



CITY OF GRAPEVINE, TEXAS
REGULAR JOINT MEETING OF
CITY COUNCIL AND PLANNING AND ZONING COMMISSION
TUESDAY, JANUARY 16, 2018

GRAPEVINE CITY HALL, SECOND FLOOR
200 SOUTH MAIN STREET
GRAPEVINE, TEXAS

6:00 p.m.	Dinner - City Council Conference Room
6:30 p.m.	Call to Order of City Council Meeting - City Council Chambers
6:30 p.m.	Executive Session - City Council Conference Room
7:30 p.m.	Joint Regular Meeting - City Council Chambers

CALL TO ORDER: 6:30 p.m. – City Council Chambers

EXECUTIVE SESSION:

1. City Council to recess to the City Council Conference Room to conduct a closed session relative to:
 - A. Real property relative to deliberation to the purchase, exchange, lease, sale or value of real property (City facilities, Public Works, and the 185 acres) pursuant to Section 551.072, Texas Government Code.
 - B. Conference with City Manager and Staff to discuss and deliberate commercial and financial information received from business prospects the City seeks to have locate, stay, or expand in the City; deliberate the offer of a financial or other incentive; with which businesses the City is conducting economic development negotiations pursuant to Section 551.087, Texas Government Code.

City Council to reconvene in open session in the City Council Chambers and take any necessary action relative to items discussed in Executive Session.

REGULAR MEETING: 7:30 p.m. – City Council Chambers

2. Invocation and Pledge of Allegiance: Commissioner Monica Hotelling

JOINT PUBLIC HEARING

3. Conditional Use Permit **CU17-25** (Grapevine Antique Market) – City Council and Planning and Zoning Commission to conduct a public hearing relative to an application submitted by Jay Ho requesting a conditional use permit to allow for retail sales of secondhand goods in an enclosed building where the size of the space exceeds 3,000 square feet, specifically for the expansion of the existing Grapevine Antique Market into an adjacent retail space. The subject property is located at 1641 West Northwest Highway and is currently zoned “SP” Site Plan District.

4. Conditional Use Permit **CU17-28** (Grapevine Honda) and **Final Plat** of Lots 1R and 2, Block 1, First Baptist Church of Grapevine Addition – City Council and Planning and Zoning Commission to conduct a public hearing relative to an application submitted by 121 GV Holdings LLC requesting a conditional use permit to allow an automotive dealership with sales and service of new and used vehicles and a 40 foot pole sign and a replat of Lot 1, Block 1, First Baptist Church of Grapevine Addition. The subject property is located at 2301 William D Tate Avenue and is currently zoned “CC” Community Commercial District.
5. Conditional Use Permit **CU17-29** (1331 West Wall Street) – City Council and Planning and Zoning Commission to conduct a public hearing relative to an application submitted by Eric Legge requesting a conditional use permit to allow for an owner or caretaker residential facilities having accommodations for, and occupied by, only one family within a single professional office building. The subject property is currently zoned “PO” Professional Office District.
6. Planned Development Overlay **PD17-05** (Shady Brook Addition) – City Council and Planning and Zoning Commission to conduct a public hearing relative to an application submitted by Hat Creek Development requesting a planned development overlay to deviate from, but not limited to, density requirements and area regulations. The subject property is located at 993 Shady Brook Drive and is currently zoned “R-5.0” Zero-Lot-Line District.
7. Amendments to Comprehensive Zoning Ordinance No. 82-73 **AM17-04** – City Council and Planning and Zoning Commission to conduct a public hearing to consider amendments and changes to the Comprehensive Zoning Ordinance No. 82-73, same being Appendix D of the Code of Ordinances as follows: Section 52, Tree Preservation and Section 53, Landscaping Regulations relative to approved trees meeting minimum landscaping requirements and any other additions, deletions, or changes to various sections, articles and provisions contained in said Ordinance No. 82-73.

Planning and Zoning Commission to recess to Planning and Zoning Commission Conference Room, Second Floor, to consider published agenda items.

City Council to remain in session in the Council Chambers to consider published business.

CITIZEN COMMENTS

8. Any person who is not scheduled on the agenda may address the City Council under Citizen Comments by completing a Citizen Appearance Request form with the City Secretary. In accordance with the Texas Open Meetings Act, the City Council is restricted in discussing or taking action during Citizen Comments.

PRESENTATIONS

9. Chief Financial Officer to present monthly financial report.

10. Assistant Police Chief to present updates to the Animal Shelter Fee Schedule.

NEW BUSINESS

11. Consider **Ordinance No. 2018-001** amending the Code of Ordinances, Chapter 6, Animals and Fowl and take any necessary action.
12. Consider **Resolution No. 2018-001** approving the Local Project Advance Funding Agreement with Texas Department of Transportation (TXDOT) to establish funding participation levels for the Farm to Market Road (FM) 2499 Green Ribbon Project - Phase IV and take any necessary action.
13. Consider a construction contract with Excel 4 Construction, LLC for the Sanitary Sewer Inflow and Infiltration Phase 3 Project, **Ordinance No. 2018-002** appropriating funds in the Utility Capital Enterprise Fund, and take any necessary action.

CONSENT AGENDA

Consent items are deemed to need little Council deliberation and will be acted upon as one business item. Any member of the City Council or member of the audience may request that an item be withdrawn from the consent agenda and placed before the City Council for full discussion. Approval of the consent agenda authorizes the City Manager, or his designee, to implement each item in accordance with Staff recommendations.

14. Consider **Resolution No. 2018-002** calling the 2018 City Officers Election to be held on Saturday, May 5, 2018, designating the polling place and, if necessary, a run-off election to be held on June 16, 2018. City Secretary recommends approval.
15. Consider renewal of a professional services contract for medical control services from BEST EMS. Fire Chief recommends approval.
16. Consider **Resolution No. 2018-003** authorizing a sole source purchase of bomb suits and accessories for the Fire Department from Med-Eng, LLC and **Ordinance No. 2018-003** appropriating funds to the Grant Fund. Fire Chief recommends approval.
17. Consider renewal of an annual contract for grounds management services with Terracare Associates. Parks and Recreation Director recommends approval.
18. Consider **Resolution No. 2018-004** authorizing the purchase and installation of new gym flooring for The REC of Grapevine from Ponder Company, Inc. through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard). Parks and Recreation Director recommends approval.
19. Consider **Resolution No. 2018-005** authorizing the purchase of Ford vehicles for the Public Works department from Chastang Ford through an interlocal agreement

with the Houston-Galveston Area Council (H-GAC). Public Works Director recommends approval.

20. Consider **Resolution No. 2018-006** authorizing the purchase of a hydro-excavator from Lonestar Truck Group through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard). Public Works Director recommends approval.
21. Consider a memorandum of understanding with Tarrant County for the purpose of electronically filing of plats within Tarrant County. Public Works Director recommends approval.
22. Consider an engineering services contract with Lee Engineering Inc. for the design of traffic signal improvements along State Highway 26, Northwest Highway, Glade Road at Euless Grapevine, and State Highway 121 / William D Tate Avenue at Mustang Drive; **Ordinance No. 2018-004** appropriating funds in the Capital Projects Street Fund. Public Works Director recommends approval.
23. Consider the minutes of the December 19, 2017 Regular City Council meeting. City Secretary recommends approval.

Pursuant to the Texas Open Meetings Act, Texas Government Code, Chapter 551.001 et seq, one or more of the above items may be considered in Executive Session closed to the public. Any decision held on such matter will be taken or conducted in open session following conclusion of the executive session.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS

24. Conditional Use Permit **CU17-25** (Grapevine Antique Market) – Consider the recommendation of the Planning and Zoning Commission and **Ordinance No. 2018-005**, if applicable, and take any necessary action.
25. Conditional Use Permit **CU17-28** (Grapevine Honda) – Consider the recommendation of the Planning and Zoning Commission and **Ordinance No. 2018-006**, if applicable, and take any necessary action.
26. **Final Plat** of Lots 1R and 2, Block 1, First Baptist Church of Grapevine Addition – Consider the recommendation of the Planning and Zoning Commission and take any necessary action.
27. Conditional Use Permit **CU17-29** (1331 West Wall Street) – Consider the recommendation of the Planning and Zoning Commission and **Ordinance No. 2018-007**, if applicable, and take any necessary action.
28. Planned Development Overlay **PD17-05** (Shady Brook Addition) – Consider the recommendation of the Planning and Zoning Commission and **Ordinance No. 2018-008**, if applicable, and take any necessary action.

29. **Preliminary Plat** of Lots 1-34, Block A, Lots 1-10, Block B and Lots 1X, 2X, 3X and 4X, Shady Brook Addition – Consider the recommendation of the Planning and Zoning Commission relative to an application submitted by Kosse Maykus, KM Properties, Inc. requesting a preliminary plat for property located south of Shady Brook Drive between North Lucas and the creek and currently zoned “PD” Planned Development Overlay.
30. Amendments to Comprehensive Zoning Ordinance No. 82-73 **AM17-04** – Consider the recommendation of the Planning and Zoning Commission and **Ordinance No. 2018-009**, if applicable, and take any necessary action.
31. **Final Plat** of Lot 1, Block 1, Ball Sunset Addition – Consider the recommendation of the Planning and Zoning Commission relative to an application submitted by CBG Surveying requesting a final plat for property located at 314 Ball Street and currently zoned “R-7.5” Single Family Residential District.

ADJOURNMENT

In accordance with the Open Meetings Law, Texas Government Code, Chapter 551, I hereby certify that the above agenda was posted on the official bulletin boards at Grapevine City Hall, 200 South Main Street and on the City’s website on January 12, 2018 by 5:00 p.m.


Tara Brooks
City Secretary



If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact the City Secretary’s Office at 817.410.3182 at least 24 hours in advance of the meeting. Reasonable accommodations will be made to assist your needs.



CITY OF GRAPEVINE, TEXAS
REGULAR PLANNING AND ZONING COMMISSION MEETING
TUESDAY, JANUARY 16, 2018

GRAPEVINE CITY HALL, SECOND FLOOR
200 SOUTH MAIN STREET
GRAPEVINE, TEXAS 76051

-
- 7:00 p.m. Briefing Session –
Planning and Zoning Commission Conference Room
- 7:30 p.m. Joint Meeting with City Council - City Council Chambers
- 7:30 p.m. Regular Session - Planning and Zoning Commission Conference Room
-

CALL TO ORDER: 7:00 p.m. - Planning and Zoning Commission Conference Room

BRIEFING SESSION

1. Planning and Zoning Commission to conduct a briefing session to discuss all items scheduled on tonight's agenda. No action will be taken. Each item will be considered during the Regular Session which immediately follows the Joint Public Hearings.

JOINT MEETING WITH CITY COUNCIL: 7:30 p.m. - City Council Chambers

2. Invocation and Pledge of Allegiance: Commissioner Monica Hotelling
3. Conditional Use Permit **CU17-25** (Grapevine Antique Market) – City Council and Planning and Zoning Commission to conduct a public hearing relative to an application submitted by Jay Ho requesting a conditional use permit to allow for retail sales of secondhand goods in an enclosed building where the size of the space exceeds 3,000 square feet, specifically for the expansion of the existing Grapevine Antique Market into an adjacent retail space. The subject property is located at 1641 West Northwest Highway and is currently zoned "SP" Site Plan District.
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JOINT PUBLIC HEARING

Planning and Zoning Commission to recess to Planning and Zoning Commission Conference Room, Second Floor, to consider published agenda items.

REGULAR SESSION: 7:30 p.m. (Immediately following Joint Public Hearings) – Planning and Zoning Commission Conference Room

NEW BUSINESS

8. Conditional Use Permit **CU17-25** (Grapevine Antique Market) – Consider the application and make a recommendation to the City Council.
9. Conditional Use Permit **CU17-28** (Grapevine Honda) – Consider the application and make a recommendation to the City Council.
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of Shady Brook Drive between North Lucas and the creek and currently zoned “PD” Planned Development Overlay and make a recommendation to City Council.

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16. Consider the minutes of the December 19, 2017 Regular Planning and Zoning Commission meeting.

NOTE: Following the adjournment of the Planning and Zoning Commission meeting, a representative will present the recommendations of the Planning and Zoning Commission to the City Council for consideration in the City Council Chambers.

ADJOURNMENT

In accordance with the Open Meetings Law, Texas Government Code, Chapter 551, I hereby certify that the above agenda was posted on the official bulletin boards at Grapevine City Hall, 200 South Main Street and on the City’s website on January 12, 2018 by 5:00 p.m.

Tara Brooks

Tara Brooks
City Secretary



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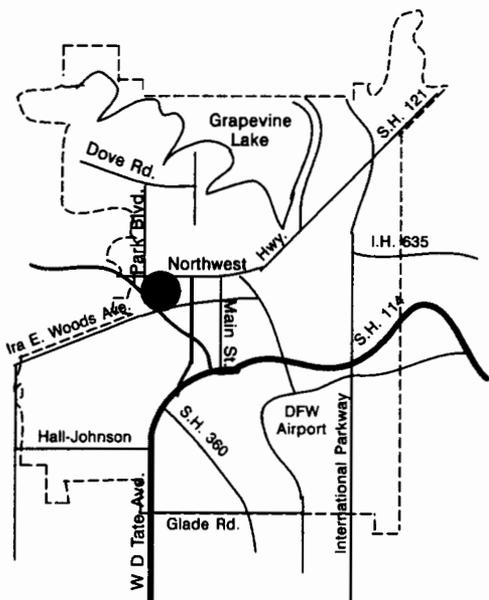
MEMO TO: HONORABLE MAYOR, CITY COUNCIL MEMBERS AND THE
PLANNING AND ZONING COMMISSION

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BZ}
SCOTT WILLIAMS, DEVELOPMENT SERVICES DIRECTOR



MEETING DATE: JANUARY 16, 2018

SUBJECT: DEVELOPMENT SERVICES TECHNICAL REPORT OF
CONDITIONAL USE APPLICATION CU17-25 GRAPEVINE
ANTIQU MARKET



APPLICANT: C. Jay Ho

PROPERTY LOCATION AND SIZE:

The subject property is located at 1641 West Northwest Highway, and is platted as Lot 1, Block 1, Northwest Plaza Addition.

REQUESTED CONDITIONAL USE AND COMMENTS:

The applicant is requesting a conditional use permit to allow for retail sales of secondhand goods in an enclosed building where the size of the space exceeds 3,000 square feet, specifically for the expansion of the existing Grapevine Antique Market into an adjacent retail space.

Established in 2008, the Grapevine Antique Market sells second hand goods in an existing 27,500 square feet retail space of the Northwest Plaza shopping complex. With this request the applicant proposes to expand into an adjacent retail space within the same shopping complex. The total square footage proposed for the expansion is 35,690 square feet—an increase of 8,140 square feet. The proposed hours of operation are 10:00 a.m. to 6:00 p.m. Sunday through Saturday. Adequate parking exists throughout the shopping center to accommodate the existing uses and the proposed expansion. The suite proposed for expansion into the Grapevine Antique

Market is currently occupied by Angels' Attic, which received approval of conditional use permit CU14-20 by the City Council at the May 20, 2014 meeting to allow for retail sales of second hand goods. Angels' Attic is preparing to relocate within the next 60 days from its current location to 1250 William D. Tate Avenue, #350 and occupy a 10,943 square foot lease space.

PRESENT ZONING AND USE:

The property is currently zoned "SP" Site Plan Zoning and is developed as the Northwest Plaza Shopping Center.

HISTORY OF TRACT AND SURROUNDING AREA:

The subject property was zoned "SP" Site Plan Zoning with an approved site plan prior to the 1984 City Rezoning. A zoning request (Z85-01) amended the site plan to allow the retail sale, storage, possession, and on-premise consumption of alcoholic beverages (beer and wine) for Mama's Pizza—now known as Amore Pasta & Pizza. Eckerd's Drug Store was granted a conditional use permit (CU89-19) to allow off-premise alcohol beverage sales in January 1990. La Casa Mexican restaurant was granted a conditional use permit (CU92-15) to allow the patio area on the north end of the restaurant to be enclosed on an as needed basis. La Casa received a prior conditional use permit (CU90-15) for alterations and expansion of the bar area and the walkway on the north side of the restaurant. The floor plan for the La Casa restaurant was again modified in 1994 (CU94-17). In 1998 Council approved a conditional use permit (CU98-38) which allowed for the installation of an ATM machine with a canopy in the parking area of the Northwest Plaza shopping center. At the May 18, 2004 meeting CU04-14 (Ord. 2004-34) was approved for an outdoor patio and outdoor dining for an existing restaurant (La Casa). Conditional Use Request CU09-38 (Ord. 2009-52) was approved by Council at the November 17, 2009 meeting which allowed for the establishment of a secondhand goods retail store in an enclosed building in excess of 3,000-square feet. City Council on April 19, 2011 approved an eight month extension to Conditional Use Request CU09-38. Conditional Use Request CU11-32 (Ord. 2011-61) was approved by Council at the November 15, 2011 meeting which allowed for expansion of a secondhand goods retail store into a 1,400 square foot suite within the same shopping complex but completely separate from the previously approved suites. Conditional Use Request CU12-03 (Ord. 2012-05) was approved by Council at the February 21, 2012 meeting which allowed for a 2,300-square feet theatrical center with classrooms within the existing shopping center. Conditional Use Request CU13-08 (Ord. 2013-20) was approved at the May 21, 2013 to allow for outside seating and two pole signs 20-feet in height. Conditional Use Request CU14-20 (Ord. 2014-29) was approved at the May 20, 2014 meeting to amend CU09-38 (Ord. 2009-52) to allow for retail sales of secondhand goods in an enclosed building in excess of 3,000 square feet. Conditional Use Request CU14-23 (Ord. 2014-33) was approved at the June 17, 2014 meeting to allow an increase in space for a theatrical center.

SURROUNDING ZONING AND EXISTING LAND USE:

- NORTH:** "CC" Community Commercial District—office uses including Southwest Bank and Cooks Children's
- SOUTH:** "R-7.5" Single Family District—Abundant Life Church
- EAST:** "HC" Highway Commercial—Auto Zone
- WEST:** "PO" Professional Office District and "R-7.5" Single Family District—Multi-tenant office building and single family residence

AIRPORT IMPACT:

The subject tract is not located within any of the noise zones as defined on the "Aircraft Sound Exposure: Dallas/Fort Worth Regional Airport Environs" map.

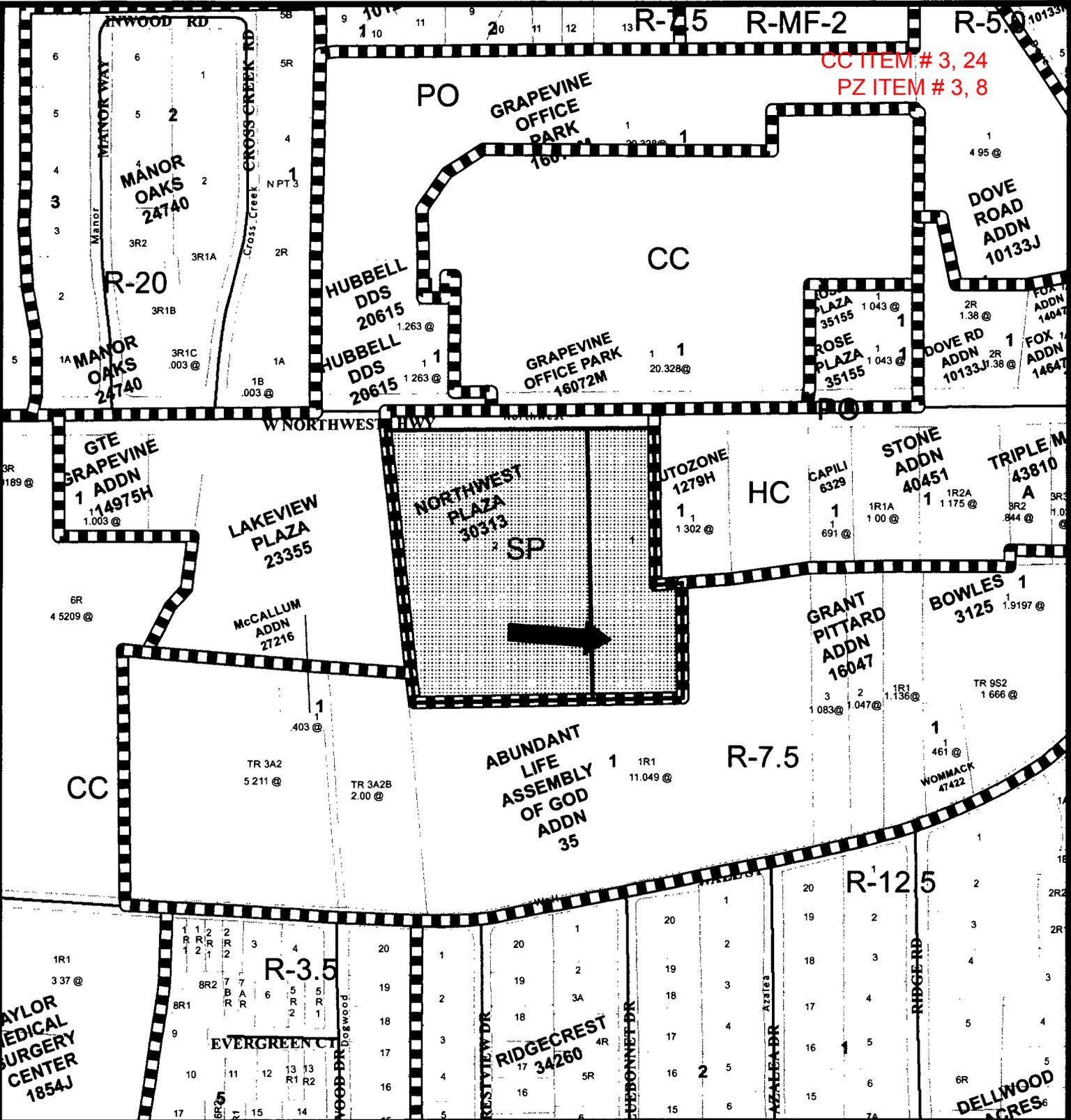
MASTER PLAN APPLICATION:

The Master Plan designates the subject property as a Commercial Land Use. The applicant's proposal is in compliance with the Master Plan.

THOROUGHFARE PLAN APPLICATION:

The Thoroughfare Plan designates West Northwest Highway as a Type C, Minor Arterial with a minimum 80-foot right-of-way developed as four lanes with a center left turn lane.

/at



CC ITEM # 3, 24
 PZ ITEM # 3, 8

CU17-25 Grapevine Antique Mall



Date Prepared: 12/27/2017

This data has been compiled by the City of Grapevine IT/GIS department. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



CITY OF GRAPEVINE

CONDITIONAL USE APPLICATION

Form "A"

PART 1. APPLICANT INFORMATION

Name of applicant / agent/company/contact
Grapevine Antique Market. c/o C. Joy Ho

Street address of applicant / agent:
25 Highland Park Village, #100-748

City / State / Zip Code of applicant / agent:
Dallas, TX 75205

Telephone number of applicant / agent: *972-496-1900* Fax number of applicant/agent: *-*

Email address of applicant/agent: _____ Mobile phone number of applicant/agent: *972-496-1900*

PART 2. PROPERTY INFORMATION

Street address of subject property
1641 W. Northwest Highway, Grapevine, TX (suite 1635-1639)

Legal description of subject property (metes & bounds must be described on 8 1/2" x 11" sheet)

Lot *1* Block *1* Addition *Northwest Plaza Addition*

Size of subject property
7.97 Acres *108,987* Square footage

Present zoning classification: *SP w/CC DISTRICT* Proposed use of the property: *allowable use. Antique Mall Expansion*

Circle yes or no, if applies to this application

Outdoor speakers Yes No

Minimum / maximum district size for conditional use request:
-

Zoning ordinance provision requiring a conditional use:
-

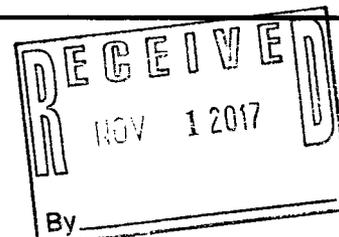
PART 3. PROPERTY OWNER INFORMATION

Name of current property owner:
Interproperty Northwest LLC.

Street address of property owner:
25 Highland Park Village, #100-748

City / State / Zip Code of property owner:
Dallas, TX 75205

Telephone number of property owner: *972-496-1900* Fax number of property owner: _____



- Attach a final plat, or replat, of the approved subdivision by city council showing property boundary lines, dimensions, easements, roadways, rail lines, and public rights-of way crossing and adjacent to the tract (1 blueline copy)
- If a master development plan is required, attach a statement showing the proposed use substantially conforms to the master development plan.
- Submit a site plan showing all information required by Section 47.E., Site Plan review requirements (see attached requirements).
- Provide all required information demonstrating compliance with all conditions imposed on any conditional use, site plan zoning, or conditional use zoning.
- All site plans must conform to the approved concept plan. Any changes to a site plan, approved with a conditional use or a conditional use, can only be approved by city council through the public hearing process.

PART 4. SIGNATURE TO AUTHORIZE FILING OF A FINAL SITE PLAN

e. Jay Ho
Print Applicant's Name:

[Signature]
Applicant's Signature:

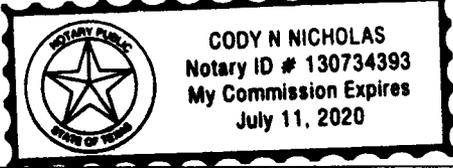
The State Of TEXAS

County Of DALLAS

Before Me CODY N NICHOLAS (notary) on this day personally appeared Chen Ho (applicant)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 15th day of November, A.D. 2017.



[Signature]
Notary In And For State Of Texas

Interproperty Northwest, LLC
Print Property Owners Name:

[Signature]
Property Owner's Signature

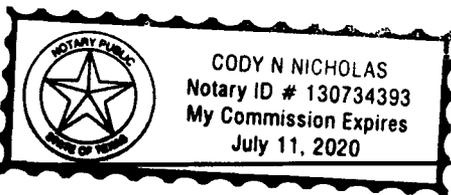
The State Of TEXAS

County Of DALLAS

Before Me CODY N NICHOLAS (notary) on this day personally appeared Chen Jay Ho (property owner)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 15th day of November, A.D. 2017.



[Signature]
Notary In And For State Of Texas



ACKNOWLEDGEMENT

All Conditional Use and Special Use Applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

All public hearings will be opened and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

Any changes to a site plan (no matter how minor or major) approved with a conditional use or a special use permit can only be approved by city council through the public hearing process.

Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council. If after said period of four months an application has not been scheduled before the Commission and Council said application shall be considered withdrawn, with forfeiture of all filing fees. The application, along with the required filing fee may be resubmitted any time thereafter for reconsideration. Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.

Signature of Applicant _____ 

Date: 10/30/17

Signature of Owner _____ 

Date: 10/30/17





INTERPROPERTIES
Real Estate Investments & Management

CC ITEM # 3, 24
PZ ITEM # 3, 8

October 31, 2017

TO: The City of Grapevine / Development Services

**RE: Conditional Use Application # _____
by Grapevine Antique Market
For Suite 1635-1639 at Northwest Plaza located at
1601 W. Northwest Highway, Grapevine, TX 76051**

Dear Sir or Madam:

In order to accommodate increasing demand by our antique dealers and vendors, we would like to seek a Condition Use Permit to allow the Grapevine Antique Market located at 1601 W. Northwest Highway to expand into the adjacent space (Suite 1635-1639) formerly occupied by Angel's Attic.

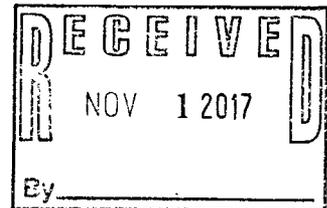
By adding the additional 8,140 sq. ft., the Grapevine Antique Market then will have more than 36,000 sq. ft. of floor space, making it one of the largest antique malls in the whole Dallas-Fort Worth Metroplex Area. Besides its size, we will also add more categories of vendors to make the mall a regional draw, not just for the antique shoppers but also for the tourists and conventioners who are looking for a fun place to shop and browse while visiting the Grapevine area.

Our intended use for the expansion space will be the same as that of our current allowed use. We do not anticipate any additional parking requirements, nor any nuisance, noise and other adverse effects on our neighboring tenants or properties as the result of the expansion.

A larger mall will not just enhance the shopping experience for our customers, it will also bring more economic benefits to the City. It is win-win situation for the City and the Grapevine Antique Market. Your positive consideration of our request will be greatly appreciated.

Respectively,

C. Jay Ho
Managing Partner



ORDINANCE NO. 2018-005

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU17-25 TO ALLOW FOR RETAIL SALES OF SECONDHAND GOODS IN AN ENCLOSED BUILDING WHERE THE SIZE OF THE SPACE EXCEEDS 3,000 SQUARE FEET, SPECIFICALLY FOR THE EXPANSION OF THE GRAPEVINE ANTIQUE MARKET FOR LOT 1, BLOCK 1, NORTHWEST PLAZA ADDITION (1641 WEST NORTHWEST HIGHWAY) IN A DISTRICT ZONED "SP" SITE PLAN DISTRICT REGULATIONS ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, an application was made requesting issuance of a conditional use permit by making applications for same with the Planning and Zoning Commission of the City of Grapevine, Texas, as required by State statutes and the zoning ordinance of the City of Grapevine, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Grapevine, Texas, after all legal notices requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Grapevine, Texas, at a public hearing called by the City Council did consider the following factors in making a determination as to whether this requested conditional use permit should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the site; safety from fire hazards and measures for fire control; protection of adjacent property from flood or water damages, noise producing elements, and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting, and types of signs and relation of signs to traffic control

and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street locating spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; the effect on the overcrowding of the land; the effect on the concentration of population; the effect on the transportation, water, sewerage, schools, parks and other facilities; and

WHEREAS, the City Council of the City of Grapevine, Texas, at a public hearing called by the City Council of the City of Grapevine, Texas, did consider the following factors in making a determination as to whether this requested conditional use permit should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, effect on adequate light and air, the effect on the overcrowding of the land, the effect on the concentration of population, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, all of the requirements of Section 48 of Ordinance No. 82-73 have been satisfied by the submission of evidence at a public hearing; and

WHEREAS, the City Council further considered among other things the character of the existing zoning district and its peculiar suitability for particular uses and with the view to conserve the value of buildings and encourage the most appropriate use of land throughout this City; and

WHEREAS, the City Council of the City of Grapevine, Texas, does find that there is a public necessity for the granting of this conditional use permit, that the public demands it, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of those who bought or improved property with reference to the classification which existed at the time their original investment was made; and

WHEREAS, the City Council of the City of Grapevine, Texas, does find that the conditional use permit lessens the congestion in the streets, helps secure safety from fire, panic and other dangers, prevents the overcrowding of land, avoids undue concentration of population, facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the City Council of the City of Grapevine, Texas, has determined that there is a necessity and need for this conditional use permit and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the property requested for a change since this property was originally classified and, therefore, feels that the issuance of this conditional use permit for the particular piece of property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Grapevine, Texas, and helps promote the general health, safety and welfare of this community.

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

Section 1. That the City does hereby issue a conditional use permit in accordance with Section 48 of Ordinance No. 82-73, the Comprehensive Zoning Ordinance of the City of Grapevine, Texas, same being also known as Appendix "D" of the City Code, by granting Conditional Use Permit CU17-25 to allow for retail sales of secondhand goods in an enclosed building where the size of the space exceeds 3,000 square feet, specifically for the expansion of the existing Grapevine Antique Market into an adjacent space in a district zoned "SP" Site Plan District Regulations within the following described property: Lot 1, Block 1, Northwest Plaza Addition (1641 West Northwest Highway) all in accordance with a site plan approved pursuant to Section 47 of Ordinance No. 82-73, attached hereto and made a part hereof as Exhibit "A", and all other conditions, restrictions, and safeguards imposed herein, including but not limited to the following: None.

Section 2. The City Manager is hereby directed to amend the official zoning map of the City of Grapevine, Texas, to reflect the herein conditional use permit.

Section 3. That in all other respects the use of the tract or tracts of land herein above described shall be subject to all the applicable regulations contained in said City of Grapevine zoning ordinance and all other applicable and pertinent ordinances of the City of Grapevine, Texas.

Section 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewerage, drainage and surface water, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things, of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 5. This ordinance shall be cumulative of all other ordinances of the City of Grapevine, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this ordinance.

Section 6. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the tract or tracts of

land described herein shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

Section 7. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 8. The fact that the present ordinances and regulations of the City of Grapevine, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

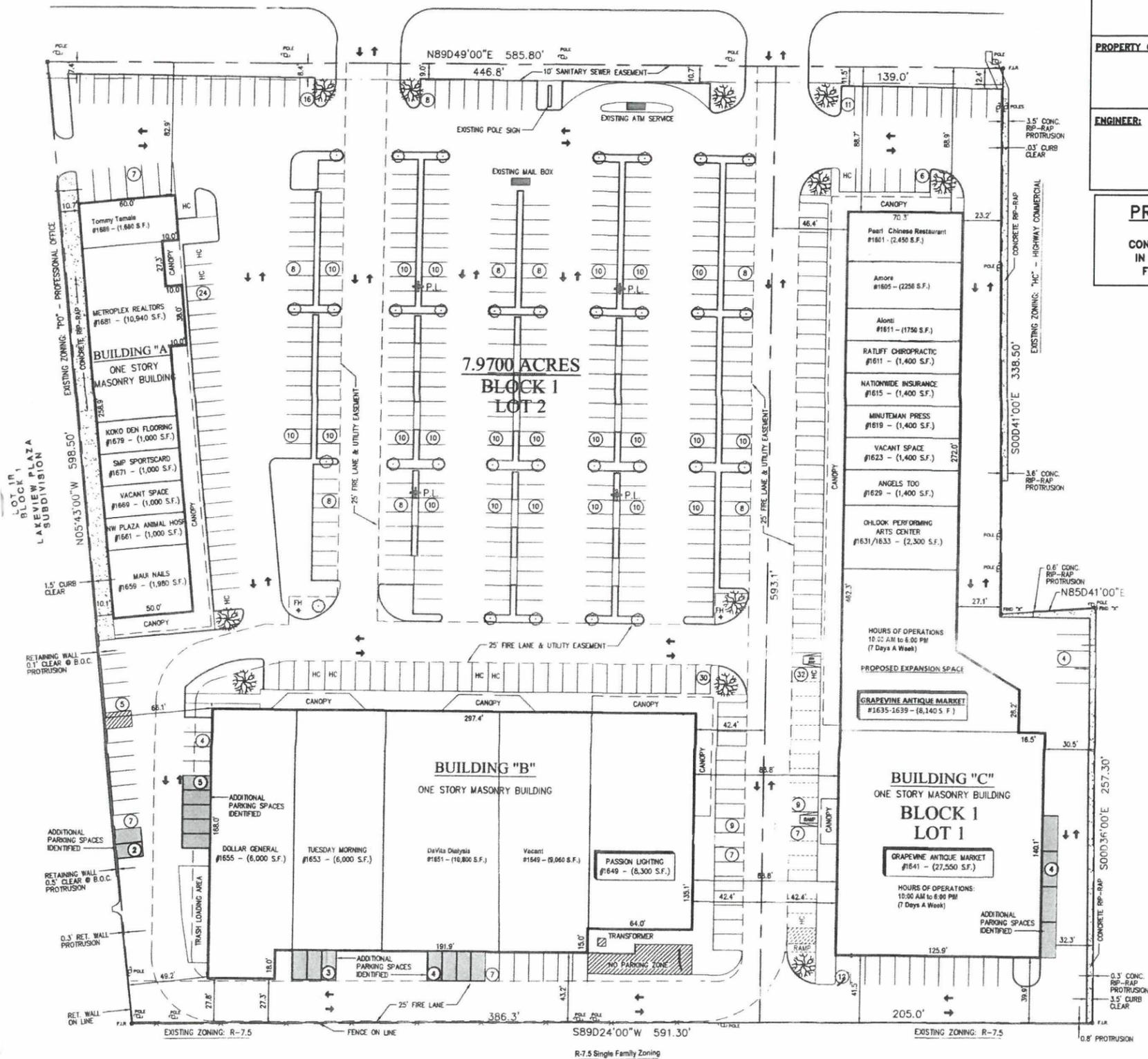
ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

NORTHWEST HIGHWAY (S.H. NO. 114)



PROJECT DATA SUMMARY:

APPLICANT:	GRAPEVINE ANTIQUE MARKET C/O MR. C. JAY HO / OWNER 25 HIGHLAND PARK VILLAGE, #100-748 DALLAS, TX 75205 (972) 496-1900 EMAIL: Jayho1900@gmail.com
PROPERTY OWNER:	INTERPROPERTY NORTHWEST LLC. C/O MR. C. JAY HO / OWNER 25 HIGHLAND PARK VILLAGE, #100-748 DALLAS, TX 75205 (972) 496-1900 EMAIL: Jayho1900@gmail.com
ENGINEER:	MILLET ENGINEERING GROUP, INC. C/O MR. JOHN MILLETT, PE TXPE #49558 7257 HAWKING VIEW DR, FORT WORTH, TX 76132 (817) 810-9094 EMAIL: JRMPE@AOL.COM

SITE DATA:

PROPERTY LOCATION:	1601 W. NORTHWEST HIGHWAY, GRAPEVINE, TX 76051
LEGAL DESCRIPTION:	LOT 1, BLOCK 1, NORTHWEST PLAZA ADDITION
EXISTING ZONING:	SP W/CC DISTRICT ALLOWABLE USES
LOT AREA:	LOT 1 / BLOCK 1 - 99,578 sq. ft. LOT 2 / BLOCK 1 - 274,682 sq. ft. TOTAL AREA - 374,260 sq. ft.
BUILDING AREA:	BUILDING "A" - 18,600 sq. ft. BUILDING "B" - 45,777 sq. ft. BUILDING "C" - 50,774 sq. ft. TOTAL AREA - 115,151 sq. ft.
PARKING AREA:	LOT 1 & 2 / BLOCK 1: - 505 SPACE ADD'L SPACE IDENTIFIED: - 18 SPACE TOTAL ON SITE PARKING - 523 SPACES

PROPOSED EXPANSION AREA:

8,140 SQ. FT.

CONDITIONAL USE REQUEST CU17-25 IS A REQUEST TO ALLOW FOR RETAIL SALES OF SECONDHAND GOODS IN AN ENCLOSED BUILDING WHERE THE SIZE OF THE SPACE EXCEEDS 3,000 SQUARE FEET, SPECIFICALLY FOR THE EXPANSION OF THE EXISTING GRAPEVINE ANTIQUE MARKET INTO AN ADJACENT RETAIL SPACE.

CONDITIONAL USE PERMIT APPLICATION

GRAPEVINE ANTIQUE MARKET

1635-1641 W. NORTHWEST HWY. GRAPEVINE, TEXAS 76051

SITE PLAN

SHEET 1 OF 3

MILLET ENGINEERING GROUP, INC.

C/O MR. JOHN MILLETT, PE TXPE #49558
7257 HAWKING VIEW DR,
FORT WORTH, TX 76132
(817) 810-9094

EMAIL: JRMPE@AOL.com

DATE: December 22, 2017



CASE NAME: GRAPEVINE ANTIQUE MARKET

CASE NUMBER: #CU17-25

LOCATION:

LOT 1, BLOCK 1,
NORTHWEST PLAZA ADDITION
CITY OF GRAPEVINE
1641 W. NW. HWY.

MAYOR

DATE:

PLANNING & ZONING COMMISSION

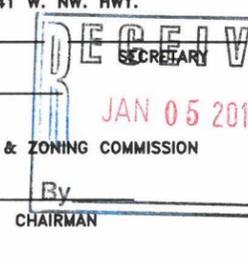
By
CHAIRMAN

DATE:

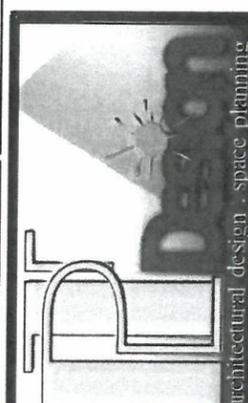
SHEET 1 OF 3

APPROVAL DOES NOT AUTHORIZE ANY WORK
IN CONFLICT WITH ANY CODES OR
ORDINANCES

DEPARTMENT OF DEVELOPMENT SERVICES



REVISIONS	BY



P2T DESIGN LTD
ARLINGTON, TX
JUNIOR76014@YAHOO.COM

MEGI

MILLET ENGINEERING GROUP, Inc
FIRM REGISTRATION F 4391 JOHN MILLETT, PE TXPE# 49558
7257 HAWKING VIEW DRIVE FORT WORTH, TEXAS 76132
PHONE (817) 810-9094 FAX (817) 810-9398 johnm@millet-eng.com

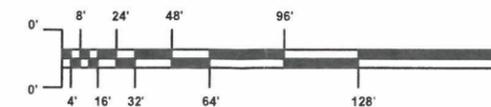
MEGI PROJECT # ANTIQUE MALL - 100

DRAWN BY: Phuong Tran
CHECKED BY: PT
DATE 12/22/2017
DRAWING NAME
SHEET No. SP1
Sheets 1 Of 3

SP101

SITE PLAN

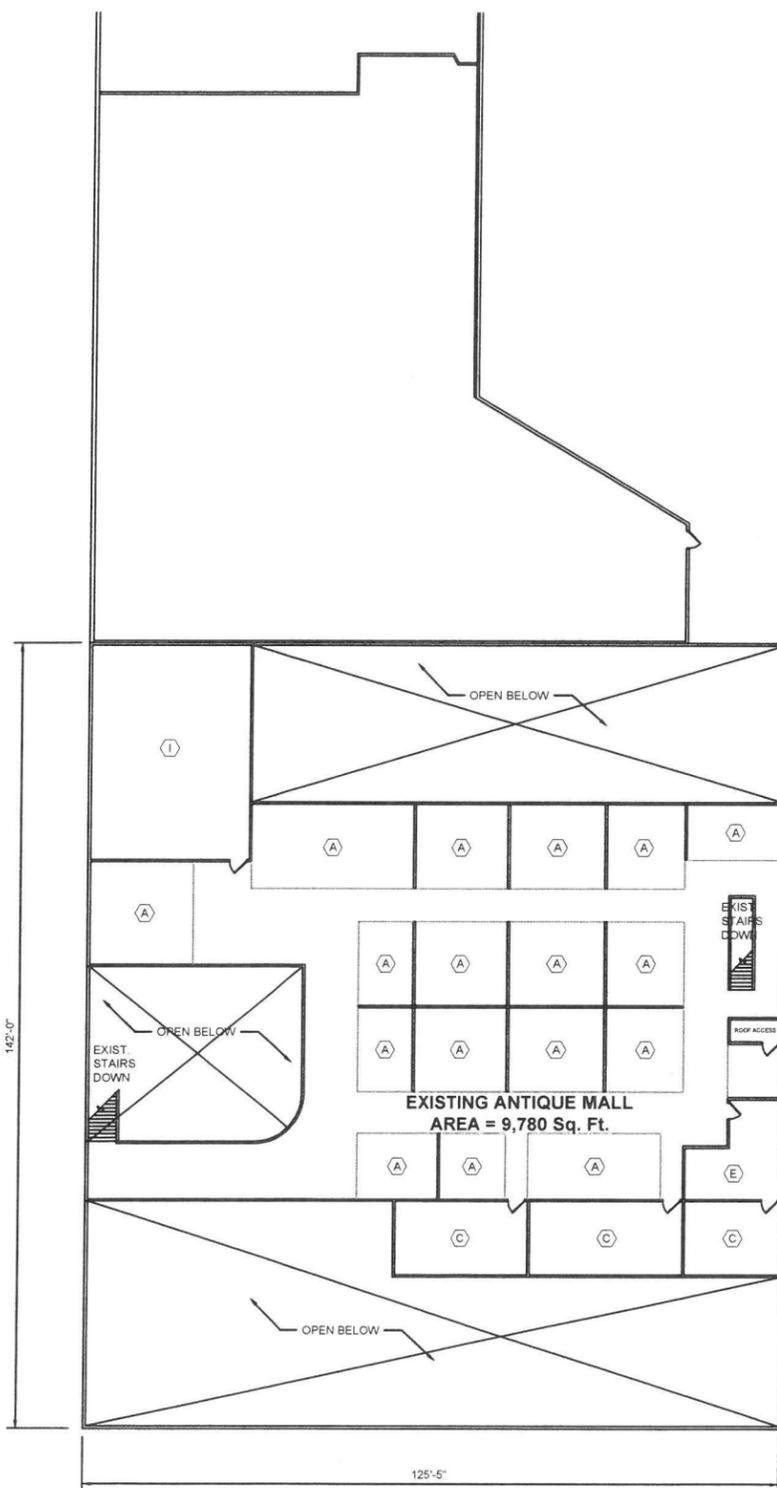
SCALE: 1/64" = 1'-0"



SCALE: 1/64" = 1'-0"

1601 W. NORTHWEST HWY.
GRAPEVINE, TEXAS 76051

ANTIQU MALL

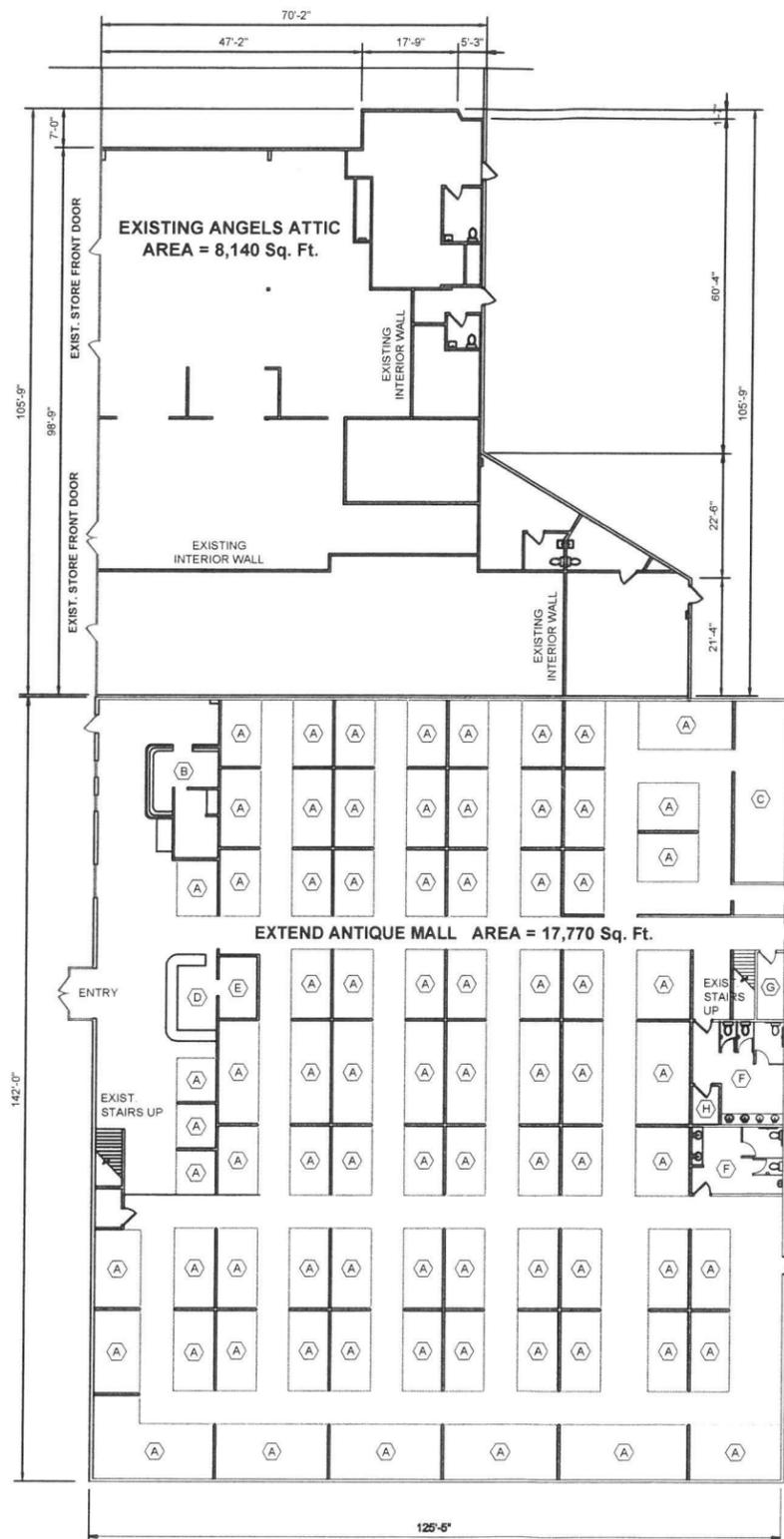


A102 EXISTING SECOND FLOOR PLAN

SCALE: 1/32" = 1'-0"

NOTE:

1. NO NEW EXTERIOR WORK



A101 EXISTING FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"

NOTE:

1. NO NEW EXTERIOR WORK

LEGEND

- (A) EXISTING BOOTH
- (B) CAFE FOOD FOR LIFE
- (C) STORAGE
- (D) SALES COUNTER
- (E) OFFICE
- (F) EXISTING RESTROOM
- (G) EXISTING ELECTRICAL PANEL
- (H) JANITOR
- (I) GRAPEVINE GUITARS STORE

CONDITIONAL USE PERMIT APPLICATION
GRAPEVINE ANTIQUE MARKET
 1635-1641 W. NORTHWEST HWY. GRAPEVINE, TEXAS 76051

SITE PLAN SHEET 2 OF 3

MILLET ENGINEERING GROUP, INC.
 C/O MR. JOHN MILLETT, PE TXPE #49558
 7257 HAWKING VIEW DR,
 FORT WORTH, TX 76132
 (817) 810-9094
 EMAIL: JRMPE@AOL.com DATE: December 22, 2017

CASE NAME: GRAPEVINE ANTIQUE MARKET
 CASE NUMBER: #CU17-25
 LOCATION: LOT 1, BLOCK 1, NORTHWEST PLAZA ADDITION, CITY OF GRAPEVINE, 1641 W. NW. HWY.

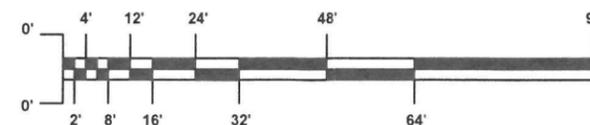
MAYOR _____ SECRETARY _____
 DATE: _____

PLANNING & ZONING COMMISSION

 CHAIRMAN

DATE: _____
 SHEET 2 OF 3

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES
 DEPARTMENT OF DEVELOPMENT SERVICES



SCALE: 1/32" = 1'-0"

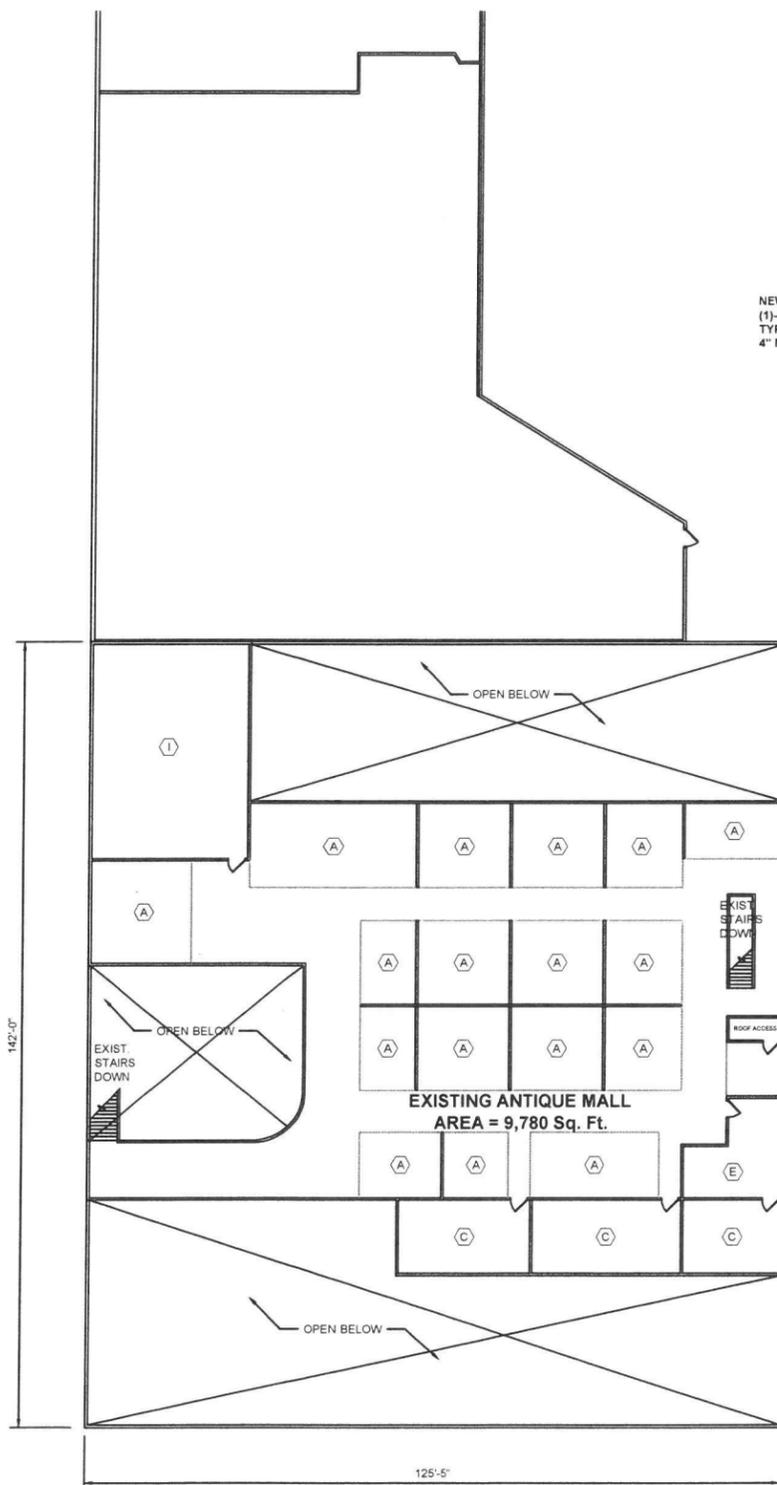
REVISIONS	BY
△	
△	
△	

DRAWN BY: **Phuong Tran**
 CHECKED BY: **PT**
 DATE: **12/22/2017**
 DRAWING NAME

SHEET No. **A1**
 Sheets 2 Of 3

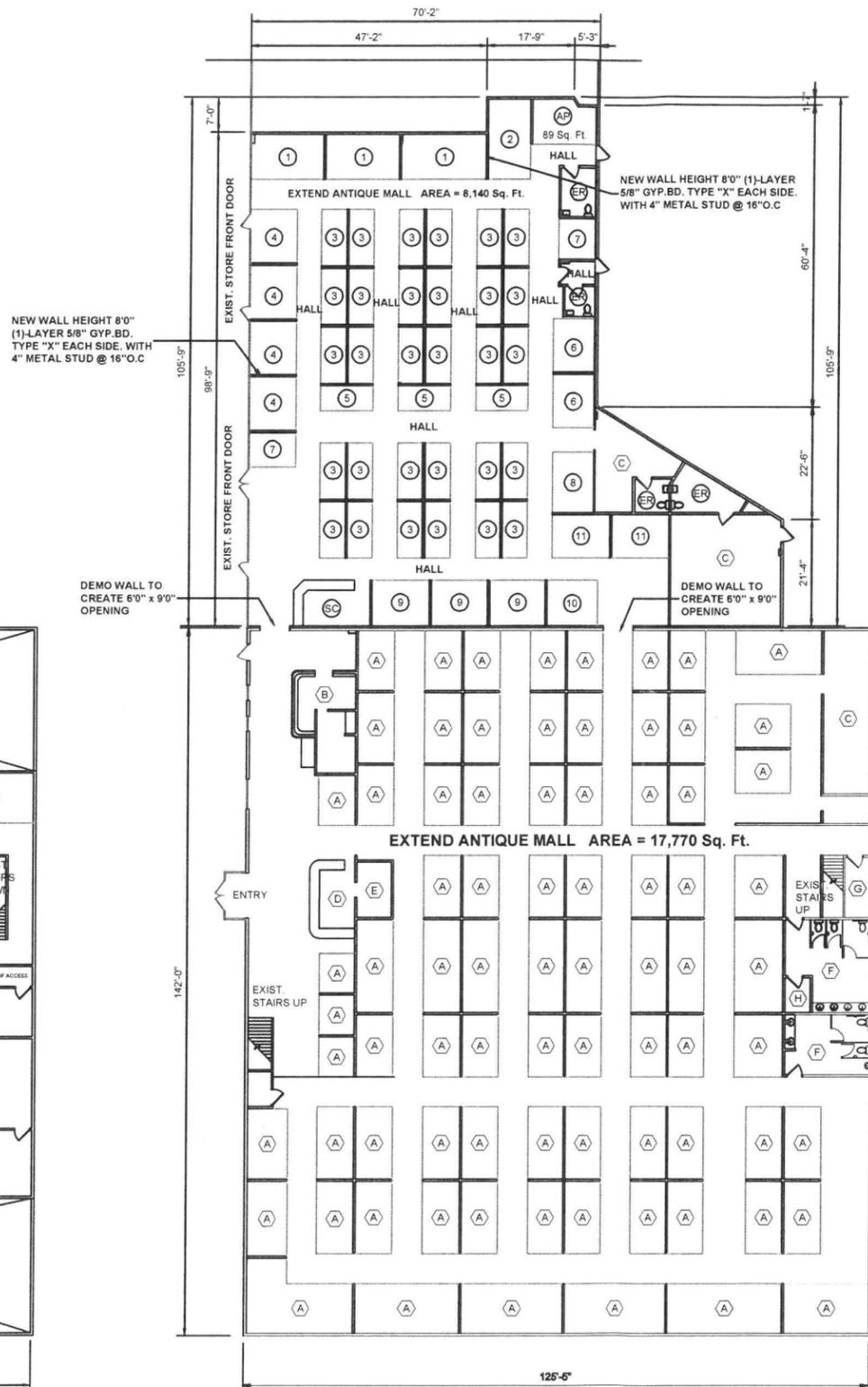
1601 W. NORTHWEST HWY.
 GRAPEVINE, TEXAS 76051

ANTIQUE MALL



A202 **EXISTING SECOND FLOOR PLAN**
SCALE: 1/16" = 1'-0"

NOTE:
1. NO NEW EXTERIOR WORK



A201 **NEW FLOOR PLAN (INTERIOR FINISH OUT)**
SCALE: 1/16" = 1'-0"

NOTE:
1. NO NEW EXTERIOR WORK

LEGEND

- | | |
|----------------------|-----------------------------|
| ① 9'-0" x 14'-8" | Ⓐ EXISTING BOOTH |
| ② 8'-6" x 16'-0" | Ⓑ CAFE FOOD FOR LIFE |
| ③ 5'-0" x 11'-4" | Ⓒ STORAGE |
| ④ 9'-5" x 10'-9" | Ⓓ SALES COUNTER |
| ⑤ 5'-0" x 10'-4" | Ⓔ OFFICE |
| ⑥ 8'-5" x 10'-8" | Ⓕ EXISTING RESTROOM |
| ⑦ 8'-2" x 7'-5" | Ⓖ EXISTING ELECTRICAL PANEL |
| ⑧ 8'-5" x 12'-2" | Ⓗ JANITOR |
| ⑨ 9'-2" x 11'-4" | Ⓘ GRAPEVINE GUITARS STORE |
| ⑩ 9'-2" x 10'-4" | |
| ⑪ 8'-8" x 11'-8" | |
| ⒶP APPROXIMATELY | |
| ⒶR EXISTING RESTROOM | |
| ⒶC SALES COUNTER | |

CONDITIONAL USE PERMIT APPLICATION
GRAPEVINE ANTIQUE MARKET
1635-1641 W. NORTHWEST HWY. GRAPEVINE, TEXAS 76051

SITE PLAN SHEET 3 OF 3

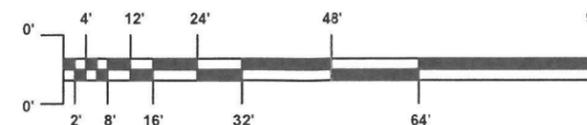
MILLET ENGINEERING GROUP, INC.
C/O MR. JOHN MILLETT, PE TXPE #49558
7257 HAWKING VIEW DR,
FORT WORTH, TX 76132
(817) 810-9094
EMAIL: JRMPE@AOL.com DATE: December 22, 2017

CASE NAME: GRAPEVINE ANTIQUE MARKET
CASE NUMBER: #CU17-25
LOCATION: LOT 1, BLOCK 1, NORTHWEST PLAZA ADDITION CITY OF GRAPEVINE 1641 W. NW. HWY.

