
	212	10x10	100	21,200
	264	15x10	150	39,600
	18	25x10	250	4,500
	18	30x10	300	5,400
Bldg. B	6	5x5	25	150
	26	10x10	100	2,600
	26	20x10	200	5,200
Bldg. C	7	5x5	25	175
	26	10x10	100	2,600
	26	25x10	250	6,500
Bldg. D	6	5x5	25	150
	52	15x10	150	7,800
Bldg. E	7	5x5	25	175
	26	15x10	150	3,900
	26	20x10	200	5,200
Bldg. F	6	5x5	25	150
	26	10x10	100	2,600
	26	10x20	200	5,200
Bldg. G	30	10x20	200	6,000
Bldg. H	13	12.5x35	437.5	5,688
Bldg. I	12	12.5x40	500	6,000
Bldg. J	20	25x10	250	5,000
Total	961			132,838

Self Storage Buildings			
Bldg.	Size	Pad SF	Rentable SF
Bldg. A	140x240	102,306	72,750
Bldg. B	30x265	7,950	7,950
Bldg. C	35x265	9,275	9,275
Bldg. D	30x265	7,950	7,950
Bldg. E	35x265	9,275	9,275
Bldg. F	30x265	7,950	7,950
Bldg. G	10x20	6,000	6,000
Bldg. H	35x162.5	5,688	5,688
Bldg. I	40x150	6,000	6,000
Bldg. J	50x100	5,000	5,000
Total Bldg. SF			167,394
Total Rentable SF			132,838
Total Non-Rentable SF			34,556
Climate Control SF			72,750

SPRINGRIDGE OFFICE/WAREHOUSE/STORAGE UNITS - LOT 1BR				
Storage Bldg.	Units	Size	SF	Total SF
Bldg. K	12	12.5x40	500	6,000
Bldg. L	16	12.5x30	375	6,000
Bldg. M	8	12.5x40	500	4,000
Total	36			16,000

Self Storage Buildings			
Bldg.	Size	Pad SF	Rentable SF
Bldg. K	40x150	6,000	6,000
Bldg. L	60x100	6,000	6,000
Bldg. M	40x100	4,000	4,000
Total Bldg. SF			16,000

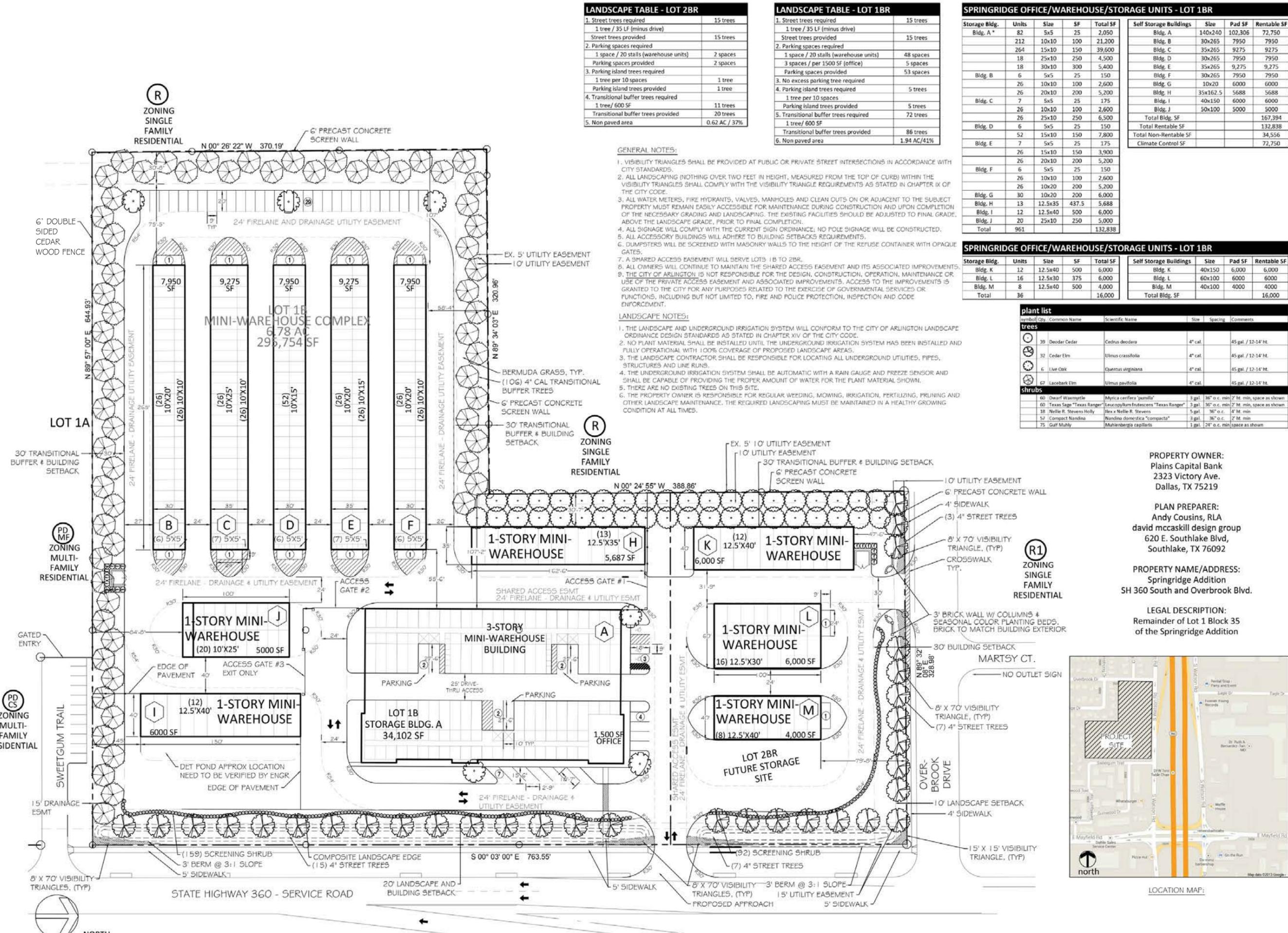
plant list					
Symbol	Common Name	Scientific Name	Size	Spacing	Comments
trees					
38	Deodar Cedar	Cedrus deodara	4" cal.	45 gal. / 12-14' Ht.	
32	Cedar Elm	Ulmus crassifolia	4" cal.	45 gal. / 12-14' Ht.	
6	Live Oak	Quercus virginiana	4" cal.	45 gal. / 12-14' Ht.	
67	Lacebark Elm	Ulmus pavifolia	4" cal.	45 gal. / 12-14' Ht.	
shrubs					
60	Dwarf Waxmyrtle	Myrica cerifera 'pumila'	3 gal.	36" o.c. min 2' Ht. min. space as shown	
60	Texas Sage "Texas Ranger"	Leucophyllum frutescens "Texas Ranger"	3 gal.	36" o.c. min 2' Ht. min. space as shown	
18	Madia R. Stevens Holly	Ilex x Madia R. Stevens	5 gal.	36" o.c. 4' Ht. min	
52	Compact Nandina	Nandina domestica "compacta"	3 gal.	36" o.c. 2' Ht. min	
75	Gulf Muhly	Muhlenbergia capillaris	1 gal.	24" o.c. min. space as shown	

GENERAL NOTES:

- VISIBILITY TRIANGLES SHALL BE PROVIDED AT PUBLIC OR PRIVATE STREET INTERSECTIONS IN ACCORDANCE WITH CITY STANDARDS.
- ALL LANDSCAPING (NOTHING OVER TWO FEET IN HEIGHT, MEASURED FROM THE TOP OF CURB) WITHIN THE VISIBILITY TRIANGLES SHALL COMPLY WITH THE VISIBILITY TRIANGLE REQUIREMENTS AS STATED IN CHAPTER IX OF THE CITY CODE.
- ALL WATER METERS, FIRE HYDRANTS, VALVES, MANHOLES AND CLEAN OUTS ON OR ADJACENT TO THE SUBJECT PROPERTY MUST REMAIN EASILY ACCESSIBLE FOR MAINTENANCE DURING CONSTRUCTION AND UPON COMPLETION OF THE NECESSARY GRADING AND LANDSCAPING. THE EXISTING FACILITIES SHOULD BE ADJUSTED TO FINAL GRADE ABOVE THE LANDSCAPE GRADE, PRIOR TO FINAL COMPLETION.
- ALL SIGNAGE WILL COMPLY WITH THE CURRENT SIGN ORDINANCE; NO POLE SIGNAGE WILL BE CONSTRUCTED.
- ALL ACCESSORY BUILDINGS WILL ADHERE TO BUILDING SETBACKS REQUIREMENTS.
- DUMPSTERS WILL BE SCREENED WITH MASONRY WALLS TO THE HEIGHT OF THE REFUSE CONTAINER WITH OPAQUE GATES.
- A SHARED ACCESS EASEMENT WILL SERVE LOTS 1B TO 2BR.
- ALL OWNERS WILL CONTINUE TO MAINTAIN THE SHARED ACCESS EASEMENT AND ITS ASSOCIATED IMPROVEMENTS.
- THE CITY OF ARLINGTON IS NOT RESPONSIBLE FOR THE DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE OR USE OF THE PRIVATE ACCESS EASEMENT AND ASSOCIATED IMPROVEMENTS. ACCESS TO THE IMPROVEMENTS IS GRANTED TO THE CITY FOR ANY PURPOSES RELATED TO THE EXERCISE OF GOVERNMENTAL SERVICES OR FUNCTIONS, INCLUDING BUT NOT LIMITED TO, FIRE AND POLICE PROTECTION, INSPECTION AND CODE ENFORCEMENT.

LANDSCAPE NOTES:

- THE LANDSCAPE AND UNDERGROUND IRRIGATION SYSTEM WILL CONFORM TO THE CITY OF ARLINGTON LANDSCAPE ORDINANCE DESIGN STANDARDS AS STATED IN CHAPTER XIV OF THE CITY CODE.
- NO PLANT MATERIAL SHALL BE INSTALLED UNTIL THE UNDERGROUND IRRIGATION SYSTEM HAS BEEN INSTALLED AND FULLY OPERATIONAL WITH 100% COVERAGE OF PROPOSED LANDSCAPE AREAS.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES, PIPES, STRUCTURES AND LINE RUNS.
- THE UNDERGROUND IRRIGATION SYSTEM SHALL BE AUTOMATIC WITH A RAIN GAUGE AND FREEZE SENSOR AND SHALL BE CAPABLE OF PROVIDING THE PROPER AMOUNT OF WATER FOR THE PLANT MATERIAL SHOWN.
- THERE ARE NO EXISTING TREES ON THIS SITE.
- THE PROPERTY OWNER IS RESPONSIBLE FOR REGULAR WEEDING, MOWING, IRRIGATION, FERTILIZING, PRUNING AND OTHER LANDSCAPE MAINTENANCE. THE REQUIRED LANDSCAPING MUST BE MAINTAINED IN A HEALTHY GROWING CONDITION AT ALL TIMES.



SPRINGRIDGE

ARLINGTON, TEXAS

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no.	date	revision

date: 7.07.2014

drawn by: AC

project no: 50-13

PROPERTY OWNER:
Plains Capital Bank
2323 Victory Ave.
Dallas, TX 75219

PLAN PREPARER:
Andy Cousins, RLA
david mccaskill design group
620 E. Southlake Blvd,
Southlake, TX 76092

PROPERTY NAME/ADDRESS:
Springridge Addition
SH 360 South and Overbrook Blvd.

LEGAL DESCRIPTION:
Remainder of Lot 1 Block 35
of the Springridge Addition



david mccaskill design group
landscape architecture / park, trail and recreation planning
david@mccaskilldesign.com
620 E southlake blvd • southlake, tx 76092 / 817.709.2084

sheet LA.1

CONCEPT DEVELOPMENT PLAN

REVISIONS:

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RELIABLE
COMMERCIAL CONSTRUCTION, INC.

General Contractor:
Reliable Commercial Construction, Inc.
1903 N. Peyco Drive
Arlington, Texas 76001
Tel: (817) 467-0779 Fax: (817) 467-9148

Developer:
Quine and Associates
301 S. Sherman, Suite 100 Richardson, Texas 75081
Tel. (972) 669-8440

Project:
ALL STORAGE ARLINGTON, TX
2500 OVERBROOK DR. ARLINGTON, TEXAS 76014

DRAWN BY:
O.V.

SCALE:
1" = 40'

DATE:
07/18/2014

FILE NUMBER:
SITE.DWG

SHEET:

A1.0

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- SITE PLAN NOTES:**
- REQUIREMENTS ARE BEING MET FOR A VARIANCE ON THE BUILDING HEIGHT SETBACK REQUIREMENT FROM 135' TO 91' AND IN ACCORDANCE TO SEC. 11-1000 OF THE CITY OF ARLINGTON ZONING ORDINANCE. Section 3 variance requirements:
3a: Place a 6' masonry wall when adjacent to residential
3b: All trees in the transitional buffer be 4" caliper, planted at 1 tree per every 300 sf, and 50% of these trees be evergreen trees and the other 50% be deciduous.
REFER TO LANDSCAPE/DEVELOPMENT PLAN
 - LOT 2BR IS NOT BEING DEVELOPED AT THIS TIME.
 - BUILDING DESIGN FOR LOT 2BR WILL BE UNIFORM WITH THE BUILDING DESIGN OF THE LOT 1BR ONE-STORY STRUCTURES.

PARKING REQUIREMENTS:

LOT:	BUILDING SF	REQUIRED SPACES	PROVIDED SPACES
LOT 1BR	1 SPACE PER 20 STALLS (WAREHOUSE UNITS)	53	53
LOT 1BR	ACCESSIBLE SPACES	3	3
LOT 2BR	1 SPACE PER 20 STALLS (WAREHOUSE UNITS)	2	2

DUMPSTER ENCLOSURE MATERIALS:

DUMPSTER ENCLOSURE WALLS SHALL BE 8 FT. WALLS WILL BE CONSTRUCTED OF CMU BLOCK WITH BRICK VENEER TO MATCH BUILDINGS WITH AN APPROVED METAL (OPAQUE) GATE.

LOT 1BR AND 2BR BUILDING HEIGHTS

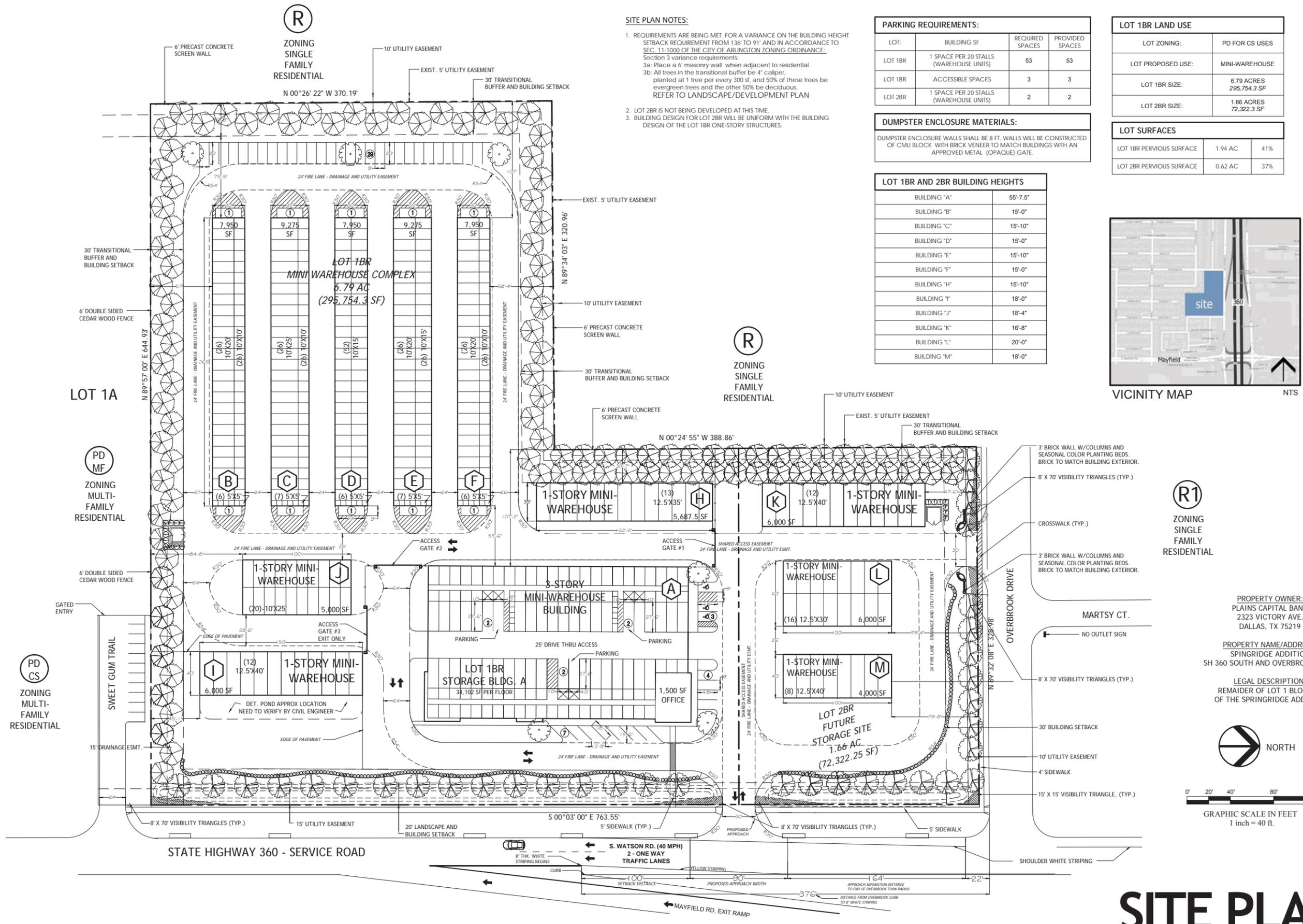
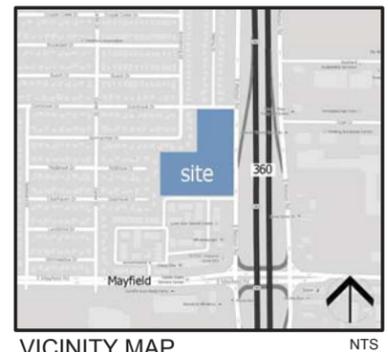
BUILDING "A"	55'-7.5"
BUILDING "B"	15'-0"
BUILDING "C"	15'-10"
BUILDING "D"	15'-0"
BUILDING "E"	15'-10"
BUILDING "F"	15'-0"
BUILDING "H"	15'-10"
BUILDING "I"	18'-0"
BUILDING "J"	18'-4"
BUILDING "K"	16'-8"
BUILDING "L"	20'-0"
BUILDING "M"	18'-0"

LOT 1BR LAND USE

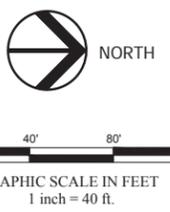
LOT ZONING:	PD FOR CS USES
LOT PROPOSED USE:	MINI-WAREHOUSE
LOT 1BR SIZE:	6.79 ACRES 295,754.3 SF
LOT 2BR SIZE:	1.66 ACRES 72,322.3 SF

