CALL TO ORDER (General Comments)
- IDEA School Presentation
- Discuss the updating of the Board and Commission policy on nepotism.
- Review and discuss items on the regular agenda of March 12, 2018.

EXECUTIVE SESSION
Chapter 551 of the Texas Government Code
As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:
Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, dissolution/restructuring of the Haltom City Economic Development Corporation, and pending litigation and settlement offers for the following cases:
- Flynn v. Haltom City EDC
- James H. Watson v. City of Haltom City
- Amer Ozzie v. City of Haltom City
- Ray Beshirs v. City of Haltom City
- City of San Antonio v. Hotels.com, L.P.
- Nicklaus Forrest v. City of Haltom City

Section 551.072 – Deliberations about Real Property
Deliberation regarding the purchase, exchange, lease or value of real property, and property owned or leased by the City and the EDC, including city buildings.

Section 551.074 – Personnel
Deliberation regarding the appointment, employment, evaluation, reassignment, or duties of the City Secretary.

REGULAR SESSION 7:00 P.M.

CALL TO ORDER
INVOCATION/PLEDGE OF ALLEGIANCE – Mayor David Averitt
ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho
PRESENTATION – Veterans Memorial Committee: Certificate of Recognition

CONSENT AGENDA
1. Minutes – Consideration and/or action regarding approval of the Minutes of the meeting of February 26, 2018. (A. Camacho)

2. Ordinance No. O-2018-012-15 CU-001-18 – Consideration and/or action on an application of Danny Tarron on behalf of Ron Sturgeon Real Estate requesting approval of a Conditional Use Permit for tattoo studio use in the “PD-C2” Planned Development – Commercial District for all C2 Commercial District uses, containing approximately 1,937 square feet of lease space on Lot 1, Block 1 of the Family Furniture Addition, being approximately 4.03 acres east of Denton Highway and South of Bonner Drive, locally known as 5230 Suite 20 Denton Highway – 2nd Reading (G. Batchelor)
3. Resolution No. R-2018-005-03 – Consideration and/or action regarding the approval and adoption of the Rate Review Mechanism (RRM) process for Atmos Energy Corporation, Mid-Tex Division. (J. Fung)

4. Procurement for Pavement Striping Project – Consideration and/or action to authorize the procurement for pavement striping project on Broadway Avenue from N. Beach to Denton Highway thru the City’s Interlocal Purchasing Agreement with the City of North Richland Hills. (G. Van Nieuwenhuize)

REGULAR AGENDA

5. Ordinance No. O-2018-014-15 (Z-002-18) – Consideration and/or action to approve the application of Hudson’s Mobile Glass Service, Inc. for a Zoning Change request from “C-3” Commercial District to “PD-C3 Planned Development for all “C-3” uses plus Pawn Shop located on Lot 4 W5’3, Block 3, Earles Addition, being approximately 0.3928 acres located north of NE 28th Street and east of Harris Lane, locally known as 4803 NE 28th Street (TAD shows 4807 NE 28th Street) - 2nd Reading (G. Batchelor)

6. Standards of Care – Conduct a public hearing and consideration and/or action to approve Ordinance No. O-2018-015-10 establishing standards of care for the recreation programs for elementary school age children operated by the City. 1st Reading (C. Pruitt)

7. Ordinance No. O-2018-016-15 (CU-002-18) - Conduct a Public Hearing and consideration and/or action on an application of Ron Larson for approval of a Conditional Use Permit for automobile tune up and lube center, tire and battery sales store uses and automobile and light truck repair shop in the “C-3” Commercial District located on Lot 14, Block 28 of the Meadow Oaks Addition-Haltom, being approximately 0.4361 acres on the west side of Denton Highway, locally known as 3213 Denton Highway. 1st Reading (G. Batchelor)

8. Fort Worth Wastewater Contract – Consideration and/or action to approve the Wholesale Wastewater Services Agreement with the City of Fort Worth and authorize the City Manager to Execute the Agreement. (G. Van Nieuwenhuize)

VISITORS/CITIZENS FORUM

This time is set-aside for any person having business before the Council that is not scheduled on the agenda to speak to the Council. Please submit a completed Speaker’s Request Form to the City Secretary and follow the instructions listed on the form. If a group is present and interested in the same issue, please choose a spokesperson. Council cannot discuss or debate any issue brought forth at this time, nor can any formal action be taken, as it is not a posted agenda item in accordance with the open meetings law.

FUTURE AGENDA ITEMS

9. Discussion on items to be placed on future agendas.

BOARDS/COMMISSIONS/COMMITTEES

10. Resignations of Board/Commissions/Committee Members – Consider approval of the resignations of Board/Commission/Committee Members.

11. Appointment/Reappointment to Boards/Commissions/Committees – Consider approval regarding appointments to Boards/Commissions/Committees.

EXCUSED ABSENCE OF COUNCIL MEMBERS

12. Attendance Requirements – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter.

EXECUTIVE SESSION
See Posting on Page One (1) of Agenda.

RECONVENE TO REGULAR SESSION

13. Take any action deemed necessary as a result of the Executive Session.

ADJOURNMENT
CERTIFICATION
I, ART CAMACHO, CITY SECRETARY OF THE CITY OF HALTOM CITY, TEXAS, DO HEREBY CERTIFY THAT THE ABOVE AGENDA WAS POSTED ON THE OFFICIAL BULLETIN BOARDS IN CITY HALL ON THIS THE 9th DAY OF MARCH, 2018 AT 5:00 P.M., WHICH IS A PLACE READILY ACCESSIBLE TO THE PUBLIC AT ALL TIMES AND THAT SAID NOTICE WAS POSTED IN ACCORDANCE WITH CHAPTER 551, TEXAS GOVERNMENT CODE.

Art Camacho, City Secretary

I CERTIFY THAT THE ATTACHED NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE CITY COUNCIL WAS REMOVED BY ME FROM THE CITY HALL BULLETIN BOARD ON ________ DAY OF ____________________________, 2018.

Name: ____________________________________________ Title: ________________________________________________

This facility is wheelchair accessible. Handicapped parking spaces are available. Request for sign interpretative services must be made 48 hours ahead of meeting. To make arrangements call 817-222-7754.
BACKGROUND
A Regular Meeting was held on February 26, 2018 at City Hall, 5024 Broadway Avenue.

FISCAL IMPACT
None.

RECOMMENDATION
Staff recommends the City Council approve the Minutes of February 26, 2018.

ATTACHMENTS
Minutes of February 26, 2018.
A Regular Meeting by the City Council of the City of Haltom City, Texas, was held on February 26, 2018, at 7:00 p.m. at City Hall, 5024 Broadway Avenue, Haltom City, Texas, with the following members present:

Mayor David Averitt          Mayor Pro Tem Dr. An Truong
Council Place 1 Jeannine Nunn Council Place 2 Walter Grow
Council Place 3 Lin Thompson  Council Place 4 Trae Fowler
Council Place 5 Bob Watkins   Council Place 6 Ricky Brown

Staff Present: Keith Lane, City Manager; Rex Phelps, Assistant City Manager; Wayne Olson, City Attorney; Art Camacho, City Secretary; Glenna Batchelor, Planning and Community Development Director; Jennifer Fung, Finance Director; Fred Napp, Fire Marshal; Bobbi Arthur, Senior Citizens Director; Christi Pruitt, Parks and Recreation Director; Cody Phillips, Police Chief, and Greg Van Nieuwenhuize, Public Works Director.

WORKSESSION

CALL TO ORDER
Mayor Averitt called the Worksession to order at 6:07 p.m. City Manager Keith Lane introduced Hank Johnson, of Tarrant County College, who gave a PowerPoint presentation regarding educational data and the sharing of the Northeast Center with the Haltom City Senior Citizen. Senior Citizen Director Bobbi Arthur and Christi Pruitt, Parks and Recreation Director, also commented on the doubled use of the building. Public Works Director Greg Van Nieuwenhuize stated that an emergency underground cement repair was needed at a manhole location at the intersection of Denton Highway and Browning Street, and a contractor has been hired and the traffic will be rerouted. Council Member Thompson agreed to move her item concerning board/commission nepotism to the next meeting. The Worksession ended at 7:00 p.m. No Executive Session was held.

REGULAR MEETING

CALL TO ORDER
Mayor Averitt called the meeting to order at 7:15 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE
Council Member Trae Fowler gave the Invocation and led the Pledge of Allegiance and the Texas Flag Pledge.