MAYOR _____ SECRETARY _____
DATE: _____

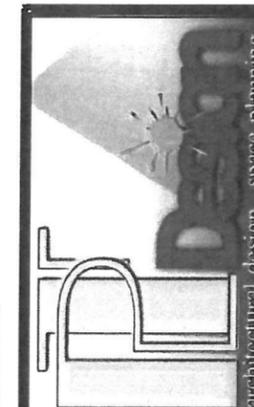
PLANNING & ZONING COMMISSION
CHAIRMAN _____

DATE: _____
SHEET 3 OF 3
APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES
DEPARTMENT OF DEVELOPMENT SERVICES



SCALE: 1/32" = 1'-0"

REVISIONS	BY



P2T DESIGN LTD
ARLINGTON, TX
JUNIOR76014@YAHOO.COM

MEGI
MILLET ENGINEERING GROUP, INC.
FIRM REGISTRATION F 4391 JOHN MILLETT, PE TXPE# 49558
7257 HAWKING VIEW DRIVE FORT WORTH, TEXAS 76132
PHONE (817) 810-9094 FAX (817) 810-9398 johnm@millet-eng.com
MEGI PROJECT # ANTIQUE MALL-100

DRAWN BY:
Phuong Tran

CHECKED BY:
PT

DATE
12/22/2017

DRAWING NAME

SHEET No.
A2

Sheets 3 Of 3

1601 W. NORTHWEST HWY.
GRAPEVINE, TEXAS 76051

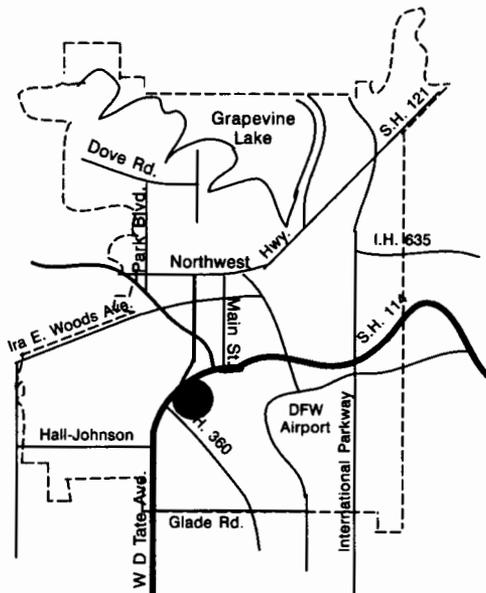
ANTIQUE MALL

TO: HONORABLE MAYOR, CITY COUNCIL MEMBERS AND THE
PLANNING AND ZONING COMMISSION

FROM: BRUNO RUMBELOW, CITY MANAGER
SCOTT WILLIAMS, DEVELOPMENT SERVICES DIRECTOR *me for 956*

MEETING DATE: JANUARY 16, 2018

SUBJECT: DEVELOPMENT SERVICES TECHNICAL REPORT OF
CONDITIONAL USE APPLICATION CU17-28 GRAPEVINE
HONDA



APPLICANT: 121 GV Holdings LLC

PROPERTY LOCATION AND SIZE:

The subject property is located at 2301 William D. Tate Avenue and proposed to be platted as Lot 2, Block 1, First Baptist Church of Grapevine Addition. The addition contains 17.803 acres and has approximately 400 feet of frontage along William D. Tate Avenue and approximately 1,090 feet of frontage along Stone Myers Parkway.

REQUESTED CONDITIONAL USE AND COMMENTS:

The applicant is requesting a conditional use permit to establish an automobile dealership with sales and service of new and used vehicles and a 40 foot pole sign.

The applicant proposes to establish a new automobile dealership west of Stone Myers Parkway, north of Prospect Parkway and along the northbound State Highway 121 service road. The dealership will be comprised of two major structures—a 107,000 square foot two story primary structure containing the sales, service and administrative operations of the dealership and a single story, 11,000 customer car wash. The car wash is proposed to be continuously accessible to the dealership customers and is located adjacent to Stone Myers Parkway. The dealership will have frontage along both the northbound State Highway 121 service road and Stone Myers Parkway. Five points of entry are proposed to provide access to the site. The primary access is proposed from a semi-circle driveway along the northbound State Highway 121 service road. Three secondary access driveways

are proposed along Stone Myers Parkway. Required parking for the development is 388 parking spaces—986 are provided that will be utilized for inventory/display, customer, and employee parking. One 40-foot in height, 192-square foot pole sign is proposed along the northbound State Highway 121 service road along with a monument sign that is ten feet in height and 100-square feet in size proposed along Stone Myers Parkway. In conjunction with the car wash, shaded vacuum stations are proposed adjacent to Stone Myers Parkway.

At the Council's April 21, 2009 meeting a special use permit and conditional use permit were approved on the subject site for a new church facility and a pylon sign for First Baptist Church of Grapevine but was never developed.

PRESENT ZONING AND USE:

The property is currently zoned "CC" Community Commercial District and is undeveloped.

HISTORY OF TRACT AND SURROUNDING AREA:

The subject property and the property to the south were rezoned from "I-1", Light Industrial District to "CC", Community Commercial District during the 1984 Citywide Rezoning. CU00-43, allowing the development of a Corvette Museum on the subject site, was approved on September 19, 2000. The development of the Corvette Museum has not materialized. City Council at the April 21, 2009 meeting approved SU09-03 (Ord. 2009-12) and CU09-07 (Ord. 2009-13) on the subject site for a new church and a 40-foot pole sign on the subject site.

The Stone property, located to the east and south, was not zoned when it was a part of unincorporated Tarrant County. When the property was annexed into the City on July 20, 1993, it was automatically zoned "R-20" Single Family District. Zone Change request Z98-19, approved in August 1998, rezoned a portion of the A.C. Stone Tract from "R-20", Single Family District to "PID" Planned Industrial Development District for the development of Frank Parra Dodge. Conditional Use Permit CU99-78 was approved on June 20, 2000 allowing for the development of the Frank Parra Dodge dealership. Zone Change request 99-10 was approved on January 18, 2000, rezoning the remaining Stone property from "R-20", Single Family District to "CC", Community Commercial District, "LI", Light Industrial District and "BP", Business Park District. A conditional use request (CU00-45) for an automotive dealership (Audi) was considered on the site to the south at the November 21, 2000 meeting but was denied. Conditional use request CU01-27 was approved on the site to the south for the Classic Hummer dealership on June 19, 2001. The site was subsequently amended at the February 19, 2003 meeting (CU02-03) and allowed for an expansion of the Hummer dealership building, and the relocation of the Classic Chevrolet used truck operation to the site. A 20-foot pole sign was also approved. At the November 19, 2002 public hearing Council approved a revision (CU02-49) to the Hummer dealership site that included a 5.3 acre addition to the site for a lube and tune center, a vehicle washing area, and an employee parking lot. The Site Plan Review Committee at their

December 18, 2002 meeting (CU02-51) approved an increase from 7-feet to 10-feet and from 48 square feet to 85 square feet for a monument sign at the Hummer dealership site. The Site Plan Review Committee at their July 23, 2003 meeting (CU03-25) approved an increase from 20-feet to 30-feet for a pole sign at the Hummer dealership site. At the meeting on September 16, 2003 Council approved CU03-34 for an automotive reconditioning/detail shop on the subject site. At the September 8, 2004 Site Plan Review Committee meeting Conditional Use Permit CU04-30 approved shade structures over the bulk of the vehicle display area. At the March 12, 2008 Site Plan Review Committee meeting Conditional Use Permit CU08-05 approved an accessory vehicle fueling station on the Hummer site. . Conditional Use Request CU08-23 (Ord. 2008-55) approved at the October 21, 2008 joint public hearing included expansion of the site by adding acreage, allow the development of a fleet sales building, increase the square footage of an existing parts and distribution facility and to establish a planned commercial center to allow a pole sign 40-feet in height. At the October 20, 2009 meeting Council approved a one-year extension to the previously approved Conditional Use Permit CU08-23. Conditional Use Request CU10-01 (Ord. 2010-04) approved at the February 16, 2010 joint public hearing allowed the addition of 1,300 square feet to the existing parts distribution facility. At the May 5, 2010 Site Plan Review Committee meeting Conditional Use Permit CU10-07 approved the addition of 157 parking spaces, revised the parking configuration and exterior elevations for the fleet sales building, and relocated a previously approved pole sign. Conditional Use Request CU11-09 (Ord. 2011-22) approved at the May 17, 2011 joint public hearing allowed the addition of 2,866 square feet to the new car/service department facility of the former Hummer dealership. Conditional Use Request CU12-35 (Ord. 2012-51) approved at the September 18, 2012 joint public hearing allowed the addition of 13,856 square feet to the existing parts and distribution warehouse. Conditional Use Request CU13-11 (Ord. 2013-26) approved at the June 18, 2013 joint public hearing allowed the placement of equipment for a compressed natural gas facility and pole sign 40-feet in height. Special Use Request SU13-01 (Ord. 2013-53) approved at the November 19, 2013 meeting allowed a 100-foot monopole and ground equipment. City Council approved an extension to SU13-01 at the November 19, 2015 meeting. Conditional Use Request CU14-22 (Ord. 2014-32) approved at the June 17, 2014 meeting allowed for a parking lot expansion and a pole sign 20-feet in height.

To the east of the subject site zone change request Z12-10 (Ord12-38) was approved by City Council of August 21, 1012 meeting to rezone approximately 32.57 acres from "LI" Light Industrial District and 24.62 acres from "BP" Business Park District to "CC" Community Commercial District primarily for the development of a nonprofit institution. Conditional Use Permit CU12-33 (Ord. 12-39) was approved by City Council of August 21, 1012 meeting to establish a nonprofit institution to be utilized as a women's shelter.

SURROUNDING ZONING AND EXISTING LAND USE:

NORTH: "PID", Planned Industrial Development District – undeveloped and DFW Airport Property

- SOUTH: "CC", Community Commercial District – Classic Chevrolet Business Elite
- EAST: "CC", Community Commercial District – Epi Kitchens, Gatehouse Commercial under construction, the Gatehouse in Grapevine and DFW Airport Property
- WEST: State Highway 121 and "PID", Planned Industrial Development District –Office Warehouse, "CC", Community Commercial District – Retail, Entertainment and Office

AIRPORT IMPACT:

A subject the site is located within "Zone B" Middle Zone of Effect as defined on the "Aircraft Sound Exposure: Dallas/Fort Worth Regional Airport Environs" Map. In "Zone B" the following uses may be considered only if sound treatment is included in building design: multifamily apartments, motels, office buildings, movie theaters, restaurants, and personal and business services. Single family residential and sound sensitive uses such as schools and churches should avoid this zone. The applicant's proposal is an appropriate use in this noise zone.

MASTER PLAN APPLICATION:

The Master Plan designates the subject property as a Commercial land use. The applicant's request is in compliance with the Master Plan.

THOROUGHFARE PLAN APPLICATION:

The Thoroughfare Plan designates Stone Myers Parkway as a Type D Minor Arterial with a minimum 75 feet of right-of-way developed as four lanes.

/at

TR 7
40 AC

CC ITEM # 4, 25, 26
PZ ITEM # 4, 9, 10

TR 13
36.92 AC

SOUTHWEST
GRAPEVINE
COMMERCIAL
PARK
39727

PID

TR 6B
4 AC

TR 6C
1 AC

TR 12B
6.5 AC

TR 6E
36.99 AC

3R
14.407 @

RAYSON/121
ADDN
16125

William D Tate

(STATE HWY 20)
SH 121

FIRST
BAPTIST
CHURCH
GRAPEVINE
13843H



R-MF-2

CLASSIC
HUMMER
ADDN
7414H

CC

1R1
1R2A
26.5379 @

4
731 @

TR 6A
1 AC

TR 2A
3.04 AC

Private

3
1.800 @

GATEHOUSE IN
GRAPEVINE
15201

2AR
2.856 @

1AR
49.495 @

Arlington Grapevine

TDN

2AR
2.856 @

PO

CLASSIC
HUMMER
7414H

1R1
1R2A
26.5379 @

R-20

BANK

PID

0 200 400 600 800 Feet



CU17-28 Grapevine Honda

Date Prepared: 12/27/2017

This data has been compiled by the City of Grapevine IT/GIS department. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.



CITY OF GRAPEVINE

CONDITIONAL USE APPLICATION

Form "A"

PART 1. APPLICANT INFORMATION

Name of applicant / agent./company/contact 121 GV Holdings LLC	
Street address of applicant / agent: 655 US Highway 130	
City / State / Zip Code of applicant / agent: Hamilton NJ 08691	
Telephone number of applicant / agent: 516-578-1600	Fax number of applicant/agent
Email address of applicant/agent	Mobile phone number of applicant/agent [REDACTED]

PART 2. PROPERTY INFORMATION

Street address of subject property 211 William D Tate 2301			
Legal description of subject property (metes & bounds must be described on 8 1/2" x 11" sheet)			
Lot 2	Block 1	Addition First Baptist Church of Grapevine	
Size of subject property		17.8	775,495
		Acres	Square footage
Present zoning classification:	Proposed use of the property: New car dealer		
Circle yes or no, if applies to this application			
Outdoor speakers Yes <input type="radio"/> No <input checked="" type="radio"/>			
Minimum / maximum district size for conditional use request: 17.8 acres			
Zoning ordinance provision requiring a conditional use: New car dealer			

PART 3. PROPERTY OWNER INFORMATION

Name of current property owner: Abigail G Kampmann	
Street address of property owner: 153 Treeline Park, Suite 200	
City / State / Zip Code of property owner: San Antonio, Texas 78209	
Telephone number of property owner: (210) 437-3961	Fax number of property owner: (210) 437-3980

- Submit a letter describing the proposed conditional use and note the request on the site plan document
- In the same letter, describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users)
- In the same letter, describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of other property in the neighborhood. Also, describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.
- Application of site plan approval (Section 47, see attached Form "B").
- The site plan submission shall meet the requirements of Section 47, Site Plan Requirements.

- All conditional use and conditional use applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.
- All public hearings will be opened and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.
- Any changes to a site plan (no matter how minor or major) approved with a conditional use or conditional use permit can only be approved by city council through the public hearing process.
- I have read and understand all the requirements as set forth by the application for conditional use or conditional use permit and acknowledge that all requirements of this application have been met at the time of submittal.

PART 4. SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY

Mike Saporito
Print Applicant's Name: _____ Applicant's Signature: _____

The State of _____
County Of _____

Before Me _____ on this day personally appeared _____
(notary) (applicant)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this _____ day of _____, A.D. _____.

Notary In And For State Of Texas

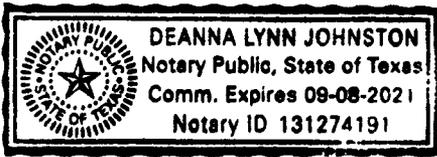
Abigail G. Kampmann
Print Property Owners Name: _____ Property Owner's Signature: _____

The State Of Texas
County Of Bexar

Before Me Deanna Johnston on this day personally appeared Abigail G. Kampmann
(notary) (property owner)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 1st day of December, A.D. 2017.



Notary In And For State Of Texas

CUT-28



CITY OF GRAPEVINE

CONDITIONAL USE APPLICATION

Form "A"

PART 1. APPLICANT INFORMATION

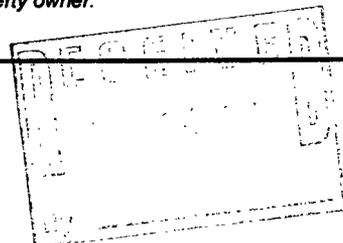
<i>Name of applicant / agent/company/contact</i> 121 GV Holdings LLC	
<i>Street address of applicant / agent:</i> 655 US Highway 130	
<i>City / State / Zip Code of applicant / agent:</i> Hamilton NJ 08691	
<i>Telephone number of applicant / agent:</i> (609) 528-6423	<i>Fax number of applicant/agent</i> (609) 528-2550
<i>Email address of applicant/agent</i>	<i>Mobile phone number of applicant/agent</i> (609) 528-6423

PART 2. PROPERTY INFORMATION

<i>Street address of subject property</i> 2301 William D Tate 2301			
<i>Legal description of subject property (metes & bounds must be described on 8 1/2" x 11" sheet)</i>			
<i>Lot</i> 2	<i>Block</i> 1	<i>Addition</i> First Baptist Church of Grapevine	
<i>Size of subject property</i>		17.8 Acres	775,495 Square footage
<i>Present zoning classification:</i>	<i>Proposed use of the property:</i> New car dealer		
<i>Circle yes or no, if applies to this application</i>			
<i>Outdoor speakers</i> Yes <input type="radio"/> No <input checked="" type="radio"/>			
<i>Minimum / maximum district size for conditional use request:</i> 17.8 acres			
<i>Zoning ordinance provision requiring a conditional use:</i> New car dealer			

PART 3. PROPERTY OWNER INFORMATION

<i>Name of current property owner:</i>	
<i>Street address of property owner:</i>	
<i>City / State / Zip Code of property owner:</i>	
<i>Telephone number of property owner:</i>	<i>Fax number of property owner:</i>



CU17-28

- Submit a letter describing the proposed conditional use and note the request on the site plan document
- In the same letter, describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users)
- In the same letter, describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of other property in the neighborhood. Also, describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.
- Application of site plan approval (Section 47, see attached Form "B").
- The site plan submission shall meet the requirements of Section 47, Site Plan Requirements.
- All conditional use and conditional use applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.
- All public hearings will be opened and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.
- Any changes to a site plan (no matter how minor or major) approved with a conditional use or conditional use permit can only be approved by city council through the public hearing process.
- I have read and understand all the requirements as set forth by the application for conditional use or conditional use permit and acknowledge that all requirements of this application have been met at the time of submittal.

PART 4. SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY

Mike Saporito

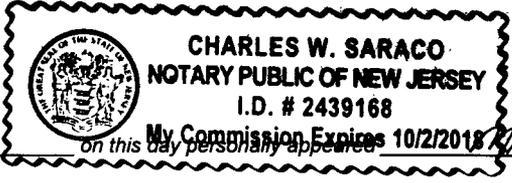
Print Applicant's Name:

Applicant's Signature:

The State of NJ

County Of MERCER

Before Me CHARLES SARACO
(notary)



on this day personally appeared MIKE SAPORITO
(applicant)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 30 day of NOVEMBER A.D. 2017

Notary In And For State Of Texas

Print Property Owners Name:

Property Owner's Signature:

The State Of _____

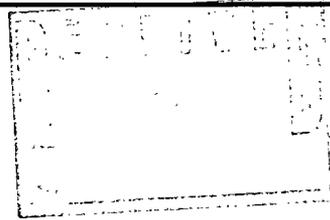
County Of _____

Before Me _____ on this day personally appeared _____
(notary) (property owner)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this _____ day of _____, A.D. _____.

Notary In And For State Of Texas



ACKNOWLEDGEMENT

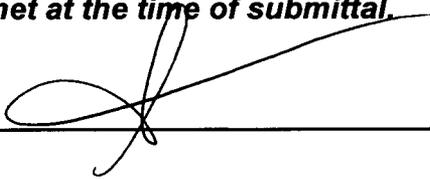
All Conditional Use and Special Use Applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

All public hearings will be opened and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

Any changes to a site plan (no matter how minor or major) approved with a conditional use or a special use permit can only be approved by city council through the public hearing process.

Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council. If after said period of four months an application has not been scheduled before the Commission and Council said application shall be considered withdrawn, with forfeiture of all filing fees. The application, along with the required filing fee may be resubmitted any time thereafter for reconsideration. Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.

Signature of Applicant _____ 

Date: 11-30-17

Signature of Owner _____

Date: _____

ACKNOWLEDGEMENT

All Conditional Use and Special Use Applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

All public hearings will be opened and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

Any changes to a site plan (no matter how minor or major) approved with a conditional use or a special use permit can only be approved by city council through the public hearing process.

Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council. If after said period of four months an application has not been scheduled before the Commission and Council said application shall be considered withdrawn, with forfeiture of all filing fees. The application, along with the required filing fee may be resubmitted any time thereafter for reconsideration. Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.

Signature of Applicant _____

Date: _____

Signature of Owner Alvin S. Kamm _____

Date: 12/1/17 _____





**ARCHITECTS
INTERIORS
LANDSCAPE
PLANNING**

Dallas
2808 Fairmount Street, Suite 300
Dallas, Texas | 75201
214 303.1500

Ft. Worth
3300 West 7th Street, Suite 110
Fort Worth, TX | 76107
817 303.1500

CU17-28

CC ITEM # 4, 25, 26

PZ ITEM # 4, 9, 10

December 4, 2017

Development Services
Planning Division
200 S. Main Street
Grapevine, TX 76051

GRAPEVINE HONDA
GFF PROJECT NO. 17188.00

Conditional Use Request:

To request a Conditional Use Permit (CUP) for a new automotive dealership and specifically to bring American Honda Motor Co. to the City of Grapevine.

Project Narrative:

The proposed project consists of an approximately 107,000 SF, 2-story, Honda dealership for sales and service of new and pre-owned vehicles located on 17.803 acres of property along State Highway 121 and an associated approximately 11,000 SF commercial car wash along Stone Myers Parkway.

The new Honda dealership meets or exceeds required zoning elements.

We appreciate your consideration of this request.

Best regards,

Scott A. Sower, AIA CCCA
Principal / Studio Director
GFF
2808 Fairmount Street, Suite 300
Dallas, TX 75201

ORDINANCE NO. 2018-006

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU17-28 TO ESTABLISH AN AUTOMOTIVE DEALERSHIP WITH SALES AND SERVICE OF NEW AND USED VEHICLES AND 40-FOOT POLE SIGN FOR LOT 2, BLOCK 1, FIRST BAPTIST CHURCH OF GRAPEVINE ADDITION (2301 WILLIAM D. TATE AVENUE) IN A DISTRICT ZONED "CC" COMMUNITY COMMERCIAL DISTRICT REGULATIONS ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, an application was made requesting issuance of a conditional use permit by making applications for same with the Planning and Zoning Commission of the City of Grapevine, Texas, as required by State statutes and the zoning ordinance of the City of Grapevine, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Grapevine, Texas, after all legal notices requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Grapevine, Texas, at a public hearing called by the City Council did consider the following factors in making a determination as to whether this requested conditional use permit should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the site; safety from fire hazards and measures for fire control; protection of adjacent property from flood or water damages, noise producing elements, and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting, and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood;

adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street locating spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; the effect on the overcrowding of the land; the effect on the concentration of population; the effect on the transportation, water, sewerage, schools, parks and other facilities; and

WHEREAS, the City Council of the City of Grapevine, Texas, at a public hearing called by the City Council of the City of Grapevine, Texas, did consider the following factors in making a determination as to whether this requested conditional use permit should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, effect on adequate light and air, the effect on the overcrowding of the land, the effect on the concentration of population, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, all of the requirements of Section 48 of Ordinance No. 82-73 have been satisfied by the submission of evidence at a public hearing; and

WHEREAS, the City Council further considered among other things the character of the existing zoning district and its peculiar suitability for particular uses and with the view to conserve the value of buildings and encourage the most appropriate use of land throughout this City; and

WHEREAS, the City Council of the City of Grapevine, Texas, does find that there is a public necessity for the granting of this conditional use permit, that the public demands it, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of those who bought or improved property with reference to the classification which existed at the time their original investment was made; and

WHEREAS, the City Council of the City of Grapevine, Texas, does find that the conditional use permit lessens the congestion in the streets, helps secure safety from fire, panic and other dangers, prevents the overcrowding of land, avoids undue concentration of population, facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the City Council of the City of Grapevine, Texas, has determined that there is a necessity and need for this conditional use permit and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the property requested for a change since this property was originally classified and, therefore, feels that the issuance of this conditional use permit for the particular piece of property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Grapevine, Texas, and helps promote the general health, safety and welfare of this community.

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

Section 1. That the City does hereby issue a conditional use permit in accordance with Section 48 of Ordinance No. 82-73, the Comprehensive Zoning Ordinance of the City of Grapevine, Texas, same being also known as Appendix "D" of the City Code, by granting Conditional Use Permit CU17-28 to establish an automotive dealership (Grapevine Honda) with the sales and service of new and used vehicles and a 40-foot pole sign in a district zoned "CC" Community Commercial District Regulations within the following described property: Lot 2, Block 1, First Baptist Church of Grapevine Addition (2301 William D. Tate Avenue) all in accordance with a site plan approved pursuant to Section 47 of Ordinance No. 82-73, attached hereto and made a part hereof as Exhibit "A", and all other conditions, restrictions, and safeguards imposed herein, including but not limited to the following: None.

Section 2. The City Manager is hereby directed to amend the official zoning map of the City of Grapevine, Texas, to reflect the herein conditional use permit.

Section 3. That in all other respects the use of the tract or tracts of land herein above described shall be subject to all the applicable regulations contained in said City of Grapevine zoning ordinance and all other applicable and pertinent ordinances of the City of Grapevine, Texas.

Section 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewerage, drainage and surface water, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things, of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 5. This ordinance shall be cumulative of all other ordinances of the City of Grapevine, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this ordinance.

Section 6. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the tract or tracts of land described herein shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

Section 7. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 8. The fact that the present ordinances and regulations of the City of Grapevine, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

CC ITEM # 4, 25, 26
PZ ITEM # 4, 9, 10

NOTES

1. BARBED WIRE FENCING IS NOT PERMITTED.
2. ALL REQUIREMENTS OF THE GRAPEVINE SOIL EROSION CONTROL ORDINANCE SHALL BE MET DURING THE PERIOD OF CONSTRUCTION.

SITE DATA SUMMARY TABLE

SYNOPSIS	LOT 1, BLOCK 1	LOT 2, BLOCK 1
Zoning	CC Community Commercial	CC Community Commercial
Land Use	n/a	Automotive Dealership

CURRENT ZONING
- Sec. 25 C-C

REQUESTING CONDITIONAL USE PERMIT FOR:
- Sec. 25 C.7 - Automobile Sales and Service

CONDITIONAL USE REQUEST CU17-28 IS A REQUEST TO ESTABLISH AN AUTOMOTIVE DEALERSHIP WITH SALES AND SERVICE OF NEW AND USED VEHICLES AND ONE 40-FOOT POLE SIGN.

BUILDING DATA SUMMARY TABLE

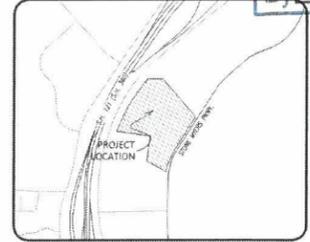
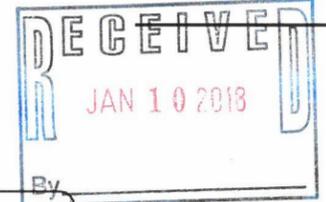
TYPE	REQUIRED	PROVIDED
Building Height (stories / feet)	50 FT max.	2 stories / 38 FT
Showroom (primary building)	Sec. 25 I.1	2 stories / 30 FT
Service Building (primary building)	Sec. 25 I.1	1 story / 19 FT 4 IN
Car Wash	Sec. 25 I.1	14,400 SF max.
Total Lot Area	Sec. 25 G.1 & 25 G.2	775,495 SF (17,803 ac)
Total Building Footprint Area		103,400 SF (13.33%)
Floor Area Ratio		0.1618:1
On-Site Parking		986 spaces
Total Impervious Area		558,080 SF (72.09%)
Total Open Space		216,410 SF (27.91%)

PARKING SUMMARY TABLE

TYPE	SPACES
Employee	106 spaces
Customer	58 spaces
Display	118 spaces
Inventory	704 spaces

gff ARCHITECTS

2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500
3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500



LOCATION MAP

CASE NAME: Grapevine Honda
CASE NUMBER: CU17-28
LOCATION: 2301 William D Tate

Conditional Use Request CU17-28 is a request to allow for an automotive dealership with sales and service of new and used vehicles and a 40-foot pole sign.

MAYOR: _____ SECRETARY: _____

DATE: _____

PLANNING AND ZONING COMMISSION

CHAIRMAN: _____

DATE: _____

SHEET: 1 OF 6

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES

DEPARTMENT OF DEVELOPMENT SERVICES

GRAPEVINE HONDA

2301 WILLIAM D TATE
GRAPEVINE, TX 75601

CONDITIONAL USE PERMIT

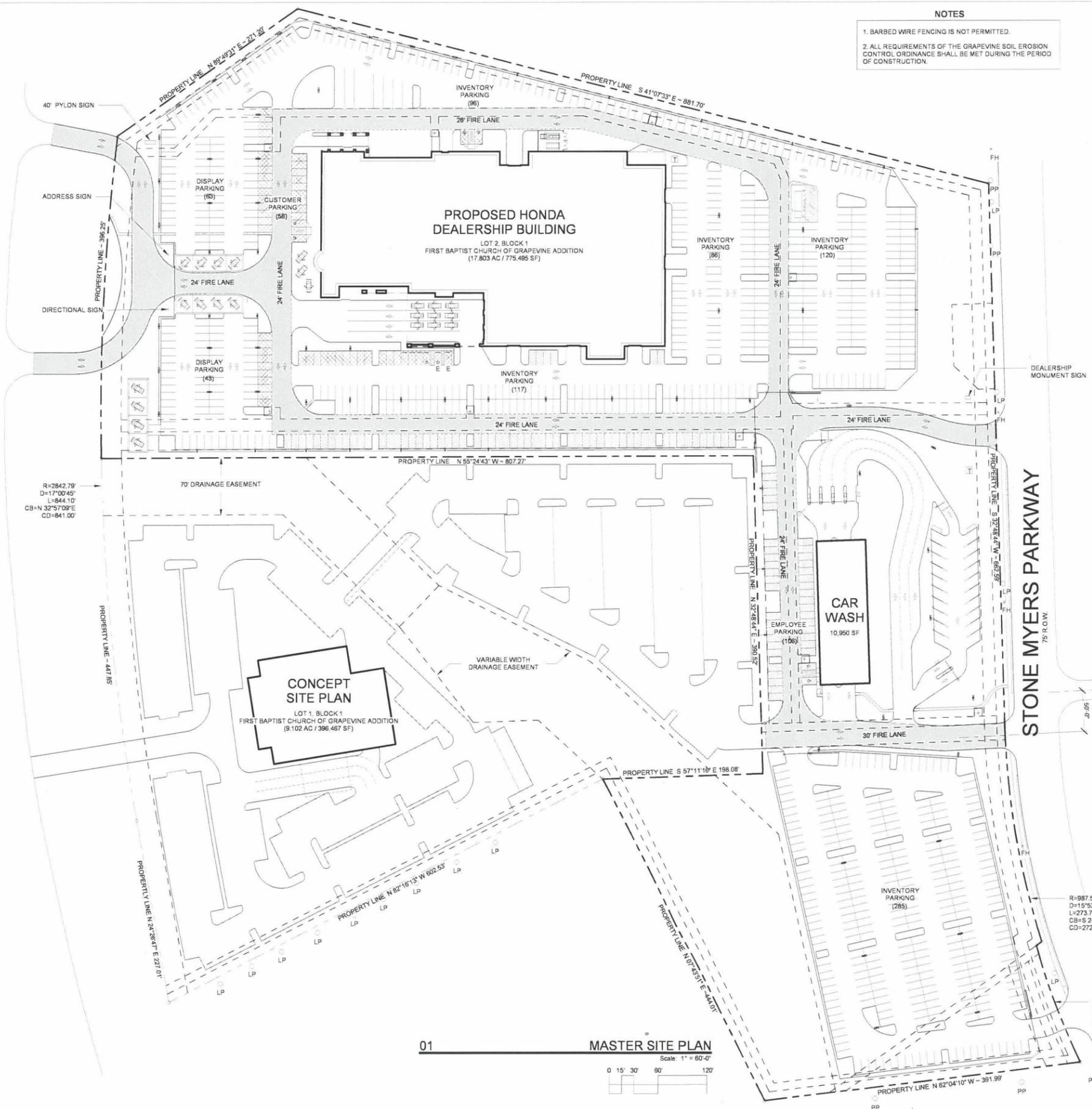


12.04.2017

MASTER SITE PLAN

1 of 6

STATE HIGHWAY 121
variable width R.O.W.



MASTER SITE PLAN OF FIRST BAPTIST CHURCH OF GRAPEVINE ADDITION

LOT 2, BLOCK 1
17,803 ACRES

situated in the
J. FAY SURVEY - ABSTRACT NO. 530 &
J. CATES SURVEY - ABSTRACT NO. 315
GRAPEVINE TARRANT COUNTY, TEXAS
Current Zoning: CC

Applicant: 121 GV Holdings, LLC
655 US Highway 130
Hamilton, NJ 08691
Telephone: (609) 528-8423
Contact: Mike Saporta

Owner: Abigail G. Campmann
153 Treeline Park, Ste. 200
San Antonio, Texas 78209

Engineer / Surveyor: Spars Engineering, Inc.
785 Custer Road, Ste 100
Plano, Texas 75075
Telephone: (972) 422-0077
TBP# No. F-2121
Contact: Kevin Wier

Architect: GFF Architects
2808 Fairmount Street, Ste 300
Dallas, Texas 75201
Telephone: (214) 303-1500
Contact: Scott Sower

PLAN NORTH

gff ARCHITECTS

2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500
3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500

GRAPEVINE HONDA

2301 WILLIAM D TATE
GRAPEVINE, TX 75601
CONDITIONAL USE PERMIT



12.04.2017
DIMENSIONAL CONTROL SITE PLAN

NOTES

1. BARBED WIRE FENCING IS NOT PERMITTED.
2. ALL REQUIREMENTS OF THE GRAPEVINE SOIL EROSION CONTROL ORDINANCE SHALL BE MET DURING THE PERIOD OF CONSTRUCTION.

SITE DATA SUMMARY TABLE

SYNOPSIS	LOT 1, BLOCK 1	LOT 2, BLOCK 1
Zoning	CC Community Commercial	CC Community Commercial
Land Use	n/a	Automotive Dealership

CURRENT ZONING:
- Sec. 25 C-C
REQUESTING CONDITIONAL USE PERMIT FOR:
- Sec. 25.C.7 - Automobile Sales and Service

CONDITIONAL USE REQUEST CU17-28 IS A REQUEST TO ESTABLISH AN AUTOMOTIVE DEALERSHIP WITH SALES AND SERVICE OF NEW AND USED VEHICLES AND ONE 40-FOOT POLE SIGN.

BUILDING DATA SUMMARY TABLE

TYPE	REQUIRED	PROVIDED
Building Height (stories / feet)	50 FT max.	2 stories / 38 FT
Snowroom (primary building)	50 FT max.	2 stories / 30 FT
Service Building (primary building)	50 FT max.	1 story / 19 FT 4 IN
Car Wash	50 FT max.	775,495 SF (17,803 ac)
Total Lot Area	14,400 SF min.	103,400 SF (13.33%)
Total Building Footprint Area	50% max.	n/a
Floor Area Ratio	n/a	0.18181
On-Site Parking	388 spaces	986 spaces
Total Impervious Area	80% max.	559,080 SF (72.08%)
Total Open Space	20% min.	216,410 SF (27.91%)

PARKING SUMMARY TABLE

TYPE	SPACES
Employee	106 spaces
Customer	58 spaces
Display	118 spaces
Inventory	704 spaces



LOCATION MAP

CASE NAME: Grapevine Honda
CASE NUMBER: CU17-28
LOCATION: 2301 William D Tate
Conditional Use Request CU17-28 is a request to allow for an automotive dealership with sales and service of new and used vehicles and a 40-foot pole sign.

MAYOR: _____ SECRETARY: _____

DATE: _____

PLANNING AND ZONING COMMISSION

CHAIRMAN: _____

DATE: _____

SHEET: 2 OF 6

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES

DEPARTMENT OF DEVELOPMENT SERVICES

MASTER SITE PLAN OF FIRST BAPTIST CHURCH OF GRAPEVINE ADDITION

LOT 2, BLOCK 1
17,803 ACRES
situated in the
J. FAY SURVEY - ABSTRACT NO. 530 &
J. CATES SURVEY - ABSTRACT NO. 315
GRAPEVINE, TARRANT COUNTY, TEXAS
Current Zoning: CC

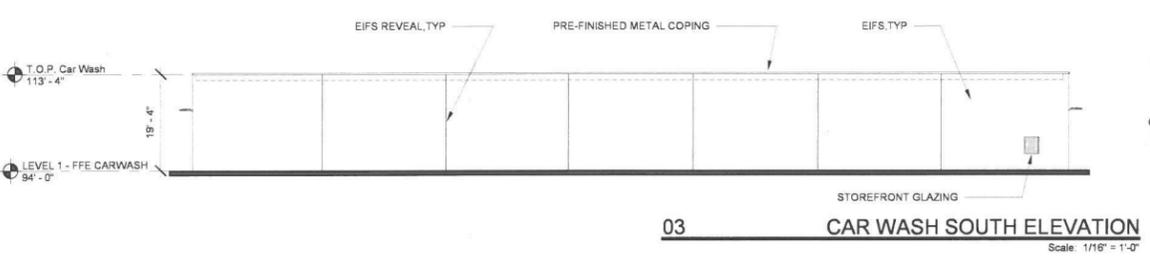
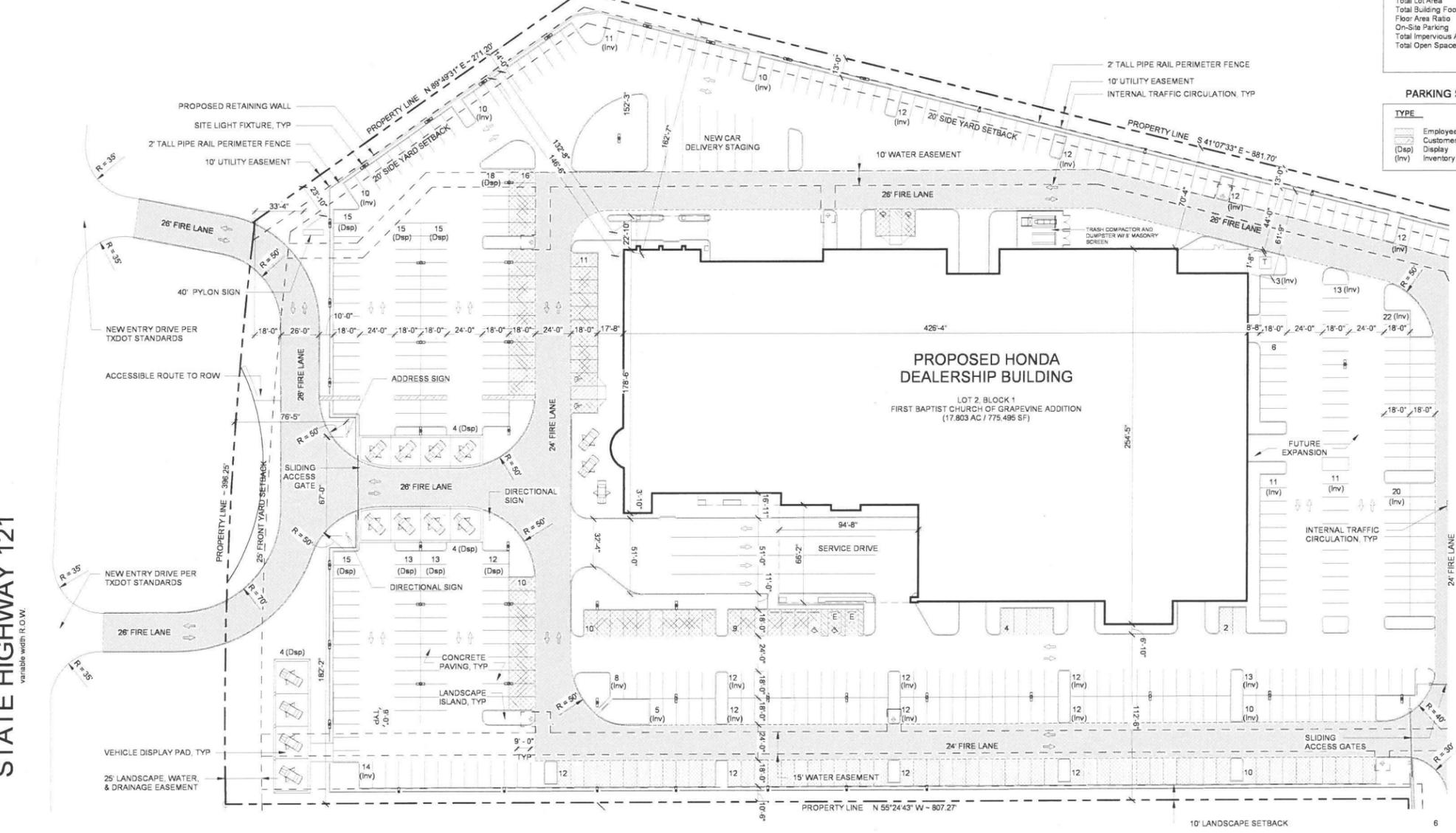
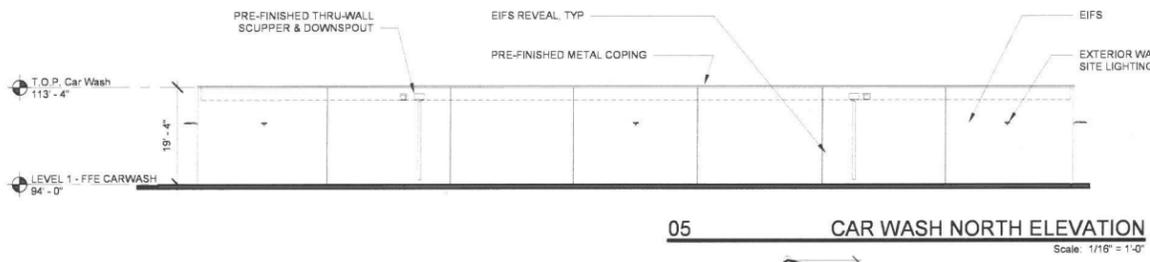
Applicant: 121 CV Holdings, L.L.C.
655 US Highway 130
Hamilton, NJ 08691
Telephone: (808) 528-8423
Contact: Mike Saporito

Owner: Abigail G. Kampmann
785 Custer Road, Ste 100
San Antonio, Texas 78209

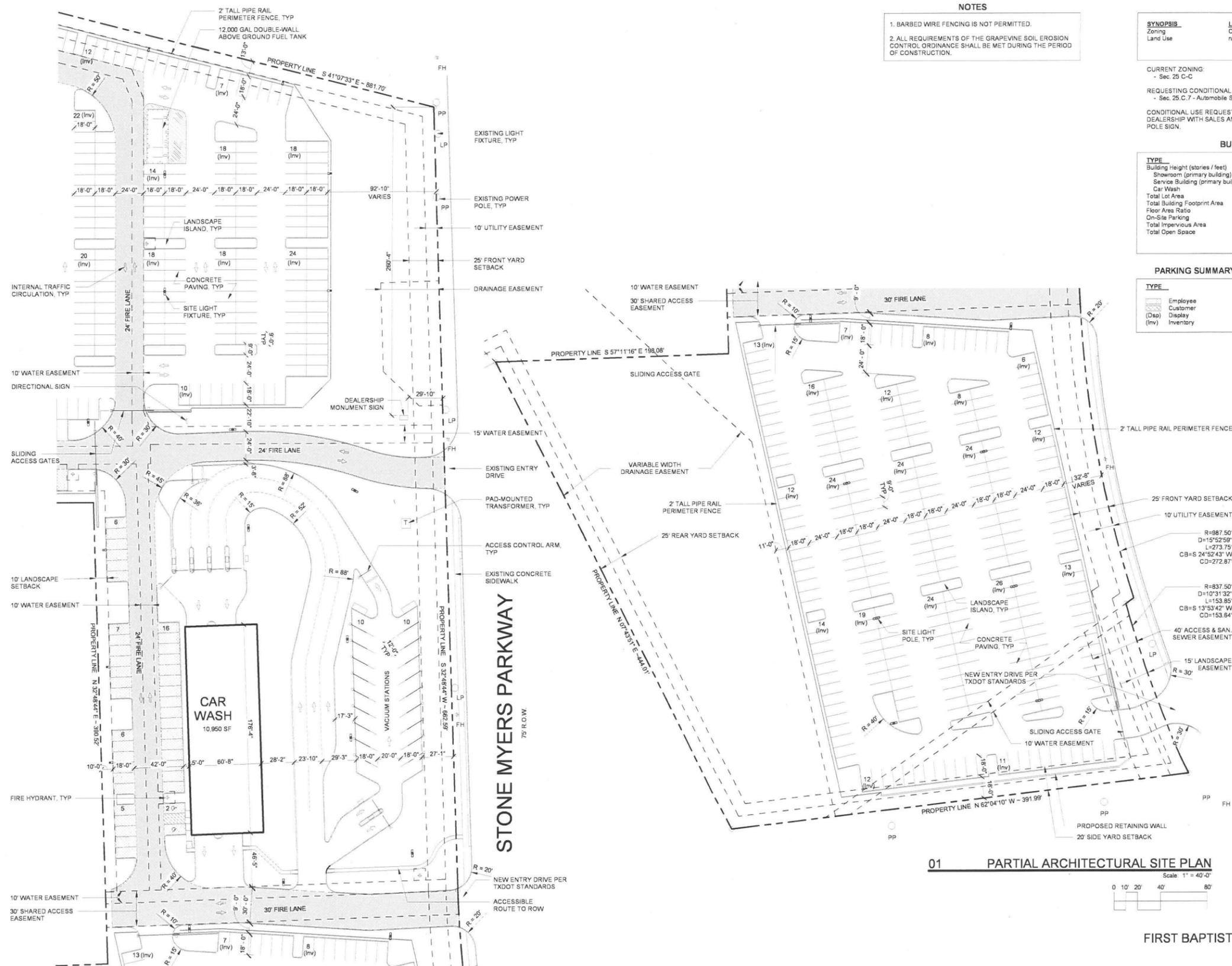
Engineer / Surveyor: Spars Engineering, Inc.
2808 Fairmount Street, Ste 300
Dallas, Texas 75201
Telephone: (214) 303-1500
Contact: Scott Sower

Architect: GFF Architects
2808 Fairmount Street, Ste 300
Dallas, Texas 75201
Telephone: (214) 303-1500
Contact: Scott Sower

PLAN NORTH



STATE HIGHWAY 121
variable width R.O.W.



NOTES

1. BARBED WIRE FENCING IS NOT PERMITTED.
2. ALL REQUIREMENTS OF THE GRAPEVINE SOIL EROSION CONTROL ORDINANCE SHALL BE MET DURING THE PERIOD OF CONSTRUCTION.

SITE DATA SUMMARY TABLE

SYNOPSIS	LOT 1, BLOCK 1	LOT 2, BLOCK 1
Zoning	CC Community Commercial	CC Community Commercial
Land Use	n/a	Automotive Dealership

CURRENT ZONING:
- Sec. 25 C-C

REQUESTING CONDITIONAL USE PERMIT FOR:
- Sec. 25 C.7 - Automobile Sales and Service

CONDITIONAL USE REQUEST CU17-28 IS A REQUEST TO ESTABLISH AN AUTOMOTIVE DEALERSHIP WITH SALES AND SERVICE OF NEW AND USED VEHICLES AND ONE 40-FOOT POLE SIGN.

BUILDING DATA SUMMARY TABLE

TYPE	REQUIRED	PROVIDED
Building Height (stories / feet)		
Showroom (primary building)	Sec. 25 J.1	50 FT max.
Service Building (primary building)	Sec. 25 J.1	50 FT max.
Car Wash	Sec. 25 J.1	50 FT max.
Total Lot Area	Sec. 25 G.1 & 25 G.2	14,400 SF min.
Total Building Footprint Area		60% max.
Floor Area Ratio		n/a
On-Site Parking		388 spaces
Total Impervious Area		60% max.
Total Open Space		20% min.

PARKING SUMMARY TABLE

TYPE	SPACES
Employee	106 spaces
Customer	58 spaces
(Disp) Display	118 spaces
(Inv) Inventory	704 spaces



LOCATION MAP

CASE NAME: Grapevine Honda
CASE NUMBER: CU17-28
LOCATION: 2301 William D Tate

Conditional Use Request CU17-28 is a request to allow for an automotive dealership with sales and service of new and used vehicles and a 40-foot pole sign.

MAYOR _____ SECRETARY _____

DATE: _____

PLANNING AND ZONING COMMISSION

CHAIRMAN _____

DATE: _____

SHEET: 3 OF 6

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES

DEPARTMENT OF DEVELOPMENT SERVICES

01 PARTIAL ARCHITECTURAL SITE PLAN
Scale: 1" = 40'-0"

02 PARTIAL ARCHITECTURAL SITE PLAN
Scale: 1" = 40'-0"

MASTER SITE PLAN OF
FIRST BAPTIST CHURCH OF GRAPEVINE ADDITION
LOT 2, BLOCK 1
17.803 ACRES
situated in the
J. FAY SURVEY - ABSTRACT NO. 530 &
J. CATES SURVEY - ABSTRACT NO. 315
GRAPEVINE, TARRANT COUNTY, TEXAS
Current Zoning: CC

Applicant: 121 GV Holdings LLC
655 US Highway 130
Hamilton, NJ 08691
Telephone: (609) 528-6423
Contact: Mike Saporta

Owner: Abigail G. Kampmann
153 Treeline Park, Ste. 200
San Antonio, Texas 78209

Engineer / Surveyor: Spars Engineering, Inc.
765 Custer Road, Ste 100
Plano, Texas 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Kevin Wier

Architect: GFF Architects
2808 Fairmount Street, Ste 300
Dallas, Texas 75201
Telephone: (214) 303-1500
Contact: Scott Sower

12.04.2017

DIMENSIONAL CONTROL SITE PLAN

3 of 6



2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500
3300 West 7th Street, Suite 110
Fort Worth, Texas 76107 | 817.303.1500

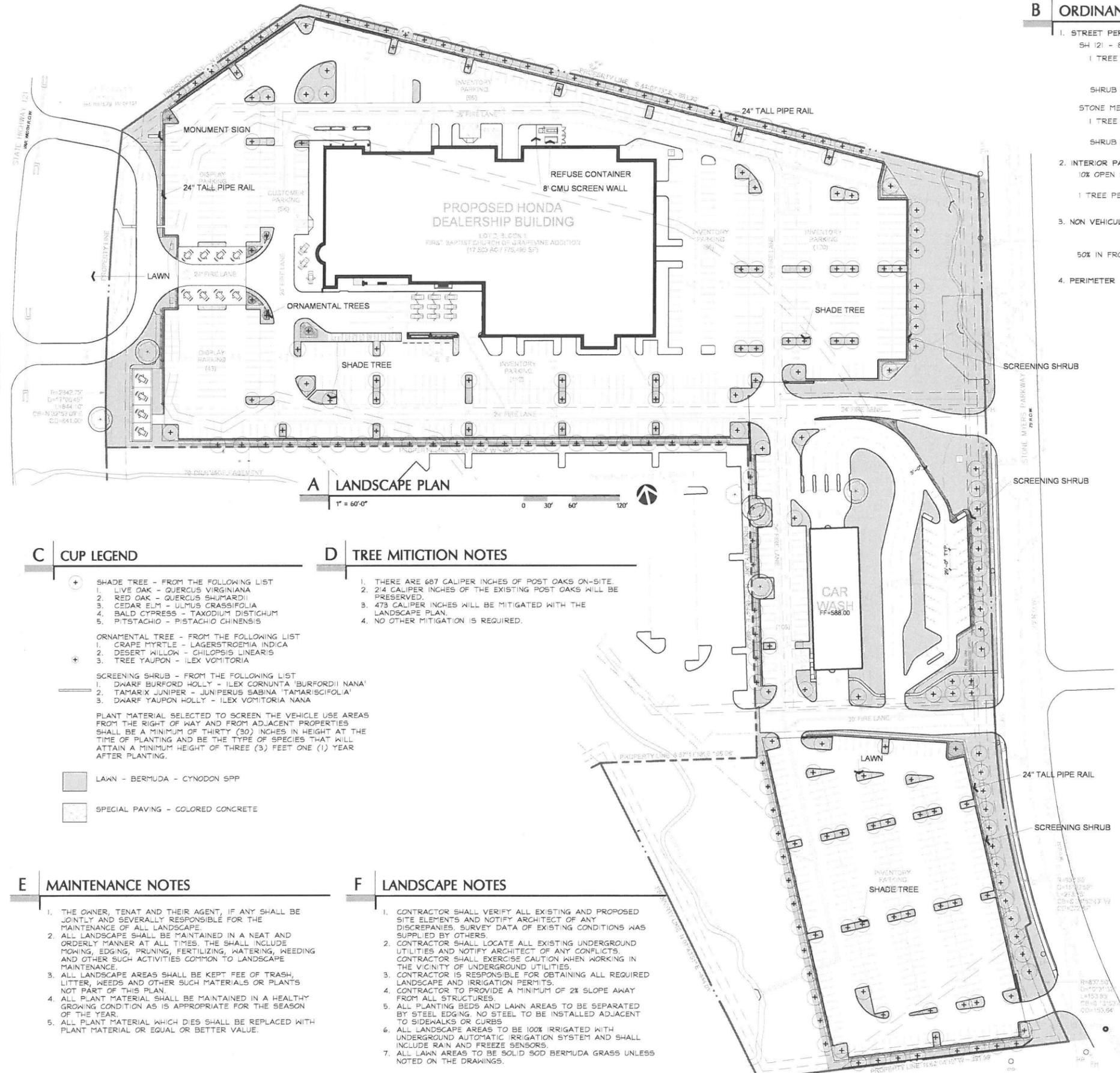
GRAPEVINE HONDA
2301 WILLIAM D TATE
GRAPEVINE, TX 75601
CONDITIONAL USE PERMIT



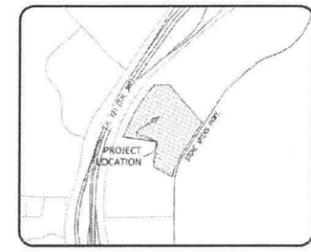
DIMENSIONAL CONTROL SITE PLAN

B ORDINANCE REQUIREMENTS - GRAPEVINE

1. STREET PERIMETER LANDSCAPE			
SH 121 - 897.91 LINEAR FEET			
1 TREE PER 50 LINEAR FEET	398	/ 50	8 TREES REQUIRED 6 NEW TREES PROVIDED 2 EXISTING TREES
SHRUB SCREENING	398	/ 3	133 SHRUBS REQUIRED 133 SHRUBS PROVIDED
STONE MEYER			
1 TREE PER 50 LINEAR FEET	1,042	/ 50	22 TREES REQUIRED 28 TREES PROVIDED
SHRUB SCREENING	1,042	/ 3	364 SHRUBS REQUIRED 364 SHRUBS PROVIDED
2. INTERIOR PARKING OPEN SPACE			
10% OPEN SPACE REQUIRED.			
1 TREE PER 400 SQUARE FEET	77,550	/ 950	77,500 SQUARE FOOTAGE REQUIRED 98,000 SQUARE FOOTAGE PROVIDED
3. NON VEHICULAR OPEN SPACE			
50% IN FRONT YARD			
	116,324	*.5	58,162 SQUARE FOOTAGE REQUIRED 42,000 SQUARE FOOTAGE PROVIDED
4. PERIMETER LANDSCAPE			
	5,319	/ 50	106 TREES REQUIRED 110 TREES PROVIDED



A LANDSCAPE PLAN
1" = 60'-0"



LOCATION MAP

C CUP LEGEND

- SHADE TREE - FROM THE FOLLOWING LIST**
 - LIVE OAK - QUERCUS VIRGINIANA
 - RED OAK - QUERCUS SHUMARDII
 - CEDAR ELM - ULMUS CRASSIFOLIA
 - BALD CYPRESS - TAXODIUM DISTICHUM
 - PITSTACHIO - PISTACHIO CHINENSIS
 - ORNAMENTAL TREE - FROM THE FOLLOWING LIST**
 - CRAPE MYRTLE - LAGERSTROEMIA INDICA
 - DESERT WILLOW - CHILOPSIS LINEARIS
 - TREE YAUPOON - ILEX VOMITORIA
 - SCREENING SHRUB - FROM THE FOLLOWING LIST**
 - DWARF BURFORD HOLLY - ILEX CORNUTA 'BURFORDII' NANA
 - TAMARIX JUNIPER - JUNIPERUS SABINA 'TAMARISCIFOLIA'
 - DWARF YAUPOON HOLLY - ILEX VOMITORIA NANA
- PLANT MATERIAL SELECTED TO SCREEN THE VEHICLE USE AREAS FROM THE RIGHT OF WAY AND FROM ADJACENT PROPERTIES SHALL BE A MINIMUM OF THIRTY (30) INCHES IN HEIGHT AT THE TIME OF PLANTING AND BE THE TYPE OF SPECIES THAT WILL ATTAIN A MINIMUM HEIGHT OF THREE (3) FEET ONE (1) YEAR AFTER PLANTING.
- LAWN - BERMUDA - CYNODON SPP
 - SPECIAL PAVING - COLORED CONCRETE

D TREE MITIGATION NOTES

- THERE ARE 687 CALIPER INCHES OF POST OAKS ON-SITE.
- 214 CALIPER INCHES OF THE EXISTING POST OAKS WILL BE PRESERVED.
- 473 CALIPER INCHES WILL BE MITIGATED WITH THE LANDSCAPE PLAN.
- NO OTHER MITIGATION IS REQUIRED.

E MAINTENANCE NOTES

- THE OWNER, TENANT AND THEIR AGENT, IF ANY SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE.
- ALL LANDSCAPE SHALL BE MAINTAINED IN A NEAT AND ORDERLY MANNER AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, WATERING, WEEDING AND OTHER SUCH ACTIVITIES COMMON TO LANDSCAPE MAINTENANCE.
- ALL LANDSCAPE AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS AND OTHER SUCH MATERIALS OR PLANTS NOT PART OF THIS PLAN.
- ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION AS IS APPROPRIATE FOR THE SEASON OF THE YEAR.
- ALL PLANT MATERIAL WHICH DIES SHALL BE REPLACED WITH PLANT MATERIAL OF EQUAL OR BETTER VALUE.

F LANDSCAPE NOTES

- CONTRACTOR SHALL VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
- CONTRACTOR SHALL LOCATE ALL EXISTING UNDERGROUND UTILITIES AND NOTIFY ARCHITECT OF ANY CONFLICTS. CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF UNDERGROUND UTILITIES.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LANDSCAPE AND IRRIGATION PERMITS.
- CONTRACTOR TO PROVIDE A MINIMUM OF 2% SLOPE AWAY FROM ALL STRUCTURES.
- ALL PLANTING BEDS AND LAWN AREAS TO BE SEPARATED BY STEEL EDGING. NO STEEL TO BE INSTALLED ADJACENT TO SIDEWALKS OR CURBS.
- ALL LANDSCAPE AREAS TO BE 100% IRRIGATED WITH UNDERGROUND AUTOMATIC IRRIGATION SYSTEM AND SHALL INCLUDE RAIN AND FREEZE SENSORS.
- ALL LAWN AREAS TO BE SOLID SOD BERMUDA GRASS UNLESS NOTED ON THE DRAWINGS.

CASE NAME: Grapevine Honda
CASE NUMBER: CU17-28
LOCATION: 2301
William D Tate Conditional Use Request CU17-28 is a request to allow for an automotive dealership with sales and service of new and used vehicles and a 40-foot pole sign.