LOT SURFACES

LOT 1BR PERVIOUS SURFACE	1.94 AC	41%
LOT 2BR PERVIOUS SURFACE	0.62 AC	37%



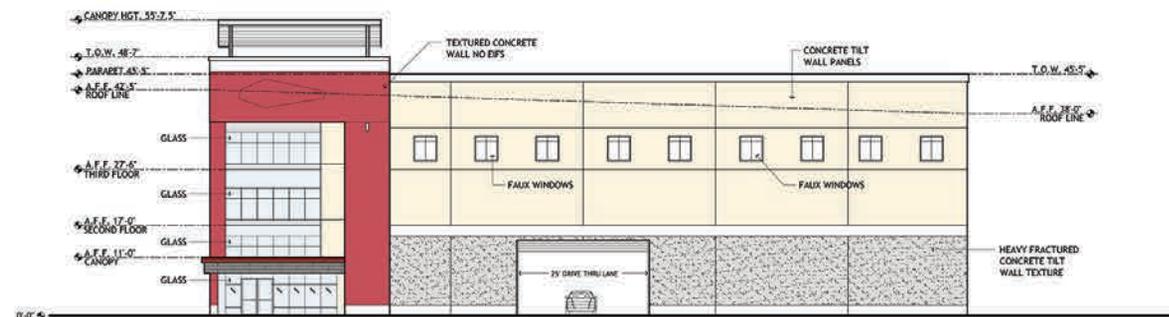
R1
ZONING
SINGLE
FAMILY
RESIDENTIAL



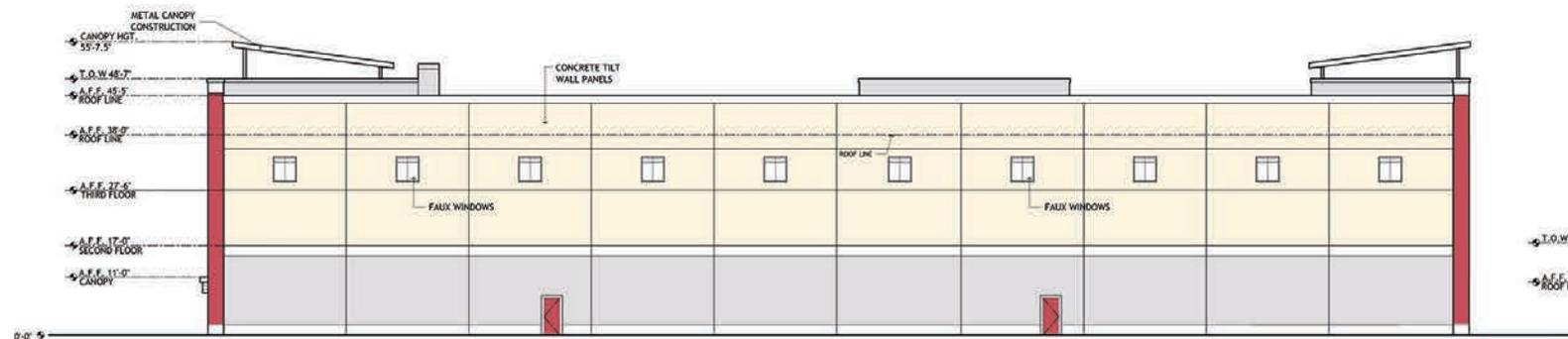
SITE PLAN



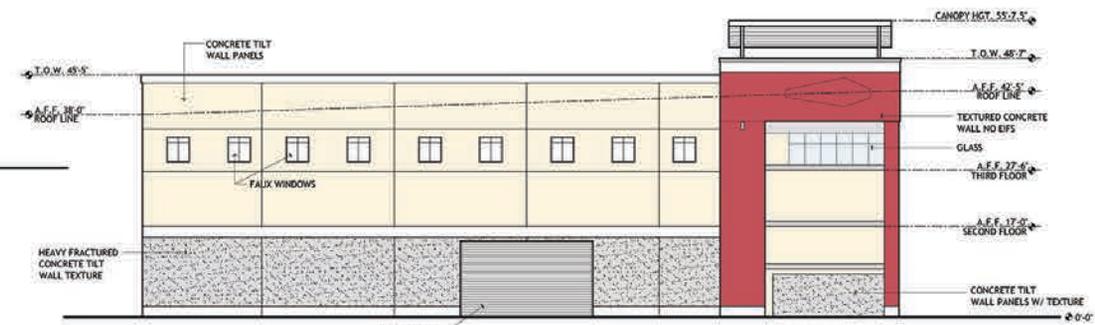
1 PRELIMINARY EAST ELEVATION (FRONT)
SCALE: 1/16" = 1'-0"



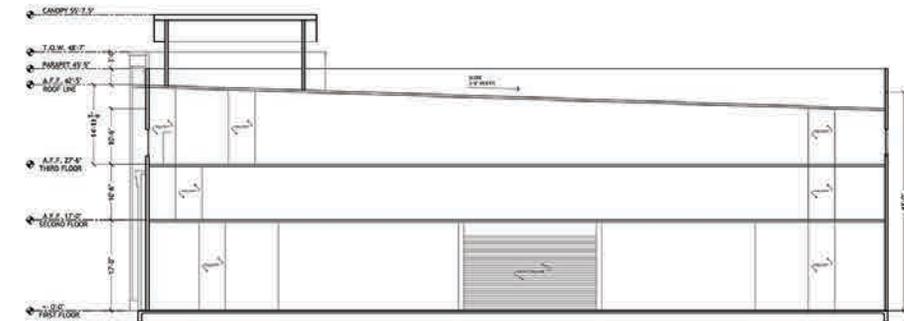
2 PRELIMINARY NORTH ELEVATION (RIGHT)
SCALE: 1/16" = 1'-0"



3 PRELIMINARY WEST ELEVATION (REAR)
SCALE: 1/16" = 1'-0"



4 PRELIMINARY SOUTH ELEVATION (LEFT)
SCALE: 1/16" = 1'-0"



A PRELIM. BUILDING SECTION
SCALE: 1/16" = 1'-0"

GENERAL NOTES:

- HEIGHT OF WALL, ROOF, AND PARAPET SHOWN ON ELEV. ARE APPROX. TAKEN FROM THE BUILDING FINISH FLOOR EXACT DIM. TO BE DETERMINED PER MANUFACTURER'S REG. AND STANDARD DETAILS FOR METAL ROOFING SYSTEM.
- ALL NOTES, DIM., DETAIL REFERENCES AND INFO. SHOWN ON THIS SHT. ARE REPEATING AND TYP. FOR ALL FLOOR PLANS AND ELEVATIONS. DIMENSIONS ARE TO FACE OF C.M.U. AND/OR METAL STUD OR WOOD.
- ALL HALLWAYS ARE TO BE 5'-0" CLEAR FROM FINISHED WALL TO FINISHED WALL.
- VERIFY GRADES @ BUILDING LINE W/ CIVIL ENGINEERING DRAWINGS.

CITY OF ARLINGTON DESIGN ELEMENTS	
ZONING 8-300 / SECTION (60) STRUCTURES OVER 20,000 SF MUST INCLUDE SIX (6) OF THE FOLLOWING ARCHITECTURAL DESIGN FEATURES LISTED BELOW:	
● 1	CANOPIES, AWNINGS, ARCADES, COVERED WALKWAYS OR PORTICOS
● 2	RECESSES, PROJECTIONS, COLUMNS, PILASTERS PROJECTING FROM THE PLANES, OFFSETS, REVEALS, OR PROJECTING RIBS USED TO EXPRESS ARCHITECTURAL OR STRUCTURAL BAYS
● 3	VARIED ROOF HEIGHTS FOR PITCHED, PEAKED, SLOPED OR FLAT ROOF STYLES
● 4	ARTICULATED CORNICE LINE
● 5	ARCHES
● 6	DISPLAY WINDOWS, FAUX WINDOWS, OR DECORATIVE WINDOWS
● 7	ARCHITECTURAL DETAILS (SUCH AS TILE WORK AND HOLDING) OR ACCENT MATERIALS INTEGRATED INTO THE BUILDING FACADE
● 8	INTEGRATED PLANTERS OR WING WALLS THAT INCORPORATE LANDSCAPING AND SITTING AREAS OR OUTDOOR PATIOS
● 9	INTEGRATED WATER FEATURES
● 10	OTHER ARCHITECTURAL FEATURES APPROVED BY THE DIRECTOR OF COMMUNITY DEVELOPMENT AND PLANNING

REVISIONS:



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Tel. (972) 669-8440

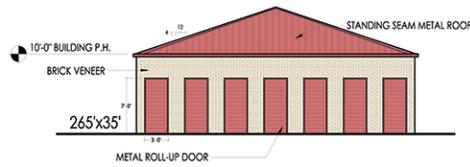
Project:
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2500 OVERBROOK DR. ARLINGTON, TEXAS 76014

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SCALE
1/16" = 1'-0"
DATE
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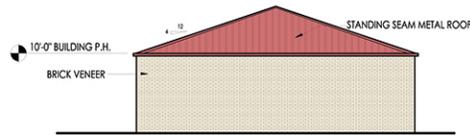
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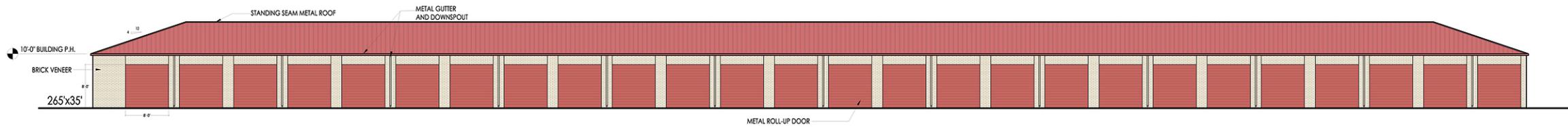
BUILDING ELEVATIONS



1 BUILDING "C & E" EAST ELEVATION
SCALE: 3/32" = 1'-0"



2 BUILDING "C & E" WEST ELEVATION
SCALE: 3/32" = 1'-0"



3 BUILDING "C & E" NORTH ELEVATION
SCALE: 3/32" = 1'-0"



4 BUILDING "C & E" SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

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Project:
ALL STORAGE ARLINGTON, TX
2500 OVERBROOK DR., ARLINGTON, TEXAS 76014

DRAWN BY:
O.V.
SCALE:
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DATE:
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FILE NUMBER:
ELEV.DWG
SHEET:

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BUILDING ELEVATIONS

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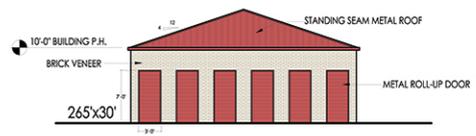
Developer:
Quine and Associates
 301 S. Sherman, Suite 100 Richardson, Texas 75081
 Tel. (972) 669-6440

Project:
ALL STORAGE ARLINGTON, TX
 2500 OVERBROOK DR. ARLINGTON, TEXAS 76014

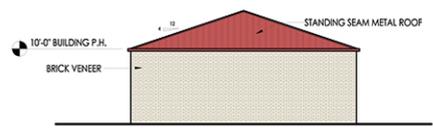
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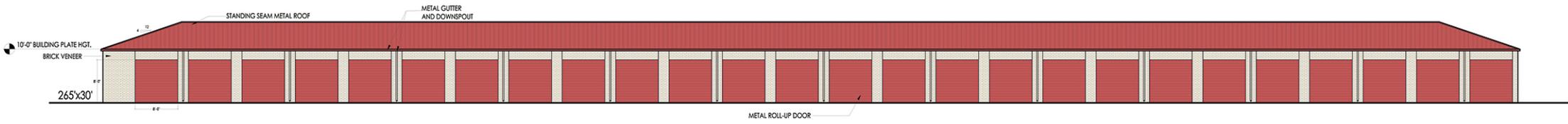
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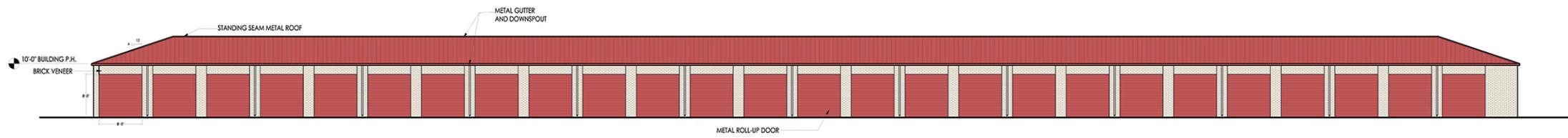
1 BUILDING "B, D, F" EAST ELEVATION
 SCALE: 3/32" = 1'-0"



2 BUILDING "B, D, F" WEST ELEVATION
 SCALE: 3/32" = 1'-0"



3 BUILDING "B, D, F" NORTH ELEVATION
 SCALE: 3/32" = 1'-0"



4 BUILDING "B, D, F" SOUTH ELEVATION
 SCALE: 3/32" = 1'-0"

BUILDING ELEVATIONS

REVISIONS:	
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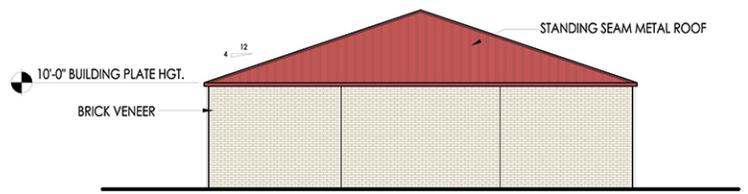
Developer:
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Tel. (972) 669-8440

Project:
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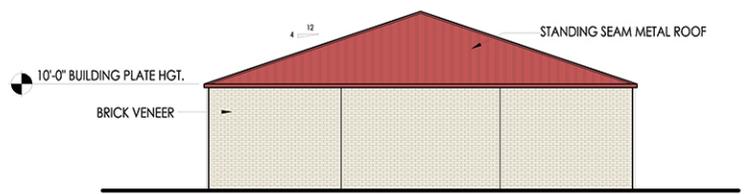
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FILE NUMBER:
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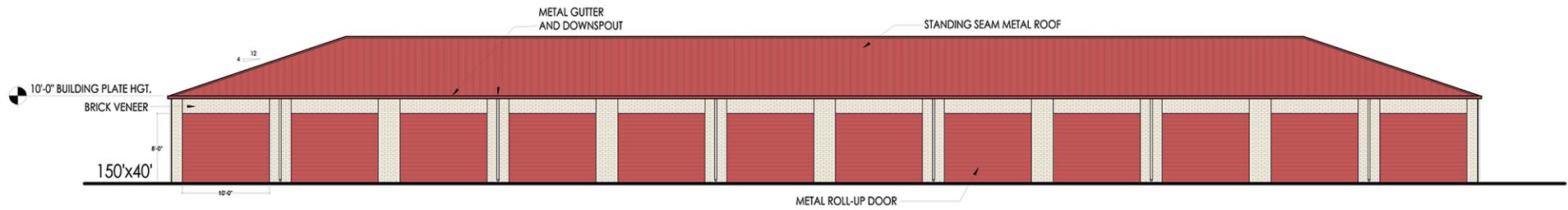
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1 BUILDING "I" NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 BUILDING "I" SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING "I" EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 BUILDING "I" WEST ELEVATION
SCALE: 1/8" = 1'-0"

BUILDING I ELEVATIONS

REVISIONS:	
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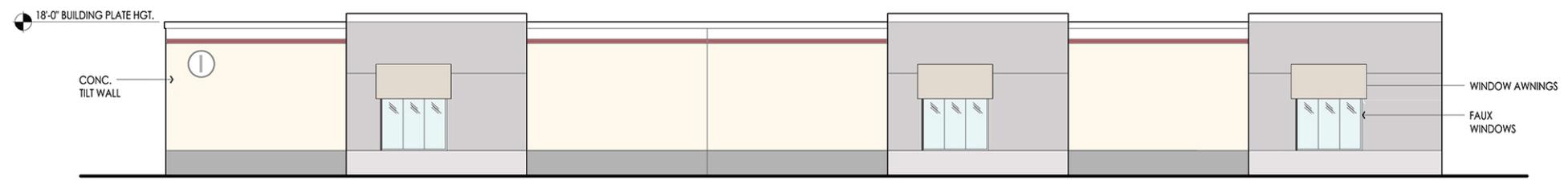
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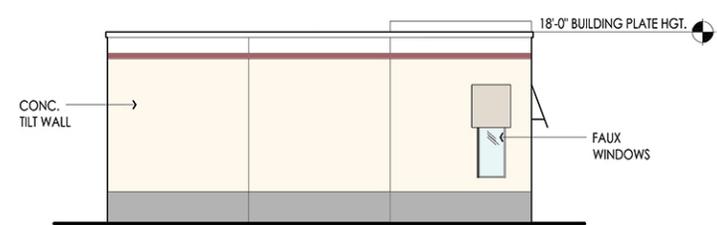
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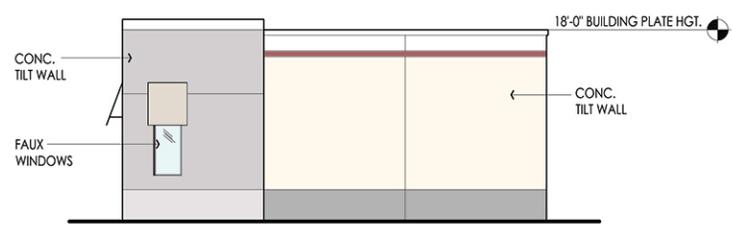
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SCALE: 1/8" = 1'-0"



2 BUILDING "I" EAST ELEVATION
SCALE: 1/8" = 1'-0"

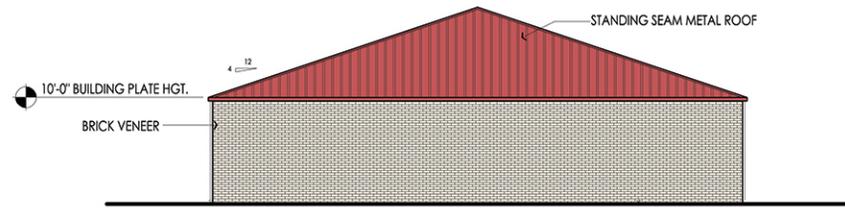


3 BUILDING "I" SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

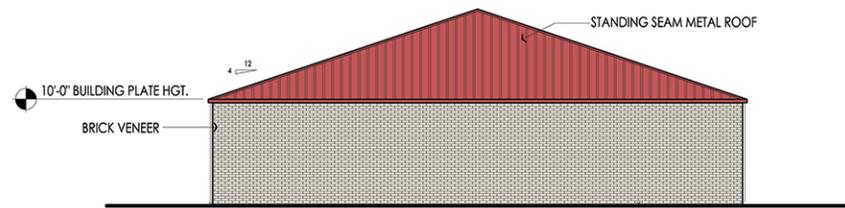


4 BUILDING "I" NORTH ELEVATION
SCALE: 1/8" = 1'-0"

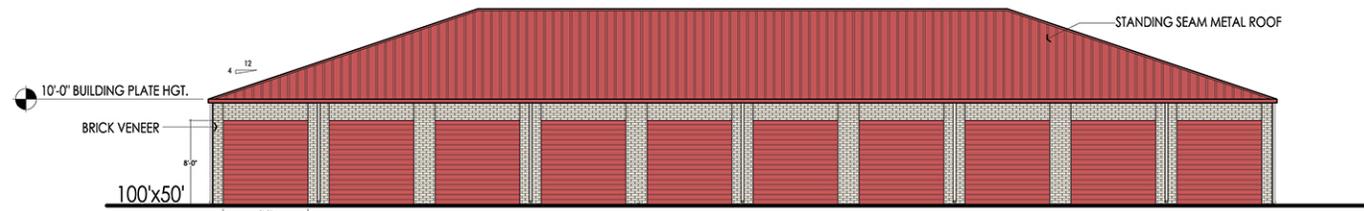
BUILDING I ELEVATIONS



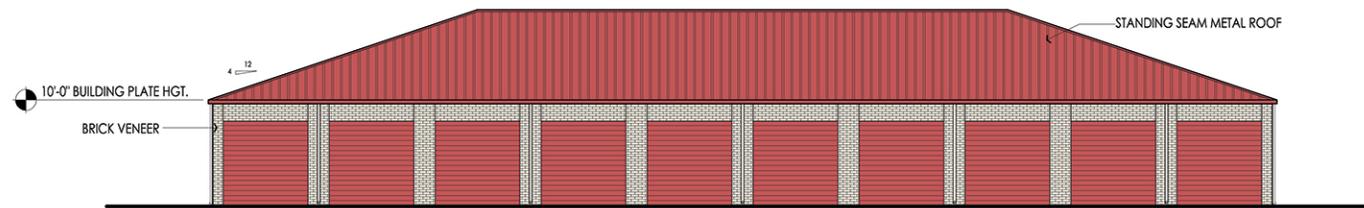
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SCALE: 1/8" = 1'-0"