ANNOUNCEMENTS/EVENTS – City Secretary Art Camacho read the following:

- The HC Public Library lists the children, teen and adult programs on the website.
- The Library will also include special activities for spring break.
- Friends of the Library will have its paperback book sales from 2/26/18 – 3/3/18.
- The Carson Street Closing will be closed for 7 months to a year.
- Registration for spring soccer, adult men’s and co-ed softball teams is until 3/3/18.
- Carfest will be held on Saturday, March 24 at the Haltom High School.
- The Parks and Rec Dept. extends thanks to all who contributed to the Stampede.

Council Member Watkins commented on a recent meeting with Haltom Middle School and their efforts to have community meetings involving students, parents and citizens.

PROCLAMATION – “Motorcycle Safety Awareness Month” – Leslye Dietrich. Police Chief Cody Phillips presented Ms. Dietrich with a proclamation proclaiming the month of March 2018 as “Motorcycle Awareness Month.”

REPORTS*

2. **CAFR Report** - Review of the 2017 CAFR Report. Finance Director Jennifer Fung presented a quick review of the 2017 CAFR report and Bryan Rebel, of Patillo, Brown, and Hill, L.L.P., also provided comment. A discussion was held regarding problems with prior audits and the efficiency of the current financial department.

**REGULAR AGENDA**

3. **Minutes** – Consideration and/or action regarding approval of the Minutes of the meeting of February 12, 2018. Mayor Pro Tem Truong moved, seconded by Council Member Thompson, to approve the Minutes of the February 12, 2018 Council meeting. The vote was unanimous. Motion carried.

4. **Ordinance No. O-2018-013-15 (Z-001-18)** – Conduct a Public Hearing and consideration and/or action regarding the application of Hassan Kallie for a Zoning Change request from “MF-2” Multiple Family Residential to “C-3” Commercial District located on approximately 1.019 acre tract of land situated in the I.N. Strapp Survey, Abstract No. 1422 and the J.N. King Survey, Abstract No. 897, Tarrant County, Texas and being a portion of that certain tract of land conveyed by deed to Hunt Investment Corporation, recorded in Volume 5688, Page 868, said County Records, locally known as 5960 North Beach Street. **1st Reading.** Planning and Community Development Director Glenna Batchelor presented the ordinance and property owner Hassan Kallie addressed the Council regarding his potential property use and his desire to see a nursery commercial property instead of a multi-family residential building. Mayor Averitt opened the Public Hearing at 8:05 p.m. and the following persons came forward:
   1. Kyle Smith – Stated, as a P&Z Member, that this ordinance would impede on the neighboring residents and the P&Z already voted to refuse commercial zoning.
   2. Bill Dunn – Assumed the city owned the property and was surprised when the owner wanted to change the zoning to C-3, but felt it should be a Planned Development.
   3. Karen and Clark Welborn – Stated a business could possibly change the natural ecosystem with regard to erosion and a Planned Development is needed.
   4. Chuck Barkman – Provided a history of purchase history and stated a park is a draw for some individuals to purchase homes in the area.
   5. Ted Olson – Spoke on behalf of Mr. Kallie and his quality property development.
   6. Sandy Lottes – Stated that Mr. Kallie will supply adequate plans if it is decided to be changed to a Planned Development.
   7. Cara Covey – Stated the neighborhood is attractive because of the park and desires a Planned Development and that they would work with Mr. Kallie.
   8. Jennifer Alcon – Stated there is almost no retail in this location and Mr. Kallie didn’t contact any of the residents who received a letter from the Planning Department. Mayor Averitt closed the Public Hearing at 8:35 p.m. A discussion was held regarding the percentage of voting on this issue and what would be the circumstances for the applicant to approach the P & Z again on either a C-3 or a Planned Development. Council Member Fowler moved, seconded by Mayor Pro Tem Truong, to deny without prejudice (Ordinance No. O-2018-013-15) Z-001-18 – first reading - and allow the applicant to reapply prior to the one year period. The vote was unanimous. Motion carried.

5. **Ordinance No. O-2018-014-15 (Z-002-18)** – Conduct a Public Hearing and consideration and/or action to approve the application of Hudson’s Mobile Glass Service, Inc. for a Zoning Change request from “C-3” Commercial District to “PD-C3 Planned Development for all “C-3” uses plus Pawn Shop located on Lot 4 W54‘3, Block 3, Earles Addition, being approximately 0.3928 acres located north of NE 28th Street and east of Harris Lane, locally known as 4803 NE 28th Street (TAD shows 4807 NE 28th Street). **1st Reading.** Planning and Community Development Director Glenna
Batchelor presented the ordinance. A discussion was held regarding the number of pawn shops and whether additional shops would be forthcoming in the area. Mayor Averitt opened the Public Hearing at 8:40 p.m. Kevin Smith came forward and stated the Hudson business has been in Haltom City for a long time and the new property owner has complied with the requirements and was approved unanimously by the Planning and Zoning Commission. No other person came forward. Mayor Averitt closed the Public Hearing at 8:43 p.m. Council Member Grow moved to deny Ordinance No. O-2018-014-15. The motion died for lack of a second. Mayor Pro Tem Truong moved, seconded by Council Member Thompson, to approve Ordinance No. O-2018-014-15 (Z-002-18) – zoning change from “C-3” to “PD-C3” – for all “C-3” uses plus Pawn Shop located on Lot 4 W54’3, Block 3, locally known as 4803 NE 28th Street in Haltom City, Texas - first reading. A discussion was held regarding approval condition of the exclusive use only by Cash America International, Inc., which was approved by the P&Z. Council Member Grow stated Item #2 of the conditions would need to change “Cash America International, Inc.” to First Cash Pawn and a discussion was held concerning whether the major company would be able to change companies and policies on an established pawn business. Council Member Grow also stated that a new pawn shop business will be operating soon off Beach Street and they are major fronts for stolen property. 

Mayor Pro Tem Truong and Council Members Nunn, Thompson, Fowler, Watkins, and Brown voted aye. Council Member Grow voted nay. Motion carried.

6. **Ordinance No. O-2018-012-15 CU-001-18** – Conduct a Public Hearing and consideration and/or action on an application of Danny Tarron on behalf of Ron Sturgeon Real Estate requesting approval of a Conditional Use Permit for tattoo studio use in the “PD-C2” Planned Development – Commercial District for all C2 Commercial District uses, containing approximately 1,937 square feet of lease space on Lot 1, Block 1 of the Family Furniture Addition, being approximately 4.03 acres east of Denton Highway and South of Bonner Drive, locally known as 5230 Suite 20 Denton Highway. 1st Reading. Planning and Community Development Director Glenna Batchelor presented the ordinance and a discussion was held regarding the specific use of the building’s business tenant spaces. Mayor Averitt opened the Public Hearing at 8:56 p.m.  

(1) Kyle Smith came forward and stated that he has tattoos and the quality of this business at Arlington is very good.  

(2) Darren and Lisa Tarron stated they have over 25 years of experience together, are wanting to change the stigma of tattoo studios, and will hold high standards of professionalism, even refusing clients if needed.  

(3) Jim Eaton, who is representing building owner Ron Sturgeon, stated that they were apprehensive toward a providing a lease to tattoo studios, but reconsidered once they reviewed their business proposal. No other person came forward. Mayor Averitt closed the Public Hearing at 9:05 p.m. Council Member Brown moved, seconded by Council Member Grow, to approve Ordinance No. O-2018-012-15 (CU-001-18) for the “PD-C2” – first reading. The vote was unanimous. Motion carried.

7. **Replat P-002-18** – Conduct a Public Hearing and consideration and/or action on an application of Robert Fisher, Sovran Acquisition Limited Partnership, for approval of a replat creating Lot 2-A, Block 1 of the Richmond Addition from Lot 2-R, Block 1 of the Richmond Addition, located in a Planned Development District with C-3 Commercial District zoning, containing approximately 2.368 acres, locally known as 4820 Western Center Boulevard. Planning and Community Development Director Glenna Batchelor presented the application. Mayor Averitt opened the Public Hearing. No one came forward. Mayor Averitt closed the Public Hearing. Council Member Grow moved, seconded by Council Member Nunn, to approve Replat P-002-18. The vote was unanimous. Motion carried.
8. **FY 2016 AFG Grant** – Consideration and/or action to authorize the Fire Chief to execute an agreement for the city’s participation with the FY 2016 AFG funds. Fire Marshal Fred Napp presented the grant and a discussion was held if whether other neighboring communities were using this system. Council Member Thompson moved, seconded by Council Member Nunn, to approve the FY 2016 AFG Grant and authorize the Fire Chief to execute an agreement for the city’s participation with the FY 2016 AFG funds. *The vote was unanimous. Motion carried.*

**VISITORS/CITIZENS FORUM**

No citizen came forward.

