



CITY COUNCIL AGENDA

AUGUST 19, 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 dirija 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 asistien 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 19, 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

- 1. **Settlement of City of Arlington v. Chesapeake Exploration, L.L.C., and Total E&P USA, Inc., Lawsuit**
A resolution authorizing the execution of a settlement agreement and related documents in connection with the City of Arlington, Texas v. Chesapeake Exploration, L.L.C., and Total E&P, USA, Inc., lawsuit, Cause No. 141-267203-13.

- 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

2. **Rescind and Approve Consent to Partial Assignment and Second Amendment to Oil and Gas Lease – Chesapeake Exploration, L.L.C., Total E&P USA, Inc., and XTO Energy Inc.; Lease No. 08-023**
A resolution rescinding Resolution 11-298 and approving a Consent to Partial Assignment and Second Amendment to Oil and Gas Lease between Chesapeake Exploration, L.L.C., Total E&P USA, Inc., XTO Energy Inc., and the City of Arlington relative to assigning approximately 12.13 acres of land being a portion of Harris Park, City of Arlington, Tarrant County Texas, and to amending provisions as to all leased acres.
3. **First Amendment to Oil and Gas Lease – Chesapeake Exploration, L.L.C. and Total E&P USA, Inc.; Lease No. 06-002**
A resolution authorizing the City Manager or his designee to execute a First Amendment to Oil and Gas Lease between Chesapeake Exploration, L.L.C., Total E&P USA, Inc., and the City of Arlington relative to a Restricted Surface Use Oil and Gas Lease in approximately 115.16 acres of land being a portion of Village Creek Linear Park, City of Arlington, Tarrant County, Texas.
4. **First Amendment to Oil and Gas Lease – Chesapeake Exploration, L.L.C. and Total E&P USA, Inc.; Lease No. 06-003**
A resolution authorizing the City Manager or his designee to execute a First Amendment to Oil and Gas Lease between Chesapeake Exploration, L.L.C., Total E&P USA, Inc., and the City of Arlington relative to a No Surface Use Oil and Gas Lease in approximately 143.25 acres of land being Bowman Branch Linear Park, City of Arlington, Tarrant County, Texas.
5. **First Amendment to Oil and Gas Lease – Chesapeake Exploration, L.L.C. and Total E&P USA, Inc.; Lease No. 06-008**
A resolution authorizing the City Manager or his designee to execute a First Amendment to Oil and Gas Lease between Chesapeake Exploration, L.L.C., Total E&P USA, Inc., and the City of Arlington relative to the exploration and production of natural gas under approximately 13.14 acres of land being Martha Walker Park, City of Arlington, Tarrant County, Texas.
6. **First Amendment to Oil and Gas Lease – Chesapeake Exploration, L.L.C.; Lease No. 08-038**
A resolution authorizing the City Manager or his designee to execute a First Amendment to Oil and Gas Lease between Chesapeake Exploration, L.L.C. and the City of Arlington relative to the exploration and production of natural gas under approximately 3.65 acres of land being Fire Station No. 16 and Collins Street Right of Way, City of Arlington, Tarrant County, Texas.
7. **Second Amendment to Oil and Gas Lease – Chesapeake Exploration, L.L.C. and Total E&P USA, Inc.; Lease No. 10-058**
A resolution authorizing the City Manager or his designee to approve a Second Amendment to Oil and Gas Lease between Chesapeake Exploration, L.L.C., Total E&P USA, Inc., and the City of Arlington relative to the production of natural gas under approximately 21.6599 acres of land being Brantley Hinshaw Park, Fire Station No. 5, B.C. Barnes Park and Other Tracts, City of Arlington, Tarrant County, Texas.

8. **Third Amendment to Oil and Gas Lease – Chesapeake Exploration, L.L.C., Total E&P USA, Inc. and Larchmont Resources, L.L.C.; Lease No. 10-029**
A resolution authorizing the City Manager or his designee to execute a Third Amendment to Oil and Gas Lease between Chesapeake Exploration, L.L.C., Total E&P USA, Inc., Larchmont Resources, L.L.C., and the City of Arlington relative to the exploration and production of natural gas under approximately 230.6848 acres of land being a portion of Randol Mill Park, NW Green Oaks Boulevard Rights-of-Way, and Other Tracts, City of Arlington, Tarrant County, Texas.
9. **Second Amendment To Oil And Gas Lease No. 10-062 – Vantage Fort Worth Energy, L.L.C.**
A resolution authorizing the City Manager or his designee to execute a Second Amendment to Oil and Gas Lease between Vantage Fort Worth Energy, L.L.C. and the City of Arlington relative to the exploration and production of natural gas under approximately 0.79 acres of land located at 2821 Perkins Road, City of Arlington, Tarrant County, Texas, for a resulting total lease of approximately 35.9481 acres.

VII. APPROVAL OF MINUTES

Afternoon Meeting, August 5, 2014
Evening Meeting, August 5, 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. **Purchase of a Vacuum Excavator, Bid Project 14-0189 (MO#08192014-001)**
Authorize the City Manager or his designee to approve the purchase of a vacuum excavator with Vermeer Texas Louisiana, Inc., of Round Rock, Texas, through the Texas Local Government Purchasing Cooperative (TLGPC) in the estimated amount of \$55,770, and execute any and all documents necessary to carry out such purchase. Funds are available in Public Works & Transportation Department Account No. 720102-68201 and are subject FY2015 and to subsequent fiscal year budget approval.
2. **Front Street Parking Lot; Project No. PWST14003 (MO#08192014-002)**
Authorizing the City Manager or his designee to execute a construction contract with Pavecon Public Works LP, of Grand Prairie, Texas for the Front Street Parking Lot in an amount not to exceed \$322,966.54. The contract includes a maximum bonus of \$12,000 for a possible contract total of \$334,966.54. Funding is available in the TIRZ No. 1 Fund Account No. 480102-61002-3025.

3. **Annual Requirements Contract for Concrete Panel & Sidewalk Replacement Program; Project No. PWSM14002 (MO#08192014-003)**
 Authorizing the City Manager or his designee to execute an annual requirements contract, with Ken-Do Contracting, LP, of Desoto, Texas, for the concrete panel and sidewalk replacement, in an amount not to exceed \$2,374,651. Funds are available in the Street Maintenance Sales Tax Account No. 728501-63132-61370695 [\$1,988,650.50] and Street Maintenance General Fund Account No. 728501-63132-61380695 [\$386,000.50].

4. **Renewal of Annual Requirements Contract for Motor Maintenance, Bid Project 14-0007 (MO#08192014-004)**
 Authorize the City Manager or his designee to exercise the first of four, one-year renewal options for the annual requirements contract for motor maintenance with Brandon and Clark, Inc. of Fort Worth, Texas in the estimated amount of \$116,734, and execute any and all documents necessary to carry out such renewal. Funds are budgeted in the Water Treatment Maintenance of Pumps and Motors Account No. 620102-63122 and subject to FY2015 budget approval.

5. **Renewal of Annual Requirements Contract for Fire Hydrants, Bid Project 13-0191 (MO#08192014-005)**
 Authorize the City Manager or his designee to exercise the first of four, one-year renewal options for the annual requirements contract for fire hydrants with Fortiline Waterworks of Haltom City, Texas in the estimated amount of \$75,516, and execute any and all documents necessary to carry out such renewal. Funds are budgeted in Water Utilities Inventory Account No. 5000-16000 and subject to FY2015 budget approval.

6. **Change Order No. 1, Annual Contract for Repair and Replacement of Sanitary Sewer Services, Project No. WUSR14001 (MO#08192014-006)**
 Authorizing the City Manager or his designee to authorize Change Order No. 1 with Gra-Tex Utilities, Inc., of Arlington, Texas for Change Order No. 1, Annual Contract for Repair and Replacement of Sanitary Sewer Services, Project No. WUSR14001, in an amount not to exceed \$174,500. Funding is available in Water Utilities (Maintenance of Sewer Services) Account No. 630101-63126.

7. **Southridge and E. Inwood Drive Water and Sanitary Sewer Renewals, Project No. WUOP14007 (MO#08192014-007)**
 Authorizing the City Manager or his designee to execute a construction contract with Woody Contractors, Inc., of Kennedale, Texas for Southridge and E. Inwood Drive Water and Sanitary Sewer Renewals, Project No. WUOP14007, in an amount not to exceed \$1,009,622.85. Funding is available in Water Bond Fund Account No. 658502-68252-18086205 [\$399,846.35], Sanitary Sewer Renewal Fund Account No. 668501-68250-18086204 [\$342,039.50], Street Maintenance Fund Account No. 728501-63132-61390695 [\$248,987], and Non-Arbitrage Street Bond Fund Account No. 358502-68153-65480699 [\$18,750].

8. **Tarrant County College Services Agreement to provide Curriculum and Training for EMT and Advanced EMT (MO#08192014-008)**
 Authorizing the City Manager or his designee to execute a Services Agreement with Tarrant County College District Northeast Campus of FT. Worth, Texas to provide curriculum and training for Emergency Medical Technician and Advanced Emergency Medical Technician in the amount of \$31,790.00 for up to 10 students, additionally if the class size exceeds 10 students, a charge of \$3,179.00 for each Emergency Medical Technician trainee and \$1,937.00 for each Advanced Emergency Medical Technician trainee will be paid for each student over the original 10. Funding is available in Liquidated Damages Account No. 790201-61002.

B. Consent Agenda Ordinances – 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.

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

Final reading of 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.

2. **Amendments to City of Arlington "Fire Prevention" Ordinance**

Final reading of 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.

3. **Amendments to City of Arlington Ordinance Miscellaneous Offenses**

Final reading of 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.

4. **School Zone Ordinance and Revision**
Final reading of 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.

5. **Specific Use Permit SUP14-3 (316 West Fork Dr. - 316 West Fork Drive) (CLOSED)**
Consider a request for a change in the zoning of property by approving a request for 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. Final 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.

6. **Designation of Reinvestment Zone Number Thirty Eight – J & J Group, Ltd. (CLOSED)**
Final 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.

C. Consent Agenda Resolutions

1. **FY2015 Annual Audit Plan**
A resolution approving the Fiscal Year 2015 Annual Audit Plan.

2. **Stadium Drive (Abram Street to Division Street) - Relocation Assistance – 110 Stadium Drive**
A resolution approving reimbursement of relocation costs in an amount not to exceed \$45,000 for Up Front Letter Press of 110 Stadium Drive, City of Arlington, Tarrant County, Texas.

3. **Stadium Drive (Abram Street to Division Street) - Relocation Assistance – 114 Stadium Drive**
A resolution approving reimbursement of relocation costs in an amount not to exceed \$30,000 for Dunn Deal World of Wheels of 114 Stadium Drive, City of Arlington, Tarrant County, Texas.

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. **(CONTINUED) 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 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.

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.

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. **Special Events Zone in Support of the 2015 College Football Playoff National Championship Game**

An ordinance prohibiting certain activities within a special event zone in connection with NCAA Division I Men's Final Four and its Related Activities in the City of Arlington; 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, publication and an effective date.

B. Ordinances Final Reading

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

Consider a request for a change in 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. Final 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.

XIII. RESOLUTIONS

Public comment will be accepted at this time on the following items.

A. Resolutions:

1. **J & J Group, Ltd. Tax Abatement**

A resolution authorizing the execution of an agreement by and between J & J Group, Ltd. and the City of Arlington, Texas, relative to tax abatement for a project in Reinvestment Zone Number Thirty-Eight in the City of Arlington, Texas.

XIV. ANNOUNCEMENTS

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



Minutes

Arlington City Council
Meeting

Council Briefing Room
101 W. Abram St.

August 5, 2014
2:00 PM

The City Council of the City of Arlington, Texas, convened in Special Session on August 5, 2014, at 2:00 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:

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

Absent: Mayor R. Cluck

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 2:02 p.m.

II. WORK SESSION

1. FY15 Proposed Budget

Trey Yelverton, City Manager, presented the FY15 proposed budget to Council.

At 3:34 p.m., Mayor Pro Tem K. Wilemon announced that Council would take a short recess; Council reconvened at 3:43 p.m.

2. 2014 Capital Bond Discussion

Jim Parajon, Director, Community Development and Planning Department, discussed the 2014 Capital Bond Program. The following City staff were available for questions: Lemuel Randolph, Director, Parks and Recreation Department; Chief Don Crowson, Arlington Fire Department; Cary Siegfried, Director of Libraries; Matt Young, Assistant Director of Park Operations, Parks and Recreation Department; and Keith Melton, Director, Public Works and Transportation Department.

3. City of Arlington Seal

Mayor Pro Tem K. Wilemon asked to defer this work session item to the August 19, 2014 afternoon meeting.

III. ISSUES SESSION

A. Discussion of informal staff reports

1. Notice of Effective and Rollback Property Tax Rates

Mike Finley, Chief Financial Officer and Director, Finance Department, discussed the notice of effective and rollback property tax rates.

B. Discussion of committee meetings

1. Municipal Policy - Pedicab/NEV Ordinance

Councilmember R. Rivera, Chair, reported on the committee meeting.

2. Regional Policy & Municipal Infrastructure - State Lobbyist Contract

Councilmember S. Capehart, Chair, reported on the committee meeting.

C. Discussion of miscellaneous items

1. Appointments to boards and commissions

There were 22 appointments to boards and commissions.

2. Evening Agenda items

Item No. XII-A-3 was discussed.

3. Issues relative to City construction projects

4. Future Agenda items

Councilmember R. Rivera requested an update regarding red light cameras and county collections.

5. Council District 2 Update

Councilmember S. Capehart asked to defer this item to the August 19, 2014 afternoon meeting.

6. Support Quality Education

Gilbert Perales, Deputy City Manager, presented the Supporting Quality Education Newsletter to Council.

At 5:01 p.m., Mayor Pro Tem K. Wilemon announced that Council would convene in Executive Session to discuss the following:

IV. EXECUTIVE SESSION

A. Section 551.071, CONSULTATION WITH ATTORNEY

1. Discussion of New York Ave., LLC v. City of Arlington lawsuit
2. Discussion of Da Vinci Investment Limited Partnership v. City of Arlington, et. al. lawsuit
3. Discussion of The Arlington Yacht Club Inc. (Texas) v. The City of Arlington
4. Discussion of Kory Watkins, individually and in his capacity as coordinator for Open Carry Tarrant County v. City of Arlington lawsuit
5. Discussion of Hoster 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 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.

2. The consideration of other real property items.
 - a. Discussion of gas leases on City Property
- C. Section 551.087, DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS
 1. Offers of Incentives to Business Prospects.

At 6:17 p.m., Council reconvened in Open Session and there being no further business, the meeting was adjourned.

APPROVED:

Kathryn Wilemon, Mayor Pro Tem

ATTEST:

Mary W. Supino, City Secretary

Minutes



Arlington City Council Regular Meeting

Council Chamber
101 W. Abram St.

August 5, 2014
6:30 PM

The City Council of the City of Arlington, Texas, convened in Regular Session on August 5, 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 R. Rivera
Councilmember K. Wilemon
Councilmember L. Wolff
Councilmember R. Shepard
Councilmember J. Bennett
Councilmember M. Glaspie

Absent: Mayor R. Cluck

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

Father Thomas Craig, St. Vincent de Paul Catholic Church, gave the invocation and the Pledge of Allegiance was recited.

III. SPECIAL PRESENTATIONS

No presentations.

IV. APPOINTMENTS TO BOARDS AND COMMISSIONS

Councilmember R. Rivera made a motion to approve the following resolutions appointing membership to the following Boards and Commissions. Seconded by Councilmember J. Bennett, the motion carried with 8 ayes and 0 nays.

Animal Services Center Advisory Board
Tracie Baker, Chair, term ending 6-30-15
Brian Ganges, Place 3, term ending 6-30-15

RESOLUTION NO. 14-168

Arlington Higher Education Finance Corporation
Kenneth Woods, Chair, term ending 6-30-15

RESOLUTION NO. 14-169

Arlington Housing Finance Corporation
Lana Wolff, Chair, term ending 6-30-15
Robert Rivera, Place 4, term ending 6-30-20
Curtis Boozer, Place 5, term ending 6-30-20

RESOLUTION NO. 14-170

Citizens Environmental Committee
Richard Weintraub, Place 2, term ending 6-30-16

RESOLUTION NO. 14-171

Emergency Physician's Advisory Board
Hoyt Frenzel, Chair, term ending 6-30-15

RESOLUTION NO. 14-172

Ethics Review Commission
Judy Northup, Place 2, term ending 6-30-16

RESOLUTION NO. 14-173

Housing Authority
Victor Weir, Chair, term ending 6-30-15
Houdini C. Reyes, Place 2, term ending 6-30-16
Marlo Hunter, Place 4, term ending 6-30-16

RESOLUTION NO. 14-174

Landmark Preservation Commission

Kristina Rumans, Chair, term ending 6-30-15

RESOLUTION NO. 14-175

Library Board

Antoinette Nelson, Chair, term ending 6-30-15

RESOLUTION NO. 14-176

Mechanical and Plumbing Code Board of Appeals

Earl Thomas, Jr., Chair, term ending 6-30-15

RESOLUTION NO. 14-177

Parks and Recreation Board

Laura Capik, Chair, term ending 6-30-15

Courtney Wilson, Place 10, term ending 6-30-15

RESOLUTION NO. 14-178

Planning & Zoning Commission

Kevin McGlaun, Chair, term ending 6-30-15

RESOLUTION NO. 14-179

Special Transportation Advisory Board

Bob Hester, Chair, term ending 6-30-15

RESOLUTION NO. 14-180

Teen Court Advisory Board

Larry Cummings, Chair, term ending 6-30-15

Robyn Battles, Place 17, term ending 6-30-15

RESOLUTION NO. 14-181

Zoning Board of Adjustment

Juan Fernandez, Chair, term ending 6-30-15

RESOLUTION NO. 14-182

V. SPEAKER GUIDELINES AND GENERAL DECORUM

Mary W. Supino, City Secretary, recited the speaker guidelines and general decorum.

VI. APPROVAL OF ITEMS FROM EXECUTIVE SESSION

Councilmember R. Shepard made a motion to approve that City Council authorize the use of the power of eminent domain to acquire all rights necessary for the Stadium Drive (Abram Street to Division Street) project that includes road improvements to Stadium Drive as read by the City Secretary. Seconded by Councilmember R. Rivera, the motion carried with 8 ayes and 0 nays.

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 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. 14-183

VII. APPROVAL OF MINUTES

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

Councilmember L. Wolff made a motion to approve minutes from the Special Meeting of July 17, 2014; Afternoon and Evening Meetings of June 24, 2014; and the Special Meeting of June 30, 2014. Seconded by Councilmember M. Glaspie, the motion carried with 8 ayes and 0 nays.

VIII. APPROVAL OF CONSENT AGENDA

Councilmember S. Capehart made a motion to approve all items from the Consent Agenda. Councilmember R. Shepard abstained from Item No. VIII-A-13. Seconded by Councilmember R. Rivera, the motion carried with 8 ayes and 0 nays.

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].

Councilmember S. Capehart made a motion to approve a minute order 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]. Seconded by Councilmember R. Rivera, the motion carried with the following vote:

AYES:	Councilmember C. Parker, Councilmember S. Capehart, Councilmember R. Rivera, Councilmember K. Wilemon, Councilmember L. Wolff, Councilmember J. Bennett and Councilmember M. Glaspie
NAYS:	None
ABSTAIN:	Councilmember R. Shepard

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.

There is no financial impact to the City of Arlington.

RESOLUTION NO. 14-184

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.

A cash match of \$1,713,314.40 is required by the City and is available in Police Services Account No. 810301-61002.

RESOLUTION NO. 14-185

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.

There is no financial impact to the City of Arlington.

RESOLUTION NO. 14-186

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.

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]

RESOLUTION NO. 14-187

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.

There is no financial impact to the City of Arlington.

RESOLUTION NO. 14-188

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.

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. Water Bond Fund 658502-61002-18084205. FY 2014 [\$24,923.50] FY 2015 [\$24,923.50]

RESOLUTION NO. 14-189

IX. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

X. CONSIDER AND VOTE ON WITHDRAWN ITEMS

XI. PUBLIC HEARINGS: ORDINANCES FIRST READING

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.

The public hearing concerning Specific Use Permit SUP14-3 opened at 6:39 p.m. Charles Clawson, 6219 Lake Ridge Rd., 76016, presented the proposed ordinance to Council. There being no others, the public hearing closed at 6:42 p.m.

PUBLIC HEARING CLOSED

Councilmember R. Shepard made a motion to approve 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 with the stipulation that the letter from the applicant clarifying the intent of the business as an upholstery shop be attached to the specific use permit. Seconded by Councilmember M. Glaspie, the motion carried with 8 ayes and 0 nays.

FIRST READING

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.

The public hearing concerning Development Plan DP13-8 opened at 6:43 p.m. Coy Quine, 301 S. Sherman,

Suite 100, 75081, presented the proposed ordinance to Council. The public hearing was continued until the August 19, 2014 evening meeting.

Councilmember L. Wolff made a motion to continue 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 to the August 19, 2014 evening meeting. Seconded by Councilmember R. Rivera, the motion carried with 8 ayes and 0 nays.

CONTINUED

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.

The public hearing concerning Designation of Reinvestment Zone Number Thirty Eight - J&J Group, Ltd. opened at 6:59 p.m. Bruce Payne, Economic Development Manager, Economic Development Services, presented the proposed ordinance to Council. There being no others, the public hearing closed at 7:00 p.m.

PUBLIC HEARING CLOSED

Councilmember R. Rivera made a motion to approve 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. Seconded by Councilmember L. Wolff, the motion carried with 8 ayes and 0 nays.

FIRST 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.

The public hearing concerning Zoning Case PD14-2 opened at 7:00 p.m. Oliver Robinson, 8750 N. Central Expressway #1740, 75231, presented the proposed ordinance to Council. There was one individual registered in support of the proposed ordinance. There being no others, the public hearing was closed at 7:13 p.m.

PUBLIC HEARING CLOSED

Councilmember R. Shepard made a motion to approve first and final 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, with the following stipulations (1) The store must be at least 20,000 square feet. (2) At least 15% of the store's merchandise shall be non-alcoholic related items. Seconded by Councilmember R. Rivera, the motion carried with the following vote:

AYES:	Councilmember J. Bennett, Councilmember R. Shepard, Councilmember L. Wolff, Councilmember K. Wilemon, Councilmember R. Rivera, Councilmember S. Capehart and Councilmember C. Parker
NAYS:	Councilmember M. Glaspie
ABSTAIN:	None

As vote was not unanimous, motion carries as first reading.

FIRST READING

XII. ORDINANCES - FIRST AND/OR FINAL READINGS

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-Eules-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.

Edward Ofori-Abebresse, Project Engineer, Public Works and Transportation Department, presented the proposed ordinance to Council.

Councilmember R. Rivera made a motion to approve first reading of 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. Seconded by Councilmember S. Capehart, the motion carried with 8 ayes and 0 nays.

FIRST READING

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.

Sarah Martin, Assistant City Attorney, presented the proposed ordinance to Council.

Councilmember R. Rivera made a motion to approve first reading of 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. Seconded by Councilmember C. Parker, the motion carried with 8 ayes and 0 nays.

FIRST READING

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.

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

Councilmember S. Capehart made a motion to approve first reading of 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. Seconded by Councilmember R. Rivera, the motion carried with 8 ayes and 0 nays.

FIRST READING

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.

Jay Warren, Marketing Communications Manager, Management Resources Department, presented the proposed ordinance to Council.

Councilmember R. Rivera made a motion to approve first reading of 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. Seconded by Councilmember L. Wolff, the motion carried with 8 ayes and 0 nays.

FIRST READING

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.

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

Councilmember S. Capehart made a motion to approve final 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 L. Wolff, the motion carried with 8 ayes and 0 nays.

ORDINANCE NO. 14-040

XIII. ANNOUNCEMENTS

XIV. CITIZEN PARTICIPATION

There being no further business, the meeting was adjourned at 7:26 p.m.

APPROVED:

Kathryn Wilemon, Mayor Pro Tem

ATTEST:

Mary W. Supino, City Secretary



Staff Report

Purchase of a Vacuum Excavator, Bid Project 14-0189	
City Council Meeting Date: 8-19-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorize the City Manager or his designee to approve the purchase of a vacuum excavator with Vermeer Texas Louisiana, Inc., through the Texas Local Government Purchasing Cooperative (TLGPC) in the estimated amount of \$55,770.

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 a vacuum excavator for the Public Works and Transportation Department. The vacuum excavator utilizes the cutting power of high-pressure water along with a powerful vacuum to safely expose buried pipes and underground utilities. The excavator will also be used for digging various piers for signal and sign installations and will be available to the Storm Water Division to clean inlets and remove graffiti.

FINANCIAL IMPACT

Utilizing the agreement with Vermeer Texas Louisiana, Inc., of Round Rock, Texas, through the TLGPC was determined to be the most cost-effective method for obtaining a vacuum excavator in the estimated amount of \$55,770. This is a one-time purchase; however, additional maintenance and fuel costs will be incurred. Maintenance and fuel cost is estimated to be \$5,000 annually.

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$55,770	\$5,000	\$5,000

Funds are available in Public Works & Transportation Department Account No. 720102-68201 and are subject FY2015 and to subsequent fiscal year 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 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



Front Street Parking Lot; Project No. PWST14003	
City Council Meeting Date: 8-19-2014	Action Being Considered: Minute Order

RECOMMENDATION

Authorizing the City Manager or his designee to execute a construction contract with Pavecon Public Works LP, of Grand Prairie, Texas for the Front Street Parking Lot in an amount not to exceed \$322,966.54. The contract includes a maximum bonus of \$12,000 for a possible contract total of \$334,966.54.

PRIOR BOARD OR COUNCIL ACTION

None.

ANALYSIS

This project consists of the construction of an asphalt parking lot on the south side of Front Street between Pecan Street and Oak Street. The parking lot will provide 63 parking stalls, LED site lighting, and repair 95-feet of curb along Front Street.

Date of Bid:	July 22, 2014
Number of Bids Received:	3
Number of Bids from Arlington Firms:	0
Bidder Prequalification:	Yes
Engineer's Estimate:	\$315,000
Range of Bids:	\$322,966.54 to \$490,225.40
Low Bid:	\$322,966.54
Recommended Low Bidder:	Pavecon Public Works LP of Grand Prairie, Texas
Contract Scope:	Construct asphalt parking lot
Proposed Start Date:	September 15, 2014
Proposed End Date:	December 23, 2014
Contract Time:	100 calendar days
Liquidated Damages for Delay:	\$240 per day
Bonus for Early Completion:	\$240 per day
Maximum Bonus:	\$12,000
Total:	\$334,966.54

VENDOR	MWBE	TOTAL
Pavecon Public Works LP Grand Prairie, Texas	No	\$ 322,966.54
Stabile & Winn, Inc. Saginaw, Texas	No	\$ 335,174.40
Reynolds Asphalt & Construction Company Eules, Texas	No	\$ 490,225.40

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 TIRZ No. 1 Fund Account No. 480102-61002-3025.

