



WILMER CITY COUNCIL
SPECIAL CALLED MEETING
AGENDA

Monday, October 22, 2018 at 7:00 pm

Notice is hereby given that the City Council of the City of Wilmer will meet on the aforementioned date and time, in the Wilmer Community Center, located at 101 Davidson Plaza in Wilmer, Texas to consider the following:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ACTION ITEM

1. Discuss and Consider Authorizing the Interim City Administrator to execute the revision to the **Memorandum of Understanding** with Dallas Independent School District for the Purpose of Designing Street and Sidewalk Improvements on S. Goode Road and E. Belt Line Road.
2. Discuss and Consider **Ordinance No. 18-1022A** Approving Proposed Voluntary Annexation of a 31± Acre Tract of Land that is Generally Located at the Southwest Corner of E. Belt Line Road and S. Goode Road, Dallas, County, Texas. (Legal Description: Tracts 12 and 27 in the C.A. Warfield Survey, Abstract No. 1612, Page 065, and also Tract 1 in the Jeff Weatherford Survey, Abstract No. 1536, Page 170, in Dallas, County, Texas). A Detailed Metes and Bounds Description of the Property is Available Upon Request at City Hall.
Applicant: Dallas Independent School District
3. Discuss and Consider **Ordinance No. 18-1022B** on a Zoning Request Initiated by Dallas Independent School District to Establish a Planned Development-Single Family Residential-2 (IPD-SF2) as the Appropriate Zoning Classification for a 31± Acre Tract of Land that is Generally Located at the Southwest Corner of E. Belt Line Road and S. Goode Road.
Applicant: Dallas Independent School District

ADJOURN

I, Patsy Patten, City Secretary of the City of Wilmer do hereby certify that the above notice of the Regular Meeting of the Wilmer City Council was posted at City Hall, 128 N. Dallas Ave., Wilmer, TX on the 19th day of October, 2018 by 5:00 p.m.



Patsy Patten, City Secretary

The City Council may convene into Executive Session on any matter related to any of the above agenda items for a purpose, such closed session allowed under Chapter 551.071(2), Texas Government Code. This agenda is posted as required under Section 551.041, Texas Government Code. For more information or a copy of the Open Meetings Act, please contact the Attorney General of Texas at 1-800-252-8011, or the City Secretary at 972-441-6373.

The Municipal Center is wheelchair accessible. Any request for Interpretive Services must be made 72 hours in advance of the scheduled meeting by calling the City Secretary's office at 972-441-6373 or TDD at 1-800-735-2989.

Confirmation of Agenda Removal by _____, October __, 2018 at _____ a/p.

WILMER CITY COUNCIL
Agenda Item Summary
October 22, 2018

AGENDA ITEM

1

Discuss and Consider Authorizing the Interim City Administrator to execute the revision to the Memorandum of Understanding with Dallas Independent School District for the design of Street and Sidewalk Improvements on S. Goode and E. Belt Line Road.

Issue/Problem

Dallas ISD has committed to build an elementary school in the City of Wilmer. Street and sidewalk improvements must be made to accommodate the anticipated increased traffic flow around the school and two apartment complexes.

Dallas ISD will transfer funds into an escrow account from which the City will pay invoices for work completed on the improvements.

Revision

A revision has been added stating:

DISD will execute a contract with the City and issue a DISD Purchase Order to the City, for the road improvement Project, and the City will manage the construction of this Project (estimated at approximately \$2.2 Million).

This will ensure that the project cost is covered without needing to return to the DISD Board for additional funding.

Attachments

Attachment A: Memorandum of Understanding

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MEMORANDUM OF UNDERSTANDING REGARDING DISD STREET AND SIDEWALK IMPROVEMENTS

This Memorandum of Understanding (“MOU”) is by and between the City of Wilmer (“City”) and the Dallas Independent School District (“DISD”).