**FUTURE AGENDA ITEMS**

9. Discussion on items to be placed on future agendas. No item was presented.

**BOARDS/COMMISSIONS**

10. **Resignations of Board/Commissions/Committee Members** – Consider approval of the resignations of Board/Commission/Committee Members. There were no resignations.

11. **Appointment/Reappointment to Boards/Commissions/Committees** – Consider approval regarding appointments to Boards/Commissions/Committees. There were no appointments.

**EXCUSED ABSENCE OF COUNCIL MEMBERS**

12. **Attendance Requirements** – Consideration regarding excused absences of Council Members according to Article III, Sec. 3.07 (a). Attendance Requirements of the Haltom City Charter. There were no absences.

The Council went into Executive Session at 9:12 p.m.

**EXECUTIVE SESSION**

Chapter 551 of the Texas Government Code

As authorized by Section 551.071, the City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to seek legal advice from the City Attorney about any matters listed on the agenda, in addition to the following matters:

- Consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct which may conflict with the Open Meetings Act; including discussion of any item posted on the Agenda; to seek legal advice on open meetings, open records, dissolution/restructuring of the Haltom City Economic Development Corporation, and pending litigation and settlement offers for the following cases:
  - Flynn v. Haltom City EDC
  - James H. Watson v. City of Haltom City
  - Amer Ozzie v. City of Haltom City
  - Ray Beshirs v. City of Haltom City
  - City of San Antonio v. Hotels.com, L.P.
  - Nicklaus Forrest v. City of Haltom City

**Section 551.072 – Deliberations about Real Property**

Deliberation regarding the purchase, exchange, lease or value of real property, and property owned or leased by the City and the EDC, including city buildings.

**RECONVENE TO REGULAR SESSION**

The Council reconvened at 9:39 p.m. No action was taken. Mayor Averitt stated he will appoint Linda Thompson as the City Council Liaison with the Fire Services Board at the next meeting.
ADJOURNMENT
Mayor Averitt adjourned the meeting at 9:39 p.m.

RESPECTFULLY SUBMITTED BY:  APPROVED BY:

____________________________  _______________ ________________
Art Camacho, City Secretary  David Averitt, Mayor
CITY COUNCIL MEMORANDUM

City Council Meeting: March 12, 2018
Department: Planning & Community Development
Subject: Ordinance No. O-2018-012-15 (CU-001-18) 2nd Reading

BACKGROUND

Consider action on an application of Danny Tarron on behalf of Ron Sturgeon Real Estate requesting approval of a Conditional Use Permit for tattoo studio use in the “PD-C2” Planned Development – Commercial District for all C2 Commercial District uses, containing approximately 1,937 square feet of lease space on Lot 1, Block 1 of the Family Furniture Addition, being approximately 4.03 acres east of Denton Highway and South of Bonner Drive, locally known as 5230 Suite 20 Denton Highway.

The applicant requests approval of a Conditional Use Permit for a tattoo studio. The CLUP lists the property described above as Retail, Office, Service Commercial.

FISCAL IMPACT

None.

RECOMMENDATION

This is the second reading of ordinance O-2018-012-15. City Council recommended unanimous approval, 7-0-0, at the February 26th City Council meeting.

On February 13, 2018 the Planning and Zoning commission recommended unanimous approval of Ordinance No. O-2018-012-15 by a vote of 4-0-0. The conditions being the following:

1. The tattoo studio use is restricted to the tenant space addressed as 5230 Denton Highway, Suite 20, being 1,937 square feet.

2. The hours of operations shall be limited to 12:00PM to 8PM on Monday - Sunday.

3. The tenant space shall be equipped with interior and exterior surveillance cameras.

4. One (1) neon “open” sign inside window that will not exceed 36”X12”.

5. No body piercing will be allowed.

6. If there is any conflict between Exhibit ‘A’ Design Standards and Exhibit ‘B’ Site Plan, the provisions in Exhibit ‘A’ Design Standards shall control.
The City’s Comprehensive Land Use Plan (CLUP) designates the subject site as Retail, Office, Service Commercial. The tattoo studio use is being proposed for a vacant tenant space with neighboring properties consisting of a commercial site, single family residential, community facilities, and industrial property.

**ATTACHMENTS**

Provided in the Planning and Zoning packet of February 13, 2018
Ordinance O-2018-012-15 with stipulations on Exhibit 'A' Design Standards and Exhibit “B” Site Plan
ORDINANCE NO. O-2018-012-15

CASE NO. CU-001-18

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY APPROVING A CONDITIONAL USE PERMIT FOR TATTOO STUDIO USE ON CERTAIN PROPERTY IN THE CITY OF HALTOM CITY, TEXAS; AND REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, in accordance with Section 39 of the Zoning Ordinance, the owner of property consisting of approximately 4.03 acres of land located on Lot 1, Block 1 of the Family Furniture Addition, locally known as 5230 Denton Highway, Suite 20 (hereinafter-referenced as the “Property”), has filed an application for approval of a Conditional Use Permit for tattoo studio use on said property; and

WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on February 13, 2018 and the City Council of the City of Haltom City,
Texas held a public hearing on February 26, 2018 with respect to the Conditional Use permit described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the approval of the Conditional Use Permit.

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

SECTION 1.

Ordinance No. O-2002-032-15, as amended, is hereby amended by approving a Conditional Use Permit for tattoo studio use at the property consisting of approximately 4.03 acres of land located at 5230 Denton Highway and being more fully described as Lot 1, Block 1 of the Family Furniture Addition, locally known as 5230 Denton Highway, Suite 20.

SECTION 2.

The official zoning map of the City of Haltom City is hereby amended and the City Secretary is directed to revise the zoning map to reflect the Conditional Use Permit as set forth above.

SECTION 3.

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit "A" Design Standards and Exhibit "B" Site Plan attached hereto and shall further be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City, Texas.

SECTION 4.
This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. O-2002-032-15 or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as
to such accrued violations and all pending litigation, both civil and criminal, whether pending in
court or not, under such ordinances, same shall not be affected by this Ordinance but may be
prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Haltom City, Texas, is hereby directed to publish in the
official newspaper of the City of Haltom City, Texas, the caption, Section 1, penalty clause,
publishation clause and effective date clause of this Ordinance one (1) time within ten (10) days
after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City
of Haltom City, Texas.

SECTION 9.

This Ordinance shall be in full force and effect from and after its passage and publication
as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF
__________________________, 2018.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF
__________________________, 2018.

______________________________
Mayor
ATTEST:

______________________________
City Secretary
EFFECTIVE: _____________________________

APPROVED AS TO FORM AND LEGALITY:

________________________________________

City Attorney
Exhibit ‘A’
Design Standards

1. The tattoo studio use is restricted to the tenant space addressed as 5230 Denton Highway, Suite 20, being 1,937 square feet.

2. The hours of operations shall be limited to 12:00PM to 8PM on Monday - Sunday.

3. The tenant space shall be equipped with interior and exterior surveillance cameras.

4. One (1) neon “open” sign inside window that will not exceed 36”X12”.

5. No body piercing will be allowed.

6. If there is any conflict between Exhibit ‘A’ Design Standards and Exhibit ‘B’ Site Plan, the provisions in Exhibit ‘A’ Design Standards shall control.
Exhibit ‘B’
Site Plan

5230 Denton Hwy
Suite 20

Danny Tarron

Open Area "A" = 1,053.58 SQ.FT.

Retail Space 4
2,126.19 SQ. FT.

Retail Space 3
1,960.79 SQ. FT.

Retail Space 2
1,978.39 SQ. FT.

Retail Space 1
1,937 SQ. FT.

Scale: 3/16" = 1'

Runyon Salon and Retail Space
5230 Denton HWY

Height: 10'-16'-10'

100 Ft.
CITY COUNCIL MEMORANDUM

City Council Meeting: March 12, 2018
Department: Finance
Subject: Resolution No. R-2018-005-03 – Approving the revised Rate Review Mechanism for Atmos Energy

BACKGROUND

The City, along with 171 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Steering Committee of Cities Served by Atmos (“Cities”). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism (“RRM”), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The Ordinance that resolved the Company’s application under the RRM Tariff in 2017 also terminated the existing RRM Tariff and required a renegotiation of the terms of that tariff. Negotiations have taken place over the past several months, and have resulted in a revised RRM Tariff that has been agreed to by the Company. The Cities’ Executive Committee has recommended acceptance of the revised RRM Tariff.