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$0	\$334,966.54	\$ 0

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

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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BID TABULATION REPORT

**FRONT STREET PARKING LOT (PECAN ST. - OAK ST.)
PROJECT No. PWST14003**

BID OPENED: Tuesday, July 22, 2014 at 3:30 p.m.

PAVING IMPROVEMENTS

ITEM	DESCRIPTION	QTY	UNITS	PAVECON PUBLIC WORKS, L.P. Grand Prairie, TX 75050		STABILE & WINN, INC Sagmaw, TX 76179		REYNOLDS ASPHALT & CONSTRUCTION COMPANY Euless, TX 76039	
				UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
1	Mobilization & Bonds	1	LS	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00
2	Site Preparation	1	AC	\$ 30,133.00	\$ 22,599.75	\$ 59,500.00	\$ 44,625.00	\$ 115,100.00	\$ 86,325.00
3	Unclassified Excavation, including top soil	562	CY	\$ 37.50	\$ 21,075.00	\$ 35.00	\$ 19,670.00	\$ 127.00	\$ 71,374.00
4	Relocate Existing Sign	1	EA	\$ 545.00	\$ 545.00	\$ 450.00	\$ 450.00	\$ 580.00	\$ 580.00
5	Relocate Existing Irrigation Meters and Boxes	2	EA	\$ 1,935.00	\$ 3,870.00	\$ 2,300.00	\$ 4,600.00	\$ 2,000.00	\$ 4,000.00
6	DELETED PER ADDENDUM #1	-	-	-	-	-	-	-	-
7	2-inch HMA TYPE "D" Surface Course	1,269	SY	\$ 12.61	\$ 16,002.09	\$ 13.00	\$ 16,497.00	\$ 12.60	\$ 15,989.40
8	4-inch HMA TYPE "B" Base Course	1,269	SY	\$ 18.82	\$ 23,882.58	\$ 19.00	\$ 24,111.00	\$ 18.70	\$ 23,730.30
9	6-inch (3600psi) Concrete Pavement	660	SY	\$ 55.75	\$ 36,795.00	\$ 60.00	\$ 39,600.00	\$ 79.00	\$ 52,140.00
10	4-inch Concrete Sidewalk	129	SF	\$ 19.60	\$ 2,528.40	\$ 8.00	\$ 1,032.00	\$ 11.00	\$ 1,419.00
11	30-inch Curb & Gutter	450	LF	\$ 29.16	\$ 13,122.00	\$ 40.00	\$ 18,000.00	\$ 38.80	\$ 17,460.00
12	4-inch White Solid Parking Striping	1,078	LF	\$ 2.25	\$ 2,425.50	\$ 1.50	\$ 1,617.00	\$ 1.80	\$ 1,940.40
13	24-inch Site Light Foundation for 4-inch Square 25-foot pole	5	EA	\$ 945.00	\$ 4,725.00	\$ 840.00	\$ 4,200.00	\$ 2,000.00	\$ 10,000.00
14	Cree Lighting, Inc. - Econolite 400 watt equivalent LED Luminaire or approved equal	8	EA	\$ 4,755.00	\$ 38,040.00	\$ 4,300.00	\$ 34,400.00	\$ 6,500.00	\$ 52,000.00
15	2-inch PVC Lighting Conduit	486	LF	\$ 6.16	\$ 2,993.76	\$ 5.50	\$ 2,673.00	\$ 9.30	\$ 4,519.80
16	Conductor for Cree Lighting, Inc. - Econolite 400 watt equivalent LED or approved equal	1,468	LF	\$ 1.21	\$ 1,776.28	\$ 1.10	\$ 1,614.80	\$ 2.00	\$ 2,936.00
17	SWPPP	1	LS	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
18	Construction Contingency	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
19	Cedar Elm (3" caliber)	9	EA	\$ 460.00	\$ 4,140.00	\$ 410.00	\$ 3,690.00	\$ 490.00	\$ 4,410.00
20	Lacebark Elm (3" caliber)	5	EA	\$ 495.00	\$ 2,475.00	\$ 440.00	\$ 2,200.00	\$ 530.00	\$ 2,650.00
21	Shumard Oak (3" caliber)	2	EA	\$ 495.00	\$ 990.00	\$ 440.00	\$ 880.00	\$ 530.00	\$ 1,060.00
22	Miscathus (5 gallon)	50	EA	\$ 29.00	\$ 1,450.00	\$ 26.00	\$ 1,300.00	\$ 31.05	\$ 1,552.50
23	Knockout Rose (5 gallon)	78	EA	\$ 35.00	\$ 2,730.00	\$ 31.00	\$ 2,418.00	\$ 37.50	\$ 2,925.00
24	Rosemary (3 gallon)	36	EA	\$ 31.40	\$ 1,130.40	\$ 28.00	\$ 1,008.00	\$ 33.60	\$ 1,209.60
25	Salvia (3 gallon)	60	EA	\$ 31.40	\$ 1,884.00	\$ 28.00	\$ 1,680.00	\$ 33.60	\$ 2,016.00
26	Mexican Feathergrass (1 gallon)	162	EA	\$ 10.87	\$ 1,760.94	\$ 10.00	\$ 1,620.00	\$ 11.60	\$ 1,879.20
27	Daylily (1 gallon)	60	EA	\$ 10.87	\$ 652.20	\$ 10.00	\$ 600.00	\$ 11.60	\$ 696.00
28	Steel Edging	44	LF	\$ 3.26	\$ 143.44	\$ 3.00	\$ 132.00	\$ 3.50	\$ 154.00
29	Bed preparation	2,562	SF	\$ 1.63	\$ 4,176.06	\$ 1.45	\$ 3,714.90	\$ 1.75	\$ 4,483.50
30	Bermuda Sod	1,252	SY	\$ 3.56	\$ 4,457.12	\$ 3.00	\$ 3,756.00	\$ 14.10	\$ 17,653.20
31	Hunter Pop-up Spray with Stream Nozzle	16	EA	\$ 16.91	\$ 270.56	\$ 15.00	\$ 240.00	\$ 18.00	\$ 288.00
32	Hunter Pop-up Spray with Pro Spray Series Nozzle	178	EA	\$ 16.91	\$ 3,009.98	\$ 15.00	\$ 2,670.00	\$ 18.00	\$ 3,204.00
33	Netafim Techline CV Series Drip Tube	2,562	SF	\$ 1.81	\$ 4,637.22	\$ 1.60	\$ 4,099.20	\$ 1.95	\$ 4,995.90
34	Hunter ICV Series Electronic Valve	13	EA	\$ 265.72	\$ 3,454.36	\$ 240.00	\$ 3,120.00	\$ 290.00	\$ 3,770.00

BID TABULATION REPORT

**FRONT STREET PARKING LOT (PECAN ST. - OAK ST.)
PROJECT No. PWS14003**

BID OPENED: Tuesday, July 22, 2014 at 3:30 p.m.

		PAVECON PUBLIC WORKS, L.P. Grand Prairie, TX 75050		STABILE & WINN, INC Saginaw, TX 76179		REYNOLDS ASPHALT & CONSTRUCTION COMPANY Euless, TX 76039			
35	Hunter ICV Series Valve with "ACCU-SET Pressure Regulator	2	EA	\$ 374.43	\$ 748.86	\$ 340.00	\$ 680.00	\$ 400.00	\$ 800.00
36	Hunter HQ-33-LRC-R Quick Coupling Valve	5	EA	\$ 229.49	\$ 1,147.45	\$ 210.00	\$ 1,050.00	\$ 250.00	\$ 1,250.00
37	1-inch Wilkins 350 Series Double-check Assembly	1	EA	\$ 456.00	\$ 456.00	\$ 410.00	\$ 410.00	\$ 500.00	\$ 500.00
38	1-inch Wilkins 850 Series Bronze Ball Valve	1	EA	\$ 193.26	\$ 193.26	\$ 175.00	\$ 175.00	\$ 200.00	\$ 200.00
39	1-inch Wilkins YB Series Bronze Wye Filter	1	EA	\$ 217.41	\$ 217.41	\$ 200.00	\$ 200.00	\$ 200.00	\$ 200.00
40	Hunter IC-1800-M Series Controller with ACC-Ped Pedestal	1	EA	\$ 1,450.00	\$ 1,450.00	\$ 1,300.00	\$ 1,300.00	\$ 1,500.00	\$ 1,500.00
41	WRFC Wireless Rain/Freeze Sensor	1	EA	\$ 181.17	\$ 181.17	\$ 160.00	\$ 160.00	\$ 200.00	\$ 200.00
42	2-inch Class 200 PVC Mainline	675	LF	\$ 4.83	\$ 3,260.25	\$ 4.50	\$ 3,037.50	\$ 5.00	\$ 3,375.00
43	4-inch Class 200 PVC Sleeves	100	LF	\$ 14.50	\$ 1,450.00	\$ 12.00	\$ 1,200.00	\$ 16.00	\$ 1,600.00
44	Lime Stabilized Subgrade	2,124	SY	\$ 4.08	\$ 8,665.92	\$ 4.00	\$ 8,496.00	\$ 3.65	\$ 7,752.60
45	Cement Stabilized Subgrade	2,124	SY	\$ 5.11	\$ 10,853.64	\$ 3.00	\$ 6,372.00	\$ 5.25	\$ 11,151.00
46	Hydrated Lime For Lime Stabilized Subgrade (30lbs/SY)	32	TN	\$ 162.77	\$ 5,208.64	\$ 150.00	\$ 4,800.00	\$ 180.00	\$ 5,760.00
47	Type I Portland Cement For Cement Stabilized Subgrade (30lbs/SY)	32	TN	\$ 213.45	\$ 6,830.40	\$ 225.00	\$ 7,200.00	\$ 230.00	\$ 7,360.00
48	Standard Curb and Gutter	95	LF	\$ 132.22	\$ 12,560.90	\$ 125.00	\$ 11,875.00	\$ 97.00	\$ 9,215.00
SUBTOTAL PAVING IMPROVEMENTS:				\$	\$ 322,965.54	\$	\$ 335,173.40	\$	\$ 490,224.40

ALTERNATE A

ITEM DESCRIPTION	QTY	UNITS	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	\$ 1.00	\$ 1.00
SUBTOTAL ALTERNATE A:			\$	\$ 1.00	\$	\$ 1.00	\$	\$ 1.00

TOTAL BASE BID AMOUNT \$ 322,965.54

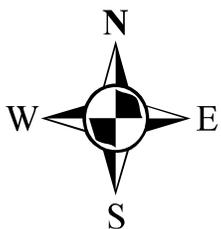
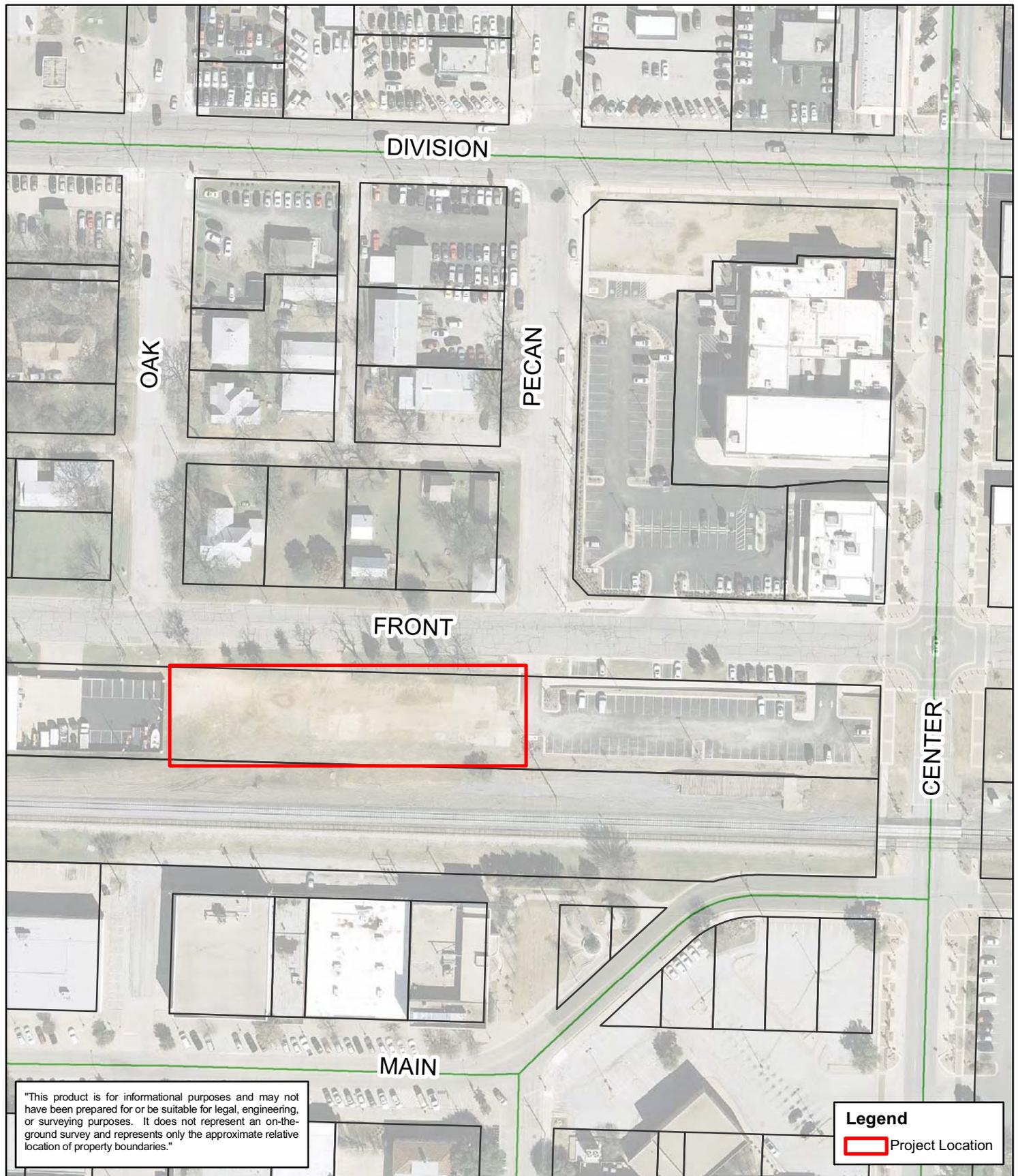
\$ 335,173.40

\$ 490,224.40

TOTAL BASE BID + ALTERNATE A \$ 322,966.54

\$ 335,174.40

\$ 490,225.40



Front Street Parking Lot Project No. PWST14003 Location Map



Prepared By:
 PWT Engineering Operations
 7/29/2014

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	\$3,818,260.38	\$981,739.62	-20
Railroad Quiet Zone (Bowen & Davis)	12/22/2009	3	\$400,000	\$398,730.00	\$1,270.00	0
UTA Center Street Greenscape	2/18/2010	4	\$2,200,000	\$2,161,600.00	\$38,400.00	-2
2009 Residential Rebuilds	5/11/2010	8	\$3,000,000	\$2,814,567.60	\$185,432.40	-6
Arkansas Ln (Browning to SH 360)	10/26/2010	6	\$7,800,000	\$5,591,404.00	\$2,208,596.00	-28
Town North Sidewalk Improvement	12/7/2010	3	\$885,292	\$868,488.75	\$16,803.25	-2
Copeland Rd Utility Duct Bank	1/21/2011	3	\$80,000	\$57,930.15	\$22,069.85	-28
South Collins (SE Parkway to CL)	2/15/2011	7	\$11,500,000	\$10,190,822.50	\$1,309,177.50	-11
2010 Residential Rebuilds	9/14/2011	7	\$4,500,000	\$4,633,133.00	(\$133,133.00)	3
Matlock 5th & 6th (Mayfield to Bardin)	10/25/2011	7	\$2,300,000	\$1,836,145.04	\$463,854.96	-20
130/Nolan Ryan Sign Replacement	4/3/2012	1	\$80,000	\$78,400.00	\$1,600.00	-2
2011 Residential Rebuilds	9/18/2012	7	\$4,100,000	\$4,733,015.55	(\$633,015.55)	15
Park Row Dr (SH 360 to City Limits)	10/4/2012	8	\$4,500,000	\$4,200,677.47	\$299,322.53	-7
2011 CDBG Residential Rebuild Phase I	11/6/2012	5	\$3,000,000	\$2,620,232.70	\$379,767.30	-13
Collins/UPRR Quiet Zone	11/6/2012	2	\$225,000	\$285,546.00	(\$60,546.00)	27
TxDOT Intersections	3/19/2013	3	\$1,430,000	\$1,982,970.36	(\$552,970.36)	39
Lamar Blvd (Collins to Ballpark)	5/22/2013	5	\$10,378,400	\$9,458,408.92	\$919,991.08	-9
Bowman Springs (I-20 to City Limit)	6/25/2013	4	\$2,100,000	\$2,072,028.72	\$27,971.28	-1
2011 CDBG Residential Rebuild Phase II	8/20/2013	6	\$1,400,000	\$1,506,161.85	(\$106,161.85)	8
2013 Sidewalk Program	8/20/2013	2	\$1,100,000	\$1,476,651.00	(\$376,651.00)	34
Arbrook/Melear Drainage Improvements	10/29/2013	3	\$3,509,956	\$3,617,740.00	(\$107,784.00)	3
2012 Residential Rebuild	12/20/2013	5	\$3,479,360	\$3,264,762.35	\$214,597.65	-6
Center/I-20 Bridge (Highlander to Bardin) TXDOT Let	4/2/2014	9	\$10,732,639	\$10,457,967.33	\$274,671.67	-3
Abram (SH 360 to City Limit)	4/22/2014	4	\$8,000,000	\$8,481,419.90	(\$481,419.90)	6
Tri-Schools	4/29/2014	4	\$12,500,000	\$15,999,933.00	(\$3,499,933.00)	28
Abram (Stadium to SH 360)	5/13/2014	3	\$7,200,000	\$8,001,266.73	(\$801,266.73)	11
Center Street (Arkansas to Nottingham Gate)	5/28/2014	7	\$4,900,000	\$4,497,704.05	\$402,295.95	-8
NB Bowen/I-20 Right Turn Lane	7/8/2014	5	\$250,000	269,524.24	(19,524.24)	8
Front Street Parking Lot	7/22/2014	3	\$325,000	334,966.54	(9,966.54)	3
Total		146	\$116,675,647	\$115,710,458	\$965,189	
Average Number of Bids		5				
Average %						-1

Staff Report



Annual Requirements Contract for Concrete Panel & Sidewalk Replacement Program; Project No. PWSM14002	
City Council Meeting Date: 08/19/14	Action Being Considered: Minute Order

RECOMMENDATION

Authorizing the City Manager or his designee to execute an annual requirements contract, with Ken-Do Contracting, LP, of Desoto, Texas, for the concrete panel and sidewalk replacement, in an amount not to exceed \$2,374,651.

PRIOR BOARD OR COUNCIL ACTION

None.

ANALYSIS

This contract provides for panel repair work on concrete streets. The increased age of concrete roadways and the current drought pattern has led to additional panel failures on major thoroughfare and collector streets. Concrete panel replacement is a critical component of the overall street maintenance program and the contract includes all labor, equipment, and material. The sidewalk portion of the contract provides for permanent repair of areas throughout the city that have been temporarily patched with asphalt to eliminate tripping hazards.

Date of Bid:	July 22, 2014
Number of Bids Received:	2
Number of Bids of Arlington Firms:	0
Bidder Prequalification:	Yes
Engineer's Estimate:	\$2,800,000
Range of Bids:	\$2,374,651 to \$3,546,751
Recommended Low Bidder:	Ken-Do Contracting, LP
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:	\$2,374,651

VENDOR	MWBE	TOTAL
Ken-Do Contracting, LP De Soto, Texas	No	\$2,374,651
Axis Contracting, Inc. Dallas, Texas	Yes – W/O*	\$3,546,751

*W/O = Woman 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. 728501-63132-61370695 (\$1,988,650.50) and Street Maintenance General Fund Account No. 728501-63132- 61380695 (\$386,000.50).

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>
\$2,374,651.00	\$2,424,518.67	\$2,475,433.56

ADDITIONAL INFORMATION

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

STAFF CONTACT(S)

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Mindy Carmichael, P.E.
Assistant Director of Public Works &
Transportation
817-459-6552
Mindy.Carmichael@arlingtontx.gov

BID TABULATION REPORT

2014 Concrete Panel & Sidewalk Replacement Program

PROJECT No. PWSM14002

BID OPENED : July 22, 2014 @ 3 p.m.

SALES TAX FUNDED IMPROVEMENTS				Ken-Do Contracting, LP Desoto, Texas		Axis Contracting, Inc. Dallas, Texas	
ITEM	DESCRIPTION	QTY	UNITS	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	24,000	SY	\$ 68.00	\$ 1,632,000.00	\$ 110.00	\$ 2,640,000.00
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	500	LF	\$ 88.00	\$ 44,000.00	\$ 125.00	\$ 62,500.00
103	Remove and replace Concrete Valley Gutter with a minimum thickness of 6" reinforced concrete, including 6" of cement treated base material and all incidentals	300	TN	\$ 60.00	\$ 18,000.00	\$ 95.00	\$ 28,500.00
104	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	2,500	SY	\$ 36.00	\$ 90,000.00	\$ 35.00	\$ 87,500.00
105	Remove and replace existing asphalt with Type "D" HMA/C at a minimum depth of 6", including compacting, leveling, and all incidentals	300	TN	\$ 103.00	\$ 30,900.00	\$ 250.00	\$ 75,000.00
106	Remove and replace Exposed Aggregate Concrete Drive Approach at a depth of 6"	250	SY	\$ 58.00	\$ 14,500.00	\$ 105.00	\$ 26,250.00
107	Furnish and install Curb Opening Casting for existing drain pipes	15	EA	\$ 100.00	\$ 1,500.00	\$ 350.00	\$ 5,250.00
108	Install ADA compliant curb ramp per TXDOT's details, including all incidentals, transitions and tie-ins	10	EA	\$ 1,100.00	\$ 11,000.00	\$ 1,400.00	\$ 14,000.00
109	Install retaining wall 6" to 24" (adjacent to sidewalks), including jointing, form liner finish and reinforcing steel	25	CY	\$ 110.00	\$ 10,250.00*	\$ 1,150.00	\$ 28,750.00
110	Furnish and install matching sod (level with existing sod) and approved top soil on disturbed areas as needed	10,000	LF	\$ 2.25	\$ 22,500.00	\$ 10.00	\$ 100,000.00
111	Mobilization and Bonds in accordance with Section 11-82	1	LS	\$ 84,000.00	\$ 84,000.00	\$ 84,000.00	\$ 84,000.00
112	Construction Contingency Allowance for Sales Tax Funded Items	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
SUBTOTAL SALES TAX FUNDED IMPROVEMENTS:					\$ 1,988,650.00		\$ 3,181,750.00
GENERAL FUNDED IMPROVEMENTS							
ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
201	Remove and replace Concrete Sidewalk, including all incidentals	7,000	SY	\$ 53.00	\$ 371,000.00	\$ 50.00	\$ 350,000.00
202	Construction Contingency Allowance for General Funded Items	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
SUBTOTAL GENERAL FUNDED IMPROVEMENTS:					\$ 386,000.00		\$ 365,000.00
ALTERNATE A							
ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
199A	GREEN CEMENT	1	LS	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00
SUBTOTAL ALTERNATE A:					\$ 1.00		\$ 1.00
SUBTOTAL SALES TAX FUNDED IMPROVEMENTS:					\$ 1,988,650.00		\$ 3,181,750.00
SUBTOTAL GENERAL FUNDED IMPROVEMENTS:					\$ 386,000.00		\$ 365,000.00
TOTAL BASE BID AMOUNT					\$ 2,374,650.00		\$ 3,546,750.00
TOTAL BASE BID + ALTERNATE A					\$ 2,374,651.00		\$ 3,546,751.00

* Contractor submitted bid with incorrect total cost for line item. City will honor unit cost of \$110.00 for total cost of \$2,750.00.

Staff Report



Renewal of Annual Requirements Contract for Motor Maintenance, Bid Project 14-0007

City Council Meeting Date: 8-19-14	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 on the annual requirements contract for motor maintenance with Brandon and Clark, Inc. in the estimated amount of \$116,734.

PRIOR BOARD OR COUNCIL ACTION

On October 15, 2013, City Council approved MO10152013-002 executing an annual requirements contract for motor maintenance with Brandon & Clark, Inc. of Fort Worth, Texas in the estimated amount of \$116,734.

ANALYSIS

This contract is for maintenance of electrical motors that operate various water utility raw water, distribution system high service and booster pumps, located throughout the City of Arlington. The raw water pump station pumps water from Lake Arlington to the City's Pierce-Burch Water Treatment Plant for treatment. The high service and booster pump stations pump water from the Pierce-Burch and John Kubala Water Treatment Plants out into the water distribution system throughout the City. All maintenance costs are for ongoing preventive maintenance and on an as-needed basis to include labor, services, material and supplies.

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 Brandon & Clark, Inc. of Fort Worth, 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>
\$116,734	\$0	\$0

Funds are budgeted in the Water Treatment Maintenance of Pumps and Motors 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

STAFF CONTACT(S)

Walter J. Pishkur, Director
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Purchasing Agent
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Mike Finley
Director of Finance
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Staff Report



Renewal of Annual Requirements Contract for Fire Hydrants, Bid Project 13-0191	
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City Council Meeting Date: 8-19-14	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 fire hydrants with Fortiline Waterworks in the estimated amount of \$75,516.

PRIOR BOARD OR COUNCIL ACTION

On October 15, 2013, City Council approved MO10152013-001 executing an annual requirements contract for fire hydrants with Fortiline Waterworks of Haltom City, Texas in the estimated amount of \$75,516.

ANALYSIS

This contract is for the supply of traffic type fire hydrants. The hydrants will be installed city-wide and have easily replaceable parts designed to break away at the point of impact by a vehicle. The hydrants will be purchased on an as-needed basis.

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 Fortiline Waterworks of Haltom City, 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>
\$75,516	\$0	\$0

Funds are budgeted in Water Utilities Inventory Account No. 5000-16000 and subject to FY2015 budget approval.