MAYOR _____ SECRETARY _____
DATE: _____
PLANNING AND ZONING COMMISSION
CHAIRMAN _____
DATE: _____
SHEET 4 OF 6
APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES
DEPARTMENT OF DEVELOPMENT SERVICES

MASTER SITE PLAN OF
FIRST BAPTIST CHURCH OF GRAPEVINE ADDITION

LOT 1, BLOCK 1
17.803 ACRES
situated in the
J. FAY SURVEY - ABSTRACT 530
GRAPEVINE, TARRANT COUNTY, TEXAS

Applicant / Owner
NAME: _____
ADDRESS: _____
CONTACT: NAME

Engineer / Surveyor
Spars Engineering, Inc.
765 Guster Road, Suite 100
Plano, Texas 75075
Telephone (972) 422-0077
Contact: Kevin Wier

Architect
GFF Architects
2808 Fairmount Street, Suite 300
Dallas, Texas 75201
Telephone (214) 303-1500
Contact: Scott Sower

ARCHITECTS
gff
2808 Fairmount Street, Suite 300
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3300 West 7th Street, Suite 110
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GRAPEVINE HONDA
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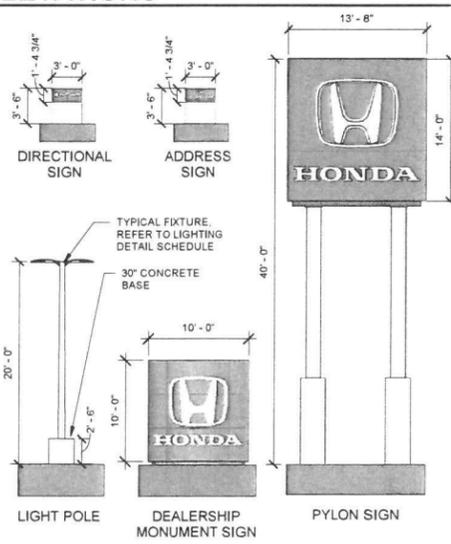
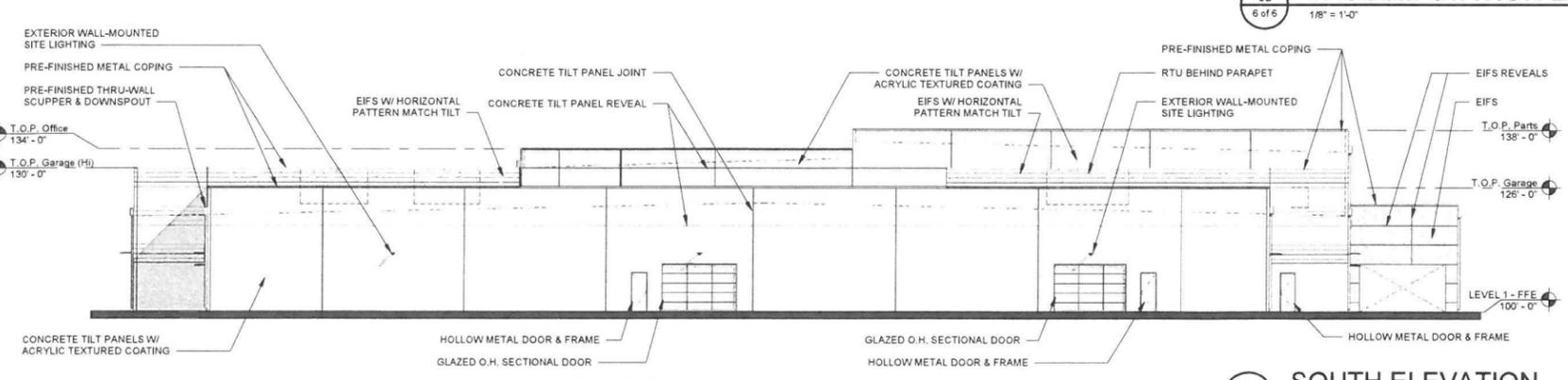
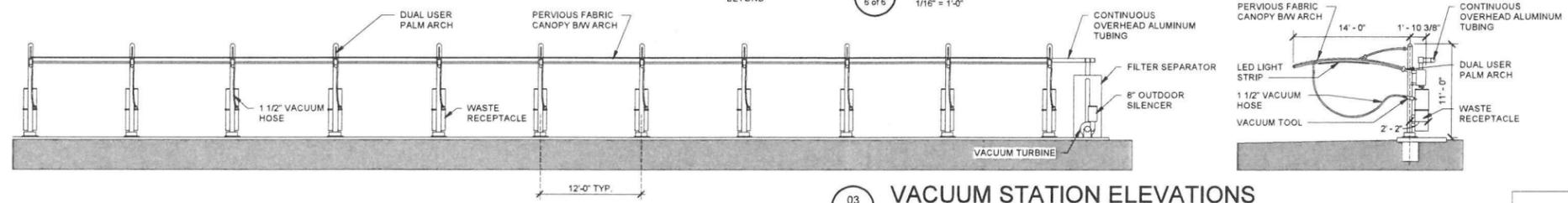
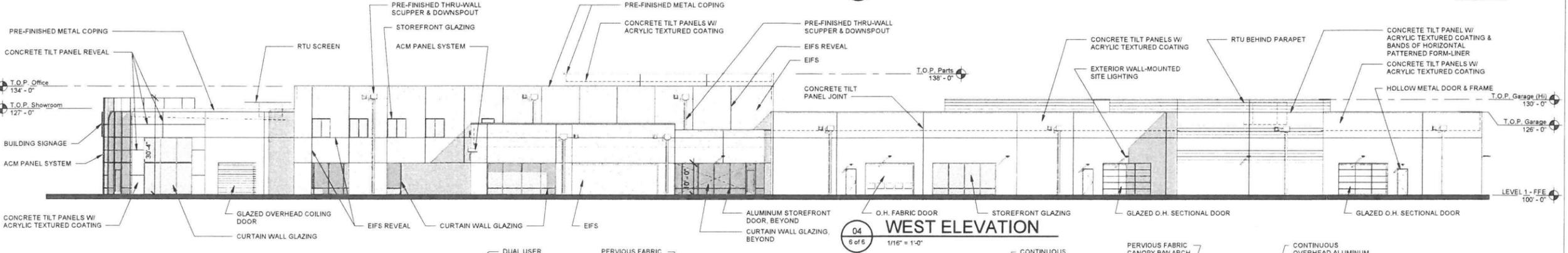
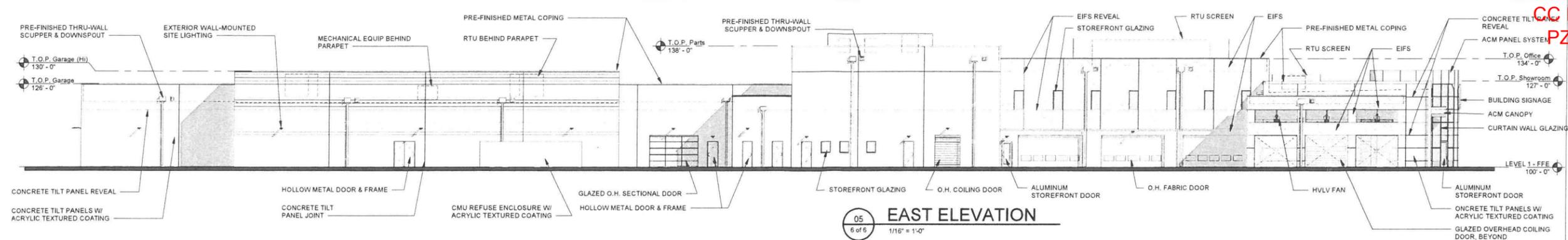


LANDSCAPE PLAN

CC ITEM # 4, 25, 26
PZ ITEM # 4, 9, 10

ARCHITECTS
gff

2808 Fairmount Street, Suite 300
Dallas, Texas 75201 | 214.303.1500
3300 West 7th Street, Suite 110
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CASE NAME: Grapevine Honda
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MAYOR _____ SECRETARY _____

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PLANNING AND ZONING COMMISSION

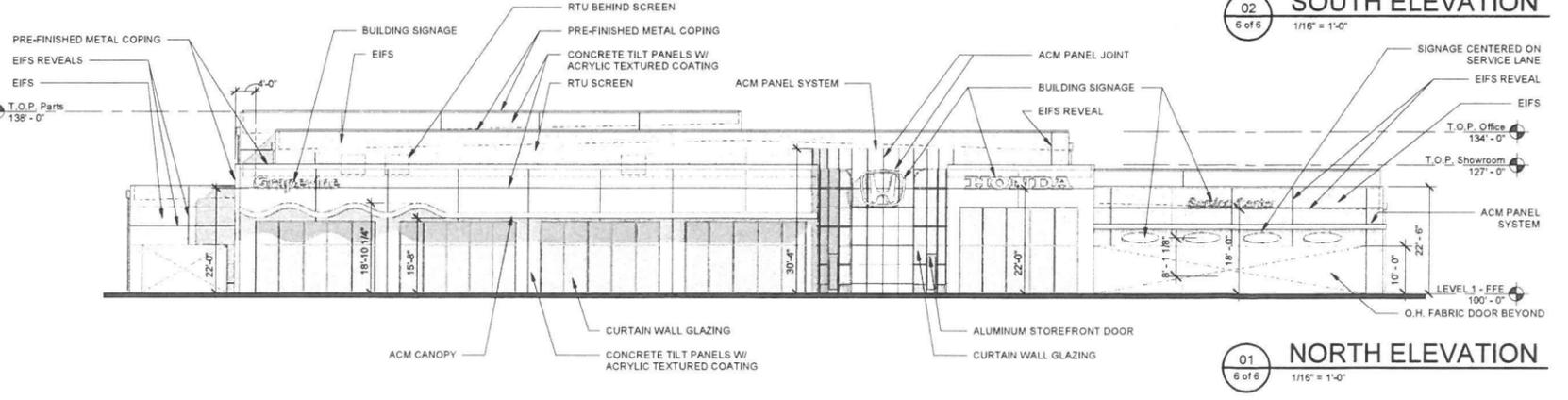
CHAIRMAN _____

DATE: _____

SHEET: 6 of 6

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DEPARTMENT OF DEVELOPMENT SERVICES



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Telephone: (609) 528-5423
Contact: Mike Saporto

Owner: Abigail G. Kampmann
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765 Custer Road, Ste 100
Plano, Texas 75075
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TBP# No. F-2121
Contact: Kevin Wier

Architect: GFF Architects
2808 Fairmount Street, Ste 300
Dallas, Texas 75201
Telephone: (214) 303-1500
Contact: Scott Sower
PLAN NORTH

GRAPEVINE HONDA
2301 WILLIAM D TATE
GRAPEVINE, TX 75601
CONDITIONAL USE PERMIT



BUILDING ELEVATIONS

6 of 6

MEMO TO: THE HONORABLE MAYOR, MEMBERS OF THE CITY COUNCIL,
AND THE PLANNING & ZONING COMMISSION

FROM: BRUNO RUMBELOW, CITY MANAGER *BR*

MEETING DATE: JANUARY 16, 2018

SUBJECT: FINAL PLAT APPLICATION
LOTS 1R AND 2, BLOCK 1, FIRST BAPTIST CHURCH OF
GRAPEVINE ADDITION (BEING A REPLAT OF LOT 1, BLOCK 1,
FIRST BAPTIST CHURCH OF GRAPEVINE)

PLAT APPLICATION FILING DATE..... January 9, 2018

APPLICANT..... Mike Saporito, 121 GV Holdings, LLC.

REASON FOR APPLICATION..... Platting property to build a Honda Dealership

PROPERTY LOCATION..... 2401 William D. Tate

ACREAGE.....26.905

ZONING..... CC: Community Commercial

NUMBER OF LOTS..... 2

PREVIOUS PLATTING..... APRIL 2009

CONCEPT PLAN..... CU17-28

SITE PLAN..... No

OPEN SPACE REQUIREMENT..... No

AVIGATION RELEASE.....Yes

PUBLIC HEARING REQUIRED.....Yes

**PLAT INFORMATION SHEET
FINAL PLAT APPLICATION
LOTS 1R AND 2, BLOCK 1, FIRST BAPTIST CHURCH OF GRAPEVINE ADDITION
(BEING A REPLAT OF LOT 1, BLOCK 1,
FIRST BAPTIST CHURCH OF GRAPEVINE ADDITION)**

I. GENERAL:

- The applicant, Mike Saporito is platting the 26.9 acre site into two (2) lots. Proposed Lot 2 (17.8 acres) is for a Honda Dealership and Lot 1R (9.1 acres) is for future expansion.

II. STREET SYSTEM:

- The development has access to northbound frontage road of SH121 and Stone Myers Parkway.

Abutting roads: are on the City Thoroughfare Plan:

are not on the City Thoroughfare Plan:

Periphery Street Fees are due as follows:

Type of Roadway	Cost / LF	Length	Cost
<input type="checkbox"/> Major Arterial (A)	\$ 234.57 / LF		
<input type="checkbox"/> Major Arterial (B)	\$ 178.35 / LF		
<input type="checkbox"/> Minor Arterial (C)	\$ 203.06 / LF		
<input type="checkbox"/> Minor Arterial (D)	\$ 170.33 / LF		
<input type="checkbox"/> Collector (E)	\$ 170.33 / LF		
<input type="checkbox"/> Collector (F)	\$ 150.98 / LF		
<input checked="" type="checkbox"/> Sidewalk	\$ 25.00 / LF	1071.11' 1098.29'	\$26,777.75 - SH121 \$27,457.25 - Stone Myers

Curb & Gutter \$ 15.00 / LF

Periphery Street Fees are not due:

TOTAL

III. STORM DRAINAGE SYSTEM:

- The site drains in a southerly direction.

- The developer will be required to design for onsite as well as offsite drainage in accordance with the requirements of the City of Grapevine's Code of Ordinances.

IV. WATER SYSTEM:

- The existing water supply system bordering the subject site is adequate to serve the development.
- The existing water supply system bordering the subject site is not adequate to serve the development. Additional off site water system improvements will be necessary to serve the site.

V. SANITARY SEWER SYSTEM:

- The existing sanitary sewer collection system bordering the subject site is adequate to serve the development.
- The existing sanitary sewer collection system bordering the subject site is not adequate to serve the development.

VI. MISCELLANEOUS:

- Water and Wastewater Impact Fees are not required for:
- Water and Wastewater Impact Fees are due prior to the issuance of building permits for: Lots 1R and 2, Block 1, First Baptist Church of Grapevine Addition
 - Single Family Residential (\$ 2,414/ Lot)
 - Multifamily (\$ 1,134/ Unit)
 - Hotel (\$ 43,632/ Acre)
 - Corporate Office (\$ 20,523/ Acre)
 - Government (\$ 4,414/ Acre)
 - Commercial / Industrial (\$ 5,739 / Acre)
- Open Space Fees are not required for: Lots 1R and 2, First Baptist Church Grapevine Addition
- Open Space Fees are due prior to the issuance of building permits and/or any public infrastructure improvements for:
 - R-5.0, R-TH, Zero Lot District (\$ 1,416.00 / Lot)
 - R-7.5, Single Family District (\$ 1,146.00 / Lot)
 - R-12.5, Single Family District (\$ 1,071.00 / Lot)
 - R-20.0, Single Family District (\$ 807.00 / Lot)

- Public Hearing Only
- Variances were required on the following items:
 - Front building line
 - Allowing a setback of 3 feet for the rear property line for an accessory building
 - Lot width & depth
 - Max. Impervious Area
 - Landscaping Regulations, allowing no landscape buffer between the edge of the parking area and the adjacent property line.
- The following items associated with this plat are not in accordance with the current subdivision standards:
 - 50' ROW dedication not met: Developer is proposing to dedicate variable width private access easements throughout the development. The access easements will be owned and maintained by a Home Owners Association (HOA).
 - Length of cul-de-sac street exceeds the 600-foot limit:
 - Driveway Spacing not met.

VII. STATEMENT OF FINDINGS:

- A. The City has determined that the right-of-way and easements required to be dedicated for streets, utilities, drainage, access, sidewalks and other municipal needs and services are consistent with the City's ordinances and master plan, are reasonable and are connected to the proposed project in the following manner:
- The right-of-way provides for future widening of public streets that will serve the development of this site.
 - The onsite utility easements provide for a utility network to serve the development of this site.
 - The onsite drainage easements provide for a drainage network to serve the development of this site.
 - The onsite access easements provide cross access capabilities to this site and surrounding property.

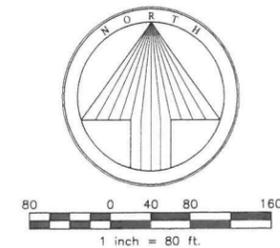
- The onsite sidewalk easements provide for a sidewalk network to serve the development of this site.

B. The City further finds that the required dedication is related both in nature and extent to the impact of the proposed development as follows:

- The right-of-way is necessary to provide for future widening of public streets that will serve the development of this site.
- The onsite utility easements are necessary to provide for a utility system to serve this development and connect to existing utilities on surrounding property.
- The onsite drainage easements are necessary to provide for storm drainage improvements to serve the development of the site.
- The onsite access easements are necessary to provide cross access capabilities to this site and surrounding property.
- The onsite sidewalk easements are necessary to provide for a sidewalk network to serve the development of this site.
- All of the dedications benefit the development to at least the extent of the impact of such on the development.

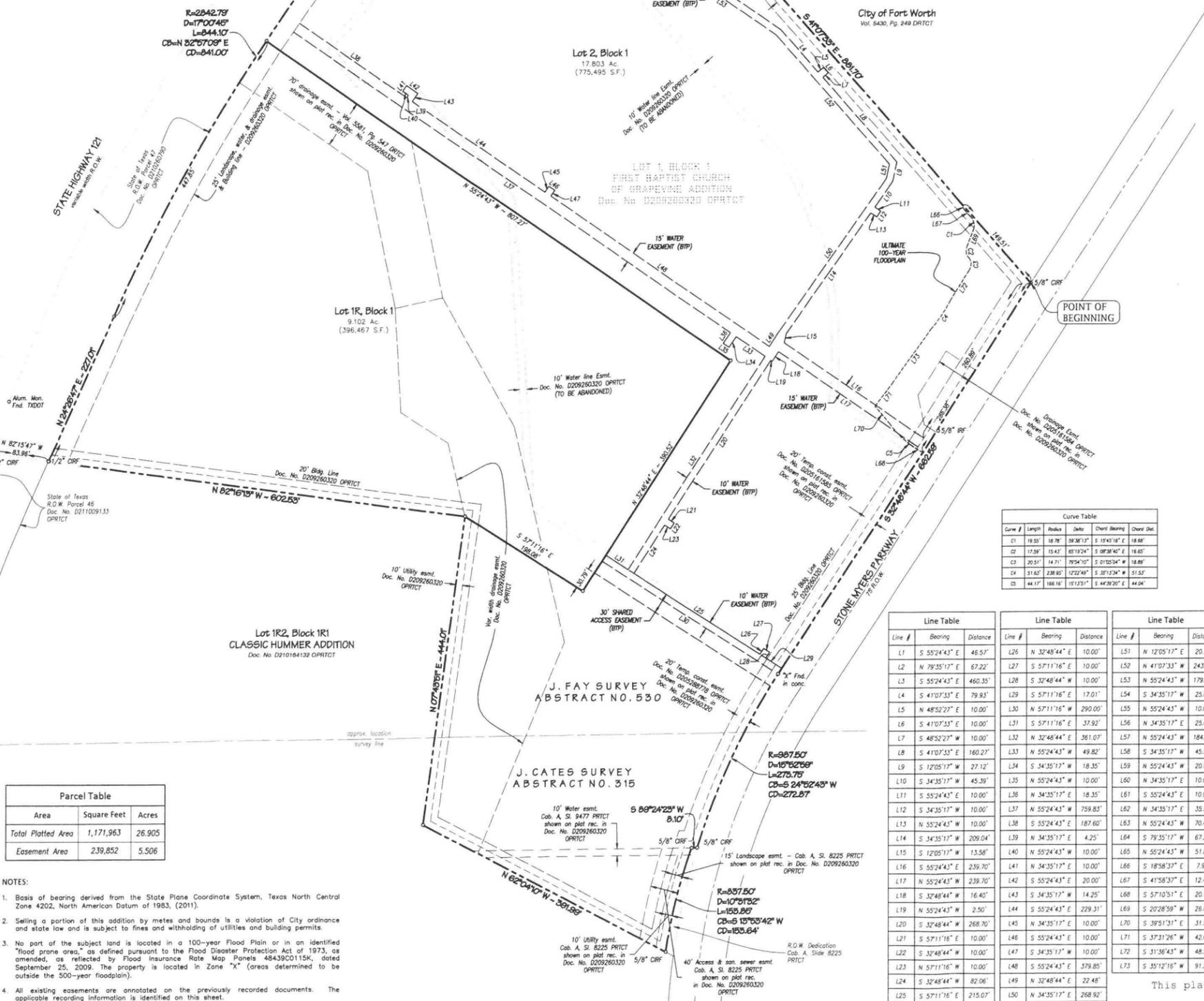
VIII. RECOMMENDATION:

The members of the City Council and The Planning & Zoning Commission consider the following motion: "Move that the City Council (Planning and Zoning Commission) approve the Statement of Findings and the Final Plat of Lots 1R and 2, Block 1, First Baptist Church of Grapevine Addition."



LEGEND
(Not all items may be applicable)

o	1/2" IRON ROD WITH PLASTIC CAP STAMPED "SPIARSEN" SET, UNLESS OTHERWISE NOTED
IRP	IRON ROD FOUND
CRP	CAPPED IRON ROD FOUND
CM	CONTROL MONUMENT
E	EASEMENT
BTP	BY THIS PLAT
R.O.W.	RIGHT-OF-WAY
CD	BLOCK DESIGNATION
DRTCT	DEED RECORDS, TARRANT COUNTY, TEXAS
OPRTCT	OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS
PRCT	PLAT RECORDS, TARRANT COUNTY, TEXAS



Parcel Table

Area	Square Feet	Acres
Total Platted Area	1,171,963	26.905
Easement Area	239,852	5.506

- NOTES:**
- Basis of bearing derived from the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, (2011).
 - Selling a portion of this addition by metes and bounds is a violation of City ordinance and state law and is subject to fines and withholding of utilities and building permits.
 - No part of the subject land is located in a 100-year Flood Plain or in an identified "Flood prone area," as defined pursuant to the Flood Disaster Protection Act of 1973, as amended, as reflected by Flood Insurance Rate Map Panels 48439C0115K, dated September 25, 2009. The property is located in Zone "X" (areas determined to be outside the 500-year floodplain).
 - All existing easements are annotated on the previously recorded documents. The applicable recording information is identified on this sheet.

Line Table

Line #	Bearing	Distance	Line #	Bearing	Distance	Line #	Bearing	Distance
L1	S 55°24'43" E	46.57'	L26	N 32°48'44" E	10.00'	L51	N 12°05'17" E	20.12'
L2	N 79°35'17" E	67.22'	L27	S 57°11'16" E	10.00'	L52	N 41°07'33" W	243.94'
L3	S 55°24'43" E	460.35'	L28	S 32°48'44" W	10.00'	L53	N 55°24'43" W	179.88'
L4	S 41°07'33" W	79.93'	L29	S 57°11'16" E	17.01'	L54	S 34°35'17" W	25.00'
L5	N 48°52'27" E	10.00'	L30	N 57°11'16" W	290.00'	L55	N 55°24'43" W	10.00'
L6	S 41°07'33" E	10.00'	L31	S 57°11'16" E	37.92'	L56	N 34°35'17" E	25.00'
L7	S 48°52'27" W	10.00'	L32	N 32°48'44" E	361.07'	L57	N 55°24'43" W	184.68'
L8	S 41°07'33" E	160.27'	L33	N 55°24'43" W	49.82'	L58	S 34°35'17" W	45.50'
L9	S 12°05'17" W	27.12'	L34	S 34°35'17" W	18.35'	L59	N 55°24'43" W	20.00'
L10	S 34°35'17" W	45.39'	L35	N 55°24'43" W	10.00'	L60	N 34°35'17" E	10.00'
L11	S 55°24'43" E	10.00'	L36	N 34°35'17" E	18.35'	L61	S 55°24'43" E	10.00'
L12	S 34°35'17" W	10.00'	L37	N 55°24'43" W	759.83'	L62	N 34°35'17" E	35.50'
L13	N 55°24'43" E	10.00'	L38	S 55°24'43" E	187.60'	L63	N 55°24'43" W	70.40'
L14	S 34°35'17" W	209.04'	L39	N 34°35'17" E	4.25'	L64	S 79°35'17" W	67.22'
L15	S 12°05'17" W	13.58'	L40	N 55°24'43" W	10.00'	L65	N 55°24'43" W	51.85'
L16	S 55°24'43" E	239.70'	L41	N 34°35'17" E	10.00'	L66	S 18°58'37" W	7.95'
L17	N 55°24'43" W	239.70'	L42	S 55°24'43" E	20.00'	L67	S 41°58'37" E	12.42'
L18	S 32°48'44" W	16.40'	L43	S 34°35'17" W	14.25'	L68	S 57°10'51" E	20.14'
L19	N 55°24'43" W	2.50'	L44	S 55°24'43" E	229.31'	L69	S 20°28'59" W	26.63'
L20	S 32°48'44" W	268.70'	L45	N 34°35'17" E	10.00'	L70	S 39°51'31" E	31.53'
L21	S 57°11'16" E	10.00'	L46	S 55°24'43" E	10.00'	L71	S 37°31'26" W	42.66'
L22	S 32°48'44" W	10.00'	L47	S 34°35'17" W	10.00'	L72	S 31°36'43" W	48.57'
L23	N 57°11'16" E	10.00'	L48	S 55°24'43" E	379.85'	L73	S 35°12'16" W	91.22'
L24	S 32°48'44" W	82.06'	L49	N 32°48'44" E	22.48'			
L25	S 57°11'16" E	215.07'	L50	N 34°35'17" E	268.92'			

STATE OF TEXAS §
COUNTY OF TARRANT §

OWNER'S CERTIFICATE

BEING a tract of land situated in the J. Fay Survey, Abstract No. 530, and the J. Cates Survey, Abstract No. 315, City of Grapevine, Tarrant County, Texas, the subject tract being a portion of Lot 1, Block 1, First Baptist Church of Grapevine Addition according to the deed recorded in Document No. D209260320 of the Official Public Records, Tarrant County, Texas (OPRTCT), with the subject tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap found on the northwest line of Stone Myers Parkway, a 75 foot wide right-of-way, for a south corner of a tract conveyed to the City of Fort Worth, recorded in Volume 5430, Page 249, Deed Records, Tarrant County, Texas (DRTCT);

THENCE S 32°48'44" W, 662.59 feet along the northwest line of Stone Myers Parkway to an "X" found in concrete;

THENCE continuing along the northwest line of Stone Myers Parkway; around a non-tangent curve to the left having a central angle of 15°52'59", a radius of 987.50 feet, a chord of S 24°52'43" W - 272.87 feet, an arc length of 273.75 feet to a 5/8" iron rod with plastic cap found;

THENCE S 89°24'23" W, 8.10 feet continuing along the northwest line thereof to a 5/8" iron rod with plastic cap found;

THENCE continuing along the northwest line thereof, around a non-tangent curve to the left having a central angle of 10°31'32", a radius of 837.50 feet, a chord of S 13°53'42" W - 153.64 feet, an arc length of 153.85 feet to a 5/8" iron rod with plastic cap found on the north line of said Lot 1R2, Block 1R1, Classic Hummer Addition, an addition recorded in Document No. D210164132 OPRTCT;

THENCE along the north line of Lot 1R2, the following:

N 62°04'10" W, 391.99 feet to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set;

N 07°43'51" E, 444.01 feet to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set;

And N 82°16'13" W, 602.53 feet to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set on the east line of State Highway 121, a variable width right-of-way, being the southeast corner of a right-of-way tract conveyed to the State of Texas recorded in Document No. D210260790 OPRTCT, and being the northeast corner of another right-of-way tract recorded in Document No. D211009133 OPRTCT, and from which a 1/2" iron rod with plastic cap found for a common corner thereof bears N 82°15'47" W, 83.56 feet;

THENCE N 24°26'47" E, 227.01 feet along the east line of said highway to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set;

THENCE continuing along the east line of said highway, around a tangent curve to the right having a central angle of 17°00'45", a radius of 2842.79 feet, a chord of N 32°57'09" E - 841.00 feet, an arc length of 844.10 feet to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set on the south line of a tract conveyed to the J.H. Randolph Family, LP, recorded in Volume 12513, Page 580, Deed Records, Tarrant County, Texas (DRTCT), for the northeast corner of said dedication, and from which a TxDOT concrete monument found for the northwest corner thereof bears S 89°51'15" W, 121.97 feet;

THENCE N 89°49'31" E, 271.20 feet along the south line of said J.H. Randolph Family tract, passing the southeast corner thereof and a southwesterly corner of said City of Fort Worth tract, to a 1/2" iron rod with plastic cap stamped "SPIARSEN" set;

THENCE S 41°07'33" E, 881.70 feet along the common line thereof to the POINT OF BEGINNING with the subject tract containing 1,171,963 square feet or 26.905 acres of land.

STATE OF TEXAS §
COUNTY OF TARRANT §

OWNER'S CERTIFICATE

AVIGATION RELEASE

That Abigail G. Kampmann, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as FIRST BAPTIST CHURCH OF GRAPEVINE ADDITION, Lots 1R and 2, Block 1, an addition to the City of Grapevine, Tarrant County, Texas, and does hereby dedicate, to the public use forever the right-of-way and easements shown hereon. The easements shown hereon are hereby reserved for the purposes as indicated. The utility easements shall be open for all City or franchised public utilities for each particular use. The maintenance of paving on the easements is the responsibility of the property owner. No buildings or auxiliary structures shall be constructed, reconstructed, or reconstructed, on the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. No City or franchised utility shall have the full right to remove and keep removed all or any portion of any fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all City or franchised utilities shall at all times have the full rights of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. I have reviewed the City's findings concerning dedications and I do agree that the statements are true and correct.

This instrument does not release the owners or operators of aircraft from liability for damage to person or property caused by falling aircraft or falling physical objects from aircraft, except as stated herein with respect to noise, fumes, dust, fuel, and lubricant particles.

It is agreed that this Release shall be binding upon said owner and his heirs and assigns, and successors in interest to said property, and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of the county or counties in which the property is situated.

WITNESS, my hand this the ____ day of _____, 2018.

Abigail G. Kampmann

STATE OF TEXAS §
COUNTY OF BEXAR §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Abigail G. Kampmann, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the ____ day of _____, 2018.

Notary Public, State of Texas

SURVEYOR'S CERTIFICATE

That I, Darren K. Brown, of Spiars Engineering, Inc., do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Grapevine, Texas.

Dated this the ____ day of _____, 2018.

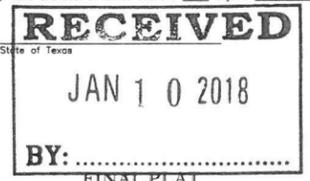
DARREN K. BROWN, R.P.L.S. NO. 5252

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Darren K. Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

Given under my hand and seal of office this the ____ day of _____, 2018.

Notary Public, State of Texas



FINAL PLAT

**LOTS 1R AND 2, BLOCK 1
FIRST BAPTIST
CHURCH OF
GRAPEVINE ADDITION**

BEING A REPLAT OF
LOT 1, BLOCK 1, FIRST BAPTIST
CHURCH OF GRAPEVINE ADDITION
26.905 ACRES IN THE
J. FAY SURVEY, ABSTRACT NO. 530 &
J. CATES SURVEY, ABSTRACT NO. 315
IN THE CITY OF GRAPEVINE
TARRANT COUNTY, TEXAS
Current Zoning: CC, 2 Lots

OWNER / APPLICANT
Abigail G. Kampmann
153 Treeline Park, Ste. 200
San Antonio, Texas 78209

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TFPE No. F-2121
Contact: Kevin Wier

PLANNING & ZONING COMMISSION:
Date Approved: _____
Chairman: _____
Secretary: _____

GRAPEVINE CITY COUNCIL:
Date Approved: _____
Mayor: _____
City Secretary: _____

This plat filed on _____ Instrument # _____

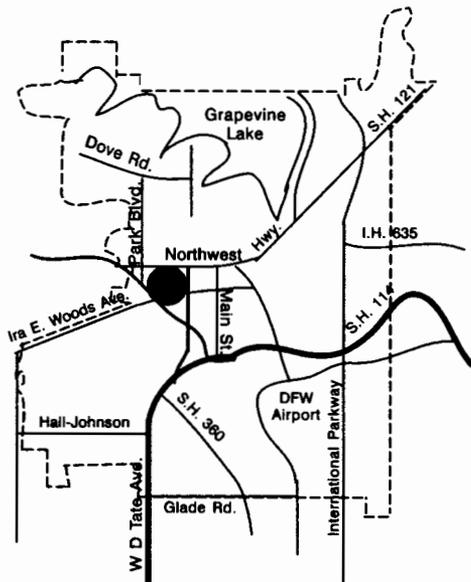
Scale: 1" = 80' January, 2018 SEI Job No. 17-168

TO: HONORABLE MAYOR, CITY COUNCIL MEMBERS AND THE
PLANNING AND ZONING COMMISSION

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
SCOTT WILLIAMS, DEVELOPMENT SERVICES DIRECTOR

MEETING DATE: JANUARY 16, 2018

SUBJECT: DEVELOPMENT SERVICES TECHNICAL REPORT OF
CONDITIONAL USE APPLICATION CU17-29



APPLICANT: Eric Legge

PROPERTY LOCATION AND SIZE:

The subject property is located at 1331 West Wall Street and platted as Lot 4, Block A, Shamrock Ventures Addition. The subject property contains .457 acres and has approximately 111 feet of frontage along West Wall Street.

REQUESTED CONDITIONAL USE AND COMMENTS:

The applicant is requesting a conditional use permit to allow an owner or caretaker residential accommodations for and occupied by only one family within a single professional office building.

The subject property is the site of the historic Yancy Farmhouse. The first floor of the Yancy Farmhouse is used as an office for Toys for Tots. The applicant proposes utilizing the approximate 490 square foot second floor as the private caretaker residence in conjunction with the office use.

PRESENT ZONING AND USE:

The property is currently zoned "PO" Professional Office District and is the site of the historic Yancy Farmhouse, currently used as an office for Toys for Tots.

HISTORY OF TRACT AND SURROUNDING AREA:

The subject property and the property to the east were rezoned from "R-3" Multiple Family to "PO" Professional Office District in the 1984 City-wide rezoning. The properties to the north were rezoned from "C2" Community Business to "HC" Highway Commercial District in the 1984 City-wide rezoning. The properties to the south were rezoned from "R1" Single Family to "R-7.5" Single Family District in the 1984 City-wide rezoning. The properties to the west were rezoned from "R-1" Single Family to "R-7.5" Single Family District in the 1984 City-wide rezoning. At the January 15, 2008 meeting a conditional use request (CU07-44) was considered on the subject property for a funeral home but was subsequently withdrawn by the applicant. At the November 20, 2012 meeting, zone change request Z12-12 (Ord. 2012-60) was approved on the two sites to the south for residential uses. City Council at the February 18, 2014 meeting approved zone change request Z14-01 (Ord. 2014-09) on the site top the east to allow for residential uses.

SURROUNDING ZONING AND EXISTING LAND USE:

- NORTH: "R-7.5" Single Family District—Shamrock Ventures Addition undeveloped lot
- SOUTH: "R-7.5" Single Family District—Shamrock Ventures single family residence
- EAST: "R-7.5" Single Family District—Shamrock Ventures single family residence and undeveloped lot
- WEST: "R-7.5" Single Family District—Bowles Addition single family residence

AIRPORT IMPACT:

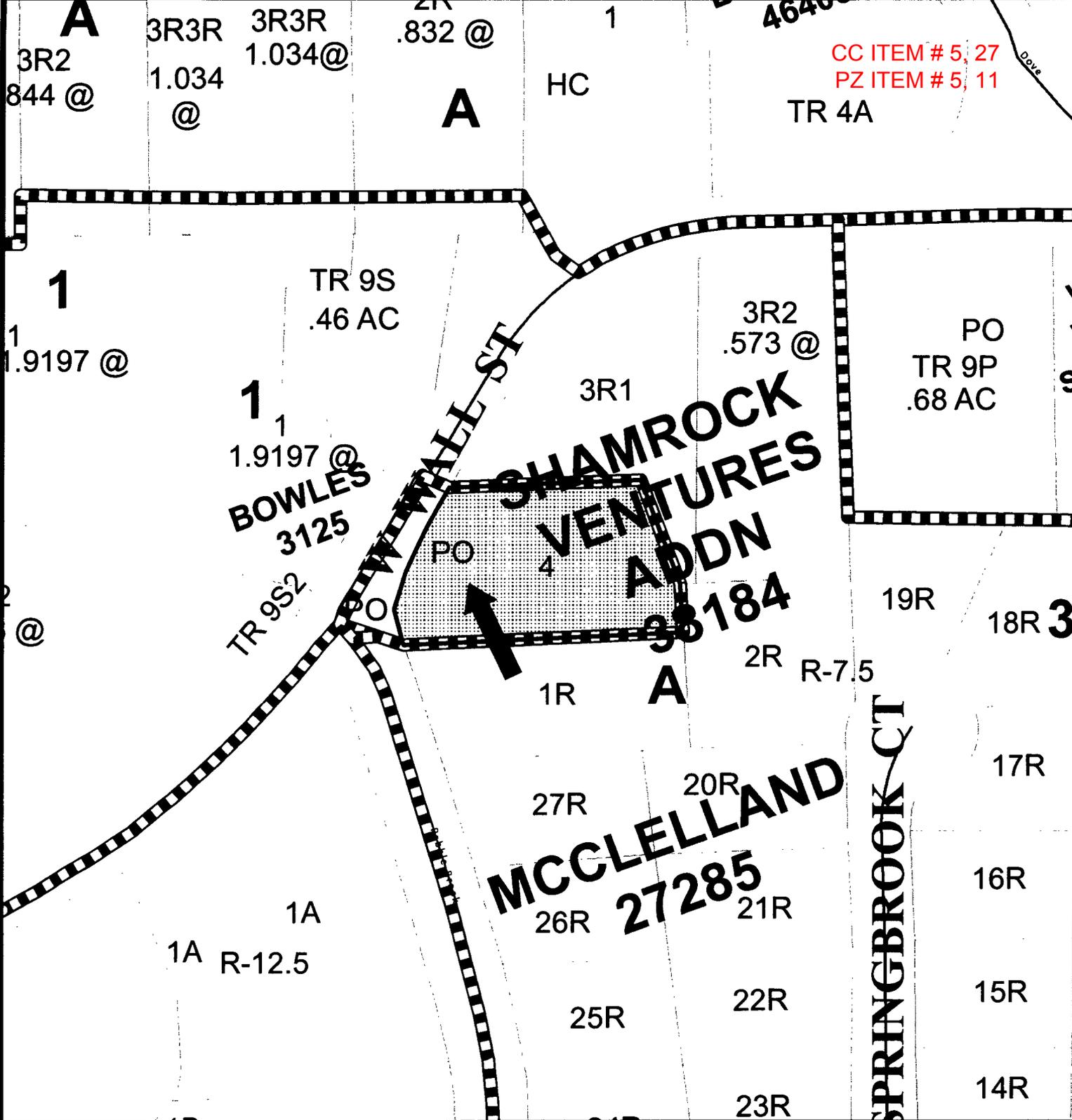
The subject tract is not located within any "Zone" as defined on the "Aircraft Sound Exposure: Dallas/Fort Worth Regional Airport Environs" map.

MASTER PLAN APPLICATION:

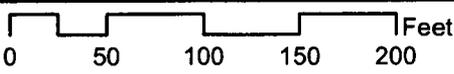
The Master Plan designates the subject property as a Low Intensity Commercial land use. The applicant's proposal is in compliance with the Master Plan.

THOROUGHFARE PLAN APPLICATION:

The Thoroughfare Plan designates West Wall Street as a Type E Collector requiring a minimum right-of-way of 69 feet to be developed as 4 lanes with 11 feet travel lane width. This segment of West Wall Street is not built in accordance with the Thoroughfare Plan.
/at



CC ITEM # 5, 27
PZ ITEM # 5, 11



CU17-29 Toys for Tots

Date Prepared: 12/27/2017

This data has been compiled by the City of Grapevine IT/GIS department. Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data.

CC ITEM # 5, 27
PZ ITEM # 5, 11
CUT 7-29



CITY OF GRAPEVINE

CONDITIONAL USE APPLICATION

Form "A"

PART 1. APPLICANT INFORMATION

Name of applicant / agent / company / contact
ERIC Legge

Street address of applicant / agent:
615 S. Dooley St.

City / State / Zip Code of applicant / agent:
GRAPEVINE TX 76051

Telephone number of applicant / agent: **817 905-6779** Fax number of applicant / agent:

Email address of applicant / agent: Mobile phone number of applicant / agent
817 905-6779

PART 2. PROPERTY INFORMATION

Street address of subject property
1331 W Wall St.

Legal description of subject property (metes & bounds must be described on 8 1/2" x 11" sheet)

Lot **4** Block **A** Addition **SHAMROCK VENTURES ADDITION**

Size of subject property **.48** Acres Square footage

Present zoning classification: **OFFICE** Proposed use of the property: **PARTIAL RESIDENTIAL**

Circle yes or no, if applies to this application
Outdoor speakers Yes No

Minimum / maximum district size for conditional use request:

Zoning ordinance provision requiring a conditional use:

PART 3. PROPERTY OWNER INFORMATION

Name of current property owner:
ERIC Legge

Street address of property owner:
615 S. Dooley St.

City / State / Zip Code of property owner:
GRAPEVINE TX 76051

Telephone number of property owner: **817 905-6779** Fax number of property owner:

RECEIVED
DEC 04 2017
By _____

- Submit a letter describing the proposed conditional use and note the request on the site plan document
- In the same letter, describe or show on the site plan, and conditional requirements or conditions imposed upon the particular conditional use by applicable district regulations (example: buffer yards, distance between users)
- In the same letter, describe whether the proposed conditional use will, or will not cause substantial harm to the value, use, or enjoyment of other property in the neighborhood. Also, describe how the proposed conditional use will add to the value, use or enjoyment of other property in the neighborhood.
- Application of site plan approval (Section 47, see attached Form "B").
- The site plan submission shall meet the requirements of Section 47, Site Plan Requirements.

- All conditional use and conditional use applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.
- All public hearings will be opened and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.
- Any changes to a site plan (no matter how minor or major) approved with a conditional use or conditional use permit can only be approved by city council through the public hearing process.
- I have read and understand all the requirements as set forth by the application for conditional use or conditional use permit and acknowledge that all requirements of this application have been met at the time of submittal.

PART 4. SIGNATURE TO AUTHORIZE CONDITIONAL USE REQUEST AND PLACE A CONDITIONAL USE REQUEST SIGN ON THE SUBJECT PROPERTY

Print Applicant's Name: Eric F. Legge Applicant's Signature: *Eric F. Legge*

The State of Texas
 County Of Tarrant
 Before Me Susan Batte (notary) on this day personally appeared Eric Legge (applicant)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 4th day of December, A.D. 2017.



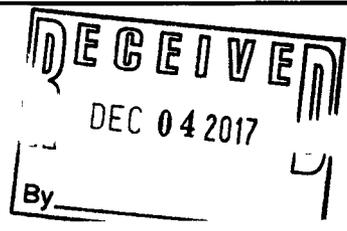
Susan Batte
 Notary In And For State Of Texas

Print Property Owners Name: _____ Property Owner's Signature: _____
 The State Of _____
 County Of _____
 Before Me _____ (notary) on this day personally appeared _____ (property owner)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this _____ day of _____, A.D. _____.

Notary In And For State Of Texas



ACKNOWLEDGEMENT

All Conditional Use and Special Use Applications are assumed to be complete when filed and will be placed on the agenda for public hearing at the discretion of the staff. Based on the size of the agenda, your application may be scheduled to a later date.

All public hearings will be opened and testimony given by applicants and interested citizenry. Public hearings may be continued to the next public hearing. Public hearings will not be tabled.

Any changes to a site plan (no matter how minor or major) approved with a conditional use or a special use permit can only be approved by city council through the public hearing process.

Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council. If after said period of four months an application has not been scheduled before the Commission and Council said application shall be considered withdrawn, with forfeiture of all filing fees. The application, along with the required filing fee may be resubmitted any time thereafter for reconsideration. Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.

I have read and understand all of the requirements as set forth by the application for conditional use or special use permit and acknowledge that all requirements of this application have been met at the time of submittal.

Signature of Applicant *Eric T. Lopez*

Date: 12-4-17

Signature of Owner *Eric T. Lopez*

Date: 12-4-17



1331 W. Wall St. Conditional Use Request

The property at 1331 W. Wall Street is currently the year round office for Toys for Tots and is zoned Office Space by the city of Grapevine. We do not store toys there as we rent out a 50,000 square foot warehouse each year for three months to store the over 500,000 toys donated each year in the DFW area. We do, however, keep some of the more valuable donations such as X-boxes there as in the past some of these items have somehow walked out of our large warehouse.

Recently we have had things taken from the property on Wall Street such as a ladder, tile saw, and a lawnmower and the 1931 Ford Model A Toys for Tots truck had a window shot out with an air gun. I think some of the kids in the neighborhood realize no one is there at night and are getting bolder about night visits to the place. There is an upstairs room that has a closet, bathroom, and a shower that I would like to be deemed as residential so that I can spend the night there to keep an eye on the place.

The property was built in 1898 and was a residence for almost a hundred years so there would be really no change to the property and in my opinion would be good for all the neighbors in the area so that the property does not become a hangout for teenagers looking for a place to get in trouble.

Kind regards,



Capt. Eric F. Legge USMCR (ret)



ORDINANCE NO. 2018-007

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH SECTION 48 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING CONDITIONAL USE PERMIT CU17-29 TO ALLOW FOR AN OWNER OR CARETAKER RESIDENTIAL FACILITIES HAVING ACCOMMODATIONS FOR AND OCCUPIED BY ONLY ONE FAMILY WITHIN A SINGLE PROFESSIONAL OFFICE BUILDING IN A DISTRICT ZONED "PO" PROFESSIONAL OFFICE DISTRICT FOR LOT 4, BLOCK A, SHAMROCK VENTURES ADDITION (1331 WEST WALL STREET) ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS CONDITIONAL USE PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, an application was made requesting issuance of a conditional use permit by making applications for same with the Planning and Zoning Commission of the City of Grapevine, Texas, as required by State statutes and the zoning ordinance of the City of Grapevine, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Grapevine, Texas, after all legal notices requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Grapevine, Texas, at a public hearing called by the City Council did consider the following factors in making a determination as to whether this requested conditional use permit should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the site; safety from fire hazards and measures for fire control; protection of adjacent property from flood or water damages, noise producing elements, and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting, and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to

be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street locating spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; the effect on the overcrowding of the land; the effect on the concentration of population; the effect on the transportation, water, sewerage, schools, parks and other facilities; and

WHEREAS, the City Council of the City of Grapevine, Texas, at a public hearing called by the City Council of the City of Grapevine, Texas, did consider the following factors in making a determination as to whether this requested conditional use permit should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, effect on adequate light and air, the effect on the overcrowding of the land, the effect on the concentration of population, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, all of the requirements of Section 48 of Ordinance No. 82-73 have been satisfied by the submission of evidence at a public hearing; and

WHEREAS, the City Council further considered among other things the character of the existing zoning district and its peculiar suitability for particular uses and with the view to conserve the value of buildings and encourage the most appropriate use of land throughout this City; and

WHEREAS, the City Council of the City of Grapevine, Texas, does find that there is a public necessity for the granting of this conditional use permit, that the public demands it, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of those who bought or improved property with reference to the classification which existed at the time their original investment was made; and

WHEREAS, the City Council of the City of Grapevine, Texas, does find that the conditional use permit lessens the congestion in the streets, helps secure safety from fire, panic and other dangers, prevents the overcrowding of land, avoids undue concentration of population, facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the City Council of the City of Grapevine, Texas, has determined that there is a necessity and need for this conditional use permit and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the property requested for a change since this property was originally classified and, therefore, feels that the issuance of this conditional use permit for the particular piece of property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Grapevine, Texas, and helps promote the general health, safety and welfare of this community.

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

Section 1. That the City does hereby issue a conditional use permit in accordance with Section 48 of Ordinance No. 82-73, the Comprehensive Zoning Ordinance of the City of Grapevine, Texas, same being also known as Appendix "D" of the City Code, by granting Conditional Use Permit CU17-29 to allow for an owner or caretaker residential facilities having accommodations for and occupied by only one family within a single professional office building (Toys For Tots) in a district zoned "PO" Professional Office District within the following described property: Lot 4, Block A, Shamrock Ventures Addition (1331 West Wall Street) all in accordance with a site plan approved pursuant to Section 47 of Ordinance No. 82-73, attached hereto and made a part hereof as Exhibit "A", and all other conditions, restrictions, and safeguards imposed herein, including but not limited to the following: None.

Section 2. That the City Manager is hereby directed to amend the official zoning map of the City of Grapevine, Texas, to reflect the herein conditional use permit.

Section 3. That in all other respects the use of the tract or tracts of land herein above described shall be subject to all the applicable regulations contained in said City of Grapevine zoning ordinance and all other applicable and pertinent ordinances of the City of Grapevine, Texas.

Section 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewerage, drainage and surface water, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things, of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 5. That this ordinance shall be cumulative of all other ordinances of the City of Grapevine, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this ordinance.

Section 6. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the tract or tracts of land described herein shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

Section 7. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 8. That the fact that the present ordinances and regulations of the City of Grapevine, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

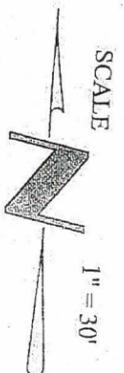
John F. Boyle, Jr.
City Attorney

CC ITEM # 5, 27
PZ ITEM # 5, 11

Site Data

	Provided	Required
Lot Area	19,918 sq. ft.	10,000 sq. ft.
Building Coverage	2,360 sq. ft.	11,950 sq. ft.
Open Space	17,942 sq. ft.	3,983 sq. ft.
Impervious	1,976 sq. ft.	15,934 sq. ft.

Conditional use request CU17-29 is a request to allow an owner or caretaker residential facilities having accommodations for an occupied by only one family within a single professional office building.

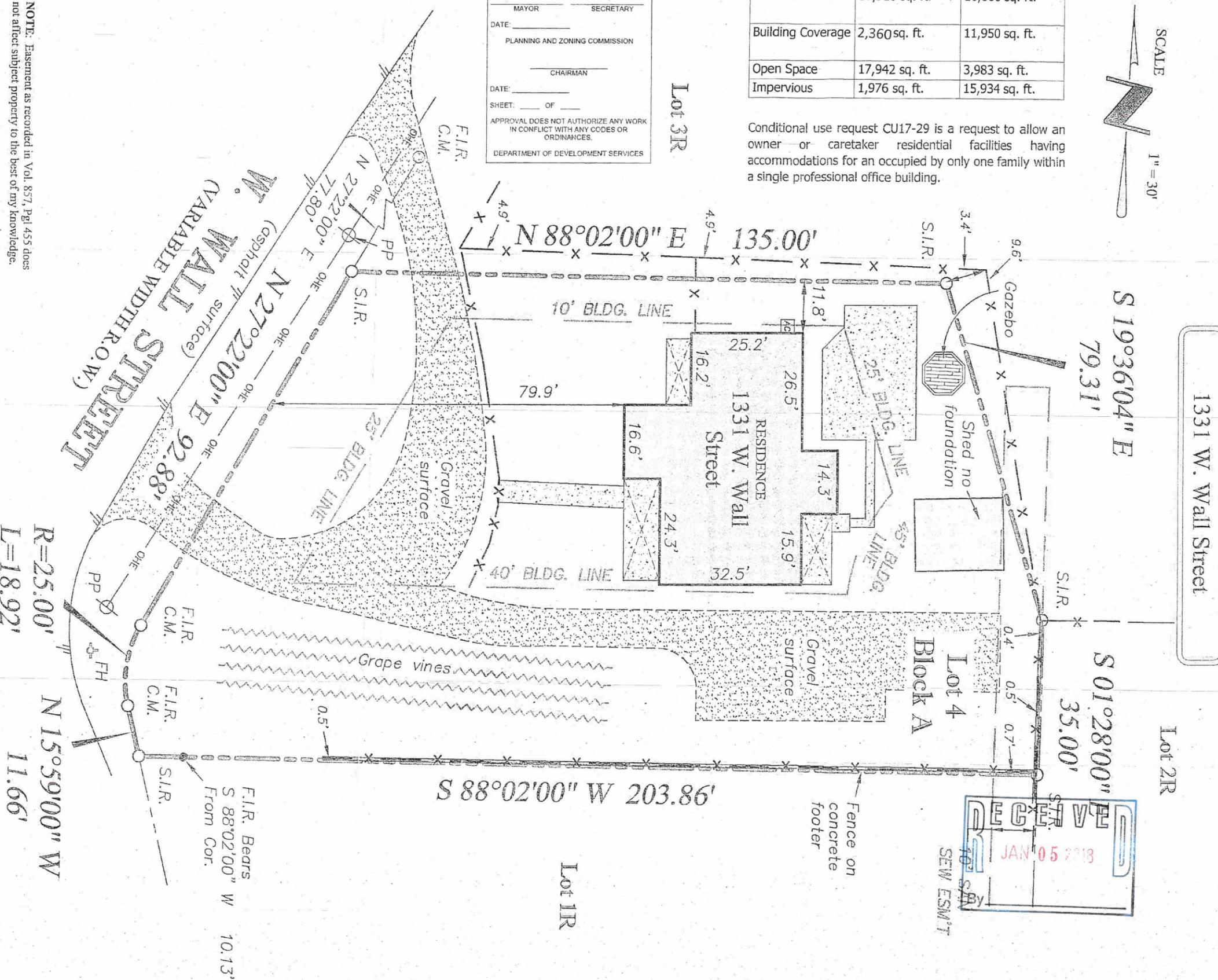


CASE NAME: Toys For Tots
CASE NUMBER: CU 17-29
LOCATION: 1331 W Wall St

MAYOR _____ SECRETARY _____
DATE: _____
PLANNING AND ZONING COMMISSION

CHAIRMAN _____
DATE: _____
SHEET: _____ OF _____

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES.
DEPARTMENT OF DEVELOPMENT SERVICES

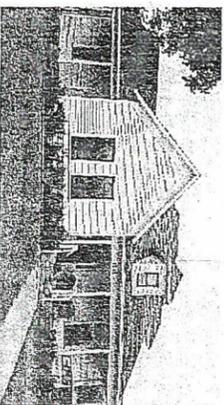


NOTE: Easement as recorded in Vol. 857, Pgl.455 does not affect subject property to the best of my knowledge.

PROPERTY DESCRIPTION: Lot 4, Block A, Shamrock Ventures Addition, City of Grapevine, Tarrant County, Texas, according to the Plat recorded in Instrument File No. D213251943, Real Property Records of Tarrant County, Texas.

The undersigned have/has received and reviewed a copy of this survey.

Date:	10/13/14
ASC No.	1410105
Drawn/Chk	L.G. / D.L.A.
Client	Federal Title, Inc.
G.F. No.	WT14-392869



FLOOD NOTE: It is my opinion that the property described hereon is not within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No. 480598 0105 K, present Effective Date of map September 25, 2009, herein property situated within Zone "X" (Unshaded).

SURVEYORS CERTIFICATION:

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon. The bearings shown hereon are based on the above referenced recorded map or plat unless otherwise noted.

LEGEND - C.M. = Controlling Monument; F.I.R. = Found Iron Rod; F.I.P. = Found Iron Pipe; F.C.P. = Fence Corner Post; O.H.E. = Overhead Electric; S.I.R. = Set Iron Rods 1/2" diameter with yellow cap stamped "Arthur Surveying Company". All found iron rods are 1/2" diameter unless otherwise noted. — x — (fence/pipe post) — O.H.E. — (overhead power)

220 Elm St., # 200 - Lewisville, TX 75057
Ph. 972.221.9439 - TFRN# 10063800
arthursurveying.com Established 1986

Arthur Surveying Co.
Professional Land Surveyors



Date: _____

1200 S. Main, Suite 1000
Grapevine, Texas 76051
Ph. (817) 481-2591
Fax (817) 481-0867

1331 W. Wall Street
Grapevine, Texas

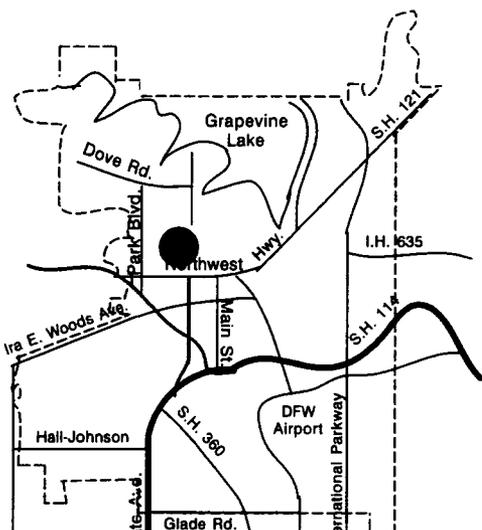
Professional Land Surveyors
Established 1986

TO: HONORABLE MAYOR, CITY COUNCIL MEMBERS AND THE
PLANNING AND ZONING COMMISSION

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
SCOTT WILLIAMS, DEVELOPMENT SERVICES DIRECTOR

MEETING DATE: JANUARY 16, 2018

SUBJECT: DEVELOPMENT SERVICES TECHNICAL REPORT OF ZONE
CHANGE APPLICATION PD17-05 SHADY BROOK ADDITION



APPLICANT: Kosse Maykus

PROPERTY LOCATION AND SIZE:

The subject property is located at 993 Shady Brook Drive and is proposed to be platted as Lots 1-34, Block A; Lots 1-10, Block B, and Lots 1X, 2X, 3X, and 4X, Shady Brook Addition. The property contains 11.83 acres and has approximately 1,088 feet of frontage along Shady Brook Drive.

REQUESTED PLANNED DEVELOPMENT OVERLAY AND COMMENTS:

The applicant is requesting a planned development overlay to deviate from but not be limited to the density requirements and area regulations relative to the "R-5.0" Zero Lot Line District.

At the July 19, 2016 meeting the subject property was rezoned from "R-MF-2" Multifamily District and "PRD-12" Planned Residential Medium Density District to "R-5.0" Zero Lot Line District for the development of 52 single family residential lots; however, the property was never developed. It is this applicant's intent to develop 44 single family lots on the same property with one-way drives into and out of the subdivision from Shady Brook Drive. Average lot size for the proposed 44 lots is 6,642 square feet. The largest lot is 12,532 square feet and the smallest lot is 5,500 square feet. Density is 3.72 dwelling units per acre; maximum density allowed is eight dwelling units per acre. There are four open space lots that will be landscaped and maintained by a home owner association that are primarily contained within a 60-foot Oncor utility easement that bisects the property from east to

west and a significant portion of the subject site along the eastern boundary that is undevelopable flood plain.

Relative to the planned development overlay request the applicant is requesting the following deviations:

- Maximum building coverage: 40 percent allowed; 55 percent requested
- Maximum impervious coverage: 60 percent allowed; 70 percent requested
- Front yard setback: 25-feet required; 20-feet requested
- Rear yard setback: 25-feet required; 15-feet requested
- Side yard setback: six feet required; five feet requested
- Distance between structures on adjacent lots: 12-feet required; 10-feet requested

The applicant has stated that the markets' desire for single story homes on larger lots of a higher quality creates the need for the planned development overlay.

PRESENT ZONING AND USE:

The property is currently zoned "R-5.0' Zero Lot Line District and is undeveloped.

HISTORY OF TRACT AND SURROUNDING AREA:

The subject property was zoned "S-P" Specific Use Permit prior to the 1984 City Rezoning. The property to the east was zoned "MH" Mobile Home Dwelling District prior to the 1984 City Rezoning. The properties to the north and west were zoned "R-1" Single Family Dwelling District and "R-3" Multiple-Family Dwelling District prior to the 1984 City Rezoning. At the July 19, 2016 meeting the subject property (11.83 acres) was rezoned from "R-MF-2" Multifamily District and "PRD-12" Planned Residential Medium Density District for the development of 52 residential lots but was never developed.

SURROUNDING ZONING AND EXISTING LAND USE:

- NORTH: "R-7.5" Single Family Residential District, "R-3.5" Two Family District and "GU" Governmental Use District—Brookhollow Estates and Grapevine Service Center
- SOUTH: "R-MF-2" Multifamily District—unplatted property, Hilltop Apartments
- EAST: "R-MH" Manufactured Home District—Shady Oaks Mobile Home Park
- WEST: "R-7.5" Single Family Residential District—W.C. Lucas Addition, single family residences

AIRPORT IMPACT:

The subject tract is not located within any of the noise zones as defined on the "Aircraft Sound Exposure: Dallas/Fort Worth Regional Airport Environs" map.

MASTER PLAN APPLICATION:

The Master Plan designates the subject property as a Commercial land use. The applicant's proposal is not in compliance with the Master Plan.

THOROUGHFARE PLAN APPLICATION:

Shady Brook Drive is not a designated thoroughfare as shown on the City's Thoroughfare Plan.

/rs



CITY OF GRAPEVINE PLANNED DEVELOPMENT OVERLAY APPLICATION

PART 1. APPLICANT INFORMATION

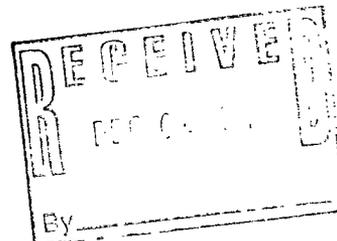
Name of applicant / agent / company / contact HAT CREEK DEVELOPMENT, LLC / KOSSE MARKUS	
Street address of applicant / agent: P.O. BOX 92-717	
City / State / Zip Code of applicant / agent: SOUTH LAKE, TEXAS 76092	
Telephone number of applicant / agent: 817.991.8182 / 817.329.3111	Fax number of applicant / agent: N/A
Email address of applicant / agent	Mobile phone number of applicant / agent 817.991.8182
Applicant's interest in subject property: DEVELOPER	

PART 2. PROPERTY INFORMATION

Street address of subject property 993 SHADY BROOK DR			
Legal description of subject property (metes & bounds must be described on 8 1/2" x 11" sheet)			
Lot	Block	Addition	SEE ATTACHED FIELD NOTES
Size of subject property 11.79 ACRES		Acres	Square footage
Present zoning classification: R-5	Proposed use of the property: 41 SINGLE FAMILY HOMES		
Minimum / maximum district size for request:			
Zoning ordinance provision requesting deviation from: R-5			

PART 3. PROPERTY OWNER INFORMATION

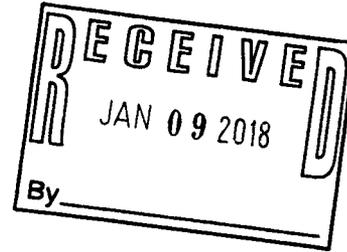
Name of current property owner: FRANK MONACO	
Street address of property owner: 1030 HILLTOP DRIVE, GRAPEVINE, TEXAS, 76051	
City / State / Zip Code of property owner: GRAPEVINE, TEXAS, 76051	
Telephone number of property owner:	Fax number of property owner: N/A





January 8, 2018
KM30-00

City of Grapevine
Development Services- Planning Division
200 S. Main Street
Grapevine, Texas 76051



RE: Shady Brook PD Overlay, for 11.83 acres at 855, 993 & 1005 Shady Brook Dr.

Description of Request:

The applicant, **Hat Creek Development**, is proposing a Single-Family Residential development of 44 home sites on an 11.83 acre tract along Shady Brook Drive, in Grapevine. The property is currently zoned R-5.0, and is platted with 52 lots. The request is to apply a Planned Development Overlay, reducing the density to 44 lots, with requested deviations to allow for customizing the product to meet the high-quality intent of the development and meet market demand for single story homes. The requested changes in the required setbacks and coverage, as well as an increase in typical lot depth from 100' to 110' will allow for a larger floor plate, giving more flexibility for higher quality floor plans and the ability to offer a high-quality single story floor plan to meet a growing market demand.