The RRM Tariff on which the 2017 rates were based allowed a rate of return on equity of 10.50%. The revised RRM Tariff reduces that to 9.8%. The revised RRM Tariff also captures the reduction in federal income tax rates from 35% to 21%, and should result in a rate reduction effective by mid-March, 2018.

FISCAL IMPACT

There is no direct fiscal impact for this resolution.

RECOMMENDATION

Staff recommends that the City Council approve Resolution R-2018-005-03.

ATTACHMENTS

Resolution R-2018-005-03
Mid-Tex RRM Tariff
Exhibit A – List of Cities
RESOLUTION NO. R-2018-005-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALTOM CITY, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM (“RRM”) AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION (“ATMOS MID-TEX” OR “COMPANY”) AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES’ REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.

WHEREAS, the City of Haltom City, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City and similarly-situated Mid-Tex municipalities created the Steering Committee of Cities Served by Atmos to efficiently address all rate and service matters associated with delivery of natural gas; and

WHEREAS, the Steering Committee formed an Executive Committee to direct legal counsel and to recommend certain specific actions to all aligned Mid-Tex Cities through resolution or Resolution; and

WHEREAS, pursuant to the terms of a November 2007 agreement between the Steering Committee and Atmos Mid-Tex that settled the Company’s interim rate filing under Section 104.301 of the Texas Utilities Code (a “GRIP” rate case), the Steering Committee and the Company collaboratively developed a Rate Review Mechanism (“RRM”) Tariff, ultimately authorized by the City in 2008, that allows for an expedited rate review process as a substitute for the GRIP process; and

WHEREAS, the City has kept some form of a RRM Tariff in place until 2017 when it adopted an Resolution approving an RRM Tariff filing settlement and specifically calling for termination of the existing RRM Tariff and negotiation of a replacement RRM Tariff following the Railroad Commission’s decision in a then-pending Atmos Texas Pipeline case (GUD No. 10580); and
WHEREAS, the Steering Committee’s Executive Committee has recently approved a settlement with the Company on the attached RRM Tariff that contains certain notable improvements, from a consumer perspective, over the prior RRM Tariff, including a reduced rate of return on equity, acceptance of certain expense adjustments made by the Railroad Commission in the Order in GUD No. 10580, and the addition of two months to the time for processing a RRM Tariff application; and

WHEREAS, the RRM Tariff contemplates reimbursement of Cities’ reasonable expenses associated with RRM Tariff applications; and

WHEREAS, the Steering Committee’s Executive Committee recommends that all Steering Committee member cities adopt this Resolution and the attached RRM Tariff; and

WHEREAS, the attached RRM Tariff is just, reasonable and in the public interest.

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

SECTION 1. That the findings set forth in this Resolution are hereby in all things approved.

SECTION 2. That the attached RRM Tariff re-establishing a form of Rate Review Mechanism is just and reasonable and in the public interest, and is hereby adopted.

SECTION 3. That Atmos Mid-Tex shall reimburse the Cities’ reasonable expenses associated with adoption of this Resolution and the attached RRM Tariff and in processing future RRM Tariff applications filed pursuant to the attached tariff.

SECTION 4. That to the extent any resolution or Resolution previously adopted by the City is inconsistent with this Resolution, it is hereby repealed.

SECTION 5. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 6. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution, and the remaining provisions of this Resolution shall be interpreted as if the offending section or clause never existed.

SECTION 7. That this Resolution shall become effective from and after its passage.

SECTION 8. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-
Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED THIS 12th DAY OF MARCH, 2018.

________________________________________
David Averitt, Mayor

ATTEST:  APPROVED AS TO FORM:

Art Camacho, City Secretary            Wayne Olson, City Attorney
CITY COUNCIL MEMORANDUM/RESOLUTION

City Council Meeting: March 12, 2018
Department: Finance/Purchasing
Subject: Procurement of Pavement Striping – Broadway Avenue

BACKGROUND

The City plans and budgets for the maintenance, repair and improvement of the City’s streets annually. The Public Works Department’s Street Division plans to re-mark the pavement markings on Broadway Avenue from N. Beach Street to Denton Highway. In the last few months, the Public Works Department has received complaints about the condition of the pavement markings on this portion of Broadway Avenue. The Street Division has investigated these pavement markings and they are worn and faded and warrant re-marking.

The Street Division attempted to obtain written quotes for this pavement re-marking work; however, there was little interest from contractors who do this type of work. Only two (2) firms would even provide a written quote to the Street Division Supervisor. The City’s Purchasing Agent contacted other cities and the City of North Richland Hills has an annual contract with a pavement marking contractor, Total Highway Maintenance, LLC (THM). The City of North Richland Hills is willing to let Haltom City “piggy-back” off of their annual contract with THM and THM will honor their pricing for the required re-marking of Broadway Avenue. The “Texas Interlocal Cooperation Act”, Chapter 791, Texas Government Code authorizes municipalities to participate in these types of purchasing agreements.

FISCAL IMPACT

The cost of the Broadway Avenue pavement re-marking through THM is $66,011.22. Funding for Street Maintenance is budgeted in the Street Reconstruction Fund (Fund 31, Account 31-44308-321-00).

RECOMMENDATION

Staff recommends the City Council to authorize the procurement for pavement striping project on Broadway Avenue from N. Beach to Denton Highway thru the City’s Interlocal Purchasing Agreement with the City of North Richland Hills. In addition, staff recommends the City Manager be expressly authorized to execute any and all change orders within the amounts set by state and local law.
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HALTOM CITY:

That the above stated staff recommendations are hereby approved and authorized.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Haltom City, Texas this 12th day of March, 2018, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 et seq.

APPROVED

__________________________
David Averitt, Mayor

ATTEST:

__________________________
Art Camacho, City Secretary

APPROVED AS TO FORM:

__________________________
Wayne Olson, City Attorney
CITY COUNCIL MEMORANDUM

City Council Meeting: March 12, 2018
Department: Planning & Community Development
Subject: Ordinance No. O-2018-014-15 (Z-002-18) 2nd Reading

BACKGROUND

Consider action on the application of Hudson’s Mobile Glass Service, Inc. for a Zoning Change request from “C-3” Commercial District to “PD-C3” Planned Development for all “C-3” uses plus Pawn Shop located on Lot 4 W54’3, Block 3, Earles Addition, being approximately 0.3928 acres located north of NE 28th Street and east of Harris Lane, locally known as 4803 NE 28th Street (TAD shows 4807 NE 28th Street).

The applicant requested to rezone the subject site to “PD – C3” Planned Development for all “C-3” uses plus Pawn Shop in order to sell the building to Cash America Pawn at 4530 NE 28th Street for them to relocate.

FISCAL IMPACT

None

RECOMMENDATION

This is the second reading of ordinance O-20018-014-15. City Council recommended approval by a vote of 6-1-0 at the February 26th City Council meeting. The Council recommended one of the conditions recommended by the Planning and Zoning Commission change as part of the approval. The update to the ordinance for item #2 will now read:

2. Certificate of Occupancy will be issued to Cash America Pawn.

On February 20, 2018, the Planning and Zoning Commission conducted a public hearing and took action with a vote of conditional approval on the application of Hudson’s Mobile Glass Service, Inc. for a Zoning Change request from “C-3” Commercial District to “PD-C3” Planned Development for all “C-3” uses plus Pawn Shop located on Lot 4 and W54’ of Lot 3, Block 3, Earles Addition, being approximately 0.3928 acres located north of NE 28th Street and east of Harris Lane, locally known as 4803 NE 28th Street (TAD shows 4807 NE 28th Street). The vote for conditional approval was 4-0-0.