ADDITIONAL INFORMATION

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

STAFF CONTACT(S)

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Staff Report

Change Order No. 1, Annual Contract for Repair and Replacement of Sanitary Sewer Services, Project No. WUSR14001

City Council Meeting Date: 08-19-14 | Action Being Considered: Minute Order

RECOMMENDATION

Authorize Change Order No. 1, with Gra-Tex Utilities, Inc., of Arlington, Texas, for repair and replacement of sanitary sewer services in an amount not to exceed \$174,500.

PRIOR BOARD OR COUNCIL ACTION

On August 6, 2013, City Council passed Minute Order No. 08062013-017 awarding the Annual Contract for Repair and Replacement of Sanitary Sewer Services to Gra-Tex Utilities, Inc., of Arlington, Texas, in an amount not to exceed \$669,655.

ANALYSIS

This annual contract provides for the repair and replacement of private sanitary sewer services between the tie-in at the City sanitary sewer main and the right-of-way line or utility easement line, and for the installation of new commercial and residential sanitary sewer service lines. This work is performed on an as-needed basis. Therefore, the contract is based on estimated levels of work and the contractor is only paid for actual work completed.

This work is estimated annually and historically we have spent \$563,710 in 2010, \$476,855 in 2011, \$640,239 in 2012, and \$736,489 in 2013. The extended dry weather and shifting soils have caused the increased requests for repairs.

FINANCIAL IMPACT

Arlington Water Utilities staff has determined that the costs for the work proposed are reasonable and recommends proceeding with this change order. Change order activity is shown in the table below:

CHANGE ORDER ACTIVITY		
Original Contract Amount	\$ 699,655	Percent Change
Change Order No. 1	\$ 174,500	24.94%
Revised Total	\$ 874,155	24.94%

Funding Sources:

Water Utilities (Maintenance of Sewer Services) 630101-63126 \$174,500

FY 2014
\$174,500

FY 2015
\$0

FY2016
\$0

ADDITIONAL INFORMATION

Attached	Change Order No. 1
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



THE STATE OF TEXAS §
COUNTY OF TARRANT § CONTRACT MODIFICATION NO. "1"

THIS CONTRACT MODIFICATION NO. "1" is made and entered into this " " day of " " by and between the CITY OF ARLINGTON, Tarrant County, Texas, a municipal corporation, hereinafter called "CITY" and Gra-Tex Utilities, Inc., whose address is P.O. Box 700, Arlington, Texas 76004.

WITNESSETH:

WHEREAS, On August 6, 2013, CITY and Gra-Tex Utilities, Inc., entered into a contract (as amended, hereinafter referred to as "the Contract") for the construction for the Annual Repair and Replacement of the Sanitary Sewer Services and

WHEREAS, CITY and Gra-Tex Utilities, Inc., desire to modify the Contract in certain respects as set forth herein; NOW THEREFORE,

I.

The Contract is incorporated herein as if written word for word. Except as provided below, all other terms and conditions of the Contract shall remain unchanged and shall remain in full force and effect. In the event of any conflict or inconsistency between the provisions set forth in the modification and the Contract, this modification shall govern and control. In consideration of the foregoing, and for other good and valuable consideration, the parties agree as follows:

Gra-Tex Utilities Inc., will perform additional services as described in Attachment "A". Any change in contract days is also reflected in Attachment "A". Attachment "A" is incorporated herein as if written word for word.

II.

Payment for additional services will not exceed \$174,500.

Approved by:

City of Arlington

Gra-Tex Utilities, Inc.

Walter J. Pishkur
Director of Water Utilities

Signature

Title

Date: _____

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney
BY _____

Copy: Gra-Tex Utilities Inc., City Secretary's Office

THE STATE OF TEXAS §

Acknowledgment

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, 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 _____ day of _____, 2014.

Notary Public In and For the State of Texas

Notary's Printed Name

THE STATE OF TEXAS §

City Acknowledgment

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared **Walter J. Pishkur**, known to me to be a person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed same for and as the act of the City of Arlington, Texas, a Texas municipal corporation, and as **Director of Water Utilities** thereof, and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2014.

Notary Public In and For the State of Texas

Notary's Printed Name

Attachment A:

Project: Annual Repair and Replacement of Sanitary Sewer Services	Project No: WUSR14001
Phase: Construction	Date of Change: / /2014
Commitment: PO01	Change No: CM - 0001
Vendor: Gra-Tex Utilities, Inc	Vendor ID: 3812
Description: Change Order #1 for the Annual Repair and Replacement of Sanitary Sewer Services	

Item #	Description	Unit Price	UOM	Quantity	Change Amount
001	Change Order #1	\$174,500	LS	1	\$174,500

Net Change in Contract Amount	\$174,500
Revised Contract Amount	\$874,155
Net Change in Contract Days	0
Revised Contract Days	365

Staff Report



Southridge and E. Inwood Drive Water and Sanitary Sewer Renewals, Project No. WUOP14007	
City Council Meeting Date: 08-19-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorize the execution of a construction contract with Woody Contractors, Inc., of Kennedale, Texas, in an amount not to exceed \$1,009,622.85.

PRIOR BOARD OR COUNCIL ACTION

On October 15, 2013, City Council passed Minute Order No. 10152013-006, authorizing the execution of a Surveying Services Contract with Cobb, Fendley & Associates Inc., of Frisco, Texas for land surveying services.

ANALYSIS

This project consists of constructing approximately 870 linear feet of 8-inch water line and 1,570 linear feet of sanitary sewer line. These improvements replace aging infrastructure with a history of water line breaks or sanitary sewer blockages. Replacement of the infrastructure will reduce maintenance costs and improve service to these areas.

Once the sanitary sewer and water line improvements are completed, approximately 5,150 square yards of asphalt pavement will be reconstructed by street reclamation. The project also includes replacement of sidewalk in need of repair.

Date of Bid:	July 16, 2014
Number of Bids Received:	Four
Number of Bids from Arlington Firms:	One
Bidder Prequalification:	Yes
Engineer's Estimate:	\$1,200,000
Range of Bids:	\$1,009,622.85 to \$1,270,234.76
Low Bid:	\$1,009,622.85
Recommended Low Bidder:	Woody Contractors, Inc., Kennedale, Texas
Contract Scope:	Construct approximately 2,450 LF of water and sanitary sewer lines, including street reclamation.
Contract Time:	200 calendar days

VENDOR	MWBE	BASE BID TOTAL
Woody Contractors Inc., Kennedale, Texas	No	\$1,009,622.85
Barson Utilities, Inc., Dallas, Texas	No	\$1,043,677.04
Jackson Construction Ltd., Fort Worth, Texas	No	\$1,204,137.00
Gra-Tex Utilities Inc., Arlington, Texas	No	\$1,270,234.76

Green cement will be used on this project.

FINANCIAL IMPACT

Funding Sources:

Water Bond Fund	658502-68252-18086205	\$399,846.35
Sanitary Sewer Renewal Fund	668501-68250-18086204	\$342,039.50
Street Maintenance Fund	728501-63132-61390695	\$248,987.00
Non-Arbitrage Street Bond Fund	358502-68153-65480699	\$ 18,750.00

<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>
\$0	\$1,009,622.85	\$0

There is no maintenance cost associated with this project during the referenced time period because the contract provides for a two-year maintenance bond.

ADDITIONAL INFORMATION

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

STAFF CONTACT(S)

Walter J. Pishkur	Keith Melton, P.E.
Director of Water Utilities	Director of Public Works & Transportation
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Buzz.Pishkur@arlingtontx.gov	Keith.Melton@arlingtontx.gov

BID TABULATION REPORT

Southridge and E. Inwood Water and Sanitary Sewer Renewals - City of Arlington Project No. WUOP14007 BID OPENED : July 16, 2014 1:30 PM	Woody Contractors, Inc.	Barson Utilities, Inc.	Jackson Construction, Ltd	Gra-Tex Utilities, Inc.
	Kennedale, TX	Dallas, TX	Fort Worth, TX	Arlington, TX

WATER IMPROVEMENTS

ITEM	DESCRIPTION	UNITS	QTY	UNIT PRICE	TOTAL COST						
101	Mobilization and Bonds	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 40,000.00	\$ 40,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
102	SWPPP	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 15,000.00	\$ 15,000.00	\$ 5,000.00	\$ 5,000.00	\$ 6,000.00	\$ 6,000.00
103	8" Water Main, PVC C900 by Open Cut	LF	867	\$ 41.00	\$ 35,547.00	\$ 45.00	\$ 39,015.00	\$ 42.00	\$ 36,414.00	\$ 60.00	\$ 52,020.00
104	8" Gate Valve & Appurtenances	EA	5	\$ 1,250.00	\$ 6,250.00	\$ 2,200.00	\$ 11,000.00	\$ 1,350.00	\$ 6,750.00	\$ 1,150.00	\$ 5,750.00
105	6" Gate Valve & Appurtenances	EA	2	\$ 850.00	\$ 1,700.00	\$ 1,400.00	\$ 2,800.00	\$ 875.00	\$ 1,750.00	\$ 975.00	\$ 1,950.00
106	Fire Hydrant	EA	2	\$ 2,900.00	\$ 5,800.00	\$ 2,800.00	\$ 5,600.00	\$ 3,050.00	\$ 6,100.00	\$ 4,200.00	\$ 8,400.00
107	Remove & Salvage Existing Fir Hydrant	EA	2	\$ 125.00	\$ 250.00	\$ 500.00	\$ 1,000.00	\$ 600.00	\$ 1,200.00	\$ 300.00	\$ 600.00
108	Connect to Existing 6" & 8" Water Main or Valve	EA	5	\$ 1,750.00	\$ 8,750.00	\$ 2,400.00	\$ 12,000.00	\$ 2,000.00	\$ 10,000.00	\$ 2,700.00	\$ 13,500.00
109	Relocate 1" Water Service	EA	1	\$ 1,100.00	\$ 1,100.00	\$ 1,000.00	\$ 1,000.00	\$ 920.00	\$ 920.00	\$ 1,900.00	\$ 1,900.00
110	1" Water Service (Short)	EA	9	\$ 870.00	\$ 7,830.00	\$ 700.00	\$ 6,300.00	\$ 700.00	\$ 6,300.00	\$ 1,300.00	\$ 11,700.00
111	1" Water Service (Llong)	EA	4	\$ 1,100.00	\$ 4,400.00	\$ 1,100.00	\$ 4,400.00	\$ 1,250.00	\$ 5,000.00	\$ 1,900.00	\$ 7,600.00
112	Install New 3/4" AMI Meter	EA	14	\$ 200.00	\$ 2,800.00	\$ 175.00	\$ 2,450.00	\$ 125.00	\$ 1,750.00	\$ 175.00	\$ 2,450.00
113	Install WaterMmeter Box	EA	14	\$ 125.00	\$ 1,750.00	\$ 150.00	\$ 2,100.00	\$ 125.00	\$ 1,750.00	\$ 125.00	\$ 1,750.00
114	Cut & Plug Existing 6" & 8" Water Main	EA	5	\$ 175.00	\$ 875.00	\$ 1,500.00	\$ 7,500.00	\$ 560.00	\$ 2,800.00	\$ 500.00	\$ 2,500.00
115	Abandon Valve Box	EA	5	\$ 75.00	\$ 375.00	\$ 200.00	\$ 1,000.00	\$ 85.00	\$ 425.00	\$ 200.00	\$ 1,000.00
116	Temporary Pavement Repair	LF	1,160	\$ 17.50	\$ 20,300.00	\$ 18.00	\$ 20,880.00	\$ 29.00	\$ 33,640.00	\$ 20.00	\$ 23,200.00
117	Sodding	LF	84	\$ 6.00	\$ 504.00	\$ 10.00	\$ 840.00	\$ 10.00	\$ 840.00	\$ 9.00	\$ 756.00
118	Concrete Encasement	LF	20	\$ 43.00	\$ 860.00	\$ 60.00	\$ 1,200.00	\$ 51.00	\$ 1,020.00	\$ 40.00	\$ 800.00
119	Trench Safety Systems	LF	867	\$ 0.05	\$ 43.35	\$ 1.00	\$ 867.00	\$ 1.00	\$ 867.00	\$ 1.00	\$ 867.00
120	Remove 6" AC Water Line	LF	100	\$ 2.00	\$ 200.00	\$ 20.00	\$ 2,000.00	\$ 10.00	\$ 1,000.00	\$ 5.00	\$ 500.00
121	Provide GPS Data	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 3,600.00	\$ 3,600.00	\$ 2,300.00	\$ 2,300.00	\$ 3,500.00	\$ 3,500.00
122	Construction Contingency Allowance	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
SUBTOTAL WATER IMPROVEMENTS:				\$ 148,334.35		\$ 200,552.00		\$ 195,826.00		\$ 216,743.00	

SANITARY SEWER IMPROVEMENTS

ITEM	DESCRIPTION	UNITS	QTY	UNIT PRICE	TOTAL COST						
201	Install 8" PVC SDR-26 Heavy Wall Sanitary Sewer	LF	656	\$ 53.00	\$ 34,768.00	\$ 55.00	\$ 36,080.00	\$ 42.00	\$ 27,552.00	\$ 65.00	\$ 42,640.00
202	Install 12" PVC SDR-26 Heavy Wall Sanitary Sewer	LF	71	\$ 61.00	\$ 4,331.00	\$ 65.00	\$ 4,615.00	\$ 58.00	\$ 4,118.00	\$ 79.00	\$ 5,609.00
203	Install 18" PVC SDR-26 Heavy Wall Sanitary Sewer	LF	845	\$ 83.50	\$ 70,557.50	\$ 80.00	\$ 67,600.00	\$ 81.00	\$ 68,445.00	\$ 205.00	\$ 173,225.00
204	Trench Safety Systems	LF	1,572	\$ 1.00	\$ 1,572.00	\$ 1.00	\$ 1,572.00	\$ 1.00	\$ 1,572.00	\$ 10.00	\$ 15,720.00
205	Install Standard 4' Sanitary Sewer Manhole	EA	2	\$ 2,350.00	\$ 4,700.00	\$ 4,500.00	\$ 9,000.00	\$ 3,200.00	\$ 6,400.00	\$ 4,800.00	\$ 9,600.00
206	Install Standard 5' Sanitary Sewer Manhole	EA	2	\$ 4,050.00	\$ 8,100.00	\$ 6,000.00	\$ 12,000.00	\$ 4,800.00	\$ 9,600.00	\$ 5,600.00	\$ 11,200.00
207	Remove Existing Manhole & Install 4' Manhole	EA	1	\$ 325.00	\$ 325.00	\$ 5,000.00	\$ 5,000.00	\$ 3,700.00	\$ 3,700.00	\$ 5,500.00	\$ 5,500.00
208	Remove Existing Manhole & Install 5' Manhole	EA	3	\$ 4,375.00	\$ 13,125.00	\$ 6,500.00	\$ 19,500.00	\$ 5,300.00	\$ 15,900.00	\$ 6,400.00	\$ 19,200.00
209	Extra Depth for 5' Manhole	VF	22	\$ 180.00	\$ 3,960.00	\$ 400.00	\$ 8,800.00	\$ 425.00	\$ 9,350.00	\$ 300.00	\$ 6,600.00
210	Extra Depth for 4' Manhole	VF	4	\$ 120.00	\$ 480.00	\$ 350.00	\$ 1,400.00	\$ 345.00	\$ 1,380.00	\$ 175.00	\$ 700.00
211	Install Sanitary Sewer Access Device	EA	2	\$ 2,300.00	\$ 4,600.00	\$ 4,500.00	\$ 9,000.00	\$ 3,500.00	\$ 7,000.00	\$ 2,300.00	\$ 4,600.00
212	Connect to Existing Sanitary Sewer Manhole	EA	1	\$ 1,625.00	\$ 1,625.00	\$ 3,000.00	\$ 3,000.00	\$ 2,100.00	\$ 2,100.00	\$ 1,400.00	\$ 1,400.00
213	Connect to Existing Sanitary Sewer 6"-12"	EA	4	\$ 150.00	\$ 600.00	\$ 2,200.00	\$ 8,800.00	\$ 750.00	\$ 3,000.00	\$ 850.00	\$ 3,400.00
214	Install 4" PVC SDR 26 Sanitary Sewer Service Line	EA	35	\$ 1,300.00	\$ 45,500.00	\$ 1,250.00	\$ 43,750.00	\$ 1,250.00	\$ 43,750.00	\$ 1,200.00	\$ 42,000.00
215	Install Concrete Encasement for Service Line	LF	40	\$ 52.00	\$ 2,080.00	\$ 75.00	\$ 3,000.00	\$ 61.00	\$ 2,440.00	\$ 40.00	\$ 1,600.00
216	Rock Cushion	CY	100	\$ 25.00	\$ 2,500.00	\$ 65.00	\$ 6,500.00	\$ 45.00	\$ 4,500.00	\$ 1.00	\$ 100.00
217	Cut , Plug & Abandon Existing Sewer Main	EA	2	\$ 150.00	\$ 300.00	\$ 1,500.00	\$ 3,000.00	\$ 575.00	\$ 1,150.00	\$ 500.00	\$ 1,000.00
218	Temporary Pavement Repair	LF	2,272	\$ 23.00	\$ 52,256.00	\$ 18.00	\$ 40,896.00	\$ 33.00	\$ 74,976.00	\$ 20.00	\$ 45,440.00
219	Connect Sanitary Sewer Services to Manhole	EA	5	\$ 300.00	\$ 1,500.00	\$ 1,500.00	\$ 7,500.00	\$ 900.00	\$ 4,500.00	\$ 500.00	\$ 2,500.00
220	Remove Existing Sanitary Sewer Cleanout	EA	2	\$ 125.00	\$ 250.00	\$ 500.00	\$ 1,000.00	\$ 300.00	\$ 600.00	\$ 100.00	\$ 200.00
221	Modify Existing Sanitary Sewer Manhole	EA	1	\$ 2,500.00	\$ 2,500.00	\$ 3,000.00	\$ 3,000.00	\$ 900.00	\$ 900.00	\$ 850.00	\$ 850.00
222	Remove & Replace Concrete Sidewalk	SY	175	\$ 50.00	\$ 8,750.00	\$ 48.00	\$ 8,400.00	\$ 59.00	\$ 10,325.00	\$ 45.00	\$ 7,875.00
223	Remove & Replace Concrete Driveway	SY	265	\$ 52.00	\$ 13,780.00	\$ 58.00	\$ 15,370.00	\$ 77.00	\$ 20,405.00	\$ 60.00	\$ 15,900.00
224	Remove & Replace Concrete Curb & Gutter	LF	500	\$ 39.00	\$ 19,500.00	\$ 25.00	\$ 12,500.00	\$ 40.00	\$ 20,000.00	\$ 46.00	\$ 23,000.00
225	Remove & Replace Concrete Valley Gutter	SY	20	\$ 59.00	\$ 1,180.00	\$ 120.00	\$ 2,400.00	\$ 90.00	\$ 1,800.00	\$ 100.00	\$ 2,000.00
226	Remove & Replace Concrete Pavement	SY	50	\$ 64.00	\$ 3,200.00	\$ 150.00	\$ 7,500.00	\$ 92.00	\$ 4,600.00	\$ 140.00	\$ 7,000.00
227	Construction Contingency Allowance	LF	1	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
SUBTOTAL SANITARY SEWER IMPROVEMENTS:				\$ 342,039.50		\$ 381,183.00		\$ 390,063.00		\$ 488,859.00	

BID TABULATION REPORT

Southridge and E. Inwood Water and Sanitary Sewer Renewals - City of Arlington Project No. WUOP14007 BID OPENED : July 16, 2014 1:30 PM	Woody Contractors, Inc. Kennedale, TX	Barson Utilities, Inc. Dallas, TX	Jackson Construction, Ltd Fort Worth, TX	Gra-Tex Utilities, Inc. Arlington, TX

PAVING IMPROVEMENTS

ITEM	DESCRIPTION	UNITS	QTY	UNIT PRICE	TOTAL COST						
301	Pulvermix to Minimum of 14"	SY	2,473	\$ 8.00	\$ 19,784.00	\$ 8.00	\$ 19,784.00	\$ 22.00	\$ 54,406.00	\$ 10.50	\$ 25,966.50
302	Install 2" HMA Type D & Prime Coat	SY	2,473	\$ 14.00	\$ 34,622.00	\$ 12.69	\$ 31,382.37	\$ 15.00	\$ 37,095.00	\$ 11.37	\$ 28,118.01
303	Install 4" HMA Type D & Prime Coat	SY	2,473	\$ 24.00	\$ 59,352.00	\$ 23.24	\$ 57,472.52	\$ 21.50	\$ 53,169.50	\$ 21.00	\$ 51,933.00
304	Install Petromat	SY	2,473	\$ 3.00	\$ 7,419.00	\$ 2.55	\$ 6,306.15	\$ 4.00	\$ 9,892.00	\$ 3.50	\$ 8,655.50
305	Install Cement at Minimum 36 Pounds	TN	45	\$ 121.00	\$ 5,445.00	\$ 121.00	\$ 5,445.00	\$ 270.00	\$ 12,150.00	\$ 398.00	\$ 17,910.00
306	Install Lime at Minimum 36 Pounds	TN	45	\$ 158.00	\$ 7,110.00	\$ 158.00	\$ 7,110.00	\$ 210.00	\$ 9,450.00	\$ 345.00	\$ 15,525.00
307	Remove & Replace ADA Ramps	EA	8	\$ 2,250.00	\$ 18,000.00	\$ 1,100.00	\$ 8,800.00	\$ 1,250.00	\$ 10,000.00	\$ 1,800.00	\$ 14,400.00
308	Remove & Replace Concrete Sidewalk	SY	305	\$ 50.00	\$ 15,250.00	\$ 48.00	\$ 14,640.00	\$ 59.00	\$ 17,995.00	\$ 45.00	\$ 13,725.00
309	Remove & Replace Concrete Curb & Gutter	LF	1,230	\$ 39.00	\$ 47,970.00	\$ 25.00	\$ 30,750.00	\$ 40.00	\$ 49,200.00	\$ 46.00	\$ 56,580.00
310	Remove & Replace Concrete Driveway	SY	230	\$ 52.00	\$ 11,960.00	\$ 58.00	\$ 13,340.00	\$ 77.00	\$ 17,710.00	\$ 60.00	\$ 13,800.00
311	Remove & Replace Concrete Valley Gutter	SY	80	\$ 59.00	\$ 4,720.00	\$ 120.00	\$ 9,600.00	\$ 90.00	\$ 7,200.00	\$ 100.00	\$ 8,000.00
312	Furnish & Install Sodding	SY	500	\$ 8.00	\$ 4,000.00	\$ 4.75	\$ 2,375.00	\$ 10.00	\$ 5,000.00	\$ 6.00	\$ 3,000.00
313	Neenah Curb Drains	EA	2	\$ 440.00	\$ 880.00	\$ 245.00	\$ 490.00	\$ 100.00	\$ 200.00	\$ 300.00	\$ 600.00
314	Construction Contingency Allowance	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
SUBTOTAL PAVING IMPROVEMENTS:				\$ 251,512.00		\$ 222,495.04		\$ 298,467.50		\$ 273,213.01	

PAVEMENT ITEMS E. INWOOD DR (PW FUND)

ITEM	DESCRIPTION	UNITS	QTY	UNIT PRICE	TOTAL COST						
401	Pulvermix to Minimum of 14"	SY	2,675	\$ 8.00	\$ 21,400.00	\$ 8.00	\$ 21,400.00	\$ 22.00	\$ 58,850.00	\$ 10.50	\$ 28,087.50
402	Install 2" HMA Type D & Prime Coat	SY	2,675	\$ 14.00	\$ 37,450.00	\$ 12.69	\$ 33,945.75	\$ 14.00	\$ 37,450.00	\$ 11.37	\$ 30,414.75
403	Install 4" HMA Type B	SY	2,675	\$ 24.00	\$ 64,200.00	\$ 23.24	\$ 62,167.00	\$ 21.00	\$ 56,175.00	\$ 21.00	\$ 56,175.00
404	Install Petromat	SY	2,675	\$ 3.00	\$ 8,025.00	\$ 2.55	\$ 6,821.25	\$ 4.00	\$ 10,700.00	\$ 3.50	\$ 9,362.50
405	Install Cement at Minimum 36 Pounds	TN	48	\$ 121.00	\$ 5,808.00	\$ 121.00	\$ 5,808.00	\$ 270.00	\$ 12,960.00	\$ 398.00	\$ 19,104.00
406	Install Lime at Minimum 36 Pounds	TN	48	\$ 158.00	\$ 7,584.00	\$ 158.00	\$ 7,584.00	\$ 210.00	\$ 10,080.00	\$ 345.00	\$ 16,560.00
407	Remove & Replace Concrete ADA Ramps	EA	4	\$ 2,250.00	\$ 9,000.00	\$ 1,100.00	\$ 4,400.00	\$ 1,250.00	\$ 5,000.00	\$ 1,800.00	\$ 7,200.00
408	Remove & Replace Concrete Sidewalk	SY	375	\$ 50.00	\$ 18,750.00	\$ 48.00	\$ 18,000.00	\$ 59.00	\$ 22,125.00	\$ 45.00	\$ 16,875.00
409	Remove & Replace Concrete Curb & Gutter	LF	1,320	\$ 39.00	\$ 51,480.00	\$ 25.00	\$ 33,000.00	\$ 40.00	\$ 52,800.00	\$ 46.00	\$ 60,720.00
410	Remove & Replace Concrete Driveway	SY	320	\$ 52.00	\$ 16,640.00	\$ 58.00	\$ 18,560.00	\$ 77.00	\$ 24,640.00	\$ 60.00	\$ 19,200.00
411	Remove & Replace Valley Gutter	SY	40	\$ 59.00	\$ 2,360.00	\$ 120.00	\$ 4,800.00	\$ 90.00	\$ 3,600.00	\$ 100.00	\$ 4,000.00
412	Install Sodding	SY	520	\$ 8.00	\$ 4,160.00	\$ 4.75	\$ 2,470.00	\$ 10.00	\$ 5,200.00	\$ 6.00	\$ 3,120.00
413	Neenah Curb Drains	EA	2	\$ 440.00	\$ 880.00	\$ 245.00	\$ 490.00	\$ 100.00	\$ 200.00	\$ 300.00	\$ 600.00
414	Construction Contingency	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
SUBTOTAL PAVING E INWOOD:				\$ 267,737.00		\$ 239,446.00		\$ 319,780.00		\$ 291,418.75	

ALTERNATE A (Green Cement)

ITEM	DESCRIPTION	UNITS	QTY	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
501	Green Cement	LS	1	\$ 0.00	\$ 0.00	\$ 1.00	\$ 1.00	\$ 0.50	\$ 0.50	\$ 1.00	\$ 1.00
SUBTOTAL ALTERNATE B:				\$ -		\$ 1.00		\$ 0.50		\$ 1.00	

SUBTOTAL WATER IMPROVEMENTS:	\$ 148,334.35		\$ 200,552.00		\$ 195,826.00		\$ 216,743.00
SUBTOTAL SANITARY SEWER IMPROVEMENTS:	\$ 342,039.50		\$ 381,183.00		\$ 390,063.00		\$ 488,859.00
SUBTOTAL PAVING IMPROVEMENTS:	\$ 251,512.00		\$ 222,495.04		\$ 298,467.50		\$ 273,213.01
SUBTOTAL PAVING E INWOOD	\$ 267,737.00		\$ 239,446.00		\$ 319,780.00		\$ 291,418.75
TOTAL BASE BID AMOUNT	\$ 1,009,622.85		\$ 1,043,676.04		\$ 1,204,136.50		\$ 1,270,233.76
TOTAL BASE BID + ALTERNATE A	\$ 1,009,622.85		\$ 1,043,677.04		\$ 1,204,137.00		\$ 1,270,234.76
RECOMMENDED AWARD (BASE BID + ALTERNATE A)	\$ 1,009,622.85		\$ 1,043,677.04		\$ 1,204,137.00		\$ 1,270,234.76

Water and Sanitary Sewer Line Renewals
Southridge Drive and E. Inwood Drive
Project No. WUOP14007

CENTER ST

INWOOD DR

SOUTHRIDGE DR

LOVERS LN

MEADOW LN

TUCKER BLV



"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

ARLINGTON
THE AMERICAN DREAM CITY
Water Information Services
July 23, 2014

Staff Report



Tarrant County College Services Agreement; Providing curriculum and training for EMT and Advanced EMT	
City Council Meeting Date: 08-19-14	Action Being Considered: Minute Order

RECOMMENDATION

Authorizing the City Manager or his designee to execute a Services Agreement with Tarrant County College District Northeast Campus of FT. Worth, Texas to provide curriculum and training for Emergency Medical Technician and Advanced Emergency Medical Technician in the amount of \$31,790.00 for up to 10 students, additionally if the class size exceeds 10 students, a charge of \$3,179.00 for each Emergency Medical Technician trainee and \$1,937.00 for each Advanced Emergency Medical Technician trainee will be paid for each student over the original 10. Funding is available in Liquidated Damages Account No. 790201-61002

PRIOR BOARD OR COUNCIL ACTION

None

ANALYSIS

The Arlington Fire Department requires all sworn members to hold a minimum Emergency Medical Technician-Intermediate (EMT-I), or as it is titled now, Advanced Emergency Medical Technician (AEMT) certification. The Agreement with Tarrant County College will provide the necessary curriculum and training for fire department new hires to achieve this certification. The curriculum is divided into two educational sections. Students will first complete the 216 hour Emergency Medical Technician (EMT) course. Upon successful completion of the EMT course, students will complete the 164 hour Advanced Emergency Medical Technician (AEMT) course. Total course time is approximately 380 hours.