Specifically, the deviations we are requesting to accomplish this are:

1. An increase in the maximum building coverage from 40% to 55%.
2. An increase in the maximum impervious coverage from 60% to 70%.
3. A reduction in the Front Yard Setback from 25' to 20'.
4. A reduction in the Rear Yard Setback from 25' to 15'.
5. A reduction in the Side yard Setback from 6' to 5'.
6. A reduction in the distance between principal/accessory buildings on adjacent lots from 12' to 10'.

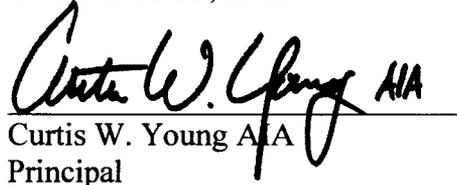
The proposed development would comply with the current designation on the Grapevine Comprehensive Plan.

The property is bounded on the south by the existing "Hilltop Apartments" multi-family development, and on the east by a "Manufactured Home" park. To the north and west are existing single-family homes, and we believe this proposed development will provide a quality land use transition between the two areas.

The property gently slopes from west to east, toward the Morehead Branch Creek, where the floodway area will be retained in a natural state, preserving this tree covered area. There is also an overhead electric transmission line traversing the site. The plan has been designed to work around this easement, but will utilize the resulting greenbelt for a pedestrian trail connecting the two perimeter streets and connecting to the sidewalk along Shady Brook Drive. Additional, internal open space areas for the use of the residents, have also been provided within the plan.

Architecturally, we are proposing a unique, custom theme for the design on the homes, with elements we believe are particularly suited to Grapevine's historical legacy, built by custom builders primarily related to the developer. Given all this, we believe this zoning change would allow for the Highest and Best Use of the property.

Best Regards,
SAGE GROUP, INC.


Curtis W. Young AIA
Principal

CASE NAME: Shady Brook	Date: 180108		
CASE ADDRESS: 855, 993 & 1005 Shady Brook Dr.			
SECTION 16. R-5.0 Zero-Lot-Line	REGULATION	PROPOSED DEVIATION	EXPLANATION
F. DENSITY REQUIREMENTS			
4. Maximum Building Coverage	40% of total lot area	55% of total lot area	Reflective of larger lot area & proposed setbacks
5. Maximum Impervious Area	Shall not exceed 60% of total lot area	70%	
G. AREA REGULATIONS			
1. Depth of Front Yard	25'	20'	Setback deviation requested to allow larger floor plates for higher quality and single story homes.
2. Depth of Rear Yard	25'	15'	
3. Width of Side Yard	6'	5'	
6. Distance Between Accessory Buildings	Not less than 12'	Not less than 10'	For proposed 5' side setbacks.

RECEIVED
 JAN 09 2018
 BY

PD17-05

ORDINANCE NO. 2018-008

AN ORDINANCE ISSUING A PLANNED DEVELOPMENT OVERLAY IN ACCORDANCE WITH SECTION 41 OF ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY GRANTING PLANNED DEVELOPMENT OVERLAY PD17-05 TO DEVIATE FROM, BUT NOT BE LIMITED TO, DENSITY REQUIREMENTS AND AREA REGULATIONS RELATIVE TO THE "R-5.0" ZERO LOT LINE DISTRICT FOR LOTS 1-34, BLOCK A; LOTS 1-10, BLOCK B; AND LOTS 1X, 2X, 3X, AND 4X, SHADY BROOK ADDITION (993 SHADY BROOK DRIVE) ALL IN ACCORDANCE WITH A SITE PLAN APPROVED PURSUANT TO SECTION 47 OF ORDINANCE NO. 82-73 AND ALL OTHER CONDITIONS, RESTRICTIONS AND SAFEGUARDS IMPOSED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND THE ISSUANCE OF THIS PLANNED DEVELOPMENT OVERLAY PERMIT; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, an application was made requesting issuance of a planned development overlay by making applications for same with the Planning and Zoning Commission of the City of Grapevine, Texas, as required by State statutes and the zoning ordinance of the City of Grapevine, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Grapevine, Texas, after all legal notices requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Grapevine, Texas, at a public hearing called by the City Council did consider the following factors in making a determination as to whether this requested planned development overlay should be granted or denied: safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the site; safety from fire hazards and measures for fire control; protection of adjacent property from flood or water damages, noise producing elements, and glare of the vehicular and stationary lights and effect of such lights on established character of the neighborhood; location, lighting, and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to

be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street locating spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; the effect on the overcrowding of the land; the effect on the concentration of population; the effect on the transportation, water, sewerage, schools, parks and other facilities; and

WHEREAS, the City Council of the City of Grapevine, Texas, at a public hearing called by the City Council of the City of Grapevine, Texas, did consider the following factors in making a determination as to whether this requested planned development overlay should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, effect on adequate light and air, the effect on the overcrowding of the land, the effect on the concentration of population, the effect on the transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, all of the requirements of Section 41 of Ordinance No. 82-73 have been satisfied by the submission of evidence at a public hearing; and

WHEREAS, the City Council further considered among other things the character of the existing zoning district and its peculiar suitability for particular uses and with the view to conserve the value of buildings and encourage the most appropriate use of land throughout this City; and

WHEREAS, the City Council of the City of Grapevine, Texas, does find that there is a public necessity for the granting of this planned development overlay, that the public demands it, that the public interest clearly requires the amendment, that the zoning changes do not unreasonably invade the rights of those who bought or improved property with reference to the classification which existed at the time their original investment was made; and

WHEREAS, the City Council of the City of Grapevine, Texas, does find that the planned development overlay lessens the congestion in the streets, helps secure safety from fire, panic and other dangers, prevents the overcrowding of land, avoids undue concentration of population, facilitates the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the City Council of the City of Grapevine, Texas, has determined that there is a necessity and need for this planned development overlay and has also found and determined that there has been a change in the conditions of the property surrounding and in close proximity to the property requested for a change since this property was originally classified and, therefore, feels that the issuance of this planned development overlay for the particular piece of property is needed, is called for, and is in the best interest of the public at large, the citizens of the City of Grapevine, Texas, and helps promote the general health, safety and welfare of this community.

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

Section 1. That the City does hereby issue a planned development overlay in accordance with Section 41 of Ordinance No. 82-73, the Comprehensive Zoning Ordinance of the City of Grapevine, Texas, same being also known as Appendix "D" of the City Code, by granting Planned Development Overlay PD17-05 to deviate from, but not be limited to, the density requirements and area regulations relative to the "R-5.0" Zero Lot Line District within the following described property: Lots 1-34, Block A; Lots 1-10, Block B; and Lots 1X, 2X, 3X, and 4X, Shady Brook Addition (993 Shady Brook Drive) all in accordance with a site plan approved pursuant to Section 47 of Ordinance No. 82-73, attached hereto and made a part hereof as Exhibit "A", and all other conditions, restrictions, and safeguards imposed herein, including but not limited to the following: None.

Section 2. The City Manager is hereby directed to amend the official zoning map of the City of Grapevine, Texas, to reflect the herein planned development overlay.

Section 3. That in all other respects the use of the tract or tracts of land herein above described shall be subject to all the applicable regulations contained in said City of Grapevine zoning ordinance and all other applicable and pertinent ordinances of the City of Grapevine, Texas.

Section 4. That the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewerage, drainage and surface water, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things, of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

Section 5. This ordinance shall be cumulative of all other ordinances of the City of Grapevine, Texas, affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances which are in direct conflict with the provisions of this ordinance.

Section 6. That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the tract or tracts of land described herein shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

Section 7. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 8. The fact that the present ordinances and regulations of the City of Grapevine, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

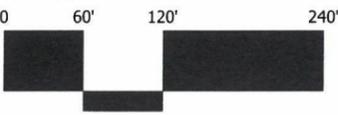
John F. Boyle, Jr.
City Attorney

Shady Brook - PD Overlay Plan

9 JAN 18



1" = 60'



Zoning Notes:

- Maximum Density: 3.72 dwelling units / ac. of gross area
- Lot width is 50' minimum (except on culdesac lots)
- Front setbacks are 20'
- Rear setbacks are 15'
- Side setbacks are 5'
- Planned development overlay PD17-05 is a request to deviate from but not be limited to density requirements and area regulations.
- All residences to be equipped with an approved fully automatic sprinkling system.

Legend

- 4' Proposed Concrete Sidewalk
- 5' Proposed Concrete Sidewalk
- Flood Plain
- 5' Iron Fence
- 8' Wood Fence
- 6' Wood Fence with Masonry Columns
- 6' Wood Fence or Retain Existing Fence
- Fire Hydrant Location
- Common Open Space
- Residential Lots (44 total)
- R.O.W. Dedication (Shady Brook Dr.)



Site Data Summary Chart

Single Family Residential Lots	44
Common Areas	4
Residential Lots	56.97% 6.74 ac.
Open Space	23.84% 2.82 ac.
R.O.W.	19.10% 2.26 ac.
R.O.W. Dedication (Shady Brook Dr.)	00.09% 0.01 ac.
Gross Acreage	100.00% 11.83 ac.

Site Data

Gross Acreage	11.83 ac.
Gross Density	3.72

Lot Summary

Residential Lots	44
Minimum Lot Size	5,500 s.f.
Average Lot Size	6,672 s.f.
Common Areas	4

Zoning & Current Use

Existing Zoning:	R-5.0
Proposed Zoning:	Planned Development Overlay
Current Use:	Vacant
Proposed Use:	Single Family Residential

CASE NAME: Shady Brook	Date: 180108			
CASE ADDRESS: 855, 993 & 1005 Shady Brook Dr.				
	SECTION 16. R-5.0 Zero-Lot-Line	REGULATION	PROPOSED DEVIATION	EXPLANATION
F. DENSITY REQUIREMENTS				
4. Maximum Building Coverage	40% of total lot area	55% of total lot area		Reflective of larger lot area & proposed setbacks
5. Maximum Impervious Area	Shall not exceed 60% of total lot area	70%		
G. AREA REGULATIONS				
1. Depth of Front Yard	25'	20'		Setback deviation requested to allow larger floor plates for higher quality and single story homes.
2. Depth of Rear Yard	25'	15'		
3. Width of Side Yard	6'	5'		
6. Distance Between Accessory Buildings	Not less than 12'	Not less than 10'		For proposed 5' side setbacks.

Owner:
Hilltop Apartments
1030 Hilltop Drive
Grapevine, TX 76051
Contact: Frank S. Monaco

CC ITEM # 6, 28
PZ ITEM # 6, 12

Surveyor:
Area Surveying, Inc.
135 Sheffield Drive
Fort Worth, TX 76134-3819
TEL: 817-293-5684
Contact: Roger Hart

Engineer:
Hamilton Duffy, P.C.
8241 Mid Cities Blvd., #100
North Richland Hills, TX 76182
TEL: 817-268-0408
Contact: Keith Hamilton

Applicant:
Hat Creek Development
P.O. Box 92747
Southlake, TX 76092
TEL: 817-329-3111
Contact: Kosse Maykuz



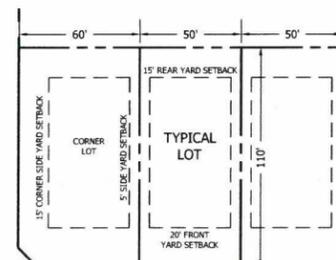
Planner:

SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



TYPICAL LOT DETAIL

1" = 40'



CASE NAME: Shady Brook Addition
CASE NUMBER: PD17-05
LOCATION: 993 Shady Brook Drive, Lots 1-34, Block A: Lots 1-10, Block B, and Lots 1X, 2X, 3X, and 4X Shady Brook Addition.

MAYOR SECRETARY

DATE: _____
PLANNING AND ZONING COMMISSION

CHAIRMAN

DATE: _____
SHEET: 1 OF 10

APPROVAL DOES NOT AUTHORIZE ANY WORK IN CONFLICT WITH ANY CODES OR ORDINANCES.

DEPARTMENT OF DEVELOPMENT SERVICES

Shady Brook - Landscape Plan

9 JAN 18



1" = 60'



Zoning Notes:

- Maximum Density: 3.72 dwelling units / ac. of gross area
- Lot width is 50' minimum (except on culdesac lots)
- Front setbacks are 20'
- Rear setbacks are 15'
- Side setbacks are 5'
- Planned development overlay PD17-05 is a request to deviate from but not be limited to density requirements and area regulations.
- All residences to be equipped with an approved fully automatic sprinkling system.

Legend

- 4' Proposed Concrete Sidewalk
- 5' Proposed Concrete Sidewalk
- Flood Plain
- 5' Iron Fence
- 8' Wood Fence
- 6' Wood Fence with Masonry Columns
- 6' Wood Fence or Retain Existing Fence
- Fire Hydrant Location
- Common Open Space
- Residential Lots (44 total)
- R.O.W. Dedication (Shady Brook Dr.)



Legend

- Existing Tree
- Cedar Elm
- Chinese Pistache
- Live Oak
- Red Oak
- Crape Myrtle
- Desert Willow

Owner:
Hilltop Apartments
1030 Hilltop Drive
Grapevine, TX 76051
Contact: Frank S. Monaco

CC ITEM # 6, 28
PZ ITEM # 6, 12

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Contact: Kosse Maykus



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SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture
1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
817-424-2626



CASE NAME: Shady Brook Addition
CASE NUMBER: PD17-05
LOCATION: 993 Shady Brook Drive; Lots 1-34, Block A: Lots 1-10, Block B; and Lots 1X, 2X, 3X, and 4X Shady Brook Addition

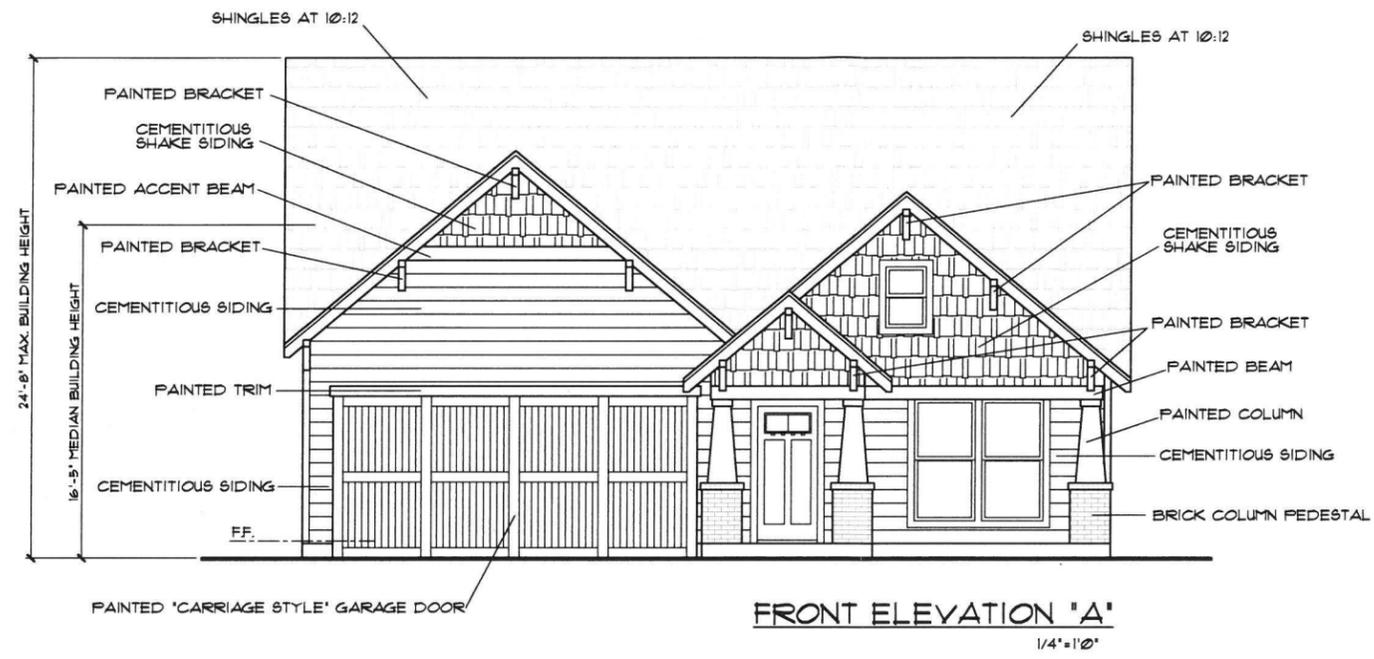
MAYOR SECRETARY

DATE: _____
PLANNING AND ZONING COMMISSION

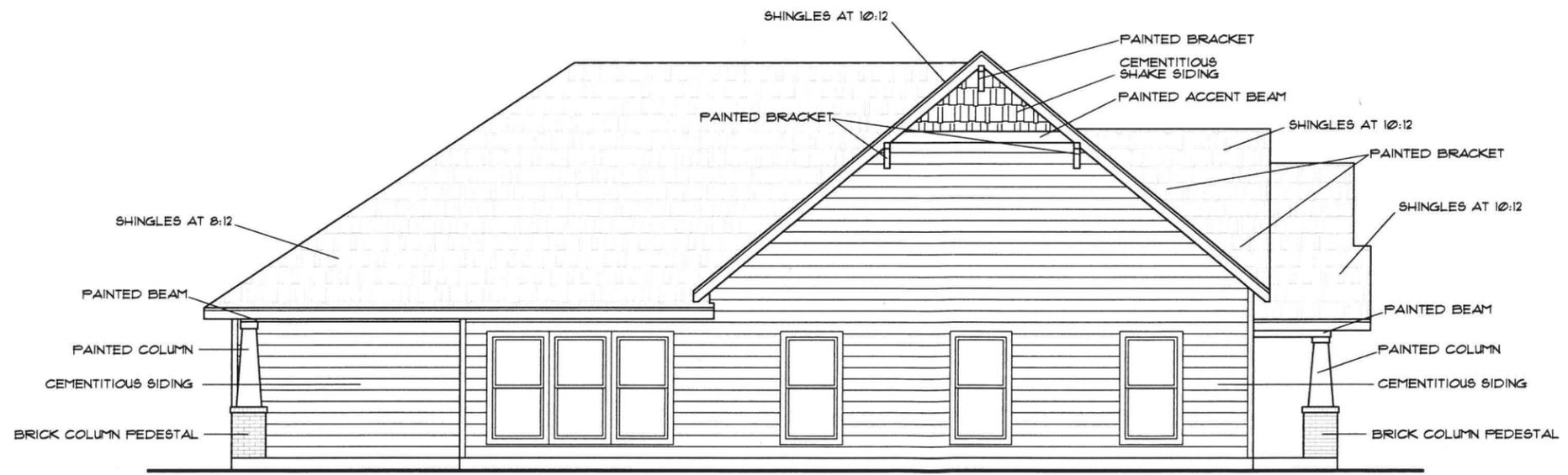
CHAIRMAN

DATE: _____
SHEET: 2 OF 10

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DEPARTMENT OF DEVELOPMENT SERVICES



FRONT ELEVATION 'A'
 1/4" = 1'-0"



LEFT ELEVATION 'A'
 1/4" = 1'-0"

CASE NAME: Shady Brook Addition
 CASE NUMBER: PD17-05
 LOCATION: 993 Shady Brook Drive; Lots 1-34,
 Block A; Lots 1-10, Block B; and Lots 1X,
 2X, 3X, and 4X Shady Brook Addition

 MAYOR SECRETARY

DATE: _____
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 CHAIRMAN

DATE: _____
 SHEET: 3 OF 10

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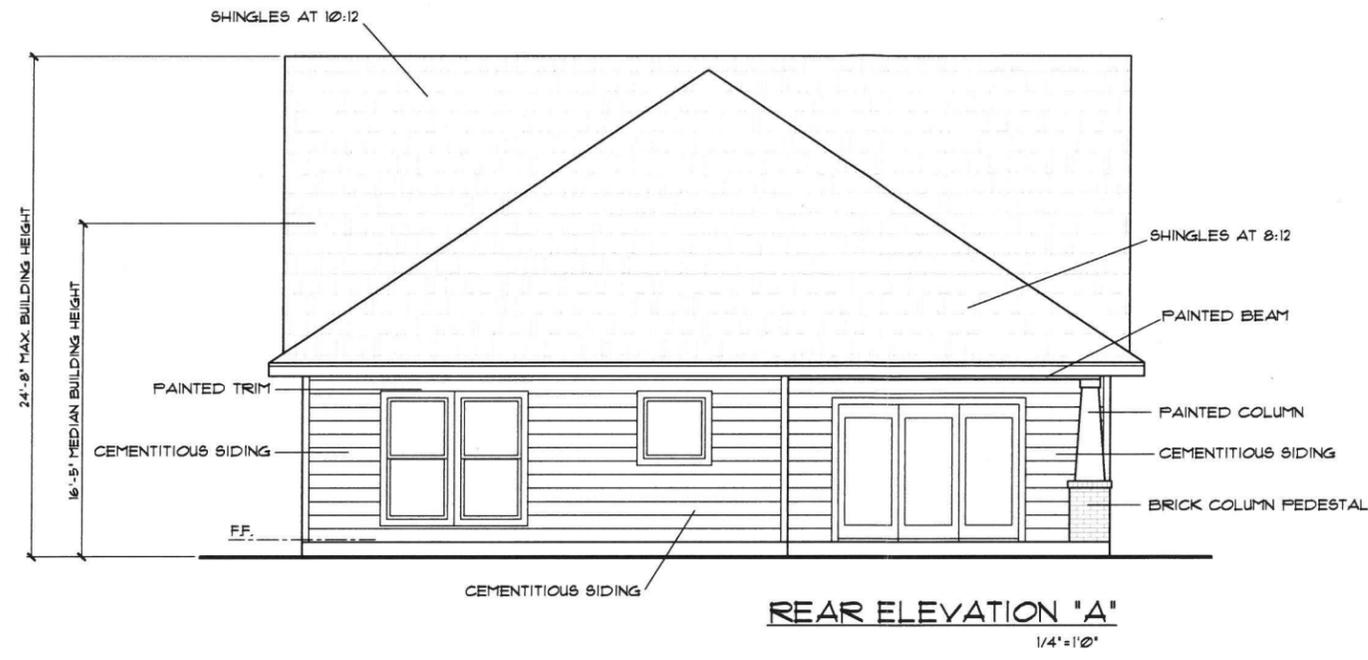
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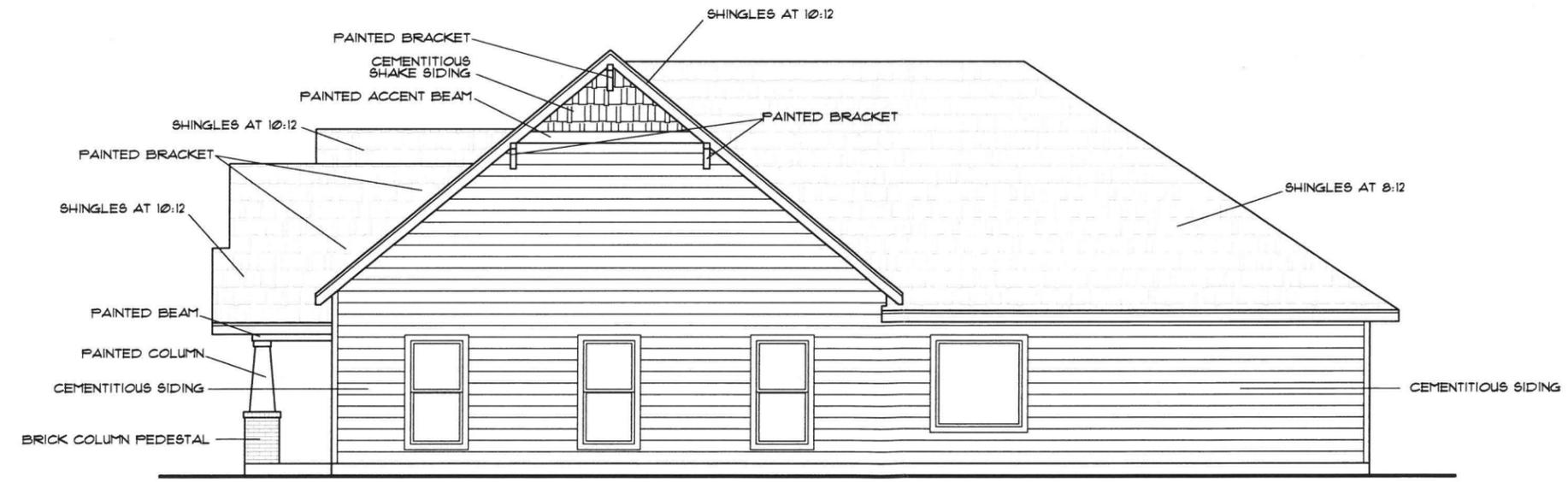
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Sheet No.
 3 of 10
 Project No.
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REAR ELEVATION "A"
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RIGHT ELEVATION "A"
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CASE NAME: Shady Brook Addition
 CASE NUMBER: PD17-05
 LOCATION: 993 Shady Brook Drive, Lots 1-34,
 Block A; Lots 1-10, Block B; and Lots 1X,
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 MAYOR SECRETARY

DATE: _____
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 CHAIRMAN

DATE: _____
 SHEET: 4 OF 10

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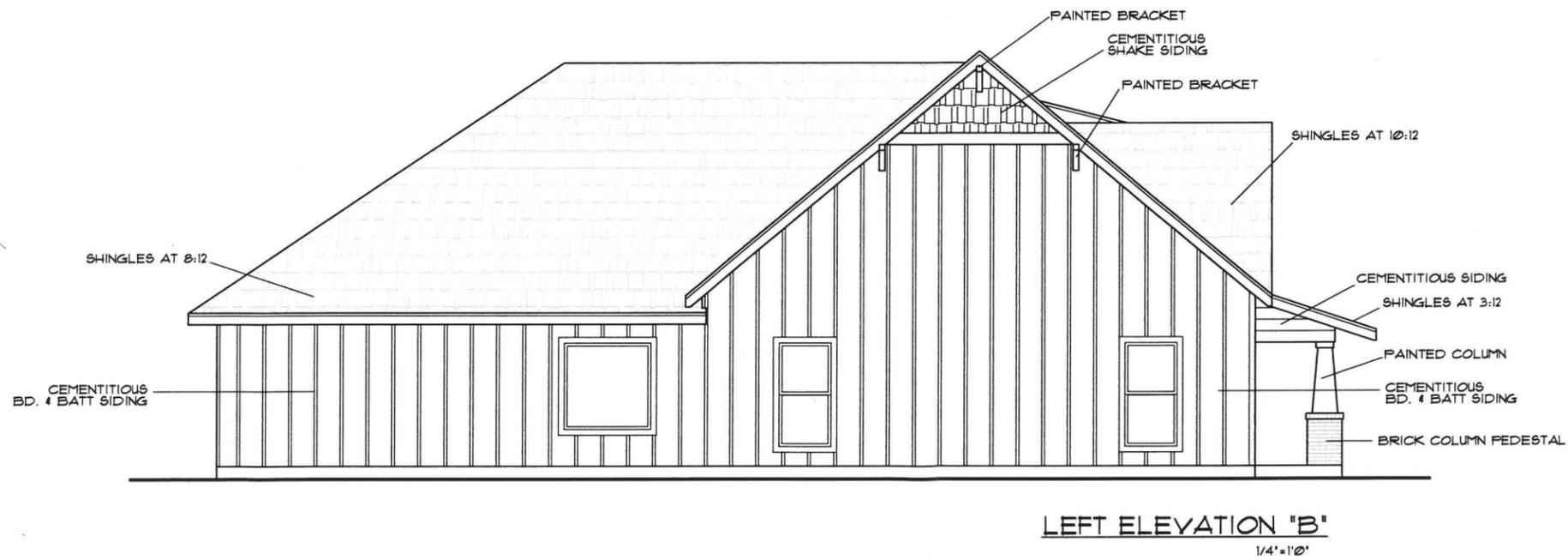
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 Project No.
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CASE NAME: Shady Brook Addition
 CASE NUMBER: PD17-05
 LOCATION: 993 Shady Brook Drive, Lots 1-34,
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DATE: _____
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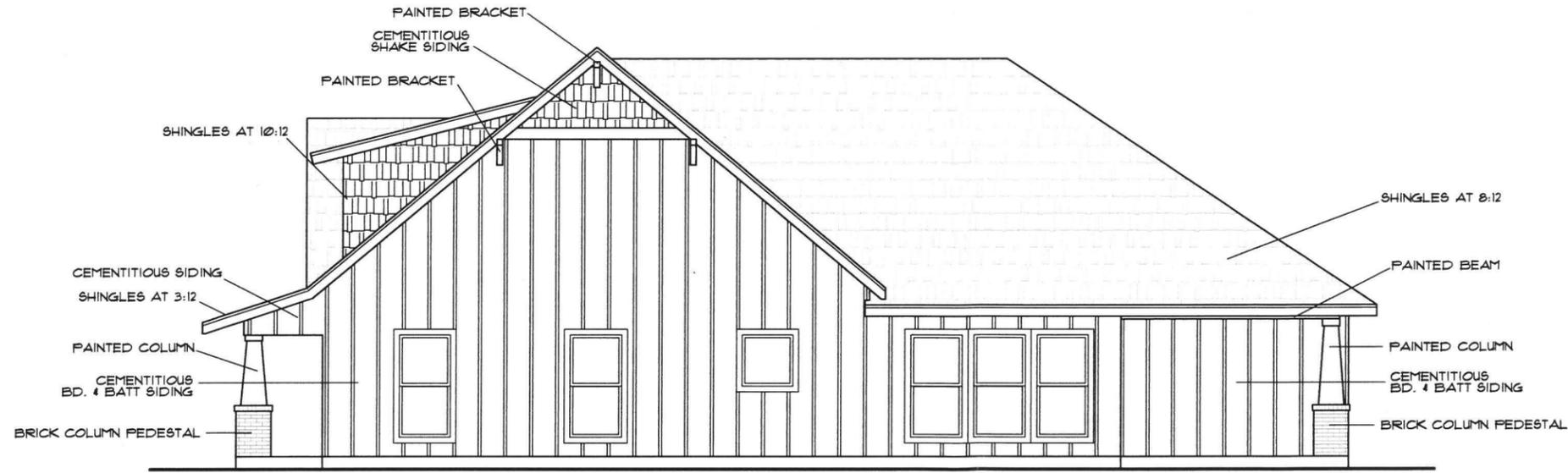


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CC ITEM # 6, 28
 PD ITEM # 6, 12
 CC ITEM # 6, 12



REAR ELEVATION "B"
 1/4" = 1'-0"



RIGHT ELEVATION "B"
 1/4" = 1'-0"

CASE NAME: Shady Brook Addition
 CASE NUMBER: PD17-05
 LOCATION: 993 Shady Brook Drive, Lots 1-34,
 Block A, Lots 1-10, Block B, and Lots 1X,
 2X, 3X, and 4X Shady Brook Addition

 MAYOR SECRETARY

DATE: _____
 PLANNING AND ZONING COMMISSION

 CHAIRMAN

DATE: _____
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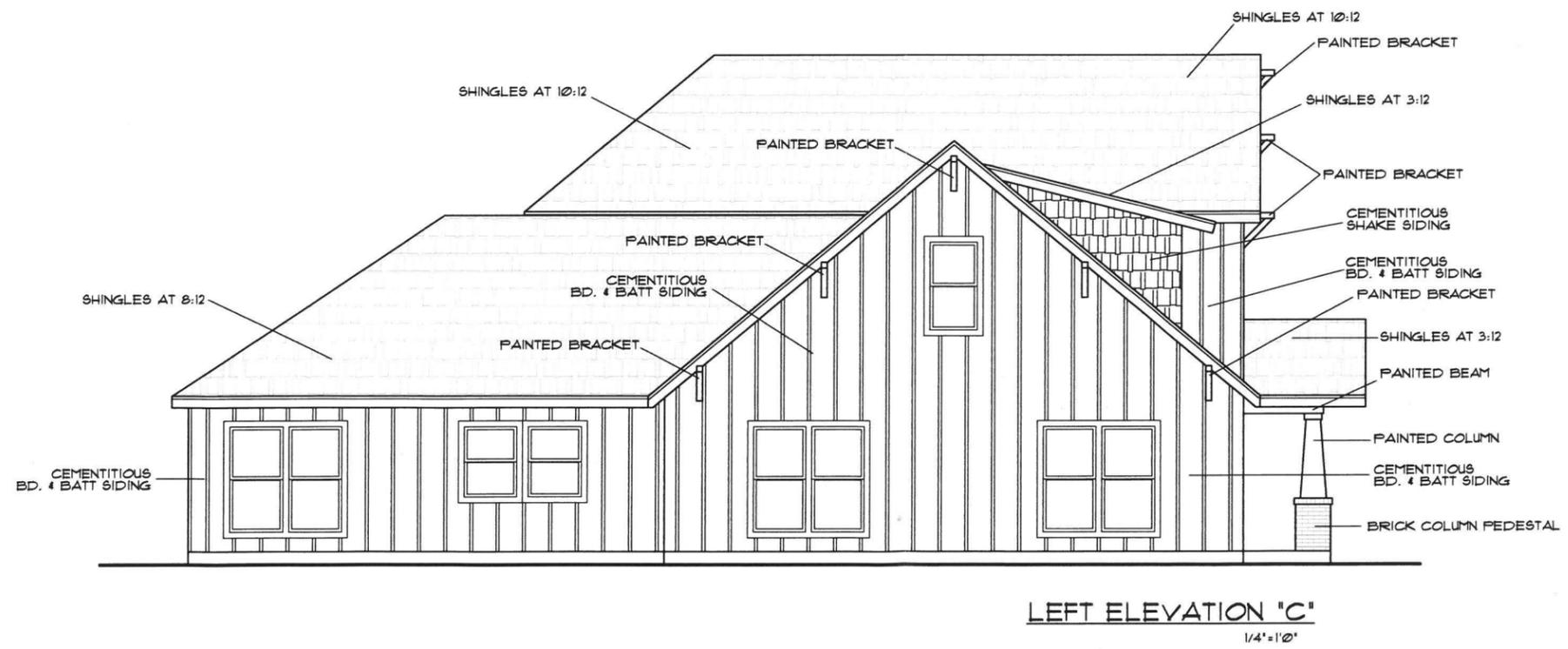


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Sheet No.
6 of 10
 Project No.
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Revisions



CASE NAME: Shady Brook Addition
 CASE NUMBER: PD17-05
 LOCATION: 993 Shady Brook Drive, Lots 1-34, Block A, Lots 1-10, Block B, and Lots 1X, 2X, 3X, and 4X Shady Brook Addition

 MAYOR SECRETARY

DATE: _____
 PLANNING AND ZONING COMMISSION

 CHAIRMAN

DATE: _____
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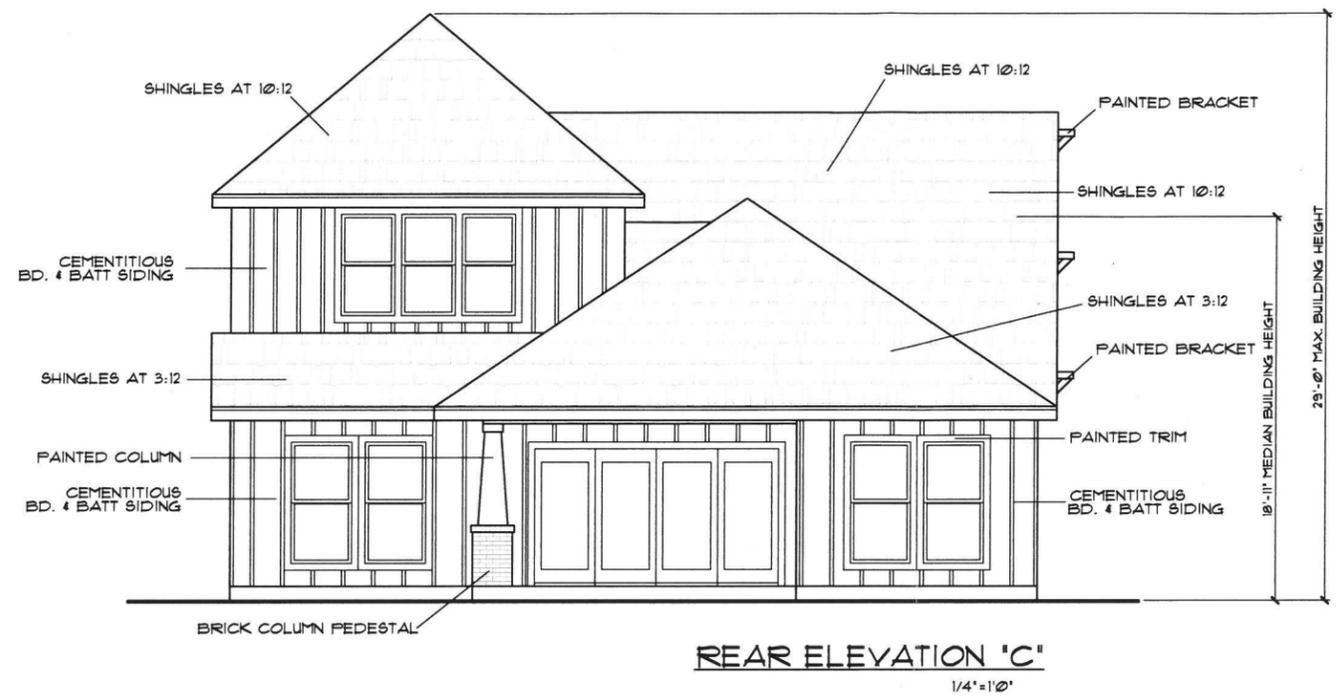
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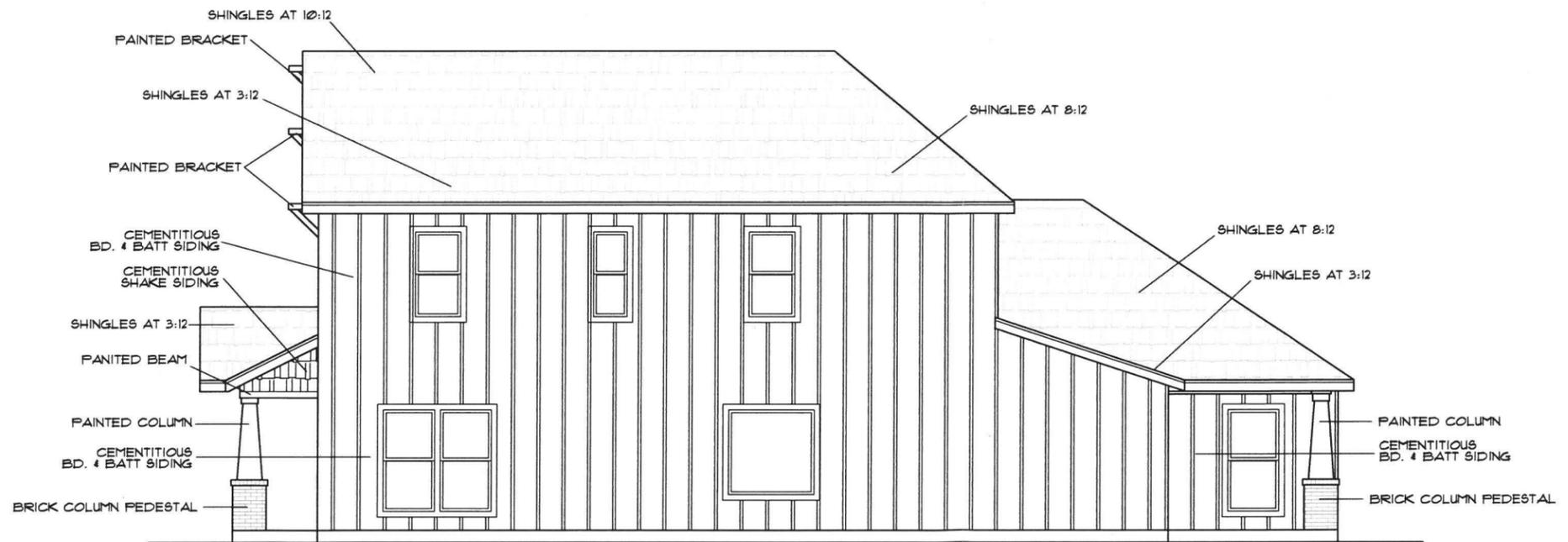
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REAR ELEVATION 'C'
 1/4" = 1'-0"



RIGHT ELEVATION 'C'
 1/4" = 1'-0"

CASE NAME:	Shady Brook Addition
CASE NUMBER:	PD17-05
LOCATION:	993 Shady Brook Drive, Lots 1-34, Block A; Lots 1-10, Block B; and Lots 1X, 2X, 3X, and 4X Shady Brook Addition
MAYOR:	SECRETARY
DATE:	PLANNING AND ZONING COMMISSION
CHAIRMAN:	
DATE:	
SHEET:	8 OF 10
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FRONT ELEVATION "D"
 1/4"=1'0"



LEFT ELEVATION "D"
 1/4"=1'0"

CASE NAME: Shady Brook Addition
 CASE NUMBER: PD17-05
 LOCATION: 993 Shady Brook Drive; Lots 1-34,
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DATE: _____
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 9 of 10
 Project No.
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CC ITEM # 6, 28
 PLOT # 6, 12



REAR ELEVATION "D"
 1/4" = 1'0"



RIGHT ELEVATION "D"
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CASE NAME: Shady Brook Addition
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MEMO TO: HONORABLE MAYOR, CITY COUNCIL MEMBERS AND THE
PLANNING AND ZONING COMMISSION

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
SCOTT WILLIAMS, DEVELOPMENT SERVICES DIRECTOR

MEETING DATE: JANUARY 16, 2018

SUBJECT: AM17-04 - ZONING ORDINANCE AMENDMENTS TO SECTION
52, TREE PRESERVATION AND SECTION 53, LANDSCAPING
REGULATIONS

RECOMMENDATION:

City Council and the Planning and Zoning Commission to consider the proposed amendments to Section 52, Tree Preservation and Section 53, Landscaping Regulations relative to approved trees meeting minimum landscaping requirements, and take any necessary action.

BACKGROUND:

The approved tree list adopted by the City of Grapevine currently allows ornamental pear trees ("Callery Pear") as acceptable trees to meet landscaping requirements. Varieties of ornamental pear trees include "Rancho", "Aristocrat", "Capital", and "Bradford". Unfortunately, these trees have proven to be short lived, disease prone, and brittle. These trees often receive the greatest damage during wind and ice storms, and there are examples throughout the city of these trees in horribly deformed and/or dying condition.

Another problematic tree is the Bald Cypress. These trees not only require tremendous amounts of water, but also have rampant and destructive root systems, making them a very poor choice as a general landscaping tree.

Staff recommends removing these trees from the Required Tree List for Required Landscaping as shown in the attachment. Staff has consulted the Parks and Recreation Director, who also recommends this amendment.

City of Grapevine

REQUIRED TREE LIST FOR REQUIRED LANDSCAPING
 (Excluding Landscape Islands)

(Medium to Large Deciduous Trees)

Tree Name	Scientific Name	Height	Width
Bald Cypress	(Taxodium distichum)	40'-60'	30'-40'
Burr Oak	(Quercus macrocarpa)	50'-60'	40'-50'
Gallery Pear	(Pyrus calleryana) (*Varieties: "Rancho", "Aristocrat", "Capital" "Bradford")	30'	15'-25'
Cedar Elm	(Ulmus rassifolial)	50'-60'	40'-50'
Chinese Pistacho	(Pistacia chinensis)	40'-50'	40'-50'
Chinquapin Oak	(Quercus muhlenbergii)	50'-60'	40'-50'
Pecan	(Carya illinoensis)	50'-60'	40'-50'
Shumard Red Oak	(Quercus shumardii)	50'-60'	40'-50'
Texas Red Oak	(Quercus shumardii)	30'-35'	20'-30'
Western Soapberry	(Sapindus drummondii)	30'-40'	25'-35'
Southern Magnolia	(Magnolia grandiflora)	60'-80'	30'-50'
Lacey Oak	(Quercus glancoides)		

EVERGREEN TREES

Afghan Pine	(Pinus eldarica)	30'-40'	25'-30'
Austrian Pine	(Pinus nigra)	20'-25'	10'-15'
Eastern Red Cedar	(Juniperus virginiana)	30'-40'	20'-30'
Eldarica Pine	(Pinus eldarica)	30'-40'	25'-30'
Japanese Black Pine	(Pinus thunbergiana)	20'-50'	20'-30'

Leyland Cypress	(Cupressocyparis leylandi)	20'-40'	40'-50'
Live Oak	(Quercus virginiana)	25'-35'	35'-55'
Yaupon Holly	(Ilex vomitoria)	12'-18'	10'-15'

(Small Deciduous Trees)

Desert Willow	(Chilopsis linearis)	15'-30'	15'-25'
Eve's Necklace	(Sophora affinis)	15'-25'	15'-20'
Mexican Plum	(Prunus mexicana)	15'-25'	15'-20'
Possumhaw holly	(Ilex decidua)	15'-20'	10'-15'
Redbud	(Cercis canadensis) "Oklahoma"	20'-25'	15'-20'

City of Grapevine

REQUIRED TREE LIST FOR LANDSCAPE ISLANDS

(Medium to Large Deciduous Trees)

Tree Name	Scientific Name	Height	Width
Bald Cypress	(Taxodium distichum)	40'-60'	30'-40'
Burr Oak	(Quercus macrocarpa)	50'-60'	40'-50'
Callery Pear	(Pyrus calleryana) (*Varieties: "Rancho", "Aristocrat", "Capital" "Bradford")	30'	15'-25'
Cedar Elm	(Ulmus rassifolial)	50'-60'	40'-50'
Chinese Pistacho	(Pistacia chinensis)	40'-50'	40'-50'
Chinquapin Oak	(Quercus muhlenbergii)	50'-60'	40'-50'
Pecan	(Carya illinoensis)	50'-60'	40'-50'
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EVERGREEN TREES

Afghan Pine	(Pinus eldarica)	30'-40'	25'-30'
Austrian Pine	(Pinus nigra)	20'-25'	10'-15'
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Eldarica Pine	(Pinus eldarica)	30'-40'	25'-30'
Japanese Black Pine	(Pinus thunbergiana)	20'-50'	20'-30'

Leyland Cypress	(Cupressocyparis leylandi)	20'-40'	40'-50'
Live Oak	(Quercus virginiana)	25'-35'	35'-55'
Yaupon Holly	(Ilex vomitoria)	12'-18'	10'-15'

ORDINANCE NO. 2018-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE OF GRAPEVINE, TEXAS, AMENDING SECTION 52, TREE PRESERVATION AND SECTION 53, LANDSCAPING REGULATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A PENALTY OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2000.00); PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 52 and Section 53, of the Zoning Ordinance of the City of Grapevine regulates tree preservation and landscape regulation standards; and

WHEREAS, the City Council wishes to amend Sections 52 and 53 of the Zoning Ordinance; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare of the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. Section 52 of the Zoning Ordinance – "Tree Preservation", is hereby amended by removing Bald Cypress and Callery Pear from the required list of trees.

Section 3. Section 53 of the Zoning Ordinance – "Landscape Regulations", is hereby amended by removing Bald Cypress and Callery Pear from the required list of trees.

Section 4. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Grapevine, Texas shall be deemed

repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding of not guilty, nolo contendere, or dismissal.

Section 5. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed two thousand dollars (\$2000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 6. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. The fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}

MEETING DATE: JANUARY 16, 2018

SUBJECT: PRESENTATION ON ANIMAL SERVICES FEE SCHEDULE

RECOMMENDATION:

No Council action required in this agenda item.

FUNDING SOURCE:

Funding for service changes have been budgeted through the Animal Services' operating budget (100-42200-209-5 & 100-42281-209-5).

BACKGROUND:

Staff commenced research by surveying a number of area government shelter operations that provide similar animal services. Those cities were Arlington, Bedford, Carrollton, Collin County, Coppell, Dallas, Denton, Euless, Farmers Branch, Flower Mound, Garland, Grand Prairie, Hurst, Irving, Keller (Colleyville, Southlake, Westlake, Roanoke), Lewisville, Mansfield, North Richland Hills, Plano, Richland Hills, Saginaw, Tri-City (Cedar Hill, Desoto, Duncanville), and Weatherford. Data was collected regarding services provided and related costs from the surveyed.

Meetings with area shelter managers were held to help clarify questions related to services cost data. Following the research, staff evaluated the Animal Shelter's current service fees and structure.

On March 22, 2017, a presentation of the proposed service fees was made to the Animal Shelter Advisory Committee. The Committee was in concurrence with the recommendations.

Examples of proposed changes are the pet adoption fees and the registration fees.

Currently, adoptions fees are set at \$40.00 for dogs and cats, regardless of age. When an adoption occurs, the adopter simply pays \$40.00 and receives the new pet. The animal has not received vaccinations nor has it been sterilized. To assist with vaccinations and sterilization, each adopter receives a \$40.00 voucher. A portion of the voucher, \$10.00, can be used for vaccinations and the remainder, \$30.00, can be used for sterilization. Often times, the new adopter may spend ten times the value of the voucher achieving compliance and, on rare occasions, much more. One of the proposed operational changes will be that when pets are adopted, they will have

ITEM # 10

received most of their vaccinations, to include rabies, and will be sterilized. The proposed adoption fee for dog, puppy, and kitten will be \$75.00. The adoption fee for cats (older than 6 months) will be \$50.00. The survey data revealed the average adoption cost for dogs at \$74.35 and the average adoption cost for cats at \$67.17. The proposed adoption fees will be a significant benefit to the adopter, the pet, and to staff. The proposed increases to the adoption fees will help offset vaccination and sterilization costs. Approximately 79% of surveyed shelter operations have the adopted pet sterilized before leaving the shelter and 87% provide vaccinations before leaving.

The proposed registration fees are structured around identification and sterilization. The ability to return a stray to its owner quickly is a priority of shelter staff. Rice grain sized microchips, inserted just under the skin and between the shoulders of pets, will allow staff to quickly identify the owner of the lost animal and return the animal without being processed through the shelter. This saves time and money for the pet owners and saves time for the staff. Additionally, the health of the found pet is not compromised by being processed through the shelter and the pets in the shelter are not exposed. Unsterilized animals tend to escape more often than sterilized pets. Seventy percent of surveyed cities have a pet registration program.

No Council action necessary on this item.

Service	Survey Fee (Average)	Current Fee	Proposed Fee	Change
Adoptions				
Dog/Puppy/Kitten	\$ 74.35	\$ 40.00	\$ 75.00	\$ 35.00
Cat	\$ 67.17	\$ 40.00	\$ 50.00	\$ 10.00
Impound Fee				
1st Impoundment (S)		\$ 15.00	\$ 30.00	\$ 15.00
1st Impoundment (U/S)		\$ 15.00	\$ 60.00	\$ 45.00
2nd Impoundment (S)		\$ 30.00	\$ 45.00	\$ 15.00
2nd Impoundment (U/S)		\$ 30.00	\$ 75.00	\$ 45.00
3rd Impoundment (S)		\$ 45.00	\$ 60.00	\$ 15.00
3rd Impoundment (U/S)		\$ 45.00	\$ 90.00	\$ 45.00
Boarding Fee				
Daily	\$ 9.88	\$ 5.00	\$ 10.00	\$ 5.00
Owned Animal Surrender				
Per Animal	\$ 22.69	\$ -	\$ 25.00	\$ 25.00
Animal Bite Quarantine				
Quarantine	\$ 138.75	\$ 80.00	\$ 140.00	\$ 60.00
Home Quarantine		\$ -	\$ 70.00	\$ 70.00
Rabies Testing		\$ -	\$ 75.00	\$ 75.00
Registration				
Sterilized & Microchipped Initial		\$ -	\$ 5.00	\$ 5.00
Sterilized & Microchipped Renewal		\$ -	\$ 5.00	\$ 5.00
Sterilized & Not Microchipped Initial		\$ -	\$ 10.00	\$ 10.00
Unsterilized & Microchipped Initial		\$ -	\$ 20.00	\$ 20.00
Unsterilized & Microchipped Renewal		\$ -	\$ 20.00	\$ 20.00
Unsterilized & Not Microchipped Initial		\$ -	\$ 20.00	\$ 20.00
License Tag Replacement		\$ -	\$ 5.00	\$ 5.00
License Renewal Late Fee		\$ -	\$ 5.00	\$ 5.00
Dangerous Dog				
Annual Registration	(State Law)	\$ 50.00	\$ 50.00	\$ -
Euthanasia		\$ -	\$ 50.00	\$ 50.00
Agricultural Permits				
Livestock Initial Permit		\$ -	\$ 50.00	\$ 50.00
Livestock Renewal		\$ -	\$ 10.00	\$ 10.00
Fowl (includes chickens) Initial Permit		\$ -	\$ 30.00	\$ 30.00
Fowl (includes chickens) Renewal		\$ -	\$ 5.00	\$ 5.00

Service	Survey Fee (Average)	Current Fee	Proposed Fee	Change
Additional Pet Permit (5 or more)				
Initial Permit		\$ -	\$ 100.00	\$ 100.00
Renewal		\$ -	\$ 25.00	\$ 25.00
Equipment Rental (City Owned)				
Humane Trap Deposit		\$ -	\$ 65.00	\$ 65.00
Humane Trap Services (Privately Owned)				
Trap Service (On-Duty)		\$ -	\$ 30.00	\$ 30.00
Trap Service (Off-Duty)		\$ -	\$ 60.00	\$ 60.00
Other Services				
Microchip Implant		\$ 20.00	\$ 20.00	\$ -

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: BRUNO RUMBELOW, CITY MANAGER BR

MEETING DATE: JANUARY 16, 2018

SUBJECT: APPROVAL OF PROPOSED AMENDMENTS TO CHAPTER 6,
ANIMALS AND FOWL, CODE OF ORDINANCES

RECOMMENDATION:

Staff recommends approval.

FUNDING SOURCE:

Funding for service changes have been budgeted through the Animal Services' operating budget (100-42200-209-005 & 100-42281-209-005).

BACKGROUND:

Across much of 2016 and 2017, staff examined Chapter 6 of the Code of Ordinances, evaluating for portions that may be obsolete, out of balance with changes in law, or misaligned with animal service policy and procedures. After research and review, amendments were developed. The ordinance, in whole or in part, was further reviewed by the City Attorney's Office, Parks and Recreation, and Municipal Court.

Staff commenced research by surveying a number of area government shelter operations that provide similar animal services. Those cities were Arlington, Bedford Carrollton, Collin County, Coppell, Dallas, Denton, Euless, Farmers Branch, Flower Mound, Garland, Grand Prairie, Hurst, Irving, Keller (Colleyville, Southlake, Westlake, Roanoke), Lewisville, Mansfield, North Richland Hills, Plano, Richland Hills, Saginaw, Tri-City (Cedar Hill, Desoto, Duncanville), and Weatherford.

Additionally, meetings with area shelter managers, reviews of numerous local ordinances, participation from other City departments, and input from Shelter Planners of America aided in the research. Through the findings, staff was able to develop an understanding of multiple operational aspects that were in need of change and to then formulate improved animal management and service delivery ideas that were placed into the ordinance.

On March 22, 2017, a comprehensive presentation of the revised ordinance was made to the Animal Shelter Advisory Committee. Input was received from the Committee, along with some of the public, in attendance. The Committee was in concurrence with the changes.

On June 15, 2017, a partial presentation of the revised ordinance was made to the Park and Recreation Board. Input was received from the Board. The Board was in concurrence with the changes.

On December 5, 2017, a presentation was made to the Council regarding changes in Chapter 6, Animals and Fowls, in the Code of Ordinances.

While not every section changed, every portion of the ordinance has been reviewed in detail. The recommended changes were driven:

- By a recognition that some of the ordinances were simply outdated;
- With significant input and guidance from the City Attorney's office relative to changes in state law;
- In light of the forthcoming dog park;
- By a desire to advance Animal Shelter operations and service delivery to pets and the community; and
- From the Animal Shelter needs assessment, which provided operational suggestions.

Examples of amendments are the pet registration program and the spay or neuter of adoptable dogs/cats prior to adoption.

Registration is the idea of providing information about owned pets (dogs and cats) to Animal Services annually. Registration will occur through the microchipping of pets, which enables a quick return of lost pets to their owners, prevents lost pets from being exposed to strays at the shelter, saves money for pet owners by preventing boarding and impounding fees, and is a step in reducing euthanasia rates. Registration also ensures each dog or cat is immunized against rabies, thereby promoting a healthy pet environment throughout the City, to include promoting a safe public dog park. Currently, registration does not exist. Seventy percent (70%) of surveyed cities have a pet registration program.

The spaying or neutering of dogs and cats is required (by law) when adoptions occur through Animal Services (H.S.C. 828.002). This process occurs, currently, by way of a voucher system, requiring staff to verify, through follow-up, that the sterilization occurred. The voucher system can be costly in time for staff, as follow-ups need to occur after the adoption to ensure compliance. Also, this voucher system is typically very costly for new pet adopters, costing some adopters \$500.00 in unexpected care. Spay or neuter prevents over population and/or accidental breeding, it prevents stray and feral dogs/cats, and reduces potential health issues for pets. Procedurally, it is proposed that spay or neuter will occur before the adoption, thereby reducing the overall cost to adopters and saving staff time. Seventy-nine percent (79%) of surveyed cities spay or neuter before leaving the shelter.

Since the December 5, 2017 Council presentation, additional modifications have been made for clarity. These will be covered in this agenda item presentation.

Staff recommends approval.

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
	Aricle I-In General	Not Listed		
Sec. 6.1	Definitions	Definitions	No change in title	
	When used in this chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:	When used in this chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:	No change	
Abandon	None	<i>Shall mean to dump, desert, or leave any animal on/in public or private property with the intent of terminating any further responsibility for said animal; and shall also mean failing to properly redeem any animal impounded or quarantined by the City.</i>	Added	Needed-Added by City Attorney
Adoption	None	<i>The transfer of ownership from the City to a person or organization deemed suitable for the care, custody, and control of an animal.</i>	Added	Needed-Added by City Attorney
Animal	Any living, nonhuman creature.	Any living, nonhuman creature <i>including but not limited to any stray or feral cat or dog or wild living creature</i>	Changed	H.S.C. 821.001 "Animal" includes every nonhuman creature . C. 42.092 (2) "Animal" means a domesticated living creature including any stray or feral cat or dog, and a wild living creature previously captured. The term does not include an uncaptured wild living creature or livestock animal.
Animal Services Manager	None	<i>The supervisor of Animal Services or their designee and meet all the requirements of an Animal Services Officer.</i>	Added	Needed-Not previously listed-Staff
Animal Control Officer to <i>Animal Services Officer</i>	Enforcement officer for animal control within the city.	Enforcement officer for animal <i>care and</i> control within the <i>City and who meets all the requirements to be an animal control officer as defined and described in the Health and Safety Code Chapter 829.</i>	Minor Change	Title change-New title is same as HR job description.
Animal Control Shelter to <i>Animal Services</i>	A city-operated <i>or designated facility</i> for impounding and caring for animals held under the authority of this chapter.	The City operated <i>division</i> for impounding and caring for animals held under the authority of this chapter.	Minor change	Encompassing of services provided
At large	An animal not kept within an enclosure or fenced area or restrained by a leash of sufficient strength and length to control the actions of said animal.	An <i>owned</i> animal not kept within an enclosure or fenced area or restrained by a leash of sufficient strength and length to control the actions of said animal.	Minor change	Owned-differentiates between At Large and Stray
Cat	Animal of the feline species, both male and female.	Animal of the feline species, both male and female.	No change	
Chief of Police	None	<i>The Chief of Police shall be the chief administrative officer of the Police Department. All aspects of management and operation of Animal Services will be within and under the authority of the Chief of Police.</i>		
Circus	For the purposes of this chapter, a commercial variety show featuring animal acts for public entertainment.	For the purposes of this chapter, a commercial variety show featuring animal acts for public entertainment.	No change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
City	The City of Grapevine Texas.	The City of Grapevine Texas.	No change	
Commercial Animal Establishment	Any pet shop, animal auction, riding school or stable, zoologic park, circus, recurring animal exhibition or commercial kennel.	Any pet shop, animal auction, riding school or stable, zoologic park, circus, recurring animal exhibition or commercial kennel.	No change	
Commercial Kennel	Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and cats.	Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and cats.	No change	
Dangerous Animal to <i>Dangerous Dog</i>			Changed	Change in law
1	Any animal that, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or any public or private property; or	<i>Commits unprovoked acts, in a place other than an enclosure which the dog was being kept and which was reasonably certain to prevent the dog from leaving on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or</i>	Changed	Change in law
2	Any animal who attacks unprovoked and causes injury or to otherwise endanger the safety of human beings or animals; or	<i>Makes an unprovoked attack on a person, domestic animal, or livestock that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and which was reasonably certain to prevent the dog from leaving on its own; or</i>	Changed	Change in law
3	Any animals suspected of being a dangerous animal, if the owner, keeper or harbinger of such animal fails or refuses to make such animal available for inspection by animal control officer.	<i>Is suspected of being a dangerous dog, if the owner, keeper or harbinger of such dog fails or refuses to make such dog available for inspection by an animal services officer.</i>	Minor Change	Change in law
	Provided, however, the term dangerous animal shall not mean an animal accused of any behavior described in this definition that occurs as a result of a trespass upon the property of the owner or harbinger of the accused animal.	<i>Provided, however, the term dangerous dog shall not mean a dog accused of any behavior described in this definition that occurs as a result of a trespass upon the property of the owner or harbinger of the accused dog.</i>	Minor Change	Change in law
Department	None	<i>The Grapevine Police Department</i>	Added definition	Staff
Dog	Animal of the canine species, both male and female.	Animal of the canine species, both male and female.	No change	
Dog Park	None	<i>A public park for dogs to exercise and play off leash in a controlled environment under the supervision of their owners or harborers. The term does not include any areas located on private property.</i>	Added definition	Staff-Recognizes forthcoming City owned dog park and differentiates between public and privately owned.
Domestic Animal	Includes all species of animals commonly and universally accepted as being domesticated.	Includes all species of animals commonly and universally accepted as being domesticated.	No change	
Estray	Any stray livestock.	Any stray livestock.	No change	
Fee Schedule	None	<i>A list of fees associated with the services provided by Animal Services. This includes, but is not limited to, adoption fees, owner reclaim fees, and quarantine fees.</i>	Added definition	Removed costs from ordinance and placed them into a fee schedule.