The conditions of approval were the following:

1. Planned Development is for all “C-3” uses plus pawn shop use.
2. Pawn Shop use and Certificate of Occupancy is exclusive to Cash America International, Inc and non-transferable.
3. Outdoor display not allowed.
4. Outdoor storage not allowed.
5. Payday loans are not permissible, strictly pawn shop transactions.
6. A 35’x35’ visibility easement shall be maintained in the northwest corner of the site at NE 28th Street and Harris Lane.
7. Remove the drive approach along NE 28th Street directly in front of the building and replace with new curb & gutter.
8. A 15-foot landscape buffer shall be provided along NE 28th Street in front of the building where drive approach is abandoned and new curb & gutter is installed.
9. Provide parking lot site plan layout for west side of building to include parking spaces, curb stops, maneuvering area and fire lane.
10. Typical 18’x18’ no parking areas must be at both drive approaches at NE 28th Street and Harris Lane.
11. Privacy fencing of a minimum six foot (6’) wooden or masonry shall be installed and maintained along north and east property lines as approved by the City.
12. Fire lane of twenty-four feet (24’) shall be established and maintained from the approach at NE 28th Street to the approach at Harris Lane.
13. Building exterior must be one hundred percent (100%) masonry material of brick and/or stone on all elevations.
14. Building exterior columns at front entrance and pole sign columns must be one hundred percent (100%) encased/wrapped with masonry material of brick and/or stone.
15. Provide masonry material dumpster enclosure behind the building at north side.
16. Prior to commencing work, improvements, or use of the subject site for pawn shop use, a remodel building permit with full scope of work to include all trades, asbestos survey report, layout of building showing ADA compliance to include but not limited to accessibility and restroom facilities, site plan reflecting required right-of-way improvements, privacy screening along north property line, landscape design and dumpster enclosure specifications must be submitted to the City for review.

ATTACHMENTS

P&Z Staff Report with Attachments
Ordinance No. 0-2018-014-15
ORDINANCE NO. O-2018-014-15
CASE NO. Z-002-18

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY IN THE CITY OF HALTOM CITY, TEXAS; AND REVISIGN THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, in accordance with Section 39 of the Zoning Ordinance, the owner of property consisting of approximately 0.3928 acres located on Lot 4 and W54’ of Lot 3, Block 3, Earles Addition, located north of NE 28th Street and east of Harris Lane, locally known as 4803 NE 28th Street (TAD shows 4807 NE 28th Street) (hereinafter-referenced as the “Property”), has filed an application to rezone the property from its present classification of “C-3” Commercial District to “PD-C3” Planned Development for all “C-3” uses plus Pawn Shop; and
WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on February 20, 2018 and the City Council of the City of Haltom City, Texas held a public hearing on February 26, 2018 with respect to the Zoning Change described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the rezoning of the property.

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

SECTION 1.

Ordinance No. O-2002-032-15, as amended, is hereby amended by rezoning the Property from “C-3” Commercial District to “PD-C3” Planned Development for all “C-3” uses plus Pawn Shop.

SECTION 2.

The official zoning map of the City of Haltom City is hereby amended and the City Secretary is directed to revise the zoning map to reflect the zoning classification as set forth above.

SECTION 3.

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit "A" Design Standards, attached hereto and shall further be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City, Texas.
SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. O-2002-032-15 or any ordinances
governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Haltom City, Texas, is hereby directed to publish in the official newspaper of the City of Haltom City, Texas, the caption, Section 1, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City, Texas.

SECTION 9.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.
PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF ______________________, 2018.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF ______________________, 2018.

______________________________
Mayor
ATTEST:

______________________________
City Secretary

EFFECTIVE: _____________________________

APPROVED AS TO FORM AND LEGALITY:

______________________________
City Attorney
Exhibit “A”
Design Standards

1. Planned Development is for all "C-3" uses plus pawn shop use.
2. Certificate of Occupancy will be issued to Cash America Pawn.
3. Outdoor display not allowed.
4. Outdoor storage not allowed.
5. Payday loans are not permissible, strictly pawn shop transactions.
6. A 35’x35’ visibility easement shall be maintained in the northwest corner of the site at NE 28th Street and Harris Lane.
7. Remove the drive approach along NE 28th Street directly in front of the building and replace with new curb & gutter.
8. A 15-foot landscape buffer shall be provided along NE 28th Street in front of the building where drive approach is abandoned and new curb & gutter is installed.
9. Provide parking lot site plan layout for west side of building to include parking spaces, curb stops, maneuvering area and fire lane.
10. Typical 18’x18’ no parking areas must be at both drive approaches at NE 28th Street and Harris Lane.
11. Privacy fencing of a minimum six foot (6’) wooden or masonry shall be installed and maintained along north and east property lines as approved by the City.
12. Fire lane of twenty-four feet (24’) shall be established and maintained from the approach at NE 28th Street to the approach at Harris Lane.
13. Building exterior must be one hundred percent (100%) masonry material of brick and/or stone on all elevations.
14. Building exterior columns at front entrance and pole sign columns must be one hundred percent (100%) encased/wrapped with masonry material of brick and/or stone.
15. Provide masonry material dumpster enclosure behind the building at north side.
16. Prior to commencing work, improvements, or use of the subject site for pawn shop use, a remodel building permit with full scope of work to include all trades, asbestos survey report, layout of building showing ADA compliance to include but not limited to accessibility and restroom facilities, site plan reflecting required right-of-way improvements, privacy screening along north property line, landscape design and dumpster enclosure specifications must be submitted to the City for review.
CITY COUNCIL MEMORANDUM

City Council Meeting: March 12, 2018
Department: Parks and Recreation
Subject: Ordinance No. O-2018-015-10

ACTION REQUESTED

BACKGROUND
The City operates recreation programs for elementary school age children (over 4 hours per day), such as the Super Kids Summer Camp. As such, the state requires that Standards of Care be adopted annually by ordinance for any city operating elementary age recreation programs.

The proposed 2018 Standards of Care (unchanged from 2017), as presented in Ordinance No. O-2018-015-10, are intended to be minimum standards by which the City of Haltom City Parks & Recreation Department will operate the City’s youth programs. The Standards of Care include staff responsibilities, enrollment requirements, staffing ratios, staff qualifications and training, facility standards, health and safety standards and mechanisms for inspecting, monitoring and enforcing care standards. The programs operated by the City are recreational in nature and are not licensed by the state of Texas as day care programs.

FISCAL IMPACT
Approval of the Standards of Care will require no additional funding by the City.

RECOMMENDATION
Staff recommends the City Council approve Ordinance No. O-2018-015-10 adopting the Standards of Care for 2018. 1st reading.

ATTACHMENTS
Ordinance No. O-2018-015-10
Standards of Care – Exhibit A
Copy of TX Human Resources Code Sect. 42.041(b)(14) – Exhibit B
ORDINANCE NO. O-2018-015-10

AN ORDINANCE ESTABLISHING STANDARDS OF CARE FOR THE RECREATION PROGRAMS FOR ELEMENTARY SCHOOL AGE CHILDREN OPERATED BY THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article IX, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Section 42.041 of the Texas Human Resources Code provides that an elementary-age recreation program operated by a municipality is not required to obtain a license from the state provided that the governing body of the municipality annually adopts standards of care for such programs by ordinance after a public hearing; and

WHEREAS, the City Council has conducted a public hearing and desires to adopt the standards set forth in this ordinance.

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

SECTION 1.

The Standards of Care attached hereto as Exhibit “A” and incorporated by reference herein are hereby adopted for recreation programs for elementary-age children.

SECTION 2.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences,
paragraphs and sections of this ordinance, since the same would have been enacted by
the City Council without the incorporation in this ordinance of any such unconstitutional
phrase, clause, sentence, paragraph or section.

SECTION 3.

This ordinance shall be in full force and effect from and after its passage, and it is
so ordained.

PASSED AND APPROVED ON FIRST READING ON THIS _______ DAY OF
__________________, 2018.

____________________________________
MAYOR

ATTEST:

____________________________________
CITY SECRETARY

PASSED AND APPROVED ON SECOND READING ON THIS _______ DAY
OF ________________, 2018.

____________________________________
MAYOR

ATTEST:

____________________________________
CITY SECRETARY

APPROVED AS TO FORM:

____________________________________
CITY ATTORNEY
CITY COUNCIL MEMORANDUM

City Council Meeting: March 12, 2018
Department: Planning & Community Development

BACKGROUND

Conduct a Public Hearing and consideration and/or action on an application of Ron Larson for approval of a Conditional Use Permit for automobile tune up and lube center, tire and battery sales store uses and automobile and light truck repair shop in the “C-3” Commercial District located on Lot 14, Block 28 of the Meadow Oaks Addition-Haltom, being approximately 0.4361 acres on the west side of Denton Highway, locally known as 3213 Denton Highway.

The applicant requests approval of a Conditional Use Permit for an automobile tune up and lube center, tire and battery sales store uses and automobile and light truck repair shop. The CLUP lists the property described above as Retail, Office, Service Commercial.