FINANCIAL IMPACT

Funding is available in Liquidated Damages Account No. 790201-61002.

FY 2015
\$31,790.00

ADDITIONAL INFORMATION

Attached:	Agreement
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	Bill McQuatters Assistant Fire Chief 817-459-5503 bill.mcquatters@arlingtontx.gov
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SERVICES AGREEMENT

This agreement is made by and between the City of Arlington a municipal corporation acting through its City Manager or designee (the "City") and Tarrant County College District (hereinafter "College").

- A. Services:** The College agrees to perform certain services necessary for the training for the Emergency Medical Technician and Advanced Emergency Medical Technician for the City's Fire Department.
- B. Relationship:** College's status shall be that of an Independent Contractor and not an agent, servant, employee or representative of City in the performance of this Contract. No term or provision of or act of Consultant or City under this Contract shall be construed as changing that status. Consultant will have exclusive control of and the exclusive right to control the details of the work performed hereunder, and shall be liable for the acts and omissions of its officers, agents, employees, contractors, subcontractors and the doctrine of respondent superior shall not apply as between City and Consultant, its officers, agents, employees, contractors and subcontractors and nothing herein shall be construed as creating a partnership or joint enterprise between City and Consultant.
- C. Duties of College:** TARRANT COUNTY COLLEGE DISTRICT will provide the following instructional services:
1. Curriculum and training for the Emergency Medical Technician and Advanced Emergency Medical Technician from October 1, 2014 to August 31, 2015. Class dates, time and subject matter will be jointly decided by College, EMS instructional personnel and a designated representative of City. The intent of the training schedule will be to enable a student to receive 216 hours of EMT training and/or 380 hours of AEMT training.

Agreement on the matters shall not be unreasonably denied by any of the parties.

2. Assigned course materials for all enrolled students; including textbooks, laboratory supplies, and identification badges.
3. Course admission, student registration, record keeping, and course administration.
4. Qualified and experienced instructors for the Classes as required by state law for certification.
5. A permanent record of the student's participation in these courses which will be made available in transcript format upon student's request.
6. Training equipment and supplies as needed to cover the required laboratory aspects of the courses.

D. DUTIES OF CITY: CITY will provide:

1. An enrollment of at minimum 10 students. Additional students will incur additional charges above the proposed cost.
2. A reasonably distraction free space conducive to learning. Audiovisual equipment to include: chalkboard, data projector, overhead projector, screen, slide projector, and video tape player with color monitor, if requested.
3. Student's costs such as uniforms, drug/background screen, health & immunization, Certification application will be handled by City.

E. General Duties:

1. All students must register for each session and must be eligible for admission at TCC to receive credit.
2. Employee schedules should be pre-arranged so as to permit regular class attendance. Drop-ins and

dropouts can prove to be disruptive to the other students and the instructors.

3. In the event of major incident, unforeseen heavy call loads, or severe weather that may necessitate cancellation or alterations of class meetings, rescheduling will be made as soon as possible at a time mutually agreeable to City and College.

4. In order for College to offer Continuing Education Units to employees of Arlington Fire Department, the College must comply with its internal policies and regulations, the rules and guidelines of the Southern Association of Colleges and Schools Commission on Colleges, Texas Higher Education Coordinating Board, and the State of Texas. In the matters of curriculum and instruction, the College must be able to demonstrate it is in control of the curriculum and the instructor with "control" taken to mean the College must have the authority to establish the curriculum, to approve/disapprove any instructor(s) and to cause an instructor to be removed from the teaching and learning environment. Signature of the undersigned indicates the agreement with and acceptance of these requirements.

F. Compensation: As full compensation for the College's services performed hereunder, the City shall pay the Consultant the fixed amount of \$31,790.00. The cost for each additional student for EMT and AEMT will be \$3,179. The cost for each additional student for AEMT only is \$1,937.

G. Method of Payment: The City shall pay the College 30 days from receipt of invoice.

H. Term: The term of this agreement shall commence on October 1, 2014, and shall continue until August 31, 2015.

I. Termination: This agreement may be terminated (a) by either party at any time for failure of the other party to comply with the terms and conditions of this agreement; (b) by either party without cause or

penalty upon 30 days prior written notice to the other party; or (c) upon mutual written agreement of both parties. In the event of termination, the College shall stop work immediately and shall be entitled to compensation for fees to the date of termination and for any work necessitated by that termination. If at time of notice of termination there is an uncompleted course then the College will complete that course and be paid as scheduled.

- J. **Indemnity:** COLLEGE undertakes and agrees to the extent allowed by law to defend, indemnify and hold harmless CITY and any and all of their Boards, commissions, officers, agents, representatives, employees, volunteers and elected or appointed officials from and against any and all suits and causes of action, claims, charges, costs, damages, demands, expenses (including, but not limited to, Attorney's fees and cost of litigation), judgments, civil fines and penalties, liabilities or losses of any kind or nature whatsoever, for death, bodily injury or personal injury to any person, including COLLEGE's employees and agents or damage or destruction to any property of either party hereto or third persons in any manner arising by reason of or incident in the performance of this Contract occasioned by any error, omission or negligent act on the part of COLLEGE or COLLEGE's officers, agents, employees or subcontractors of any tier.
- K. **Equal Employment Opportunity:** COLLEGE shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, ancestry, and national origin, place of birth or disability. COLLEGE shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment without regard to their race, age, color, religion, sex, ancestry, and national origin, place of birth or disability. This action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship.

L. **Conflict of Interest:** COLLEGE covenants and agrees that COLLEGE and its associates and employees will have no interest, and will acquire no interest, either direct or indirect, which will conflict in any manner with the performance of the SERVICES called for under this Contract. All activities, investigations and other efforts made by CONSULTANT pursuant to this Contract will be conducted by employees, associates or subcontractors of CONSULTANT.

M. **Notices:** All notices and communications under this Contract to be mailed or delivered to CITY shall be sent to the address of CITY's agent as follows, unless and until CONSULTANT is otherwise notified:

City of Arlington
Post Office Box 90231
Arlington, Texas 76004-3231
Attention:

Notices and communications to be mailed or delivered to CONSULTANT shall be sent to the address of CONSULTANT as follows, unless and until CITY is otherwise notified:

Tarrant County College
Continuing Education Services-NE Campus
828 W. Harwood Road
Hurst TX 76054

Any notices and communications required to be given in writing by one party to the other shall be considered as having been given to the addressee on the date the notice or communication is posted by the sending party.

N. **Miscellaneous:**

1. The entire agreement between the parties with respect to the subject matter hereunder is contained in this agreement.
2. Neither this agreement nor any rights or obligations hereunder shall be assigned or delegated by the Consultant without the prior written consent of the City.

3. This agreement shall be modified only by written agreement duly executed by the City and the Consultant.
4. Should any of the provisions hereunder be found to be invalid, void or voidable by a court, the remaining provisions shall remain in full force and effect.
5. This agreement shall be governed by and constructed in accordance with the laws of the State of Texas and venue of any litigation or claim shall be Tarrant County, Texas.
6. All notices required or permitted under this agreement shall be deemed to have been given if and when deposited in the United States mail, properly stamped and addressed to the party for whom intended at such party's address listed below, or when delivered personally to such party. A party may change its address for notice hereunder by giving written notice to the other party.

Wherefore, the parties have entered into this agreement as of the later of the dates stated below.

APPROVED:

TARRANT COUNTY COLLEGE

Dated: _____, 2014

By: _____

Title: _____

WITNESS:

Dated: _____, 2014

City of Arlington

By: _____

Title: _____

ATTEST:
MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY: _____

Staff Report



Amendments to the "Flag and Logo" Ordinance

City Council Meeting Date: 08/19/14 | Document Being Considered: Ordinance

RECOMMENDATION

Consider final 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.

On August 5, 2014, City Council approved first reading of the Amendments to the "Flag and Logo" ordinance.

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)

Jennifer Wichmann
Management Resources Director
817-459-6408
Jennifer.Wichmann@arlingtontx.gov

Jay Warren
Marketing Communications Manager
817-459-6412
Jay.Warren@arlingtontx.gov

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 _____

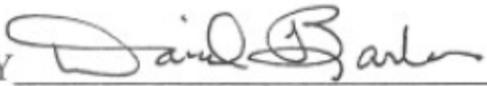
day of _____, 2014, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY 

Staff Report



Amendments to the "Fire Prevention" Ordinance	
City Council Meeting Date: 08/19/14	Document Being Considered: Ordinance

RECOMMENDATION

Consider final 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.

On August 5, 2014, City Council approved the first reading of the 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 Raymond

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 August 5, 2014, Council approved first reading of the amendment to the "Miscellaneous Offenses" Chapter of the Code of the City of Arlington by a vote of 8-0-0.

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

Staff Report



School Zone Ordinance and Revision

City Council Meeting Date: 08-19-2014

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.

On August 5, 2014, Council approved the first reading of this ordinance by a vote of 8-0.

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 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)

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Director of Public Works & Transportation

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Keith.Melton@arlingtontx.gov

Mindy Carmichael, P.E.

Asst. Director of Public Works & Transportation

817-459-6552

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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-Euleless-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)
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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)
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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)

Mesquite Street

Between a point 130 feet south of Pine Street and a point 200 feet north of Slaughter Street 7:30 am - 8:30 am
3:00 pm - 4:00 pm (C)

Between Maple Street and a point 500 feet south of Sanford Street 7:30 am - 8:30 am
3:00 pm - 4:00 pm (C)

Pleasant Ridge Road

Between Plumwood Drive and Blossom Trail 7:30 am - 8:30 am
3:00 pm - 4:00 pm (E)

Between a point 150 feet east of Kelly Elliott Road and Sangre Trail 7:00 am - 8:00 am
12:00 pm - 1:15 pm
2:30 pm - 3:30 pm (H)

Winter Fire Way

Between Cascade Sky Drive and Rose Spirit Street 7:30 am - 8:30 am
2:45 pm - 4:00 pm (H-E-BE)

Woodside Drive

Between Valleycrest Drive and Woodhill Drive 7:30 am - 8:30 am
3:00 pm - 4:00 pm (E)

Between Kingswick Drive and Bridlegate Drive 8:15 am - 9:00 am
3:30 pm - 4:30 pm (J)

Between a point 200 feet south of West Pleasant Ridge Road and Rochelle 7:00 am - 8:00 am
12:00 pm - 1:15 pm
2:30 pm - 3:30 pm (H)

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

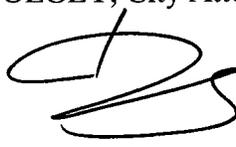
BY _____


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.

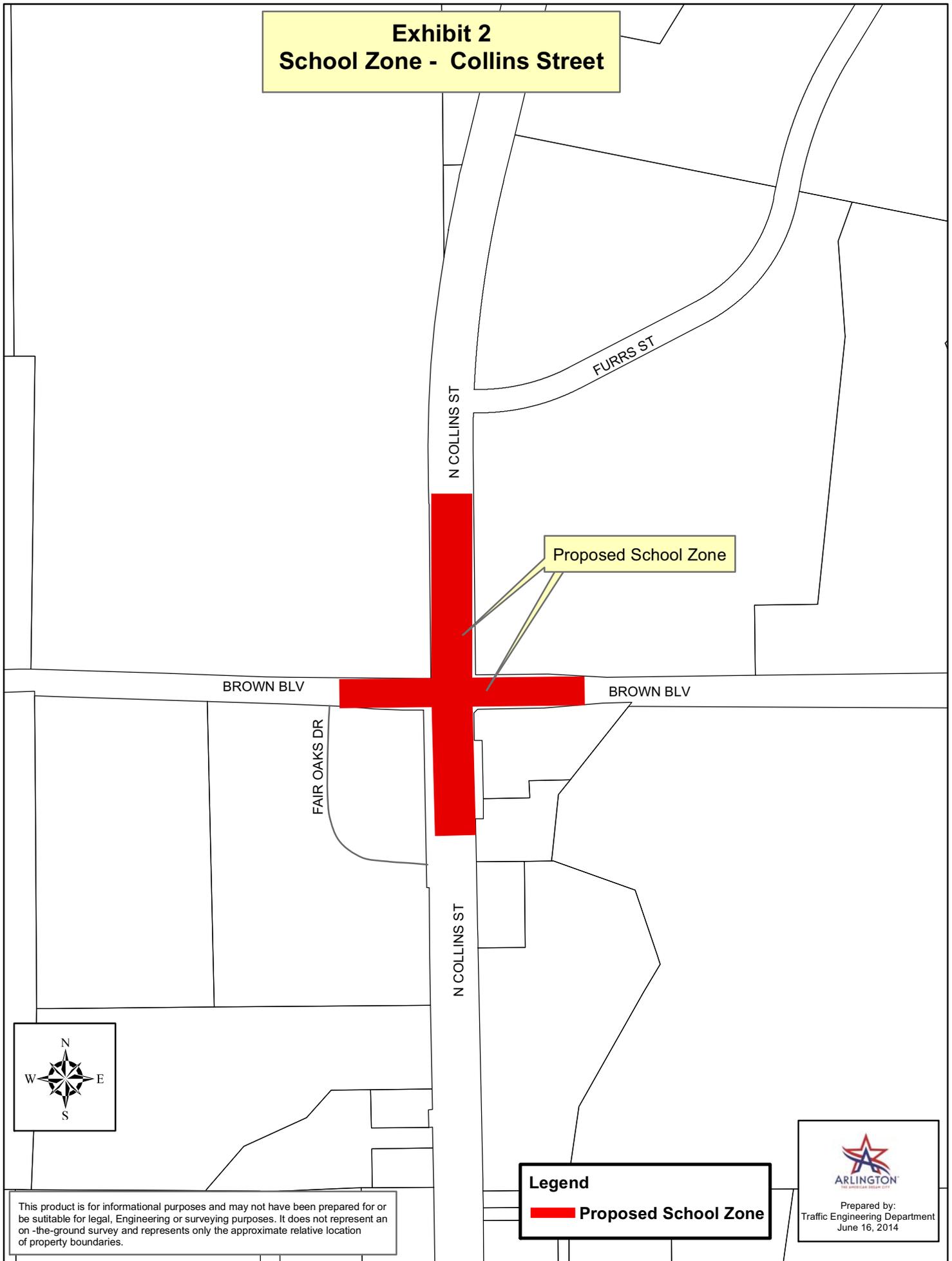
Legend

 **Proposed School Zone**



Prepared by:
Traffic Engineering Department
June 16, 2014

**Exhibit 2
School Zone - Collins Street**



Proposed School Zone

BROWN BLV

BROWN BLV

FAIR OAKS DR

N COLLINS ST

FURRS ST

N COLLINS ST



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Legend
 **Proposed School Zone**



Prepared by:
Traffic Engineering Department
June 16, 2014

**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 TRI

ROCHELLE DR

WOODSIDE DR

CROSS BEND DR



W INTERSTATE 20 HWY

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
- Existing School Zone

Prepared by:
Traffic Engineering Department
June 16, 2014

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

BURTON DR

Existing School Zone

E ROGERS ST

PINE ST

E CEDAR ST



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Legend

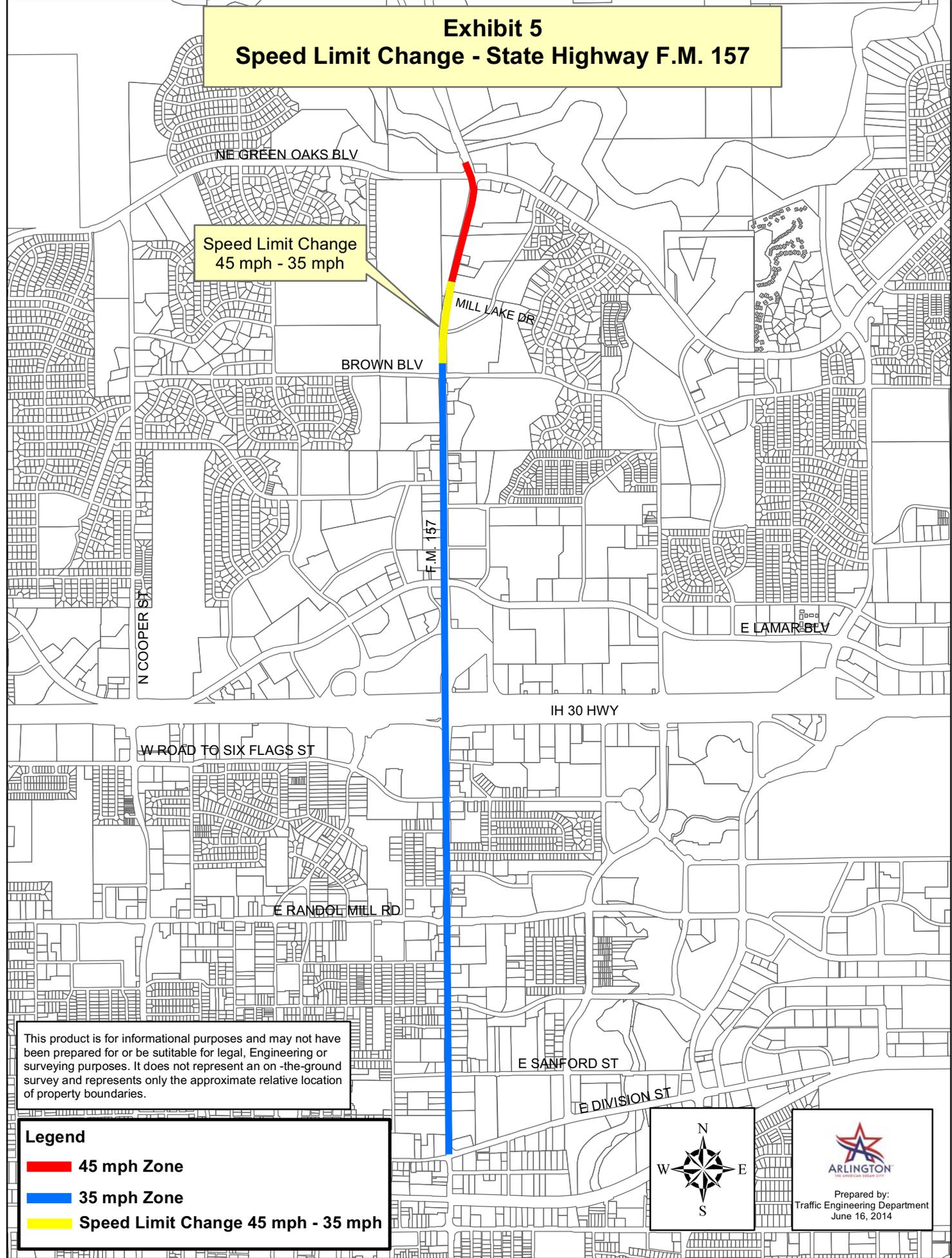
- █ Proposed School Zone
- █ Existing School Zone



Prepared by:
Traffic Engineering Department
June 16, 2014

Exhibit 5 Speed Limit Change - State Highway F.M. 157

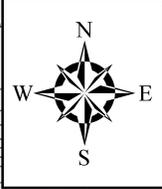
Speed Limit Change
45 mph - 35 mph



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



Prepared by:
Traffic Engineering Department
June 16, 2014

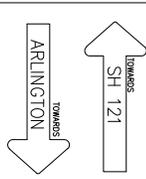
TP 050-11/REV 04/2000 UNLESS OTHERWISE NOTED

COMMERCIAL/RESIDENTIAL

COMMERCIAL

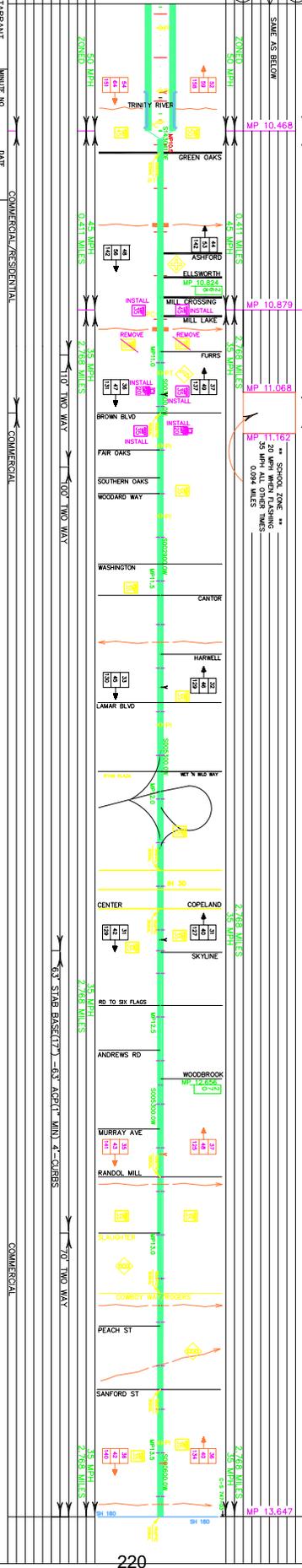
COMMERCIAL

DESIGNER: **STANLEY**
 DATE: 07/24/03
 PROJECT: **STATE ROUTE 121**
 COUNTY: **ARLINGTON**



ZONE SPEEDS: 50 MPH
 ZONE LENGTHS: 0.411 MILES
 ACCIDENTS: 10
 GRADES OVER 3%: 1
 ROADWAY TYPE: 2 LANE
 ROW AND RIBBON WIDTH: 10 FT

SECTION ONE LENGTH: 0.411 MILES	SECTION TWO LENGTH: 2.768 MILES
DATE: 07/24/03	DATE: 07/24/03
PROJECT: STATE ROUTE 121	PROJECT: STATE ROUTE 121
COUNTY: ARLINGTON	COUNTY: ARLINGTON
SECTION ONE: JUST NORTH OF GREEN OAKS	SECTION TWO: JUST NORTH OF MILL LAKE
SECTION ONE: JUST NORTH OF MILL LAKE	SECTION TWO: INTERSECTION WITH SH 180



DATE	REVISIONS	DATE
07/24/03	ISSUED FOR PERMITS	07/24/03
07/24/03	REVISED	07/24/03
07/24/03	REVISED	07/24/03

DATE OF SURVEY: 1-11 SCALE: 1" = 0.1 MILES
 HIGHWAY: 157 CITY: ARLINGTON
 COUNTY: TARRANT
 REVISIONS BY: [blank]
 DATE: [blank]

SECTION ONE LENGTH: 0.411 MILES
 SECTION TWO LENGTH: 2.768 MILES
 DATE: 07/24/03
 PROJECT: STATE ROUTE 121
 COUNTY: ARLINGTON
 SECTION ONE: JUST NORTH OF GREEN OAKS
 SECTION TWO: JUST NORTH OF MILL LAKE
 SECTION ONE: JUST NORTH OF MILL LAKE
 SECTION TWO: INTERSECTION WITH SH 180

COMMERCIAL/RESIDENTIAL

COMMERCIAL

COMMERCIAL

COMMERCIAL

COMMERCIAL

COMMERCIAL

SPEED ZONE
 CONT. 0747 SECT. 03



SPEED ZONE
 CONT. 0747 SECT. 03



Staff Report



Specific Use Permit SUP14-3 (316 West Fork Dr.)

City Council Meeting Date: 8-19-14

Document Being Considered: Ordinance

RECOMMENDATION

Approve an ordinance adopting Specific Use Permit SUP14-3 for an Auto Service Center on property at 316 West Fork Drive, and generally located north of West Division Street and west of West Fork Drive, zoned Light Industrial (LI).