2 BUILDING "J" SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING "J" EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 BUILDING "J" WEST ELEVATION
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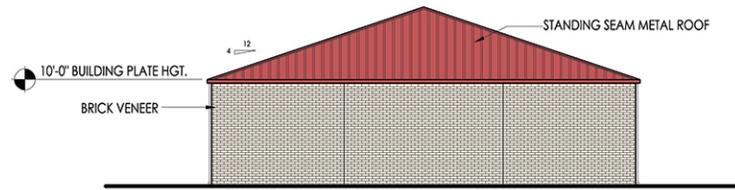
Project:
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2500 OVERBROOK DR., ARLINGTON, TEXAS 76014

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SCALE:
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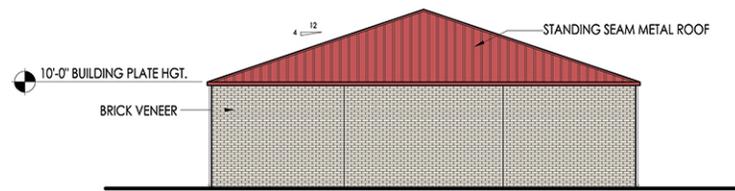
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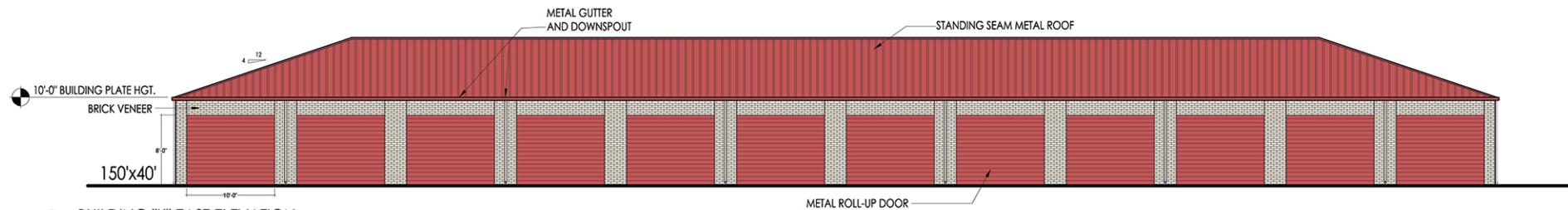
BUILDING J ELEVATIONS



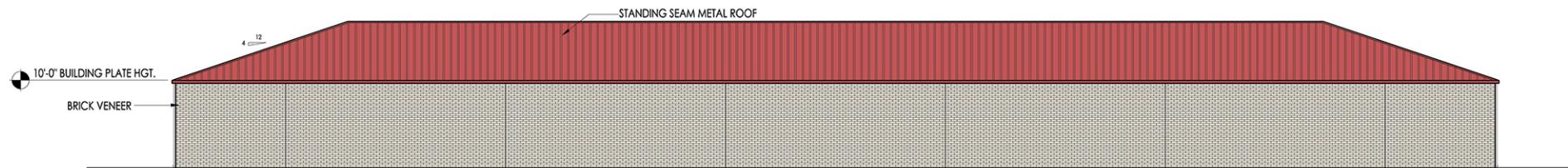
1 BUILDING "K" NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 BUILDING "K" SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING "K" EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 BUILDING "K" WEST ELEVATION
SCALE: 1/8" = 1'-0"

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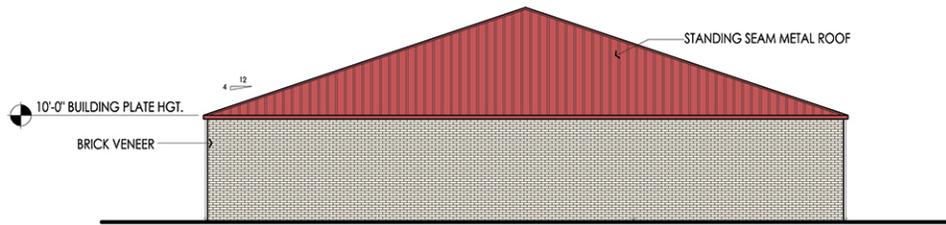
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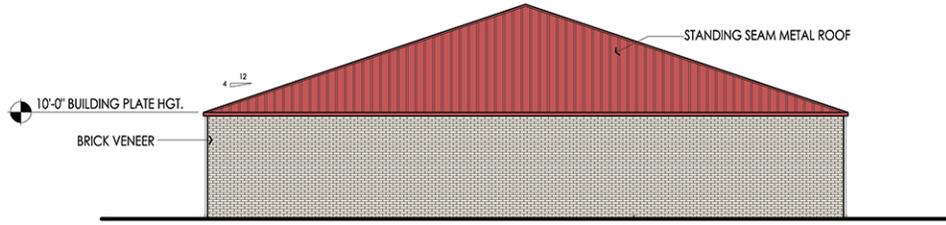
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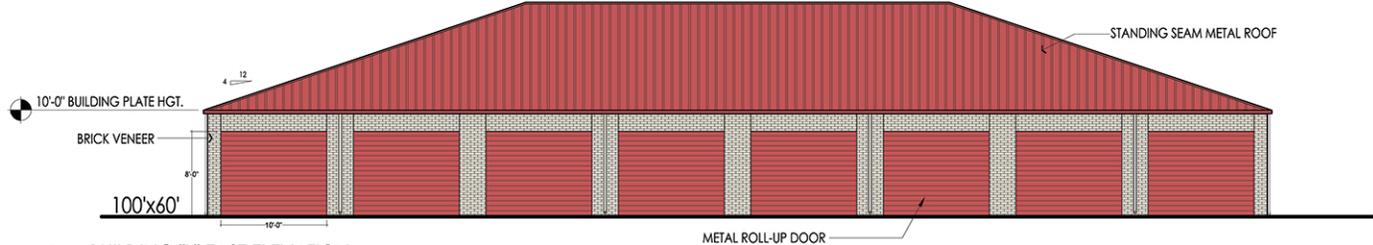
BUILDING K ELEVATIONS



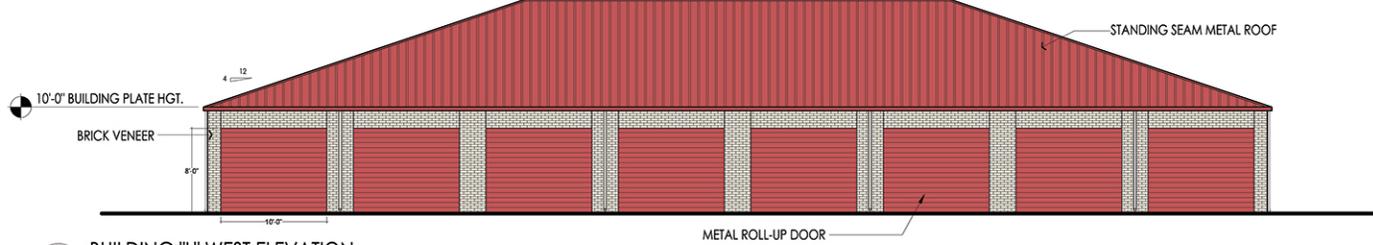
1 BUILDING "L" NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 BUILDING "L" SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3 BUILDING "L" EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 BUILDING "L" WEST ELEVATION
SCALE: 1/8" = 1'-0"

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BUILDING L ELEVATIONS

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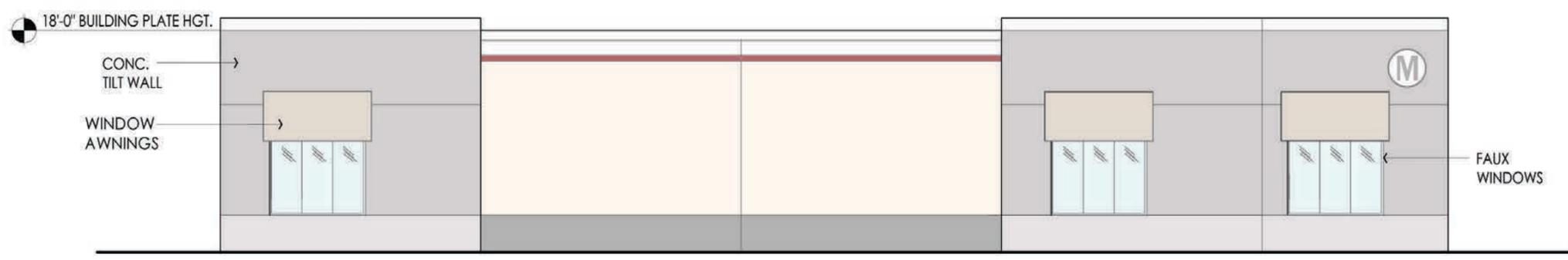
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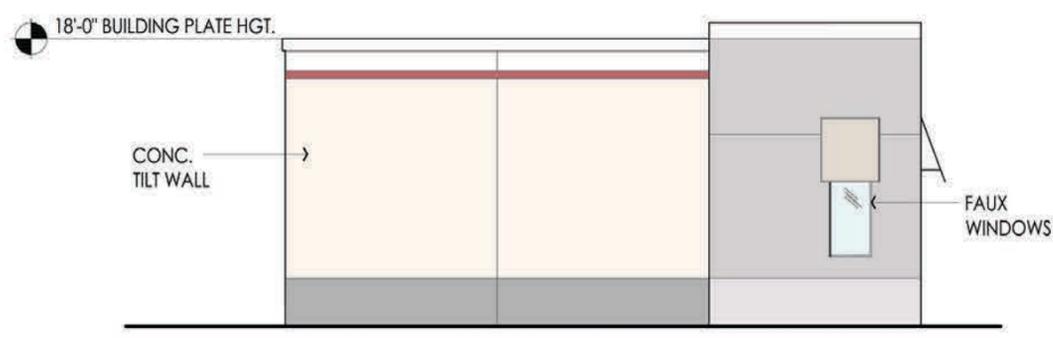
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 FILE NUMBER:
 ELEV.DWG
 SHEET:

A10

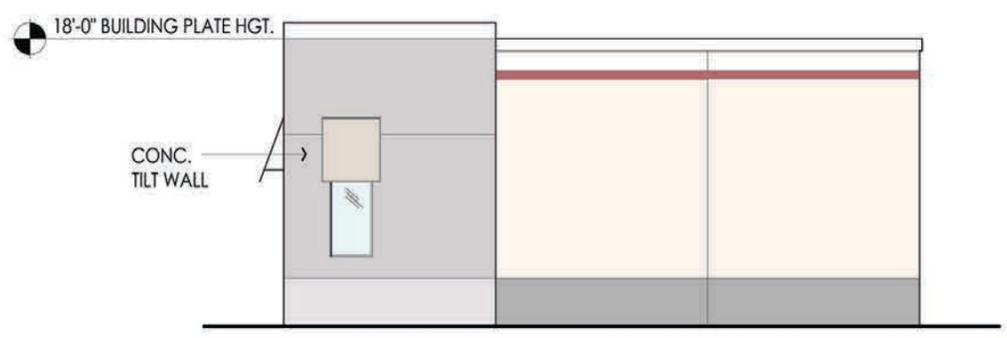
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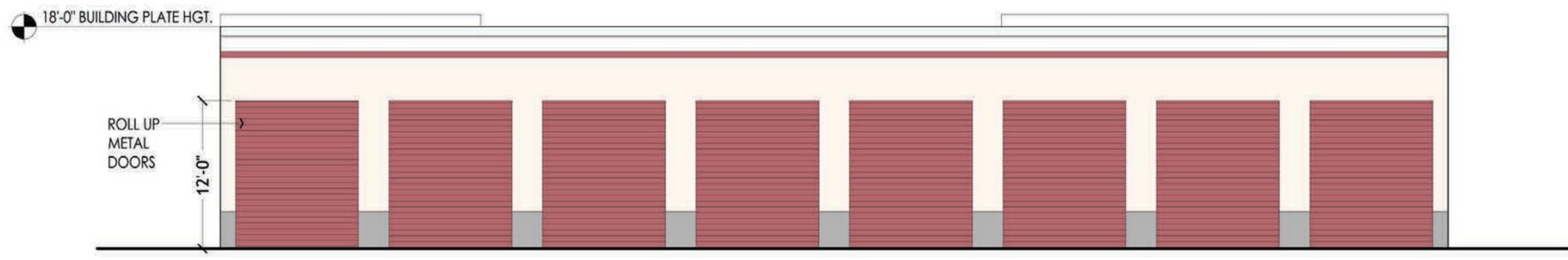
1 BUILDING "M" EAST ELEVATION
 SCALE: 3/16" = 1'-0"



2 BUILDING "M" SOUTH ELEVATION
 SCALE: 3/16" = 1'-0"

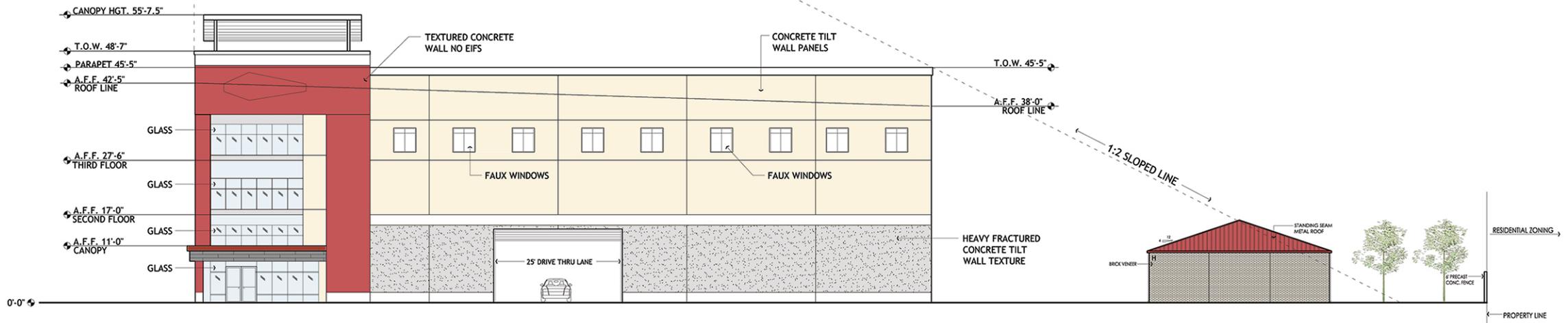


3 BUILDING "M" NORTH ELEVATION
 SCALE: 3/16" = 1'-0"



4 BUILDING "M" WEST ELEVATION
 SCALE: 3/16" = 1'-0"

BUILDING M ELEVATIONS



① NORTH LINE OF SIGHT
SCALE: 3/32" = 1'-0"

REVISIONS:
 △
 △
 △
 △
RELIABLE
 COMMERCIAL CONSTRUCTION, INC.

General Contractor:
Reliable Commercial Construction, Inc.
 1903 N. Peyco Dr. Arlington, Texas 76001
 Tel. (817) 467-0779 Fax: (817) 467-9148

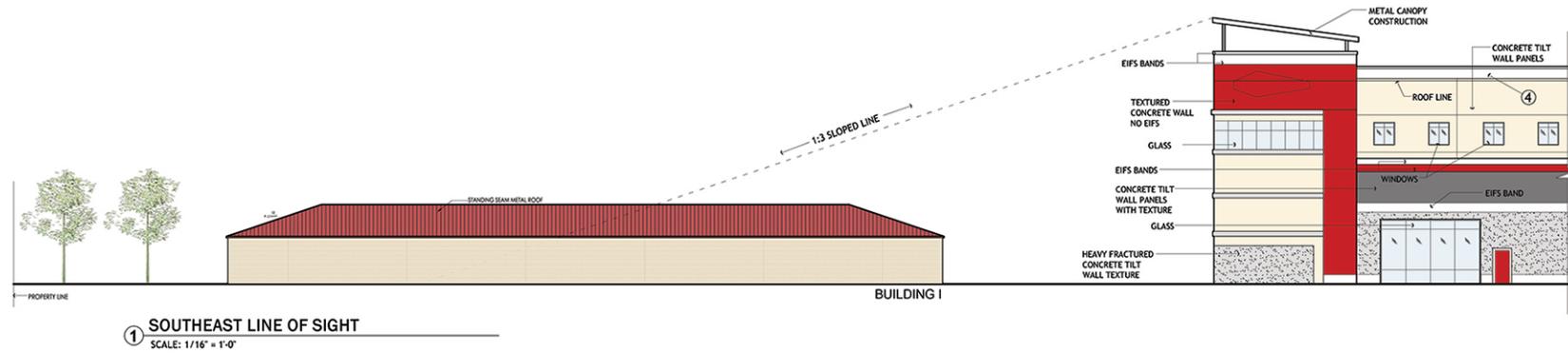
Developer:
Quine and Associates
 301 S. Sherman, Suite 100 Richardson, Texas 75081
 Tel. (972) 669-6440

Project:
ALL STORAGE ARLINGTON, TX
 2500 OVERBROOK DR. ARLINGTON, TEXAS 76014

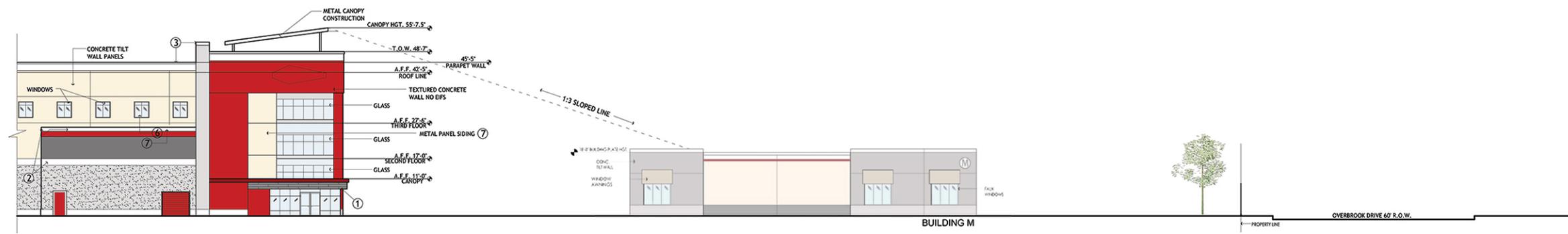
DRAWN BY:
 O.V.
 SCALE:
 3/32" = 1'-0"
 DATE:
 05/30/2014
 FILE NUMBER:
 ELEV.DWG
 SHEET:

A11
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LINE OF SIGHT ELEVATIONS



① SOUTHEAST LINE OF SIGHT
SCALE: 1/16" = 1'-0"



② NORTHEAST LINE OF SIGHT
SCALE: 1/16" = 1'-0"

REVISIONS:

△	
△	
△	
△	
△	

RELIABLE
COMMERCIAL CONSTRUCTION, INC.