FISCAL IMPACT

None.

RECOMMENDATION

On February 27, 2018 the Planning and Zoning commission recommended unanimous approval of Ordinance No. O-2018-016-15 by a vote of 5-0-0. The conditions being the following:

1. All storage of goods will be wholly contained within a building.

2. All business will be conducted within a building.

3. The existing dumpster is allowed to encroach the western vegetation buffer but must be enclosed with a solid fence with a swinging gate.

4. There shall be a dividing device between the improved surfaces between the property owner at 3213 Denton Highway and 3217 Denton Highway to prevent access between the two properties.

5. No inoperable vehicles may be stored over 24 hours unless inside an approved building.
ATTACHMENTS

Provided in the Planning and Zoning packet of February 27, 2018
Ordinance O-2018-016-15 with stipulations on Exhibit ‘A’ Design Standards and Exhibit “B” Site Plan
ORDINANCE NO. O-2018-016-15

CASE NO. CU-002-18

AN ORDINANCE AMENDING ORDINANCE NO. O-2002-032-15, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF HALTOM CITY, TEXAS, BY APPROVING A CONDITIONAL USE PERMIT FOR AUTOMOBILE TUNE UP AND LUBE CENTER, TIRE AND BATTERY SALES STORE USES AND AUTOMOBILE AND LIGHT TRUCK REPAIR SHOP USE ON CERTAIN PROPERTY IN THE CITY OF HALTOM CITY, TEXAS; AND REVISIGN THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITHE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haltom City is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Haltom City heretofore adopted Ordinance No. O-2002-032-15, as amended, the Zoning Ordinance of the City of Haltom City, Texas, which Ordinance regulates and restricts the location and use of buildings, structures and land for trade, industry, residence and other purposes, and provides for the establishment of zoning districts of such number, shape and area as may be best suited to carry out these regulations; and

WHEREAS, in accordance with Section 39 of the Zoning Ordinance, the owner of property consisting of approximately 0.4361 acres of land located on Lot 14, Block 28 of the Meadow Oaks Addition-Haltom, locally known as 3213 Denton Highway (hereinafter-referenced as the “Property”), has filed an application for approval of a Conditional Use Permit for automobile tune up and lube center, tire and battery sales store uses and automobile and light truck repair shop use on said property; and
WHEREAS, the Planning and Zoning Commission of the City of Haltom City, Texas held a public hearing on February 27, 2018 and the City Council of the City of Haltom City, Texas held a public hearing on March 12, 2018 with respect to the Conditional Use permit described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and all other laws dealing with notice, publication and procedural requirements for the approval of the Conditional Use Permit.

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

SECTION 1.

Ordinance No. O-2002-032-15, as amended, is hereby amended by approving a Conditional Use Permit for automobile tune up and lube center, tire and battery sales store uses and automobile and light truck repair shop use at the property consisting of approximately 0.4361 acres of land and being more fully described as Lot 14, Block 28 of the Meadow Oaks Addition-Haltom, locally known as 3213 Denton Highway.

SECTION 2.

The official zoning map of the City of Haltom City is hereby amended and the City Secretary is directed to revise the zoning map to reflect the Conditional Use Permit as set forth above.

SECTION 3.

The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in Exhibit “A” Design Standards and Exhibit “B” Site Plan attached hereto.
and shall further be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Haltom City, Texas.

SECTION 4.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Haltom City, Texas (1998), as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars ($2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.
SECTION 7.

All rights and remedies of the City of Haltom City, Texas, are expressly saved as to any and all violations of the provisions of Ordinance No. O-2002-032-15 or any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The City Secretary of the City of Haltom City, Texas, is hereby directed to publish in the official newspaper of the City of Haltom City, Texas, the caption, Section 1, penalty clause, publication clause and effective date clause of this Ordinance one (1) time within ten (10) days after the first reading of this Ordinance as required by Section 10.01 of the Charter of the City of Haltom City, Texas.

SECTION 9.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS _____ DAY OF ____________________, 2018.

PASSED AND APPROVED ON SECOND READING THIS _____ DAY OF ____________________, 2018.
Mayor
ATTEST:

City Secretary

EFFECTIVE: _____________________________

APPROVED AS TO FORM AND LEGALITY:

________________________________________

City Attorney
Exhibit ‘A’
Design Standards

1. All storage of goods will be wholly contained within a building.

2. All business will be conducted within a building.

3. The existing dumpster is allowed to encroach the western vegetation buffer but must be enclosed with a solid fence with a swinging gate.

4. There shall be a dividing device between the improved surfaces between the property owner at 3213 Denton Highway and 3217 Denton Highway to prevent access between the two properties.

5. No inoperable vehicles may be stored over 24 hours unless inside an approved building.
CITY COUNCIL MEMORANDUM

City Council Meeting:    March 12, 2018
Department:      Public Works
Subject: Approval of the Agreement for Wastewater Services between the City of Fort Worth and the City of Haltom City

BACKGROUND

The City purchases wastewater treatment services from the City of Fort Worth. The previous contract for these services expired last year (May of 2017). The new agreement outlines the responsibilities of both the wholesale customer (Haltom City) and Fort Worth. The new agreement is the same as the agreement that all other wholesale customer cities have been provided with and approved.

The previous agreement was executed on May 8, 1987. This previous agreement was a thirty (30) year agreement. The new agreement, as requested by the wholesale customer cities, is a twenty (20) year agreement. (Note: The Wholesale Water Agreement with the City of Fort Worth [which Haltom City has executed] is also a 20 year agreement – not a 30 year agreement.)

The new agreement has some changes from the previous agreement. Many of these changes involve reorganization and updating definitions and processes that have changed since 1987. Many of the changes in the new agreement mirror the changes that were approved in the 2011 Wholesale Water Agreement between wholesale customer cities and Fort Worth. Changes from the previous wastewater agreement include:

1. The Street Rental Fee has increased from 3% (the 1987 amount) to 5% in the new agreement. The proposed 5% fee is the same amount approved in the 2011 Wholesale Water Agreement and it is the same amount that Fort Worth charges their retail customers. (It should be noted that Haltom City’s own current street rental fee is about 6.5%.)

2. A Payment in Lieu of Taxes (PILOT) fee has been included in the new agreement. There was not a PILOT in the 1987 agreement. This PILOT is also the same as approved in the 2011 Wholesale Water Agreement.

3. The new agreement requires customer cities to accept wastewater from adjacent areas. Fort Worth will bear the cost of metering the additional flow and deduct it
for the purposes of billing the customer city. To some extent this occurs now in that there are a few Fort Worth sanitary sewer trunk mains that traverse Haltom City.

4. The new agreement provides, with certain exceptions, that land owned by the customer cities where metering and sampling facilities are located will be transferred to the City of Fort Worth. In meeting with Fort Worth, they have agreed to work with customer cities on this provision and have agreed to accept easements so that they can access the metering stations.

5. The new agreement requires customer cities to bear the cost for certain items, such as dispute resolutions and litigation. In these instances, the new contract states that Fort Worth’s costs will be considered a System Cost; in the previous contract, these costs were the responsibility of Fort Worth. This provision is also similar to the 2011 Wholesale Water Agreement.

Presently, all other wholesale customer cities have executed the new agreement. While Fort Worth desired to have all agreements executed by last summer, the cities of Hurst, Southlake, Keller, North Richland Hills, Watauga, Richland Hills and Haltom City refrained from scheduling their City Councils to consider approval of the agreement until staff from these cities could meet with the Fort Worth city manager and his staff to express their concerns towards the new agreement. These concerns were in regards to both the water and wastewater rates and the execution of operational activities.

Since this July 28, 2017 meeting, Fort Worth has sent representatives from the above referenced cities both a letter from their City Manager [reference attachment: July 12, 2017 letter from David Cooke (Fort Worth City Manager) to Clay Caruthers (Hurst City Manager) with a courtesy copy to Keith Lane] and a letter from their Interim Water Department Director [reference attachment: August 31, 2017 letter from Kara Shuror (Fort Worth Interim Water Department Director) to Jennifer Fung].