PRIOR BOARD OR COUNCIL ACTION

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

On August 5, 2014, City Council recommended approval of SUP14-3, by a vote of 8-0-0.

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 and B
Case Information with P&Z Summary
Site Plan

Under separate cover:

None

Available in the City Secretary's office:

None

STAFF CONTACTS

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Development Planning Manager
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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



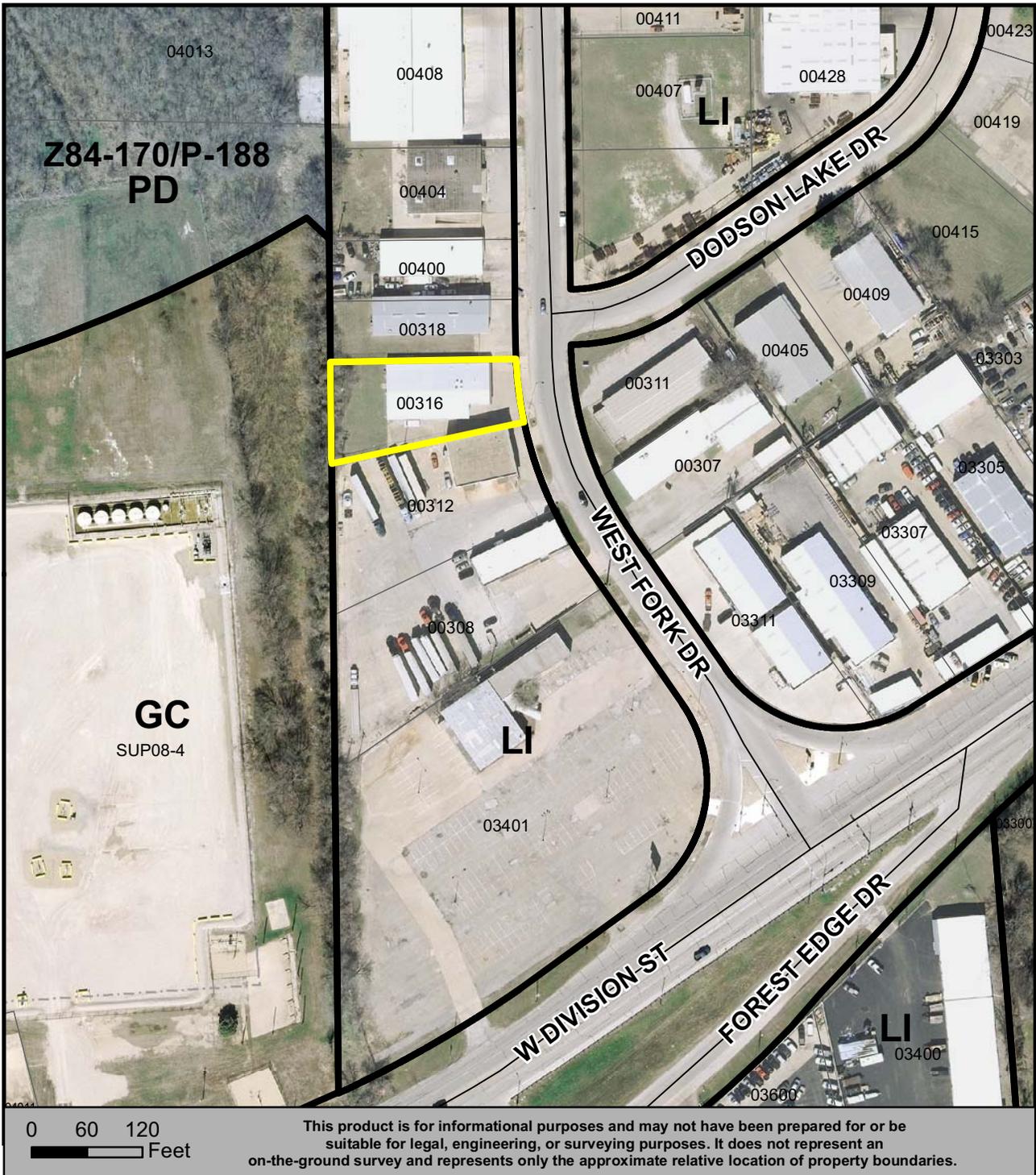
Allowable Uses:

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

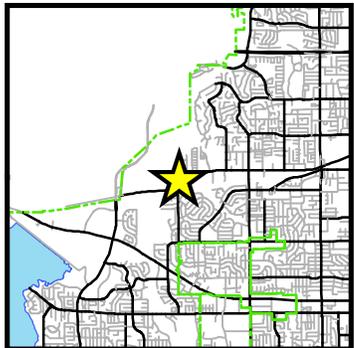
Specific Use Permit – Halfway House, Public or private school, Auto service center, Auto repair garage, major, Motor vehicle sales, used, Hotel, limited service, Residence hotel, Day care center, Gun club, skeet, or target range (outdoor), Marina, Specialty paraphernalia sales, Gas well, Airport of landing field, Electric generating plant, Telecommunications Facilities Towers >75 ft., Stealth towers >100 ft.

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 ≤75 ft., Stealth towers ≤100 ft., Self-storage facility, Outside storage



**LOCATION MAP
SUP14-3**

**SPECIFIC USE PERMIT FOR
AUTO SERVICE CENTER
0.422 ACRES**



Staff Report



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

City Council Meeting Date: August 19, 2014 | Document Being Approved: Ordinance

RECOMMENDATION

Following the public hearing, consider second and final 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

On August 5, 2014, City Council approved the first reading of the ordinance designating Reinvestment Zone Number Thirty-Eight by a vote of 8-0.

ANALYSIS

City Council held 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 considered today authorizing the execution of a tax abatement agreement between the City of Arlington and J & J Group, Ltd.

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;

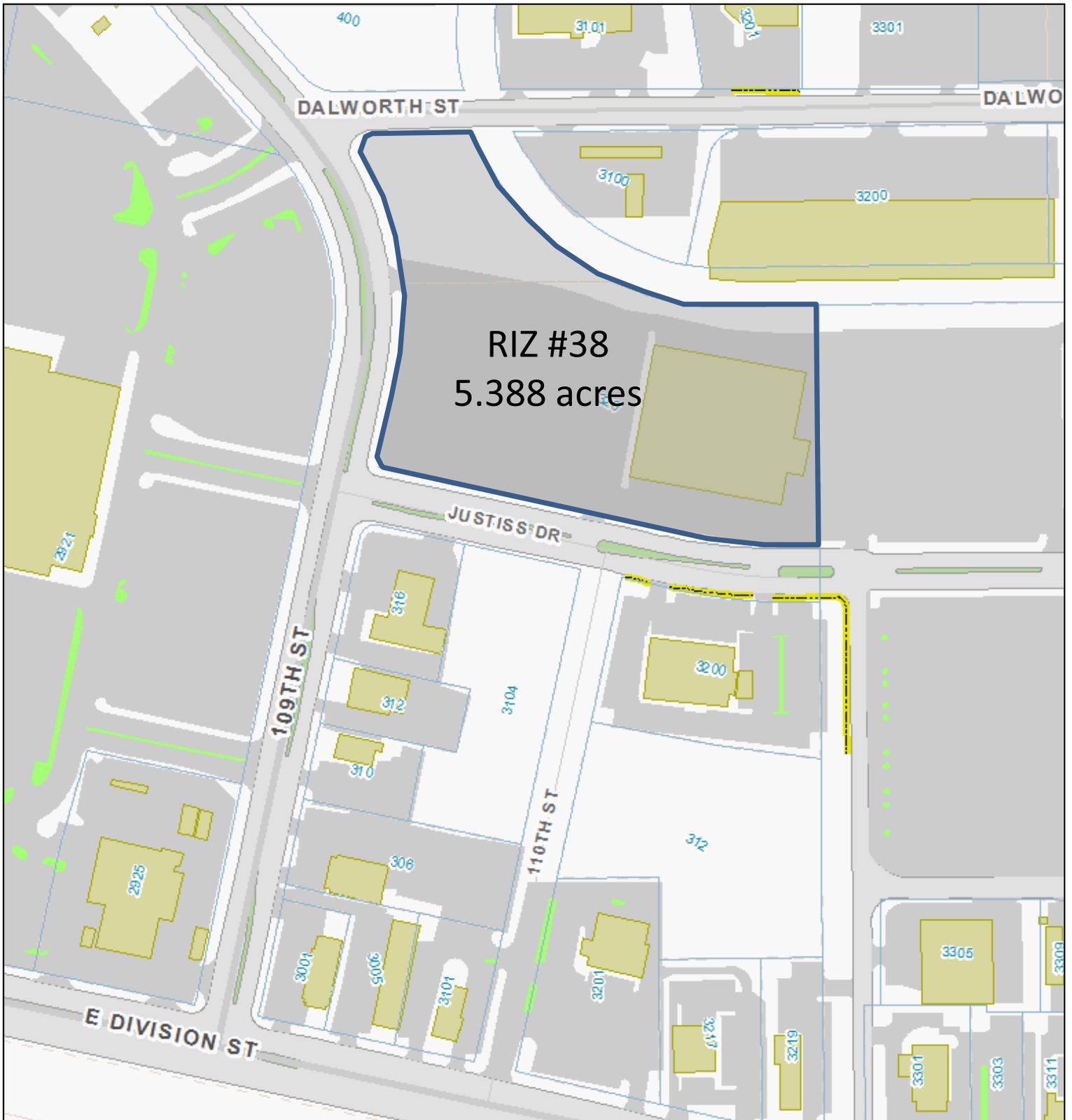
CONTAINING 234,701.80 square feet or 5.388 acres of land.

Exhibit "B"

MAP OF SUBJECT PROPERTY

Reinvestment Zone #38

320 109th Street





Staff Report

Fiscal Year 2015 Annual Audit Plan	
City Council Meeting Date: 08/19/14	Document Being Considered: Resolution

RECOMMENDATION

Approve the Fiscal Year 2015 Annual Audit Plan.

PRIOR BOARD OR COUNCIL ACTION

None

ANALYSIS

- City Ordinance requires that the City Auditor submit an Annual Audit Plan to the City Council for review, comment and approval no less than thirty (30) days prior to the beginning of each fiscal year.
- The City Auditor has developed an Annual Audit Plan to satisfy requirements stipulated by City Ordinance 05-078, as amended.
- The Annual Audit Plan includes audits that cover areas related to internal controls and reporting; compliance with laws, policies and regulations; economic and efficient use of resources; and follow-up audits.

FINANCIAL IMPACT

FY 2014
\$ N/A

FY 2015
\$ N/A

FY 2016
\$ N/A

ADDITIONAL INFORMATION

Attached:	Resolution, Fiscal Year 2015 Annual Audit Plan
Under separate cover:	N/A
Available in the City Secretary's Office:	N/A

STAFF CONTACT(S)

Lori Brooks
City Auditor
(817) 459-6243
lori.brooks@arlingtontx.gov

Resolution No. _____

**A resolution approving the Fiscal Year 2015 Annual
Audit Plan**

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

I.

That the City Council hereby approves the Fiscal Year 2015 Annual Audit Plan.

II.

A substantial copy of the Fiscal Year 2015 Annual Audit Plan 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 *Jay Doegey*

Fiscal Year 2015 Annual Audit Plan



Presented by
City Auditor's Office

*Lori Brooks, City Auditor
Roshan Jayawardene, Internal Auditor
Lee Hagelstein, Internal Auditor
Michelle Brown, Staff Auditor*

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Audits

- Facilities Maintenance
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Introduction

The purpose of the Fiscal Year 2015 Annual Audit Plan is to outline audits and other activities the City Auditor's Office proposes to conduct during the fiscal year. The Plan is developed to satisfy applicable auditing standards and responsibilities established by Section 2.05 H.1. of City Ordinance 05-078, as amended. The Plan is a working document in that the City Auditor may make changes to the Plan, as deemed necessary in professional judgment, to reflect changing risks. However, the City Council will be notified of any significant additions, deletions, or other changes.

Audits included in the Fiscal Year 2015 Annual Audit Plan were primarily identified through our risk assessment. The Audit Plan includes audits related to internal controls and reporting; compliance with laws, policies and regulations; economic and efficient use of resources; and follow-up. The Fiscal Year 2015 Annual Audit Plan also takes into account the opportunity for risk of fraud, waste and abuse.

Planned audits for Fiscal Year 2015 are listed on the following page. While general audit objectives are included in the Plan, specific audit objectives will be determined once staff has completed preliminary surveys related to each audit. During the preliminary surveys, staff will establish familiarity with the department and/or function by conducting background interviews and research. At that time, potential issues will be identified and the specific audit objectives and methodology will be developed.

Audits included in the Fiscal Year 2015 Annual Audit Plan are based on estimated available audit staff hours, staff expertise and include a total of 400 unassigned hours that have been set aside to perform special audits, investigations, and/or projects as directed by the Mayor and City Council. The Annual Audit Plan also takes into account audits that were started, but not completed, during Fiscal Year 2014.

Audits

Facilities Maintenance

To evaluate the efficiency and effectiveness of the City's maintenance of City-owned buildings and other facilities, including custodial, routine and preventive maintenance, and repair activities.

Aquatics Program

To evaluate the efficiency and effectiveness of the Parks and Recreation Department's Aquatics Program, including operational and financial performance.

Information Technology Asset Management

To verify the existence of information technology hardware deployed throughout City departments

Street Maintenance Process

To evaluate the process by which streets are selected for repaving and repair and review operational efficiency and effectiveness

Water Utility Billing System (enQuesta) Upgrade

To evaluate the effectiveness and efficiency of the water utility billing system by reviewing application controls to ensure that the system supports accurate, reliable and timely processing

External Audit Assistance

To assist the external auditor with the annual financial audit for the fiscal year ended September 30, 2014

Special Assignments

To conduct investigations and/or audits requested by the Mayor and City Council

Follow-Up Audits

To assess the implementation status of prior internal audit recommendations

Staff Report



Stadium Drive (Abram Street to Division Street) - Relocation Assistance – 110 Stadium Drive	
City Council Meeting Date: 8/19/14	Document Being Considered: Resolution

RECOMMENDATION

Approve a resolution authorizing payment of relocation expense reimbursement associated with the acquisition of 110 Stadium Drive, Arlington, Texas.

PRIOR BOARD OR COUNCIL ACTION

On March 20, 2012, the Arlington City Council passed Resolution No. 12-053, which adopted and implemented relocation assistance rules for the City of Arlington.

On May 13, 2014, City Council passed Resolution No. 14-099, determining the necessity of acquiring right-of-way and temporary construction easement rights for the Stadium Drive (Abram Street to Division Street) project.

On June 24, 2014, City Council passed Resolution No. 14-153, ordering condemnation of right-of-way and temporary construction easement rights for the Stadium Drive (Abram Street to Division Street) project.

ANALYSIS

The acquisition of the property located at 110 Stadium has resulted in the need to relocate the tenant, Up Front Letter Press. The tenant qualifies for relocation assistance in accordance with the City's adopted relocation assistance rules. The City's relocation rules were adopted in in order to comply with Senate Bill 18 from the 82nd Texas legislature. These expenses will not be reimbursed until the relocation process is complete. The total relocation expenses are calculated not to exceed \$45,000.

FINANCIAL IMPACT

Funds for these relocation expenses, are available in Street Bond Funds Account No. 358504-68000-65240698.

ADDITIONAL INFORMATION

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

STAFF CONTACTS

Roger Venables Assistant Director Community Development and Planning 817-459-6613 Roger.Venables@arlingtontx.gov	James F. Parajon, AICP Director Community Development and Planning 817-459-6103 Jim.Parajon@arlingtontx.gov
--	--

Resolution No.

A resolution approving reimbursement of relocation costs in an amount not to exceed \$45,000 for Up Front Letter Press of 110 Stadium Drive, City of Arlington, Tarrant County, Texas.

WHEREAS, on March 20, 2012, the Arlington City Council passed Resolution No. 12-053, which adopted and implemented relocation assistance rules for the City of Arlington; 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 reimburse relocation expenses in an amount not to exceed \$45,000 to the tenant of 110 Stadium Drive doing business as Up Front Letter Press in accordance to the City of Arlington’s Relocation Assistance Rules, which were adopted and implemented on March 20, 2012, through Resolution No. 12-053.

II.

That for the purpose of reimbursement of relocation expenses regarding the tenant of 110 Stadium Drive in an amount not to exceed \$45,000, it is hereby declared that the City Manager, or his designee, is authorized and empowered to direct payment. The payment will be made only on a reimbursement basis after the vacation of the property to the City of Arlington for the purposes specified above. Funds for this acquisition are available in Street Bond Funds Account No. 358504-68000-65240698.

III.

That this resolution shall take effect from and after its passage as provided by law.

PRESENTED AND PASSED on this the _____ 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: _____

Staff Report



Stadium Drive (Abram Street to Division Street) - Relocation Assistance – 114 Stadium Drive	
City Council Meeting Date: 8/19/14	Document Being Considered: Resolution

RECOMMENDATION

Approve a resolution authorizing payment of relocation expense reimbursement associated with the acquisition of 114 Stadium Drive, Arlington, Texas.

PRIOR BOARD OR COUNCIL ACTION

On March 20, 2012, the Arlington City Council passed Resolution No. 12-053, which adopted and implemented relocation assistance rules for the City of Arlington.

On May 13, 2014, City Council passed Resolution No. 14-100, determining the necessity of acquiring right-of-way and temporary construction easement rights for the Stadium Drive (Abram Street to Division Street) project.

On June 24, 2014, City Council passed Resolution No. 14-152, ordering condemnation of right-of-way and temporary construction easement rights for the Stadium Drive (Abram Street to Division Street) project.

ANALYSIS

The acquisition of the property located at 114 Stadium has resulted in the need to relocate the tenant, Dunn Deal World of Wheels. The tenant qualifies for relocation assistance in accordance with the City's adopted relocation assistance rules. The City's relocation rules were adopted in order to comply with Senate Bill 18 from the 82nd Texas legislature. These expenses will not be reimbursed until the relocation process is complete. The total relocation expenses are calculated not to exceed \$30,000.

FINANCIAL IMPACT

Funds for these relocation expenses, are available in Street Bond Funds Account No. 358504-68000-65240698.

ADDITIONAL INFORMATION

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

STAFF CONTACTS

Roger Venables Assistant Director Community Development and Planning 817-459-6613 Roger.Venables@arlingtontx.gov	James F. Parajon, AICP Director Community Development and Planning 817-459-6103 Jim.Parajon@arlingtontx.gov
--	--

Resolution No.

A resolution approving reimbursement of relocation costs in an amount not to exceed \$30,000 for Dunn Deal World of Wheels of 114 Stadium Drive, City of Arlington, Tarrant County, Texas.

WHEREAS, on March 20, 2012, the Arlington City Council passed Resolution No. 12-053, which adopted and implemented relocation assistance rules for the City of Arlington; 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 reimburse relocation expenses in an amount not to exceed \$30,000 to the tenant of 114 Stadium Drive doing business as Dunn Deal World of Wheels in accordance to the City of Arlington’s Relocation Assistance Rules, which were adopted and implemented on March 20, 2012, through Resolution No. 12-053.

II.

That for the purpose of reimbursement of relocation expenses regarding the tenant of 114 Stadium Drive in an amount not to exceed \$30,000, it is hereby declared that the City Manager, or his designee, is authorized and empowered to direct payment. The payment will be made only on a reimbursement basis after the vacation of the property to the City of Arlington for the purposes specified above. Funds for this acquisition are available in Street Bond Funds Account No. 358504-68000-65240698.

III.

That this resolution shall take effect from and after its passage as provided by law.

PRESENTED AND PASSED on this the _____ 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: _____

Staff Report



Development Plan DP13-8 (All Storage)

City Council Meeting Date: 8-19-14

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.

On August 5, 2014, the City Council continued first reading of the case to August 19, 2014.

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

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

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:	<p>The subject site is currently platted as Lots 1B, 1C, 1D, 1E, and 1F, Block 35 of the Springridge Addition.</p> <p>No previous zoning cases have occurred in the general vicinity within the past five years.</p>									
Transportation:	<p>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).</p> <table border="1"><thead><tr><th>Thoroughfare</th><th>Existing</th><th>Proposed</th></tr></thead><tbody><tr><td>State Highway 360</td><td>500-foot, 2-lane frontage road</td><td>500-foot, 2-lane frontage road</td></tr><tr><td>Overbrook Drive</td><td>60-foot, 2-lane undivided local road</td><td>60-foot, 2-lane undivided local road</td></tr></tbody></table>	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
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:	<p>The site is located in the North Fish Creek drainage basin.</p> <p>The site has no portion within the FEMA floodplain.</p> <p>No significant drainage impacts are expected to result from development of this site as long as all relevant city ordinances are complied with.</p>									
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.

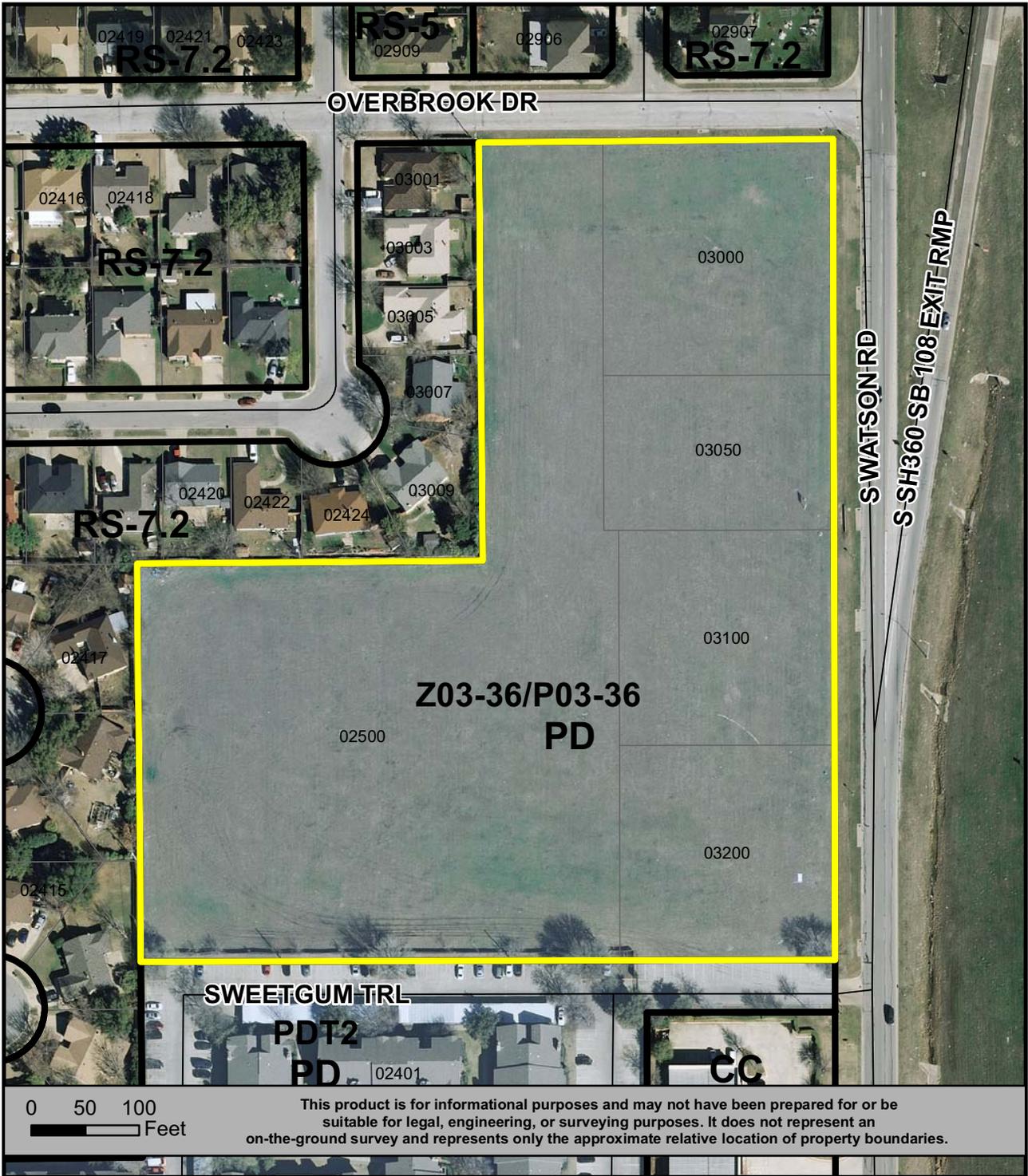
Present to speak in support of this case were Coy Quine, 301 South Sherman, suite 100, Richardson, 75081; and Mike Long, 7107 Truver Lane, 76001.

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.

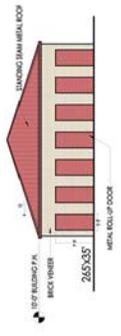


View north of subject property.

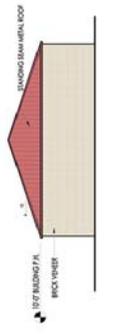


View east of subject property.