General Contractor:
Reliable Commercial Construction, Inc.
1903 N. Peyco Dr. Arlington, Texas 76001
Tel. (817) 467-0779 Fax: (817) 467-9148

Developer:
Quine and Associates
301 S. Sherman, Suite 100 Richardson, Texas 75081
Tel. (972) 669-8440

Project:
ALL STORAGE ARLINGTON, TX
2500 OVERBROOK DR. ARLINGTON, TEXAS 76014

DRAWN BY:
O.V.
SCALE:
1/16" = 1'-0"
DATE:
05/30/2014
FILE NUMBER:
ELEV.DWG
SHEET:

A12

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LINE OF SIGHT ELEVATIONS

Staff Report



Designation of Reinvestment Zone Number Thirty Eight – J & J Group, Ltd.	
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City Council Meeting Date: August 5, 2014	Document Being Approved: Ordinance
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RECOMMENDATION

Following the public hearing, consider first reading of an ordinance designating Reinvestment Zone Number Thirty-Eight to facilitate the proposed tax incentive agreement for an expansion of an existing Arlington business-Spartan Printing, Inc.

PRIOR BOARD OR COUNCIL ACTION

None.

ANALYSIS

City Council is scheduled to hold a public hearing on August 5, 2014 to consider first reading of an ordinance that would establish Reinvestment Zone #38 on approximately 5.388 acres of land located at 320 109th St.

A resolution will be placed on the August 19, 2014 Council agenda authorizing the execution of a tax abatement agreement between the City of Arlington and J & J Group, Ltd. as well as final reading of the ordinance to establish Reinvestment Zone #38.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:	Ordinance
Under Separate Cover:	NA
Available in the City Secretary's Office:	NA

STAFF CONTACT(S)

Bruce Payne
Economic Development Manager
817-459-6114
Bruce.Payne@arlingtontx.gov

Marcus Young
Economic Development Specialist
817-459-6117
Marcus.Young@arlingtontx.gov

Ordinance No. _____

An ordinance establishing Reinvestment Zone Number Thirty-Eight; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; and becoming effective upon second reading

WHEREAS, the City Council of the City of Arlington, Texas, desires to promote the development or redevelopment of a certain area within its jurisdiction by the establishment of a Reinvestment Zone for commercial-industrial tax abatement; and

WHEREAS, on April 7, 2009, the City Council of the City of Arlington, Texas passed Resolution No. 09-079 authorizing staff, following a briefing to City Council regarding creation of the zone, to give notice required by law to call public hearings relative to creation of reinvestment zones for tax abatement; and

WHEREAS, a public hearing was held at which time interested persons were entitled to speak and present evidence for or against the designation of the property described in Exhibit "A" as Reinvestment Zone Number Thirty-Eight, and notice of such public hearing was published in a newspaper of general circulation in the City of Arlington not later than the seventh day before the date of the scheduled hearing; and

WHEREAS, the City Council of the City of Arlington has established guidelines and criteria governing tax abatement agreements and has stated that the City elects to become eligible to participate in tax abatement; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That all of the recitals contained in the preambles of this ordinance are found to be true and are adopted as findings of fact by this governing body and as part of its official record.

2.

The City Council, after conducting a public hearing and having considered all relevant evidence and testimony, has made the following findings and determinations based on such evidence and testimony:

- A. That a public hearing on the designation of Reinvestment Zone Number Thirty-Eight has been properly called, held and conducted, and that notice of such hearing was published in accordance with the law; and
- B. That the boundaries of Reinvestment Zone Number Thirty-Eight should be the proposed area of land more fully described in the property description attached hereto as Exhibit "A" and depicted on the map attached hereto as Exhibit "B"; and
- C. That the improvements sought to be made in Reinvestment Zone Number Thirty-Eight are feasible and practical and would be a benefit to the land to be included in the Zone and to the City of Arlington following the expiration of an executed Tax Abatement Agreement; and
- D. That the proposed area of land to be designated Reinvestment Zone Number Thirty-Eight is reasonably likely, as a result of this designation, to contribute to the retention or expansion of primary employment or to attract major investment in the Zone that would be a benefit to the property, thereby contributing to the economic development of the City of Arlington.

3.

In accordance with State law, the City of Arlington hereby officially creates Reinvestment Zone Number Thirty-Eight for commercial-industrial tax abatement, which Zone shall hereafter encompass only that certain area of land more fully described in the property description attached hereto as Exhibit "A" and depicted on the map attached hereto as Exhibit "B"; and such Reinvestment Zone shall be officially designated as Tax Abatement Reinvestment Zone Number Thirty-Eight of the City of Arlington, Texas.

4.

The designation of Reinvestment Zone Number Thirty-Eight of the City of Arlington, Texas shall expire five (5) years after the effective date of its designation and may be renewed.

5.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

6.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

7.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

8.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

9.

This ordinance shall become effective upon second reading.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the _____ day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Exhibit "A"

PROPERTY DESCRIPTION

Description of a 5.388 acre tract of land out of the Fifth Installment, Industrial Community No. 2, Great Southwest Industrial District, an addition to the City of Arlington, Texas; said tract being more particularly described as follows:

BEGINNING at a point in the East line of 109th Street (100 foot R.O.W.) as recorded in Volume 388-38, Page 45, Plat Records, Tarrant County, Texas; said point being N 12° 21'31" E, 25.00 feet from the intersection of the said East line of 109th Street and the North line of Justiss Drive (80 foot R.O.W.) as recorded in the Volume 388-54, Page 59, Plat Records, Tarrant County, Texas, extended;

THENCE N 12°21' 31" E along said East line of 109th Street for a distance of 114.37 feet to the point of curvature of a 12.6895370 degree curve to the left having an internal angle of 39°14'45", a radius of 451.52 feet, and a tangent of 160.98 feet;

THENCE along said curve to the left for a distance of 309.25 feet to the point of curvature of a curve to the right having an internal angle of 114°57'50", a radius of 25.00 feet, and a tangent of 39.21 feet;

THENCE along said curve to the right for a distance of 50.16 feet to a point for corner; said point being in the South line of Dalworth Street (60 foot R.O.W.) as recorded in Volume 388-37, Page 50, Plat Records, Tarrant County, Texas;

THENCE N 88°04'36" E along said South line of Dalworth for a distance of 128.76 feet to the point of curvature of a 14.109833 degree curve to the left having an internal angle of 69°58'53", a radius of 406.07 feet, and a tangent of 284.23 feet; said point being in the South line of Lead Track No. 18 (53 foot R.O.W.) as recorded in Volume 388-28, Page 249, Plat Records, Tarrant County, Texas;

THENCE along said curve to the left and in a Southeasterly direction and along said South line of Lead Track 18 for a distance of 459.97 feet to the point of tangency thereof;

THENCE East along said South line of Lead Track No. 18 for a distance of 125.27 feet to a point for corner;

THENCE South for a distance of 320.00 feet to a point for corner; said point being in said North line of Justiss Drive;

THENCE West along said North line of Justiss Drive for a distance of 64.74 feet to the point of curvature of a 7.359674 degree curve to the right having an internal angle of 12°21'31", a radius of 778.51 feet, and a tangent of 84.26 feet;

THENCE along said curve to the right for a distance of 167.92 feet to a point of tangency thereof; said point being in the North line of Justiss Drive;

THENCE N 77°38' 29" W along said North line of Justiss Drive for a distance of 402.11 feet to the point of curvature of a curve to the right having an internal angle of 90°00'00", a radius of 25.00 feet, and a tangent of 25.00 feet;

THENCE along said curve to the right for a distance of 39.27 feet to the Point of Beginning;

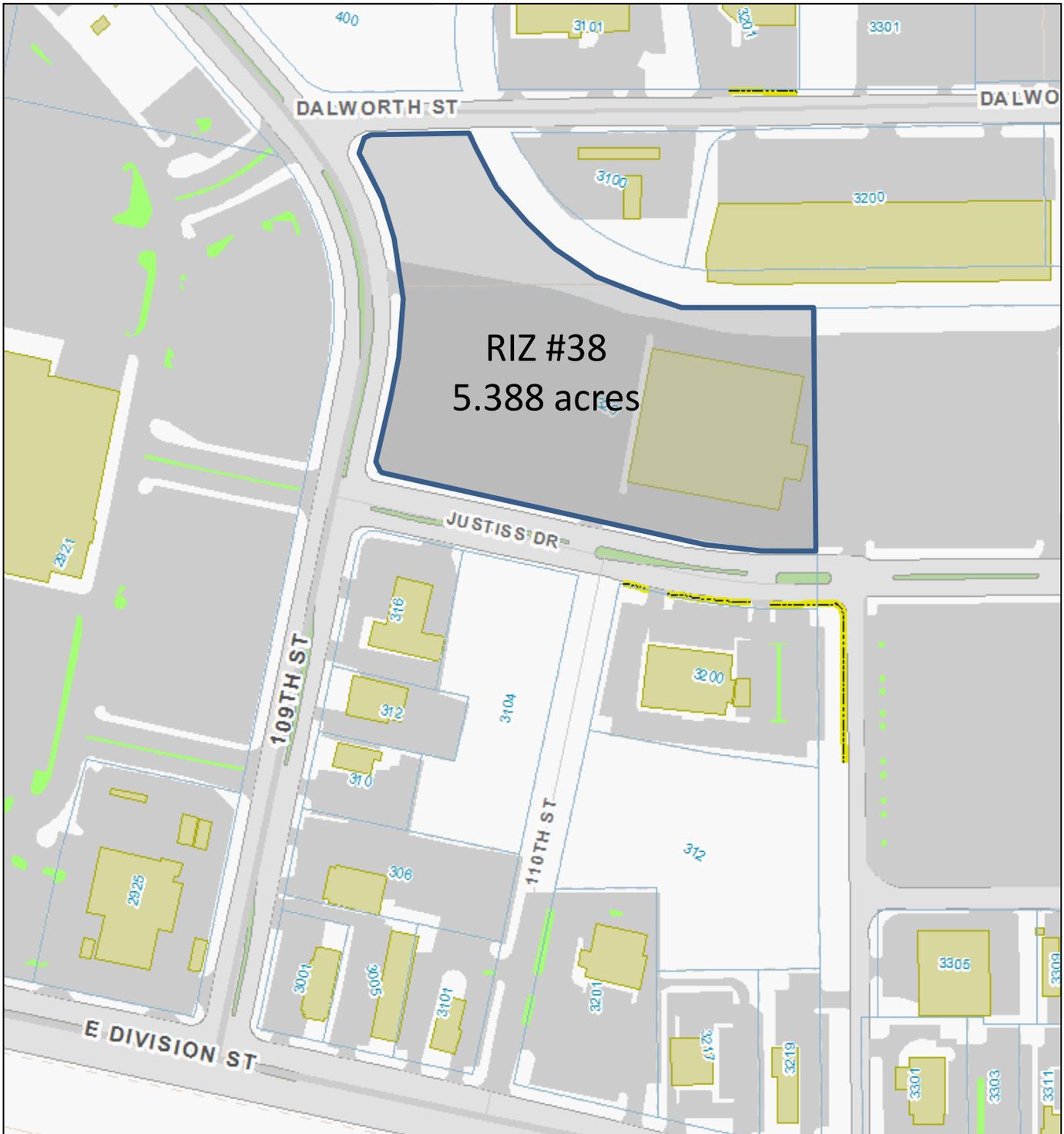
CONTAINING 234,701.80 square feet or 5.388 acres of land.

Exhibit "B"

MAP OF SUBJECT PROPERTY

Reinvestment Zone #38

320 109th Street



↑
North

Staff Report



Zoning Case PD14-2 (3909 South Cooper Street)

City Council Meeting Date: 8-5-14

Document Being Considered: Ordinance

RECOMMENDATION

Following the public hearing, consider first and final emergency reading for Zoning Case PD14-2, with a Concept Brief.

PRIOR BOARD OR COUNCIL ACTION

On June 4, 2014, the Planning and Zoning Commission continued PD14-2, in order to meet the zoning sign posting requirements.

On June 18, 2014, the Planning and Zoning Commission recommended approval of PD14-2, by a vote of 7-2-0.

ANALYSIS

Request

The applicant requests to change the zoning on approximately 1.919 acres addressed at 3909 South Cooper Street, and generally located south of West Arbrook Boulevard and east of South Cooper Street.

Current zoning: Community Commercial (CC)

Requested zoning: Planned Development (PD) for limited Community Commercial (CC) uses plus a Package Liquor Store, with a Concept Brief

The subject site is located just west of the Parks Mall and is developed with a 25,000-square-foot retail building. The building is currently occupied by a home furnishings store.

Currently, a 'Package Liquor Store' use is allowed in the General Commercial (GC), Light Industrial (LI), and Industrial Manufacturing (IM) zoning districts.

The applicant is proposing one 'Package Liquor Store' at this location, and is restricting it to a minimum size of 15,000 square feet. The minimum size restriction for this use is intended to attract regional-type outlets, more conducive to this shopping area that offers a variety of products and services. Additionally, the rezoning request excludes some land uses allowed in the CC zoning district, as indicated on Attachment ii-1, leaving the permitted land uses primarily within the retail category.

Adjacent Land Uses

The surrounding land uses include extensive retail and restaurant uses along the South Cooper Street and Interstate Highway 20 West corridor, which includes the Parks Mall, the Parks Retail Center, Arlington Highlands, and The Highlands East. Hotel and hospital uses are located on adjacent lots to the east of the subject site. There are also existing office uses in the vicinity. Like the subject site, the surrounding area is situated in the former Business Park (BP) Overlay District which had additional standards for building materials, structure size, and land uses. The properties across South Cooper Street to the west are zoned General Commercial (GC) and developed with various retail uses, with a recent application for a certificate of occupancy for a package liquor store.

Traffic Analysis

The subject site has two points of access along South Cooper Street. The Concept Brief indicates that the Parks Mall Development did not grant the applicant’s request for a third point of access.

All traffic exiting the site shall be northbound on South Cooper Street. The southbound lanes are not accessible from the property due to the location of medians. The applicant has provided a traffic study at the request of staff showing that the trips generated by a similar-size package liquor store is 2,056 for the Friday daily trips and 411 for the Friday pm peak hour trips; 2,520 for the Saturday daily trips and 378 for the Saturday pm peak hour trips. By comparison the proposed package liquor store trip generation is within the range (with the exception of Friday peak) of other uses permitted within the CC zoning district. Additionally, based upon the surrounding land uses, it is anticipated that 20 to 40 percent of the patrons visiting the proposed development will already be on the adjacent roadway network and will not contribute to increasing congestion on South Cooper Street.

Concept Brief

The applicant shall bring the site into compliance with the previously approved Landscape Plan, which is attached with the Concept Brief. Additionally the applicant is proposing to install 66 Maiden Grass plants along the north property line in order to screen the parking lot from the access drive to the north.

The applicant is not proposing any alterations to the existing structure or the ground sign at this time.

Sector Plan Conformity

The East Sector Plan designates the subject site as “SRAC” (Super Regional Activity Center). Sites designated “SRAC” provide for a variety of general merchandise, apparel, and furniture sales as well as a range of services, general business uses, and recreational facilities on a large scale. The appropriate zoning designation for the SRAC area is Community Service (CS).

The proposed zoning request is in conformance with the East Sector Plan.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:	Ordinance with Exhibits A and B Concept Brief (6 pages) Case Information with P&Z Summary Petition of Opposition & Map (2 pages) Emergency Final Reading Request (1 page)
Under separate cover:	None
Available in the City Secretary’s office:	None

STAFF CONTACTS

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Gincy.Thoppil@arlingtontx.gov

Kevin Charles
Senior Planner
Community Development and Planning
817-459-6515
Kevin.Charles@arlingtontx.gov

Ordinance No. 14-

An ordinance changing the zoning classification on certain property known as 3909 South Cooper Street to Planned Development (PD) for limited Community Commercial (CC) uses, plus Package Liquor Store, with a Concept Brief; amending the Zoning District Map accordingly; authorizing the building official to issue permits upon the effective date; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication; declaring an emergency; and providing an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard and recommended approval of Zoning Case PD14-2 on June 18, 2014; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

The zoning classification of certain property known as 3909 South Cooper Street, described in Exhibit A, is hereby changed to Planned Development (PD) for limited Community Commercial (CC) uses, plus a Package Liquor Store, with a Concept Brief by the approval of PD14-2, and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance. Development and use of the property shall be in compliance with this ordinance and the attached Concept Brief and Exhibit B.

2.

The Building Official is hereby authorized and directed to issue permits in compliance with this ordinance, including all exhibits attached to this ordinance, immediately after the effective date of this ordinance. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

5.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

7.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

8.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

9.

This is an ordinance for the immediate preservation of the public peace, property, health and safety, and is an emergency measure within the meaning of Article VII, Sections 11 and 12, of the City Charter; and the City Council, by the affirmative vote of all of its members present and voting, hereby declares that this ordinance is an emergency measure, and the requirement that it be read at two meetings, as specified in Section 11, is hereby waived.

10.

This ordinance shall become effective upon second publication.

PRESENTED, FINALLY PASSED AND APPROVED, on this the **5th day** of **August, 2014** by a vote of ___ **ayes** and ___ **nays** at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

PD14-2

EXHIBIT "A"

BEING approximately 1.919 acres of land with frontage on South Cooper Street and is commonly known as Lot 13, of the C.T. Lane Addition, an addition to the City of Arlington, Texas;

AND being generally east of South Cooper Street and south of West Arbrogk Boulevard.

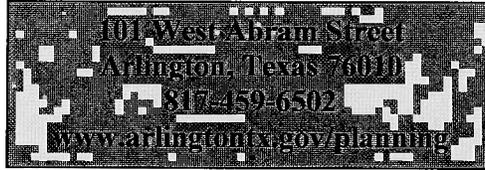
PD14-2

EXHIBIT "B"

1. Planned Development (PD) for all Community Commercial (CC) uses plus a Package Liquor Store, with a Concept Brief.
2. For the purposes of this PD, no Package Liquor Store under 15,000 square feet shall be permitted.
3. The following uses shall not be allowed on this site: airport/heliport/landing field, bail bond service, bingo parlor, cemetery, country club with golf course, crop production, food processing, gun range (indoor), halfway house, mortuary/funeral chapel, nightclub, nursing home, public park/playground/golf course, private, club/lodge/fraternal organization, recycling collection center, specialty paraphernalia, tattoo parlor, wedding chapel, women's shelter, wrecker service, and yacht club or marina.
4. The previously approved landscape plan for this site shall be brought into compliance through the replacement of all dead landscaping on the site. Additionally, the applicant shall install 66 Maiden Grass plants that will serve as screening vegetation along the north property line adjacent to the entry drive into the Parks Mall.
5. Use and development of the property must be in compliance with attached concept brief (6 pages).
6. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.



CONCEPT BRIEF



Case Number: PD14-2

Form must be filled out completely. Please type or legibly print all information.

Address: 3909 S. Cooper St., Arlington, TX 76015

Legal Description: Lot(s) 13 Block(s) A Addition C.T LANE Additio

Tract(s) _____ Survey(s) _____ Abstract(s) _____

Current Zoning: BP-CS Current Use(s): Retail

Proposed Zoning: PD Proposed Use(s): Package Store

How many structures, if any, are currently on site and the square footage of each? List which structures will remain and which will be demolished. One Structure of approximately 25,383 square feet. This structure will remain.