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
Fowl	A bird of <u>any kind, domestic or wild.</u>	A bird of <i>the order Galliformes, which can be used as food. This term includes but is not limited to the common domesticated chicken, duck, geese, turkey, quail, dove, and pheasant.</i>	Changed	"Fowl" in ordinance referring more to kept, domestic kind, rather than ALL birds domestic and wild.--Staff
Harbor	The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care a period of at least three days.	The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care a period of at least three days.	No change	
Harborer	None	<i>One who harbors an animal.</i>	Added definition	Staff
Known Propensity	Any animal with a natural inclination, tendency or disposition.	Any animal with a natural inclination, tendency or disposition.	No change	
Local Rabies Control Authority	None	<i>The Animal Services Manager is hereby designated as the local rabies control authority in accordance with requirements listed in the Texas Health and Safety Code. In the absence of the Animal Services Manager, the officer temporarily serving in that capacity shall assume the duties and responsibilities of the local rabies control authority.</i>	Added definition	Tx. Administrative Code, 169.22 (19); H.S.C. 826.017
Livestock	Any horse, stallion, mare, gelding, filly, colt, mule, jinny, jack, heifer, sheep, goat or any species of cattle. Any domestic animal other than dog or cat.	Any <i>farm animal regarded as an asset, including cattle, horses, mules, asses, sheep, goats, llamas, alpacas, and exotic livestock as defined by Agriculture Code Sec. 142.001, as amended, including elk and elk hybrids, and dogs.</i>	Changed	Agriculture Code, Sec. 142.001
Microchip	A passive electronic device that is injected into an animal, subcutaneously, by means of a hypodermic type syringe device. Each microchip shall contain a unique and original number that can be read by an electronic scanning device for purposes of identification and recovery by the animal's owner.	A passive electronic device that is injected into an animal, subcutaneously, by means of a hypodermic type syringe device. Each microchip shall contain a unique and original number that can be read by an electronic scanning device for purposes of identification and recovery by the animal's owner or harborer .	Minor Change	Staff
Municipal Court	None	<i>The Municipal Court of the City of Grapevine, Texas.</i>	Added definition	Staff
Owned	None	<i>Having ownership or custody or control of or harboring or keeping an animal.</i>	Added definition	City Attorney
Owner	Any person owning, keeping or having custody or control of, or who has right of property in, an animal.	Any person owning, keeping or having custody or control of, or who has right of property in, an animal.	No change	
Pet Animals	Any animal kept for pleasure rather than utility and shall include dogs, cats, rabbits, rodents, birds, reptiles and any other species of animal which is sold or retained as household pets, but shall not include skunks, nonhuman primates, and any other species of wild, exotic or carnivorous animal that may be further restricted by this chapter.	Any animal kept for pleasure rather than utility and shall include dogs, cats, rabbits, rodents, birds, reptiles and any other species of animal which is sold or retained as household pets, but shall not include skunks, nonhuman primates, and any other species of wild, exotic or carnivorous animal that may be further restricted by this chapter.	No change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
Pet Shop	Any establishment owned and operated by a person, corporation or association, whether operated separately or in connection with another business enterprise, except for a commercial kennel, buys, sells, boards or grooms any species of animal.	Any establishment owned and operated by a person, corporation or association, whether operated separately or in connection with another business enterprise, except for a commercial kennel, buys, sells, boards or grooms any species of animal.	No change	
Stray Animal	Any animal, for which there is no identifiable owner or harborer which is found to be at large within the corporate limits of the City.	Any <i>unowned</i> animal, for which there is no identifiable owner or harborer, which is found to be at large within the incorporated limits of the City.	Minor Change	Added the word unowned to definition.
Unprovoked Conduct	With respect to an attack by a dog, means that the dog was not hit, kicked or struck by a person with any object or part of a person's body nor was any part of the dog's body pulled, pinched or poked.	<i>Means conduct that is not: 1. In response to being tormented, abused, or assaulted by any other person or animal; or 2. In response to pain or injury; or 3. In protection of itself, its food, kennel, immediate territory, or nursing offspring.</i>	Changed	Change in law
Vicious Conduct	An attack made by the dog on a person in which the dog initiates physical contact with the person and fails to retreat, and: 1. The attack resulted in bodily injury to the person; 2. The attack was unprovoked; and 3. The attack did not occur in a pen or other enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the pen or enclosure on its own.	<i>None</i>	Changed	Change in law
Wild Animal	Includes all species of animals which exist in a natural, unconfined state and are usually undomesticated, including, but not limited to, poisonous snakes, poisonous fish, piranhas, spiders, scorpions, boa constrictors, alligators, crocodiles and other reptiles, monkeys (nonhuman primates), raccoon, skunk, ferret, fox, wolf, leopard, panthers, tigers and lions.	Includes all species of animals which exist in a natural, unconfined state and are usually undomesticated.	Changed	Staff--First sentence of the original definition was retained. All examples were removed.
Zoological Park	Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals, operated by a person, partnership, corporation or government agency.	Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals, operated by a person, partnership, corporation or government agency.	No change	
Sec. 6.2	Livestock; sanitary conditions	Livestock <i>and Fowl</i>	Change in title	
a	It shall be unlawful for any person to keep or harbor any livestock within the corporate limits of the city in any pen, stable, shed or other enclosure at a distance of less than 50 feet from any residence, business, commercial establishment, office, school, hospital or nursing home. This 50-foot requirement does not apply to the livestock owner's residence, business, commercial establishment or office.	It shall be unlawful for any person to keep or harbor any livestock within the limits of the City in any pen, stable, shed or other enclosure at a distance of less than 50 feet from any residence, business, commercial establishment, office, school, hospital or nursing home. This 50-foot requirement does not apply to the livestock owner's residence, business, commercial establishment or office.	No change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
b	It shall be unlawful for any person to keep or harbor any livestock within the corporate limits of the city, where there is less than 20,000 square feet for each cattle and 10,000 square feet for other types of livestock.	It shall be unlawful for any person to keep or harbor any livestock within the limits of the City, where there is less than 20,000 square feet for each cattle and 10,000 square feet for all other types of livestock.	No change	
c	It shall be unlawful for any person to allow livestock within 50 feet of any dwelling used for human habitation other than the owner's dwelling.	It shall be unlawful for any person to allow livestock within 50 feet of any dwelling used for human habitation other than the owner's dwelling.	No change	
d	It shall be unlawful for any person to keep or harbor any fowl within the corporate limits of the city in any pen, shed, coop or enclosure, if any part of such enclosure or structure is within 50 feet of any residence, business or commercial establishment or office (other than the owner's), school, hospital or nursing home. <u>All persons who maintain any such structure within 50 feet of the above-listed uses on the effective date of this chapter shall register said structure with the chief of police within six months of the effective date of this chapter. Said persons shall be exempt from the provisions of this subsection. Section 6-2(d) shall not apply to pet birds kept within residential or commercial structures nor shall it apply to birdhouses for the keeping of migrating or wild birds.</u>	It shall be unlawful for any person to keep or harbor any fowl within the City in any pen, shed, coop or enclosure, if any part of such enclosure or structure is within 50 feet of any residence, business or commercial establishment or office (other than the owner's), school, hospital or nursing home.	Changed	Staff--Retained the first sentence of existing language and removed remainder.
e	It shall be unlawful for any owner of any animal to maintain yards, pens, stables, sheds, coops or other enclosures in which such animals are confined in such a manner as to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the public health, safety or welfare, or to create a public nuisance.	It shall be unlawful for any owner of any animal to maintain yards, pens, kennels, stables, sheds, coops or other enclosures in which such animals are confined in such a manner as to emit odors offensive to any person's ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the public health, safety or welfare, or to create a public nuisance.	Minor change	
f	Manure and droppings shall be removed from pens, stables, yards, coops and other enclosures regularly and handled or disposed of in such a manner as to keep the premises free of any nuisance.	Manure and droppings shall be removed from pens, kennels, stables, yards, coops and other enclosures regularly and handled or disposed of in such a manner as to keep the premises free of any nuisance.	Minor change	Staff--The word KENNEL added to definition.

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
g	Mound storage of droppings of manure between such removal shall be permitted, only under such conditions as to protect against the breeding of flies, rodents and to prevent the migration of fly larvae (maggots) into the surrounding soil.	Mound storage of droppings of manure between such removal shall be permitted, only under such conditions as to protect against the breeding of flies, rodents and to prevent the migration of fly larvae (maggots) into the surrounding soil.	No change	
h	The feeding of vegetables, meat scraps or garbage to livestock shall be done only in impervious containers or on an impervious platform.	The feeding of vegetables, meat scraps or garbage to livestock shall be done only in impervious containers or on an impervious platform.	No change	
i	Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes or other insects.	Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes or other insects.	No change	
j	No putrescible material shall be allowed to accumulate on the premises; and all such material used to feed which is unconsumed shall be removed and disposed of by burial or other sanitary means.	No putrescible material shall be allowed to accumulate on the premises; all such material used to feed which is unconsumed shall be removed and disposed of by burial or other sanitary means.	Minor change	Staff--Grammatical adjustment.
k	No changes in zoning or new construction on contiguous or adjacent property shall cause any uses or structures existing prior to the change in zoning or new construction to become illegal nonconforming pursuant to section 6-2.	No changes in zoning or new construction on contiguous or adjacent property shall cause any uses or structures existing prior to the change in zoning or new construction to become illegal nonconforming pursuant to section 6-2.	No change	
l	None	<i>Owners of livestock must report to Animal Services the location, size of land plot, and numbers and type of livestock to be kept within the City. Owners of fowl must report to Animal Services the type of fowl to be kept. An annual permit is required to maintain livestock and/or fowl within the City. A fee will be collected according to the Animal Services Fee Schedule and permit may be issued. If there is evidence of failure to comply with City livestock or fowl ordinances, the City reserves the right to deny issuance and/or renewal of said permit upon request of applicant and to assess a fine for violation.</i>	Added	Staff--To enable Animal Services to contact and return animals that are found estray. To ensure that owners of livestock and fowl have the proper space and setup to maintain animals in the City. From KV--20-25 known livestock owners. No idea on number of animals. We occasionally learn about more. Unknown how many with fowl although chickens are becoming more popular with sustainability crowd.
Sec. 6.3	Creation of disturbance by animal.	Creation of Disturbance by Animal.	No change	
	It shall be unlawful for any person to willfully or knowingly harbor or keep on his premises or elsewhere any animal of any kind that makes or creates an unreasonable disturbance of the peace of the neighbors or occupants of adjacent premises or people living in the vicinity thereof or suffer or permit such animal to make or create unusual noises by howling, barking, bawling or otherwise.	It shall be unlawful for any person to knowingly harbor or keep on his premises or elsewhere any animal of any kind that makes or creates an unreasonable disturbance of the peace of the neighbors or occupants of adjacent premises or people living in the vicinity thereof or suffer or permit such animal to make or create unusual noises by howling, barking, bawling or otherwise.	Minor change	Staff--language removed and added for clarity

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
Sec. 6.4	Wild animals	Wild Animals	No change	
a	It shall be unlawful to keep or harbor any wild animal within the city, except at commercial animal establishments dealing in the sale or handling of such animals and having proper zoning for such commercial establishments and having proper facilities for the restraint and care of such animals.	It shall be unlawful to keep or harbor any wild animal within the City, except at commercial animal establishments dealing in the sale or handling of such animals and having proper zoning for such commercial establishments and having proper facilities for the restraint and care of such animals.	No change	
b	The animal control officer and the city manager or his designee may establish conditions under which it would be permissible to keep or harbor wild animals at locations other than those listed in section 6-4(a) for a period of time not to exceed one month.	The <i>Animal Services Manager or designee</i> and the <i>Chief of Police or</i> designee may establish conditions under which it would be permissible to keep or harbor wild animals at locations other than those listed in section 6-4(a) for a period of time not to exceed one month.	Minor change	
Sec. 6.5	Animals at large	Animals at Large	No change	
	It shall be unlawful for the owner or harbinger of any animal to permit the same to be at large in the city or to trespass upon the premises of any other person. There shall be a rebuttable presumption that any animal which is at large shall have done so by the permission of its owner or harbinger.	It shall be unlawful for the owner or harbinger of any animal to permit the same to be at large in the city or to trespass upon the premises, <i>public or private</i> , of any other person. There shall be a presumption that any animal which is at large shall have done so by the permission of its owner or harbinger <i>and shall be a punishable act</i>	Minor change	City attorney and staff
	None	<i>Feral cats that have been sterilized and ear notched or otherwise permanently marked, and returned to locations within the City in order to reduce the population of feral cats through sterilization, shall not be considered at large or running at large.</i>	Added	To encourage responsible cat ownership. To not impede surrounding areas programs of TNR
Sec. 6.6	Impounding of cats, dogs	Impounding of Cats, Dogs	No change	
a	The health officer, the animal control officer or any police officer may cause to be taken up and impounded any animal, excluding livestock, at large in violation of the terms of this chapter. <u>Provided, however, that</u> this section shall be enforced relative to cats, only upon receipt of a complaint.	The <i>Animal Services Officer</i> or any police officer may cause to be <i>captured</i> and impounded any animal, excluding livestock, at large and in violation of this chapter. This section shall be enforced relative to cats, only upon receipt of a complaint.	Minor change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
b	The owner of any animal impounded under the terms of this chapter shall have the right to redeem same, unless otherwise provided, upon payment to the city for each dog or cat. redeemed the sum of \$15.00. For each additional impoundment of the same dog or cat that occurs, the impoundment fee shall increase by \$15.00 for each additional impoundment. In addition to the impoundment fee, the owner shall pay the boarding fee \$5.00 per day, fine if any and any veterinary or drug fees incurred during impoundment.	The owner of any animal impounded under the terms of this chapter shall have the right to redeem same, unless otherwise provided, upon payment to the city for each dog or cat. <i>The owner shall pay fees associated with redemption of said animal as set forth in the Animal Services Fee Schedule, including, but not limited to, impound fees, boarding fees, and veterinary or drug fees incurred during impoundment.</i>	Minor change	
c	All dogs and cats redeemed at the animal shelter must be vaccinated against rabies, in accordance with the provisions of section 6-30, within three days of the redemption date, if said animal does not have a current and valid rabies vaccination certificate. If the owner or harbinger of said animal fails to have the redeemed animal vaccinated within three days after the redemption date, the owner or harbinger shall be fined an amount of at least \$100.00, provided he is found guilty or pleads guilty nolo contendere to the offense.	All dogs and cats redeemed from the City, which are not already microchipped, will be microchipped at the expense of the owner prior to being released from impoundment. All dogs and cats redeemed from the City, which are not already currently vaccinated for rabies, will be vaccinated for rabies at the expense of the owner prior to being released from impoundment.	Changed	City attorney supports. Microchipping will allow for reduced staff time in identifying and returning an animal which results in savings to the owner (less time at shelter) and reduced disease concern for the animal. All animals are required to be vaccinated for rabies per State H.S.C. 82
d	All impounded animals shall be redeemed within three days after their impoundment. All animals not redeemed within that time shall be given to a new owner or be humanely destroyed if no new owner is found.	All impounded animals shall be redeemed within 72 hours after their impoundment. <i>All animals impounded for more than 72 hours will become property of the City and any prior ownership will be completely divested. Once the impounded animal becomes property of the City, such animal may be made eligible for adoption through Animal Services or other third party rescue organization or be humanely destroyed at the sole discretion of Animal Services.</i>	Changed	City attorney edited to ensure proper language
e	None	<i>Notwithstanding the above provisions, the disposition of an animal impounded under Texas Health and Safety Code Section 821.022 (Seizure of Cruelly Treated Animals) shall be governed by Health and Safety Code section 821.023 (Hearing Order of Disposition or Return of Animal).</i>	Added	City attorney added
Sec. 6.7	Confinement during estrus	Confinement During Estrus	No change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
	Any unspayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and said area of enclosure shall be so constructed that the animal may not escape the enclosure and that no other dog or cat may gain access to the confined animal except when the owner desires access to the animal for breed purposes. Owners or harborers who do not comply with this section shall be ordered to remove the animal in heat to a commercial kennel, veterinary hospital or animal shelter. All expenses incurred as a result of this confinement shall be paid by the owner or harborer. Failure to comply with the removal order of the animal control officer shall be a violation of this chapter and the dog or cat may then be impounded as prescribed in this chapter.	Any unspayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and said area of enclosure shall be so constructed that the animal may not escape the enclosure and that no other dog or cat may gain access to the confined animal except when the owner desires access to the animal for breed purposes. Owners or harborers who do not comply with this section shall be ordered to remove the animal in estrus to a commercial kennel or veterinary hospital. All expenses incurred as a result of this confinement shall be paid by the owner or harborer. Failure to comply with the removal order of the <i>Animal Services Officer</i> shall be a violation of this chapter and the dog or cat may then be impounded as prescribed in this chapter.	Minor change	Staff
Sec. 6.8	Abandonment	Abandonment	No change in title	
	No person who has within his control, either temporarily or permanently, any animal shall abandon such animal within the city.	No person who has within their control, either temporarily or permanently, any animal shall abandon such animal within the City.	No change	
Sec. 6.9	Disposal of dead animals	Disposal of Dead Animals	No change in title	
	It shall be unlawful for any dead animal to be disposed of within the city by a means other than burying the animal at a landfill site located within the city, if such a landfill site exists, or by a garbage collection or disposal service. The owner of such animal shall be responsible for its disposal.	It shall be unlawful for any dead animal to be disposed of within the City by a means other than <i>properly depositing</i> the animal at a landfill site <i>or via</i> a garbage collection or disposal service, <i>provided the animal is placed in a non-transparent bag or box. The owner of a dead animal shall be responsible for disposing or permitting a veterinarian to dispose, such animal.</i>	Minor change	Unsanitary; Pests-attracted to a decomposing animal
Sec. 6.10	Enforcement	Enforcement; Penalty	Change	City Attorney
a	The animal control officer of the city is hereby designated the person responsible for the purpose of enforcement of this chapter. His duties shall include, but shall not be limited to, the enforcement of this chapter and aiding the Texas Board of Health in the enforcement of area quarantine, pursuant to V.T.C.A., Health and Safety Code § 826.001 et seq., as may be amended.	The <i>Animal Services Manager</i> of the City is hereby designated <i>as</i> the person responsible for the enforcement <i>of aspects</i> of this chapter. <i>The Animal Services Manager's</i> duties shall include but shall not be limited to, the enforcement of this chapter and aiding the Texas Board of Health in the enforcement of area quarantine, pursuant to V.T.C.A., Health and Safety Code § 826.001 et seq. (<i>Rabies</i>), as may be amended.	Minor change	V.T.C.A.-Vernon's Texas Code Annotated

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
b	Any animal control officer of the city shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter. If the person being cited is not present, the animal control officer may send the citation to the alleged offender by registered or certified mail, return receipt requested, by depositing same in the U.S. mail, postage prepaid.	Any <i>Animal Services Officer</i> of the City shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter. If the person being cited is not present, the animal control officer <i>Animal Services Officer</i> may send the citation to the alleged offender by registered or certified mail, return receipt requested, by depositing same in U.S. mail, postage prepaid.	Minor change	
c	Replaced	<i>A person who violates any provision of this chapter commits an offense, and upon conviction, shall be punished by fine not to exceed \$500. An offense under this chapter is a strict liability offense and the culpable mental state required by the Texas Penal Code is hereby specifically negated and clearly dispensed with.</i>	Added	City attorney added a new section which caused the numbering to be off.
d	It shall be unlawful for any person to interfere with any animal control officer in the performance of his duties.	It shall be unlawful for any person to interfere with any animal control officer <i>Animal Services Officer</i> in the performance of his <i>their</i> duties.	Minor change	
e	It shall be unlawful for any person to fail to comply with any law or order of the animal control officer of the city.	It shall be unlawful for any person to fail to comply with any law or order of the <i>Animal Services Officer</i> of the City, <i>duly acting under the authority of this chapter.</i>	Minor change	City Attorney
f	Any animal control officer or any peace officer is authorized to, including but not limited to:	Any <i>Animal Services Officer</i> 's or any peace officer's authority includes, but is not limited to:	Minor change	Staff-minor language change for clarity
1	Humanely destroy an animal which poses an imminent danger to a person or property, or a real or apparent necessity exists for the destruction of an animal and	Humanely destroy ing an animal which poses an imminent danger to a person or property, or a real or apparent necessity exists for the destruction of an animal and	Minor change	
2	Impound an animal which is diseased or endangers the health of a person or another animal;	Impound ing any animal which is diseased or endangers the health of a person or another animal and	Minor change	
3	Impound any animal hereinafter designated , found to be running at large or to be a stray within the city;	Impound ing any animal, found to be running at large or to be a stray within the City and	Minor change	
4	Humanely destroy any animal which has been seriously injured where such animal is too large to remove from the scene of injury to the animal shelter;	Humanely destroy ing any animal which has been seriously injured, where such animal is too large to remove from the scene of injury to the animal shelter and	Minor change	
5	Humanely destroy any impounded dangerous or vicious animal unless there is reason to believe that it has an owner, unless otherwise provided for in this chapter;	Humanely destroy ing any impounded, dangerous, or vicious animal, unless there is reason to believe that it has an owner, unless otherwise provided for in this chapter and	Minor change	
6	Pursue animals running at large onto private property excluding residences while enforcing the provisions of this chapter and enter onto private property and commercial animal establishments to enforce regulations covered in this chapter.	Pursue ing animals running at large onto private property while enforcing the provisions of this chapter and enter onto private property and commercial animal establishments to enforce regulations covered in this chapter.	Minor change	
Sec. 6.11	False statements	False Statements	No change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
a	It shall be unlawful for any person to make a false statement in any application, affidavit or other document required by this chapter or any regulation prescribed thereby	It shall be unlawful for any person to make false statement (s) in any application, affidavit or other document required by this chapter or any regulation prescribed therein .	Minor change	
b	It shall be unlawful for any person to give a false statement in regard to the identity of any animal which is found in violation of any ordinance or to the identity of any owner of such animal as required by this chapter or any regulation prescribed thereby .	It shall be unlawful for any person to give false statement(s) in regard to the identity of any animal which is found in violation of any ordinance or to the identity of any owner of such animal as required by this chapter or any regulation prescribed therein .	Minor change	
Sec. 6.12	Livestock riding or driving on public and private property	Livestock Riding or Driving on Public and Private Property	No change	
a	It shall be unlawful for any person to allow livestock to be driven or ridden upon any public property; provided however, horses may be ridden on the unimproved or unpaved portion of the right-of-way. Provided however, the city shall maintain the exclusive authority to enter into a contractual relationship with one or more entities or companies to provide horse-drawn carriage service within certain defined locations in the city and pursuant to the terms and conditions of said contract. The chief of police may also authorize horses and other livestock to be ridden or driven on the right-of-way under the authority of a parade permit.	It shall be unlawful for any person to allow livestock to be driven or ridden upon any public property; provided, however, horses may be ridden on the unimproved or unpaved portion of the right-of-way. The City, however, shall maintain the exclusive authority to enter into a contractual relationship with one or more entities or companies to provide horse-drawn carriage service within certain defined locations in the City and pursuant to the terms and conditions of said contract. The Chief of Police or <i>designee</i> , may authorize horses and other livestock to be ridden or driven on the right-of-way under the authority of a parade permit and/or special event .	Minor change	
b	It shall be unlawful for any person to allow livestock to be driven or ridden on any private property, unless same be done on the property of the owner of the livestock or by permission of the owner of the property.	It shall be unlawful for any person to allow livestock to be driven or ridden on any private property, unless same be done on the property of the owner of the livestock or by <i>written</i> permission of the owner of the property.	Minor change	
Sec. 6.13	Tampering with traps and equipment	<i>Animal</i> Traps and Equipment	Minor change	
a	It shall be unlawful for any person to remove, alter, damage or otherwise tamper with a trap or equipment set out by the animal control officer .	It shall be unlawful for any person to remove, alter, damage or otherwise tamper with a trap or equipment placed by the <i>Animal Services Officer or employee</i>	Minor change	H.S.C. 825.008 (Tampering with Traps; Criminal Penalty)--speaks to pest/rodent control.

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
b	None	<i>A person may set humane traps to capture dogs, cats, or other small animals on personally owned property or with the written consent of the property owner. Traps must be checked at least once every two hours or during the overnight period of no more than eight hours when set. It shall be unlawful to trap animals when inclement weather is occurring such as temperatures below 45 degrees Fahrenheit or above 85 degrees Fahrenheit, heat index warning is issued, severe weather watches or warnings have been issued, during wet conditions (rain, sleet, snow), or when a combination of weather conditions are in effect or are pending that may result in unsafe conditions for the animal.</i>	Added	For safety of trapped animals and preventing cruel treatment to animals, as defined in H.S.C. 821 (Treatment of animals).
c	None	<i>Any person who sets a humane trap resulting in a trapped animal shall provide shelter and humane care for the animal, including food, water, and protection from environmental elements of heat, cold, and precipitation.</i>	Added	For safety of trapped animals and preventing cruel treatment to animals, as defined in H.S.C. 821 (Treatment of animals).
d	None	<i>A resident may acquire a humane animal trap through Animal Services for a fully refundable deposit as set forth in the Animal Services Fee Schedule. If the trap is not returned within the allotted time and in good working condition, the person will forfeit the deposit to the City and ownership of the trap will be transferred from the City to the resident.</i>	Added	Allows for compensation if trap isn't returned
e	None	<i>Trapped animals will be serviced in accordance with the Animal Services Fee Schedule.</i>	Added	
f	None	<i>Animals subject to the statewide rabies quarantine (any live species of fox, skunk, coyote, or raccoon indigenous or naturalized to North America) may be transported by peace officers and individuals hired or contracted by local, state, or federal government agencies to deal with stray animals when such transport is part of their official duty (T.A.C. Rule 169.34)</i>	Added	Texas Administrative Code prohibits the transport of these animals by a person other than those listed in rule
g	None	<i>Non-City owned traps that require an Animal Services Officer or a representative of the Department to remove and transport the trap, in order to safely remove the trapped animal, can be reclaimed at Animal Services during normal operating hours. Traps will be held for three business days for reclamation.</i>	Added	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
h	None	<i>It shall be unlawful for any person to set a trap, or permit such trap to remain, that injures or kills an animal.</i>	Added	
Sec. 6.14	Animal care	Animal Care <i>and Safety</i>	Change in title	
a	It shall be unlawful for any owner or harborer to fail to provide animals with sufficient good and wholesome food or water, adequate shelter and protection from weather, veterinary care when needed to prevent suffering and with humane care and treatment.	It shall be unlawful for any owner or harborer to fail to provide <i>their</i> animal(s) with sufficient good and wholesome food or water, shelter, shade, veterinary care <i>to prevent and cure disease, infestation and injury</i> and with humane care and treatment.	Minor change	Texas P.C. 42.09 & 42.092
b	None	<i>It shall be unlawful for any owner or harborer to fail to provide their animal(s) with constant and continuous access to adequate shelter. "Adequate shelter" shall mean a shelter that is structurally sound, moisture proof, and windproof, that is large enough to accommodate the animal, and to which the animal may seek refuge from moisture, wind, and weather.</i>	Added	Defines shelter needed for protection from elements. Texas P.C. 42.09 & 42.092. A new b was added in the proposed ordinance, causing the lettering sequence to change. The original text was kept, but moved to c in the proposed.
c	It shall be unlawful for any person to beat, cruelly treat, torment mentally abuse, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dog fight, cock fight, fight or other combat between animals or between animals and humans.	It shall be unlawful for any person to beat, cruelly treat, torment mentally abuse, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dog fight, cock fight, fight or other combat between animals or between animals and humans.	No change	Texas P.C. 42.09 & 42.092
d	It shall be unlawful for any person to abandon an animal in its custody.	It shall be unlawful for any person to abandon an animal <i>in their</i> custody	Minor change	Texas P.C. 42.09 & 42.092
e	It shall be unlawful for any person to give away any live animal as a prize for, or as an inducement to enter any contest, game or other competition or as an inducement to enter a place of business; the provisions of the subsection shall not apply to auctions, raffles and games of chance in which consideration is made.	It shall be unlawful for any person to give away any live animal as a prize for, or as an inducement to enter any contest, game or other competition or as an inducement to enter a place of business; the provisions of the subsection shall not apply to auctions, raffles and games of chance in which consideration is made.	No change	
f	It shall be unlawful for any person to sell, offer for sale, barter or give away any dyed, colored or otherwise artificially treated birds, chicks, ducklings or other fowl, rabbits, hamsters or any other animal.	It shall be unlawful for any person to sell, offer for sale, barter or give away any dyed, colored or otherwise artificially treated birds, chicks, ducklings or other fowl, rabbits, hamsters or any other animal.	No change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
g	None	<i>It shall be unlawful for any person to leave an animal in an unattended standing or parked vehicle or enclosed space without providing the animal with adequate air ventilation and protection from environmental temperature variations, including heat and cold. An animal left under such conditions may be removed from the vehicle or enclosed space by, or at the direction of, an Animal Services Officer or a representative of the Department, using any reasonable means and force necessary, including the breaking of a window or lock. If professional services are required to remove the animal, the owner is responsible for the cost and/or reimbursement of costs. An Animal Services Officer or a representative of the Department, or one who acts at the direction of an Animal Services Officer or a representative of the Department relative to this section, who removes an animal from a vehicle or enclosed space in accordance with this subsection is not liable for any resulting property damage.</i>	Added	Prevents neglectful/cruel confinement, Texas Penal Code 42.092 (Cruelty to Nonlivestock Animals).
h	None	<i>A person commits an offense if they use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system. This does not prevent a person from walking a dog with a hand-held leash. It is an exception to this section that/if:</i>	Added	AVMA, American Humane Associate--bite and attack prevention, USDA--Animal Welfare Act (recommend against tethering); H.S.C. 821, Subchapter D-Unlawful Restraint of Dog
1	None	<i>The dog is being tethered during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or</i>	Added	
2	None	<i>The dog tethering is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog; or</i>	Added	
3	None	<i>A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction; or</i>	Added	H.S.C. 821.078 (2); Code of Ordinance (Parks 16-47.
4	None	<i>A dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog be restrained; or</i>		

**PROPOSED ANIMAL ORDINANCE
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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
5	None	<i>The dog tethering: (h) Occurs while the dog is within the owner's direct physical control; and (i) Prevents the dog from advancing to the edge of any public right-of-way; (j) Does not occur between the hours of 10 p.m. and 6 a.m.; (k) Does not occur within 500 feet of the premises of a school; (l) Does not occur in cases of extreme weather conditions, including when the actual or effective outdoor temperature is 32 degrees Fahrenheit or below, a heat advisory has been issued, or a hurricane, tornado, tropical storm watch or warning has been issued for the jurisdiction.</i>	Added	H.S.C. 821.077 (a) (1-3)
6	None	<i>The defenses under this section are only available if the following specifications are met: (a.) The chain, rope, tether, leash, cable, or other device is attached to a properly fitted collar (not including pinch-type, prong-type, choke-type) or harness worn by the dog; (b.) The chain, rope, tether, leash, cable, or other device is not placed directly around the dog's neck; (c.) The length of the chain, rope, tether, leash, cable, or other device is no less than the greater of 10 feet or 5 times the length of the dog from nose to tail base; (d.) The chain, rope, tether, leash, cable, or other device, by design and placement, allows the dog a reasonable and unobstructed range of motion without entanglement; and (e.) The dog has access to adequate shelter and clean and wholesome water.</i>	Added	Parts taken from H.S.C. 821.077
Sec. 6.15	Duty to report injury or death of animals or fowl hit by vehicles	Duty to Report Injury or Death of Animals Hit by Vehicles	Change in title	Dropped "or fowl"
	Every person who strikes an animal or fowl with a vehicle and injures or kills such animal or fowl shall notify the animal control department immediately after the occurrence and shall give the time and place of the injury or death, a description of the animal or fowl and the name and address of the person making the report.	Every person who strikes an animal with a vehicle and injures or kills such animal shall notify <i>Animal Services</i> immediately after the occurrence <i>or as soon as reasonably possible</i> and shall give the time and place of the injury or death, a description of animal and the name and address of the person making the report.	Minor change	Dropped "or fowl" in original ordinance and changed and added some language in proposed ordinance.
Sec. 6.16	Urinating or defecating on sidewalks, public parks, alleys and other places open to the public or on certain private property prohibited.	Urinating or Defecating on Sidewalks, Public Parks, Alleys and Other Places Open to the Public or on Certain Private Property Prohibited.	No change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
	It shall be unlawful for the owner or harbinger of any animal to allow such animal to urinate or defecate upon sidewalks, public parks, alleys, other places open to the public, or on private property without permission of the owner thereof. In the event that the owner or harbinger of such animal is unable to prevent deposit of defecation in violation of this section , it shall be the duty of such person to properly dispose of such waste material	It shall be unlawful for the owner or harbinger of any animal to allow such animal to urinate or defecate upon sidewalks, public parks <i>(excluding any dog park as defined by this chapter)</i> alleys, other places open to the public, or on private property without permission of the owner thereof. In the event that the owner or harbinger of such animal is unable to prevent the deposit of defecation in violation of this section, it shall be the duty of such person to properly dispose of such waste material <i>immediately or as soon as reasonably possible</i>	Minor change	Added language to exempt public park for dog
Sec. 6.17	Keeping of diseased or crippled animals.	Keeping of Diseased or Crippled Animals.	No change in title	
	It shall be unlawful for any person to keep or harbor any animal which is inflicted with any dangerous or communicable disease or which is in a painfully crippled or diseased condition, that to keep said animal alive would be considered inhumane. All such animals shall be humanely destroyed by a licensed veterinarian turned over to the animal control department to be humanely destroyed. This section shall not apply to veterinary hospitals or animals under active veterinarian care with due regard for public health and safety.	It shall be unlawful for any person to keep or harbor any animal which is inflicted with any dangerous or communicable disease or which is in a painfully crippled or diseased condition, that to keep said animal alive would be considered inhumane. All such animals shall be humanely destroyed by a licensed veterinarian given/surrendered to <i>Animal Services</i> to be humanely destroyed. This section shall not apply to veterinary hospitals or animals under active veterinarian care with due regard for public health and safety.	Minor change	Animal control department changed to Animal services
Sec. 6.18	Prisoners' animals.	Prisoners' Animals	No change in title	
a	Any person who is taken into the custody of the rapine police department or other law enforcement personnel and having in his possession an animal shall be notified that the animal will be transferred to the animal control shelter	Any person who is taken into custody by the department or other law enforcement agency and having in their possession an animal(s) shall be notified that the animal(s) will be <i>impounded and transported to Animal Services. Under certain conditions and when time allows, arrestee's animal(s) may be released to an authorized person, identified by the arrestee. The receiving person must approve to take receipt of the animal(s) and must be capable of properly caring for the animal(s).</i>	Change	Minor changes and language added to allow for possessory change of arrestee animals.

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ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
b	During confinement of said person the animal will be taken care of by the animal control department . The animal must be redeemed from impoundment within 72 hours from the time of incarceration of the owner, at no charge to the owner. If the animal has not been redeemed within the 72-hour period, the animal becomes the property of the City of Grapevine and may be humanely destroyed in a manner deemed appropriate by the animal control officer.	During confinement of arrestee , the animal(s) will be cared for by <i>Animal Services</i> . The animal(s) <i>may</i> be redeemed from impoundment within 24 hours from the time of arrest of the owner, at no charge to the owner. If the animal has not been redeemed within the 24 hour period <i>the owner will be responsible for any incurred boarding fees after the conclusion of the initial 24 hour impoundment. After 72 hours, the animal may become the property of the City and may become eligible for adoption, placed into another organization, or be humanely destroyed. The owner will be responsible for any veterinary fees incurred regardless of the length of stay.</i>	Change	Language change from 72 hours to 24 hours, impoundment fee assessed for first 24 hours. Language added allowing City to take possession after 72 hours also to recoup fees associated with caring for animal.
c	No one shall be able to redeem an animal taken possession of pursuant to this section, except the owner's duly authorized designee.	No one shall be able to redeem an animal taken possession of pursuant to this section, except the owner's duly authorized designee.	No change	
Sec. 6.19	Reserved.	<i>Animal Shelter Advisory Committee</i>	Change in title	City Attorney--Section added, codifying Animal Shelter Advisory Committee
None		<i>An advisory committee shall be appointed by City Council. Such committee shall meet at least three times per year and its duties shall ensure compliance with the requirements of the Texas Health and Safety Code's 823.005. Members shall hold office for staggered terms of two years, or until their successor appointed; excepting the municipal employees who shall serve at the pleasure of the City. Members may be reappointed. All committee members, except the municipal employees, shall serve without compensation. The members representing the public shall be residents of the City and have resided within the City for 12 consecutive months preceding the appointment. The committee shall select a Chair Person in two year terms. The committee shall consist of six members and one City Council liaison. The following positions shall be filled: (a) One municipal official--Department representative supervising Animal Services; (b) One municipal employee--Animal Service Manager--whose duties include the daily supervision and operation of an animal shelter; (c) Two representatives of the general public--Citizens of Grapevine; (d) One representative--Animal Welfare Organization; (e) One representative--Licensed Veterinarian</i>	Added	Added by city attorney, codifying Animal Shelter Advisory Committee. H.S.C. 823.005.

**PROPOSED ANIMAL ORDINANCE
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ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
	Article II-Dogs and Cats, Division 1-Generally	Article II-Dogs and Cats, Division 1-Generally	No change	
Sec. 6.20	Numbers and breeding; permits.	Numbers and Breeding; Permits	No change in title	
a	It shall be unlawful for any person to keep or harbor more than four dogs or cats, or combination of both, three months of age or older on any lot or lots located within the city.	It shall be unlawful for any person to keep or harbor more than four dogs or cats, four months of age or older <i>or any combination of both, at any one time and location (property used or zoned for residential purposes)</i>	Change	Adjusted language about age and property locations. Number of animals was not changed
b	Owners breeders of dogs and cats strictly for a hobby may make application with the city manager or his designee for permission to keep or harbor more than four dogs or cats, or a combination of both, of three months of age or older <i>The city manager or his designee shall</i> issue a permit for one year to the applicant, upon the following information being furnished and listed conditions being satisfied: (1) The maximum number of cats or dogs to be kept or housed; (2) The reason or purpose for the keeping of animals; (3) That the dogs or cats are to be housed in cages or pens inside a residence or completely enclosed structure; (4) That the dogs or cats are to be kept so as to not be a nuisance or detriment to any adjoining or adjacent dwellings; (5) The cages or pens are to be maintained in a sanitary condition so as not to create any hazards to the general health and welfare of the community; (6) That the applicant has complied with all applicable provisions of this chapter.	Owners <i>wishing to maintain more than the limit of dogs and cats, being 4 months of age or older, may make application with the Chief of Police or designee</i> for permission to keep or harbor more than four dogs or cats, or any combination of both. <i>The Chief of Police or designee may</i> issue a permit for one year to the applicant, upon the following information being furnished and listed conditions being satisfied: (1) The maximum number of cats or dogs to be kept or housed; (2) The reason or purpose for the keeping of animals; (3) That the dogs or cats are to be <i>maintained in such a manner as to ensure each animal is treated humanely and receives proper care, shelter, food, and water in accordance with this chapter and that the cages, pens, or enclosed structures are appropriately sized for the animal, clean, and in safe working order</i> ; (4) That the dogs or cats are to be kept so as to not be a nuisance or detriment to any adjoining or adjacent dwellings or businesses; (5) The cages or pens are to be maintained in a sanitary condition so as not to create any hazards or nuisances to the general health and welfare of the community; (6) <i>That the applicant allow the Animal Services Manager or designee periodic inspection of the animals and kept location at an agreed upon date and time during the one year period. Unless otherwise needed, Animal Services will conduct no more than 4 inspections annually</i> ; (7) That the applicant has complied with all applicable provisions of this chapter.	Change	City attorney, starting with b, rearranged the subsections. This outline follows the order of the proposed ordinance, not the existing ordinance.
c	It shall be unlawful for the owner or harbinger of any animal to permit or cause to be permitted the breeding of any such animal within the public view.	It shall be unlawful for the owner or harbinger of any animal to permit or cause to be permitted the breeding of any such animal within the public view.	No change	
d	None	<i>Owners wishing to breed their dog and/or cat more than two times per calendar year are required to acquire a permit.</i>	Change	Proposed ordinance has a new piece of information that was placed in d. The information for d in the standing ordinance was moved to e.

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
e	The city manager or his designee, upon being satisfied that the above information has been furnished and the conditions satisfied, shall issue a permit for one year to the applicant. This permit may be revoked at any time, upon any of the conditions and requirements being violated or any part of this chapter as set forth herein. The permittee shall be allowed to renew the permit upon submitting a renewal application to the city manager or his designee. The renewal application shall contain the same information as is required for the initial application, and the renewal permit shall be valid for one year.	The <i>Chief of Police</i> or designee, upon being satisfied that the above information has been furnished and the conditions satisfied, <i>may collect the annual permit fee as set forth in the Animal Services Fee Schedule and</i> issue a permit for one year to the applicant. This permit may be revoked at any time, upon any of the conditions and requirements being violated or any part of this chapter as set forth herein. The permittee shall be allowed to renew the permit, upon submitting a renewal application to <i>Chief of Police</i> or designee. The renewal application shall contain the same information as is required for the initial application, and the renewal permit shall be valid for one year <i>and subject to the same conditions and requirements.</i>	Change	Authority given to Chief of Police and/or designee to receive and approve of permits and collect fee.
Sec. 6.21	Reserved	<i>Registration</i>	Change in title	Recommendation of needs assessment (p. 37) H.S.C. 826, Subchapter D allows for registration program.
	None	<i>Each dog or cat kept, harbored, or maintained in the City shall be registered annually. Failure of the owner, keeper, or harborer to comply with the requirements of this article shall constitute an offense.</i>	Added	Staff--Registration added to assist animals getting home quicker, potentially reduce fees to owner (animal may not have to be impounded if impounded, will be reclaimed quicker), increase public safety by rabies vaccine compliance.
a	None	<i>At the time of application, the dog or cat owner shall: (1) present a certificate from a licensed veterinarian verifying the dog's or cat's rabies vaccination in accordance with section 6-30; and (2) either present proof verifying that the dog or cat has been microchipped or provide authorization to Animal Services to implant a microchip.</i>	Added	Staff
b	None	<i>The registration shall be valid for a 12 month period from the date of issuance and shall include the owner's name, address and the dog's or cat's breed, color, and sex.</i>	Added	Staff
c	None	<i>An owner submitting an application for a dog or cat registration is responsible for the registration fee as set forth in the Animal Services Fee Schedule.</i>	Added	Staff
d	None	<i>Animal Services employee or designee shall issue a dog or cat registration to the owner satisfying the provisions of this article.</i>	Added	Staff

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
e	None	<i>Registration tags/microchips will be issued in the following manner: (1) At the time of registration, Animal Services employee or designee shall provide the owner with a microchip or metal tag for each registered dog or cat. The microchip or metal tag shall contain a corresponding registration number. (2) A replacement tag shall be issued when necessary, if the animal is currently registered, and the registration period is still valid. The owner of the animal is responsible for the replacement tag fee as set forth in the Animal Services Fee Schedule. (3) Dog and cat registrations are non-transferable and upon the death or the relocation of the animal from the City, the registration fee is non-refundable. (4) Dogs and cats issued metal registration tags through the City's registration program shall be required to wear a collar or harness with the City issued tag securely affixed when the pet is accessible to the public. (5) Failure of the owner to comply with the requirements of this article shall constitute a violation of this chapter.</i>	Added	Staff
f	None	<i>Dogs boarded, kept, assigned, housed, or working within the City that are currently a component of a law enforcement agency, military branch, or private company are exempt from this chapter.</i>	Added	Staff
Sec. 6.22	<u>Vicious dogs</u>	<u>Adoption of Dogs and Cats</u>	Change in title	Vicious dog section was removed and components may have been incorporated into the dangerous dog section. The Adoption of Dogs and Cats section was added to articulate the adoption process.
	None	<i>The City shall comply with all sterilization laws as set forth in Chapter 828 of the Texas Health and Safety Code, as amended. A copy of the statute may be obtained from Animal Services.</i>	Added	To reflect Texas Health and Safety Code, Section 828

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
a	None	<i>A person may adopt a dog and/or cat from Animal Services that has been spayed or neutered and classified as adoptable for an adoption fee as set for in the Animal Services Fee Schedule. If the animal has not been spayed or neutered, the new owner must make arrangements to have the animal sterilized and vaccinated for rabies.(1) Animal Services may establish an adoption receipt and sterilization agreement for use in the adoption process and violation of any term of such agreement shall constitute a violation of this chapter.(2) Any person who fails to sterilize an animal, as set forth in the sterilization agreement, is guilty of a misdemeanor offense punishable by fine.</i>	Added	Texas Health and Safety Code, Section 828.00
b	None	<i>The Animal Services Manager or designee may refuse/deny the adoption of an animal for any valid reason, including but not limited to, a person to whom Animal Services has reason to believe: (1) Would not have proper facilities to contain or care for the animal; (2) Wants the animal for the purpose of resale or for purposes other than pet ownership;(3) There are reasonable grounds to believe the animal would be subjected to abandonment or cruelty;(4) The person is under the age of 18; or (5) That the purpose of the adoption is to avoid, or assist in the avoidance of, the enforcement of any provision of this chapter.</i>	Added	Codifying current practice
c	None	<i>The Animal Services Manager or designee shall be the sole judge as to whether an animal is suitable to offer for adoption; however, a decision to offer a particular animal for adoption shall not constitute any warranty, expressed or implied, of the health, temperament, or age of the animal.</i>	Added	Codifying current practice
d	None	<i>The City and its agents, employees, and officers shall have no liability associated with the adoption or impoundment of any animal.</i>	Added	Codifying current practice
	Division 2-Rabies Control	Division 2-Rabies Control	No change in title	
Sec.6.30	Vaccinations; certificates, tags.	Vaccinations; Certificates, Tags	No change in title	

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
a	The owner or harborer (excluding animal shelters) of each domestic dog or cat shall have the animal vaccinated against rabies by four months of age. The animal must receive a booster within the 12-month interval following the initial vaccination. Every domestic dog or cat must be revaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture. The vaccine must be administered according to label recommendations. Livestock (especially those that have frequent contact with humans) should be vaccinated against rabies. Nothing in this section prohibits a veterinarian and owner or harborer from selecting a more frequent rabies vaccination interval. Failure to have said animal vaccinated shall be an offense under this chapter and shall subject the owner or harborer to a fine. The fine for the second violation of failure to have an animal vaccinated shall be at least double the fine for the original offense.	The owner or harborer (excluding animal shelters) of each dog or cat shall have the animal vaccinated against rabies by 4 months of age. The animal must receive a booster within the 12-month interval following the initial vaccination or as state law dictates . Every dog or cat must be revaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture. The vaccine must be administered according to label recommendations. Livestock (especially those that have frequent contact with humans) should be vaccinated against rabies. Nothing in this section prohibits a veterinarian and owner or harborer from selecting a more frequent rabies vaccination interval. Failure to have said animal vaccinated shall be an offense under this chapter and shall subject the owner or harborer to a fine. The fine for the second violation of failure to have an animal vaccinated shall be at least double the fine for the original offense.		
			Minor change	
b	All such dogs or cats shall be vaccinated in accordance with the Texas Health and Safety Code (1) All dogs and cats after initial vaccination and booster must receive a second rabies vaccination within one year of receiving their first vaccination, regardless of: a. Type of vaccination used; or b. The age at which the animal was initially vaccinated (2) (If the animal has received at least two vaccinations and the last vaccination consisted of: a. An annual rabies vaccine, the animal must receive a vaccination within 12 months b. A triennial vaccine, the animal must receive a vaccination within 36 months (3) (If the animal has received at least two vaccinations prior to this amendment and a triennial vaccine was used for the last vaccination, this amendment is retroactive (i.e., the animal's next vaccination will be due within 36 months from the date of its last vaccination).	All such dogs or cats shall be vaccinated in accordance with Chapter 826 of the Texas Health and Safety Code (1) All dogs and cats after initial vaccination must receive a second booster rabies vaccination within 1 2 months of receiving the initial vaccination, regardless of: a. Type of vaccination used; or b. The age at which the animal was initially vaccinated (2) (If the animal has received at least two vaccinations and the last vaccination consisted of: a. An annual rabies vaccine, the animal must receive a vaccination within 12 months b. A triennial vaccine, the animal must receive a vaccination within 36 months (3) (If the animal has received at least two vaccinations prior to this amendment and a triennial vaccine was used for the last vaccination, this amendment is retroactive (i.e., the animal's next vaccination will be due within 36 months from the date of its last vaccination).		
			Minor change	
	Any person establishing residence within the City of Grapevine shall comply with this section within ten days of establishing such residency. If an unvaccinated dog or cat inflicts a bite, scratch, or otherwise attacks any person within the city limits , a rabies vaccine shall not be administered to the dog or cat until after a ten-day observation period, beginning with the date of a bite, scratch or attack.	Any person establishing residency within the City shall comply with this section within 10 10 business days of establishing such residency. If an unvaccinated dog or cat inflicts a bite, scratch, or otherwise attacks any person within the City, a rabies vaccine shall not be administered to the dog or cat until after a 240 hour 240 hour quarantine observation period, beginning with the date of a bite, scratch or attack.		
			Minor change	

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
c	Upon vaccination, the veterinarian shall execute and furnish to owner of the dog or cat as evidence thereof a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate, and one copy shall be filed with the owner. Such certificate shall contain the following information: (1) The name, address and telephone number of the owner of the vaccinated animal; (2) The date of the vaccination; (3) The type of rabies vaccine used; (4) The year and number of the rabies tag; (5) The breed, age, color and sex of the vaccinated animal.	Upon vaccination, the veterinarian shall execute and furnish to owner of the dog or cat, as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate, and one copy shall be filed with the owner. Such certificate shall contain the following information: (1) The name, address and telephone number of the owner of the vaccinated animal; (2) The date of the vaccination; (3) The type of rabies vaccine used; (4) The year and number of the rabies tag; (5) The breed, age, color and sex of the vaccinated animal.	Minor change	
d	Concurrently with the issuance and delivery of the certificate of vaccination, the owner or harboring of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance. It shall be an offense under this chapter for a person to own or harbor a dog or cat on which the rabies tag is not affixed to said animal while said animal is off the premises of the owner	Concurrently with the issuance and delivery of the certificate of vaccination, the owner or harboring of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance. It shall be an offense under this chapter for a person to own or harbor a dog or cat on which the rabies tag is not affixed to said animal when the <i>pet is accessible to the public</i>	Minor change	Language dropped from current version.
Sec. 6.31	Quarantine; reporting bites and scratches or suspected rabies	Quarantine; Reporting Bites and Scratches or Suspected Rabies.	No change in title	
a	In the event a potential outbreak of rabies is suspected and the danger of the public safety from rabid animals is reasonably imminent, the supervisor of animal control hereby authorized and it shall be his duty to issue a quarantine proclamation, ordering persons owning, keeping or harboring any animal to confine it as herein provided for such time as may be specified in such quarantine proclamation. Upon the publication of such proclamation by the supervisor of animal control any person keeping or harboring any dog or cat or other animal shall follow the procedure as described in section 6-36 regarding control and confinement, except that such animal, under the control of an adult person and on a physical restraint, may be unconfined only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the animal control officer in his quarantine proclamation may be humanely destroyed by any law enforcement officer or animal control officer, if said officer is unable, with reasonable effort, to apprehend such animal for impoundment.	In the event a potential outbreak of rabies is suspected and the danger of the public safety from rabid animals is reasonably imminent, the <i>Animal Services Manager</i> is hereby authorized and it shall be their duty to issue a quarantine proclamation, ordering persons owning, keeping or harboring any animal to confine it as herein provided for such time as may be specified in such quarantine proclamation. Upon the publication of such proclamation by the <i>Animal Services Manager</i> any person keeping or harboring any dog or cat or other animal shall follow the procedure as described in section 6-36 regarding control and confinement, except that such animal, under the control of an adult person and on a physical restraint, may be unconfined only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified under the quarantine proclamation by the Animal Services Manager may be humanely destroyed by any law enforcement officer or <i>Animal Services Officer</i> , if said officer is unable, with reasonable effort, to <i>capture</i> such animal for impoundment.	Minor change	

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
b	It is the duty of any person who has knowledge that an animal bite or scratch has occurred to report such facts soon as possible, but not later than 24 hours from the time of the incident to the Grapevine Police Department or the animal control department . The person reporting the bite or scratch shall give the following information, if known: The name, age, sex and precise location of the bitten or scratched person or persons and such other information as the officer may require .	It is the duty of any person who has knowledge that an animal bite or scratch has occurred to report such facts soon as possible, but not later than 24 hours from the time of the incident to <i>Animal Services or the Department</i> . The person reporting the bite or scratch shall give the following information, if known: the name, age, sex and precise location of the bitten or scratched person or persons and such other information as may be required or needed (H.S.C. 826.041) .	Minor change	Minor language change. H.S.C. 826.041 requires reporting.
c	Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report such fact to the police department or the animal control department , stating precisely where such animal may be found. If a known or suspected rabid animal bite or scratches a domestic animal, such incident shall also be reported as required above.	Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report such fact to the police department or the Department , stating precisely where such animal may be found. If a known or suspected rabid animal bites or scratches a domestic animal, such incident shall also be reported as required above.	Minor change	Minor language change.
d	The owner of an animal that is reported to be rabid or to have exposed an individual or that the owner knows or suspects to be rabid or to have exposed an individual shall submit the animal for quarantine to the health officer, the police department or the animal control officer .	The owner of an animal that is reported to be rabid or to have exposed an individual or other animal or that the owner knows or suspects to be rabid or to have exposed an individual or other animal , shall submit the animal for quarantine to the health officer, the police department or the animal control officer <i>Animal Services or the Department</i> .	Minor change	Minor language change.
e	Any animal suspected or known to have rabies or any animal which has been exposed to rabies, and any animal which has bitten or scratched a person will be quarantined only at the animal control shelter or at a veterinary clinic. The animal control officer may allow home quarantine, provided the owner of the animal strictly complies with the following: (1) The animal must be inside an enclosed structure, i.e., house or garage, and must remain there for ten days (2) If maintained outside, the animal must be kept behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape (3) The animal must be kept away from other animals and people, except those people in the immediate household. (4) The animal may not be removed from the city limits while under quarantine.	Any animal suspected or known to have rabies or any animal which has been exposed to rabies, and any animal which has bitten or scratched a person will be quarantined only at the animal control shelter or at a veterinary clinic. The animal control officer <i>Animal Services Manager or designee</i> may allow home quarantine, provided the owner of the animal strictly complies with the following: (1) The animal must be inside an enclosed structure, i.e., house or garage, and must remain there for ten days <i>24 hours</i> ; (2) The animal must be kept away from other animals and people, except those people in the immediate household; (3) <i>The owner of the animal shall pay a home quarantine fee as set forth in the Animal Services Fee Schedule;</i> (4) The animal may not be removed from the City while under quarantine; and (5) <i>The owner or person making the request for home quarantine must allow the Animal Services Manager or designee the opportunity to inspect the animal and location as needed for compliance with these standards</i>	Change	Clarifying home quarantine, authorizing fee to be collected for service, allowing inspection of animal and location. #2 in the standing ordinance was dropped or removed. #3 in the standing ordinance was dropped or removed and language for the proposed #3 was added. #5 was added for the proposed ordinance.

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
f	It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined as authorized, without the consent of the animal control supervisor	It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined <i>quarantined</i> , without the consent of the <i>Animal Services Manager</i>	Minor change	
g	The animal control officer shall order the testing of any animal suspected of having rabies. This testing shall be done by a licensed veterinarian, whether the animal is quarantined at home or at a veterinary clinic or the animal shelter . If it is determined by a veterinarian that a quarantined animal shows the clinical signs of the disease of rabies, the animal control officer shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the head or brain of the animal shall be removed and submitted to the nearest Texas Department of Health laboratory for testing.	The <i>Animal Services Manager</i> shall order the quarantine and evaluation of any animal suspected of having rabies. This evaluation shall be done by a licensed veterinarian, whether the animal is quarantined at home, at a veterinary clinic or <i>Animal Services</i> . If it is determined by a veterinarian that a quarantined animal shows the clinical signs of rabies, the <i>Animal Services Manager or designee</i> shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the head or brain of the animal shall be removed and submitted to the nearest Texas Department of Health laboratory for testing.	Minor change	
h	If a veterinarian determines that a quarantined animal does not show the clinical signs of rabies, the animal control officer shall release, or authorize the release of the animal following the quarantine period, if the animal has a current and valid rabies vaccination certificate or the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense.	If, <i>after the quarantine period, the Animal Services Manager</i> determines that a quarantined animal does not show the clinical signs of rabies, the <i>Animal Services Manager</i> shall release, or authorize the release of, the animal following the quarantine period, if the animal has a <i>current and valid</i> rabies vaccination certificate or the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense. <i>All other requirements for release must be met before the animal can be released.</i>	Change	
i	If the animal is not home quarantined , the owner of the animal shall pay to the city the reasonable costs of the quarantine and disposition of the animal, and they may bring suit to collect the costs. The animal control officer may sell or humanely destroy animal that the owner or harbinger does not take possession of on or before the third day following the final day of quarantine.	The owner of the animal shall pay to the <i>City</i> the reasonable costs of the quarantine and disposition of the animal, and the <i>City</i> may bring suit to collect the costs. <i>The Animal Services Manager will consider the animal abandoned if the owner or harbinger does not take possession of on or before the third day following the final day of quarantine. The Animal Services Manager may choose a disposition appropriate for the animal including humane destruction.</i>	Change	
Division 3	Dangerous Animals	Dangerous <i>Dogs</i>	Change	Most all of this division was changed by the City Attorney because of changes in law.
Sec. 6.33	Identification by animal control officer	Identification of <i>Dangerous Dogs</i> : <i>Seizure</i>	Change	Change in law

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
a	An animal control officer shall inspect all animals suspected of being dangerous animals. Upon determination by such officer that, in his or her judgement, an animal is a dangerous animal, the officer shall provide written notice of such determination to the owner or harbinger of such animal by registered mail, return receipt requested or hand delivered. The owner shall have ten calendar days from the receipt of the letter to request a hearing pursuant to section 6-34.	<i>If a person reports a dangerous dog as defined by Section 6-33, Animal Services, an Animal Services Officer may investigate such dog and any alleged incident, after receiving sworn statements of any witnesses or personally observing the dog, the Animal Services Officer may determine that the dog is a dangerous dog. Animal Services shall request a hearing for final determination before the Municipal Court within 24 business hours, excluding holidays, of the dog being deemed dangerous by an Animal Services Officer.</i>	Change	Complete paragraph replacement
b	No criminal action pursuant to section 6-35 hereof shall be brought against an owner or harbinger of a dangerous animal within ten days of notice having been provided to such person if the violation has been corrected.	<i>If a dog is determined to be a dangerous dog under this section, Animal Services shall provide written notification of such determination, sent by certified mail, return receipt requested or by hand delivery, to the owner or harbinger of such a dog. The notice shall also contain a statement that the Municipal Court will make a final determination at a hearing set by the court. The notice shall include a copy of this division.</i>	Change	Complete paragraph replacement
c	It shall be unlawful to transport or otherwise relocate a dangerous animal to another location for permanent domicile without first notifying the chief of police.	<i>Animal Services has the authority to impound a dog that has been determined dangerous under this section until a hearing held pursuant to Section 6-34. If the owner or harbor does not deliver the dog or refuses to relinquish the dog to Animal Services, the Municipal Court, may order Animal Services to seize the dog upon issuance of a warrant authorizing the seizure.</i>	Change	Complete paragraph replacement
d	It is a rebuttable presumption that identification by the animal control officer of an animal as a dangerous animal pursuant to this section establishes that fact as a matter of law. The burden to rebut that presumption lies with the person owning or harboring the animal.	<i>None</i>	Change	Complete paragraph removal
Sec. 6.34	Hearing	<i>Hearing on Dangerous Dog Final Determination</i>	Change in title	Change in law
a	The owner or harbinger of an animal declared to be a dangerous animal by the animal control officer may request a hearing before the municipal court of the city to challenge such declaration. The request for such hearing must be in writing and filed with the municipal court clerk within ten calendar days after notice of such declaration was mailed, or hand delivered to the owner or harbinger of the animal.	<i>The Municipal Court, on receiving a request for a hearing pursuant to Section 6-33, shall set a time for a hearing to determine whether the dog is a dangerous dog. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered.</i>	Change	Change in law

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
b	A hearing before the municipal court of the city challenging the declaration that an animal is a dangerous animal shall be held within 30 calendar days of receipt by the municipal court clerk a timely filed written request for such hearing.	<i>The Municipal Court shall give written notice of the time and place of the hearing to the owner or harbored of the dog and to Animal Services.</i>	Complete change	Change in law
c	None	<i>Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.</i>	Added	Change in law
d	None	<i>The Municipal Court shall make a determination, based on the preponderance of evidence presented, whether the dog is a dangerous dog as defined by this Chapter.</i>	Added	Change in law
e	None	<i>If the owner or harbored of the dog does not appear at the hearing, the Municipal Court may proceed with evidentiary findings without the owner's or harbor's presence.</i>	Added	Change in law
f	None	<i>If the Municipal Court determines that the dog is a not a dangerous dog, the Court shall order Animal Services to return the dog to the owner or harbored.</i>	Added	Change in law
g	None	<i>If the Municipal Court determines that the dog is a dangerous dog, the Court shall order the owner or harbored to meet the requirements to recover the dangerous dog under Section 6-35(a).</i>	Added	Change in law
h	None	<i>The Municipal Court shall give written notice of the Court's determination and order to the owner or harbored of the dog.</i>	Added	Change in law
i	None	<i>The owner or harbored may appeal the decision of the Municipal Court in the manner described by Texas Health and Safety Code Section 822.0424, as amended. During the pendency of such appeal, Animal Services will retain custody of the dog. The Municipal Court shall determine the estimated costs to house and care for the impounded dangerous dog during the appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.</i>	Added	Change in law
Sec. 6.35	Special requirements for dangerous animals.	Requirements for <i>Owner of Dangerous Dogs</i>	Change in title	Change in law
a	Within ten calendar days after notice of a final determination that an animal is dangerous, the owner or harbored of such animal shall provide the city with the following:	<i>After notice of a final determination under Section 6-34 that a dog is dangerous, the owner or harbored of such dog may recover the dangerous dog from Animal Services only if the owner or harbored provides the City with the following:</i>	Change	Change in law

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Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
1	The name, address and telephone number of persons owning keeping or harboring a dangerous animal ;	The name, address and telephone number of persons owning keeping or harboring the dangerous dog ;	Minor change	
2	Payment of a \$50.00 fee for each dangerous animal being kept;	Payment of an <i>annual fee</i> for each dangerous dog being kept;	Minor change	
3	Proof that each dangerous animal which is four months of age or over has been vaccinated against rabies by a licensed veterinarian and supply name, address and phone number of veterinarian;	Proof that each dangerous dog , which is four months of age or over, has been vaccinated against rabies by a licensed veterinarian and <i>provide the</i> name, address and phone number of veterinarian;	Minor change	
4	Two color identification photographs, at least three inches by three inches, of each dangerous animal , with one photograph showing the frontal view and the other showing a side view of each animal ;	<i>Three</i> color identification photographs, at least three inches by three inches, of each dangerous dog , with one photograph showing the frontal view and others showing side views of each dog ;	Change	
5	Name and general description of each dangerous animal , which general description shall include name, sex, weight, color, breed height and length along with any other discernible features;	Name and general description of each dangerous dog , which general description shall include name, sex, weight, color, breed height and length along with any other discernible features;	Minor change	
6	Proof of a current public liability insurance policy the amount of at least \$100,000.00 per occurrence for personal injury, death or property damage to cover injury or damage caused by a dangerous animal, which policy shall name the City of Grapevine as a co-insured . The insurance requirements contained herein shall be maintained at all times and shall not be cancelled by the owner or harborer, until the owner or harborer shall cease to own or harbor the dangerous animal . The certificate shall provide that the chief of police shall be notified in writing at least 30 days prior to the expiration or cancellation of the policy	Proof of <i>financial responsibility</i> in an amount of at least \$100,000 <i>to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person</i> . The insurance requirements contained herein shall be maintained at all times and shall not be cancelled by the owner or harborer, until the owner or harborer shall cease to own or harbor the dangerous dog ;	Change	
7	The owner or harborer shall authorize the animal control office or veterinarian to implant a microchip beneath the skin of the dangerous animal for positive identification of the animal. The animal control division is authorized to charge the animal owner or harborer a reasonable fee for this service.	<i>Proof that signs required by subsection (d) have been posted;</i>	Change	The text from the standing ordinance was moved to 8 and the new language was inserted in the proposed ordinance.
8	None	<i>Authorization to Animal Services</i> or veterinarian to implant a microchip beneath the skin of the dangerous dog for positive identification of the dog . <i>Animal Services</i> is authorized to charge the owner or harborer a reasonable fee for this service;	Added	Note that the proposed 8 was taken, in part, from the current 7.