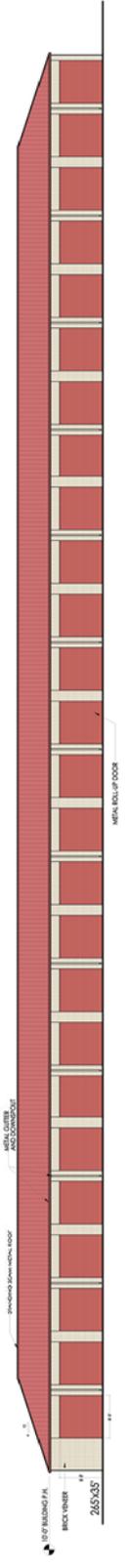
BUILDING ELEVATIONS



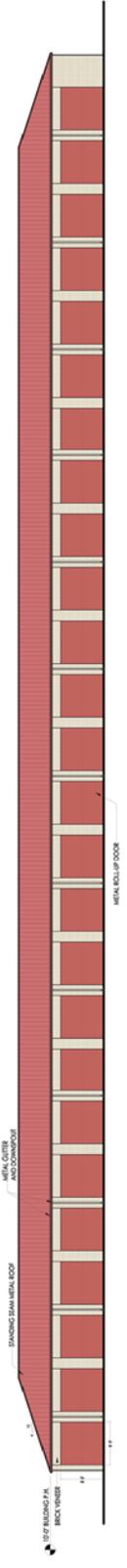
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2 BUILDING "C & E" WEST ELEVATION
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3 BUILDING "C & E" NORTH ELEVATION
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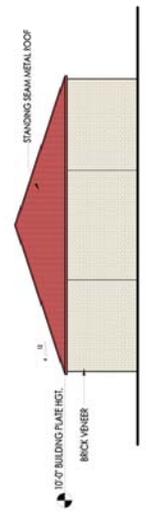
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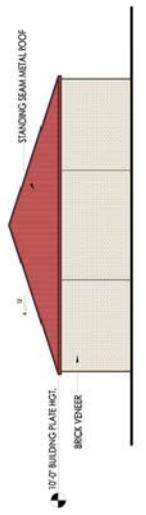
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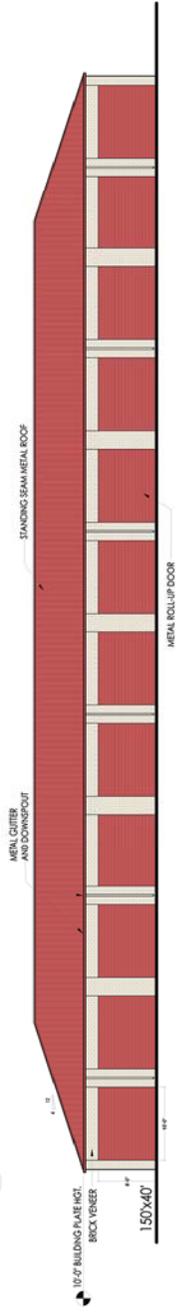
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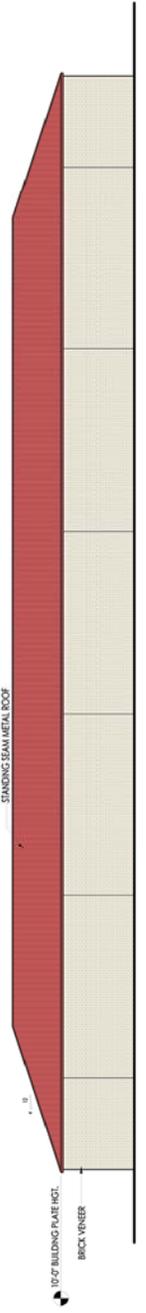
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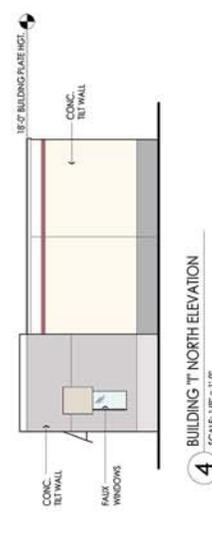
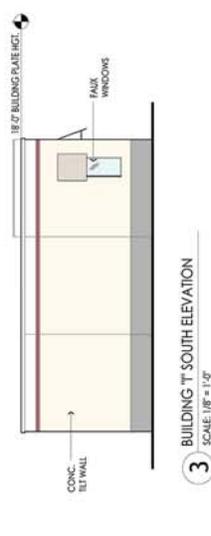
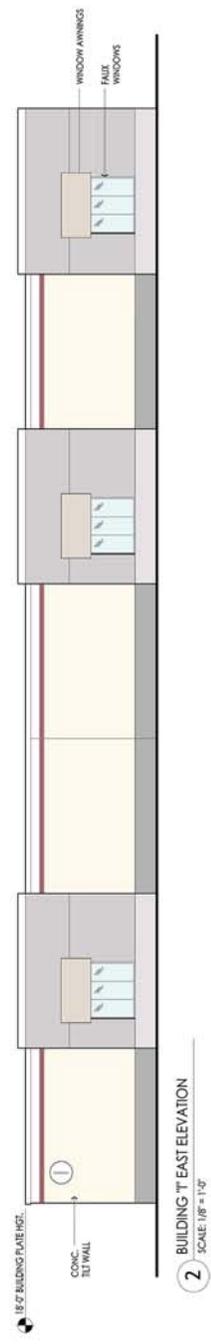
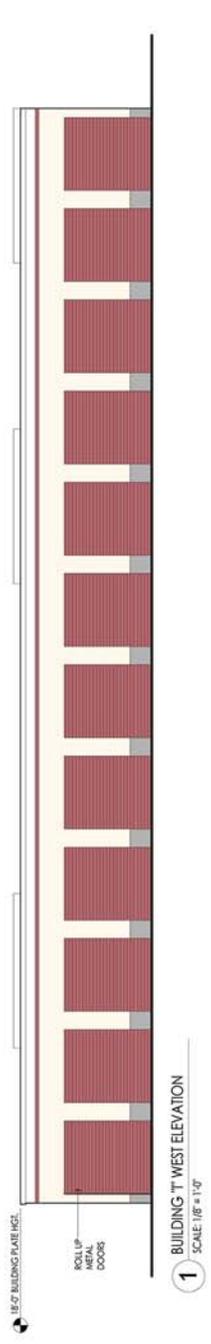
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SCALE: 1/8" = 1'-0"



4 BUILDING "W" WEST ELEVATION
SCALE: 1/8" = 1'-0"

BUILDING I ELEVATIONS

BUILDING I ELEVATIONS



REVISIONS



General Contractor:
 Reliable Commercial Construction, Inc.
 1903 N. Payco Dr. Arlington, Texas 76010
 Tel: (817) 457-0779 Fax: (817) 457-9145

Developer:
 (Quite and Associates
 301 S. Sherman, Suite 100 Richardson, Texas 75081
 Tel: (972) 699-9440

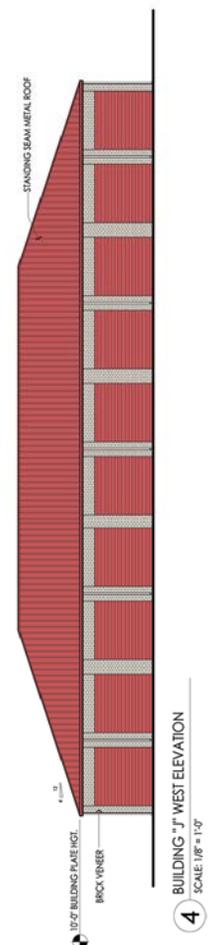
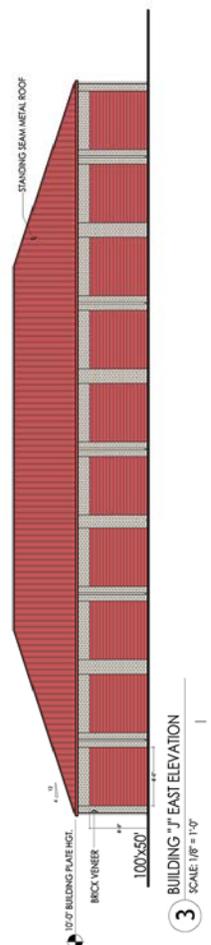
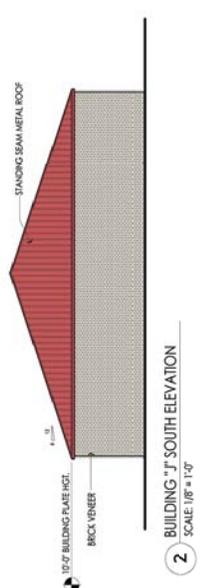
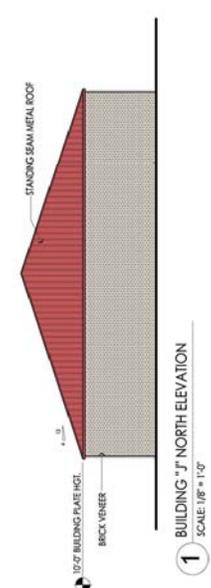
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 ALL STORAGE ARLINGTON, TX
 2500 OVERBROOK DR. ARLINGTON, TEXAS 76014

DRAWN BY:
 C.V.
 SCALE:
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 DATE:
 05/03/2014
 FILE NUMBER:
 REV. 2/04/02
 SHEET:

A7.0

274

BUILDING J ELEVATIONS



REVISIONS

RELIABLE
COMMERCIAL CONSTRUCTION

Reliable Commercial Construction, Inc.
1903 N. Payco Dr. Arlington, Texas 76001
Tel: (817) 457-0779 Fax: (817) 457-9145

Developer:
Quine and Associates
301 S. Sherman, Suite 100 Richardson, Texas 75081
Tel: (972) 699-9440

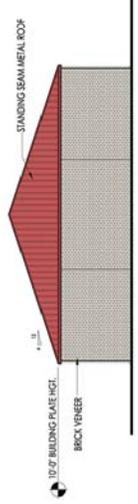
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2500 OVERBROOK DR. ARLINGTON, TEXAS 76014

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FILE NUMBER:
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SHEET:

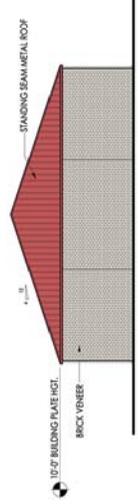
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Reliable Commercial Construction
1903 N. Payco Dr. Arlington, Texas 76001
Tel: (817) 457-0779 Fax: (817) 457-9145

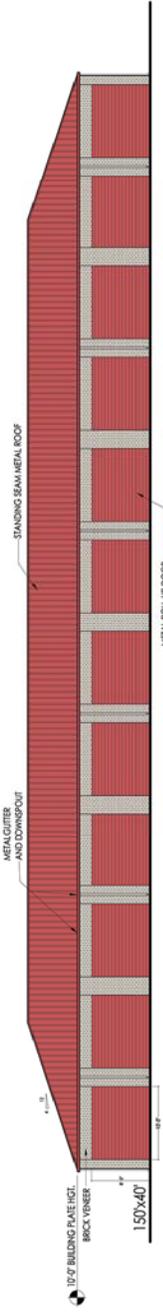
BUILDING K ELEVATIONS



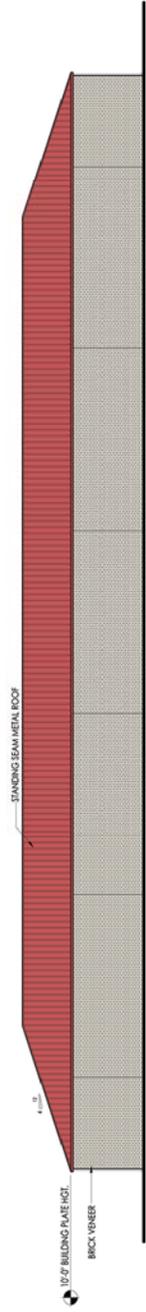
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SCALE: 1/8" = 1'-0"



3 BUILDING "K" EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 BUILDING "K" WEST ELEVATION
SCALE: 1/8" = 1'-0"

REVISIONS



General Contractor:
 Reliable Commercial Construction, Inc.
 1903 N. Payco Dr. Arlington, Texas 76001
 Tel. (817) 457-0779 Fax: (817) 457-9145

Developer:
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 301 S. Sherman, Suite 100 Richardson, Texas 75081
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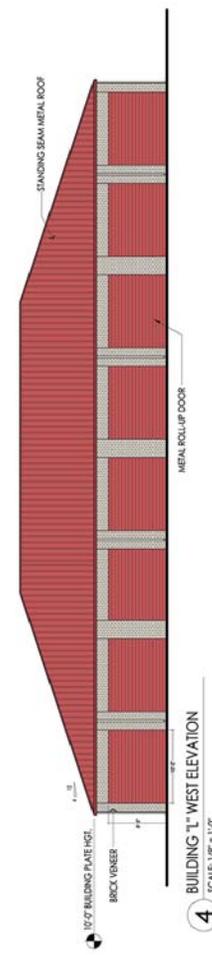
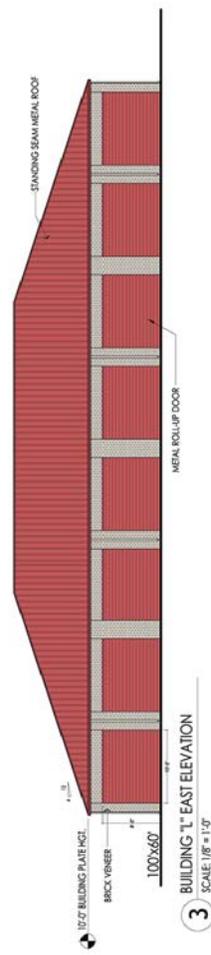
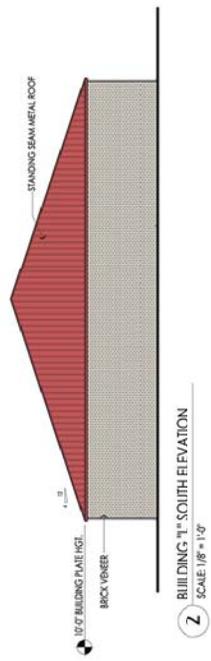
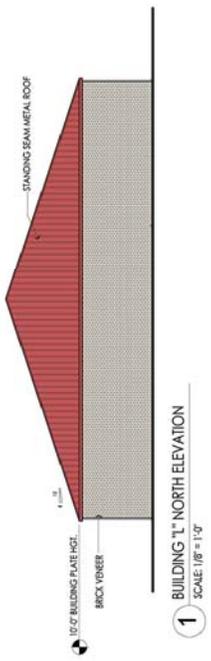
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 ALL STORAGE ARLINGTON, TX
 2500 OVERBROOK DR. ARLINGTON, TEXAS 76014

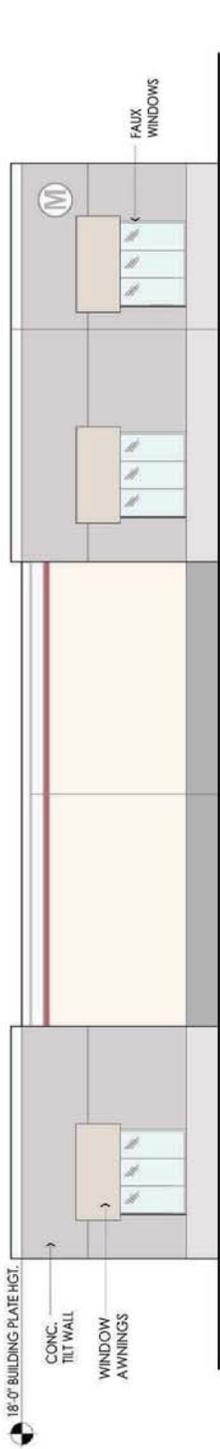
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 08/02/04
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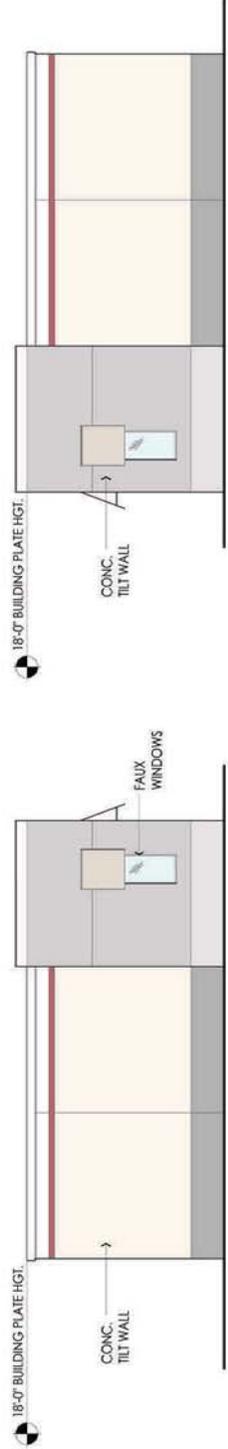
276

BUILDING L ELEVATIONS



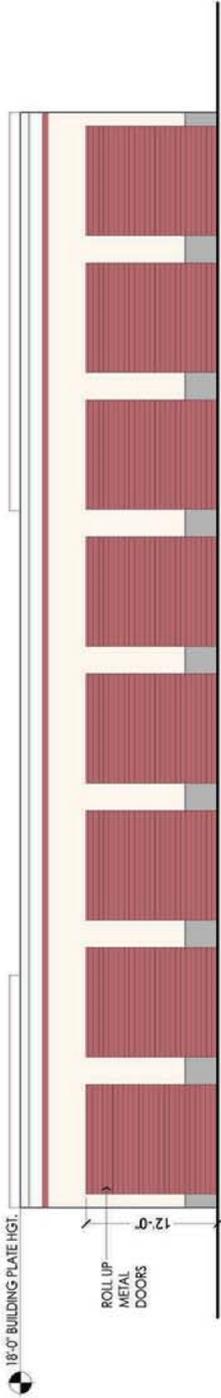


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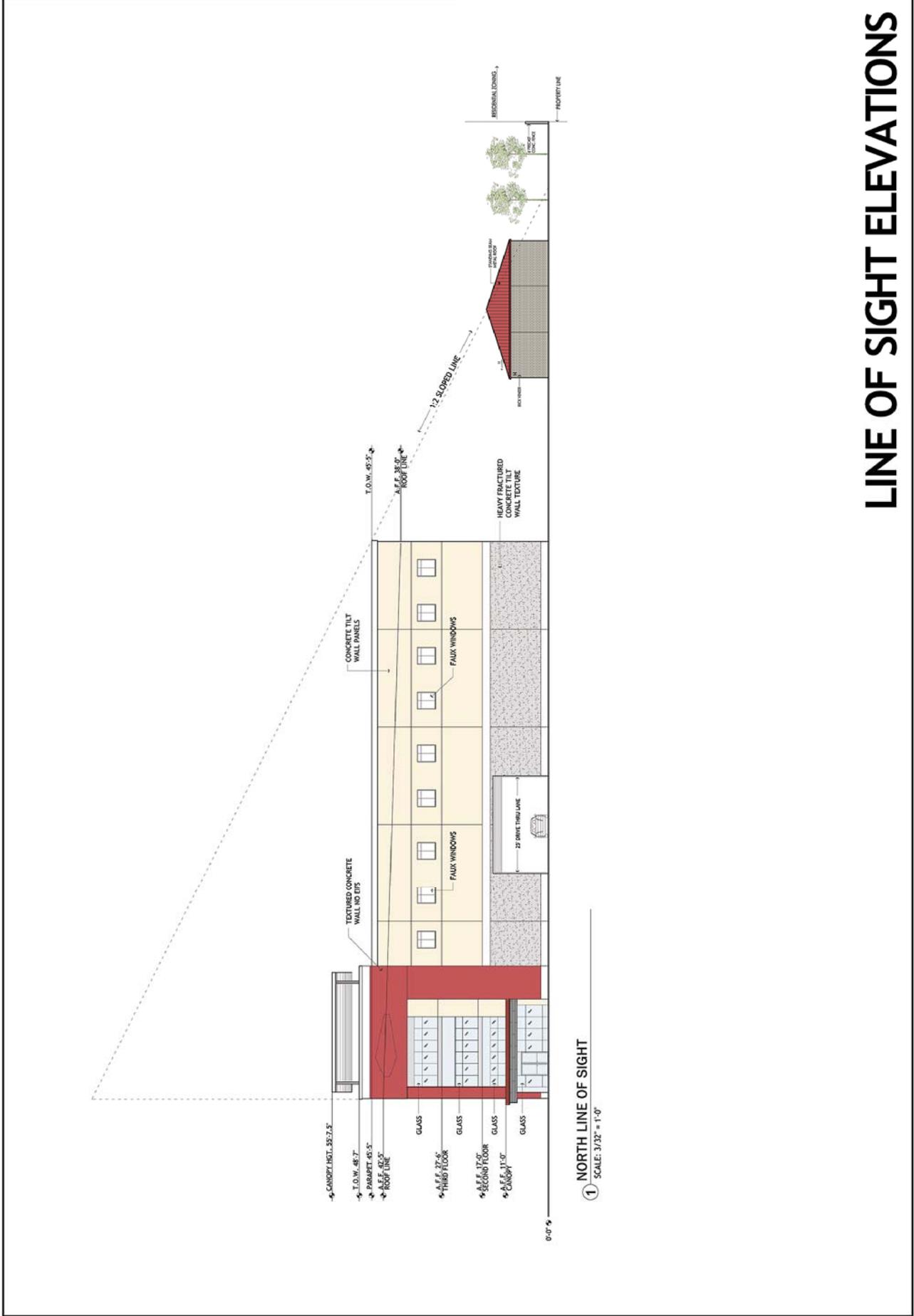
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4 BUILDING "M" WEST ELEVATION
SCALE: 3/16" = 1'-0"

BUILDING M ELEVATIONS

LINE OF SIGHT ELEVATIONS



① NORTH LINE OF SIGHT
 SCALE: 3/32" = 1'-0"

REVISIONS



General Contractor: Reliable Commercial Construction, Inc.
1903 N. Payco Dr. Arlington, Texas 76011
Tel: (817) 457-0779 Fax: (817) 457-9145

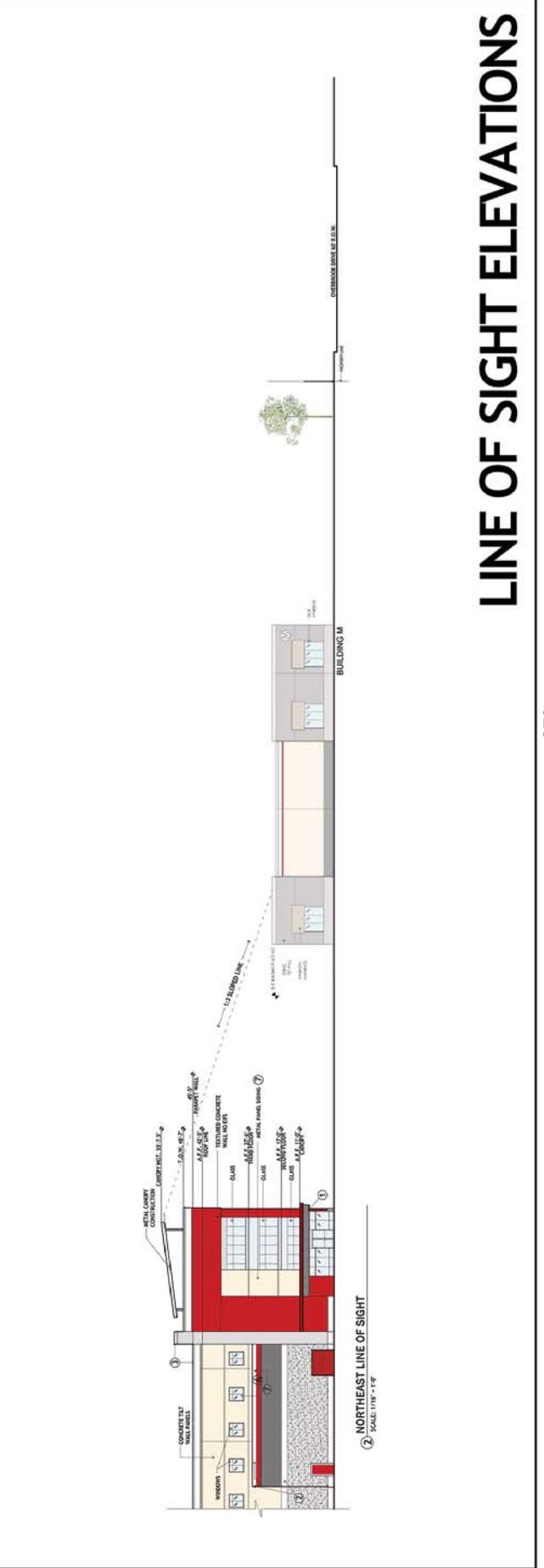
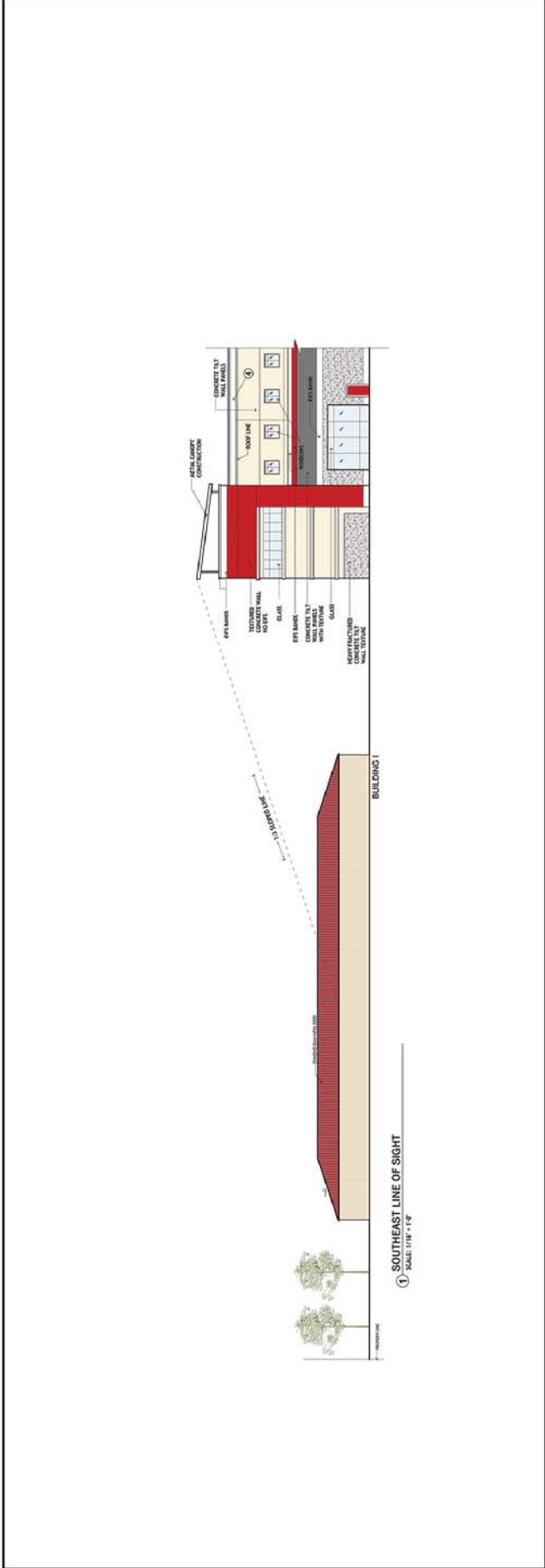
Developer: Quine and Associates
301 S. Sherman, Suite 100 Richardson, Texas 75081
Tel: (972) 669-9440

Project: ALL STORAGE ARLINGTON, TX
200 OVERBROOK DR. ARLINGTON, TEXAS 76014

DRAWN BY: C.V.
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DATE: 08/20/14
FILE NUMBER: 14020204
ELEVATION: ELEVATION
SHEET: A12

PROJECT: ALL STORAGE ARLINGTON, TX
200 OVERBROOK DR. ARLINGTON, TEXAS 76014

LINE OF SIGHT ELEVATIONS



Staff Report



Special Event Zone in Support of the 2015 College Football Playoff National Championship Game	
City Council Meeting Date: 8-19-14	Document Being Considered: Ordinance

RECOMMENDATION

Approve first reading of an ordinance supporting the 2015 College Football Playoff National Championship Game and establishing a temporary Special Event Zone in the vicinity of AT&T Stadium.