Gross Design Standards

The land uses and zoning that are adjacent to the subject site are (if a site is adjacent to a street, include the street name *and* the use across the street):

Direction	Current Land Use	Current Zoning
North	Retail - Parks at Arlington Mall	BP-CS
East	Retail - Parks at Arlington Mall	BP-CS
South	Retail - Parks at Arlington Mall	BP-CS
West	Retail - Target-anchored shopping center	BP-CS

Residential adjacency exists if a building site abuts a residential zoning district at any point or is directly across a public street or alley from a residential zoning district.

The gross design standards below without an explanation for exceptions cannot be varied through the "PD" process.

I. Points of Access

The exception to this standard can only be considered for non-residential sites with residential adjacency.

Points of access will comply with City of Arlington ordinance requirements.

Describe points of access: Existing curb cut onto South Cooper St.

Owners of the Mall are not willing to grant further access points onto the mall's ring roads.

Points of access shall comply with City of Arlington ordinance requirements with the exception that this site will have access to local streets. (The Public Works Dept. must also approve this alternative.) This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe):

II. Building(s) Orientation

Describe orientation of building(s): Existing Building is oriented with primary entrance on the north side of building.

Maximum number and type of structures (specify which structures are proposed, currently exist, and square footage of each):

The existing structure (25,383 s.f.) will be utilized.

III. Building Materials

The exception to this standard can only be considered for sites with residential adjacency.

Building materials shall comply with City of Arlington ordinance requirements for residential adjacency. Describe color and type of building materials and minimum percentage of masonry on each exterior wall for all structures on site:

Existing building - no changes requested.

Building materials shall comply with City of Arlington ordinance requirements with the following exception(s):

This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe): _____

IV. Building Line Setbacks

In instances where a transitional buffer is required due to residential adjacency, the building line setback shall correspond to that of a transitional buffer.

Building line setbacks shall comply with City of Arlington ordinance requirements.

Building line setbacks shall comply with City of Arlington ordinance requirements with the following exception(s):

This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe): _____

V. Fences and Screens

Fences and screens shall comply with the visibility requirements for the City of Arlington.

- Fencing and screening requirements shall comply with the City of Arlington ordinance requirements. Describe the location, type and height of fencing and screening:

None

- Fencing and screening of loading docks and outside storage shall comply with City of Arlington ordinance requirements. Describe the location, type and height of fencing and screening of loading docks and outside storage on site:

- Screening required for residential adjacency and mechanical equipment shall comply with City of Arlington ordinance requirements.

- Screening required for residential adjacency and mechanical equipment shall comply with City of Arlington ordinance requirements with the following exception(s):

This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe):

VI. Interior Landscape, Landscape Setbacks along street frontages, and Transitional Landscape Buffers

All landscaping shall comply with the visibility requirements of the City of Arlington. Building line setbacks will correspond to or exceed the transitional landscape buffers and landscape setbacks.

- Interior Landscape shall comply with all City of Arlington ordinance requirements. If compliance with the Landscape Ordinance cannot be obtained, a Substitute Landscape Plan shall be submitted for this site.

- Landscape Setbacks along street frontages shall comply with all City of Arlington ordinance requirements. If compliance with the Landscape Ordinance cannot be obtained, a Substitute Landscape Plan shall be submitted for this site.

- Transitional Landscape Buffers shall comply with all City of Arlington ordinance requirements. If compliance with the Landscape Ordinance cannot be obtained, a Substitute Landscape Plan shall be submitted for this site.

- This site it not required to provide Transitional Landscape Buffers.

- Interior Landscape, Transitional Landscape Buffers, and Landscape Setbacks will **exceed** City of Arlington ordinance requirements (describe for each):

See attached landscaping plan.

VII. Trash Refuse Containers (dumpsters)

- The location and screening of refuse containers shall comply with City of Arlington ordinance requirements. Describe the screening of the refuse container(s): _____

Existing refuse containers screened by existing wall on east side of building.

VIII. Height of Building(s)

Residential proximity exists if a site falls under the required height setback envelope as projected from the residential property of origination. This is not limited to properties adjacent to the residential site. If this property is within 1,000 feet of a residential district, then this site is subject to the height setback envelope requirements.

- Structure height shall comply with City of Arlington ordinance requirements. Describe maximum height of structure(s):

Existing building. No changes requested.

- Structure height shall comply with City of Arlington requirements with the following exception(s):

This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe): _____

IX. Sign(s)

All sign height, location, orientation and size shall comply with the visibility requirements of the City of Arlington. The exceptions to this standard can only be considered for sites with residential adjacency

- Sign height, location, orientation and size shall comply with City of Arlington ordinance requirements. Describe the height, location and orientation of sign(s):

Freestanding monument sign currently exists. Any new sign requested will be in compliance with City of Arlington ordinance.

- Sign height, location, orientation and size shall comply with City of Arlington ordinance requirements with the exception that the sign will be located on the side or rear of the commercial structure when such sign abuts or is across a local or minor collector street from a residential use or district.

This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe): _____

- Sign height, location, orientation and size shall comply with City of Arlington ordinance requirements with the exception that any permitted freestanding or wall sign located on a local or minor collector street will be internally illuminated with transparent or translucent faces when abutting a residential use or district.

This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe):

- Any other exceptions to the Sign Ordinance require approval from the Zoning Board of Adjustments (ZBA). The applicant shall receive the variance or special exception prior to final reading of this zoning case. Upon receipt of the variance or special exception from ZBA, describe the item granted and the case number.

X. Lighting

The exceptions to this standard can only be considered for sites with residential adjacency.

- On-site lighting shall comply with City of Arlington ordinance requirements.
- On-site lighting shall comply with City of Arlington ordinance requirements with the exception that lighting will not be shielded away from residential uses.

This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe): _____

- On-site lighting shall comply with City of Arlington ordinance requirements with the exception that low mounted lights in parking areas within 100 feet of a residential use or district will exceed 20 feet in height. This exception is being requested due to unusual topographic constraints, citing requirements, preservation of existing trees, and/or other undue hardship (describe): _____

XI. Utilities

- Utilities shall comply with City of Arlington location and ordinance requirements. Describe the location of utilities, both above and below ground: _____

Existing

XII. Off-Street Parking

- Parking shall comply with City of Arlington location and ordinance requirements (describe): _____
Utilizing existing parking

- Landscape Parking shall comply with all City of Arlington Landscape ordinance requirements. If compliance with the Landscape Ordinance cannot be obtained, a Substitute Landscape Plan shall be submitted for this site.
- Any exceptions to the Parking Ordinance require approval from the Zoning Board of Adjustments (ZBA). The applicant shall receive the variance or special exception prior to final reading of this zoning case. Upon receipt of the variance or special exception from ZBA, describe the item granted and the case number.

3909 S. COOPER ST.

CURRENT ZONING

BUSINESS PARK - COMMUNITY SERVICE, "BP-CS"

PROPOSED ZONING

PD WITH CS USES PLUS PACKAGE LIQUOR SALES

OWNER/DEVELOPER

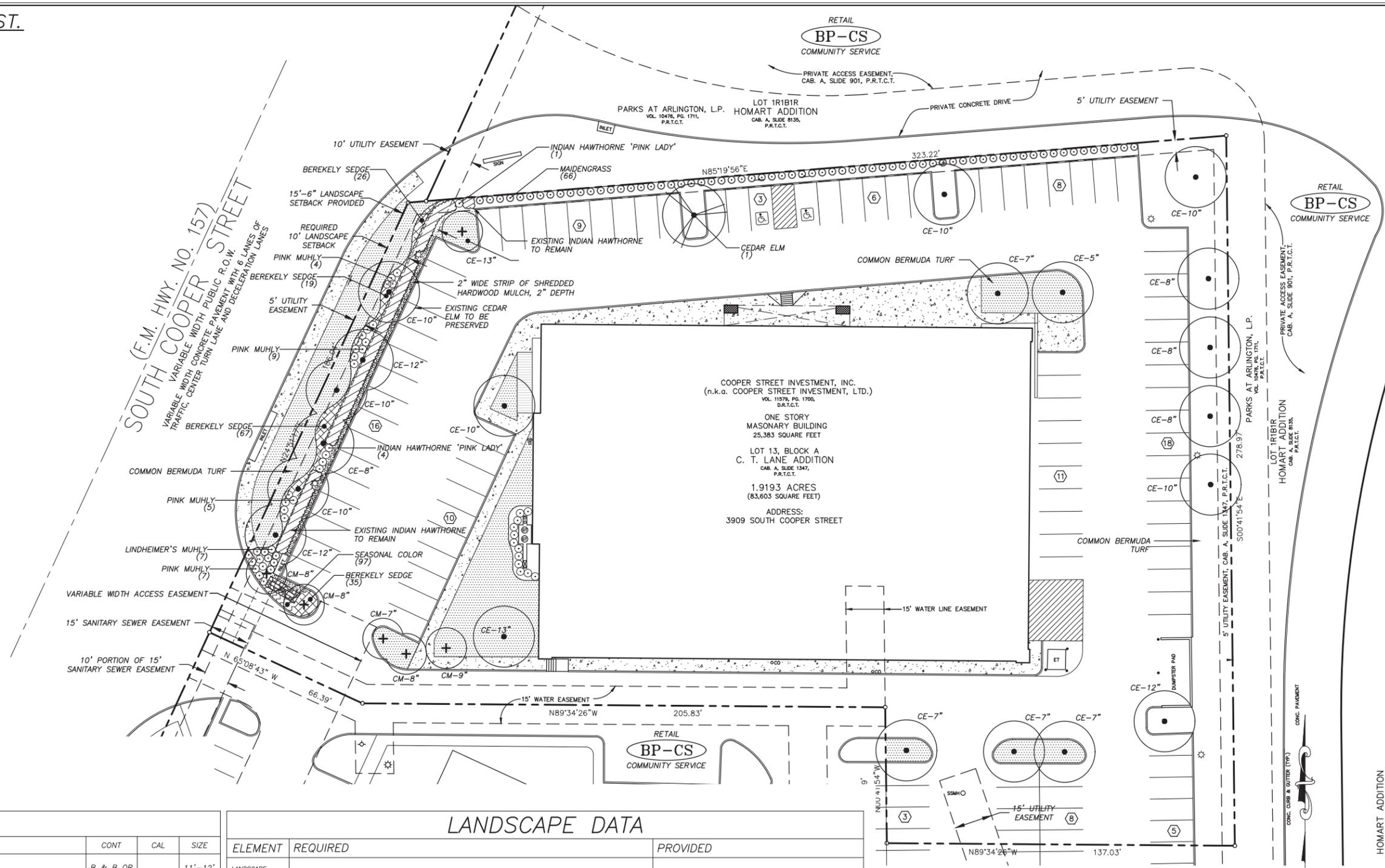
COOPER STREET INVESTMENT, LTD.
2340 W. INTERSTATE 20, #100
ARLINGTON, TEXAS
TEL: 972-888-8000
FAX: 972-888-8023
CONTACT: OLIVER ROBINSON

LANDSCAPE ARCHITECT

MYCOSKIE McINNIS ASSOCIATES
200 E. ABRAM
ARLINGTON, TEXAS 76010
TEL: 817-469-1671
FAX: 817-469-8757
CONTACT: JACOB SUMPTER

LEGAL DESCRIPTION

LOT 13, BLOCK A, C.T. LANE ADDITION



COOPER STREET INVESTMENT, INC.
(n.k.a. COOPER STREET INVESTMENT, LTD.)
VOL. 11578, PG. 1700,
D.P.T.C.T.
ONE STORY
MASONRY BUILDING
25,383 SQUARE FEET
LOT 13, BLOCK A
C. T. LANE ADDITION
CAB. A, SLIDE 1347,
P.A.T.C.T.
1.9193 ACRES
(83,603 SQUARE FEET)
ADDRESS:
3909 SOUTH COOPER STREET

LANDSCAPE DATA

ELEMENT	REQUIRED	PROVIDED
LANDSCAPE SETBACK	S. COOPER STREET: 10' LANDSCAPE ETBACK	S. COOPER STREET: 15'-6" LANDSCAPE SETBACK
LANDSCAPE SETBACK TREES	COOPER STREET: 186.04' FRONTAGE - 12' FOR DRIVE = 174.04/35 = (5), 3" CAL. TREES REQUIRED	S. COOPER STREET: 5 STREET TREES AVERAGING 10" CALIPER
LANDSCAPE SETBACK PLANTINGS	MAXIMUM OF 65% OF LANDSCAPE SETBACK TO BE TURF. SETBACK AREA = 2,790 S.F. X 65% = 1,813 S.F. MAXIMUM AMOUNT OF TURF ALLOWED IN SETBACK = 1,813 S.F. PLANTING BEDS MUST BE CURVILINEAR.	LANDSCAPE SETBACK CONTAINS 984 S.F. TURF. (35%) PLANTING BEDS ARE CURVILINEAR.
PARKING REQUIREMENT	(3) PARKING SPACES PER 1,000 S.F. OF RETAIL SPACE. RETAIL S.F. = 25,383 X 3 = 76,14, 77 SPACES REQ'D.	97 SPACES PROVIDED
PARKING LOT TREES	ONE (1), 3" CAL. TREE PER 10 PARKING SPACES PROVIDED. PARKING SPACES PROVIDED: 97 PARKING LOT TREES REQUIRED: 1 PER 10 SPACES = (10) PARKING LOT TREES REQ'D	(10) PARKING LOT TREES
EXCESS PARKING TREES	PARKING REQUIRED: 77 SPACES PARKING PROVIDED: 97 SPACES PARKING ALLOWED: 85 SPACES (77+10% = 77+8=85) ONE, 3" CALIPER TREE REQUIRED PER THREE SPACES OVER ALLOWED. 97-85 = 12, 12/3=4 EXCESS PARKING TREES REQUIRED	4 EXCESS PARKING TREES PROVIDED

EXISTING TREE LEGEND

TREES	QTY	COMMON NAME / BOTANICAL NAME
	16	EXISTING CEDAR ELM TO REMAIN, SEE PLAN FOR SIZE
	6	EXISTING GRAPE MYRTLE TO REMAIN, SEE PLAN FOR SIZE

TREES	QTY	NAME	CONT	CAL	SIZE
	1	CEDAR ELM / ULMUS CRASSIFOLIA	B & B OR CONTAINER	3" CAL.	11'-12' HT.
SHRUBS	QTY	NAME	CONT		
	17	INDIAN HAWTHORNE 'PINK LADY' / RHAPHIOLEPIS INDICA 'PINK LADY'	3 GAL.		
	7	LINDHEIMER'S MUHLY / MUHLENBERGIA LINDHEIMERI	3 GAL.		
	66	MAIDENGRASS / MISCANTHUS SINENSIS	3 GAL.		
	25	PINK MUHLY / MUHLENBERGIA CAPILLARIS	2 GAL.		
GROUND COVERS	QTY	NAME	CONT		
	147	BEREKELY SEDGE / CAREX TUMULICOLA	1 GAL.		
	5,392 SF	COMMON BERMUDA / CYNODON DACTYLON	SOLID SOD		
	97	SEASONAL COLOR	4" POTS		

3909 S. COOPER PD ZONING LANDSCAPE PLAN ARLINGTON, TEXAS

PROJECT TITLE:
3909 S. COOPER ST. PD ZONING

mma
mycoskie mcinnis associates
License registration number: 1-2759
200 east abram
arlington, texas 76010
817-469-1671
fax: 817-274-8757
www.mmatexas.com

PROJECT NUMBER: 2732-00-01
PROJECT MANAGER: J. SUMPTER
DRAWN BY: D. JOINER
CHECKED BY: C. MYCOSKIE
ISSUE DATE: 07/25/2014

REV. DATE DESCRIP. BY

SHEET CONTENT:
LANDSCAPE PLAN

SHEET NO:
1

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THIS DOCUMENT IS RELEASED FOR ZONING APPROVAL BY THE CITY OF ARLINGTON AND IS NOT TO BE USED FOR CONSTRUCTION, BIDDING OR PERMIT PURPOSES.

Case Information



Applicant: Centennial Real Estate Company represented by Oliver Robinson

Property Owner: Carroll Family Investments LTD represented by James Carroll

Sector Plan: East

Council District: 4

Allowable Uses: All uses as itemized in attachment ii, with the approval of this rezoning request

Development History: The subject site is currently platted as Lot 13, Block A of the C.T. Lane Addition.

Previous zoning cases in the general vicinity in the past five years include:

Case No.	Location	Request	Disposition
SUP13-6	3811 S Cooper	Bowling alley	Approved
PD12-7	1100 W Arbrook	PD for limited CS uses	Approved
SUP10-26	4245 S Cooper	Restaurant for less than 5,000 s.f.	Approved
SUP10-27	1075 I-20 W	Restaurant for less than 5,000 s.f.	Approved
PD13-17	1600 I-20 W	PD for all Business BP-CS uses plus an indoor commercial amusement use	Approved
PD13-21	951, 961, 981, 1001, 1041, 1051, and 1061 Interstate Highway 20 West and 1000 West Arbrook Boulevard	PD for limited CS uses plus a Package Liquor Store	Approved

Case Information



Transportation: The proposed development has two points of access. Both points of access are from South Cooper Street.

Thoroughfare	Existing	Proposed
South Cooper Street	130-foot, 6 lane divided, arterial	130-foot, 6 lane divided, arterial

Traffic Impact: The proposed zoning change from Community Commercial (CC) uses to Planned Development (PD) for limited Community Commercial (CC) uses plus a Package Liquor Store will generate similar traffic patterns and will not significantly impact the adjacent roadway system.

Water & Sewer: Water and sanitary sewer services are available to the subject site.

Drainage: The site is located within the Rush Creek drainage basin. No portion of the site is located in a floodplain. No significant drainage impacts are expected to result from development of this site as long as the site complies with relevant city ordinances.

Fire: Fire Station Number 9, located at 909 Wimbledon Drive, provides protection to this site. The estimated fire response time is less than five minutes, which is in keeping with recommended standards.

School District: AISD Independent School District.

The proposed zoning request is located in the Arlington Independent School District and has no impact on the schools serving this site.

Notices Sent:

Neighborhood Associations:	ACTION North Arlington Chamber of Commerce Arlington Neighborhood Council East Arlington Renewal East Arlington Review Far South Arlington Neighborhood Assn Forest Hills HOA Northern Arlington Ambience Scots Wood Estates Neighborhood Watch WeCan (West Citizen Action Network)
Property Owners:	20
Letters of Support:	0
Letter of Opposition:	0

Case Information



PLANNING AND ZONING COMMISSION SUMMARY:

Public Hearing: June 18, 2014

CONTINUED (from 6-04-14) Zoning Case PD14-2 (3909 S. Cooper Street - 3909 South Cooper Street)

Application to change the zoning on approximately 1.919 acres from Business Park Overlay – Community Service (BP-CS) to Planned Development (PD) for limited Community Service (CS) uses plus a Package Liquor store, with a Concept Brief; generally located south of West Arbrog Boulevard and east of South Cooper Street.

Present to speak in support of this case was Oliver Robinson, 7203 Dominique Drive, Dallas, 75214.

Also present in support of this case were Skip Carlton, 13531 Braemar Drive, Dallas, 75234; and Perren Gasc, 350 North Ervay #3306, Dallas, 75207.

Commissioner Croxton moved to Approve Zoning Case PD14-2. Seconded by Commissioner Hill, the motion was approved by a vote of 7-2-0.