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
9	None	<i>The costs or fees assessed by Animal Services related to the seizure, acceptance, care, or impoundment of the dog; and</i>	Added	
10	None	<i>Compliance in wearing the dangerous dog collar and dangerous dog tag, to be worn at all times, as provided by Animal Services</i>	Added	
b	Enclosure, for the purposes of this division, means a structure with secure sides, and either a secure bottom attached to the sides or the sides must be embedded no less than 12 inches in concrete border surrounding the base of the enclosure, and said concrete border shall be no less than four inches wide and said concrete shall extend into the soil at least to a depth of 12 inches and a secure top attached to the sides. It shall be no closer than six feet to any property line. The enclosure must be constructed in such a way that no opening into the enclosure shall be large enough to put a small child's hand through the opening. The animal control officer shall determine whether the enclosure is secure.	<i>The owner of a dangerous dog may, prior to a final determination that the animal is dangerous, comply with the provisions of this division.</i>	Change	Note that the proposed b was taken from the current c.
c	The owner of a dangerous animal may, prior to a final determination that the animal is dangerous, comply with the provisions of this chapter.	All dangerous dogs shall be vaccinated in accordance with section 6-30.	Change	Note that the proposed c was taken from the current d, in part.
d	All dangerous animals shall be vaccinated in accordance with section 6-30 hereof. If the owner or harbinger of a dangerous animal is found guilty or pleads guilty or nolo contendere to the offense of failing to have said animal vaccinated, the minimum fine shall be \$250.00	<i>Any person owning a dangerous dog within the City shall display signs of a permanent nature stating "BEWARE OF DANGEROUS DOG." Such signs shall be no less than eight inches by 12 inches in size, with lettering no less than two inches in height. Lettering shall be white on a red background and made of light-reflective material. Such signs shall be posted conspicuously at the front and rear of the premises and on the dangerous dog's enclosure.</i>	Change	The standing ordinance language for d was edited by the City Attorney and placed in the proposed ordinance in c. The proposed ordinance language came from Sec. 6.42 and the proposed ordinance, there is no longer a 6.42. From KV-We don't provide them. I think lot of people go to Fast Signs or similar. They print them to specification of ordinance language.
e	None	<i>It shall be unlawful to transport or otherwise relocate a dangerous dog to another location for permanent domicile without first notifying the Chief of Police or designee.</i>	Added	
f	None	<i>The owner or harbinger shall, within 30 days of the Municipal Court's determination, provide the required information under subsection (a) to recover a dangerous dog, If the owner or harbinger fails to provide such information, Animal Services shall seek a hearing pursuant to Section 6-38.</i>	Added	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
Sec. 6.36	Control and confinement.	Control and Confinement	No change in title	No change
a	A dangerous animal shall be kept in an enclosure at all times when its owner or harborer is not present. All enclosures shall be designed to prevent the dangerous animal from escaping from the enclosed area. No dangerous animal shall be allowed to run at large within the city. If the owner or harborer of a dangerous animal is found guilty or pleads guilty or nolo contendere to the offense of allowing his animal to be at large, the minimum fine shall be \$100.00. There shall be an irrebuttable presumption that a dangerous animal which is at large shall have done so by the permission of its owner or harborer.	A dangerous dog shall at all times be restrained on a leash or kept in a secured enclosure.	Change	
b	A dangerous animal may be exercised outdoors on the owner or harborer's private property in an enclosed, fenced area, which is secured by a leash no longer than four feet in length held by a person of sufficient strength to restrain the animal.	<i>For the purposes of this section, "Secured enclosure" means a fenced area or structure that is (1) Locked with a key or combination lock; (2) Capable of preventing the entry of the general public, including children; (3) Capable of preventing the escape or release of a dog; (4) Capable of preventing the dog from putting its mouth outside of it; (5) Clearly marked as containing a dangerous dog; (6) Enclosed by a secure top and sides with a solid bottom or constructed in such a manner which would prevent the dog from tunneling under the secure enclosure or going over the top and escaping; (7) Protected from the elements adequately for the dog's humane care; and (8) Approved by the Animal Services Manager.</i>	Change	
c	Except as provided in subsection (b) above, a dangerous animal shall not be removed from an enclosure, unless it is secured by a leash no longer than four feet in length held by a person of sufficient strength to restrain the animal, and unless the animal is muzzled by a muzzling device sufficient to prevent the animal from biting any person or any other animal.	<i>An owner or harborer of a dangerous dog shall not permit such dog to be outside the secured enclosure unless the dog is muzzled and restrained by a chain or leash, no longer than four (4) feet in length, and a capable person is in immediate physical control of the leash. Such dog shall not be leashed to any inanimate object such as a tree, post, building, or other object. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.</i>	Change	
d	At no place within its enclosure shall a dangerous animal be allowed to put its mouth outside of the enclosure.	<i>All enclosures erected to confine dangerous dogs must comply with all zoning and construction regulations of the City.</i>	Change	Proposed d was taken from current f.

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
e	All enclosures used to confine dangerous animals must be locked with a key or combination lock when such animals are within the enclosure.	<i>Animal Services shall periodically inspect the location and premises of all dangerous dogs to ensure compliance with this chapter.</i>	Change	
f	All enclosures erected to confine dangerous animals must comply with all zoning and construction regulations of the city.	None	Change	
g	All enclosures shall be adequately lighted, ventilated and must be maintained in a clean and sanitary condition.	None	Change	
h	An enclosure used to confine a dangerous animal shall comply with this section, no later than ten calendar days after a final determination that the animal is a dangerous animal.	None	Change	
i	An animal control officer shall periodically inspect the location and premises of all dangerous animals to ensure compliance with this chapter.	None	Change	
Sec. 6.37	Confinement indoors.	Confinement Indoors.	No change in title	
	It shall be unlawful for any person to keep or harbor a dangerous animal on a porch, patio or in any part of a house or building that would allow the animal to exit such structure on its own volition. It shall be unlawful for any person to keep a dangerous animal in a house or building when the windows are open or when screened windows or screened doors are one of the obstacles preventing the dog from exiting the structure and running at large.	It shall be unlawful for any person to keep or harbor a dangerous dog on a porch, patio or in any part of a house or building that would allow the dog to exit such structure on its own volition. It shall be unlawful for any person to keep a dangerous dog in a house or building when the windows are open or when screened windows, screened doors or other penetrable barriers are the only obstacles preventing the dangerous dog from exiting the structure and running at large.	Minor change	
Sec. 6.38	Banishment	<i>Hearing on Violations; Disposition of a Dangerous Dog.</i>	Change in title	
a	Any person, upon a final conviction of a violation of this division shall immediately remove all dangerous animals said person is keeping or harboring to a location outside of the city limits, and said dangerous animals shall never be brought into the city again. Any dangerous animal not so removed shall be subject to confiscation and may be humanely destroyed by the city without notice to the person owning or harboring such animal, and the owner or harborer of said animal shall be subject to fine.	<i>Upon determination by an Animal Services Officer that an owner or harborer has failed to keep a dangerous dog in compliance with this division or upon an owner's or harborer's failure to provide the required information under Section 6-35(a) to recover a dangerous dog after the Municipal Court's determination, Animal Services shall request a hearing before the Municipal Court to determine the disposition of the dangerous dog.</i>	Change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
b	None	<i>Animal Services is authorized to impound any dangerous dog that is not kept in compliance with this division until a hearing is held pursuant to this section. If the owner or harbor does not deliver the dangerous dog or refuses to relinquish the dangerous dog to Animal Services, the Municipal Court, may order Animal Services to seize the dangerous dog after issuing a warrant authorizing the seizure.</i>	Added	
c	None	<i>The Municipal Court, on receiving a request for a hearing under this section, shall set a time for a hearing to determine whether the owner or harbored of a dangerous dog has complied with all the requirements of this division. The hearing must be held no later than the 10th day after the date on which the dangerous dog is seized or delivered.</i>	Added	
d	None	<i>The Municipal Court shall give written notice of the time and place of the hearing to the owner or harbored of the dangerous dog and to Animal Services.</i>	Added	
e	None	<i>Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.</i>	Added	
f	None	<i>If the owner or harbored of the dangerous dog does not appear at the hearing, the Municipal Court may proceed with evidentiary findings without the owner's or harbor's presence.</i>	Added	
g	None	<i>The Municipal Court shall make a determination, based on the preponderance of evidence presented, whether the owner or harbored of the dangerous dog has complied with all the requirements of this division.</i>	Added	
h	None	<i>If the Municipal Court finds that the owner or harbored has complied with all of the requirements of this division, the Municipal Court shall order Animal Services to return the dangerous dog to the owner or harbored.</i>	Added	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
i	None	<p><i>If the Municipal Court finds that the owner or harboring has failed to comply with the requirements of this division, the Municipal Court shall order one of the following:</i>(1) The humane destruction of the dangerous dog on or after the 11th day after the date of the order;</p> <p><i>(2) The immediate removal of the dangerous dog from the City, provided that if such dog is found at any time to be within the City on or after the 11th day after the date of the order, the Court will order Animal Services to seize the dangerous dog after issuing a warrant authorizing the seizure, and order the humane destruction of such dangerous dog; (3) The return of the dangerous dog to the owner or harboring upon full payment of the cost of seizure, impound, and care to Animal Services.</i></p>	Added	
j	None	<p><i>The owner or harboring may appeal the decision of the Municipal Court in the manner described by Texas Health and Safety Code Section 822.0424, as amended. During the pendency of such appeal, the Court shall not order the destruction of the dangerous dog and Animal Services shall retain custody. The Court shall determine the estimated costs to house and care for the impounded dangerous dog during the appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.</i></p>	Added	
Sec. 6.39	Reporting requirements.	Registration and Reporting Requirements	Change in title	
a	<p>Any person owning or harboring a dangerous animal within the city shall, within ten days after the following incidents, make a written report of the incidents to the animal control officer (1) The death or removal from the care of any dangerous animal in the person's care;(2) The birth of offspring of any dangerous animal in the person's care;(3) The fact of a move and specific addresses involved when a person owning or harboring a dangerous animal moves from one location within the city to another location within the city.</p>	<p><i>The owner or harboring of a dangerous dog shall annually register the dog by providing the following to Animal Services:</i>(1) Proof of: (A) Liability insurance or financial responsibility, as required by Health and Safety Code, Section 822.0424;(B) Current rabies vaccination of the dangerous dog; and(6) The secure enclosure in which the dangerous dog will be kept; and</p> <p><i>(2) An annual registration fee of \$50 as listed in the Animal Services Fee Schedule.</i></p>	Change	The language for current a was relocated to proposed position c.
b	<p>Any person owning or harboring a dangerous animal within the city shall immediately notify the animal control officer or the city police department of the escape from confinement of the dangerous animal. Such notification shall not be used for any purpose by the city as an admission of the person providing the notification in any prosecution brought against such person under this chapter.</p>	<p><i>Upon providing the information required by this section, Animal Services shall provide to the owner or harbor registering a dangerous dog a registration tag and a dangerous dog collar, approved by the Animal Services Manager. The owner must place the dangerous dog collar and dangerous dog tag on the dangerous dog. The dangerous dog must wear the dangerous dog tag and dangerous dog collar at all times.</i></p>	Change	

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
c	None	Any person owning or harboring a dangerous dog within the City shall, within five business days after the following incidents, make a written report of the incident(s) to the Animal Services Manager <i>Animal Services Manager</i> : (1) The death or removal from the City of any dangerous dog in the owner's or harborer's care; (2) The birth of offspring of any dangerous dog in the owner's or harborer's care; (3) The fact of a move and specific addresses involved when a <i>owner or harborer of a dangerous dog</i> moves from one location within the City to another location within the City.	Change	City Attorney--Note that proposed c was taken from current a.
d	None	Any person owning or harboring a dangerous dog within the City shall immediately notify the Animal Services Manager or the Department of the escape from confinement of the dangerous dog. Such notification shall not be used for any purpose by the City as an admission of the person providing the notification in any prosecution brought against such person under this chapter.	Change	Note that proposed d was taken from current b
e	None	<i>A person who fails to comply with this section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).</i>	Added	
Sec. 6.40	Impoundment; redemption.	Impoundment; Redemption.	No change in title	No change

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
a	<p>The animal control officer is authorized to impound: (1) Any dangerous animal not kept in compliance with this chapter, as determined by final and nonappealable judgment of a court of competent jurisdiction; (2) Any animal that is determined by the animal control officer to be a dangerous animal, posing such an immediate threat to the health and safety of the citizens of the city that it cannot be allowed to remain in the city under any circumstances; (3) Any dangerous animal not permanently removed from the city as required by section 6-38; (4) Any animal that is determined by the animal control officer to be a dangerous animal, posing such an immediate threat to the health and safety of the citizens of the city that it cannot remain with or be returned to its owner until the owner has complied with the requirements of this chapter; (5) Any dangerous animal harbored or cared for in violation of section 6-41 hereof as finally determined by a court of competent jurisdiction; (6) Any animal, whether found to be a dangerous animal or not, if no one at the residence at which the animal is kept will acknowledge being the owner of the animal.</p>	<p><i>An Animal Services Officer</i> is authorized to impound: (1) Any dangerous dog not kept in compliance with this division; (2) Any dog that is determined by the <i>Animal Services Officer</i> to be a dangerous dog; (3) Any dangerous dog not permanently removed from the City as required by section 6-38.</p>	Change	Numbers 4-6 were not inserted in the proposed ordinance.
b	<p>An animal impounded pursuant to this section may be redeemed as follows: (1) An animal impounded pursuant to subsections (a)(1), (a)(2) and (a)(5) of section 6-40 hereof may be redeemed by its owner upon payment of all fees owed to the city in connection with its impoundment and upon the condition that within 48 hours of its release the animal shall be removed to a location outside the city and never brought into the city again. (2) An animal impounded pursuant to subsections (a)(4) and (a)(6) of section 6-40 hereof may be redeemed upon payment of all fees owed to the city in connection with the impoundment, upon identification of the owner, and upon determination by the animal control officer that the owner of the animal has complied with such requirements of this chapter as apply to the impounded animal. (3) An animal impounded pursuant to subsection (a)(3) hereof may not be redeemed but shall be humanely destroyed at the city.</p>	<p><i>The owner of an animal impounded pursuant to this section shall pay an impoundment fee, plus all other fees associated with or resultant from handling, managing, caring, and bringing the animal into compliance with this chapter.</i></p>	Change	City Attorney--Same but simplified
c	<p>The owner of an animal impounded pursuant to this section shall pay an impoundment fee of \$30.00, plus a care and handling charge of \$5.00 per day of impoundment.</p>	<p><i>Animal Services</i> shall make a reasonable effort to notify the owner or harbored of an animal that has been impounded.</p>	Change	Note that proposed c was taken from current d

**PROPOSED ANIMAL ORDINANCE
COMPARISON**

ITEM # 11

Section	Current Ordinance	Proposed Ordinance	Change	Explanation of Change
d	The animal control officer shall make a reasonable effort to notify the owner of an animal that has been impounded.	None	Change	
e	An animal not redeemed or for which provisions for redemption have not been made within 72 hours of its impoundment shall humanely destroyed.	None	Change	
f	The impoundment of an animal pursuant to this section shall not affect the right to a hearing granted to an owner under section 34 of this chapter.	None	Change	
Sec. 6.41	Fighting and antisocial behavior.	<i>Dangerous Dogs from Other Municipalities</i>	Change in title	
	No person shall own or harbor any animal for the purpose of fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings or animals.	<i>(a) If a person moves a registered dangerous dog into the City the owner or harbinger of such dangerous dog shall notify Animal Services within 14 days. After presenting prior registration and verification of registration requirements as described in Health and Safety Code § 822.043 and verifying compliance with the provisions of this division and the payment of the appropriate fee, the dangerous dog shall be registered with the City and a new dangerous dog tag and dangerous dog collar provided.</i>	Change	
b	None	<i>An owner or harbinger of a dangerous dog relocated to the City must comply with the requirements of this division.</i>	Change	
c	None	<i>A person who fails to comply with this section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).</i>	Change	
Sec. 6.42	Signs	None	Change in title	
	Any person owning a dangerous animal within the city shall display signs of a permanent nature stating "BEWARE OF DANGEROUS ANIMAL." Such signs shall be no less than eight inches by 12 inches in size, with lettering no less than two inches in height. Lettering shall be white on a red background and made of light-reflective material. Such signs shall be posted conspicuously at the front and rear property lines of the premises and on the dangerous animal's enclosure.	None	Change	Moved to a previous section, 6-35 b

ORDINANCE NO. 2018-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING THE GRAPEVINE CODE OF ORDINANCES, CHAPTER 6, ANIMALS AND FOWL; PROVIDING AMENDMENTS TO SAME; PROVIDING A PENALTY, NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City wishes to update the Grapevine Code of Ordinances, Chapter 6, Animals and Fowls; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this Ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this ordinance to be in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That Chapter 6, Animals and Fowl is hereby repealed in its entirety and a shall be replaced to read as follows:

“ARTICLE I. IN GENERAL

Sec. 6-1. - Definitions.

When used in this chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

Abandon: Shall mean to dump, desert, or leave any animal on/in public or private property with the intent of terminating any further responsibility for said animal; and shall also mean failing to properly redeem any animal impounded or quarantined by the City.

Adoption: The transfer of ownership from the City to a person or organization deemed suitable for the care, custody, and control of an animal.

Animal: Any living, nonhuman creature, including but not limited to any stray or feral cat or dog or wild living creature.

Animal Services Manager: The supervisor of Animal Services or their designee and meets all the requirements of an Animal Services Officer.

Animal Services Officer: Enforcement officer for animal care and control within the City and who meets all the requirements to be an animal control officer as defined and described in the Health and Safety Code, Chapter 829.

Animal Services: The City operated division for impounding and caring for animals held under the authority of this chapter.

At large: An owned animal not kept within an enclosure or fenced area or restrained by a leash of sufficient strength and length to control the actions of said animal.

Cat: Animal of the feline species, both male and female.

Chief of Police: The Chief of Police shall be the chief administrative officer of the Police Department. All aspects of management and operation of Animal Services will be within and under the authority of the Chief of Police.

Circus: For the purposes of this chapter, a commercial variety show featuring animal acts for public entertainment.

City: The City of Grapevine, Texas.

Commercial animal establishment: Any pet shop, animal auction, riding school or stable, zoological park, circus, recurring animal exhibition or commercial kennel.

Commercial kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and cats.

Dangerous dog: A dog that:

- (1) Commits unprovoked acts, in a place other than an enclosure in which the dog was being kept and which was reasonably certain to prevent the dog from leaving on its own, and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (2) Makes an unprovoked attack on a person, domestic animal, or livestock that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and which was reasonably certain to prevent the dog from leaving on its own; or
- (3) Is suspected of being a dangerous dog, if the owner, keeper or harbinger of such dog fails or refuses to make such dog available for inspection by an Animal Services Officer.

Provided, however, the term dangerous dog shall not mean a dog accused of any behavior described in this definition that occurs as a result of a trespass upon the property of the owner or harbinger of the accused dog.

Department: The Grapevine Police Department.

Dog: Animal of the canine species, both male and female.

Dog park: A public park for dogs to exercise and play off leash in a controlled environment under the supervision of their owners or harborers. The term does not include any areas located on private property.

Domestic animal: Includes all species of animals commonly and universally accepted as being domesticated.

Estray: Any stray livestock.

Fee Schedule: A list of fees associated with the services provided by Animal Services. This includes, but is not limited to, adoption fees, owner reclaim fees, and quarantine fees.

Fowl: A bird of the order Galiformes, which can be used as food. This term includes but is not limited to the common domesticated chicken, duck, geese, turkey, quail, dove, and pheasant.

Harbor: The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of at least three days.

Harborer: One who harbors an animal.

Known propensity: Any animal with a natural inclination, tendency or disposition.

Local Rabies Control Authority: The Animal Services Manager is hereby designated as the local rabies control authority in accordance with requirements listed in the Texas Health and Safety Code. In the absence of the Animal Services Manager, the officer temporarily serving in that capacity shall assume the duties and responsibilities of the local rabies control authority.

Livestock: Any farm animal regarded as an asset, including cattle, horses, mules, asses, sheep, goats, llamas, alpacas, and exotic livestock as defined by Agriculture Code Sec. 142.001, as amended, including elk and elk hybrids, and hogs.

Microchip: A passive electronic device that is injected into an animal, subcutaneously, by means of a hypodermic type syringe device. Each microchip shall contain a unique and original number that is read by an electronic scanning device for purposes of identification and recovery by the animal's owner or harborer.

Municipal court or court: The Municipal Court of the City of Grapevine, Texas.

Owned: Having ownership or custody or control of or harboring or keeping an animal.

Owner: Any person owning, keeping or having custody or control of, or who has right of property in, an animal.

Pet animals: Any animal kept for pleasure rather than utility and shall include dogs, cats, rabbits, rodents, birds, reptiles and any other species of animal which is sold or retained as household pets, but shall not include skunks, nonhuman primates, and any other species of wild, exotic or carnivorous animal that may be further restricted in this chapter.

Pet shop: Any establishment owned and operated by a person, corporation or association, whether operated separately or in connection with another business enterprise, except for a commercial kennel, that buys, sells, boards or grooms any species of animal.

Stray animal: Any unowned animal, for which there is no identifiable owner or harbinger, which is found to be at large within the incorporated limits of the City.

Unprovoked conduct: Means conduct that is not:

- (1) In response to being tormented, abused, or assaulted by any other person or animal; or
- (2) In response to pain or injury; or
- (3) In protection of itself, its food, kennel, immediate territory, or nursing offspring.

Wild animal: Includes all species of animals which exist in a natural, unconfined state and are usually undomesticated.

Zoological park: Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals, operated by a person, partnership, corporation or government agency.

Sec. 6-2. - Livestock and Fowl.

(a) It shall be unlawful for any person to keep or harbor any livestock within the limits of the City in any pen, stable, shed or other enclosure at a distance of less than 50 feet from any residence, business, commercial establishment, office, school, hospital or nursing home. This 50-foot requirement does not apply to the livestock owner's residence, business, commercial establishment or office.

(b) It shall be unlawful for any person to keep or harbor any livestock within the limits of the City, where there is less than 20,000 square feet for each cattle and 10,000 square feet for all other types of livestock.

(c) It shall be unlawful for any person to allow livestock within 50 feet of any dwelling used for human habitation other than the owner's dwelling.

(d) It shall be unlawful for any person to keep or harbor any fowl within the City in any pen, shed, coop or enclosure, if any part of such enclosure or structure is within 50 feet of any residence, business or commercial establishment or office (other than the owner's), school, hospital or nursing home.

(e) It shall be unlawful for any owner of any animal to maintain yards, pens, kennels, stables, sheds, coops or other enclosures in which such animals are confined in such a manner as to emit odors offensive to any person's ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects or rodents, or in any manner to endanger the public health, safety or welfare, or to create a public nuisance.

(f) Manure and droppings shall be removed from pens, kennels, stables, yards, coops and other enclosures regularly and handled or disposed of in such a manner as to keep the premises free of any nuisance.

(g) Mound storage of droppings of manure between such removals shall be permitted, only under such conditions as to protect against the breeding of flies, rodents and to prevent the migration of fly larvae (maggots) into the surrounding soil.

(h) The feeding of vegetables, meat scraps or garbage to livestock shall be done only in impervious containers or on an impervious platform.

(i) Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes or other insects.

(j) No putrescible material shall be allowed to accumulate on the premises; all such material used to feed, which is unconsumed, shall be removed and disposed of by burial or other sanitary means.

(k) No changes in zoning or new construction on contiguous or adjacent property shall cause any uses or structures existing prior to the change in zoning or new construction to become illegal or nonconforming pursuant to section 6-2.

(l) Owners of livestock must report to Animal Services the location, size of land plot, and numbers and type of livestock to be kept within the City. Owners of fowl must report to Animal Services the type of fowl to be kept. An annual permit is required to maintain livestock and/or fowl within the City. A fee will be collected according to the Animal Services Fee Schedule and a permit may be issued. If there is evidence of failure to comply with City livestock or fowl ordinances, the City reserves the right to deny issuance or renewal of said permit upon request of applicant and to assess a fine for violation.

Sec. 6-3. - Creation of Disturbance by Animal.

It shall be unlawful for any person to knowingly harbor or keep on premises or elsewhere any animal of any kind that makes or creates an unreasonable disturbance of the peace, regardless of type or manner, of the neighbor(s) or occupant(s) of adjacent premises or people living in the vicinity thereof or suffer or permit such animal to make or create unusual noises by howling, barking, bawling or otherwise.

Sec. 6-4. - Wild Animals.

(a) It shall be unlawful to keep or harbor any wild animal within the City, except at commercial animal establishments dealing in the sale or handling of such animals and having proper zoning for such commercial establishments and having proper facilities for the restraint and care of such animals.

(b) The Animal Services Manager or designee and the Chief of Police or designee may establish conditions under which it would be permissible to keep or harbor wild animals at locations other than those listed in section 6-4(a) for a period of time not to exceed one month.

Sec. 6-5. - Animals at Large.

It shall be unlawful for the owner or harbinger of any animal to permit the same to be at large in the City or to trespass upon the premises, public or private, of any other person. There shall be a presumption that any animal which is at large shall have done so by the permission of its owner or harbinger and shall be a punishable act.

Feral cats that have been sterilized and ear notched or otherwise permanently marked, and returned to locations within the City in order to reduce the population of feral cats through sterilization, shall not be considered at large or running at large.

Sec. 6-6. - Impounding of Cats, Dogs.

(a) The Animal Services Officer or any police officer may cause to be captured and impounded any animal, excluding livestock, at large and in violation of this chapter. This section shall be enforced relative to cats, only upon receipt of a complaint.

(b) The owner of any animal impounded under the terms of this chapter shall have the right to redeem same, unless otherwise provided, upon payment to the City for each dog or cat. The owner shall pay fees associated with redemption of said animal as set forth in the Animal Services Fee Schedule, including, but not limited to, impound fees, boarding fees, and veterinary or drug fees incurred during impoundment.

(c) All dogs and cats redeemed from the City, which are not already microchipped, will be microchipped at the expense of the owner prior to being released from

impoundment. All dogs and cats redeemed from the City, which are not already currently vaccinated for rabies, will be vaccinated for rabies at the expense of the owner prior to being released from impoundment.

(d) All impounded animals shall be redeemed within 72 hours after their impoundment. All animals impounded for more than 72 hours will become property of the City and any prior ownership will be completely divested. Once the impounded animal becomes property of the City, such animal may be made eligible for adoption through Animal Services or other third party rescue organization or be humanely destroyed at the sole discretion of Animal Services.

(e) Notwithstanding the above provisions, the disposition of an animal impounded under Texas Health and Safety Code § 821.022 (Seizure of Cruelly Treated Animals) shall be governed by Health and Safety Code § 821.023 (Hearing; Order of Disposition or Return of Animal).

Sec. 6-7. - Confinement During Estrus.

Any unspayed female dog or cat in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and said area of enclosure shall be so constructed that the animal may not escape the enclosure and that no other dog or cat may gain access to the confined animal, except when the owner desires access to the animal for breeding purposes. Owners or harborers who do not comply with this section shall be ordered to remove the animal in estrus to a commercial kennel or veterinary hospital. All expenses incurred as a result of this confinement shall be paid by the owner or harborer. Failure to comply with the removal order of the Animal Services Officer shall be a violation of this chapter and the dog or cat may then be impounded as prescribed in this chapter.

Sec. 6-8. - Abandonment.

No person who has within their control, either temporarily or permanently, any animal shall abandon such animal within the City.

Sec. 6-9. - Disposal of Dead Animals.

It shall be unlawful for any dead animal to be disposed of within the City by a means other than properly depositing the animal at a landfill site or via a garbage collection or disposal service, provided the animal is placed in a non-transparent bag or box. The owner of a dead animal shall be responsible for disposing, or permitting a veterinarian to dispose, such animal.

Sec. 6-10. - Enforcement; Penalty.

(a) The Animal Services Manager of the City is hereby designated as the person responsible for the enforcement of all aspects of this chapter. The Animal Services

Manager's duties shall include, but shall not be limited to, the enforcement of this chapter and aiding the Texas Board of Health in the enforcement of area quarantine, pursuant to V.T.C.A., Health and Safety Code § 826.001 et seq. (Rabies), as may be amended.

(b) Any Animal Services Officer of the City shall have the authority to issue citations for any violation of this chapter and any other power or duty stated within the terms of this chapter. If the person being cited is not present, the Animal Services Officer may send the citation to the alleged offender by registered or certified mail, return receipt requested, by depositing same in the U.S. mail, postage prepaid.

(c) A person who violates any provision of this chapter commits an offense, and upon conviction, shall be punished by fine not to exceed \$500.00. An offense under this chapter is a strict liability offense and the culpable mental state required by the Texas Penal Code is hereby specifically negated and clearly dispensed with.

(d) It shall be unlawful for any person to interfere with any Animal Services Officer in the performance of their duties.

(e) It shall be unlawful for any person to fail to comply with any lawful order of the Animal Services Officer of the City, duly acting under the authority of this chapter.

(f) Any Animal Services Officer's or any peace officer's authority includes, but is not limited to:

- (1) Humanely destroying an animal which poses an imminent danger to a person or property, or a real or apparent necessity exists for the destruction of an animal; or
- (2) Impounding any animal which is diseased or endangers the health of a person or another animal; or
- (3) Impounding any animal, found to be running at large or to be a stray within the City; or
- (4) Humanely destroying any animal which has been seriously injured, where such animal is too large to be removed from the scene of injury to the animal shelter; or
- (5) Humanely destroying any impounded, dangerous, or vicious animal, unless there is reason to believe that it has an owner, or unless otherwise provided for in this chapter; or
- (6) Pursuing animals running at large onto private property while enforcing the provisions of this chapter and entering onto private property and commercial animal establishments to enforce regulations covered in this chapter.

Sec. 6-11. - False Statements.

- (a) It shall be unlawful for any person to make false statement(s) in any application, affidavit or other document required by this chapter or any regulation prescribed herein.
- (b) It shall be unlawful for any person to give false statement(s) in regard to the identity of any animal, which is found in violation of any ordinance, or to the identity of any owner of such animal as required by this chapter or any regulation prescribed herein.

Sec. 6-12. - Livestock Riding or Driving on Public and Private Property.

- (a) It shall be unlawful for any person to allow livestock to be driven or ridden upon any public property; provided, however, horses may be ridden on the unimproved or unpaved portion of the right-of-way. The City, however, shall maintain the exclusive authority to enter into a contractual relationship with one or more entities or companies to provide horse-drawn carriage service within certain defined locations in the City and pursuant to the terms and conditions of said contract. The Chief of Police, or designee, may authorize horses and/or other livestock to be ridden or driven on the right-of-way under the authority of a parade permit and/or a special event.
- (b) It shall be unlawful for any person to allow livestock to be driven or ridden on any private property, unless same be done on the property of the owner of the livestock or by written permission of the owner of the property.

Sec. 6-13. - Animal Traps and Equipment.

- (a) It shall be unlawful for any person to remove, alter, damage or otherwise tamper with a trap or equipment placed by an Animal Services Officer or employee.
- (b) A person may set humane traps used to capture dogs, cats, or other small animals on personally owned property or with the written consent of the property owner. Traps must be checked at least once every two hours or during the overnight period of no more than eight hours when set. It shall be unlawful to trap animals when inclement weather is occurring such as temperatures below 45 degrees Fahrenheit or above 85 degrees Fahrenheit, a heat index warning is issued, severe weather watches or warnings have been issued, during wet conditions (rain, sleet, snow), or when a combination of weather conditions are in effect or are pending that may result in unsafe conditions for the animal.
- (c) Any person who sets a humane trap resulting in a trapped animal shall provide shelter and humane care for the animal, including food, water, and protection from environmental elements of heat, cold, and precipitation.

(d) A resident may acquire a humane animal trap through Animal Services for a fully refundable deposit as set forth in the Animal Services Fee Schedule. If the trap is not returned within the allotted time and in good working condition, the person will forfeit the deposit to the City and ownership of the trap will be transferred from the City to the resident.

(e) Trapped animals will be serviced in accordance with the Animal Services Fee Schedule.

(f) Animals subject to the statewide rabies quarantine (any live species of fox, skunk, coyote, or raccoon indigenous or naturalized to North America) may be transported by peace officers and individuals hired or contracted by local, state, or federal government agencies to deal with stray animals when such transport is part of their official duty (TAC Rule 169.34).

(g) Non-City owned traps that require an Animal Services Officer or a representative of the Department to remove and transport the trap, in order to safely remove the trapped animal, can be reclaimed at Animal Services during normal operating hours. Traps will be held for three business days for reclamation.

(h) It shall be unlawful for any person to set a trap, or permit such a trap to remain, that injures or kills an animal.

Sec. 6-14. - Animal Care and Safety.

(a) It shall be unlawful for any owner or harbinger to fail to provide their animal(s) with sufficient good and wholesome food or water, shelter, shade, veterinary care to prevent and cure disease, infestation and injury, and with humane care and treatment.

(b) It shall be unlawful for any owner or harbinger to fail to provide their animal(s) with constant and continuous access to adequate shelter. "Adequate shelter" shall mean a shelter that is structurally sound, moisture proof, and windproof, that is large enough to accommodate the animal, and to which the animal may seek refuge from moisture, wind, and weather.

(c) It shall be unlawful for any person to beat, cruelly treat, torment, mentally abuse, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans.

(d) It shall be unlawful for any person to abandon an animal within their custody.

(e) It shall be unlawful for any person to give away any live animal as a prize for, or as an inducement to, enter any contest, game or other competition or as an

inducement to enter a place of business; the provisions of this subsection shall not apply to auctions, raffles and games of chance in which consideration is made.

(f) It shall be unlawful for any person to sell, offer for sale, barter or give away any dyed, colored or otherwise artificially treated baby chicks, ducklings or other fowl, rabbits, hamsters or any other animal.

(g) It shall be unlawful for any person to leave an animal in an unattended standing or parked vehicle or enclosed space without providing the animal with adequate air ventilation and protection from environmental temperature variations, including heat and cold. An animal left under such conditions may be removed from the vehicle or enclosed space by, or at the direction of, an Animal Services Officer or a representative of the Department, using any reasonable means and force necessary, including the breaking of a window or lock. If professional services are required to remove the animal, the owner is responsible for the cost and/or reimbursement of costs. An Animal Services Officer or a representative of the Department, or one who acts at the direction of an Animal Services Officer or a representative of the Department relative to this section, who removes an animal from a vehicle or enclosed space in accordance with this subsection is not liable for any resulting property damage.

(h) A person commits an offense if they use a chain, rope, tether, leash, cable, or other device to attach a dog to a stationary object or trolley system. This does not prevent a person from walking a dog with a hand-held leash.

It is an exception to this section that/if:

- (1) The dog is being tethered during a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or
- (2) The dog tethering is required to protect the safety or welfare of a person or the dog, and the dog's owner maintains direct physical control of the dog; or
- (3) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction; or
- (4) A dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained; or
- (5) The dog tethering:
 - a. Occurs while the dog is within the owner's direct physical control; and
 - b. Prevents the dog from advancing to the edge of any public right-of-way
 - c. Does not occur between the hours of 10 p.m. and 6 a.m.
 - d. Does not occur within 500 feet of the premises of a school

- e. Does not occur in cases of extreme weather conditions, including when the actual or effective outdoor temperature is 32 degrees Fahrenheit or below, a heat advisory has been issued, or a hurricane, tornado, tropical storm watch or warning has been issued for the jurisdiction
- (6) The defenses under this section are only available if the following specifications are met:
- a. The chain, rope, tether, leash, cable, or other device is attached to a properly fitted collar (not including pinch-type, prong-type, choke-type) or harness worn by the dog;
 - b. The chain, rope, tether, leash, cable, or other device is not placed directly around the dog's neck;
 - c. The length of the chain, rope, tether, leash, cable, or other device is no less than the greater of 10 feet or 5 times the length of the dog from nose to tail base;
 - d. The chain, rope, tether, leash, cable, or other device, by design and placement, allows the dog a reasonable and unobstructed range of motion without entanglement; and
 - e. The dog has access to adequate shelter, as defined by this section, and clean and wholesome water.

Sec. 6-15. - Duty to Report Injury or Death of Animals Hit by Vehicles.

Every person who strikes an animal with a vehicle and injures or kills such animal shall notify Animal Services immediately after the occurrence, or as soon as reasonably possible, and shall give the time and place of the injury or death, a description of the animal and the name and address of the person making the report.

Sec. 6-16. - Urinating or Defecating on Sidewalks, Public Parks, Alleys and Other Places Open to the Public or on Certain Private Property Prohibited.

It shall be unlawful for the owner or harbinger of any animal to allow such animal to urinate or defecate upon sidewalks, public parks (excluding any dog park as defined by this chapter), alleys, other places open to the public, or on private property without permission of the owner thereof. In the event that the owner or harbinger of such animal is unable to prevent the deposit of defecation in violation of this section, it shall be the duty of such person to properly dispose of such waste material immediately or as soon as reasonably possible.

Sec. 6-17. - Keeping of Diseased or Crippled Animals.

It shall be unlawful for any person to keep or harbor any animal which is inflicted with any dangerous or communicable disease, or which is in a painfully crippled or diseased condition, that to keep said animal alive would be considered inhumane. All such animals shall be humanely destroyed by a licensed veterinarian or given/surrendered to Animal Services to be humanely destroyed. This section shall

not apply to veterinary hospitals or animals under active veterinarian care with due regard for public health and safety.

Sec. 6-18. - Prisoners' Animals.

(a) Any person who is taken into custody by the Department or other law enforcement agency and having in their possession an animal(s) shall be notified that the animal(s) will be impounded and transferred to Animal Services. Under certain conditions, and when time allows, arrestee's animal(s) may be released to an authorized person, identified by the arrestee. The receiving person must approve to take receipt of the animal(s) and must be capable of properly caring for the animal(s).

(b) During confinement of arrestee, the animal(s) will be cared for by Animal Services. The animal(s) may be redeemed from impoundment within 24 hours from the time of arrest of the owner, at no charge to the owner. If the animal(s) has not been redeemed within the 24 hour period, the owner will be responsible for any incurred boarding fees after the conclusion of the initial 24 hour impoundment. After 72 hours, the animal(s) may become the property of the City and may become eligible for adoption, placed into another organization, or be humanely destroyed. The owner will be responsible for any veterinary fees incurred regardless of the length of stay.

(c) No one shall be able to redeem an animal taken possession of pursuant to this section, except the owner's duly authorized designee.

Sec. 6-19. - Animal Shelter Advisory Committee.

An advisory committee shall be appointed by City Council. Such committee shall meet at least three times per year and its duties shall ensure compliance with the requirements of the Texas Health and Safety Code § 823.005. Members shall hold office for staggered terms of two years, or until their successor is appointed; excepting the municipal employees who shall serve at the pleasure of the City. Members may be reappointed. All committee members, except the municipal employees, shall serve without compensation. The members representing the public shall be residents of the City and have resided within the City for 12 consecutive months preceding the appointment. The committee shall select a Chair Person in two year terms. The committee shall consist of six members and one City Council liaison. The following positions shall be filled:

- (a) One municipal official – Department representative supervising Animal Services
- (b) One municipal employee – Animal Services Manager whose duties include the daily supervision and operation of an animal shelter
- (c) Two representatives of the general public – Citizens of Grapevine
- (d) One representative – Animal Welfare Organization
- (e) One representative – Licensed Veterinarian

ARTICLE II. DOGS AND CATS**DIVISION 1. GENERALLY****Sec. 6-20. - Numbers and Breeding; Permits.**

- (a) It shall be unlawful for any person(s) to keep or harbor more than four dogs or cats, four months of age or older, or any combination of both, at any one time and location (property used or zoned for residential purposes).
- (b) Owners wishing to maintain more than the limit of dogs and cats, being 4 months of age or older, may make application with the Chief of Police or designee for permission to keep or harbor more than four dogs or cats, or any combination of both. The Chief of Police or designee may issue a permit for one year to the applicant, upon the following information being furnished and the listed conditions being satisfied:
- (1) The maximum number of cats or dogs to be kept or housed;
 - (2) The reason or purpose for the keeping of animals;
 - (3) That the dogs and/or cats are to be maintained in such a manner as to ensure each animal is treated humanely and receives proper care, shelter, food, and water in accordance with this chapter and that any cages, pens, or enclosed structures are appropriately sized for the animal, clean, and in safe working order;
 - (4) That the dogs or cats are to be kept so as to not be a nuisance or detriment to any adjoining or adjacent dwellings or businesses;
 - (5) The cages or pens are to be maintained in a sanitary condition so as not to create any hazards or nuisances to the general health and welfare of the community;
 - (6) That the applicant allow the Animal Services Manager or designee periodic inspection of the animals and kept location at an agreed upon date and time during the one year period. Unless otherwise needed, Animal Services will conduct no more than 4 inspections annually;
 - (7) That the applicant has complied with all applicable provisions of this chapter.
- (c) It shall be unlawful for the owner or harbinger of any animal to permit or cause to be permitted the breeding of any such animal within the public view.
- (d) Owners wishing to breed their dog and/or cat more than two times per calendar year are required to acquire a permit.
- (e) The Chief of Police or designee, upon being satisfied that the above information has been furnished and the conditions satisfied, may collect the annual permit fee as set forth in the Animal Services Fee Schedule and issue a permit for one year to the applicant. This permit may be revoked at any time, upon any of the conditions and requirements being violated or any part of this chapter as set forth herein. The

permittee shall be allowed to renew the permit, upon submitting a renewal application and the renewal fee to the Chief of Police or designee. The renewal application shall contain the same information as is required for the initial application, and the renewal permit shall be valid for one year and subject to the same conditions and requirements.

Cross reference— Noisy animals prohibited, §§ 6-3, 12-7(4).

Sec. 6-21. - Registration.

Each dog or cat, age 4 months or older, kept, harbored, or maintained in the City shall be registered annually. Failure of the owner, keeper, or harborer to comply with the requirements of this section shall constitute an offense.

- (a) At the time of application, the dog or cat owner shall:
 - (1) present a certificate from a licensed veterinarian verifying the dog's or cat's rabies vaccination in accordance with section 6-30; and
 - (2) either present proof verifying that the dog or cat has been microchipped or provide authorization to Animal Services to implant a microchip.
- (b) The registration shall be valid for a 12 month period from the date of issuance and shall include the owner's name, address, and the dog's or cat's breed, color, and sex.
- (c) An owner submitting an application for a dog or cat registration is responsible for the registration fee as set forth in the Animal Services Fee Schedule.
- (d) Animal Services employee or designee shall issue a dog or cat registration to the owner satisfying the provisions of this article.
- (e) Registration tags/microchips will be issued in the following manner:
 - (1) At the time of registration, Animal Services employee or designee shall provide the owner with a microchip or metal tag for each registered dog or cat. The microchip or tag shall contain a corresponding registration number.
 - (2) A replacement tag shall be issued when necessary, if the animal is currently registered, and the registration period is still valid. The owner of the animal is responsible for the replacement tag fee as set forth in the Animal Services Fee Schedule.
 - (3) Dog and cat registrations are non-transferable and upon the death or the relocation of the animal from the City, the registration fee is non-refundable.
 - (4) Dogs and cats issued metal registration tags through the City's registration program shall be required to wear a collar or harness with the City issued tag securely affixed when the pet is accessible to the public.

(f) Dogs boarded, kept, assigned, housed, or working within the City that are currently a component of a law enforcement agency, military branch, or private company are exempt from this chapter.

(g) Any owner that applies for an annual registration thirty-one (31) or more days after the expiration date of the animal's previous registration will be subject to a late fee.

Sec. 6-22. - Adoption of Dogs and Cats.

The City shall comply with all sterilization laws as set forth in Chapter 828 of the Texas Health and Safety Code, as amended. A copy of the statute may be obtained from Animal Services.

(a) A person may adopt a dog and/or cat from Animal Services that has been spayed or neutered or will become spayed or neutered and classified as adoptable for the adoption fee as set forth in the Animal Services Fee Schedule. If the animal has not been spayed or neutered prior to adoption, the new owner must make arrangements to have the animal sterilized and vaccinated for rabies.

(1) Animal Services may establish an adoption receipt and sterilization agreement for use in the adoption process and violation of any term of such agreement shall constitute a violation of this chapter.

(2) Any person who fails to sterilize an animal, as set forth in the sterilization agreement, is guilty of a misdemeanor offense punishable by a fine.

(b) The Animal Services Manager or designee may refuse/deny the adoption of an animal for any valid reason, including but not limited to, a person to whom Animal Services has reason to believe:

(1) Would not have the proper facilities to contain or care for the animal;

(2) Wants the animal for the purpose of resale or for purposes other than pet ownership;

(3) There are reasonable grounds to believe the animal would be subjected to abandonment or cruelty;

(4) The person is under the age of 18; or

(5) That the purpose of the adoption is to avoid, or assist in the avoidance of, the enforcement of any provision of this chapter.

(c) The Animal Services Manager or designee shall be the sole judge as to whether an animal is suitable to offer for adoption; however, a decision to offer a particular animal for adoption shall not constitute any warranty, expressed or implied, of the health, temperament, or age of the animal.

(d) The City and its agents, employees, and officers shall have no liability associated with the adoption or impoundment of any animal.

Note— See the editor's note to §§ 6-23—6-26.

Secs. 6-23 – 6-26. - Reserved.

Editor's note - Ord. No. 88-40, § 21, adopted June 7, 1988, repealed § 6-21, which pertained to exceptions and permits relative to number of dogs and cats allowed on premises and derived from Ord. No. 71-29, Pt. I, adopted Oct. 5, 1971; and repealed §§ 6-23—6-26, which pertained to regulations relative to required registration of dogs and derived from Ord. No. 57-13, Arts. 1-1, 1-2, 1-12, 1-14, adopted Aug. 6, 1957 and Ord. No. 81-65, § 1, adopted Oct. 6, 1981.

Secs. 6-27 – 6-29. - Reserved.**DIVISION 2. - RABIES CONTROL^[1]**

Footnotes:

--- (1) --- **State Law reference**— Rabies control by municipality, V.T.C.A., Health and Safety Code § 826.001 et seq.

Sec. 6-30. - Vaccinations; Certificates, Tags.

(a) The owner or harbinger (excluding animal shelters) of each dog or cat shall have the animal vaccinated against rabies by 4 months of age. The animal must receive a booster within the 12-month interval following the initial vaccination or as state law dictates. Every dog or cat must be revaccinated against rabies at a minimum of at least once every three years with a rabies vaccine licensed by the United States Department of Agriculture. The vaccine must be administered according to label recommendations. Livestock (especially those that have frequent contact with humans) should be vaccinated against rabies. Nothing in this section prohibits a veterinarian and owner or harbinger from selecting a more frequent rabies vaccination interval. Failure to have said animal vaccinated shall be an offense under this chapter and shall subject the owner or harbinger to a fine. The fine for the second violation of failure to have an animal vaccinated shall be at least double the fine for the original offense.

(b) All such dogs or cats shall be vaccinated in accordance with Chapter 826 of the Texas Health and Safety Code.

(1) All dogs and cats, after initial vaccination, must receive a second booster rabies vaccination within 12 months of receiving the initial vaccination, regardless of:

- a. Type of vaccination used; or
- b. The age at which the animal was initially vaccinated.

(2) If the animal has received at least two vaccinations and the last vaccination consisted of:

- a. An annual rabies vaccine, the animal must receive a vaccination within 12 months.
- b. A triennial vaccine, the animal must receive a vaccination within 36 months.

- (3) If the animal has received at least two vaccinations prior to this amendment and a triennial vaccine was used for the last vaccination, this amendment is retroactive (i.e., the animal's next vaccination will be due within 36 months from the date of its last vaccination).

Any person establishing residency within the City shall comply with this section within 10 business days of establishing residency. If an unvaccinated dog or cat inflicts a bite, scratch, or otherwise attacks any person within the City, a rabies vaccine shall not be administered to the dog or cat until after a 240 hour quarantine observation period, beginning with the date of a bite, scratch or attack.

(c) Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat, as evidence thereof, a certificate of vaccination. The veterinarian shall retain a duplicate copy of the certificate, and one copy shall be filed with the owner. Such certificate shall contain the following information:

- (1) The name, address and telephone number of the owner of the vaccinated animal;
- (2) The date of the vaccination;
- (3) The type of rabies vaccine used;
- (4) The year and number of the rabies tag; and
- (5) The breed, age, color and sex of the vaccinated animal.

(d) Concurrently with the issuance and delivery of the certificate of vaccination, the owner or harbinger of the dog or cat shall cause to be attached to the collar or harness of the vaccinated animal a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance. It shall be an offense under this chapter for a person to own or harbor a dog or cat on which the rabies tag is not affixed to said animal when the pet is accessible to the public.

Sec. 6-31. - Quarantine; Reporting Bites and Scratches or Suspected Rabies.

(a) In the event a potential outbreak of rabies is suspected and the danger to the public safety from rabid animals is reasonably imminent, the Animal Services Manager is hereby authorized and it shall be their duty to issue a quarantine proclamation, ordering persons owning, keeping or harboring any animal to confine it as herein provided for such time as may be specified in such quarantine proclamation. Upon the publication of such proclamation by the Animal Services Manager, any person keeping or harboring any dog or cat or other animal shall follow the procedure as described in section 6-36 regarding control and confinement, except that such animal, under the control of an adult person and on a physical restraint, may be unconfined only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified under the quarantine proclamation by the Animal Services Manager may be humanely destroyed by any law enforcement officer or Animal Services Officer, if said officer is unable, with reasonable effort, to capture such animal for impoundment.

(b) It is the duty of any person who has knowledge that an animal bite or scratch has occurred to report such fact, as soon as possible, but not later than 24 hours from the time of the incident to Animal Services or the Department. The person reporting the bite or scratch shall give the following information, if known: the name, age, sex and precise location of the bitten or scratched person or persons and such other information as may be required or needed (H.S.C. 826.041).

(c) Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report such fact to Animal Services or the Department, stating precisely where such animal may be found. If a known or suspected rabid animal bites or scratches a domestic animal, such incident shall also be reported as required above.

(d) The owner of an animal that is reported to be rabid or to have exposed an individual or other animal, or that the owner knows or suspects to be rabid or to have exposed an individual or other animal, shall submit the animal for quarantine to Animal Services or the Department.

(e) Any animal suspected or known to have rabies or any animal that has been exposed to rabies, and any animal which has bitten or scratched a person will be quarantined only at the Animal Services or at a veterinary clinic. The Animal Services Manager or designee may allow home quarantine, provided the owner of the animal strictly complies with the following:

- (1) The animal must be inside an enclosed structure (i.e., house or garage) and must remain there for 240 hours;
- (2) The animal must be kept away from other animals and people, except those people in the immediate household;
- (3) The owner of the animal shall pay a home quarantine fee as set forth in the Animal Services Fee Schedule;
- (4) The animal may not be removed from the City while under quarantine; and
- (5) The owner or person making the request for home quarantine must allow the Animal Services Manager or designee the opportunity to inspect the animal and location as needed for compliance with these standards.

(f) It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been quarantined, without the consent of the Animal Services Manager.

(g) The Animal Services Manager shall order the quarantine and evaluation of any animal suspected of having rabies. This evaluation shall be done by a licensed veterinarian, whether the animal is quarantined at home, at a veterinary clinic or Animal Services. If it is determined by a veterinarian that a quarantined animal shows the clinical signs of rabies, the Animal Services Manager or designee shall humanely destroy the animal. If an animal dies or is destroyed while in quarantine, the head or brain of the animal shall be removed and submitted to the nearest Texas Department of Health laboratory for testing.

(h) If, after the quarantine period, the Animal Services Manager determines that a quarantined animal does not show the clinical signs of rabies, the Animal Services Manager shall release, or authorize the release of, the animal following the quarantine period, if the animal has a current and valid rabies vaccination certificate or the animal is vaccinated against rabies by a licensed veterinarian at the owner's expense. All other requirements for release must be met before the animal can be released.

(i) The owner of the animal shall pay to the City the reasonable costs of the quarantine and disposition of the animal, and the City may bring suit to collect the costs. The Animal Services Manager will consider the animal abandoned if the owner or harbinger does not take possession of on or before the third day following the final day of quarantine. The Animal Services Manager may choose a disposition appropriate for the animal, including humane destruction.

Sec. 6-32. - Reserved.

Editor's note— Former § 6-32, which pertained to reporting of rabid dogs and derived from Ord. No. 57-13, Art. 1-8, adopted Aug. 6, 1957, though not amended by Ord. No. 88-40, adopted June 7, 1988, has been deleted at the discretion of the editor, treated as superseded by the provisions of § 6-31.

DIVISION 3. - DANGEROUS DOGS

Sec. 6-33. - Identification of Dangerous Dogs; Seizure.

(a) If a person reports a dangerous dog as defined by Section 6-1 to Animal Services, an Animal Services Officer may investigate such dog and any alleged incident. If, after receiving sworn statements of any witnesses or personally observing the dog, the Animal Services Officer may determine that the dog is a dangerous dog. Animal Services shall request a hearing for final determination before the Municipal Court within 24 business hours, excluding holidays, of the dog being deemed dangerous by an Animal Services Officer.

(b) If a dog is determined to be a dangerous dog under this section, Animal Services shall provide written notification of such determination, sent by certified mail, return receipt requested or by hand delivery, to the owner or harbinger of such a dog. The notice shall also contain a statement that the Municipal Court will make a final determination at a hearing set by the court. The notice shall include a copy of this division.

(c) Animal Services has the authority to impound a dog that has been determined dangerous under this section until a hearing is held pursuant to Section 6-34. If the owner or harbor does not deliver the dog or refuses to relinquish the dog to Animal Services, the Municipal Court may order Animal Services to seize the dog upon issuance of a warrant authorizing the seizure.

Sec. 6-34. – Hearing on Dangerous Dog Final Determination.

- (a) The Municipal Court, on receiving a request for a hearing pursuant to Section 6-33, shall set a time for a hearing to determine whether the dog is a dangerous dog. The hearing must be held not later than the 10th day after the date on which the dog was seized or delivered.
- (b) The Municipal Court shall give written notice of the time and place of the hearing to the owner or harborer of the dog and to Animal Services.
- (c) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.
- (d) The Municipal Court shall make a determination, based on the preponderance of evidence presented, whether the dog is a dangerous dog as defined by this Chapter.
- (e) If the owner or harborer of the dog does not appear at the hearing, the Municipal Court may proceed with evidentiary findings without the owner's or harbor's presence.
- (f) If the Municipal Court determines that the dog is a not a dangerous dog, the Court shall order Animal Services to return the dog to the owner or harborer.
- (g) If the Municipal Court determines that the dog is a dangerous dog, the Court shall order the owner or harborer to meet the requirements to recover the dangerous dog under Section 6-35(a).
- (h) The Municipal Court shall give written notice of the Court's determination and order to the owner or harborer of the dog.
- (i) The owner or harborer may appeal the decision of the Municipal Court in the manner described by Texas Health and Safety Code § 822.0424, as amended. During the pendency of such appeal, Animal Services will retain custody of the dangerous dog. The Municipal Court shall determine the estimated costs to house and care for the impounded dangerous dog during the appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.

Sec. 6-35. - Requirements for Owner of Dangerous Dogs.

- (a) After notice of a final determination under Section 6-34 that a dog is dangerous, the owner or harborer of such dog may recover the dangerous dog from Animal Services only if the owner or harborer provides the City with the following:
- (1) The name, address and telephone number of persons owning, keeping or harboring the dangerous dog;
 - (2) Payment of an annual fee for each dangerous dog being kept;

- (3) Proof that each dangerous dog, which is four months of age or over, has been vaccinated against rabies by a licensed veterinarian and provide the name, address and phone number of veterinarian;
 - (4) Three color identification photographs, at least three inches by three inches, of each dangerous dog, with one photograph showing the frontal view and the others showing side views of each dog;
 - (5) Name and general description of each dangerous dog, which general description shall include name, sex, weight, color, breed, height and length, along with any other discernible features;
 - (6) Proof of financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person. The insurance requirements contained herein shall be maintained at all times and shall not be cancelled by the owner or harbinger, until the owner or harbinger shall cease to own or harbor the dangerous dog;
 - (7) Proof that signs required by subsection (d) have been posted;
 - (8) Authorization to Animal Services or veterinarian to implant a microchip beneath the skin of the dangerous dog for positive identification of the dog. Animal Services is authorized to charge the owner or harbinger a fee, as reflected in the fee schedule;
 - (9) The costs or fees assessed by Animal Services related to the seizure, acceptance, care, or impoundment of the dog; and
 - (10) Compliance in wearing the dangerous dog collar and dangerous dog tag, to be worn at all times, as provided by Animal Services.
- (b) The owner of a dangerous dog may, prior to a final determination that the dog is dangerous, comply with the provisions of this division.
- (c) All dangerous dogs shall be vaccinated in accordance with section 6-30.
- (d) Any person owning a dangerous dog within the City shall display signs of a permanent nature stating "BEWARE OF DANGEROUS DOG." Such signs shall be no less than eight inches by 12 inches in size, with lettering no less than two inches in height. Lettering shall be white on a red background and made of light-reflective material. Such signs shall be posted conspicuously at the front and rear of the premises and on the dangerous dog's enclosure.
- (e) It shall be unlawful to transport or otherwise relocate a dangerous dog to another location for permanent domicile without first notifying the Chief of Police or designee.
- (f) The owner or harbinger shall, within 30 days of the Municipal Court's determination, provide the required information under subsection (a) to recover a dangerous dog. If the owner or harbinger fails to provide such information, Animal Services shall seek a hearing pursuant to Section 6-38.