Staff understands that one of the Council’s concerns was a desire for Fort Worth to slightly modify their wholesale wastewater agreement with Haltom City. The July 12, 2017 letter states, “The City of Fort Worth wholesale contracts are uniform in nature so we cannot be selective with individual customers as it relates to specific terms in the contract.” Additionally, in a February 27, 2018 meeting between Fort Worth’s Water Department staff (which included their Water Department Director) and Haltom City staff (which included the City Manager, Assistant City Manager and Public Works Director), Fort Worth reiterated that they will not modify the agreement with Haltom City. One of the main reasons that Fort Worth has taken this stance, with Haltom City being the sole customer city to not execute the agreement, is that treating Haltom City differently than the other customer cities is an equity issue; that is, it is not fair to every other City that has executed the agreement.

Some of the other concerns expressed by city representatives in the July 28, 2017 meeting were accepted by Fort Worth and addressed in the August 31, 2017 letter.
This item was previously placed on the January 22, 2018 City Council Agenda; however, staff understood that the Council had the following concerns:

- Length of the time period of the agreement
- Options in the event of not executing the agreement or upon entering the agreement and then terminating the agreement at a later date

Regarding the length of the agreement, as previously stated, the new agreement is a 20 year term which is 10 years less than the previous agreement. Fort Worth has stood firm on a 20 year agreement because 1) this is the typical finance period for any new infrastructure required of Fort Worth to be constructed in order to meet the demand(s) of the wholesale customer cities; 2) this is in line with the wholesale water agreement; and 3) this was requested by several wholesale customers.

Regarding Haltom City’s options [reference attachment: January 26, 2018 Wastewater Agreement Memo (Taylor, Olson, Adkins, Sralla & Elam document)]:

- If Haltom City does not execute the agreement, Haltom City would eventually have to find another provider or provide its own wastewater services.
- If Haltom City executes the agreement but then desires to terminate it, Fort Worth would have to consent to such termination, or there would need to be a material breach. It should be noted that even if Haltom City was to successfully obtain consent to terminate the Agreement early, the City would be required to fully replace the wastewater services provided by Fort Worth before any termination could go into effect. This requirement could even be enforced at the end of the 20 year term if at that point Haltom City wished not to renew the Agreement.

There has been previous discussion in regard to Haltom City constructing their own wastewater treatment plant and severing our sanitary sewer connections from Fort Worth’s sanitary sewer mains. This option would not be cost effective and unlikely to be permitted by the Texas Commission on Environmental Quality.

In late 2015, staff met separately with two (2) engineering firms to discuss the practicality of Haltom City constructing their own wastewater treatment plant. Both firms stated that this would not be a feasible option for Haltom City. Upon inquiring with a third engineering firm, they also indicated that the State’s policy is to encourage and promote the development and use of regional and area-wide waste collection, treatment, and disposal systems to prevent pollution and maintain and enhance the quality of the State’s water. This is stated in the Texas Water Code § 26.081(a). Also, when considering the issuance of a permit to discharge waste, the TCEQ is required to consider the need and availability of existing or proposed regional waste collection, treatment, and disposal systems. This is stated in the Texas Water Code § 26.082.

Also, if Haltom City was to pursue a permit through the State to construct a wastewater treatment plant, as part of this permit process, the public, affected cities, the regional wastewater provider, etc. could contest such a permit. If the permit request was
contested, the permit would go to a public hearing. As such, while there is not a specific rule against Haltom City applying for a TCEQ wastewater discharge permit when a regional system is available, at a minimum, it would be a lengthy and expensive process to obtain a permit, with a decent chance that TCEQ would deny the permit request due to TWC § 26.082.

The City of North Richland Hills has also considered the option of constructing a wastewater treatment plant and they, too have indicated that this option would be more costly than paying the increased fees that the new agreement allows.

Fort Worth bases their wholesale customer wastewater rates on their operations & maintenance expenses, return on rate base expenses and depreciation expenses. Only expenses attributable to wholesale customers are used in the wholesale customer wastewater rate. These expenses are reviewed by the Wholesale Wastewater Committee. For the last two (2) years, Fort Worth has reduced their wholesale customer wastewater rates per 1000 gallons [reference attachment: Spreadsheet indicating Fort Worth’s water & sanitary sewer rates for the previous 5 years].

FISCAL IMPACT

The current fiscal year’s budget anticipates the proposed fee changes in the new wholesale wastewater agreement.

RECOMMENDATION

Staff recommends the City Council approve the Agreement for Wholesale Wastewater Service between the City of Fort Worth and the City of Haltom City and authorize the City Manager to execute the agreement.

ATTACHMENTS

- July 12, 2017 letter from David Cooke (Fort Worth City Manager) to Clay Caruthers (Hurst City Manager with a courtesy copy to Keith Lane)
- August 31, 2017 letter from Kara Shuror (Fort Worth Interim Water Department Director) to Jennifer Fung
- January 26, 2018 Wastewater Agreement Memo (Taylor, Olson, Adkins, Sralla & Elam document)
- March 5, 2018 letter from Kenneth Morgan (Fort Worth Water Department Director) to Keith Lane
- Spreadsheet indicating Fort Worth’s water & sanitary sewer rates for the previous 5 years
July 12, 2017

Clay Caruthers  
1505 Precinct Line Road  
Hurst, Texas 76054

Re: Wholesale Water and Wastewater Agreements

Dear Mr. Caruthers,

I am in receipt of your letter written on behalf of many of the Northeast Tarrant County cities that have wholesale water or wastewater contracts, or both, with the City of Fort Worth. Per your letter, I understand that the group would like to meet regarding several contract related issues. I would be happy to coordinate meetings with our wholesale wastewater contract customers to discuss any issues related to those contracts up for renewal. At this time, the City of Fort Worth is not amenable to altering the date of October 1, 2017 as the new wastewater agreement effective date. The City of Fort Worth wholesale contracts are uniform in nature so we cannot be selective with individual customers as it relates to specific terms in the contract. As you know, the process for renewing the wholesale wastewater contracts has been ongoing for several months and reaching a uniform contract with all 23 customers using prior contracts as the template has served us well.

As it relates to the wholesale water issues you outline in the letter, I would be happy to coordinate a meeting with our wholesale water customer cities to have staff answer operational related issues and to explain how certain costs are calculated and applied. Wholesale water contracts are in place for several more years, consequently the City of Fort Worth is not currently interested in opening up discussions around amending wholesale water contracts until we are closer to the expiration date of those contracts.

I believe it would be best to begin with a meeting of our wholesale wastewater customers outlined in your letter. I am happy to host the meeting at Fort Worth City Hall. The following dates work well for us:

July 26  9:00am
July 27  10:00am
July 28  3:30pm
Clay Caruthers  
July 12, 2017  
Page 2

Please let my assistant, Linda Hirrlinger, know if any of these dates work with your schedule and she will send out a meeting notice. Linda’s direct phone number is 817/392-6116.

We look forward to meeting with you.

Sincerely,

David Cooke  
City Manager

cct: Mr. Jay Chapa, Assistant City Manager, Fort Worth  
Ms. Kara Shuror, Interim Water Director, Fort Worth  
Mr. Mark Hindman, City Manager, North Richland Hills  
Mr. Mark Hafner, City Manager, Keller  
Ms. Shana Yelverton, City Manager, Southlake  
Mr. Eric Strong, City Manager, Richland Hills  
Mr. Keith Lane, City Manager, Haltom City  
Mr. Greg Vick, City Manager, Watauga
August 31, 2017

Jennifer Fung
Director of Finance
City of Haltom City
5024 Broadway Avenue
Haltom City, TX 76117

Dear Ms. Fung,

Fort Worth City Manager David Cooke, Assistant City Manager Jay Chapa, and Fort Worth Water Department management recently met with City Managers and/or Utility Directors from several wholesale customer cities located in Northeast Tarrant County to discuss a variety of water issues as well as one section of the new Wholesale Wastewater Services Agreement.

The wastewater services agreement discussion concerned Article 4, Customer Connections and Metering and Sampling Facilities. Certain customers expressed concern that the existing language does not make clear that this section applies to future facilities, rather than existing facilities. This letter is to clarify that only future facilities will be affected by Article 4 for all wholesale wastewater customers.

A separate concern with Article 4, section 4.1.3, involved the site transfer of the property of the metering and sampling facilities to Fort Worth. In the past, situations have arisen where the deeding of property was not feasible and the Customer City granted Fort Worth Water an easement in its place. One example is a metering station in a Customer City’s park that was grant funded, for which Fort Worth Water accepted an easement in lieu of a deed. Providing an easement is an acceptable remedy, where required, under this agreement as written. However, this will be the exception rather than the norm.

If you have any further questions in this matter, please feel free to contact Andy McCartney, Administrative Services Manager, at (817) 392-8567.