AYES: McGlaun, Hill, Croxton, Fowler, Ron Smith, Talambas, Smith III

NAYES: McKissic, McAlister

ABSTAIN: None

APPROVED

Itemized Allowable Uses



Allowable Uses:

Planned Development (PD) for limited Community Commercial (CC) uses plus a Package Liquor store, with a Concept Brief

Permitted - Art gallery or museum, Government administration and civic buildings, Philanthropic institution (other than listed), Religious assembly, Business school, Public or private school, University | college | seminary, Hospital, Medical or dental office or clinic, Community garden, Gasoline sales, Catering service, Restaurant, Restaurant, take-out and delivery only, Office, business or professional, Telemarketing call center, Day care center, General personal services (other than listed), Massage therapy clinic, Recreation, indoor (other than listed), Skating rink, Theatre indoor, Major tourist attraction, General retail store (other than listed), Firearm sales, Second-hand goods store, Swimming pool, spa and accessory sales and service, Medical or scientific research laboratory, Electric utility substation, Radio or TV station or studio, Utility lines, towers or metering station

Specific Use Permit (SUP) - Hospital, psychiatric, Hotel, limited service, Residence hotel, Banquet hall, Billiard parlor, Bowling alley, Recreation general outdoor (other than listed), Nursery, garden shop or plant sales, Gas well, Transit passenger terminal, Utility installation other than listed, Telecommunication Facilities Towers >75 ft., Stealth towers >100 ft., Self-storage facility

Conditions (C) - Kennel, commercial, Veterinary clinic, Motor vehicle rental, Financial services, Restaurant with drive-through, Sidewalk café, Hotel, full service, Building and landscaping materials and lumber sales, Custom and craft work, Telecommunication Facilities Building-mounted antennae and towers, Telecommunication Facilities Towers ≤75 ft., Stealth towers ≤100 ft., Wholesale supply business



INDIVIDUAL PROPERTY OWNER'S PETITION OPPOSING A ZONING CHANGE APPLICATION

Zoning Case Number: PD 14-2

1. Opposing Property Owner's Name (printed as it appears on the City's tax roll):
Dillard's Properties, Inc. (Formerly Dillard Texas, LLC)
2. Address(es) or property description(s) of YOUR property, within 200' of the proposed zoning change, for which this petition is submitted:
3821 S. Cooper St. Arlington, TX 76015

3. Reasons you oppose the requested zoning change and all of the types of uses that you would oppose on the property for which a zoning change is sought. (This information is very important because in some situations the City Council has the authority to grant a less intensive zoning classification or land use than that requested by the applicant for a zoning change.)

Not compatible with the first-class shopping center on the adjacent property

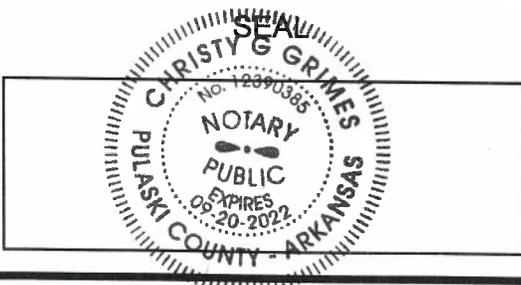
RECEIVED - 31
14 JUN 18 AM 9:00

Opposing Property Owner's Signature

Vice President, Dillard's Properties, Inc.

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Chris Johnson, who is known to me or who was proved to me on the oath of _____ (name of person identifying the acknowledging person) or who was proved to me through _____ (description of identity card or other document issued by the federal or state government containing the picture and signature of the acknowledging person) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 12th day of June, 2014.

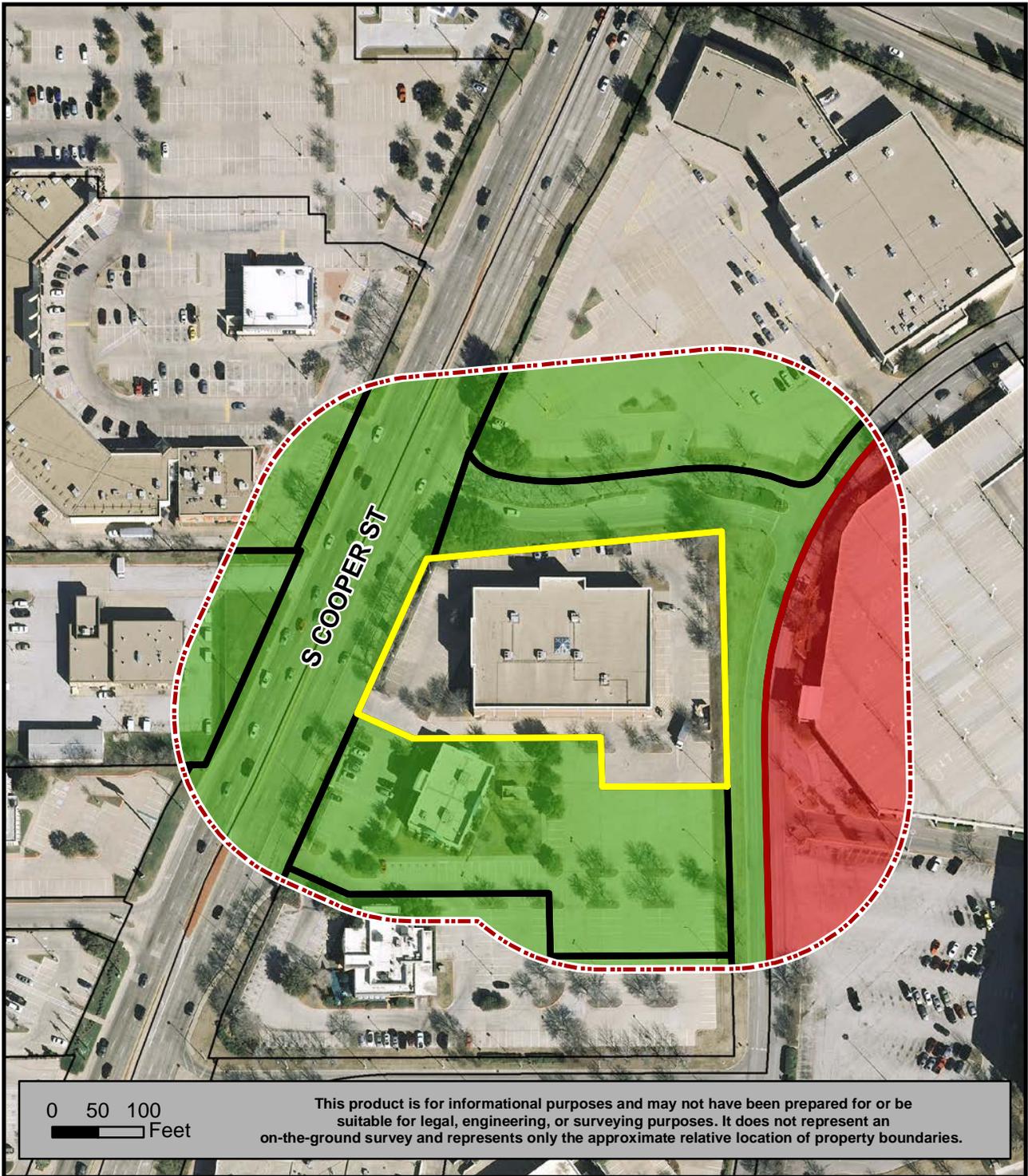


Notary Public In and For The State of Texas

Christy G. Grimes

Notary's Printed Name

5/29/2007



PETITION MAP PD14-2

PETITION OF OPPOSITION WITHIN 200 FT

	81.5% DID NOT SIGN PETITION
	18.5% SIGNED PETITION IN OPPOSITION





Centennial

REAL ESTATE
June 13, 2014

CentennialREC.Com

City Council
City of Arlington
101 W. Abram St.
Arlington, Texas 76004-0231

RE: Request for an Emergency Final Reading on August 5, 2014 for proposed rezoning case PD 14-2

Dear Council Members,

I am writing to request an Emergency Final Reading on August 5, 2014, of the proposed rezoning case PD 14-2. I am the designated agent for the owner of the building at 3909 S. Cooper Street and my company has the building under contract to purchase. Our Planning & Zoning Commission hearing was delayed due to an oversight by staff to post zoning notification signs at the property as required by law. We already had tight timeframes within our purchase agreement and we have had to extend the purchase contract at a significant cost to us. Because of this delay we have been pushed into August on account of the July City Council break. Obligations within our contract to purchase the property require significant decisions to be made that are dependent on the final outcome of the zoning case. I hope you will consider my request.

If you have any questions, please do not hesitate to contact me at 972-888-8044 or at orobinson@centennialrec.com.

Sincerely,

Oliver Robinson
Senior Vice President
Centennial Real Estate Company

Cc: Jim Parajon, Director of Planning and Development Services
Kevin Charles, Planning Project Manager

Staff Report



School Zone Ordinance and Revision	
City Council Meeting Date: 08-05-2014	Document Being Considered: Ordinance

RECOMMENDATION

Approve an amendment to Article III (Speed Regulations) of the Traffic and Motor Vehicles Chapter of the Code of Ordinances to create seven new school zones and revise two existing school zones. Also, to revise the speed limits on F.M. 157 (Collins Street) just north of NE Green Oaks Boulevard to Division Street.

PRIOR BOARD OR COUNCIL ACTION

The latest school zone modifications were approved by Council on August 8, 2013, with the adoption of Ordinance No. 13-033.

ANALYSIS

Four new school zones are needed for the new elementary school in the Hurst-Eules-Bedford Independent School District (HEB ISD), Viridian Elementary, which will open at 4001 Cascade Sky Drive in the fall of 2014 [Exhibit 1]. The school zone locations and effective times are as follows:

Cascade Sky Drive between a point 150 feet south of Blue Lake Boulevard and a point 150 feet north of Winter Fire Way.

- 7:30-8:30 a.m.
- 2:45-4:00 p.m.

Blue Lake Boulevard between a point 150 feet west of Cascade Sky Drive and a point 150 feet east of Jasmine Fox Lane.

- 7:30-8:30 a.m.
- 2:45-4:00 p.m.

Winter Fire Way between Cascade Sky Drive and Rose Spirit Street.

- 7:30-8:30 a.m.
- 2:45-4:00 p.m.

Jasmine Fox Lane between Autumn Mist Way and Shady Forge Trail.

- 7:30-8:30 a.m.
- 2:45-4:00 p.m.

One new school zone is needed on F.M. 157 (Collins Street) near Brown Boulevard to serve the needs of the students who cross the arterial to attend Sherrod Elementary on the west side [Exhibit 2]. The school zone limits are as follows:

F.M. 157 (Collins Street) between Fair Oaks Drive and Furrs Street.

- 7:30-8:30 a.m.
- 3:00-4:00 p.m.

One new school zone is needed on Brown Boulevard near F.M. 157 (Collins Street) to complement the school zone on F.M. 157 (Collins Street) [Exhibit 2]. The school zone limits are as follows:

Brown Boulevard between Fair Oaks Drive and River Hills Court.

- 7:30-8:30 a.m.
- 3:00-4:00 p.m.

One new school zone is needed on Kelly Elliott Road/Woodside Drive near West Pleasant Ridge Road for Martin High School [Exhibit 3]. The school zone limits are as follows:

Kelly Elliott Road/Woodside Drive between a point 200 feet south of West Pleasant Ridge Road and Rochelle Drive.

- 7:00-8:00 a.m.
- 12:00-1:15 p.m.
- 2:30-3:30 p.m.

For operational efficiency, the following school zone limits for the following schools have been modified as follows;

Jean Massieu Academy: Mesquite Street between a point 130 feet south of Pine Street and a point 200 feet north of Slaughter Street [Exhibit 4].

- 7:30-8:30 a.m.
- 3:00-4:00 p.m.

Martin High School: West Pleasant Ridge Road between a point 150 feet east of Kelly Elliot Road and Sangre Trail [Exhibit 3].

- 7:00-8:00 a.m.
- 12:00-1:15 p.m.
- 2:30-3:30 p.m.

The Traffic Operations Division of the Texas Department of Transportation has proposed the revision of the speed limit on F.M. 157 (Collins Street) from mile post 10.468 (just north of NE Green Oaks Boulevard) south 0.411 miles to Mile Post 10.879 (just north of Mill Lake Drive) to 45 mph. Additionally, the speed limit will be revised from Mile Post 10.879 (just north of Mill Lake Drive) south 2.768 miles to Mile Post 13.647 (Division Street) to 35 mph [Exhibit 5]. These revisions are proposed for the operational efficiency of the new proposed school zones on F.M. 157 (Collins Street).

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:	Ordinance Exhibits 1 - 5 F.M. 157 (Collins Street) Speed Limit Strip Map
Under Separate Cover:	None
Available in the City Secretary’s Office:	None

STAFF CONTACT(S)

Keith Melton, P.E.

Director of Public Works & Transportation
817-459-6553

Keith.Melton@arlingtontx.gov

Mindy Carmichael, P.E.

Asst. Director of Public Works & Transportation
817-459-6552

Mindy.Carmichael@arlingtontx.gov

Ordinance No. _____

An ordinance amending the "Traffic and Motor Vehicles" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article III, Speed Regulations, Section 3.02, Speed Limits on State and Federal Highways, by the amendment of speed limits on State Highway F.M. 157 (Collins Street); Section 3.05, Speed Limits in School Zones, Subsection (A), by the addition of a designation for charter schools and the Hurst-Euless-Bedford AISD elementary school; Section 3.05, Subsection (C), by the amendment of the school zones on Mesquite Street and Pleasant Ridge Road; and the addition of new school zones on Blue Lake Boulevard, Brown Boulevard, Cascade Sky Drive, Collins Street, Jasmine Fox Lane, Kelly Elliott Road, Winter Fire Way and Woodside Drive; providing for a fine of up to \$200 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Traffic and Motor Vehicles" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article III, Speed Regulations, Section 3.02, Speed Limits on State and Federal Highways**, so that the speed limits on State Highway F.M. 157 (Collins Street) shall be and read as follows:

State Highway F.M. 157 (Collins Street)

- | | |
|---|-----------|
| (1) From Mile Post 8.783 (north City limits) south 1.685 miles to Mile Post 10.468 (just north of NE Green Oaks Boulevard) | 50 m.p.h. |
| (2) From Mile post 10.468 (just north of NE Green Oaks Boulevard) south .0411 miles to Mile Post 10.879 (just north of Mill Lake Drive) | 45 m.p.h. |
| (3) From Mile post 10.879 (just north of Mill Lake Drive) south 2.768 miles to Mile Post 13.647 (Division Street) | 35 m.p.h. |

Further, **Article III** is hereby amended through the amendment of **Section 3.05, Speed Limits in School Zones**, Subsection (A), so that said subsection shall be and read as follows:

A. In this section, school zone designations shall mean the following:

- (C) - education center or charter school
- (E) - elementary school
- (E/J) - elementary/junior high school
- (E/H) - elementary/high school
- (J) - junior high school
- (H) - senior high school
- (H-E-BE) - Hurst-Eules-Bedford ISD elementary school
- (KE) - Kennedale ISD elementary school
- (KH) - Kennedale ISD high school
- (ME) - Mansfield ISD elementary school
- (MI) - Mansfield ISD intermediate school
- (MM) - Mansfield ISD middle school
- (MJ) - Mansfield ISD junior high school
- (MH) - Mansfield ISD high school
- (P) - private

Further, **Article III** is hereby amended through the amendment of **Section 3.05**, Subsection (C), by the amendment of school zones on Mesquite Street and Pleasant Ridge Road; and the addition of new school zones on Blue Lake Boulevard, Brown Boulevard, Cascade Sky Drive, Collins Street, Jasmine Fox Lane, Kelly Elliott Road, Winter Fire Way, and Woodside Drive, so that said school zones shall be and read as follows:

<u>Street Location</u>	<u>Hours in Effect</u>	<u>School Zone Designation</u>
<u>Blue Lake Boulevard</u>		
Between a point 150 feet west of Cascade Sky Drive and a point 150 feet east of Jasmine Fox Lane	7:30 am - 8:30 am 2:45 pm - 4:00 pm	(H-E-BE)
<u>Brown Boulevard</u>		
Between Lavon Creek Lane and 600 feet west of Frazee Court	8:15 am - 9:00 am 3:30 pm - 4:30 pm	(J)
Between Fair Oaks Drive and River Hills Court	7:30 am - 8:30 am 3:00 pm - 4:00 pm	(E)

Cascade Sky Drive

Between a point 150 feet south of Blue Lake Boulevard and a point 150 feet north of Winter Fire Way	7:30 am - 8:30 am 2:45 pm - 4:00 pm	(H-E-BE)
---	--	----------

Collins Street

Between Fair Oaks Drive and Furrs Street	7:30 am - 8:30 am 3:00 pm - 4:00 pm	(E)
--	--	-----

Between Belvedere Drive and Oram Street	7:30 am - 9:00 am 3:00 pm - 4:30 pm	(E/J)
---	--	-------

Between Biggs Terrace and Tucker Boulevard	7:30 am - 8:30 am 3:00 pm - 4:00 pm	(E)
--	--	-----

Between Mayfield Road and Arbrook Boulevard	7:45 am - 9:00 am 3:30 pm - 4:30 pm	(J)
---	--	-----

Between Hudson River Road and Webb Ferrell Road	7:30 am - 8:45 am 3:30 pm - 4:30 pm	(MI)
---	--	------

Between Country Club Drive and Ragland Road	7:15 am - 8:15 am 3:00 pm - 4:00 pm	(ME)
---	--	------

Jasmine Fox Lane

Between Autumn Mist Way and Shady Forge Trail	7:30 am - 8:30 am 2:45 pm - 4:00 pm	(H-E-BE)
---	--	----------

Kelly Elliott Road

Between Rye Glen Drive and Elliott Oaks Drive	7:30 am - 8:30 am 3:00 pm - 4:00 pm	(E)
---	--	-----

Between Brownwood Drive and Firethorn Drive	7:30 am - 9:00 am 3:00 pm - 4:30 pm	(E/J)
---	--	-------

Between a point 150 feet north and a point 700 feet south of Cypress Springs Drive	7:30 am - 8:30 am 11:30 am - 12:30 pm 3:00 pm - 4:00 pm	(KE)
--	---	------

Between a point 200 feet south of West Pleasant Ridge Road and Rochelle Drive	7:00 am - 8:00 am 12:00 pm - 1:15 pm 2:30 pm - 3:30 pm	(H)
---	--	-----

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the _____

day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____


Exhibit 1 School Zones - Viridian Elementary School



This product is for informational purposes and may not have been prepared for or be suitable for legal, Engineering or surveying purposes. It does not represent an on -the-ground survey and represents only the approximate relative location of property boundaries.