Sec. 6-36. - Control and Confinement.

- (a) A dangerous dog shall at all times be restrained on a leash or kept in a secured enclosure.
- (b) For the purposes of this section, "Secured enclosure" means a fenced area or structure that is:
- (1) Locked with a key or combination lock;
 - (2) Capable of preventing the entry of the general public, including children;
 - (3) Capable of preventing the escape or release of a dog;
 - (4) Capable of preventing the dog from putting its mouth outside of it;
 - (5) Clearly marked as containing a dangerous dog;
 - (6) Enclosed by a secure top and sides with a solid bottom or constructed in such a manner which would prevent the dog from tunneling under the secure enclosure or going over the top and escaping;
 - (7) Protected from the elements adequately for the dog's humane care; and
 - (8) Approved by the Animal Services Manager.
- (c) An owner or harbinger of a dangerous dog shall not permit such dog to be outside the secured enclosure unless the dog is muzzled and restrained by a chain or leash, no longer than four (4) feet in length, and a capable person is in immediate physical control of the leash. Such dog shall not be leashed to any inanimate object such as a tree, post, building, or other object. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
- (d) An owner or harbinger of a dangerous dog, regardless of whether the dog was determined dangerous from Section 6-33 (a) or Section 6-34 (d), shall not permit such dangerous dog to be within any of the confined play, recreation, training, or any areas of a dog park as previously defined, regardless of whether such dog is restrained on a leash or not.
- (e) All enclosures erected to confine dangerous dogs must comply with all zoning and construction regulations of the City.
- (f) Animal Services shall periodically inspect the location and premises of all dangerous dogs to ensure compliance with this chapter.

Sec. 6-37. - Confinement Indoors.

It shall be unlawful for any person to keep or harbor a dangerous dog on a porch, patio or in any part of a house or building that would allow the dog to exit such structure on its own volition. It shall be unlawful for any person to keep a dangerous dog in a house or building when the windows are open or when screened windows, screened doors, or other penetrable barriers are the only obstacles preventing the dangerous dog from exiting the structure and running at large.

Sec. 6-38. - Hearing on Violations; Disposition of a Dangerous Dog.

- (a) Upon determination by an Animal Services Officer that an owner or harborer has failed to keep a dangerous dog in compliance with this division or upon an owner's or harborer's failure to provide the required information under Section 6-35(a) to recover a dangerous dog after the Municipal Court's determination, Animal Services shall request a hearing before the Municipal Court to determine the disposition of the dangerous dog.
- (b) Animal Services is authorized to impound any dangerous dog that is not kept in compliance with this division until a hearing is held pursuant to this section. If the owner or harborer does not deliver the dangerous dog or refuses to relinquish the dangerous dog to Animal Services, the Municipal Court may order Animal Services to seize the dangerous dog after issuing a warrant authorizing the seizure.
- (c) The Municipal Court, on receiving a request for a hearing under this section, shall set a time for a hearing to determine whether the owner or harborer of a dangerous dog has complied with all the requirements of this division. The hearing must be held not later than the 10th day after the date on which the dangerous dog is seized or delivered.
- (d) The Municipal Court shall give written notice of the time and place of the hearing to the owner or harborer of the dangerous dog and to Animal Services.
- (e) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.
- (f) If the owner or harborer of the dangerous dog does not appear at the hearing, the Municipal Court may proceed with evidentiary findings without the owner's or harborer's presence.
- (g) The Municipal Court shall make a determination, based on the preponderance of evidence presented, whether the owner or harborer of the dangerous dog has complied with all the requirements of this division.
- (h) If the Municipal Court finds that the owner or harborer has complied with all of the requirements of this division, the Municipal Court shall order Animal Services to return the dangerous dog to the owner or harborer.
- (i) If the Municipal Court finds that the owner or harborer has failed to comply with the requirements of this division, the Municipal Court shall order one of the following:

The humane destruction of the dangerous dog on or after the 11th day after the date of the order;

- (1) The immediate removal of the dangerous dog from the City, provided that if such dog is found at any time to be within the City on or after the 11th day

after the date of the order, the Court will order Animal Services to seize the dangerous dog after issuing a warrant authorizing the seizure, and order the humane destruction of such dangerous dog; or

- (2) The return of the dangerous dog to the owner or harbinger upon full payment of the cost of seizure, impound, and care to Animal Services.

(j) The owner or harbinger may appeal the decision of the Municipal Court in the manner described by Texas Health and Safety Code Section 822.0424, as amended. During the pendency of such appeal, the Court shall not order the destruction of the dangerous dog and Animal Services shall retain custody. The Court shall determine the estimated costs to house and care for the impounded dangerous dog during the appeal process and shall set the amount of bond for an appeal adequate to cover those estimated costs.

Sec. 6-39. – Registration and Reporting Requirements.

(a) The owner or harbinger of a dangerous dog shall annually register the dog by providing the following to Animal Services:

(1) Proof of:

(A) Liability insurance or financial responsibility, as required by Health and Safety Code Section 822.042;

(B) Current rabies vaccination of the dangerous dog; and

(C) The secure enclosure in which the dangerous dog will be kept; and

(2) An annual registration fee of \$50 as listed in the Animal Services Fee Schedule.

(b) Upon providing the information required by this section, Animal Services shall provide to the owner or harbor registering a dangerous dog a registration tag and a dangerous dog collar, as approved by the Animal Services Manager. The owner must place the dangerous dog collar and dangerous dog tag on the dangerous dog. The dangerous dog must wear the dangerous dog tag and dangerous dog collar at all times.

(c) Any person owning or harboring a dangerous dog within the City shall, within five business days after the following incidents, make a written report of the incident(s) to the Animal Services Manager:

(1) The death or removal from the City of any dangerous dog in the owner's or harbinger's care;

(2) The birth of offspring of any dangerous dog in the owner's or harbinger's care;

(3) The fact of a move and specific addresses involved when an owner or harbinger of a dangerous dog moves from one location within the City to another location within the City.

(d) Any person owning or harboring a dangerous dog within the City shall immediately notify the Animal Services Manager or the Department of the escape from confinement of the dangerous dog. Such notification shall not be used for any

purpose by the City as an admission of the person providing the notification in any prosecution brought against such person under this chapter.

(e) A person who fails to comply with this section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

Sec. 6-40. - Impoundment; Redemption.

(a) An Animal Services Officer is authorized to impound:

- (1) Any dangerous dog not kept in compliance with this division;
- (2) Any dog that is determined by the Animal Services Officer to be a dangerous dog;
- (3) Any dangerous dog not permanently removed from the City as required by section 6-38.

(b) The owner of an animal impounded pursuant to this section, 6-40, shall pay an impoundment fee, plus all other fees associated with or resultant from handling, managing, caring, and bringing the animal into compliance with this chapter.

(c) Animal Services shall make a reasonable effort to notify the owner or harbinger of an animal that has been impounded. (Ord. No. 88-40, § 24, 6-7-88)

Sec. 6-41. - Dangerous Dogs from Other Municipalities.

(a) If a person moves a registered dangerous dog into the City, the owner or harbinger of such dangerous dog shall notify Animal Services within 14 days. After presenting prior registration and verification of registration requirements as described in Health and Safety Code § 822.043 and verifying compliance with the provisions of this division and the payment of the appropriate fee, the dangerous dog shall be registered with the City and a new dangerous dog tag and dangerous dog collar provided.

(b) An owner or harbinger of a dangerous dog relocated to the City must comply with the requirements of this division.

(c) A person who fails to comply with this section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500).

Section 3. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00) for each offense and a separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Section 4. All ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 5. If any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. The fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates undesirable conditions for the preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}

MEETING DATE: JANUARY 16, 2018

SUBJECT: LOCAL PROJECT ADVANCED FUNDING AGREEMENT
(LPAFA) – FM 2499 GREEN RIBBON PROJECT

RECOMMENDATION:

City Council to consider adopting a resolution approving the Local Project Advance Funding Agreement with Texas Department of Transportation (TXDOT) to establish funding participation levels for the Farm to Market Road (FM) 2499 Green Ribbon Project - Phase IV, and take any necessary action.

FUNDING SOURCE:

Approval of the agreement will have no effect on City funds at this time.

BACKGROUND:

Several areas throughout the DFW Connector corridor were not included in TXDOT's landscape plan. The FM 2499 Green Ribbon Project is one of the highly visible areas along the northern section of the corridor where supplemental landscaping will enhance the appearance of Grapevine.

The project is funded by The Federal Highway Administration (FHWA) and TXDOT Green Ribbon program. The Green Ribbon program provides no allowances for cost overruns; therefore, the City will cover any cost overruns that may arise.

This project will be administered by the City. A Master Agreement, adopted by the City per resolution and the State in November 2000, establishes general terms and conditions for transportation projects of this nature. The LPAFA formally establishes the funding participation level and scope for this specific project. TXDOT has requested that the City approve this LPAFA in January to facilitate their bidding schedule of June 2018.

City of Grapevine was awarded \$300,000 Green Ribbon Funds to use towards this project. Once bids are received for this project options will be presented to City Council for approval. This advanced funding agreement confirms any amount over the grant funds the City will pay of which the required funds are budgeted in the Quality of Life Fund.

Staff will return at a later date for approval of a construction contract and appropriation.

Staff recommends approval.

RESOLUTION NO. 2018-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AUTHORIZING A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ADDRESSING FUNDING PARTICIPATION LEVEL AND PROJECT SCOPE FOR THE LANDSCAPE IMPROVEMENTS OF FARM TO MARKET ROAD 2499 FROM STATE HIGHWAY 26 TO DENTON CREEK BRIDGE IN THE CITY OF GRAPEVINE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, a Master Agreement between the City of Grapevine and the State was adopted by Resolution No. 2000-60 on November 21, 2000 and the agreement states the general terms and conditions for transportation projects developed through this Local Transportation Project Advance Funding Agreement; and

WHEREAS, the Texas Transportation Commission passed Minute Order 115005, that provides for the development of, and funding for, landscape improvements of Farm to Market Road 2499 from State Highway 26 to Denton Creek Bridge in the City of Grapevine; and

WHEREAS, the Grapevine City Council strongly supports the efforts of the Metropolitan Planning Organization and Texas Department of Transportation in developing a system of highways in cooperation with local governments; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this resolution have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this resolution to be in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the City Council of the City of Grapevine approves entering into this Local Transportation Project Advance Funding Agreement for landscape improvements of Farm to Market Road 2499 from State Highway 26 to Denton Creek Bridge in the City of Grapevine.

Section 3. That this resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

STATE OF TEXAS §
COUNTY OF TRAVIS §

**LOCAL TRANSPORTATION PROJECT
ADVANCE FUNDING AGREEMENT
For A
GREEN RIBBON PROGRAM
ON SYSTEM**

THIS Local Project Advance Funding Agreement (LPAFA) is made by and between the State of Texas, acting by and through the Texas Department of Transportation, called the "State", and the City of Grapevine, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, a Master Agreement between the Local Government and the State has been adopted and states the general terms and conditions for transportation projects developed through this LPAFA; and,

WHEREAS, the Texas Transportation Commission passed Minute Order Number 115005 that provides for the development of, and funding for, the Project described herein; and,

WHEREAS, the Governing Body of the Local Government has approved entering into this LPAFA by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment A for the development of the Project. A map showing the Project location appears in Attachment B, which is attached to and made a part of this agreement.

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

AGREEMENT

1. Period of the Agreement

The period of this LPAFA is as stated in the Master Agreement, without exception.

2. Termination of this LPAFA

Termination of this LPAFA shall be under the conditions as stated in the Master Agreement. This LPAFA may be terminated by the State if the Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds.

3. Amendments

Amendments to this LPAFA shall be made as described in the Master Agreement, without exception.

4. Scope of Work

The scope of work for this LPAFA is described as announcing the arrival into the City of Grapevine, which is bordered by Dallas Fort Worth International Airport and six other cities. The

sense of arrival will be reinforced by the use of landscape elements and irrigation. The landscape enhancement limits are from SH 26 to Denton Creek on FM 2499.

5. Right of Way and Real Property

Right of way and real property shall be the responsibility of the Local Government as stated in the Master Agreement, without exception.

6. Utilities

Adjustment of utilities will be provided by the Local Government as required and as stated in the Master Agreement, without exception.

7. Environmental Assessment and Mitigation

Environmental assessment and mitigation will be carried out as stated in the Master Agreement. Additionally, before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

8. Compliance with Texas Accessibility Standards and ADA

Compliance with Texas Accessibility Standards and the Americans with Disabilities Act (ADA) will be as stated in the Master Agreement, without exception.

9. Architectural and Engineering Services

Architectural and engineering services will be provided by the Local Government as stated in the Master Agreement. The Local Government is responsible for performance of any required architectural or preliminary engineering work. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable *American Association of State Highway and Transportation Officials* design standards. The State may review and comment on the work as required to accomplish the public purposes of the State. The Local Government will cooperate fully with the State in accomplishing these local public purposes to the degree permitted by State and Federal law.

10. Construction Responsibilities

Construction responsibilities will be carried out by the Local Government as stated in the Master Agreement.

11. Project Maintenance

Project maintenance will be undertaken as provided for in the Master Agreement, without exception.

12. Local Project Sources and Uses of Funds

A. A Project Budget Estimate is provided in Attachment C. The State and the Federal Government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration. After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for one hundred percent

(100%) of the cost of any work performed under its direction or control before the Federal spending authority is formally obligated.

- B. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures and Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.
- C. A Source of Funds estimate based on the Transportation Improvement Program (TIP) is also provided in Attachment C. Attachment C shows the percentage and estimated dollar amount to be contributed to the project by federal, state, and local sources. The parties agree that the LPAFA may be amended from time to time as required to meet the funding commitments based on revisions to the TIP, Federal Project Authorization and Agreement (FPAA), or other federal document.
- D. The Local Government is responsible for all non-federal and non-state funding, unless otherwise provided for in this agreement or through amendment of this agreement. Where Special Approval has been granted by the State, the Local Government shall only in that instance be responsible for overruns in excess of the amount to be paid by the Local Government.
- E. Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering for the project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction costs.
- F. Whenever funds are paid by the Local Government to the State under this Agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation." The check or warrant shall be deposited by the State and managed by the State. Funds may only be applied by the State to the Project. If after final Project accounting any excess funds remain, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.
- G. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than State or Federal Regulations, or if any other locally proposed changes, including but not limited to plats or replats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by the Local Government. The cost of providing right of way acquired by the State shall mean the total expenses in acquiring the property interests either through negotiations or eminent domain proceedings, including but not limited to expenses related to relocation, removal, and adjustment of eligible utilities.

- H. When Special Approval has been granted by the State so that the Local Government bears the responsibility for paying cost overruns, the Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification of those amounts.
- I. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. Any entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
- J. Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.
- K. The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.

13. Document and Information Exchange

The Local Government agrees to electronically deliver to the State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft® Word or similar document. If requested by the State, the Local Government will use the State's document template. The Local Government shall also provide a detailed construction time estimate including types of activities and month in the format required by the State. This requirement applies whether the Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

14. Incorporation of Master Agreement Provisions

This LPAFA incorporates all of the governing provisions of the Master Agreement in effect on the date of final execution of this LPAFA, unless an exception has been made in this agreement.

15. Insurance

If this Agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

16. Debarment Certification

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance

Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, the Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

17. Cost Principles and Office of Management and Budget (OMB) Audit Requirements

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in 2 CFR 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

18. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City Manager City of Grapevine 200 S. Main Street Grapevine, Texas 76051	Director of Contract Services Texas Department of Transportation 125 E. 11 th Street Austin, Texas 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

19. Civil Rights Compliance

- A. Compliance with Regulations: The Local Government will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this agreement.
- B. Nondiscrimination: The Local Government, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

- C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this contract and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
- D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
- E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this contract, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the Local Government under the contract until the Local Government complies and/or
 - b. cancelling, terminating, or suspending of the contract, in whole or in part.
- F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

20. Disadvantaged Business Enterprise (DBE) Program Requirements

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted

contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

21. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient of funds under this Agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:

<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and

<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>

- B. The Local Government agrees that it shall:

1. Obtain and provide to the State a System for Award Management (SAM) number (Federal Acquisition Regulation, Part 4, Sub-part 4.11) if this award provides more than \$25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: <https://www.sam.gov/portal/public/SAM/>
2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

22. Single Audit Report

- A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR 200.

- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

23. Pertinent Non-Discrimination Authorities

During the performance of this contract, the Local Government, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (49 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority

populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.

- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

24. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

Date

CSJ # 2681-02-008
District # 02-Fort Worth
Code Chart 64 # 17200
Project: FM 2499 Landscape improvements
Federal Highway Administration
CFDA Title: Highway Planning and construction
CFDA No.: 20.205
Not Research and Development

ITEM # 12

**ATTACHMENT A
RESOLUTION OR ORDINANCE**

CSJ # 2681-02-008
 District # 02-Fort Worth
 Code Chart 64 # 17200
 Project: FM 2499 Landscape improvements
 Federal Highway Administration
 CFDA Title: Highway Planning and construction
 CFDA No.: 20.205
 Not Research and Development

ITEM # 12

ATTACHMENT B PROJECT LOCATION MAP



CITY OF GRAPEVINE
 GREEN RIBBON PROJECT



HWY 2499 FROM SH 26
 TO DENTON CREEK
 LANDSCAPE ENHANCEMENTS

PHASE - 4
 SCHEMATIC PLAN

Texas Department of Transportation

<small> SCHUBERT, BULLIS and ASSOCIATES, INC. 2515 W. WOODWAY DRIVE FORT WORTH, TEXAS 76107 TEL: 817-335-1111 FAX: 817-335-1112 </small>	<small> SCHUBERT, BULLIS and ASSOCIATES, INC. 2515 W. WOODWAY DRIVE FORT WORTH, TEXAS 76107 TEL: 817-335-1111 FAX: 817-335-1112 </small>		
<small> DRAWN: [blank] CHECKED: [blank] DATE: [blank] </small>	<small> SCALE: 1" = 150' SHEET NO: 0303 FEDERAL AID PROJECT NO: [blank] STATE PROJECT NO: 15024801 </small>	<small> STATE: TX DIST: [blank] COUNTY: TARRANT HIGHWAY NO: [blank] </small>	<small> SHEET NO: 0303 SECTION: [blank] SHEET NO: 1 </small>

LEGEND:
 SPECIAL ADMINISTRATIVE AREAS
 WETLANDS



**ATTACHMENT C
 PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS**

The Local Government will be responsible for 100% of the costs for environmental review and engineering. Construction costs will be allocated based on a fixed amount of Federal/State funding and applicable Local Government funding until Federal/State funding reaches the maximum obligated amount

The Local Government will then be responsible for 100% of the costs. The State will be responsible for the direct state costs.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Environmental (by Local Government)	\$5,000	0%	\$0	0%	\$0	100%	\$5,000
Engineering (by Local Government)	\$95,000	0%	\$0	0%	\$0	100%	\$95,000
Construction (by Local Government)	\$1,299,055		\$240,000		\$60,000	100%	\$999,055
Subtotal	\$1,399,055		\$240,000		\$60,000		\$1,099,055
Environmental Direct State Costs	\$250		\$0	100%	\$250		\$0
Right of Way Direct State Costs	\$1		\$0	100%	\$1		\$0
Engineering Direct State Costs	\$4,750		\$0	100%	\$4,750		\$0
Utility Direct State Costs	\$1		\$0	100%	\$1		\$0
Construction Direct State Costs	\$192,520		\$0	100%	\$192,520		\$0
Indirect State Costs	\$73,730		\$0	100%	\$73,730		\$0
TOTAL	\$1,670,307		\$240,000		\$331,252		\$1,099,055

Initial payment by the Local Government to the State: \$0.00
 Payment by the Local Government to the State before construction: \$0.00
 Estimated total payment by the Local Government to the State \$0.00
 This is an estimate. The final amount of Local Government participation will be based on actual costs.

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: BRUNO RUMBELOW, CITY MANAGER BR

MEETING DATE: JANUARY 16, 2018

SUBJECT: CONSIDER APPROVAL FOR THE AWARD OF THE SANITARY SEWER INFLOW AND INFILTRATION PHASE 3 PROJECT CONSTRUCTION CONTRACT AND APPROPRIATION ORDINANCE.

RECOMMENDATION:

City Council to consider approval of a construction contract with Excel 4 Construction, LLC, in the amount of \$1,488,847, for the Sanitary Sewer Inflow and Infiltration Phase 3 Project and authorize staff to execute said contract, adopt the appropriation ordinance and take any necessary action.

FUNDING:

Upon approval of the attached appropriation ordinance, \$1,488,847 will be available in the Utility Capital Project Fund (201-48940-543-009-0044SW).

BACKGROUND:

The Sanitary Sewer Inflow and Infiltration Phase 3 Project is part of the 2015 Utility Capital Program. The scope of the project is to replace existing sanitary sewer lines and manholes in the Canterbury Village and Oak Grove neighborhoods. The construction will be primarily trenchless construction where the existing lines will be removed while new lines will be simultaneously placed. New sewer services and cleanouts will be installed for residents served by the newly placed lines. Manholes and cleanouts for the sewer will be replaced.

There were a total of four bids submitted for this project. The bids were as follows:

<u>CONTRACTOR</u>	<u>BASE BID</u>
Excel 4 Construction	\$1,488,847.00
IPR South Central	\$1,579,779.60
Horseshoe Construction	\$1,779,766.00
Joe Funk Construction	\$3,331,627.00

Both city staff and the Engineer of Record for the project recommend award to Excel 4 Construction, LLC given their successful completion of similar projects.

Staff recommends approval.
JDR

ORDINANCE NO. 2018-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS; APPROPRIATING \$1,488,847 AVAILABLE FROM THE 2015 CO ISSUANCE IN THE UTILITY CAPITAL ENTERPRISE FUND; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine, Texas has a need to make sanitary sewer inflow and infiltration improvements; and

WHEREAS, the City's portion will be appropriated from the 2015 CO issuance in the Utility Enterprise Capital Fund; and

WHEREAS; approval of this ordinance will make the total project funds available for Sanitary Sewer Inflow and Infiltration Phase 3 in the Capital Utility Project Fund in the amount of \$1,488,847 and

WHEREAS, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

Whereas, the City Council deems the adoption of this ordinance is in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated herein above are true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the City Council hereby appropriates \$1,488,847 from the 2015 CO issuance in the Utility Enterprise Capital Fund.

Section 3. That the fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety, and general welfare which requires that this ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

MEMO TO:HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}

MEETING DATE: JANUARY 16, 2018

SUBJECT: CALL MAY 5, 2018 GENERAL ELECTION

RECOMMENDATION:

City Council to consider a resolution calling the 2018 City Officers Election to be held on Saturday, May 5, 2018, designating the polling place and, if necessary, a run-off election to be held on June 16, 2018.

FUNDING SOURCE:

Funding for election expenditures is currently available in the City Secretary's Professional Services Account (100-44540-103-001).

BACKGROUND:

This year, City of Grapevine voters will cast ballots for Mayor; City Council, Place 1; and City Council, Place 2.

The first day for candidates to file for a place on the May ballot is January 17 and the last day to file is February 16.

Early Voting will take place from April 23 – May 1 at The REC of Grapevine, or any Early Voting polling location in Tarrant County.

The REC of Grapevine will be the only polling location on May 5.

Early Voting and Election Day voting will be conducted in compliance with the Texas Election Code relative to the 2002 Help America Vote Act (HAVA).

In order to comply with HAVA, an election services contract with Tarrant County Elections Administration will be presented at a later date for the county to conduct the election to allow us to use their Direct Recording Electronic voting machines and early voting polling locations.

Staff recommends approval.

TAB

RESOLUTION NO. 2018-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, PROVIDING FOR THE 2018 GENERAL ELECTION TO BE HELD ON MAY 5, 2018; DETERMINING THE POLLING PLACE; PROVIDING SPECIFIC INSTRUCTIONS FOR THE CONDUCTING OF SAID ELECTION; REPEALING INCONSISTENT RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 41.001(a) of the Texas Election Code provides for the holding of general city elections on the first Saturday in May; and

WHEREAS, the City desires to conform its practices with State law; and

WHEREAS, the Charter of the City of Grapevine, Texas provides that the Election Code of the State of Texas is applicable to the City Council and Run-Off Elections, and in order to comply with said code an order should be passed establishing the procedure to be followed in said election, and designating the voting place for said election; and

WHEREAS, all legal prerequisites for the adoption of this resolution have been met, including but not limited to the Local Government Code and the Open Meetings Act; and

WHEREAS, the City Council hereby declares that the approval of this resolution is in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the Regular City Officer Election for the City of Grapevine is hereby called for Saturday, May 5, 2018, for the following:

MAYOR
COUNCIL, PLACE 1
COUNCIL, PLACE 2

Section 3. All eligible City of Grapevine voters shall cast their ballots at The REC of Grapevine, 1175 Municipal Way, between the hours of 7:00 a.m. and 7:00 p.m. on Election Day.

Section 4. The first day to file an application for a place on the ballot is January 17, 2018. All candidates for election for Mayor, City Council, Place 1 and City Council, Place 2, must file their names with the City Secretary of the City of Grapevine,

Texas, by 5:00 p.m. on February 16, 2018. That all of the said applications shall be on a form approved by the City Secretary and shall be in compliance with the City Charter and the State Election Code.

Section 5. That the City Secretary shall post the names of all candidates who have filed their applications in accordance with the terms and provisions of this order.

Section 6. The Election shall be conducted under the jurisdiction of the Tarrant County Elections Department (the "Elections Administrator") pursuant to an Election Services Contract (the "Contract") by and among the Tarrant County Elections Department, the City and other participating entities, if any, described in the Contract. The Mayor or the Mayor's designee is authorized to amend or supplement the Contract to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Elections Administrator.

Section 7. All early voting shall be conducted pursuant to and in accordance with the applicable provisions of the State of Texas Election Code. The Elections Administrator is hereby appointed as Early Voting Clerk for the Election and shall determine the early voting place and hours, however, such locations may be changed if so directed by the Elections Administrator without further action of the City Council. The Elections Administrator is hereby authorized and directed to make such changes in locations as may be necessary for the proper conduct of the Election. The Elections Administrator is hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code.

Section 8. That the Tarrant County Elections Administrator/Early Voting Clerk has established the following dates, times and locations for early voting by personal appearance:

Early Voting Polling Locations

Tarrant County Elections Center, 2700 Premier Street, Fort Worth, Texas 76111
The REC of Grapevine, 1175 Municipal Way, Grapevine, Texas 76051
*Other Tarrant County early voting locations to be designated by the Tarrant County Elections Administrator/Early Voting Clerk pursuant to joint election agreements with other political subdivisions within Tarrant County

Days and hours for Early Voting by Personal Appearance

April 23-27	Monday - Friday	8:00 a.m. - 5:00 p.m.
April 28	Saturday	7:00 a.m. - 7:00 p.m.
April 29	Sunday	11:00 a.m. - 4:00 p.m.
April 30 – May 1	Monday - Tuesday	7:00 a.m. - 7:00 p.m.

Section 9. The Elections Administrator shall provide and furnish all necessary supplies and personnel to conduct said election. Said supplies and personnel shall be furnished at the expense of the General Fund of the City of Grapevine, Texas. Early voting will be conducted on Direct Recording Electronic (DRE) System and Election Day voting will be on the Digital Scan System accompanied by DRE for disabled and provisional voters.

Section 10. The City Secretary is hereby instructed to publish notice of said election once in a newspaper of general circulation not more than thirty (30) days before the election and not less than ten (10) days before the election.

Section 11. This resolution shall repeal every prior resolution in conflict herewith, but only insofar as the portion of such resolution shall be in conflict, and as to all other sections of resolutions not in direct conflict herewith, this resolution shall be and is hereby made cumulative.

Section 12. The Mayor shall issue all necessary orders, writs and notices for said election and the returns of said election shall be made to the City Secretary after the close of the polls and the completion of the counting of the ballots.

Section 13. That a run-off election, if necessary, shall be called for June 16, 2018.

Section 14. That this resolution shall be effective from and after the date of its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
MEETING DATE: JANUARY 16, 2018
SUBJECT: APPROVAL OF A RENEWAL FOR A PROFESSIONAL SERVICES CONTRACT FOR MEDICAL CONTROL SERVICES

RECOMMENDATION:

City Council to consider renewal of a professional services contract for medical control services from BEST EMS.

FUNDING SOURCE:

Funding for this purchase is currently available in account 100-44530-210-006 (EMS Professional Fees) in the amount of \$30,515.98.

BACKGROUND:

The Grapevine Fire Department utilizes a professional services contract with BEST EMS for Medical Control Services in part due to the close affiliation between BEST EMS and Baylor Scott & White Medical Center at Grapevine. This affiliation will allow on-duty Baylor Scott & White emergency department physicians to provide 24 hour a day medical guidance to Grapevine Fire Department paramedics by phone and in person. Dr. Justin Norheim will be the principle contact with BEST EMS.

Dr. Norheim is an Emergency Department physician at Baylor Scott & White Medical Center at Grapevine. BEST EMS currently provides Medical Control Services to nine local fire departments including Carrollton, Euless, McKinney, Keller, Colleyville, Argyle, Trophy Club, Roanoke, and DFW Airport. This contract was for one-year with four optional renewals. If approved, this will be the second renewal.

This procurement will be made in accordance with Local Government Code Chapter 252, Subchapter B, § 252.022. General Exemptions (a) (4), professional services.

Staff recommends approval.

JS/BS

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}

MEETING DATE: JANUARY 16, 2018

SUBJECT: APPROVAL OF A RESOLUTION AND APPROPRIATION
ORDINANCE FOR THE SOLE SOURCE PURCHASE OF BOMB
SUITS FOR THE FIRE DEPARTMENT

RECOMMENDATION:

City Council to consider approval of a resolution and appropriation ordinance for a sole source purchase of bomb suits and accessories for the Fire Department from Med-Eng, LLC.

FUNDING SOURCE:

Funding for this purchase is currently available in account 113-42281-210-010 (Apparatus & Tools) in the amount of \$107,859.00.

BACKGROUND:

This purchase includes explosive ordnance disposal (EOD) protective ensembles and equipment for the Northeast Fire Department Association (NEFDA) bomb team. All funds will be reimbursed through an FY2017 Department of Homeland Security Urban Area Security Initiative grant award and by NEFDA.

The procurement of the bomb suits will be made as a sole source purchase from Med-Eng, LLC. in accordance with Local Government Code Chapter 252, Subchapter B, §252.022. General Exemptions (a) (7) (A).

Staff recommends approval.

MF/BS

RESOLUTION NO. 2018-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO PURCHASE BOMB SUITS FROM A SOLE SOURCE VENDOR FOR THE FIRE DEPARTMENT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine, Texas is a local government in the State of Texas and as such is empowered by Texas Local Government Code Chapter 252, Subchapter B, § 252.022. General Exemptions (a)(7)(A) to purchase bomb suits for the Fire Department on a sole source basis; and

WHEREAS, The Fire Department has a need for new bomb suits and accessories; and

WHEREAS, Med-Eng, LLC is the exclusive manufacturer and distributor of these bomb suits; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this resolution have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this resolution to be in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the City Council of the City of Grapevine authorizes the sole source purchase of bomb suits from Med-Eng, LLC for an amount not to exceed \$107,859.00.

Section 3. That the City Manager or his designee is authorized to take all steps necessary to consummate the purchase of said bomb suits and accessories.

Section 4. That this resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

ORDINANCE NO. 2018-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS APPROPRIATING \$107,859.00 AND INCREASING ESTIMATED RECEIPTS IN THE GRANT FUND; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine Fire Department is a member of the Northeast Fire Department Association (NEFDA) bomb team; and

WHEREAS, the Fire Department has a need for new bomb suits and accessories; and

WHEREAS, funds will be reimbursed through a Fiscal Year 2017 Department of Homeland Security Urban Security Initiative grant award and by NEFDA; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this ordinance is in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated herein above are true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the City Council hereby appropriates the funding from Grant Fund estimated revenues.

Section 3. That the City Council hereby authorizes an amount of \$107,859.00 to be appropriated to account 113-42281-210-010; and

Section 4. That the fact that the present ordinances and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety, and general welfare which requires that this ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
MEETING DATE: JANUARY 16, 2018
SUBJECT: APPROVAL TO RENEW AN ANNUAL CONTRACT FOR
GROUNDS MANAGEMENT SERVICES

RECOMMENDATION:

City Council to consider renewal of an annual contract for grounds management services with Terracare Associates.

FUNDING SOURCE:

Funding for this purchase is limited to the budgeted amount by each department for an annual estimated amount of \$1,900,000.00.

BACKGROUND:

The purpose of this bid was to establish fixed annual pricing for grounds maintenance services for mowing, litter control and weed abatement. The contract also includes fertilization, herbicides, pesticides, fungicide application, landscaping and irrigation services to be performed at various parks, medians, right-of-ways, open spaces, facilities and athletic complexes.

Bids were taken in accordance with Local Government Code Chapter 252, Subchapter B, Section 252.021 (a) and Section 252.041 (a). The contract was for an initial one-year period with four one-year renewal options. If approved, this will be the second renewal available.

Staff recommends approval.

MH/LW

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
MEETING DATE: JANUARY 16, 2018
SUBJECT: APPROVAL OF A RESOLUTION FOR THE PURCHASE AND
INSTALLATION OF NEW GYM FLOORING AT THE REC

RECOMMENDATION:

City Council to consider approval of a resolution for the purchase and installation of new gym flooring for the REC from Ponder Company, Inc. through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard).

FUNDING SOURCE:

Funding for this purchase is currently available in account 174-74004-118-002 (CAC Repairs & Maintenance) for a total amount not to exceed \$93,683.00.

BACKGROUND:

This purchase is for the replacement of the north gym wood floor. This wood floor is over 20 years old. We have broken and cracked planks causing some safety concerns.

This purchase will be made in accordance with an existing interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) as allowed by Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791.

Bids were taken by the Cooperative and a contract was awarded to Ponder Company, Inc. The Facility Services department and Purchasing staff reviewed the contract for departmental specification compliance and pricing and determined that the contract would best meet the needs of the City.

Staff recommends approval

CH/LW

RESOLUTION NO. 2018-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO PURCHASE NEW GYM FLOORING AND INSTALLATION OF SAID FLOORING AT THE REC OF GRAPEVINE THROUGH AN ESTABLISHED INTERLOCAL AGREEMENT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine, Texas is a local government in the State of Texas and as such is empowered by the Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791 to enter into an interlocal agreement with other qualified agencies in the State of Texas; and

WHEREAS, The Local Government Purchasing Cooperative (BuyBoard) is a qualified purchasing cooperative program as authorized by Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791; and

WHEREAS, the City of Grapevine, Texas has established an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) and wishes to utilize established contracts meeting all State of Texas bidding requirements; and

WHEREAS, The Local Government Purchasing Cooperative (BuyBoard) has an established contract no. 576-15 for Flooring—Indoor/Outdoor and Sports Surfaces, with Ponder, Company, Inc.; and

WHEREAS, the City of Grapevine, Texas has a need to purchase and install new gym flooring at The REC of Grapevine; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this resolution have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this resolution to be in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the City Council of the City of Grapevine authorizes the purchase and installation of new gym flooring at The REC of Grapevine from Ponder Company, Inc.

through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) for an amount not to exceed \$93,683.00.

Section 3. That the City Manager or his designee is authorized to take all steps necessary to consummate the purchase and installation of said new gym flooring.

Section 4. That this resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
MEETING DATE: JANUARY 16, 2018
SUBJECT: APPROVAL OF A RESOLUTION FOR THE PURCHASE OF FORD VEHICLES

RECOMMENDATION:

City Council to consider approval of a resolution for the purchase of two Ford vehicles for the Public Works department from Chastang Ford through an interlocal agreement with the Houston-Galveston Area Council (H-GAC).

FUNDING SOURCE:

Funding for this purchase is currently available in accounts 325-48910-415-003-180001 and 200-48910-530-002 (Motor Vehicles) for a total amount not to exceed \$199,728.00.

BACKGROUND:

An F750, 2000-gallon water truck for the Public Works Streets department will replace unit 15338 and a F550 service truck with a crane for the Public Works Utilities department will replace unit 30406. Both were approved in the FY 2018 Vehicle Replacement list and have met the replacement criteria.

This purchase will be made in accordance with an existing interlocal agreement with Houston-Galveston Area Council (H-GAC) as allowed by Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791.

Bids were taken by the Cooperative and the contract was awarded to Chastang Ford. The Fleet Service division and Purchasing staff reviewed the contract for departmental specification compliance and pricing and determined that the contract would provide the best product and pricing for meeting the needs of the City.

Staff recommends approval

PH/BS

RESOLUTION NO. 2018-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO PURCHASE FORD VEHICLES FOR THE PUBLIC WORKS DEPARTMENT THROUGH AN ESTABLISHED INTERLOCAL AGREEMENT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine, Texas is a local government in the State of Texas and as such is empowered by the Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791 to enter into an interlocal agreement with other qualified agencies in the State of Texas; and

WHEREAS, the Houston-Galveston Area Council (H-GAC), a regional planning commission, is a qualified purchasing cooperative program as authorized by Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791; and

WHEREAS, the City of Grapevine, Texas has established an interlocal agreement with H-GAC and wishes to utilize established contracts meeting all State of Texas bidding requirements; and

WHEREAS, H-GAC has established a contract with Chastang Ford under contract no. HT06-16, Medium and Heavy Duty Trucks and Truck Bodies; and

WHEREAS, the City of Grapevine, Texas has a need to replace two Ford trucks in the Public Works department; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this resolution have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this resolution to be in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the City Council of the City of Grapevine authorizes the purchase of two Ford trucks for the Public Works department from Chastang Ford through an interlocal agreement with H-GAC for an amount not to exceed \$199,728.00.

Section 3. That the City Manager or his designee is authorized to take all steps necessary to consummate the purchase of said Ford trucks.

Section 4. That this resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}

MEETING DATE: JANUARY 16, 2018

SUBJECT: APPROVAL OF A RESOLUTION FOR THE PURCHASE OF A HYDRO-EXCAVATOR

RECOMMENDATION:

City Council to consider approval of a resolution for the purchase of a hydro-excavator from Lonestar Truck Group through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard).

FUNDING SOURCE:

Funding for this purchase is currently available in account 200-48910-531-001 (Motor Vehicles) for a total amount not to exceed \$329,998.00.

BACKGROUND:

This purchase is for a 2019 Western Star Chassis truck with a Hydro-Excavator body, replacing unit 31417 in the Public Works Utility Department as approved in the FY 2018 Replacement Schedule. This equipment is specific to excavating in and around congested and/or confined underground utility easements, avoiding or preventing damage or disruption of existing buried lines, cables or other utilities. The ability to excavate around sensitive unseen utilities such as fiber optic cables at a faster and safer rate of speed than that of a bucket excavator or backhoe saves time and money. This machine, made specifically for this function, ensures a lower cost in maintenance and operational costs.

This purchase will be made in accordance with an existing interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) as allowed by Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791.

Bids were taken by the Cooperative and a contract was awarded to Lonestar Truck Group. The Fleet Services division and Purchasing staff reviewed the contract for departmental specification compliance and pricing and determined that the contract would best meet the needs of the City.

Staff recommends approval

PH/BS

RESOLUTION NO. 2018-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER'S DESIGNEE TO PURCHASE A HYDRO-EXCAVATOR THROUGH AN ESTABLISHED INTERLOCAL AGREEMENT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine, Texas is a local government in the State of Texas and as such is empowered by the Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791 to enter into an interlocal agreement with other qualified agencies in the State of Texas; and

WHEREAS, The Local Government Purchasing Cooperative (BuyBoard) is a qualified purchasing cooperative program as authorized by Texas Local Government Code, Chapter 271 and Texas Government Code, Chapter 791; and

WHEREAS, the City of Grapevine, Texas has established an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) and wishes to utilize established contracts meeting all State of Texas bidding requirements; and

WHEREAS, The Local Government Purchasing Cooperative (BuyBoard) has an established contract no. 521-16, Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts, and Service Labor, with Lonestar Truck Group; and

WHEREAS, the City of Grapevine, Texas has a need to purchase a hydro-excavator for the Public Works department; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this resolution have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this resolution to be in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the City Council of the City of Grapevine authorizes the purchase of a hydro-excavator from Lonestar Truck Group through an interlocal agreement with The Local Government Purchasing Cooperative (BuyBoard) for an amount not to exceed \$329,998.00.

Section 3. That the City Manager or his designee is authorized to take all steps necessary to consummate the purchase of said hydro-excavator.

Section 4. That this resolution shall take effect from and after the date of its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
MEETING DATE: JANUARY 16, 2018
SUBJECT: MEMORANDUM OF UNDERSTANDING WITH TARRANT
COUNTY FOR THE E-FILING OF PLATS

RECOMMENDATION

City Council to consider approving a Memorandum of Understanding with Tarrant County for the purpose of electronically filing plats within Tarrant County, authorizing staff to execute said agreement, and take any necessary action.

BACKGROUND:

The City of Grapevine currently files plats with Tarrant County in-person at the County Clerk's office. Tarrant County is pursuing an electronic filing process with municipalities to streamline the filing process.

The agreement sets out respective responsibilities, obligations, expectations, for e-filing activities.

The agreement requires approval by the Grapevine City Council and the Tarrant County Clerk's Office.

Staff recommends approval.

**ELECTRONIC IMAGE AND TEXT DATA TRANSFER USING FILE TRANSFER
PROTOCOL
MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING is between Mary Louise Garcia, Tarrant County Clerk, ("**CLERK**"), Tarrant County ("**COUNTY**") and SUBSCRIBER ("**SUBSCRIBER**") with offices at

Tarrant County desires to offer the recording of real property documents by electronic means providing for the receiving and transmitting of documents electronically in substitution for conventional paper based documents and to assure that transactions are not legally invalid or unenforceable as a result of the use of available electronic technologies, to the mutual benefit of the parties of the transactions.

For purposes of this Memorandum of Understanding ("MOU"), *Electronic Recording* is defined as the electronically based submitting of documents from **SUBSCRIBER** to **COUNTY** and electronically based receipt of confirmation of recording from **COUNTY** to **SUBSCRIBER** based on the level of automation and structure of the transaction and is characterized by four levels of automation and structure as follows:

Level 1 – Submitting organizations transmit scanned image copies of ink signed documents to the county. The county completes the recording process in the same way as paper using the imaged copy as the source document. An electronic recording endorsement is returned to the organization in the form of a label or printing process in order for the submitting organization to append that information to the original paper document.

Level 2 – Submitting organizations transmit scanned images of ink signed documents along with electronic indexing information to the county. The county performs an electronic examination of the imaged documents and indexing data, and then completes the recording process using the imaged copy and electronic indexing information. The electronic version of the recorded document is returned electronically to the submitting organization along with the electronic recording data.

Level 3 – Submitting organizations transmit documents which have been created, signed, and notarized electronically along with the electronic indexing information. Electronic signatures must comply with the UETA and E-Sign specifications. The county performs an electronic examination of the electronic documents and indexing information then completes the recording process using the electronic documents. The electronic version of the recorded documents and electronic recording data is returned to the submitting organization.

Level 4 – Submitting organizations transmit “Smart” documents which are a single object containing the electronic version of the document in such a way that enables the electronic extraction of data from the object. Smart documents are required to be signed and notarized electronically. The Smart document is endorsed electronically by the county and returned in Smart documents format to the submitting organization.

Program Eligibility

Title Insurance Companies, Mortgage Bankers, Full Service Banks, and other trusted entities may, directly or through a trusted third party provider, submit real property records for Electronic Recording. Electronic Recording mandates a close working relationship as well as mutual trust between the **COUNTY AND SUBSCRIBER**. All parties of the Electronic Recording transaction desire to operate and maintain a secure recording system that safeguards parties to recordation from deceit, fraud, and forgery. This Memorandum of Understanding outlines the procedures and rules for the trusted relationship between the parties involved in Electronic Recording in order to facilitate a safe and secure Electronic Recording relationship.

County Requirements

The Electronic Recording Program of Tarrant County is defined by the requirements attached to this Memorandum of Understanding.

Attachment A defines the technical specifications including format, levels of recording supported, transmission protocols, and security requirements of the electronic records required by **COUNTY**. **SUBSCRIBER** agrees to provide the transmission to **COUNTY** following the specifications outlines. **SUBSCRIBER** understands that the specification may change from time to time. In the event changes to the specification are required, **COUNTY** will provide a written notice to **SUBSCRIBER** within a reasonable timeframe.

Attachment B contains the document and indexing specification for the Electronic Recording Program. For each document, a **COUNTY** specific document code is provided along with the required indexing information. Any **COUNTY** specific editing rules will also be described in this attachment.

Attachment C contains the processing schedules and hours of operation for the Electronic Recording Program. No party shall be liable for any failure to perform processing of the transactions and documents where such failure results from any act of Nature or other cause beyond the party's reasonable control (including, without limitation, any mechanical, electronic, or communications failure which prevents the parties from transmitting or receiving the electronic recording transactions) or if the **COUNTY** system causes delays or power failures interfere with the normal course of business. By the agreement, **COUNTY** is assuming no contractual liability whatsoever for any failure to record any document, delay in recording any document, or for the quality or content or lack thereof of any document presented for recording.

Attachment D provides the payment options supported for the Electronic Recording Program.

County Responsibilities

COUNTY shall attempt to protect the integrity of the Recordation process through ongoing monitoring of documents received and recorded through Electronic Recording means.

COUNTY shall work with **SUBSCRIBER** to install, configure, and administer necessary infrastructure components to facilitate Electronic Recording.

COUNTY shall test and maintain Electronic Recording software and hardware required to operate the Electronic Recording capability. **COUNTY**, however, shall be held harmless and not liable for any damages resulting from software or equipment failure and assumes no contractual liability for any damages whatsoever via any part of this document.

COUNTY shall apply the level of diligence in handling documents submitted electronically as those submitted through the manual process.

SUBSCRIBER Responsibilities

SUBSCRIBER shall work to ensure that all security measures and credentials implemented are protected. **SUBSCRIBER** assumes all responsibility for documents submitted through unique credentials provided to **SUBSCRIBER** for the purposes of engaging in Electronic Recording.

SUBSCRIBER shall be diligent in ensuring that documents submitted for Electronic Recording have been checked before submission, for errors, omissions, scanning defects, illegible areas, and other deformities that would impact the validity of the document.

SUBSCRIBER acknowledges that Electronic Recording permits them to prepare, sign, and/or transmit in electronic formats documents and business records and the document or records shall be considered as the "original" record of the transaction in substitution for and with the same intended effect as paper documents and in the case that such documents bear a digital or electronic signature paper documents bearing handwritten signatures.

By the use of electronic or digital certificates to sign documents, **SUBSCRIBER** intends to be bound to those documents for all purposes as fully as if paper versions of the documents had been manually signed.

By use of electronic or digital certificates to sign documents, **SUBSCRIBER** intends to be bound by those electronic signatures affixed to any documents and such electronic signature shall have the same legal effect as if that signature was manually affixed to a paper version of the document.

By use of the digital certificates to seal electronic files containing images of original documents or documents bearing manual signatures, **SUBSCRIBER** shall recognize such sealed images for all purposes as fully as the original paper documents and shall be responsible for any failure by Users to comply with quality control procedures for assuring the accuracy and completeness of the electronic files.

The **SUBSCRIBER** and/or its employees attest to the accuracy and completeness of the electronic records and acknowledge responsibility for the content of the documents submitted through the Electronic Recording Program. **Should a dispute or legal action arise concerning an electronic transaction, the COUNTY will be held harmless and not liable for any damages.**

SUBSCRIBER is responsible for receiving receipt of documents recorded by **COUNTY** ensuring that the source of the receipt is known to be the **COUNTY**. **SUBSCRIBER** is responsible for forwarding these documents to **COUNTY** ensuring that the source of the documents is known to be the **SUBSCRIBER** who has been authenticated and that the documents to be recorded pass from **SUBSCRIBER** to **COUNTY** without modification. **SUBSCRIBER** must maintain an audit trail of all activity available to **COUNTY** at their request to resolve issues or investigate potential fraudulent activity. The audit trail must contain, at a minimum, submitter ID, submitted content at point of receipt from **SUBSCRIBER**, submitted content at point of delivery to **COUNTY**, date and time submitted, size, and checksum.

SUBSCRIBER is responsible for supporting any technical issues associated with Electronic Recording. **SUBSCRIBER** shall work, in good faith, with **COUNTY** to resolve issue with the Electronic Recording process.

SUBSCRIBER shall provide end user support to **COUNTY** through which problems or issues can be reported and addressed. In the event that problem is determined to be with the Electronic Recording software and not the infrastructure provided, the **SUBSCRIBER** shall work to resolve issues with **COUNTY**.

SUBSCRIBER is solely responsible for any and all costs of the system or services that enable **SUBSCRIBER** to meet the Electronic Recording Program requirements.

SUBSCRIBER is responsible for coordinating all technical problems and issues through **COUNTY**.

ITEM # 21

General Understandings

COUNTY will not incur any liability for the information electronically transmitted by the **SUBSCRIBER** to **COUNTY**. **COUNTY** will not incur any liability for any breach of security, fraud, or deceit as a result of Electronic Recording.

Neither the **COUNTY** nor **SUBSCRIBER** shall be liable to the other for any special, incidental, exemplary, or consequential damages arising from or as a result of any delay, omission, or error in the Electronic Recording transmission or receipt.

The **COUNTY** and **SUBSCRIBER** will attempt in good faith to resolve any controversy or claim arising out of or relating to Electronic Recording through either negotiation or mediation prior to initiating litigation.

Any party may terminate this Memorandum of Understanding for any reason by providing 30 days written notice of termination.

The **COUNTY** and **SUBSCRIBER** acknowledge that the Electronic Recording process is an emerging technology and that State and National standards will continue to evolve.

Agreed and Accepted:

TARRANT COUNTY
SUBSCRIBER

B. Glen Whitley, Tarrant County Judge

Date: _____

Mary Louise Garcia, Tarrant County Clerk

Date: _____

County Administrator's Office

Date: _____

APPROVED AS TO FORM (By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead, those parties should see review from independent counsel.)

Criminal District Attorney's Office

Date: _____

ADDENDUM

Form 1295 Acknowledgement

Covered Entity acknowledges that it is a governmental entity and not a business entity as those terms are defined in Tex. Gov't Code 2252.908, and therefore, no disclosure of interested parties pursuant to Tex. Gov't Code Section 2252.908 is required.

Subscriber Representative

Attachment A

Technical Specifications

Format of the Transmitted File

Property Records Industry Association (PRIA) file format standard will be used. Images will be in multi-page Group IV TIFF format. **SUBSCRIBER** can work with **COUNTY** to provide additional fields (extensions) to the current PRIA standard.

Communications Protocol and Options

TCP/IP, HTTP, and HTTPS

Security Framework

Encryption will be 128 bit file and image encryption. SSL and user login/password will be employed. User passwords will be changed on a quarterly basis.

Returned File Format

PRIA file format standard will be used. Images will be in multi-page Group IV TIFF format.

Levels of Electronic Recording Supported

Level 2 (File Transfer Protocol - FTP)

Electronic Signatures and Use of Digital Certificates

The user of Electronic Signatures and Digital Certificates will not be used at this time. However, **COUNTY** reserves the right to revisit this at a later date with **SUBSCRIBER**. **SUBSCRIBER** acknowledges that Electronic Signatures and Digital Certificates will be used in the future and will work with **COUNTY** to accommodate their use.

Imaging Standard

Documents will be scanned at 200dpi.

Documents will be scanned in portrait mode.

Plats will be scanned at 300dpi.

Plats will be scanned in landscape mode.

All images will be captured as multi-page GROUP IV TIFF images.

Images will be legible. Legible in this instance means a clear, readable image – including signature and notary seals – and in which all portions of each page are captured.

Document font size must meet PRIA minimum standards.

Attachment B

Documents and Indexing Specifications

Documents shall be accepted for filing according to the provision of Texas law and PRIA standards, except to the extent that PRIA standards may contradict Texas law.

Attachment C

Service Offering

Hours of Operation

Documents may be submitted at any time during the week. Documents will only be processed on those days and hours that the **COUNTY** Recording Office is open to the public for business. Documents will not be processed on **COUNTY** holidays, weekends, "snow days", etc., or in the event of network or equipment failure. **COUNTY** will attempt to notify **SUBSCRIBER** of any disruption in service.

Processing Schedules

Documents received prior to 3PM Central will be processed the same business day. Documents received after 3PM Central may be processed the next business day.

Turnaround Timeframe

Documents received prior to the times listed above will be processed (accepted or rejected) the same business day.

Alternate Delivery Options

There are no other electronic delivery options at this time.

Return to Options

Submitted documents that are accepted for recording will be provided to **SUBSCRIBER** in electronic format after acceptance. Confirmation of acceptance and recordation will be provided to **SUBSCRIBER** in electronic format after recordation is complete. This confirmation will include the document image and **COUNTY** indexing data. **COUNTY** reserves the right to make changes to the index at a later date.

Submitted documents that are rejected will be returned to **SUBSCRIBER** in electronic format after rejection along with a description of the reason(s) for rejection.

Service Help Contact Information

COUNTY CLERK RECORDING CONTACT:

Michelle Moore
Manager, Recording and Records Preservation
(817)884-1061
mmoore@tarrantcounty.com

SUBSCRIBER BUSINESS CONTACT:

City of Grapevine
Lorna Gibson
817-410-3139
817-410-3135
lgibson@grapevintexas.gov

SUBSCRIBER TECHNICAL CONTACT:

City of Grapevine
Suja Joseph
817-410-3386
817-410-3135

Attachment D

Payment Options

Payment Options

SUBSCRIBER initiated ACH or Escrow Account.

Account Setup Procedures

Upon execution of the MOU, **SUBSCRIBER** must contact County Clerk Accounting to establish account. **CLERK** will provide electronic ACH or Escrow deposit instructions necessary for funds settlement. Account must be in place in advance of any Electronic Recording submissions.

Payments

SUBSCRIBER agrees to settle account the same day Electronic Recordings are submitted by established Escrow Account or by sending one payment via ACH to the designated **CLERK** bank account. Account settlement will be for the full amount of daily Electronic Recordings. **SUBSCRIBER** will provide **CLERK** with fiscal documentation to support each payment in electronic format at time of daily settlement. Fiscal documentation must contain the document number, transaction ID, date and time recorded, submitted name, document type, and document amount for each transaction associated with the payment.

Reporting and Reconciliation

Electronically Recorded documents will not be accepted if prior day's financial settlement is not complete. **CLERK** will be responsible for maintaining and reconciling **CLERK** records. **SUBSCRIBER** will be responsible for submitting account information with each document batch and for reconciling **SUBSCRIBER** records.

Exception Handling

Discrepancies in fees discovered by **CLERK** after document acceptance will be corrected by **CLERK** within five county business days. **SUBSCRIBER** will be provided notification of the error.

MEMO TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: BRUNO RUMBELOW, CITY MANAGER ^{BR}
MEETING DATE: JANUARY 16, 2018
SUBJECT: CONSIDER APPROVAL FOR THE AWARD OF THE 2016-2017
HSIP TRAFFIC SIGNAL PROJECT CONSTRUCTION
CONTRACT FOR TxDOT'S HIGHWAY SAFETY
IMPROVEMENT PROGRAM AND APPROPRIATION
ORDINANCE

RECOMMENDATION:

City Council to consider:

- Awarding an engineering services contract with Lee Engineering Inc., in the amount of \$250,000, for the design of traffic signal improvements along SH 26, Northwest Highway, Glade Road at Euless Grapevine, and SH 121 / William D Tate at Mustang.
- Adopting an appropriation ordinance for \$250,000 in the Capital Projects Streets Fund.
- Authorizing staff to execute said contract and take any necessary action.

FUNDING:

Upon approval of the attached ordinance, \$250,000 will be available in the Capital Project Street Fund 178.

BACKGROUND:

The Highway Safety Improvement Program (HSIP) is for highway safety projects that eliminate or reduce the number of fatalities and serious injuries on public roads. State funding is provided for construction and operational improvements both on and off the state highway system. Under this program, TxDOT will provide 100% of the construction funding for "On System" projects and 90% of the construction funding for "Off System" projects. Local agencies are responsible for 100% of the design and construction overrun costs.

In May, 2017, staff submitted 34 traffic signal projects in response to the 2016/2017 TxDOT HSIP call for projects. On November 7, 2017, TxDOT notified staff that 27 intersections had been selected for funding in an amount of \$1,813,318. These projects are along SH 26, Northwest Highway, Glade at Euless Grapevine, and SH 121/ William

D Tate at Mustang as shown in Figure 1. The scale of the improvements vary from adding vehicle detection to full signal replacement.

Lee Engineering, Inc. was selected based on project experience and their current work in developing the Grapevine grant applications for the Highway Safety Improvement Program. The project will be designed and constructed in accordance with TxDOT standards and environmental regulations. The proposed fee for this effort is \$250,000. Staff finds this fee to be fair and reasonable given the nature of the project.

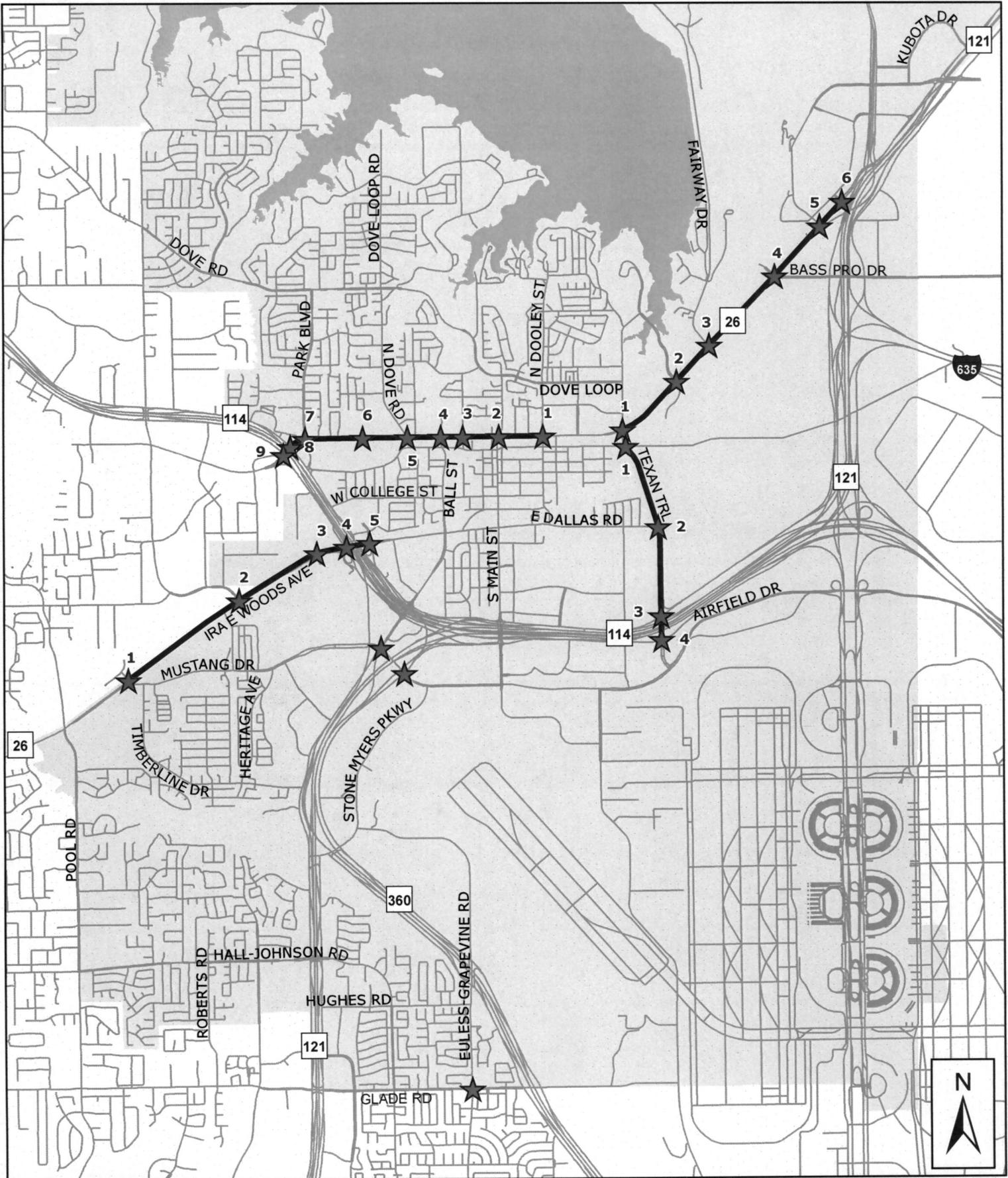
Staff expects to seek Council action on the construction agreement with TxDOT this summer in support of a September 2018 TxDOT letting.

Staff recommends approval.