PRIOR BOARD OR COUNCIL ACTION

None

ANALYSIS

As part of the North Texas bid to host the 2015 College Football Playoff National Championship Game, certain governmental assurances were required, including assurances to establish a Special Events Zone within an area defined by approximately a one mile radius surrounding the Stadium.

The attached ordinance establishes the temporary Special Events Zone and stipulates that certain activities will be restricted or prohibited for a temporary time period. This ordinance is specific to the 2015 College Football Playoff National Championship Game. The attached map shows the boundary of the Protected Area.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:	Ordinance with Boundary Map (Protected Area)
Under separate cover:	None
Available in City Secretary's Office:	None

STAFF CONTACT(S)

Theron L. Bowman
Deputy City Manager
817-459-6105
Theron.bowman@arlingtontx.gov

Ordinance No. _____

An ordinance prohibiting certain activities within a special event zone in connection with NCAA Division I Men's Final Four and its Related Activities in the City of Arlington; 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, publication and an effective date

WHEREAS, the National Collegiate Athletic Association (the "NCAA") owns, produces and controls the 2014 NCAA Division I Men's Basketball Final Four (the "Final Four"), the largest annual collegiate basketball event held in this country; and along with other NCAA Affiliates owns, produces and controls certain other events associated with the Final Four ("Official Events") [Official Events together with North Texas Final Four Local Organizing Committee, Inc. ("Host Committee") events are referred as "Final Four Activities"]; and

WHEREAS, a Final Four has never been held in the City of Arlington, Texas; and

WHEREAS, the Final Four will be held at AT&T Stadium Major Sports Complex in Arlington, Texas from April 5, 2014 through April 7, 2014; and

WHEREAS, the City of Arlington along with the entire North Texas Region is desirous of hosting the Final Four and its related Final Four Activities; and

WHEREAS, the City of Arlington has within its jurisdiction the AT&T Stadium Major Sports Complex in Arlington and other facilities and their premises, access roads, thoroughfares and other areas which may be used for the purposes of organizing, financing, promoting, accommodating, staging and conducting the Final Four and its related Final Four Activities; and

WHEREAS, the Host Committee has entered into an event support contract with the NCAA setting out representations and assurances by the Host Committee in connection with the selection of Arlington for the Final Four; and

WHEREAS, in amending Tex. Rev. Civ. Stat. article 5190.14 during the 80th Legislature, Regular Session, the Texas Legislature determined that the conduct in this state of one or more major sporting or athletic events, including the Final Four, will provide invaluable public visibility throughout the nation or world for Texas and the communities where the major sporting or athletic events are held; will encourage and provide major economic benefits to the communities where the major sporting or athletic events are held and to the entire state; and will provide opportunities for the creation of jobs by local and Texas businesses that pay a living wage; and

WHEREAS, the North Texas Region hosting the Final Four and its related Final Four Activities will generate goodwill, enhance the worldwide renown and prestige of the City of Arlington, create temporary jobs and create substantial beneficial economic and fiscal activity; and

WHEREAS, the City Council desires to promote and protect the festive image in and around the AT&T Stadium Major Sports Complex during a temporary period before and after the Final Four in the City of Arlington; and

WHEREAS, the City Council desires to promote and protect the public investment in the AT&T Stadium Major Sports Complex, and to exercise responsible public stewardship in furtherance of the unique economic opportunities for the city, region and state as site of the Final Four; and

WHEREAS, the NCAA has related to the City of Arlington experiences in other cities where failure to regulate temporary structures, outdoor sale/distribution of merchandise and temporary outdoor advertising displays visible from public streets in the vicinity of the Final Four and Final Four Activities resulted in pedestrian and vehicular traffic issues that caused traffic and pedestrian safety problems, obscured lines of sight and affected public safety operations; and

WHEREAS, City officials who have familiarity with traffic and public safety issues have similar concerns that venues in which the Final Four and its related Final Four Events are conducted could become overcongested by attracting congregations of temporary structures, outdoor sales/distribution of merchandise and temporary signage visible from public streets in the vicinity of the Final Four venue; and

WHEREAS, such congestion would unnecessarily increase the numbers of vehicles and pedestrians in the vicinity of the AT&T Stadium Major Sports Complex, obstruct lines of sight, hinder security operations and interfere with emergency vehicle access; and

WHEREAS, the City Council desires to promote and protect good order and aesthetic quality and to protect the safety and convenience of drivers and pedestrians in and around the AT&T Stadium Major Sports Complex relating to the Final Four and its related Final Four Activities; NOW THEREFORE

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

I.

That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

II.

Within the area surrounding the AT&T Stadium Major Sports Complex more particularly shown on the map and description attached hereto as Exhibit "A" (the "Special Event Zone"), during the period beginning at 12:01 a.m. March 25, 2014 through and until 12:01 a.m. April 8, 2014:

1. In addition to all other activities constituting a "temporary outdoor event" under Section 13.01 of the "Construction" Chapter of the Code of the City of Arlington, as may be amended from time to time, any construction, placement, occupation or use of any temporary structure (including but not limited to temporary retail locations, tents, canopies, and air-supported, air-inflated and tensioned membrane structures) visible from any public street shall be deemed a "temporary outdoor event" for purposes of Article XIII of the "Construction" Chapter of the Code of the City of Arlington; and
2. Outdoor sale or distribution of merchandise (used in its broadest sense and shall include commercial property of every kind) to the public visible from any public street shall be prohibited, except merchandise sold or distributed in the ordinary course of business at a location for which a Certificate of Occupancy has been issued; and
3. Outdoor advertising displays (including but not limited to portable signs, flags, banners, video screens, cold air balloons, electronic message boards, nighttime projections of commercial messages, inflatables and building wraps) visible from any public street shall be prohibited, except as expressly authorized in the "Zoning" Chapter or the "Major Sports Complex" Chapter of the Code of the City of Arlington.

III.

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.

IV.

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, however, insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, the provisions in this ordinance control over such conflicting provisions, if any, in such other ordinance or ordinances.

V.

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.

VI.

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.

VII.

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.

VIII.

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.

IX.

This ordinance shall become effective upon second publication and expire at 12:01 a.m. April 8, 2014.

PRESENTED AND GIVEN FIRST READING on the _____ day of _____, 2013, 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 _____, 2013, 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

Exhibit "A"

Special Event Zone

Description

Beginning at the intersection of the south right-of-way line of Abram Street with the west right-of-way line of Cooper Street; thence north along the west right-of-way line of Cooper Street to the north right-of-way line of Interstate Highway 30; thence east along the north right-of-way line of Interstate Highway 30 to the east right-of-way line of State Highway 360; thence south along east right-of-way line of State Highway 360 to the East right-of-way line of Six Flags Drive; thence south along east right-of-way line of Six Flags Drive to the East right-of-way line of State Highway 360; thence south along east right-of-way line of State Highway 360 to the South right-of-way line of Abram Street; thence west along the south right-of-way line of Abram Street, to the west right-of-way line of Cooper Street and to the point of beginning.

Exclusion

The Special Event Zone excludes the AT&T Stadium Complex as described by metes and bounds in the (1) Cowboys Complex Lease Agreement dated September 1, 2005 approved by Resolution 05-072 on February 8, 2005; and (2) the First Amendment to Cowboys Complex Lease Agreement dated February 14, 2006 approved by Resolution 06-039 on February 14, 2006; and (3) the Second Amendment to Cowboys Complex Lease Agreement dated August 1, 2007 approved by Resolution 06-040 on February 14, 2006 and ratified by Resolution 07-654 on October 23, 2007, and (4) the Third Amendment to Cowboys Complex Lease Agreement dated November 26, 2007 approved by Resolution 07-654 on October 23, 2007; and (5) the Fourth Amendment to Cowboys Complex Lease Agreement dated November 18, 2008 approved by Resolution 08-432 on November 18, 2008.

The Special Event Zone also excludes all parking lots identified on the attached AT&T Stadium Parking map.

See the attached AT&T Stadium Parking map

See also the attached Special Event Zone Map

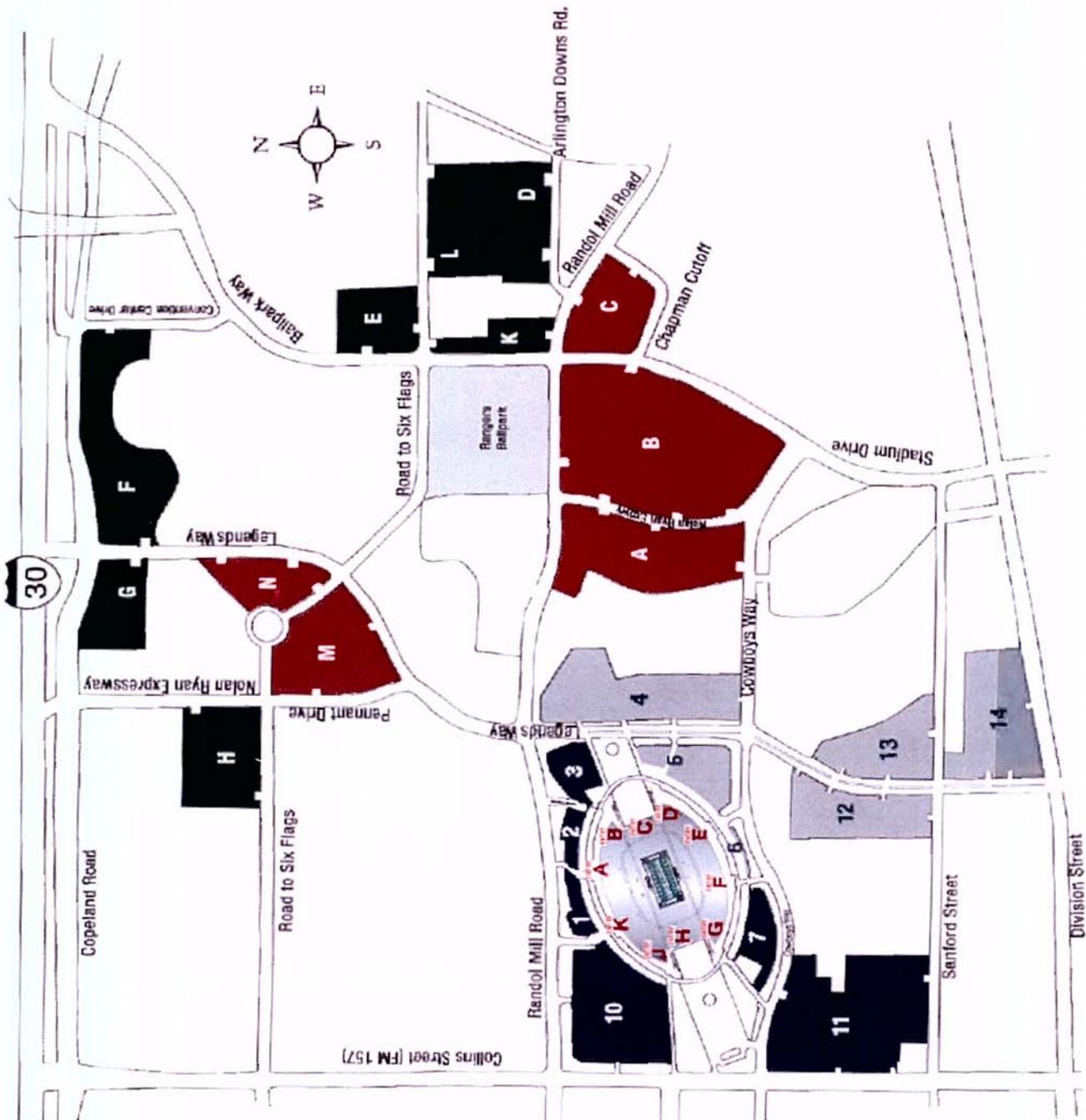


AT&T STADIUM

PARKING

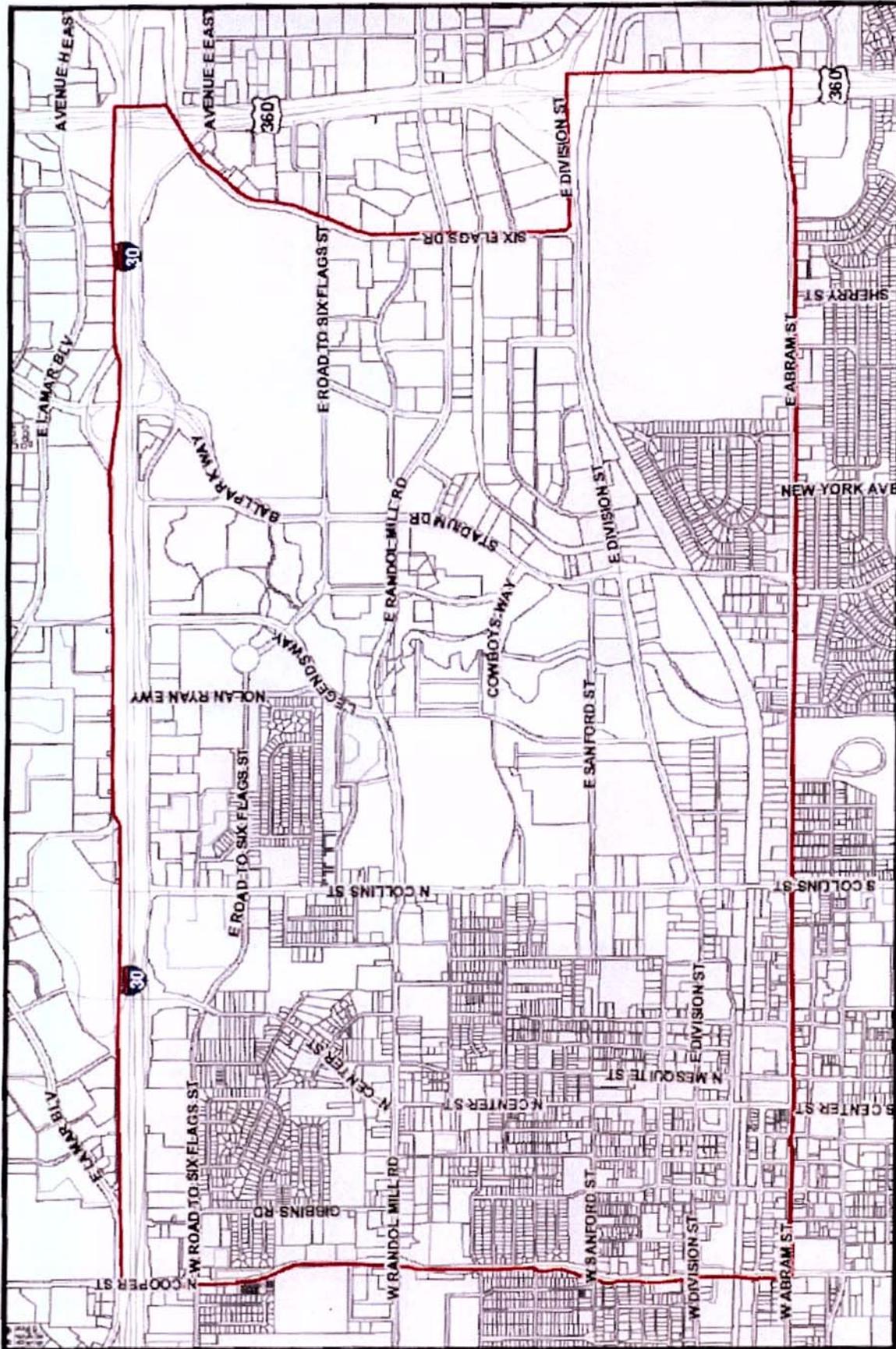
For your convenience,
please check your ticket and
use your designated entry.

Entry A, K, E, F - Suite & Club Only
Entry B, C, D, G, H, J - All Guests



- Cowboys Blue Lots
- Cowboys Silver Lots
- Rangers Pre-Sold Lots
- Rangers Cash Lots

PROTECTED AREA



Legend

 Boundary of Special Event Zone

Staff Report



Zoning Case PD14-2 (3909 South Cooper Street)

City Council Meeting Date: 8-19-14

Document Being Considered: Ordinance

RECOMMENDATION

Approve an ordinance changing the zoning classification on property at 3909 South Cooper Street, and generally located generally located south of West Arbrook Boulevard and east of South Cooper Street from Community Commercial (CC) uses to Planned Development (PD) for limited Community Commercial (CC) uses plus a Package Liquor Store, 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.

On August 5, 2014, City Council approved first reading of PD14-2 by a vote of 7-1-0; with the following stipulations:

- No Package Liquor Store under 20,000 square feet shall be permitted.
- Fifteen percent (15%) of all gross sales in the Package Liquor Store shall be of non-alcohol related items.

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) Applicant’s letter requesting modifications to stipulations (1 page)
Under separate cover:	None
Available in the City Secretary’s office:	None

STAFF CONTACTS

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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; 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 ordinance shall become effective upon second publication.

PRESENTED, FINALLY PASSED AND APPROVED, on this 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 _____

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.

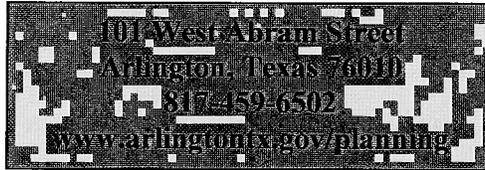
PD14-2

EXHIBIT "B"

1. Planned Development (PD) for all Community Commercial (CC) uses plus a Package Liquor Store, with a Concept Brief.
2. 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.
3. For the purposes of this PD, no Package Liquor Store under 20,000 square feet shall be permitted.
4. Fifteen percent (15%) of all gross sales in the Package Liquor Store shall be of non-alcohol related items.
5. 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.
6. Use and development of the property must be in compliance with attached concept brief (6 pages).
7. 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.

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 Arbroom	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 Arbroom 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 Brook 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

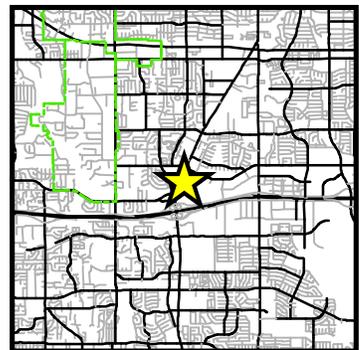
Specific Use Permit (SUP) - Hospital, psychiatric, Hotel, limited service, Residence hotel, Banquet hall, Billiard parlor, Bowling alley, Recreation general outdoor (other than listed), Nursery, garden shop or plant sales, Gas well, Transit passenger terminal, Utility installation other than listed, 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



**LOCATION MAP
PD14-2**

**PD for limited CC uses
plus Package Liquor Store
1.919 acres**





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

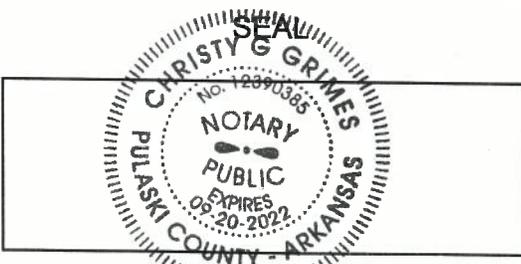
14 JUN 18 AM 9:00

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.

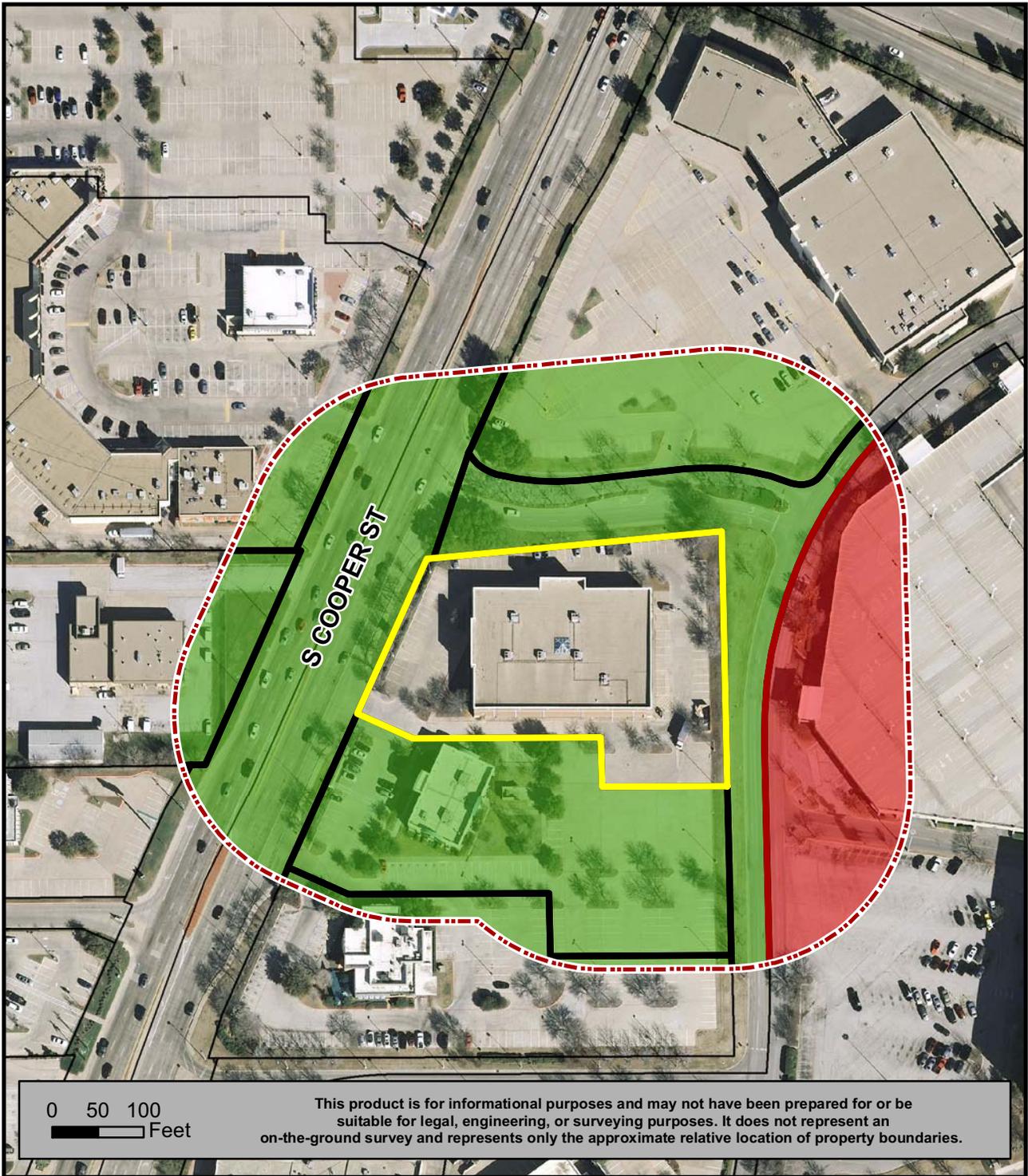


Notary Public In and For The State of Texas

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 COMPANY, LLC
8750 N. Central Expressway, Suite 1740
Dallas, TX 75231
(972) 888.8000

August 12, 2014

Dear Mayor and City Council Members,

After further discussion with the proposed user and staff, I am requesting that the following conditions to the stipulations be incorporated into the PD 14-2 ordinance:

1. The Package Liquor store will be a minimum of 20,000 square feet in size, and
2. It will have at least 10% of gross sales from non-alcoholic items, and
3. It will provide at least three of the following services:
 - Wine consultants
 - Party planning services
 - Custom Gift baskets
 - Walk-in Humidor
 - Packaged and/or perishable food items offered for sale.

Thank you for your time and consideration of this matter. If you have any questions please do not hesitate to contact me at orobinson@centennialrec.com or 972-888-8044.

Respectfully,

/s/ Oliver Robinson

Oliver Robinson
Senior Vice President
Centennial Real Estate Company, LLC

Staff Report



J & J Group, Ltd. Tax Abatement Agreement	
City Council Meeting: 08-19-14	Document Being Considered: Resolution

RECOMMENDATION

Approve a resolution authorizing a real property tax abatement agreement with J & J Group, Ltd. for expansion of an existing facility located at 320 109th St.

PRIOR BOARD OR COUNCIL ACTION

On August 19, 2014, City Council will consider approving the second reading of the ordinance designating Reinvestment Zone #38 on approximately 5.388 acres of land at 320 109th St.

On August 5, 2014, City Council approved the first reading of the ordinance designating Reinvestment Zone Number Thirty-Eight by a vote of 8-0.

ANALYSIS

J & J Group, Ltd. better known as Spartan Printing, Inc. owns property in Arlington and seeks to expand its current facility (former Toys R Us building) that is approximately 45,000 square feet located at 320 109th St. near the intersection of Division St. and 109th St. The expansion is anticipated to be an approximate 10,000 square feet addition to the south side of the facility to support growing demand for their printing services and purchase of new equipment to fulfill this demand. Staff was able to convince and encourage the company to stay and continue to grow their operation in Arlington after considering relocation to Grand Prairie and other municipalities in the Metroplex. As a result of this business retention effort, a minimum of 50 full-time positions will remain within Arlington's city limits. Construction will begin immediately after the agreement has been endorsed and executed. Construction completion time is estimated to be about six months from the execution date. The company also plans to make some on-site improvements to the parking lot and existing facility.

Staff recommends a base real property tax abatement of 50% under the Level II-Existing Business Category for five years with a possible additional 30% under bonus categories; 10% for Target Industry, 10% for above average wages and 10% for use of MWBE companies. The tax abatement will be on added value to real property at the subject site, estimated at \$500,000. The base year value will be established as of January 1, 2014 and the tax abatement period will extend from January 1, 2016 through the tax year beginning January 1, 2020. The requested incentives are necessary to offset development and redesign costs to accommodate new expansion plans.

FINANCIAL IMPACT

Based on a proposed 5-year, 70% real property tax abatement, the city will receive approximately \$972 in new taxes annually from this project. Current property value is \$448,220 generating \$2,904 annually to the City. The table below shows the breakdown.