Legend

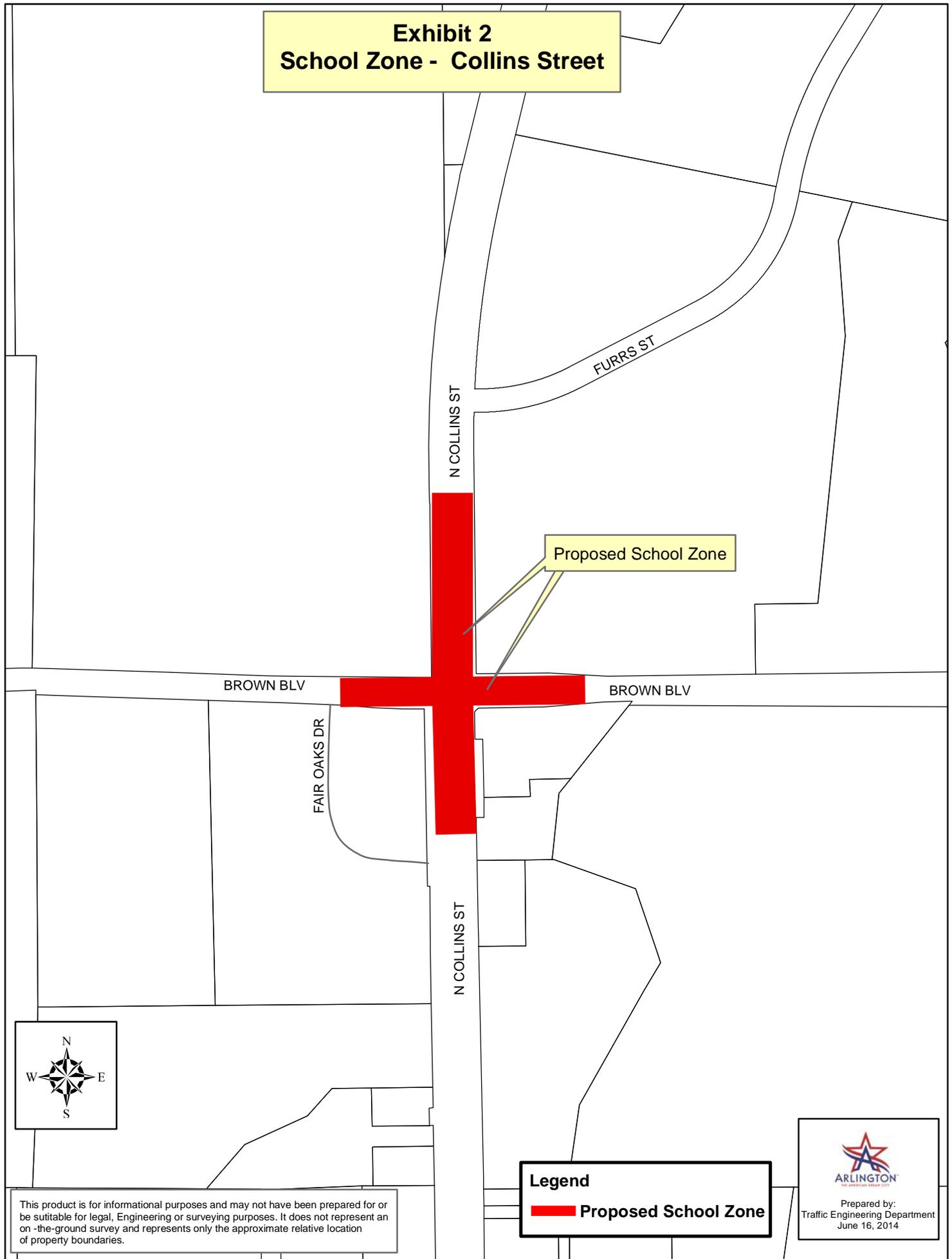
 **Proposed School Zone**



ARLINGTON
THE AMERICAN DREAM CITY

Prepared by:
Traffic Engineering Department
June 16, 2014

**Exhibit 2
School Zone - Collins Street**



**Exhibit 3
School Zones
Kelly Elliott Road/Woodside Drive & West Pleasant Ridge Road**

Martin High School

Existing School Zone

Proposed School Zone

W PLEASANT RIDGE RD

W PLEASANT RIDGE RD

KELLY ELLIOTT RD

OLD PLEASANT RIDGE RD

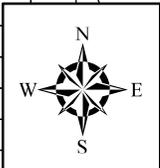
SANGRE TRL

ROCHELLE DR

WOODSIDE DR

CROSS BEND DR

W INTERSTATE 20 HWY



Legend

- Proposed School Zone
- Existing School Zone

Prepared by:
Traffic Engineering Department
June 16, 2014

This product is for informational purposes and may not have been prepared for or be suitable for legal, Engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

E RANDOL MILL RD

E RANDOL MILL RD

Exhibit 4 School Zone - Mesquite Street

N MESQUITE ST

Proposed School Zone Extension

SLAUGHTER ST

Jean Massieu
Academy

N CENTER ST

Existing School Zone

BURTON DR

E ROGERS ST

PINE ST

E CEDAR ST



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Legend

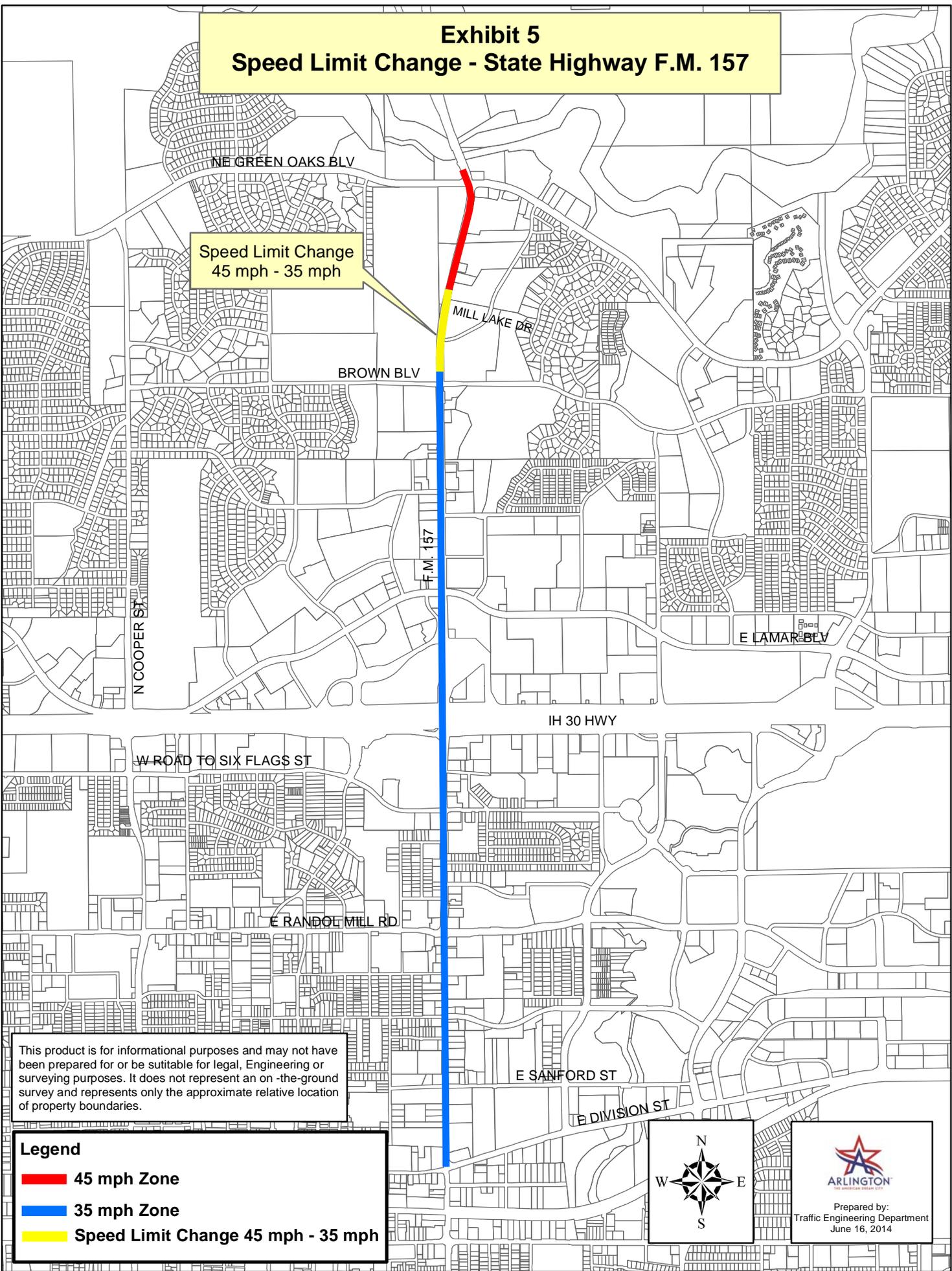
- █ Proposed School Zone
- █ Existing School Zone



Prepared by:
Traffic Engineering Department
June 16, 2014

Exhibit 5 Speed Limit Change - State Highway F.M. 157

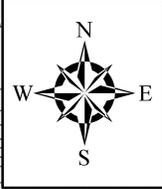
Speed Limit Change
45 mph - 35 mph



This product is for informational purposes and may not have been prepared for or be suitable for legal, Engineering or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Legend

- 45 mph Zone
- 35 mph Zone
- Speed Limit Change 45 mph - 35 mph



ARLINGTON
TEXAS
 Prepared by:
 Traffic Engineering Department
 June 16, 2014

Staff Report



Amendment of City Ordinance - Air Guns and Firearms - Discharged	
City Council Meeting Date: 8-5-14	Document Being Considered: Ordinance

RECOMMENDATION

Approve an amendment to the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington, Article I, Section 1.05, Air Guns – Discharge, and Article I, Section 1.07, Firearms – Discharge, relative to air guns and firearms discharged on Airport property by a properly trained Airport employee, or qualified biologists, authorized by the Arlington Municipal Airport Manager, as part of a comprehensive Wildlife Hazard Management Plan.

PRIOR BOARD OR COUNCIL ACTION

On January 14, 1992, Council approved Resolution No. 92-10 to repeal Article I, Section 1.05, Air Guns – Discharge, and adopt a new chapter.

On October 17, 1995, Council approved Resolution No. 95-152 amending Article I, Section 1.07, Firearms - Discharge, relative to an exception for firearms discharged in a gun club, skeet or target ranges, or other facility or area for the sport of shooting at targets to test accuracy.

ANALYSIS

Arlington Municipal Airport (GKY) has conducted a Wildlife Hazard Assessment to meet the Federal Aviation Administration (FAA) requirements provided by Federal Aviation Regulation Part 139.337. The Assessment was conducted during 2013 by qualified wildlife biologists, then submitted, and reviewed by the FAA in February 2014. The Assessment contains a number of Active Management Recommendations. Section 6.2.3 of the Assessment states "Most wildlife is highly adaptable and will habituate to non-lethal harassment measures over time. However, lethal control can help to reinforce these non-lethal methods. Often following lethal control, wildlife responds favorably to harassment with pyrotechnics once again."

Based on the results of the Assessment, the FAA is requiring the Airport to implement a Wildlife Hazard Management Plan. The wildlife biologists creating the Plan, Environmental Resource Solutions, have advised that the Plan will include using lethal control, when necessary, to reinforce the non-lethal methods.

The Airport will take the following steps to insure minimal use of lethal control:

- Install new wildlife-resistant perimeter fencing that will segregate the Fish Creek tributary from the aircraft movement area.
- Ensure that all best practices in Wildlife Management are followed, as recommended by the DFW Wildlife Consortium.
- Airport Operations employees will attend periodic training, conducted by U.S. Department of Agriculture Wildlife Services specialists, on the use of non-lethal and lethal control.

While reviewing the ordinance to make the revisions necessary for the implementation of the Wildlife Hazard Management Plan, the City Attorney's Office recommended additional minor revisions to clarify certain situations in which the ordinance does not apply and ensure the City is not regulating areas prohibited by Texas Law.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:	Ordinance
Under separate cover:	None
Available in the City Secretary's Office:	None

STAFF CONTACT(S)

Karen VanWinkle Airport Manager 817-459-5559 Karen.vanwinkle@arlingtontx.gov	Tiffany Bull Assistant City Attorney 817-459-6878 Tiffany.Bull@arlingtontx.gov
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Ordinance No. _____

An ordinance amending the “Miscellaneous Offenses” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, entitled Miscellaneous Offenses, by the amendment of Section 1.05, Air Rifles - Discharge, relative to the discharge of air or gas propelled weapons within the City; and by the amendment of Section 1.07, Firearms - Discharge, relative to the discharge of firearms within the City; containing findings and other provisions; providing for a fine of up to \$500 for each violation of the ordinance; providing this ordinance be cumulative; providing for severability, governmental immunity, injunctions, and publication; and becoming effective ten days after first publication

WHEREAS, Texas Local Government Code Sections 229.001, 229.002, and 229.004 have been amended to limit a municipality's authority to regulate the discharge of air or gas propelled weapons and firearms; and

WHEREAS, certain wildlife such as birds and coyotes pose a significant danger to incoming and outgoing flights; and

WHEREAS, City Council finds that a Wildlife Hazard Management Plan is necessary to protect the public; and

WHEREAS, City Council finds pyrotechnics and controlled use of firearms are necessary for a safe and effective Wildlife Hazard Management Plan; and

WHEREAS; the Federal Aviation Administration requires a Wildlife Hazard Management Plan; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Miscellaneous Offenses**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, Miscellaneous Offenses, Section 1.05, Air Rifles - Discharge**, so that said section shall be and read as follows:

Section 1.05 Air Rifles - Discharge

- A. A person commits an offense if he knowingly, intentionally or recklessly shoots off, fires or discharges any air rifle, air gun, air pistol or other air or gas propelled weapon of any description within the City.
- B. This Section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged by a peace officer in the course of his official duties or on

Arlington Municipal Airport property by a properly trained Airport employee or qualified biologist authorized by the Arlington Municipal Airport Manager, as part of a comprehensive Wildlife Hazard Management Plan (WHMP).

- C. This Section does not apply if the air rifle, air gun, air pistol or other gas propelled weapon was discharged:
1. in an area annexed by the City after September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; or
 2. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981 in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 100 acres or more and more than 150 feet from a residence or occupied building located on another property; or
 3. at a sport shooting range, as defined by Texas Local Government Code Section 250.001, as amended.

Further, Article I is hereby amended through the amendment of **Section 1.07, Firearms - Discharge**, so that said section shall be and read as follows:

Section 1.07 Firearms - Discharge

- A. A person commits an offense if he intentionally, knowingly or recklessly discharges a firearm within the City.
- B. This Section does not apply if:
1. The firearm was discharged in violation of Texas law in which case the discharge is chargeable under Texas law;
 2. The firearm was discharged by a peace officer in the course of his official duties;
 3. The firearm was discharged in a gun club, skeet or target range, or other facility or area for the sport of shooting at targets to test accuracy in rifle and pistol practice as authorized by the “Unified Development Code” Chapter of the Code of the City of Arlington or at a sport shooting range, as defined by Texas Local Government Code Section 250.001, as amended;
 4. The firearm was discharged on the Arlington Municipal Airport property, by a properly trained Airport employee or qualified biologist authorized by the Arlington Municipal Airport Manager, as part of a comprehensive Wildlife Hazard Management Plan (WHMP);

5. The firearm was a shotgun which was discharged:
 - a. in an area annexed by the City after September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 10 acres or more and more than 150 feet from a residence or occupied building located on another property; or
 - b. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981, in a manner not reasonably expected to cause a projectile to cross the boundary of the tract on a tract of land of 100 acres or more and more than 150 feet from a residence or occupied building located on another property; or
 6. The firearm was a center fire or rim fire rifle or pistol of any caliber which was discharged:
 - a. in an area annexed by the City after September 1, 1981, on a tract of land of 50 acres or more and more than 300 feet from a residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
 - b. in the extraterritorial jurisdiction of the City or in an area annexed by the City on or before September 1, 1981, on a tract of land of 100 acres or more and more than 300 feet from a residence or occupied building located on another property in a manner not reasonably expected to cause a projectile to cross the boundary of the tract.
- C. It is a defense to an offense under this section that the firearm was discharged as authorized by the Texas Penal Code.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be

inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the _____ day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY WJ Do

Staff Report



Amendments to the "Fire Prevention" Ordinance	
City Council Meeting Date: 08/05/14	Document Being Considered: Ordinance

RECOMMENDATION

Consider first reading of an ordinance amending Subsection 3406.3.1 of the "Fire Prevention" ordinance related to the location of gas wells.

PRIOR BOARD OR COUNCIL ACTION

On August 23, 2005, City Council approved the adoption of the 2003 International Fire Code with certain amendments and deletions as the "Fire Prevention" ordinance.

On April 24, 2012, City Council repealed the existing "Fire Prevention" ordinance and approved the adoption of the 2009 International Fire Code with amendments and deletions as the "Fire Prevention" ordinance.

ANALYSIS

The International Fire Code provides standards for locations of oil and natural gas wells. The provisions regulating well locations existed in prior "Fire Prevention" ordinances but were omitted from the latest adoption of the 2009 International Fire Code. This amendment to the "Fire Prevention" ordinance restores Section 3406.3.1 of the 2009 International Fire Code with local amendments to provide for compliance with the "Gas Drilling and Production" ordinance.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:	Ordinance
Under separate cover:	None
Available in the City Secretary's Office:	None

STAFF CONTACT(S)

Don Crowson Fire Chief 817-459-5501 don.crowson@arlingtontx.gov	Jay Doegey City Attorney 817-459-6878 Jay.Doegey@arlingtontx.gov
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Ordinance No. _____

An ordinance amending the "Fire Prevention" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, General Provisions, Section 1.03, Amendments, Additions and Deletions, by the amendment of a portion of Subsection 121 relative to the amendment of Subsection 3406.3.1 related to the location of gas wells; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective 30 days after the final adoption of the ordinance

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Fire Prevention**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, General Provisions, Section 1.03, Amendments, Additions and Deletions**, by the amendment of a portion of Subsection 121, so that hereafter Subsection 3406.3.1 shall be and read as follows:

3406.3.1 Location. The location of wells shall comply with Sections 3406.3.1.1 through 3406.3.1.3.2 and the Gas Drilling and Production Chapter of the Code of the City of Arlington, Texas.

3406.3.1.1 Storage tanks and sources of ignition. Storage tanks or boilers, fired heaters, open-flame devices or other sources of ignition shall not be located within 25 feet (7620 mm) of well heads. Smoking is prohibited at wells or tank locations except as designated and in approved posted areas.

Exception: Engines used in the drilling, production and serving of wells.

3406.3.1.2 Streets and railways. Wells shall not be drilled within 75 feet (22 860 mm) of any dedicated public street, highway or nearest rail of an operating railway.

3406.3.1.3 Buildings. Wells shall not be drilled within 100 feet (30 480 mm) of buildings not necessary to the operation of the well.

3406.3.1.3.1 Group A, E or I buildings. Wells shall not be drilled and drill zones (established pursuant to the Gas Drilling and Production Chapter) shall not be

established within 300 feet (91 440 mm) of buildings with an occupancy in Group A, E or I.

3406.3.1.3.2 Existing wells. Where wells or drill zones (established pursuant to the Gas Drilling and Production Chapter) are existing, buildings shall not be constructed or occupied within the distances set forth in Section 3406.3.1 for separation of wells or buildings.

3406.3.1.4 Electrical wiring and equipment. Electrical wiring and equipment shall be installed and maintained in accordance with the currently adopted City of Arlington Electrical Code.

3406.3.1.5 Piping supports, bracing, foundations and anchoring. Piping supports used for piping utilized in drilling operations only including piping bracing, foundations and anchoring shall comply with Section 2703.2.8 and Section 3403.6.8.

EXCEPTION: Subsurface natural gas storage, gathering and transmission pipelines.

3406.3.1.6 Roadway condition. Access roads shall be capable of supporting the load of a fire department apparatus and surfaced to provide all-weather driving capabilities. Prior to the commencement of any drilling operations, all private roads used for access to the drill site itself shall be at least twenty-four (24) feet wide and have an overhead clearance of fourteen (14) feet. At a minimum, the road shall be surfaced with bituminous surface treatment (e.g., chip seal), but asphalt and concrete paving are acceptable. Roads shall not be surfaced with gravel or caliche. All private roads shall have a concrete drive approach constructed in accordance with City design standards. In particular cases these requirements governing surfacing of private roads may be altered at the discretion of the Fire Code Official after consideration of all circumstances including, but not limited to, the following: distances from public streets and highways; distances from adjoining and nearby property owners whose surface rights are not leased by the operation; the purpose for which the property of such owners is or may be used; topographical features; nature of the soil; and exposure to wind. Watering, wetting, or other methods or materials must be used to control dust adjacent to residential property. Where required by the fire official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.