BB

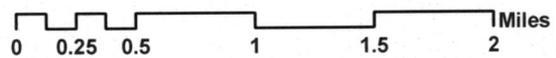
HIGHWAY SAFETY IMPROVEMENT PROGRAM LOCATIONS

ITEM # 22



★ Intersection Locations

— Corridors



ORDINANCE NO. 2018-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS; APPROPRIATING \$625,798.00 IN THE CAPITAL PROJECTS STREET FUND; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Grapevine, Texas is making traffic signal improvements along State Highway 26, Northwest Highway, Glade Road at Euless Grapevine Road, and State Highway 121 / William D. Tate Avenue at Mustang Drive;

WHEREAS, approval of this ordinance will make \$625,798.00 available in the Capital Projects Street Fund; and

WHEREAS, constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the City Council deems the adoption of this ordinance is in the best interests of the health, safety, and welfare of the public.

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

Section 1. That all matters stated herein above are true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That the City Council hereby appropriates \$625,798.00 in the Capital Projects Street Fund.

Section 3. That the fact that the present ordinance and regulations of the City of Grapevine, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

APPROVED AS TO FORM:

John F. Boyle, Jr.
City Attorney

STATE OF TEXAS
COUNTY OF TARRANT
CITY OF GRAPEVINE

The City Council of the City of Grapevine, Texas met in Regular Session on this the 19th day of December, 2017 in the City Council Chambers, Second Floor, 200 South Main Street, with the following members present:

William D. Tate	Mayor
Darlene Freed	Mayor Pro Tem
Sharron Spencer	Council Member
Mike Lease	Council Member
Chris Coy	Council Member
Duff O'Dell	Council Member
Paul Slechta	Council Member

constituting a quorum, with the following members of the Planning and Zoning Commission:

Larry Oliver	Chairman
BJ Wilson	Vice Chairman
Monica Hotelling	Member
Jim Fechter	Member
Beth Tiggelaar	Member
Dennis Luers	Member
Robert Rainwater	Member

constituting a quorum, with Member Gary Martin absent, and the following members of the City Staff:

Bruno Rumbelow	City Manager
Matthew C.G. Boyle	Assistant City Attorney
Tara Brooks	City Secretary

Call to Order

Mayor Tate called the meeting to order at 6:30 p.m.

Item 1. Executive Session

Mayor Tate announced the City Council would recess to the City Council Conference Room to conduct a closed session regarding:

- A. Real property relative to deliberation to the purchase, exchange, lease, sale or value of real property (City facilities, Public Works, Parks and Recreation, and the 185 acres) pursuant to Section 551.072, Texas Government Code.

- B. Conference with City Manager and Staff to discuss and deliberate commercial and financial information received from business prospects the City seeks to have locate, stay, or expand in the City; deliberate the offer of a financial or other incentive; with which businesses the City is conducting economic development negotiations pursuant to Section 551.087, Texas Government Code.

The City Council recessed to the City Council Conference Room and began the closed session at 6:33 p.m. The closed session ended at 7:29 p.m.

Upon reconvening in open session in the Council Chambers, Mayor Tate asked if there was any action necessary relative to Sections 551.072 or 551.087. City Manager Bruno Rumbelow reported there was not any action necessary.

NOTE: City Council continued with the Regular portion of the Agenda in open session in the City Council Chambers.

REGULAR MEETING

Call to Order

Mayor Tate called the meeting to order at 7:33 p.m. in the City Council Chambers.

Item 2. Invocation and Pledge of Allegiance

Vice-Chairman B.J. Wilson delivered the Invocation and led the Pledge of Allegiance.

JOINT PUBLIC HEARINGS

Item 3. Zoning Change Application **Z17-09**, Planned Development Overlay **PD17-04** (Dooley Street Townhomes) and a **Preliminary Plat** of Lots 1-10 and Lot A, Block 1, Dooley Park Addition

Mayor Tate declared the Public Hearing open.

Development Services Assistant Director Ron Stombaugh reported the applicant has submitted a letter requesting to table the request. Mr. Stombaugh reported the City has received letters of opposition from 32.84% of the property owners within 200 feet of the subject property. Therefore, a super majority approval is required. Mr. Stombaugh answered questions from Council.

Applicant Jason Rose answered questions from Council and presented this item. Following his presentation, Mr. Rose requested to withdraw his request.

The public hearing was not held, however the following citizens submitted citizen comment forms:

M.B. (Mike) Morris, 849 Riverside North, Grapevine, Texas.
Charles Webb, 1313 Cable Creek Court, Grapevine, Texas.
Kimberly Hill, 1845 Teton Drive, Grapevine, Texas.
Renee Villanova, 1225 Brian, Grapevine, Texas.
Elizabeth Smith, 1231 Brian Court, Grapevine, Texas.
Rene St. Julien, 1818 Dunn Street, Grapevine, Texas.
Dean Kinunen, 1300 Cable Creek Court, Grapevine, Texas.
Traci Kinunen, 1300 Cable Creek Court, Grapevine, Texas.
William Welson, 1207 Cable Creek, Grapevine, Texas.
Robert Pavlicin, 1002 South Riverside, Grapevine, Texas.
Laura Fergeson, 1042 South Riverside Drive, Grapevine, Texas.
Melissa Pavlicin, 1002 South Riverside Drive, Grapevine, Texas.
Casey Collins, 1834 Dunn Street, Grapevine, Texas.
Leann Peden, 601 Oak Lane, Grapevine, Texas.
Cathy Garcia, 709 Oak Lane, Grapevine, Texas.
Susan Peabody, 613 Oak Lane, Grapevine, Texas.

Motion was made to withdraw Zoning Change Application **Z17-09**, Planned Development Overlay **PD17-04** (Dooley Street Townhomes) and a **Preliminary Plat** of Lots 1-10 and Lot A, Block 1, Dooley Park Addition.

Motion: Luers
Second: Wilson
Ayes: Oliver, Wilson, Hotelling, Fechter, Tiggelaar, Luers, and Rainwater
Nays: None
Approved: 7-0

Motion was made to close the public hearing.

Motion: Freed
Second: Spencer
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

Item 4. Zoning Change Application **Z17-10** (City of Grapevine)

Mayor Tate opened the Public Hearing.

Development Services Assistant Director Stombaugh reported the City was requesting to rezone 2.733 acres from "R-7.5" Single Family District to "GU" Governmental Use District for the development of a new fire station. The subject property is located at 3100 Timberline Drive.

No one spoke during the public hearing and there was no correspondence to report.

Motion was made to close the public hearing.

Motion: Wilson
Second: Hotelling
Ayes: Oliver, Wilson, Hotelling, Fechter, Tiggelaar, Luers, and Rainwater

Nays: None
Approved: 7-0

Motion was made to close the public hearing.

Motion: Lease
Second: Slechta
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

Item 5. Citizen Comments

No one spoke during the public hearing.

PRESENTATIONS

Item 6. Loyl C. Bussell, Acting District Engineer with the Texas Department of Transportation to present update on highway projects.

Public Works Director Bryan Beck introduced Loyl C. Bussell from the Texas Department of Transportation. Mr. Bussell updated Council on the current projects of the Texas Department of Transportation Fort Worth District that are in, or effect the City of Grapevine. These projects include the portion of State Highway 121 between State Highway 183 to Glade Road, State Highway 114 frontage roads in the City of Southlake, State Highway 114 Green Ribbon Landscaping projects, State Highway 114 TEXexpress lanes, State Highway 121 and State Highway 360 interchange, and State Highway 121 interchanges at I-635 and FM 2499.

Mr. Bussell answered questions from the Council.

Mayor Tate announced that Council would consider the recommendations of the Planning and Zoning Commission next.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Item 16. Zoning Change Application **Z17-09** (Dooley Street Townhomes)

This item was withdrawn during the public hearing.

Item 17. Planned Development Overlay **PD17-04** (Dooley Street Townhomes)

This item was withdrawn during the public hearing.

Item 18. **Preliminary Plat** of Lots 1-10 and Lot A, Block 1, Dooley Park Addition

This item was withdrawn during the public hearing.

Item 19. Zoning Change Application Z17-10 (City of Grapevine)

Development Services Assistant Director Ron Stombaugh reported the Planning and Zoning Commission approved the zoning change request with a vote of 7-0.

Motion was made to approve Zoning Change Application **Z17-10** (City of Grapevine) and Ordinance No. 2017-093.

Motion: Spencer

Second: Slectha

Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slectha

Nays: None

Approved: 7-0

ORDINANCE NO. 2017-093

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS; AMENDING ORDINANCE NO. 82-73, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE OF GRAPEVINE, TEXAS, GRANTING ZONING CHANGE Z17-10 ON A TRACT OF LAND OUT OF THE H. DECKER SURVEY, ABSTRACT NO. 438 AND THE W.D. SHEPHERD SURVEY, ABSTRACT NO. 1394 (3100 TIMBERLINE DRIVE); DESCRIBED AS BEING A TRACT OF LAND LYING AND BEING SITUATED IN THE CITY OF GRAPEVINE, TARRANT COUNTY, TEXAS MORE FULLY AND COMPLETELY DESCRIBED IN THE BODY OF THIS ORDINANCE; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM "R-7.5" SINGLE FAMILY DISTRICT TO "GU" GOVERNMENTAL USE DISTRICT; CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS AND GENERAL WELFARE DEMAND A ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

Council continued with the rest of the published agenda.

NEW BUSINESS

Item 7. Consider a contract for engineering services with Kimley-Horn & Associates, Inc. for engineering services related to the design and construction of the 635/121 Interchange

Project and the 1,000 acre DFW Airport undeveloped property, consider **Ordinance No. 2017-087** revising the adopted capital improvements budget for Fiscal Year ending in 2018 and appropriating funds, and take any necessary action.

Public Works Director Beck presented this item and answered questions from Council. The purpose of this contract is to establish third party support for engineering services to include plan review, traffic studies, and contract management support related to the design and construction of the 635/121 interchange project as part of the DFW Connector project and undeveloped property at DFW Airport in an amount not to exceed \$200,000. Ordinance No. 2017-087 appropriates \$125,000 in the Utility Enterprise Capital Fund and \$75,000 to be appropriated in the Capital Project Street Fund.

Motion was made to approve the contract for engineering services with Kimley-Horn & Associates, Inc. and Ordinance No. 2017-087.

Motion: Freed

Second: Coy

Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta

Nays: None

Approved: 7-0

ORDINANCE NO. 2017-087

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, REVISING THE ADOPTED CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR ENDING IN 2018; APPROPRIATING FUNDS FROM THE UTILITY ENTERPRISE CAPITAL FUND AND CAPITAL PROJECT STREET FUND BALANCE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

Item 8. Consider **Resolution No. 2017-105** declaring property at 420 East College Street, along with all improvements, as surplus property; authorizing the sale of said property; and take any necessary action.

Convention and Visitors Bureau Director P.W. McCallum presented this item to Council. The sale of the property at 420 East College Street, to include the McPherson Farm House that was relocated to this site, will be conducted through a sealed bid process with a minimum bid set at \$365,000.

Motion was made to approve Resolution No. 2017-105 declaring property at 420 East College Street, along with all improvements, as surplus property and authorizing the sale of said property.

Motion: Spencer

Second: Slechta

Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta

Nays: None

Approved: 7-0

RESOLUTION NO. 2017-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS DECLARING CERTAIN PROPERTY SURPLUS AND/OR SALVAGE; PROVIDING FOR THE AUTHORIZATION OF THE SALE OF SAID PROPERTY; AND PROVIDING AN EFFECTIVE DATE

CONSENT AGENDA

Consent items are deemed to need little Council deliberation and will be acted upon as one business item. Any member of the City Council or member of the audience may request that an item be withdrawn from the consent agenda and placed before the City Council for full discussion.

Council Member Spencer requested item 11 be removed from the consent agenda. Item 11 was considered following the consent agenda.

Approval of the consent agenda authorizes the City Manager, or his designee, to implement each item in accordance with Staff recommendations.

Item 9. Consider an annual contract for employee comprehensive bio-metric screenings with eHealthScreenings.

Chief Financial Officer Greg Jordan recommended approval of the contract for bio-metric screenings with eHealthScreenings in an estimated annual amount of \$26,000.

Motion was made to approve the consent agenda as presented.

Motion: O'Dell
Second: Slechta
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

Item 10. Consider an annual contract for flood insurance coverage with Western World Insurance Company.

Chief Financial Officer Jordan recommended approval of the contract for flood insurance coverage for the Vineyards Campground and the Golf Course with Western World Insurance Company in an estimated amount of \$69,000.

Motion was made to approve the consent agenda as presented.

Motion: O'Dell
Second: Slechta
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

Item 12. Consider renewal of an annual contract for emergency medical continuing education with Best EMS.

Fire Chief Darrell Brown recommended approval of the contract for emergency medical continuing education with Best EMS in an amount of \$27,210. This annual contract will provide a minimum of 48 continuing education hours per firefighter per year.

Motion was made to approve the consent agenda as presented.

Motion: O'Dell
Second: Slechta
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

Item 13. Consider a contract for engineering services for the Wastewater Treatment Plant UV Disinfection Improvement Project with Parkhill, Smith & Cooper, Inc and **Ordinance No. 2017-089** amending the Capital Budget for year ending 2018.

Public Works Director Beck recommended approval of the engineering services for the Wastewater Treatment Plant UV Disinfection Improvement Project with Parkhill, Smith, Cooper, Inc in an amount of \$134,950. The estimated construction cost of the completed project is \$760,000. Ordinance No. 2017-089 amends the Fiscal Year 2018 Capital Budget and appropriates \$134,950 in the Utility Enterprise Capital Fund.

Motion was made to approve the consent agenda as presented.

Motion: O'Dell
Second: Slechta
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

ORDINANCE NO. 2017-089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, REVISING THE ADOPTED CAPITAL IMPROVEMENTS BUDGET FOR THE FISCAL YEAR ENDING IN 2018; APPROPRIATING FUNDS FROM THE UTILITY FUND BALANCE AND PROVIDING AN EFFECTIVE DATE

Item 14. Consider **Ordinance No. 2017-090** abandoning a sanitary sewer easement on Lot 1, Block 1, First Baptist Church Addition.

Public Works Director Beck recommended approval of the abandonment of a sanitary sewer easement on Lot 1, Block 1, First Baptist Church Addition. The improvements First Baptist Church recently made on the site included rerouting the sanitary sewer therefore, this easement is no longer needed.

Motion was made to approve the consent agenda as presented.

Motion: O'Dell
Second: Slechta
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

ORDINANCE NO. 2017-090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS, ABANDONING AND VACATING A 3,757 SQUARE FOOT SANITARY SEWER EASEMENT ON LOT 1, BLOCK 1, FIRST BAPTIST CHURCH ADDITION (301 EAST TEXAS STREET) IN THE CITY OF GRAPEVINE, TEXAS AS HEREINAFTER DESCRIBED; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

Item 15. Consider the minutes of the December 5, 2017 Regular City Council meeting.

City Secretary Tara Brooks recommended approval of the minutes as provided.

Motion was made to approve the consent agenda as presented.

Motion: O'Dell
Second: Slechta
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

Item 11. Consider **Ordinance No. 2017-088** appropriating funds from the unappropriated fund balance, increasing estimated receipts and appropriations in the General Fund from the Stop Loss Insurance Program.

Chief Financial Officer Jordan reported the insurance claims for Fiscal Year 2017 exceed the budgeted amount of \$9,565,172. The Stop Loss Program covered the excess amount of \$1,569,991. Ordinance No. 2017-088 appropriates the funds in the General Fund.

Motion was made to Ordinance No. 2017-088 appropriating funds and increasing the estimated receipts and appropriations.

Motion: Coy
Second: Freed
Ayes: Tate, Freed, Spencer, Lease, Coy, O'Dell and Slechta
Nays: None
Approved: 7-0

ORDINANCE NO. 2017-088

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS; APPROPRIATING \$1,569,991.00 AND INCREASING ESTIMATED RECEIPTS IN THE GENERAL FUND FOR FISCAL YEAR 2017; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

ADJOURNMENT

Motion was made to adjourn the meeting at 8:38 p.m.

Motion: Slechta

Second: Coy

Ayes: Tate, Freed, Spencer, Tate, Coy, O'Dell and Slechta

Nays: None

Approved: 7-0

Passed and approved by the City Council of the City of Grapevine, Texas on this the 16th day of January, 2018.

APPROVED:

William D. Tate
Mayor

ATTEST:

Tara Brooks
City Secretary

MEMO TO: THE HONORABLE MAYOR, MEMBERS OF THE CITY COUNCIL,
AND THE PLANNING & ZONING COMMISSION

FROM: BRUNO RUMBELOW, CITY MANAGER *BR*

MEETING DATE: JANUARY 16, 2018

SUBJECT: PRELIMINARY PLAT APPLICATION
LOTS 1-34, BLOCK A, LOTS 1-10, BLOCK B, AND LOTS 1X, 2X, 3X
& 4X, 5X, 6X, SHADY BROOK ADDITION

PLAT APPLICATION FILING DATE..... January 9, 2018

APPLICANT..... Kosse Maykus, KM Properties, Inc.

REASON FOR APPLICATION Platting unplatted property
to build 44 residential homes

PROPERTY LOCATION..... South of Shady Brook Drive between
N. Lucas Drive and Morehead Branch

ACREAGE 11.83

ZONING..... PD

NUMBER OF LOTS..... 44 Residential Lots and 6 Common Space Lots

PREVIOUS PLATTING..... No

CONCEPT PLAN..... PD17-05

SITE PLAN No

OPEN SPACE REQUIREMENT Yes

AVIGATION RELEASE..... Yes

PUBLIC HEARING REQUIRED..... No

**PLAT INFORMATION SHEET
PRELIMINARY PLAT APPLICATION
LOTS 1-34, BLOCK A, LOTS 1-10, BLOCK B, AND LOTS 1X, 2X, 3X & 4X,
SHADY BROOK ADDITION**

I. GENERAL:

- The applicant, Kosse Maykus with KM Properties is preliminary platting 11.83 acres into 44 residential lots with six (6) HOA lots. The property is located south of Shady Brook between N. Lucas Drive and the creek.

II. STREET SYSTEM:

- The development has access to Shady Brook Drive.
- ALL abutting roads: are on the City Thoroughfare Plan:
 are not on the City Thoroughfare Plan:

Periphery Street Fees are due as follows:

Type of Roadway	Cost / LF	Length	Cost
<input type="checkbox"/> Major Arterial (A)	\$ 234.57 / LF		
<input type="checkbox"/> Major Arterial (B)	\$ 178.35 / LF		
<input type="checkbox"/> Minor Arterial (C)	\$ 203.06 / LF		
<input type="checkbox"/> Minor Arterial (D)	\$ 170.33 / LF		
<input type="checkbox"/> Collector (E)	\$ 170.33 / LF		
<input type="checkbox"/> Collector (F)	\$ 150.98 / LF		
<input type="checkbox"/> Sidewalk	\$ 25.00 / LF		
<input type="checkbox"/> Curb & Gutter	\$ 15.00 / LF		

Periphery Street Fees are not due:

Development is required to construct sidewalk, curb, gutter and asphalt pavement along its frontage on Shady Brook.

III. STORM DRAINAGE SYSTEM:

- The site drains east towards the creek.
- The developer will be required to design for onsite as well as offsite drainage in accordance with the requirements of the City of Grapevine's Code of Ordinances.

IV. WATER SYSTEM:

- The existing water supply system bordering the subject site is adequate to serve the development.
- The existing water supply system bordering the subject site is not adequate to serve the development. Additional off site water system improvements will be necessary to serve the site.

V. SANITARY SEWER SYSTEM:

- The existing sanitary sewer collection system bordering the subject site is adequate to serve the development.
- The existing sanitary sewer collection system bordering the subject site is not adequate to serve the development.

VI. MISCELLANEOUS:

- Water and Wastewater Impact Fees are not required for:
- Water and Wastewater Impact Fees are due prior to the issuance of building permits for: Lots 1-34, Block A, Lots 1-10, Block B, Shady Brook Addition
 - Single Family Residential (\$ 2,414/ Lot)
 - Multifamily (\$ 1,134/ Unit)
 - Hotel (\$ 43,632/ Acre)
 - Corporate Office (\$ 20,523/ Acre)
 - Government (\$ 4,414/ Acre)
 - Commercial / Industrial (\$ 5,739 / Acre)
- Open Space Fees are not required for:
- Open Space Fees are due prior to the issuance of building permits and/or any public infrastructure improvements for: Lots 1-34, Block A, Lots 1-10, Block B, Shady Brook Addition
 - R-5.0, R-TH, Zero Lot District (\$ 1,416.00 / Lot)
 - R-7.5, Single Family District (\$ 1,146.00 / Lot)
 - R-12.5, Single Family District (\$ 1,071.00 / Lot)
 - R-20.0, Single Family District (\$ 807.00 / Lot)

- Public Hearing Only
- Variances were required on the following items:
 - Front building line
 - Allowing a setback of 3 feet for the rear property line for an accessory building
 - Lot width & depth
 - Max. Impervious Area
 - Landscaping Regulations, allowing no landscape buffer between the edge of the parking area and the adjacent property line.
- The following items associated with this plat are not in accordance with the current subdivision standards:
 - 50' ROW dedication not met: Developer is proposing to dedicate variable width private access easements throughout the development. The access easements will be owned and maintained by a Home Owners Association (HOA).
 - Length of cul-de-sac street exceeds the 600-foot limit:
 - Driveway Spacing not met.

VII. STATEMENT OF FINDINGS:

- A. The City has determined that the right-of-way and easements required to be dedicated for streets, utilities, drainage, access, sidewalks and other municipal needs and services are consistent with the City's ordinances and master plan, are reasonable and are connected to the proposed project in the following manner:
- The right-of-way provides for future widening of public streets that will serve the development of this site.
 - The onsite utility easements provide for a utility network to serve the development of this site.
 - The onsite drainage easements provide for a drainage network to serve the development of this site.
 - The onsite access easements provide cross access capabilities to this site and surrounding property.
 - The onsite sidewalk easements provide for a sidewalk network to serve the development of this site.

- B. The City further finds that the required dedication is related both in nature and extent to the impact of the proposed development as follows:
- The right-of-way is necessary to provide for future widening of public streets that will serve the development of this site.
 - The onsite utility easements are necessary to provide for a utility system to serve this development and connect to existing utilities on surrounding property.
 - The onsite drainage easements are necessary to provide for storm drainage improvements to serve the development of the site.
 - The onsite access easements are necessary to provide cross access capabilities to this site and surrounding property.
 - The onsite sidewalk easements are necessary to provide for a sidewalk network to serve the development of this site.
 - All of the dedications benefit the development to at least the extent of the impact of such on the development.

VIII. RECOMMENDATION:

City Council and The Planning & Zoning Commission to consider the following motion: "Move that the City Council (Planning and Zoning Commission) approve the Statement of Findings and the Preliminary Plat of Lots 1-34, Block A, Lots 1-10, Block B and Lots 1X, 2X, 3X, 4X, 5X, 6X, Shady Brook Addition."

CC ITEM # 29
PZ ITEM # 13

Perimeter Curve Table					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	99.60'	79.57'	77.47'	N 1°46'5" E	45°46'23"
C2	230.00'	180.74'	176.13'	S 2°21'8" E	135°12'44"

Centerline Curve Table					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C3	90.00'	70.56'	68.77'	N 68°22'56" W	44°55'08"
C4	115.00'	271.39'	212.65'	N 21°41'00" E	135°12'44"
C5	100.00'	41.60'	41.30'	S 77°22'22" W	23°50'00"
C6	250.00'	104.21'	103.46'	S 12°36'08" E	23°53'00"

Perimeter Line Table		
LINE	BEARING	DISTANCE
L1	N 89°57'43" W	34.56'
L2	N 00°53'45" W	65.11'
L3	N 87°06'58" E	93.87'
L4	S 32°30'16" E	35.10'

Interior Line Table		
LINE	BEARING	DISTANCE
L5	N 20°24'00" E	21.41'
L6	N 41°14'13" E	63.36'
L7	N 00°42'38" W	12.89'
L8	N 13°59'28" W	20.00'
L9	S 69°32'38" E	14.14'
L10	N 71°19'42" E	34.79'

FIELD NOTES
Description for a tract of land in the Thomas Mahan Survey, Abstract Number 1050, and the B. B. Johnson Survey, Abstract Number 869, City of Grapevine, Tarrant County, Texas, and being a portion of a tract of land described in a deed to Mrs. Laura E. Vilbig, recorded in Volume 3160, Page 370, Deed Records, Tarrant County, Texas, and being "Tract 1" and "Tract 2" as described in a deed to Frank S. Monaco, recorded in Volume 6945, Page 353, Deed Records, Tarrant County, Texas, and being described as one (1) tract by metes and bounds as follows:

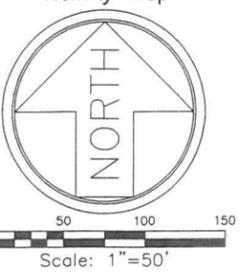
Beginning at a 5/8" iron pin found for the southwest corner of Tract 1, said pin lying by deed call 353.44 feet, North 0 degree 25' West from the southwest corner of said Vilbig tract:
 Thence North 00 degree 39 minutes 38 seconds West, at 45 feet passing 0.5 feet west of a 1/2" iron pin found, at 281.1 feet passing 1.9 feet west of a 1/2" iron pin found with red cap stamped "RPLS 3688", at 424.0 feet passing 1.2 feet east of a 1/2" iron pin found with yellow cap stamped "RPLS 2466", in all, a total distance of 637.19 feet to a 1/2" iron pin set with yellow cap stamped "AREA SURVEYING", for the northeast corner of Lot 1, Block 4, W. C. Lucas Addition, according to the plat recorded in Volume 388-4, Page 425, Plat Records, Tarrant County, Texas, from which a 5/8" iron pin found with yellow cap stamped "MSI RPLS 4224" bears 0.6 of a foot, South 86 degrees 24 minutes West;
 Thence South 89 degrees 32 minutes 32 seconds West a distance of 134.20 feet to a 5/8" iron pin found with yellow cap stamped "MSI RPLS 4224" for a northwesterly corner of Tract 2;
 Thence North 00 degree 46 minutes 58 seconds West a distance of 160.01 feet to a 5/8" iron pin found for a northwesterly corner of Tract 2;
 Thence North 89 degrees 57 minutes 43 seconds West a distance of 34.56 feet to a 5/8" iron pin found for a northwesterly corner of Tract 2;
 Thence North 00 degree 53 minutes 45 seconds West a distance of 65.11 feet to a 1/2" iron pin found for the most westerly northwesterly corner of Tract 2, and for the northeast corner of Lot 3, Block B, Brookhollow Estate, First Section, according to the plat recorded in Volume 388-45, Page 54, Plat Records, Tarrant County, Texas, said pin also lying in the south line of Shady Brook Drive and the northerly line of Tract 2;
 Thence North 89 degrees 09 minutes 30 seconds East a distance of 269.03 feet to a 5/8" iron pin found at the beginning of a curve, concave to the southwest, having a radius of 99.60 feet, and a long chord which bears 77°47'18" South 68 degrees 22'56" East;
 Along said curve an arc length of 79.57 feet to a 1/2" iron pin found, from which a "Y" found cut in concrete bears 63.6 feet, North 65 degrees 39 minutes East;
 South 45 degrees 55 minutes 22 seconds East a distance of 465.05 feet to a 5/8" iron pin found with yellow cap stamped "MSI RPLS 4224" at the beginning of a curve, concave to the northeast, having a radius of 230.00 feet, and a long chord which bears 176.13 feet, South 68 degrees 23 minutes 18 seconds East;
 Along said curve an arc length of 180.74 feet to a 5/8" iron pin found with yellow cap stamped "MSI RPLS 4224";
 North 89 degrees 06 minutes 58 seconds East a distance of 93.87 feet to the northeast corner of Tract 2, and to the center of Morehead Branch;
 Thence the following courses and distances along Morehead Branch:
 South 32 degrees 30 minutes 16 seconds East a distance of 35.10 feet;
 South 09 degrees 29 minutes 46 seconds East a distance of 92.50 feet;
 South 12 degrees 47 minutes 04 seconds West a distance of 189.28 feet;
 South 30 degrees 27 minutes 51 seconds West a distance of 157.70 feet to the southeast corner of Tract 1;
 Thence South 89 degrees 17 minutes 22 seconds West a distance of 665.72 feet to the Point of Beginning, said described tract containing 11.83 acres of land.

RECEIVED
JAN 10 2018

PLANNING & ZONING COMMISSION: GRAPEVINE CITY COUNCIL
 Date Approved: _____ Date Approved: _____
 Chairman: _____ Mayor: _____
 Secretary: _____ City Secretary: _____

Preliminary Plat Of
 Lots 1 - 34, Block A, Lots 1 - 10, Block B &
 Lots 1X, 2X, 3X & 4X.
Shady Brook Addition
 Being a tract of land in the Thomas Mahan Survey, Abstract Number 1050, and the B. B. Johnson Survey, Abstract Number 869, City of Grapevine, Tarrant County Texas.

11.83 Acres
 44 Residential Lots
 4 Common Area Lots
 Existing Zoning: R-5.0
 Proposed Zoning: PD
 January, 2018
Area Surveying, Inc.
 Roger W. Hart, RPLS
 Voice: 817.294.4490 | Web: areasurveying.com
 Mail: 6080 S. Hulen St., Suite 360, #220 | Fort Worth, TX 76132
 Texas Board of Professional Land Surveying Firm No. 1006660



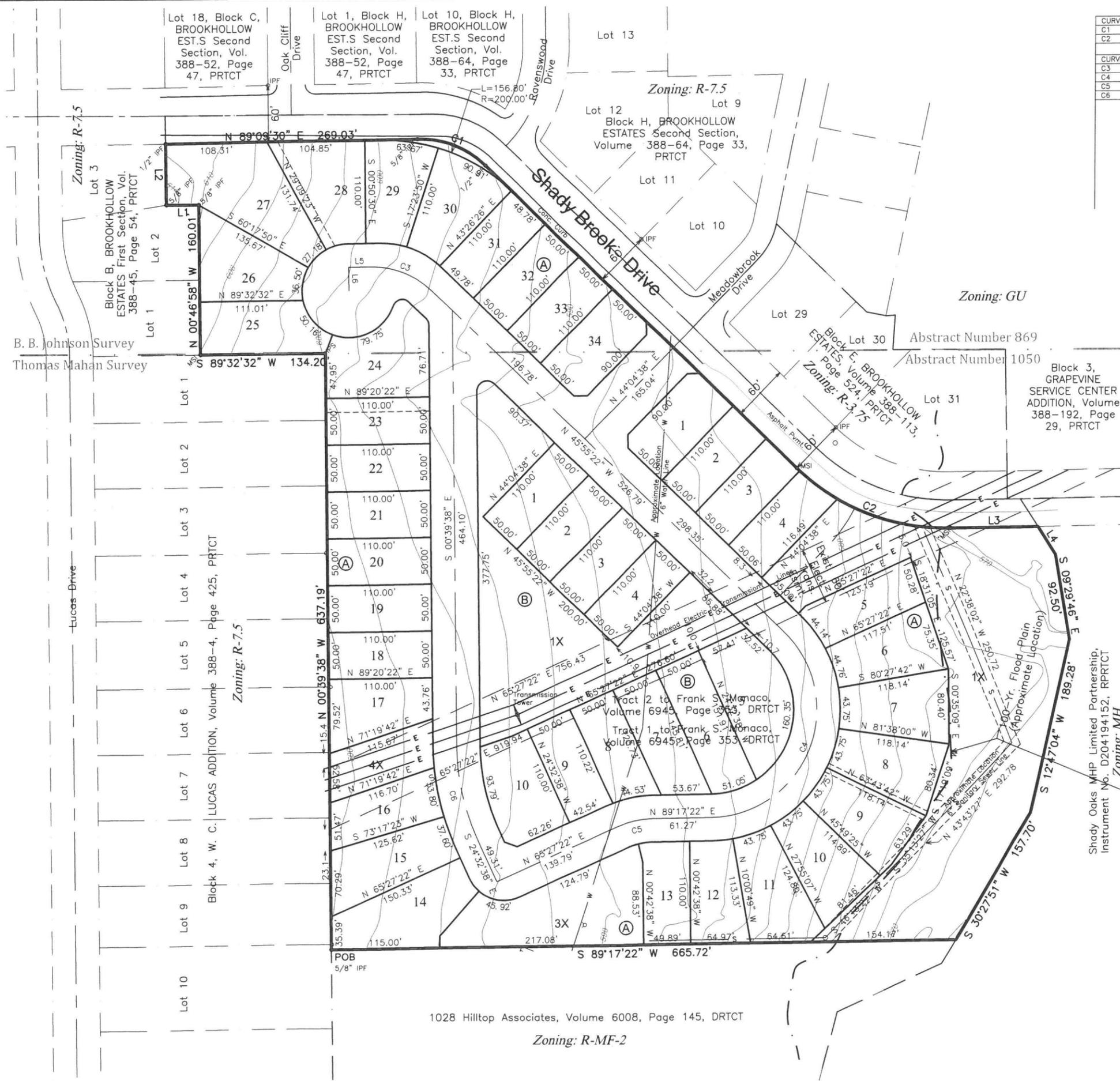
Owner
 Frank S. Monaco
 1030 Hilltop Drive
 Grapevine, TX 76051-5012

Developer
 Kosse Maykus
 K M Properties, Inc.
 P. O. Box 92747
 Southlake, Texas 76092
 817.329.3111
 kosse@maykus.com

Surveyor
 Roger W. Hart, RPLS
 Area Surveying, Inc.
 6080 S. Hulen Street, Suite 360 #226
 Fort Worth, TX 76132
 817.294.4490
 roger@areasurveying.com

Notes:

- Bearings based on the Texas State Plane Coordinate System, North Central Zone and were obtained by GPS observations using the Texas Real Time Kinetic System.
- The approximate location of the 100-Year Flood Plain is per Flood Insurance Rate Map 48439C0105K, dated September 25, 2009.
- Contour lines have been projected from Drainage Area Map previously prepared for Shady Brook Addition by Ion Design Group, Contour Interval: Two Feet (2').
- The intended land use is Single Family Residential.
- There are no buildings on this property.
- The "Exist. 60' Elect. Trans. Esmt." was originally granted to Brazos River Transmission Cooperative.
- Lots with the label "X" indicate Common Area lots. No habitable buildings shall be built upon these lots.
- Setbacks:
 Front setbacks are 20'
 Rear setbacks are 15'
 Side setbacks are 5'
- Abbreviations:
 POB = Point Of Beginning
 IPF = Iron Pin Found
 IPS = 1/2" Iron Pin Set with yellow cap stamped "AREA SURVEYING"
 MSI = 5/8" Iron Pin Found with yellow cap stamped "MSI RPLS 4224"
 PRCT = Plat Records, Tarrant County, Texas
 DRCT = Deed Records, Tarrant County, Texas
 RPRCT = Real Property Records, Tarrant County, Texas.
- All of Lot 1X, Block A, is dedicated as a Drainage and Utility Easement.



1028 Hilltop Associates, Volume 6008, Page 145, DRCT
 Zoning: R-MF-2

MEMO TO: THE HONORABLE MAYOR, MEMBERS OF THE CITY COUNCIL
AND THE PLANNING & ZONING COMMISSION

FROM: BRUNO RUMBELOW, CITY MANAGER *BR*

MEETING DATE: JANUARY 16, 2018

SUBJECT: FINAL PLAT APPLICATION
LOT 1, BLOCK 1, BALL SUNSET ADDITION

PLAT APPLICATION FILING DATE..... January 9, 2018

APPLICANT..... Bryan Connally, CBG Surveying

REASON FOR APPLICATION Platting unplatted property
to build a home

PROPERTY LOCATION..... 314 Ball Street

ACREAGE 0.386

ZONING..... R-7.5

NUMBER OF LOTS..... 1

PREVIOUS PLATTING..... No

CONCEPT PLAN..... No

SITE PLAN No

OPEN SPACE REQUIREMENT Yes

AVIGATION RELEASE..... Yes

PUBLIC HEARING REQUIRED..... No

**PLAT INFORMATION SHEET
FINAL PLAT APPLICATION
LOT 1, BLOCK 1, BALL SUNSET ADDITION**

I. GENERAL:

- The applicant, Bryan Connally is platting the 0.386 acre tract of land property located at 314 Ball Street into a residential lot.

II. STREET SYSTEM:

- The development has access to Ball Street and Sunset Drive.
- ALL abutting roads: are on the City Thoroughfare Plan: Ball Street
 are not on the City Thoroughfare Plan: Sunset Drive

Periphery Street Fees are due as follows:

Type of Roadway	Cost / LF	Length	Cost
<input type="checkbox"/> Major Arterial (A)	\$ 234.57 / LF		
<input type="checkbox"/> Major Arterial (B)	\$ 178.35 / LF		
<input type="checkbox"/> Minor Arterial (C)	\$ 203.06 / LF		
<input type="checkbox"/> Minor Arterial (D)	\$ 170.33 / LF		
<input type="checkbox"/> Collector (E)	\$ 170.33 / LF		
<input type="checkbox"/> Collector (F)	\$ 150.98 / LF		
<input type="checkbox"/> Sidewalk	\$ 25.00 / LF		
<input type="checkbox"/> Curb & Gutter	\$ 15.00 / LF		

Periphery Street Fees are not due:

Development is required to build a sidewalk along Sunset Drive.

TOTAL

III. STORM DRAINAGE SYSTEM:

- The site drains northeast into the City's storm water system.
- The developer will be required to design for onsite as well as offsite drainage in accordance with the requirements of the City of Grapevine's Code of Ordinances.

IV. WATER SYSTEM:

- The existing water supply system bordering the subject site is adequate to serve the development.
- The existing water supply system bordering the subject site is not adequate to serve the development. Additional off site water system improvements will be necessary to serve the site.

V. SANITARY SEWER SYSTEM:

- The existing sanitary sewer collection system bordering the subject site is adequate to serve the development.
- The existing sanitary sewer collection system bordering the subject site is not adequate to serve the development.

VI. MISCELLANEOUS:

- Water and Wastewater Impact Fees are not required for:
- Water and Wastewater Impact Fees are due prior to the issuance of building permits for: Lot 1, Block 1, Ball Sunset Addition
 - Single Family Residential (\$ 2,414/ Lot)
 - Multifamily (\$ 1,134/ Unit)
 - Hotel (\$ 43,632/ Acre)
 - Corporate Office (\$ 20,523/ Acre)
 - Government (\$ 4,414/ Acre)
 - Commercial / Industrial (\$ 5,739 / Acre)
- Open Space Fees are not required for:
- Open Space Fees are due prior to the issuance of building permits and/or any public infrastructure improvements for: Lot 1, Block 1, Ball Sunset Addition
 - R-5.0, R-TH, Zero Lot District (\$ 1,416.00 / Lot)
 - R-7.5, Single Family District (\$ 1,146.00 / Lot)
 - R-12.5, Single Family District (\$ 1,071.00 / Lot)
 - R-20.0, Single Family District (\$ 807.00 / Lot)

- Public Hearing Only
- Variances were required on the following items:
 - Front building line
 - Allowing a setback of 3 feet for the rear property line for an accessory building
 - Lot width & depth
 - Max. Impervious Area
 - Landscaping Regulations, allowing no landscape buffer between the edge of the parking area and the adjacent property line.
- The following items associated with this plat are not in accordance with the current subdivision standards:
 - 50' ROW dedication not met: Developer is proposing to dedicate variable width private access easements throughout the development. The access easements will be owned and maintained by a Home Owners Association (HOA).
 - Length of cul-de-sac street exceeds the 600-foot limit:
 - Driveway Spacing not met.

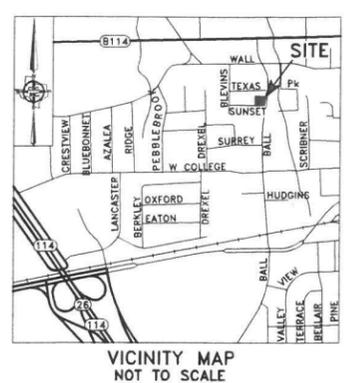
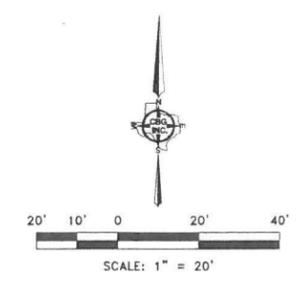
VII. STATEMENT OF FINDINGS:

- A. The City has determined that the right-of-way and easements required to be dedicated for streets, utilities, drainage, access, sidewalks and other municipal needs and services are consistent with the City's ordinances and master plan, are reasonable and are connected to the proposed project in the following manner:
- The right-of-way provides for future widening of public streets that will serve the development of this site.
 - The onsite utility easements provide for a utility network to serve the development of this site.
 - The onsite drainage easements provide for a drainage network to serve the development of this site.
 - The onsite access easements provide cross access capabilities to this site and surrounding property.
 - The onsite sidewalk easements provide for a sidewalk network to serve the development of this site.

- B. The City further finds that the required dedication is related both in nature and extent to the impact of the proposed development as follows:
- The right-of-way is necessary to provide for future widening of public streets that will serve the development of this site.
 - The onsite utility easements are necessary to provide for a utility system to serve this development and connect to existing utilities on surrounding property.
 - The onsite drainage easements are necessary to provide for storm drainage improvements to serve the development of the site.
 - The onsite access easements are necessary to provide cross access capabilities to this site and surrounding property.
 - The onsite sidewalk easements are necessary to provide for a sidewalk network to serve the development of this site.
 - All of the dedications benefit the development to at least the extent of the impact of such on the development.

VIII. RECOMMENDATION:

City Council and The Planning & Zoning Commission to consider the following motion: "Move that the City Council (Planning and Zoning Commission) approve the Statement of Findings and the Final Plat of Lot 1, Block 1, Ball Sunset Addition."



LEGEND:

CM	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
A.C.S.	1/2 INCH IRON ROD SET STAMPED "CBG & RPLS 5513"
"X" S	"X" SET IN CONCRETE
ESMT.	EASEMENT
VOL.	VOLUME
PG.	PAGE
INST. NO.	INSTRUMENT NUMBER
CAB.	CABINET
BLDG.	BUILDING
SO. FT.	SQUARE FEET
R.O.S.	RIGHT-OF-WAY
D.R.T.C.T.	DEED RECORDS, TARRANT COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS, TARRANT COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS

- GENERAL NOTES**
- COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION.
 - THE PURPOSE OF THIS PLAT IS TO CREATE 1 LOT FROM AN UNPLATTED TRACT OF LAND.
 - LOT TO LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.
 - ANY STRUCTURE NEW OR EXISTING MAY NOT EXTEND ACROSS NEW PROPERTY LINES.
 - TxDOT APPROVAL MAY BE REQUIRED FOR ANY DRIVEWAY MODIFICATION OR NEW ACCESS POINT(S).
 - AREA TABULATION:
 - TOTAL PLATTED AREA= 16,828 SQ. FT. (0.386 ACRES)
 - NET PLATTED AREA=0
 - ROW=0
 - EASEMENT DEDICATION AREA= 5,078 SQ. FT. (0.116 ACRES)

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS, Steven E. Esmond and Cynthia L. Esmond are the owner of a 0.386 acre tract of land in the Heirs of Ambrose Foster Survey, Abstract No. 518, situated in the City of Grapevine, Tarrant County, Texas and being that portion of a tract of land described in Instrument Number D217295073 of the Deed Records of Tarrant County, Texas and being more particularly described as follows:

COMMENCING at an angle iron found for corner, said corner being the Southwest corner of a tract of land conveyed to Bobby Channel and Ellen Channel in a deed recorded in Instrument Number D203031957, Official Public Record, Tarrant County, Texas, and also being the Northwest corner of Lot 1, Block 1, of Johnson Addition, an addition to the City of Grapevine, Tarrant County, Texas, according to the plat thereof recorded in Instrument Number D212237552, Map Records, Tarrant County, Texas;

THENCE South 89 degrees 19 minutes 02 seconds East, along the North line of said Lot 1, a distance of 60.00 feet to a 1/2 inch iron rod set stamped "CBG and RPLS 5513" for corner, said corner being the Northeast corner of said Lot 1, and being on the South line of said Bobby Channel and Ellen Channel tract, and also being the POINT OF BEGINNING;

THENCE South 89 degrees 19 minutes 02 seconds East, along the South line of said Bobby Channel and Ellen Channel tract, a distance of 142.97 feet to a 1/2 inch iron rod set stamped "CBG and RPLS 5513" for corner, said corner being the Southeast corner of said Bobby Channel and Ellen Channel tract from which a tangent curve starts to the right, having a radius of 927.61 feet, a delta of 1 degrees 04 minutes 46 seconds, and a chord bearing and distance of South 05 degrees 44 minutes 46 seconds West, 17.47 feet;

THENCE along the West Right-of-Way line of Ball Street (a variable width Right-of-Way) said curve to the right, an arc length of 17.47 feet to a 1/2 inch iron rod set stamped "CBG and RPLS 5513" for corner;

THENCE South 09 degrees 24 minutes 39 seconds West, continuing along the West Right-of-Way line of said Ball Street, a distance of 108.27 feet to an "X" set on concrete for corner, said corner being the intersection of the West Right-of-Way line of said Ball Street and the North Right-of-Way line of Sunset Drive (a variable width Right-of-Way);

THENCE South 89 degrees 57 minutes 30 seconds West, along the North Right-of-Way line of said Sunset Drive, a distance of 124.97 feet to a 1/2 inch iron rod set stamped "CBG and RPLS 5513" for corner, said corner being on the North Right-of-Way line of said Sunset Drive;

THENCE North 00 degrees 39 minutes 53 seconds East, along the Northeastly Right-of-Way line of said Sunset Drive, passing a 5/8 inch iron rod found in the Southeast corner of said Lot 1, at a distance of 10.59 feet, and continuing along the East line of said Lot 1 for a total distance of 126.00 feet to the POINT OF BEGINNING and containing 16,828 square feet or 0.386 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT

Steven E. Esmond and Cynthia L. Esmond, does hereby adopt this plat of LOT 1, BLOCK 1, BALL SUNSET ADDITION, an addition to the City of Grapevine, Tarrant County, Texas, and does hereby dedicate to the public use forever the right-of-way and easements shown hereon. The easements shown hereon are hereby reserved for the purposes as indicated. The utility easements shall be open for all City of franchised public utilities for each particular use. The maintenance of paving on the easements is the responsibility of the property owner. No buildings or auxiliary structures shall be constructed, reconstructed, or placed upon, over, or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using, or desiring to use same. Any City of franchised utility shall have the full right to remove and keep removed all or parts of any fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on the easements and all City of franchised utilities shall at all times have the full right of ingress and egress to and from and upon said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective system without the necessity at any time of procuring the permission of anyone.

"I have reviewed the City's findings concerning dedications and I do agree that the statements are true and correct."

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Grapevine, Texas.

Witness my hand this the _____ day of _____, 2018.

Steven E. Esmond/ Owner
Cynthia L. Esmond/ Owner

**STATE OF TEXAS
COUNTY OF TARRANT**

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Steven E. Esmond and Cynthia L. Esmond, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2018.

Notary Public in and for Dallas County, Texas.

FLOOD CERTIFICATE

As determine by the FLOOD INSURANCE RATE MAPS for Tarrant County, the subject property Does Not appear to lie within a Special Flood Hazard Area (100 Year Flood), Map date 09/25/09 Community Panel No. 48439C0105K subject lot is located in Zone "X". If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

AVIGATION RELEASE

STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS, Steven E. Esmond and Cynthia L. Esmond, hereinafter called "Owner", is the owner of that certain parcel of land situated in the City of Grapevine, Tarrant County, Texas, being said property as described as shown on this plat.

NOW THEREFORE, in consideration of the sum of ONE AND 00/100 (\$1.00) DOLLAR and other good and valuable consideration, the receipt and sufficiency of which is hereby fully acknowledge and confessed, Owner does hereby waive, release, remise and quitclaim to the City of Grapevine, Tarrant County, Texas, the Dallas-Fort Worth International Airport Board, the Cities of Dallas, Texas and Fort Worth, Texas, their successors and assigns, hereinafter called "Cities", for the use and benefit of the public and its agencies, any and all claims for damages of any kind to persons or property that Owner may suffer by reason of the passage and flight of all aircraft in the air space above Owner's property above the height restriction as presently established by Ordinance No. 73-50 for the City of Grapevine, known as the Airport Zoning Ordinance of the Dallas-Fort Worth International Airport, to an infinite height above some, whether such damage shall originate from noise, vibration, fumes, dust, fuel and lubricant particles, and all other effects that may be caused by the operation of aircraft, landing at, or taking off from, or operating at or on the Dallas-Fort Worth International Airport.

This instrument does not release the owners or operator of aircraft from liability for damage to person or property caused by falling aircraft or falling physical objects from aircraft, except as stated herein with respect to noise, fumes, dust, fuel, and lubricant particles. It is agreed that this Release shall be binding upon said owner and his heirs and assigns, and successors in interest to said property; and it is further agreed that this instrument shall be a covenant running with the land, and shall be recorded in the Deed Records of the county or counties in which the property is situated.

EXECUTED at, _____ Texas, this the _____ day of _____, 2018.

BY: _____
Steven E. Esmond/ Owner
Cynthia L. Esmond/ Owner

**STATE OF TEXAS
COUNTY OF TARRANT**

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day appears Steven E. Esmond and Cynthia L. Esmond, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2018.

Notary Public in and for Dallas County, Texas.

PLANNING & ZONING COMMISSION:

DATE APPROVED: _____

CHAIRMAN: _____

SECRETARY: _____

GRAPEVINE CITY COUNCIL:

DATE APPROVED: _____

MAYOR: _____

CITY SECRETARY: _____

SURVEYOR'S STATEMENT:

I, Bryan Connolly, of CBG Surveying, a Registered Professional Land Surveyor of the State of Texas, do hereby declare that I prepared this plat from an actual and accurate survey on the land and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the State of Texas and the City of Grapevine.

Dated this the _____ day of _____, 2018.

RELEASED FOR REVIEW 12/29/2017 PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

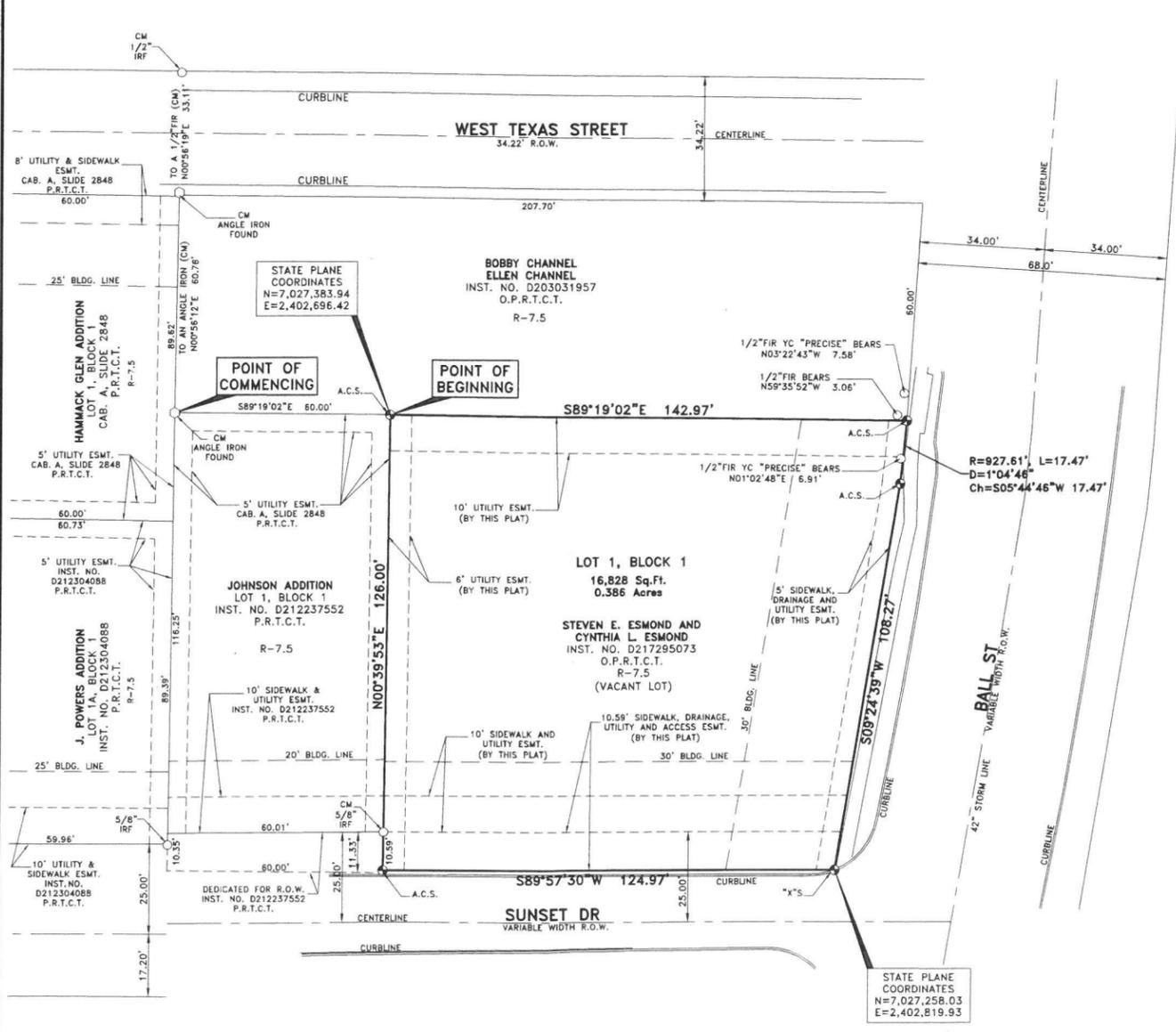
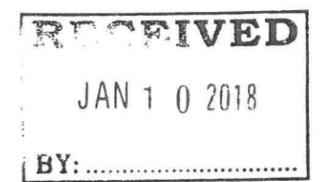
Bryan Connolly
Texas Registered Professional Land Surveyor No. 5513
CBG Surveying, Inc

**STATE OF TEXAS
COUNTY OF DALLAS**

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared Bryan Connolly known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2018.

Notary Public in and for the State of Texas



FINAL PLAT
OF LOT 1, BLOCK 1
BALL SUNSET ADDITION
16,828 SQ.FT. / 0.386 ACRES
SITUATED IN THE HEIRS OF AMBROSE FOSTER SURVEY, ABSTRACT NO. 518
CITY OF GRAPEVINE, TARRANT COUNTY, TEXAS
EXISTING & PROPOSED ZONING: R7.5 Residential
"DECEMBER 2017"
This plat filed on _____, 2018 Instrument # D_____

PLANNING & SURVEYING
Main Office
12025 Shiloh Road, Ste. 230
Dallas, TX 75228
P 214-349-9485
F 214-349-2216
Firm No. 10168800
www.cbginctx.com

OWNER: STEVEN E. ESMOND & CYNTHIA L. ESMOND
9336 OSPREY DRIVE
FORT WORTH, TX 76108
PHONE: (714) 272-1997
E-MAIL: SESMOND@COX.NET

SCALE: 1" = 20' / DATE: NOVEMBER 27, 2017 / JOB NO. 1723749 / DRAWN BY: YP

STATE OF TEXAS
COUNTY OF TARRANT
CITY OF GRAPEVINE

The Planning and Zoning Commission of the City of Grapevine, Texas met in Regular Session on this the 19th day of December 2017 in the Planning and Zoning Conference Room, 200 South Main Street, 2nd Floor, Grapevine, Texas with the following members present-to-wit:

Larry Oliver	Chairman
B J Wilson	Vice-Chairman
Monica Hotelling	Member
Jimmy Fechter	Member
Beth Tiggelaar	Member
Dennis Luers	Member
Robert Rainwater	Alternate

constituting a quorum with Gary Martin absent and the following City Staff:

Ron Stombaugh	Development Services Assistant Director
John Robertson	Engineering Manager
Albert Triplett, Jr.	Planner II
Susan Batte	Planning Technician

CALL TO ORDER

Chairman Oliver called the meeting to order at 7:00 p.m.

BRIEFING SESSION

ITEM 1.

Chairman Oliver announced the Planning and Zoning Commission would conduct a work session relative to the following cases:

Z17-09, PD17-04 DOOLEY STREET TOWNHOMES
Z17-10 CITY OF GRAPEVINE

Chairman Oliver closed the Briefing Session at 7:21 p.m.

JOINT PUBLIC HEARINGS

Mayor Tate called the meeting to order at 7:30 p.m. in the City Council Chambers. Items 2-4 of the Joint Public Hearings were held in the City Council Chambers. The

Planning and Zoning Commission recessed to the Planning and Zoning Conference Room, Second Floor to consider published agenda items.

PLANNING AND ZONING COMMISSION REGULAR SESSION

CALL TO ORDER

Chairman Oliver called the Planning and Zoning Commission deliberation session to order at 8:09 p.m.

ITEM 5 and 6. ZONE CHANGE APPLICATION Z17-09 AND PLANNED DEVELOPMENT OVERLAY APPLICATION PD17-04 – DOOLEY STREET TOWNHOMES

First for the Commission to consider and make recommendation to City Council was zone change application Z17-09 and platted development overlay application PD17-04 for property located at 1300 North Dooley Street and proposed to be platted as Lots 1-10, and Lot A, Block 1, Dooley Park Addition. The applicant was requesting to rezone 1.287 acres from “R-7.5” Single Family District to “R-TH” Townhouse District and a planned development overlay to include but not be limited to the development of ten detached townhomes.

Access to all proposed lots within the subdivision will be from a private alley easement with access to Bushong Drive only. Density for the proposed subdivision was 7.7 dwelling units per acre; the “R-TH” Townhouse District allows a maximum of nine dwelling units per acre. The average lot size is 5,098 s.f. with the largest lot containing 7,515 s.f. and the smallest 4,257 s.f. The applicant proposed one common area lot at the southwest corner of the subject property that will contain a grassy area for pets as well as eight off-street parking spaces for visitors.

The planned development overlay proposed that all structures in the subdivision will be separate, stand-alone structures with no common walls between any of the units. Section 12, Definitions defines a townhome as an attached dwelling unit on a separately platted lot which is joined at another dwelling unit on one or more sides by a party wall or abutting walls.

During the public hearing, the applicant requested his applications be withdrawn.

ITEM 7. PRELIMINARY PLAT LOTS 1-10, AND LOT A, BLOCK 1, DOOLEY PARK ADDITION

Next for the Commission to consider and make recommendation to the City Council was the Statement of Findings and Preliminary Plat Application of Lots 1-10 and Lot A, Block 1, Dooley Park Addition. The applicant was preliminary platting 1.287 acres to build a ten detached townhome structures.

During the public hearing, the applicant requested his application be withdrawn.

ITEM 8. ZONE CHANGE APPLICATION Z17-10 – CITY OF GRAPEVINE

Next for the Commission to consider and make recommendation to City Council was Z17-10 for property located at 3100 Timberline Drive and currently platted as Lot 2, Block 1, Timberline Education. The applicant was requesting to rezone 2.733 acres from R-7.5 Single Family Residential to GU Governmental Use for the development of a new fire station.

In the Commission’s deliberation session, B J Wilson moved to approve zone change application Z17-10. Monica Hotelling seconded the motion, which prevailed by the following vote:

Ayes: Oliver, Wilson, Hotelling, Fechter, Tiggelaar, Luers and Rainwater
Nays: None

ITEM 9. AM17-04 ZONING ORDINANCE AMENDMENTS TO SECTION 52, TREE PRESERVATION AND SECTION 53, LANDSCAPING REGULATIONS

Next for the Commission to consider was AM17-04 amendments to Section 52, Tree Preservation and Section 53, Landscaping Regulations. The approved tree list adopted by the City of Grapevine currently allows ornamental pear trees (“Callery Pear”) as acceptable trees to meet landscaping requirements. Varieties of ornamental pear trees include “Rancho”, “Aristocrat”, “Capital”, and “Bradford”. These trees have proven to be short lived, disease prone, and brittle. These trees often receive the greatest damage during wind and ice storms, and there are examples throughout the city of these trees in horribly deformed and/or dying condition.

Another problematic tree is the Bald Cypress. These trees not only require tremendous amounts of water, but also have rampant and destructive root systems, making them a very poor choice as a general landscaping tree.

In the Commission’s deliberation session, Dennis Luers moved to set a public hearing regarding AM17-04. Monica Hotelling seconded the motion, which prevailed by the following vote:

Ayes: Oliver, Wilson, Hotelling, Fechter, Tiggelaar, Luers and Rainwater
Nays: None

ITEM 10. CONSIDERATION OF MINUTES

Next for the Commission to consider were the minutes of the November 21, 2017, Planning and Zoning workshop.

Monica Hotelling moved to approve the November 21, 2017 public hearing minutes. Jimmy Fechter seconded the motion, which prevailed by the following vote:

Ayes: Oliver, Wilson, Hotelling, Fechter, Tiggelaar and Luers
Nays: None
Abstain: Rainwater

ADJOURNMENT

With no further business to discuss, B J Wilson moved to adjourn the meeting at 8:11 p.m. Monica Hotelling seconded the motion which prevailed by the following vote:

Ayes: Oliver, Wilson, Hotelling, Fechter, Tiggelaar, Luers and Rainwater
Nays: None

PASSED AND APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF GRAPEVINE, TEXAS ON THIS THE 16th DAY OF JANUARY 2018.

APPROVED:

CHAIRMAN

ATTEST:

PLANNING TECHNICIAN