Incentive Type	Est. Taxable Value	Proposed Agrmt.	Annual Spartan Savings	Annual City Benefit	5-Year Spartan Savings	5-Year City Benefit
Current Property	\$448,220	None	\$0	\$2,904	\$0	\$14,522
Real Property	\$500,000	5-Year; 70% abatement	\$2,268	\$972	\$11,340	\$4,860
Business Personal Property	\$500,000	None	\$0	\$3,240	\$0	\$16,200
Total Value	<u>\$1.4M</u>		<u>\$2,268</u>	<u>\$7,116</u>	<u>\$11,340</u>	<u>\$35,582</u>

ADDITIONAL INFORMATION

Attached:	Resolution with Tax Abatement Agreement
Under separate cover:	None
Available in the City Manager's office:	None

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
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Resolution No. _____

A resolution authorizing the execution of an agreement by and between J & J Group, Ltd. and the City of Arlington, Texas, relative to tax abatement for a project in Reinvestment Zone Number Thirty-Eight in the City of Arlington, Texas

- WHEREAS, J & J Group, Ltd. (hereinafter referred to as “GROUP”) has submitted to the City of Arlington (CITY) an application for tax abatement for its added real and business personal property generated as a result of GROUP’s expansion of its existing facility located at 320 109th Street, in Reinvestment Zone Number Thirty-Eight in the City of Arlington, more particularly described in Exhibits “A” and “B” attached hereto and incorporated herein for all purposes; and
- WHEREAS, the Arlington City Council has elected to participate in tax abatements in accordance with TEX. TAX CODE ANN. Chapter 312, and has adopted policy statements, guidelines, criteria and procedures for evaluating and considering applications and agreements for such incentives; and
- WHEREAS, the ultimate goal and public purpose of agreements and programs established under the CITY’s economic development policies is to protect and enhance CITY’s fiscal ability to provide high quality municipal services for the safety, comfort and enjoyment of CITY residents; and
- WHEREAS, the CITY finds that the administration of a program of incentives to GROUP (Program) in exchange for GROUP’s completion of the project proposed by GROUP, which would contribute to the retention or expansion of employment in the CITY and would attract major investment, which would contribute to the economic development of the CITY; and
- WHEREAS, the CITY has determined that the Program will directly establish a public purpose and that all transactions involving the use of public funds and resources in the establishment and administration of the Program contain sufficient controls to ensure that the public purpose is carried out; and
- WHEREAS, the CITY finds that the Project meets the applicable guidelines, criteria, and minimum requirements previously established by CITY; and
- WHEREAS, based on these findings, CITY proposes to execute a tax abatement agreement with GROUP allowing for a base real property tax abatement of 50% under the Level II - Existing Business Category with a possible additional 30% under bonus categories: 10% for Target Industry, 10% for above average wages, and 10% for use of MWBE companies, for a total maximum tax abatement of 80%, for five (5) years; NOW THEREFORE

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

I.

That all of the recitals contained in the preamble of this resolution are found to be true and are adopted as findings of fact by this governing body and as part of its official record.

II.

That the City Manager or his designee is hereby authorized to execute an agreement with GROUP and other necessary or required parties. A substantial copy of the agreement is attached as Exhibit "C".

III.

In authorizing the execution of and in executing the referenced agreement, the City of Arlington, Texas, through its City Council and City officials, hereby exercises a governmental function in accordance with but not limited to Section 101.0215 of the Texas Civil Practices and Remedies Code.

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

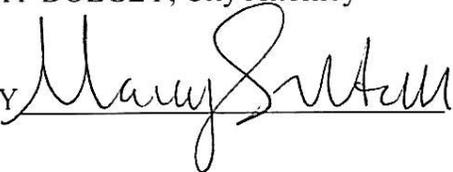
BY 

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

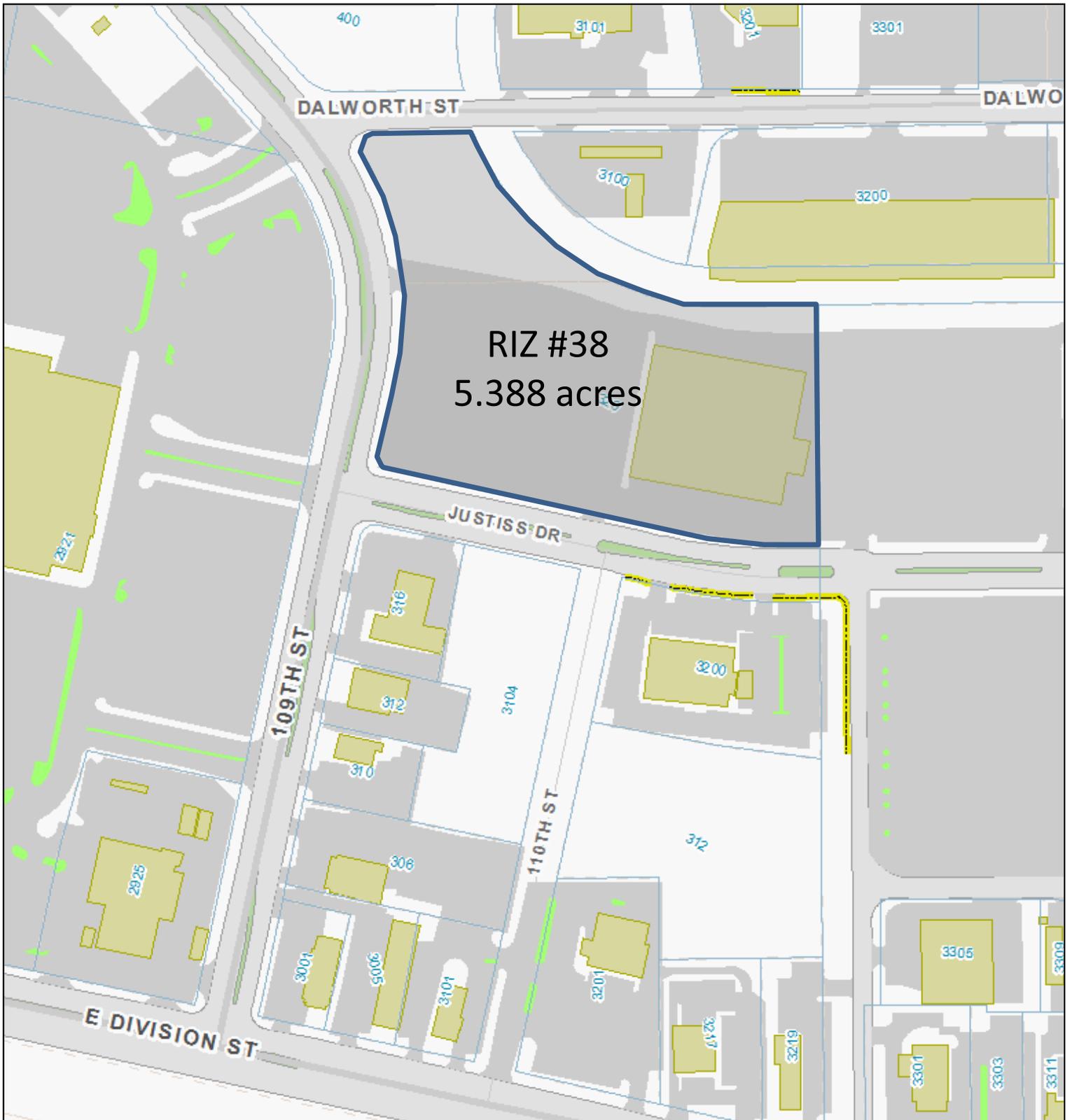


Exhibit “C”

Tax Abatement Agreement

WHEREAS, the City Council finds that it is in the public interest to provide the tax abatement; NOW THEREFORE,

The CITY and OWNER, for and in consideration of the mutual premises and promises contained herein, do hereby agree, covenant and contract as set forth below:

I.
Definitions

- A. “Added Taxable Value” is defined as the value of the Eligible Property above the Base Year Value, as appraised by the Tarrant Appraisal District.
- B. “Base Year Value” is defined as the tax year 2014 taxable value of OWNER’s real property located at the Premises in Reinvestment Zone Number Thirty-Eight, on January 1, 2014, as finally determined by Tarrant Appraisal District. Such amount shall be \$1,034,973 for purposes of this agreement (TAD Account Numbers: 03689735 and 06617085).
- C. “Business Operations” refers to OWNER’s business located at 320 109th Street, Arlington, Texas 76011 and is defined as a trade only printing service operation.
- D. “Eligible Property” is defined as Real Property Improvements as provided in **Exhibit “A”** erected or affixed to the Premises after this agreement is signed and through December 31, 2015. **Exhibit “A”** is attached hereto and incorporated herein for all purposes.
- E. “Job” is defined as a permanent, full-time equivalent employment position that results in employment of an employee (not independent contractor) of OWNER within the City of Arlington of at least 1,820 hours per position in a year.
- F. The “Median Wage” for Arlington will be determined by the Median Earnings for Workers as reported by the most recent release of the American Community Survey available at the time application is submitted to CITY. To qualify, an applicant’s median wage must exceed the figure determined by multiplying the reported Margin of Error for Median Earnings for Workers times 1.20 and adding this figure to the reported estimate of Median Earnings for Workers. If Margin of Error is not reported, the figure that an applicant’s median wage must exceed will be determined by taking the difference between the reported High Estimate and Estimate and multiplying the difference by 1.20 and adding this figure to the Estimate.
- G. “Premises” are defined as the real property (land and improvements) located at 320 109th Street, described by metes and bounds in **Exhibit “B”** which existed on January 1, 2014, Reinvestment Zone Number Thirty-Eight, that is owned by and operated by OWNER. **Exhibit “B”** is attached hereto and incorporated herein for all purposes.

- H. “Real Property Improvements” are defined as improvements to the Premises and shall include buildings, structures or fixtures erected or affixed to land.
- I. “Reinvestment Zone Number Thirty-Eight” is defined as the real property located in the City of Arlington and described by City of Arlington Ordinance No.14-_____, attached hereto as **Exhibit “C”**.

II.
General Provisions

- A. The Premises are not in an improvement project financed by tax increment bonds.
- B. The Premises are not owned or leased by any member of the City Council or any member of the Planning and Zoning Commission of CITY.
- C. It is acknowledged and agreed by the parties that the completion of the Eligible Property Improvements is consistent with the purposes of encouraging development or redevelopment of the Reinvestment Zone.

III.
Improvement Conditions and Requirements

- A. OWNER shall improve the Premises by completing the Eligible Property described in **Exhibit “A”** by December 31, 2015.
- B. OWNER’s completion of the Eligible Property described in **Exhibit “A”** of this Agreement must result in Added Taxable Value above the Base Year Value (“Added Value”) of at least Five Hundred Thousand Dollars (\$500,000) not later than January 1, 2016.
- C. OWNER will retain at least 50 existing Jobs on the Premises and shall maintain those Jobs on the Premises for the term of this agreement.
- D. OWNER shall operate and maintain on the Premises the Eligible Property described in **Exhibit “A”** for the term of this agreement.
- E. All proposed Eligible Property shall conform to the applicable building codes, zoning ordinances and all other ordinances and regulations.
- F. OWNER shall not allow the ad valorem taxes owed to CITY on any property owned by OWNER and located within the City of Arlington to become delinquent beyond the last day they can be paid without assessment of penalty.
- G. OWNER shall not fail to render for taxation any property located within the City of Arlington.

- H. OWNER covenants and certifies that OWNER does not and will not knowingly employ an undocumented worker as that term is defined by section 2264.001(4) of the Texas Government Code. In accordance with section 2264.052 of the Texas Government Code, if OWNER is convicted of a violation under 8 U.S.D. Section 132a(f), OWNER shall repay to the CITY the full amount of taxes abated under Section IV of this Agreement, plus 10% per annum from the date the abatement was made. Repayment shall be paid within 120 days after the date following such conviction that OWNER receives notice of violation from the CITY as provided by 2264.101(c) of the Texas Government Code, OWNER shall not be liable for a violation by a subsidiary, affiliate, or franchisee of OWNER or by a person with whom OWNER contracts.

IV.
Abatement Allowed

- A. If the Improvement Conditions and Requirements set forth in Section III are met, CITY agrees to exempt from taxation sixty percent (60%) of the Added Taxable Value of the Eligible Property. The exemption shall be for a period as follows, from the tax year beginning January 1, 2016 through and including the tax year beginning January 1, 2020.
- B. OWNER shall be eligible to receive additional percentages of abatement annually based on the following:
- a. An additional 10% abatement annually each year the median wage of the persons employed at the Premises exceed the CITY'S Median Wage as defined in Section I.
 - b. An additional 10% abatement annually if OWNER provides proof that OWNER utilized Arlington contractors and/or certified minority/women-owned contractors for a minimum of 30% of the total costs for the Eligible Property's construction.
- C. Under no circumstances shall the total percentage of abatement exceed 80% of the Added Taxable Value of the Eligible Property annually.

V.
Reports, Audits and Inspections

- A. Annual Certification and Reports - Pursuant to state law, OWNER shall certify annually to taxing units that OWNER is in compliance with the terms of the tax abatement agreement, and shall provide taxing units with reports and records reasonably necessary to support each year of the agreement, as follows:
- 1. Certification -- OWNER shall complete and certify a Tax Abatement Certification to be provided by CITY for each year of the tax abatement

agreement, to be due annually not later than April 1. This certification shall include reports on Eligible Property values and costs, a narrative description of the project's progress, and other submittals required by the tax abatement agreement.

2. Additional Reports -- Additionally, throughout the term of this agreement, OWNER shall furnish CITY any additional records and information reasonably requested to support the reports required by this agreement.
- B. Right to Audit Books and Records - CITY shall have the right to audit the books and records related to the Eligible Property and supporting the Eligible Property reports. CITY shall notify OWNER in advance in writing of their intent to audit in order to allow OWNER adequate time to make such books and records available.
- C. Inspection - At all times throughout the term of this Agreement, CITY and the Tarrant Appraisal District (TAD) shall have reasonable access to the Premises for the purpose of inspecting the Premises to ensure that the Eligible Property is constructed, installed, maintained and operated in accordance with the terms of this Agreement. All inspections shall be conducted in a manner as to not unreasonably interfere with the installation of the Eligible Property or the operation of the Premises. The inspections shall be conducted within a reasonable time period after notice by CITY or TAD to OWNER, provided, however, that all inspections shall be made with one (1) or more representative(s) of OWNER present and in accordance with the safety standards of OWNER.

VI.

Use of Premises

The Premises at all times shall be used in a manner that is consistent with CITY's zoning ordinances and consistent with the general purpose of encouraging development within Reinvestment Zone Number Thirty-Eight.

VII.

Breach and Recapture

- A. Breach - A breach of this Agreement may result in termination or modification of this Agreement and recapture by CITY of taxes which otherwise would have been paid since the execution of this Agreement to CITY without the benefit of the Abatement. Penalty and interest on recaptured taxes will be charged at the statutory rate for delinquent taxes as determined by Section 33.01 of the Property Tax Code of the State of Texas. Recaptured taxes shall become due sixty (60) days following notice of breach and after the expiration of any cure period as provided in Section VII(B). The following conditions shall constitute a breach of this Agreement:

1. OWNER terminates the use of the Premises for its Business Operations at any time during the duration of the Agreement; or
 2. OWNER fails to meet the Conditions and Requirements as specified in Section III above; or
- B. Notice of Breach - In the event that CITY makes a reasonable determination that OWNER has breached this Agreement, then CITY shall give OWNER written notice of such default. OWNER has sixty (60) days following receipt of said written notice to reasonably cure such breach, or this Agreement may be terminated by CITY, and recapture of abated taxes made may occur. Notice of default shall be in writing and shall be delivered by personal delivery or certified mail to OWNER at its address provided in Section IX of this Agreement. It shall be the duty of CITY to determine whether to require recapture and payment of abated taxes made and to demand payment of such.
- C. Recapture - During the term of this Agreement, should OWNER commit a breach of this Agreement according to items A(1), or (2) of this Section VII, CITY may terminate this Agreement and recapture all taxes abated under this Agreement up to the time of breach, subject to Section IV(A&B) herein.
- D. Tax Lien Not Impaired - It is expressly agreed and acknowledged between the parties to this Agreement that nothing in this Agreement shall be deemed or construed to affect the lien for taxes against the property established by Section 32.01 of the Tax Code of the State of Texas. Such lien shall secure the payment of all taxes, penalties and interest ultimately imposed on the property, including any taxes abated and subject to recapture under this Agreement. Any such lien may be fully enforced pursuant to the provisions of the Code. For purposes of this Subsection, "property" refers to the Premises and Eligible Property described herein.

VIII.

Effect of Sale or Lease of Property

The abatement granted by this Agreement shall not be assignable to any new owner of all or a portion of the Premises or Eligible Property unless such assignment is approved in writing by the CITY with approval of the City Council, which approval shall not be unreasonably withheld.

IX.

Notice

All notices called for or required by this Agreement shall be addressed to the following, or such other party or address as either party designates in writing, by certified mail postage prepaid or by hand delivery:

OWNER: J & J Group, Ltd.
Attention: Debi Messer, CFO
320 109th Street
Arlington, Texas 76011

CITY: City of Arlington
Attention: Economic Development Manager
P.O. Box 90231
Arlington, Texas 76004-3231

X.
City Council Authorization

This Agreement was authorized by resolution of the City Council authorizing the City Manager or his designee to execute this Tax Abatement Agreement on behalf of the CITY.

XI.
Severability

In the event any section, subsection, paragraph, sentence, phrase or word is held invalid, illegal or unconstitutional, the balance of this Agreement shall stand, shall be enforceable and shall be read as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

XII.
Estoppel Certificate

Any party hereto may request an estoppel certificate from another party hereto, so long as the certificate is requested in connection with a bona fide business purpose. The certificate, which if requested will be addressed to a subsequent purchaser or assignee of OWNER, shall include, but not necessarily be limited to statements that this Agreement is in full force and effect without default (or if default exists the nature of same), the remaining term of this Agreement, the levels and remaining term of the abatement in effect and such other matters reasonably requested by the party(ies) to receive the certificates.

XIII.
Owner's Standing

OWNER, as a party to this Agreement, shall be deemed a proper and necessary party in any litigation questioning or challenging the validity of this Agreement or any of the underlying ordinances, resolutions or City Council actions authorizing same, and OWNER shall be entitled to intervene in said litigation.

XIV.
Applicable Law

This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State's District Court of Tarrant County, Texas. This Agreement is performable in Tarrant County, Texas.

XV.
Indemnification

It is understood and agreed between the parties that the OWNER, in performing its obligations hereunder, is acting independently, and CITY assumes no responsibility or liability to third parties in connection therewith, and OWNER agrees to indemnify and hold harmless CITY from any such responsibility or liability. It is further understood and agreed among the parties that CITY, in performing its obligations hereunder, is acting independently, and the OWNER assumes no responsibility or liability to third parties in connection therewith, and CITY agrees to the extent allowed by law to indemnify and hold harmless OWNER from any such responsibility or liability.

XVI.
Force Majeure

It is expressly understood and agreed by the parties to this Agreement that the parties shall not be found in default of this Agreement if any party's failure to meet the requirements of this Agreement is delayed by reason of war, Act of God, fire or other casualty of a similar nature.

XVII.
No Other Agreement

This Agreement embodies all of the agreements of the parties relating to its subject matter as specifically set out herein, supersedes all prior understandings and agreements regarding such subject matter, and may be amended, modified or supplemented only by an instrument or instruments in writing executed by the parties.

XVIII.
Recordation of Agreement

A certified copy of this Agreement in recordable form shall be recorded in the Deed Records of Tarrant County, Texas.

XIX.

Procurement of Goods and Services from Arlington Businesses and/or Historically Underutilized Businesses

In performing this Agreement, OWNER agrees to use diligent efforts to purchase all goods and services from Arlington or Tarrant County businesses whenever such goods and services are comparable in availability, quality and price.

As a matter of policy with respect to CITY projects and procurements, CITY also encourages the use, if applicable, of qualified contractors, subcontractors and suppliers where at least fifty-one percent (51%) of the ownership of such contractor, subcontractor or supplier is vested in racial or ethnic minorities or women. In the selection of subcontractors, suppliers or other persons or organizations proposed for work on this Agreement, the OWNER agrees to consider this policy and to use their reasonable and best efforts to select and employ such companies and persons for work on this Agreement.

XX.

Headings

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

XXI.

Successors and Assigns

The parties to this Agreement each bind themselves and their successors, executors, administrators and assigns to the other party of this Agreement and to the successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement.

No successor, executor, administrator or assign is valid in the place of the parties to this Agreement without the written consent of CITY and such consent shall not be unreasonably withheld.

XXII.

Counterparts

This Agreement may be executed in any number of counterparts, each of which may be executed by any one or more of the parties hereto, but all of which shall constitute one instrument, and shall be binding and effective when all of the parties hereto have executed at least one counterpart.

XXIII.
No Third-Party Beneficiaries

For purposes of this agreement, including its intended operation and effect, the parties specifically agree that: (1) the agreement only affects matters/disputes between the parties to this agreement, 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 entities may be in a contractual relationship with CITY or OWNER or both; and (2) the terms of this agreement 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 OWNER.

XXIV.
Remedies

No right or remedy granted herein or reserved to the parties is exclusive of any right or remedy herein by law or equity provided or permitted; but each shall be cumulative of every right or remedy given hereunder. No covenant or condition of this agreement may be waived without consent of the parties. Forbearance or indulgence by either party shall not constitute a waiver of any covenant or condition to be performed pursuant to this agreement.

XXV.
Termination

This Agreement shall terminate, in accordance with the terms of this Agreement, unless extended by written agreement of the parties or a written instrument signed by all parties evidencing a delay by force majeure; however, in no event shall the abatement exceed 10 years.

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

J & J GROUP, LTD.

BY _____
Signature

Typed or Printed Title

Date _____

WITNESS:

CITY OF ARLINGTON, TEXAS

BY _____
DONALD E. JAKEWAY
Deputy City Manager
Date _____

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

Exhibit "A"

ELIGIBLE PROPERTY

Real Property Improvements:

10,000 sq. ft. addition to the existing facility (45,000 sq. ft.) that will be used for storage in order to expand the production floor.

(site plan attached)

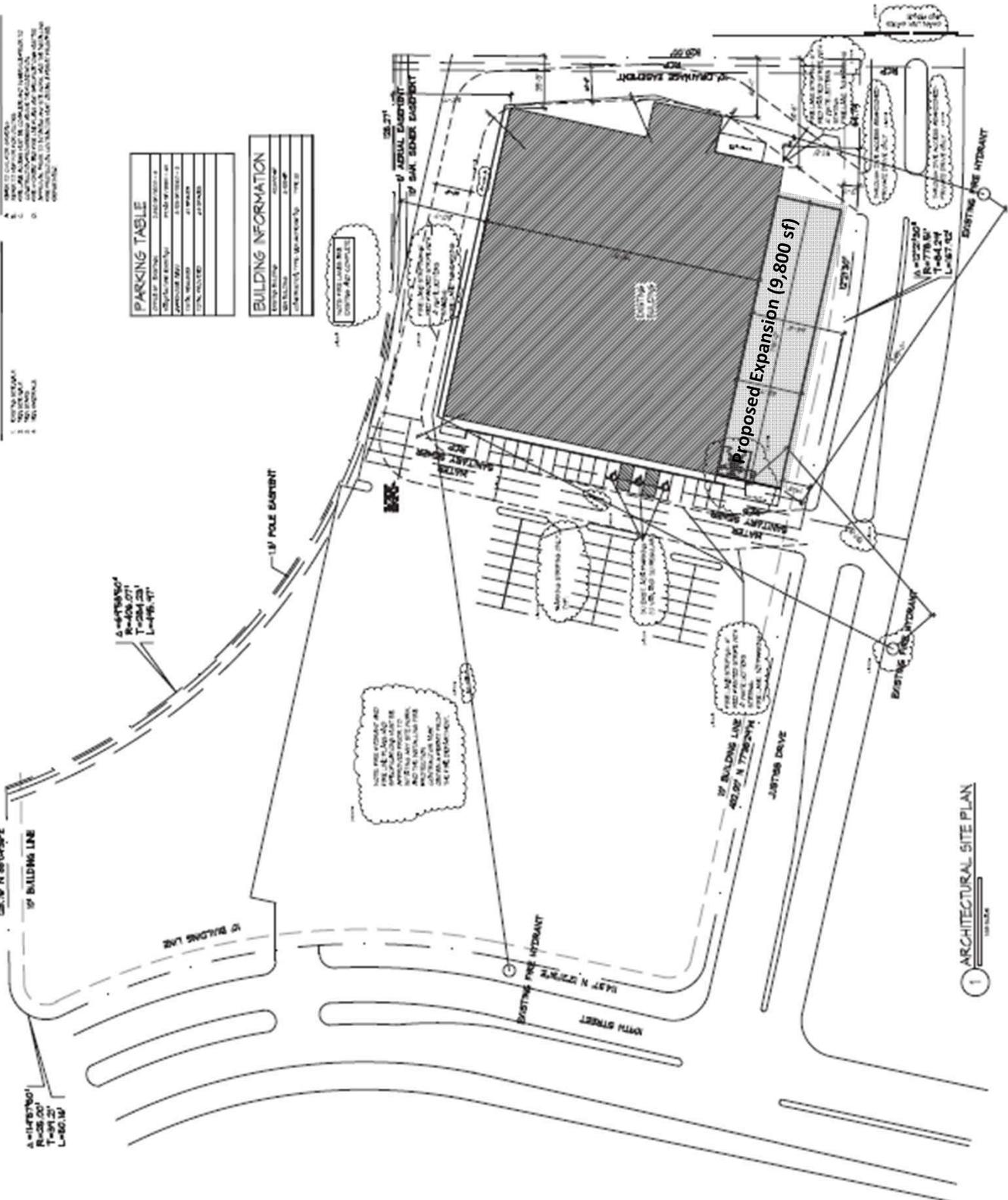


NOTES BY SYMBOL "O"

- GENERAL NOTES
1. SEE PLAN FOR ALL DIMENSIONS.
 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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 8. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

PARKING TABLE	
TYPE OF PARKING	2000 SQ FT
APPROX. DIMENSIONS	10' x 20'
APPROX. AREA	200 SQ FT
TYPE OF PARKING	AS PAVED
TYPE OF PARKING	AS PAVED

BUILDING INFORMATION	
OWNER/CLIENT	XXXXXXXXXX
ARCHITECT	XXXXXXXXXX
DATE	XXXXXXXXXX
PROJECT NO.	XXXXXXXXXX
ADDRESS	XXXXXXXXXX
CITY	XXXXXXXXXX
STATE	XXXXXXXXXX
COUNTY	XXXXXXXXXX
ZIP	XXXXXXXXXX



Division St.

Exhibit "B"

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 “C”

**Ordinance 14-____
creating
Reinvestment Zone Thirty-Eight**

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

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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