Sincerely,

Kara Shurfor
Interim Water Director
To: Wayne Olson

From: Jeremy Page

Re: Haltom City Wastewater Agreement Memo

Date: January 26, 2018

The City of Haltom City has been considering multiple options with regards to its current wastewater services contract. Two options considered in this memo are (1) if the City does not sign the new 2017 Agreement and continues essentially obtaining wastewater services from Fort Worth without a contract; and (2) if the City signs the new 2017 Agreement but then later wishes to terminate it.

I. Option 1: Haltom City Does Not Sign the 2017 Agreement

Haltom City entered into a Wholesale Wastewater Contract with the City of Fort Worth on May 8, 1987 (the 1987 Agreement). The 1987 Agreement was for a term of 30 years, which ended in May of 2017. In 2017, the City was offered to enter into a new Agreement for Wastewater Service between the City of Fort Worth, Texas, and City of Haltom City, Texas (the 2017 Agreement). The City has yet to sign the 2017 Agreement.

Under the 1987 Agreement, the City of Fort Worth has no contractual obligation to continue providing services to Haltom City once the term ended in 2017. Fort Worth is also not contractually obligated to continue charging the same rates for wastewater services once the contract ended. On the other hand, the 1987 Agreement does not create any contractual obligations for Haltom City if it chooses not to renew its wastewater services with Fort Worth, such as establishing its own replacement wastewater services. Of course, even without a contractual obligation, if Haltom City does not sign the 2017 Agreement, it would eventually have to find another provider or provide its own wastewater services.

II. Option 2: Haltom City Signs the 2017 Agreement and Later Terminates It

If Haltom City wished to sign the 2017 Wastewater Agreement, it would be bound to the various termination provisions found in that contract. First, Haltom City could not unilaterally choose to terminate the agreement. Specifically, Section 21.1 only allows for termination by mutual consent:

“This Agreement may be terminated in whole or in part by the mutual consent of Customer and Fort Worth. Fort Worth’s decision on whether to consent to termination remains within its sole discretion...” (emphasis added).
Therefore, Fort Worth would have to consent to any proposed termination by Haltom City. If Haltom City were to construct its own wastewater treatment plant and then seek to terminate the 2017 Wastewater Agreement, there is no guarantee that Fort Worth would consent.

Additionally, the 2017 Agreement could be terminated by material breach by either Party. Section 21.4 lists several possible material breaches including the “[f]ailure to pay any bill, charge, or fee as required by this Agreement, including Impact Fees.” If a party were to breach, Section 21.2 allows for the non-breaching Party to “notify the breaching Party of the non-breaching Party’s intention to terminate this Agreement if the breaching Party fails to cure such breach within ninety (90) days from the date of the notice.” If, by the 90th day, the breaching Party fails or refuses to cure such breach, the non-breaching Party has “the right to terminate this Agreement with six months additional notice to the breaching Party.” Moreover, Section 21.3 states that if the breaching Party commits a second breach of a similar nature, regardless of any cure of such breach, the non-breaching Party “may, after six (6) months notice to the breaching Party, terminate this Agreement.”

Finally, Section 21.8 mandates that if the Agreement is terminated or is simply not renewed after 20 years, the Customer must develop “alternative or replacement wastewater services before the expiration or termination of this Agreement” (emphasis added). Section 21.8 goes further to allow Fort Worth to enforce this requirement “by the equitable remedy of specific performance, sought by court order, in addition to any other legal or equitable remedy as may be provided by law.” Put another way, even if Haltom City was to successfully obtain consent to terminate the Agreement early, the City would be required to fully replace the wastewater services provided by Fort Worth before any termination could go into effect. This requirement could even be enforced at the end of the 20 year term if at that point Haltom City wished not to renew the Agreement.

III. Brief Analysis

Either option considered in this memo would likely result in Haltom City providing its own wastewater services or having to find another provider of wastewater services. Delaying signing the 2017 Agreement may be risky as Fort Worth could essentially pull its offer at any time, leaving Haltom City without wastewater services. On the other hand, if the City signed the 2017 Agreement and then later wished to terminate the Agreement, this would result in Haltom City being required to develop replacement wastewater services without any assurance that Fort Worth would consent to termination of the 2017 Agreement.
March 5, 2018

Mr. Keith R. Lane
City of Haltom City
5024 Broadway Avenue
Haltom City, TX 76117

RE: Uniform Wholesale Wastewater Agreement

Dear Mr. Lane:

The City of Fort Worth has been a long-term wastewater provider to Haltom City. We are also currently working together to build regional wastewater conveyance solutions in the Big Fossil basin benefitting Haltom City and surrounding communities.

As allowed by the Texas Government Code, our cities have been parties to a wholesale agreement which expired in May of 2017. Prior to that agreement expiring, Fort Worth issued a draft of the proposed agreement document in June of 2016, receiving and responding to comments from wholesale customers over a seven-month review period, incorporating some of the comments into the agreement and explaining why other comments were not recommended for inclusion into the agreement. The deadline for comments related to the agreement was January 31, 2017.

In May, 2017, letter Fort Worth was made aware of certain issues by a handful of customer cities related to both water and wastewater contracts. A meeting in July of 2017 with those cities focused on the concerns included in the letter, which were thought to have been satisfactorily resolved.

Haltom City has yet to enter into the new agreement. Although Haltom City may have some remaining issues, the wholesale agreement was negotiated in good faith and executed with all of the other customer cities and cannot be altered without an amendment to the agreement by all parties. Regarding the term of the contract, the new wholesale contract has a term of twenty (20) years instead of the previous thirty (30) year term, in order to align with the uniform water contract, and as requested by several wholesale customers.

Fort Worth has continued to provide Haltom City with services while there is no contract in place. However, we cannot continue to provide wastewater services to Haltom City without an agreement in place, and at the current time, there is none. Section 791.026 of the Government Code provides that when the parties have agreed to an expiration date, there is no implied obligation of the provider to continue services. In order to continue to provide Haltom City wastewater service, either an interim supply contract must be immediately negotiated and entered into, apart from the terms and conditions of the wholesale agreement, or Haltom City can continue its longstanding partnership with Fort Worth, under the terms and condition of the wholesale agreement by expeditiously executing it.

Sincerely,

[Signature]

Kenneth C. Morgan
Water Director

The City of Fort Worth * 200 Texas Street * Fort Worth, Texas 76102
Tel: 817-392-8240 * Fax: 817-392-8195
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CITY COUNCIL MEMORANDUM

City Council Meeting: March 12, 2018
Department: City Secretary
Subject: Future Agenda Item

BACKGROUND
No items for consideration have been submitted.

FISCAL IMPACT
None.

RECOMMENDATION
None.

ATTACHMENTS
BACKGROUND

The City Council will consider action regarding the resignations from Boards, Commissions, and Committees.

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENT

None.
CITY COUNCIL MEMORANDUM

City Council Meeting: March 12, 2018
Department: City Secretary
Subject: Boards/Commissions/Committees
         Appointments/Reappointments

BACKGROUND

The City Council will consider action regarding the appointment/reappointment of board,
commission, and committee members. Places One and Three on the TIRZ Board expire
December 31, 2017. Currently Bob Watkins serves in Place One, Place Three is vacant.
The Parks Board council liaison position is also vacant. Economic Development
Corporation has one vacancy.

Appointments and/or reappointments that are due:

Mayor:   Civil Service – Current member Susann Ora
        Public Arts Program Committee – One vacancy.

CC Place 1: Fire – Vacant

CC Place 4: Beautification – Current member Denise Ford
            Fire Services – Vacant

CC Place 6: Beautification – Vacant

CC Place 7: Beautification – Vacant
            CCPD/Redlight – Current member Patti Street
            Fire – Current member Sue Austin
            P&Z – Current member Suzette Teague

FISCAL IMPACT

None.

RECOMMENDATION

None.

ATTACHMENTS

Applications received: Betty Porter, 2018; Colton Hudson, 2018; Elizabeth Dunbar, 2018;
Andrea Hudson, 2018; George Coffman, 2017; Alexandra Geltmeier, 2017; Matthew
Schoonover, 2017; Scott Barrilleaux, 2017; Joshua Kara, 2017; Susann Ora, 2017; Brent
Weast, 2017; Gary Hilbert II, 2017; Tim Pirisino, 2016; Zachariah Ammons, 2016; John
Thornton, 2016; Troy Depue, 2016; Diana Williams, 2015; Anastasia Taylor, 2015; and