3406.3.1.6.1 Obstructed access. No vehicle or item of machinery shall be parked or stored on any street, right-of-way or in any driveway, alley or upon any operation site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for drilling or production operations on the site. The fire department shall be the

entity that determines whether any equipment on the site shall constitute a fire hazard.

3406.3.1.7 Knox security system. Provide an approved Knox Security System or equivalent on the main gate to the facility, complying with Section 506.1 through 506.2. The key box shall be of an approved type listed in accordance with UL 1037.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand (\$2000) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective 30 days after the final adoption of the ordinance.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the _____ day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY Mark Reinwand

Staff Report



Amendments to the "Flag and Logo" Ordinance

City Council Meeting Date: 08/05/14 | Document Being Considered: Ordinance

RECOMMENDATION

Consider first reading of an ordinance amending Articles I, II, V and VI of "Flag and Logo" ordinance to incorporate the City's new brand and logo, "Arlington: The American Dream City."

PRIOR BOARD OR COUNCIL ACTION

On July 24, 1986, after a review of the "Flag and Logo" ordinance, City Council adopted several amendments to provide specific guidelines for the use of the City's logo and to condense/clarify the language pertaining to the City's flag. These measures were taken to streamline the code.

On September 3, 1996, City Council approved an amendment to the "Flag and Logo" ordinance to provide guidance on when a publication and television station may use the City's logo.

In March and June of 2014, City Council directed City and Convention and Visitors Bureau staff to work together in the implementation of the City's new brand. Included in the implementation is the integration of a new logo.

ANALYSIS

The "Flag and Logo" ordinance is designed to provide standards for flags containing the City's logo and for the use of the logo by outside groups.

Clarifications to the ordinance include:

- Designating the City Manager or his/her designee to approve the use of the logo by outside groups.
- Amending the language regarding the logo's design.

FINANCIAL IMPACT

None.

ADDITIONAL INFORMATION

Attached: Ordinance
Under separate cover: None
Available in the City Secretary's Office: None

STAFF CONTACT(S)

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Ordinance No. _____

An ordinance amending the "Flag and Logo" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Definitions, Section 1.02, Logo; through the amendment of Article II, Clarifying Description of City of Arlington Flag and Logo, by the deletion of Section 2.02, Illustrating City of Arlington Flag, and the renumbering of the remaining section; and by the amendment of Section 2.03, Description of the City of Arlington Flag; through the amendment of Article V, Rules Governing the Use of the City of Arlington Logo, Section 5.02, Application Submitted; Section 5.03, Allowable Uses; Section 5.04, Approval; and Section 5.05, Guidelines to be Followed; through the amendment of Article VI, Use of the Flag, Section 6.01, Use of City of Arlington Logo, Servicemark and Trademark on City of Arlington Flag; and Section 6.04, Penalty; providing for a fine of up to \$200 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Flag and Logo" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article I, Definitions, Section 1.02, Logo**, so that said section shall be and read as follows:

Section 1.02 Logo

The word "Logo", as used in this ordinance shall include the following images:



Further, **Article II**, Clarifying Description of City of Arlington Flag and Logo, is hereby amended through the **deletion** of **Section 2.02**, Illustrating City of Arlington Flag, and the renumbering of the remaining section.

Further, **Article II** is hereby amended through the amendment of **Section 2.03**, Description of the City of Arlington Flag, so that said section shall be and read as follows:

Section 2.02 Description of the City of Arlington Flag

The City of Arlington Flag is an emblem of four sides, and four angles of ninety (90) degrees each, its height being equal to 60% of its length. The Flag shall consist of a white background with the City of Arlington Logo imprinted or embossed thereon. The words “City of Arlington Texas” shall be printed or embossed beneath such Logo and shall be in black or navy blue. The lettering and Logo shall be centered each way in the field of the Flag. The entire width of the lettering and Logo shall be two-thirds (2/3) of the length of the Flag. The entire height of the lettering and logo shall be two-thirds (2/3) of the height of the Flag. The height of the lettering shall be one-tenth (1/10) of the height of the Flag. A tolerance of plus or minus 5% of the foregoing proportions is permitted.

Further, **Article V**, Rules Governing the Use of the City of Arlington Logo, is hereby amended through the amendment of **Section 5.02**, Application Submitted, so that said section shall be and read as follows:

Section 5.02 Application Submitted

Application for approval to use or display the City of Arlington Logo shall be made to the City Manager, or his/her designee, prior to such use or display.

Further, **Article V** is hereby amended through the amendment of **Section 5.03**, Allowable Uses, so that said section shall be and read as follows:

Section 5.03 Allowable Uses

Use of the City of Arlington Logo shall be limited to the following:

1. Nonprofit charitable organizations;
2. Events limited in duration to a period of time specifically designated in the application;
3. Uses which comport with the guidelines listed in Section 5.05; and/or

4. Such other uses deemed appropriate by the City Manager, or his/her designee, taking into consideration the good name, reputation and public image of the City of Arlington at stake each time a request for use is granted.
5. Media agencies may be granted permission to use the City of Arlington logo provided the following criteria are met:
 - a. if the media agency is a television station with a broadcast signal which serves the entire population or geographic city limits of the City of Arlington; or
 - b. if the media agency is a newspaper with a paid subscriber circulation within the City of Arlington of not less than 10,000 subscribers.

The City Manager, or his/her designee, shall determine if a media agency is in compliance with this ordinance.

Further, **Article V** is hereby amended through the amendment of **Section 5.04, Approval**, so that said section shall be and read as follows:

Section 5.04 Approval

The City Manager, or his/her designee, shall review each application for compliance with this Ordinance. An application for use submitted to the City Manager, or his/her designee, shall be approved or disapproved by the City Manager, or his/her designee, and such decision shall be final.

Further, **Article V** is hereby amended through the amendment of **Section 5.05, Guidelines to be Followed**, so that said section shall be and read as follows:

Section 5.05 Guidelines to be Followed

The following guidelines shall be followed by the City Manager, or his/her designee, in reviewing each application for use of the City of Arlington Logo.

1. Use of the City of Arlington Logo shall not be allowed if such use:
 - a. is, or includes matter which is immoral, deceptive, or scandalous according to community standards;
 - b. may disparage, or falsely suggest a connection with, or bring into contempt or disrepute the City of Arlington;

- c. is likely to cause confusion or mistake, or to deceive, because, when applied to the applicant's proposed use in connection with an activity or event, the activity or event appears to be controlled by the City of Arlington when such is not the case.

Further, **Article VI, Use of the Flag**, is hereby amended through the amendment of **Section 6.01, Use of City of Arlington Logo, Servicemark and Trademark on City of Arlington Flag**, so that said section shall be and read as follows:

Section 6.01 Use of City of Arlington Logo, Servicemark and Trademark on City of Arlington Flag

- A. The grant of permission contained in these articles to display the City of Arlington Flag, and the fact that the Flag contains the City of Arlington Logo, shall not be construed as general permission for the public to use the City of Arlington Logo, trademark, or servicemark when same is not a part of such Flag or when such Flag or display thereof does not comply with the provisions of this ordinance.
- B. There is hereby granted permission to manufacture, sell, deliver, possess, and display the City of Arlington Flag consistent with the provisions of this ordinance.
- C. Nothing herein shall be deemed to constitute a waiver by the City of Arlington of the use of the City of Arlington Logo, its registered servicemark and trademark, for any use or in any manner not specifically authorized by this ordinance.

Further, **Article VI** is hereby amended through the amendment of **Section 6.04, Penalty**, so that said section shall be and read as follows:

Section 6.04 Penalty

Any person violating the provisions of Section 6.02 or Section 6.03 of Article VI of this Chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$200.00. Each day that a violation is continued shall constitute a separate offense.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Hundred and No/100 Dollars (\$200) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the _____

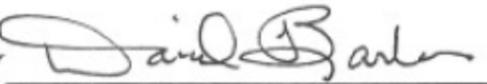
day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Staff Report



Ordinance Granting Electric Franchise	
City Council Meeting Date: 08-05-14	Document Being Considered: Ordinance

RECOMMENDATION

Approve a revised ordinance on second reading granting an electric franchise to Oncor Electric Delivery Company LLC.

PRIOR BOARD OR COUNCIL ACTION

On October 18, 1988, the City Council adopted Ordinance No. 88-141 granting an electric franchise to Oncor Electric Delivery Company LLC, successor in interest to Texas Utilities Electric Company, for a period of twenty five years. On November 19, 2013, the City Council enacted Ordinance No. 13-053 providing for a six month extension of the franchise.

On June 24, 2014, the City Council voted on first reading to approve an electric franchise to Oncor Electric Delivery Company LLC.

ANALYSIS

The attached ordinance recommended for approval on second reading contains minor revisions suggested by Oncor subsequent to the June 24, 2014 City Council meeting.

FINANCIAL IMPACT

There is no anticipated financial impact from this ordinance.

ADDITIONAL INFORMATION

Attached:	Ordinance
Under separate cover:	None
Available in the City Secretary's office:	None

STAFF CONTACT(S)

Jay Doegey City Attorney 817-459-6878 jay.doegey@arlingtontx.gov	David Barber Assistant City Attorney 817-459-6878 david.barber@arlingtontx.gov
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Ordinance No. _____

An ordinance amending the “Utilities” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IV, entitled Electricity, whereby the City grants to Oncor Electric Delivery Company LLC a franchise for the purpose of constructing, maintaining and operating an electric delivery system in the City; prescribing compensation to the City from the Company for the franchise privilege; prescribing the term and effective date of said franchise; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; and providing for publication and providing an effective date

- WHEREAS, on October 18, 1988 the City Council adopted Ordinance No. 88-141 granting Oncor Electric Delivery Company LLC (“Oncor”), successor in interest to Texas Utilities Electric Company, a franchise for a period of twenty five (25) years to use and occupy the present and future streets, avenues, alleys, highways, public places, public ways and utility easements (Public Rights-of-Way) within the City of Arlington (the “City”) for the purpose of constructing, extending, maintaining, using and operating an electric utility system of poles, lines, wires, towers, anchors, cables, manholes, underground conduits, transmission lines, telegraphic and telephone lines for its own use, and other structures and appurtenances necessary for the delivery of electricity to customers located in the City, as amended (collectively, the “Franchise”); and
- WHEREAS, Oncor is now and has been engaged in the construction, maintenance and operation of an electric delivery system in the City pursuant to such rights as have been granted it and its predecessors by and under the laws of the State of Texas, and subject to the exercise of such reasonable rights of regulation under the police power and other rights as have been also lawfully granted by and under said laws to the City; and
- WHEREAS, Texas Transportation Code § 311.071(a) provides that the governing body of a home-rule municipality by ordinance may grant to a person a franchise to use or occupy a public street or alley of the municipality; and
- WHEREAS, Texas Tax Code § 182.025(a) provides that an incorporated city may make a reasonable charge for the use of a city street, alley, or public way by a public utility in the course of its business; and
- WHEREAS, Texas Tax Code § 182.025(c) provides that the total charges related to distribution service of an electric utility or transmission and distribution utility within the city may not exceed the amount or amounts prescribed by Section 33.008, Utilities Code; and

WHEREAS, Texas Utilities Code § 33.008(a) provides that a municipality may impose on an electric utility a reasonable charge for use of a municipal street, alley, or public way to deliver electricity to a retail customer; and

WHEREAS, Texas Utilities Code §33.008(b) provides that a municipality is entitled to collect from each electric utility that uses the municipality's street, alleys, or public ways to provide distribution service a fee per kilowatt hour delivered to each retail customer for consumption within the city; and

WHEREAS, Texas Utilities Code §33.008(f) provides that a municipality and an electric utility may mutually agree to a different level of compensation; and

WHEREAS, in 2002, the City and Oncor's predecessor in interest agreed that Oncor would pay franchise fees on revenues received from Oncor's Discretionary Service Charges at the rate of four percent (4%) of such revenues; and

WHEREAS, in 2006, the City and Oncor agreed that the franchise fee per kilowatt hour would be increased over a period of time to its current level; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Utilities" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended at Article IV, Electricity, so that said article shall be and read as follows:

ARTICLE IV

Electricity

Section 4.01 Grant of Franchise

The City hereby grants to Oncor Electric Delivery Company LLC, its successors and assigns, herein called "Electric Company" or "Company," the right, privilege and franchise to use its present and future streets, avenues, alleys, highways, public ways and utility easements for the purpose of constructing, maintaining and operating in the present and future streets, avenues, alleys, highways, public ways and utility easements of the City, electric power lines together with all necessary or desirable appurtenances (including underground conduits, poles, towers, wires, and transmission lines, and communication lines for its own use) for the purpose of delivering electricity to the City, the inhabitants thereof, and persons, firms, and corporations beyond the corporate limits thereof.

Section 4.02 Placement of Facilities

The placement of Electric Company's facilities in the streets, avenues, alleys, highways, public ways and easements within the City shall interfere as little as reasonably practicable with the use of public streets, avenues, alleys, highways, drainage systems and public ways and shall comply with all pertinent requirements of the National Electric Safety Code and with City ordinances.

Section 4.03 Franchise Fee

A. In consideration of the grant of said right, privilege and franchise by the City and as full payment for the right, privilege and franchise of using and occupying the said Public Rights-of-Way, and in lieu of any and all occupation taxes, assessments, municipal charges, fees, easement taxes, franchise taxes, license, permit and inspection fees or charges, street taxes, bonds, street or alley rentals, and all other taxes, charges, levies, fees and rentals of whatsoever kind and character which the City may impose or hereafter be authorized or empowered to levy and collect, excepting only the usual general or special ad valorem taxes which the City is authorized to levy and impose upon real and personal property, sales and use taxes, and special assessments for public improvements, Electric Company shall pay to the City a franchise fee as follows:

1. As authorized by Section 33.008(b) of PURA, the amount of \$0.002904 multiplied by each kilowatt hour of electricity delivered by Company to each retail customer whose consuming facility's point of delivery is located within the City's municipal boundaries, in accordance with the Agreement to Resolve Outstanding Franchise Issues between Oncor and the Steering Committee of Cities Served by TXU Electric Delivery Company, dated January 27, 2006.

2. Payments to the City shall be made per the quarterly schedule as follows:

<u>Payment Due Date</u>	<u>Basis Period</u>	<u>Privilege Period</u>
February 28(29)	Oct. 1 – Dec. 31	Mar. 1 – May 31
May 31	Jan. 1 – Mar. 31	Jun. 1 – Aug. 31
August 31	Apr. 1 – Jun. 30	Sept. 1 – Nov. 30
November 30	Jul.1 – Sept. 30	Dec.1 – Feb. 28(29)

3. A sum equal to four percent (4%) of gross revenues received by Company from services identified as DD1 through DD24 in Section 6.1.2 "Discretionary Service Charges," in its Tariff for Retail Delivery Service (Tariff), effective 1/1/2002, that are for the account and benefit of an end-use retail electric consumer, pursuant to the Compromise, Settlement, and Release Agreement between the City and TXU Electric Company, effective January 1, 2002. Company will, upon request by City, provide a

cross reference to Discretionary Service Charge numbering changes that are contained in Company's current approved Tariff.

4. The franchise fee amounts based on "Discretionary Service Charges" shall be calculated on an annual calendar year basis, i.e. from January through December 31 of each calendar year. The franchise fee amounts that are due based on "Discretionary Service Charges" shall be paid at least once annually on or before April 30 each year based on the total "Discretionary Service Charges", as set out in Section 4.03.A.3, received during the preceding calendar year.
- B. With each payment of compensation required by Section 4.03.A.2, Electric Company shall furnish to the City a statement, executed by an authorized officer of Electric Company or designee, providing the total kWh delivered by Electric Company to each retail customer's point of delivery within the City and the amount of payment for the period covered by the payment.
 - C. With each payment of compensation required by Section 4.03(A)(3), Electric Company shall furnish to the City a statement, executed by an authorized officer of Electric Company or designee, reflecting the total amount of gross revenues received by Electric Company from services identified in its "Tariff for Retail Delivery Service," Section 6.1.2, "Discretionary Service Charges," Items DD1 through DD24.
 - D. Pursuant to Section 33.008(e) of the Texas Utilities Code, the City may conduct an audit or other inquiry in relation to a payment made by Electric Company less than two (2) years before the commencement of such audit or inquiry. The City may audit the applicable books and records of the Electric Company to verify statements provided under this Section 4.03. Audits may be done to verify that all fees have been charged and paid according to this franchise. The Electric Company will provide adequate office space and records to accomplish each audit.
 - E. If either party discovers that Electric Company has failed to pay the entire or correct amount of compensation due, the correct amount shall be determined by mutual agreement between the City and Electric Company and the City shall be paid by Electric Company within thirty (30) calendar days of such determination. Any overpayment to the City through error or otherwise will, at the sole option of the City, either be refunded to Electric Company by City within thirty (30) days of such determination or offset against the next payment due from Electric Company. Acceptance by either party of any payment due under this Section shall not be deemed to be a waiver of any claim of breach of this Franchise, nor shall the acceptance by either party of any such payments preclude the other party from later establishing that a larger amount was actually due or from collecting any balance due. Nothing in this section shall be deemed a waiver by either party of its rights under law or equity.

- F. Interest on late payments shall be calculated in accordance with the interest rate for customer deposits established by the Public Utility Commission of Texas in accordance with Texas Utilities Code Section 183.003 which may be amended for the time period involved.
- G. The franchise fee payable to the City pursuant to Section 4.03 hereunder, shall not be offset by any payment by Electric Company to the City relating to ad valorem taxes.

Section 4.04 Period Of Time Of This Ordinance-Expiration

- A. This franchise shall be in full force and effect for a period beginning with the effective date hereof and ending ten (10) years after to expire on August 31, 2024.
- B. In the event that this franchise is renewed, the quarterly payments under Section 4.03.A.2 and the annual Discretionary Service Charge payments under Section 4.03.A.3 of this ordinance shall continue uninterrupted under the terms of this Section and Section 4.03.

Section 4.05 No Exclusive Privileges Conferred By This Ordinance

Nothing herein contained shall be construed as giving to the Electric Company any exclusive privilege within City limits.

Section 4.06 Successors and Assigns

The rights, powers, limitation, duties and restrictions herein provided for shall inure to and be binding upon the parties hereto and upon their respective successors and assigns.

Section 4.07 Electric Company Subject to Other Regulations

The Electric Company's property and operations within the City limits shall be subject to applicable City Charter provisions, ordinances and all rules and regulations that have been or will be promulgated by the City including but not limited to the Right-of-Way Management Chapter of the City Code unless otherwise in conflict with this Ordinance, federal or state laws, rules, or regulations. The failure of this Ordinance to include provisions that exist in other City rules, regulations, or ordinances, does not affect the enforceability of such other City rules, regulations, or ordinances against Electric Company, and such other City rules, regulations, and ordinances remain in full force and effect with regard to Electric Company, whether fully set out herein or not.

Section 4.08

In all respects, this franchise ordinance heretofore duly passed by the governing body of the City shall remain in full force and effect according to its terms until said franchise ordinance terminates as provided therein.

Section 4.09 Effective Date

This ordinance shall take effect upon City publication and City passage.

Section 4.10 Supersede

This Ordinance shall supersede any and all other Franchises granted by the City to Electric Company, its predecessors and assigns.

Section 4.11 Open Meeting

It is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that public notice of the time, place and purpose of said meeting was given by the City as required.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

6.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the _____ day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 