WHEREAS, the City of Wilmer is a general law Type A municipality, lawfully incorporated under the laws of the State of Texas;

WHEREAS, the Dallas Independent School District is located in Dallas County, Texas and serves over two hundred and thirty (230) different schools;

WHEREAS, both the City and DISD are jointly working towards the construction of a new elementary school and must jointly account for traffic management for the safety of drivers, children and pedestrians of Dallas County;

WHEREAS, DISD will execute a contract with the City and issue a DISD Purchase Order to the City, for the road improvement Project, and the City will manage the construction of this Project (estimated at approximately \$2.2 Million).

NOW, THEREFORE, the City and DISD agree to and acknowledge the following in relation to the street and sidewalk improvements for the new elementary school:

1. Requirements for DISD Street Improvements:

a. E. Belt Line Road:

- (1) Right-of-way dedication to achieve southern half of ultimate 80-100’ right-of-way width; and
- (2) Construction of an interim eastbound right-turn deceleration lane on E. Belt Line Road at the intersection of S. Goode Road and E. Beltline Road; and
- (3) No additional paving improvements will be required by DISD on Beltline Road. DISD will have complete dispensation on any future paving of Beltline Road.

b. S. Goode Road:

- (1) Right-of-way dedication to achieve ultimate 70’ right-of-way width to the DISD’s southern property boundary;
- (2) Construction of 49’ concrete curb/gutter paved roadway (i.e., 4 travel lanes); Because DISD has been given dispensation on any future paving of Beltline Road, DISD will be required to construct the 4 lanes (approximately 1,000 LF); and
- (3) An asphalt transition will be provided to the existing asphalt pavement located south of DISD’s school site.

2. Requirements for DISD Sidewalks & Pedestrian Improvements (Ref. Sketch):

- a. E. Belt Line Road: No sidewalks will be required on Beltline Road for the elementary school. Sidewalks will be required when the new middle school is built.
- b. S. Goode Road: 5' wide sidewalks with ADA-compliant barrier-free ramps will be provided at all street/driveway crossings.
- c. School Zones: Reduced-speed school zones on both E. Belt Line Road and S. Goode Road during morning and afternoon peak hours.
- d. Crosswalks: Striped crosswalks with ADA-compliant barrier-free ramps across E. Belt Line Road, S. Goode Road and Billy Wickliffe Drive (as generally shown on attached illustrative sketch).
- e. Crossing Guards: DISD will not provide crossing guards.

3. Requirements for DISD Traffic Management & Pedestrian Safety

- a. **Traffic/Crosswalk Signalization:** DISD will provide a traffic signal at the intersection of E. Belt Line Road and S. Goode Road.
- b. **Traffic Signage:** DISD will be required to provide traffic signage in accordance with the Traffic Management Plan and Traffic Signage/Striping Plan (prepared by Pacheco Koch, Inc.), and subject to possible modifications during City review of the school's civil construction plans and/or when the future middle school is added.

CITY OF WILMER:

 Dr. John Hubbard, Interim City Administrator

Date: _____

DALLAS INDEPENDENT SCHOOL DISTRICT:

By: _____

Edwin Flores, President

Board of Trustees

Date: _____

ATTEST:

Justin Henry, Secretary
Board of Trustees

Date: _____

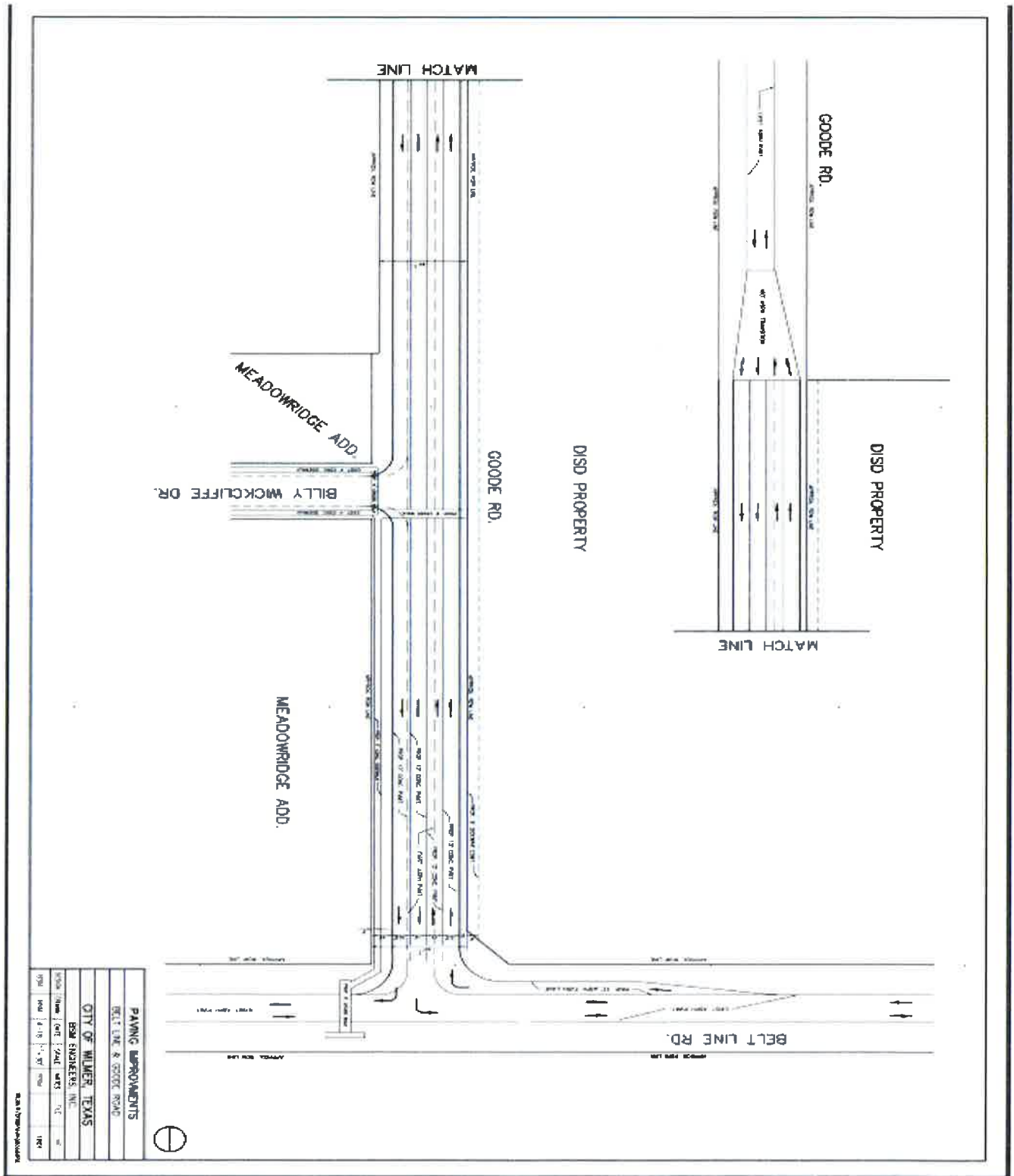
APPROVED AS TO FORM:

By: _____

School Attorney

Date: _____

MOU ROAD EXHIBIT



PLANNING IMPROVEMENTS	
BELT LINE & GOODE ROAD	
CITY OF WILMER, TEXAS	
BSM ENGINEERS, INC.	
DATE	11/15/11
SCALE	AS SHOWN
BY	10/11

WILMER CITY COUNCIL

**Agenda Communication
October 22, 2018**

AGENDA ITEM

2

**Discuss and Consider Ordinance No. 18-1022A Approving Voluntary
Annexation of a 31± acre land tract, initiated by Dallas Independent
School District (DISD)**

(generally located at the southwest corner of
E. Belt Line Road and S. Goode Road)

Request:

Dallas Independent School District (DISD) has initiated voluntary annexation of their 31± acre property in preparation of development of the site as a public school(s).

Background and Factual Information:

The applicant, DISD, wants to voluntarily annex the property in order to obtain City services for planned development of the property in the near future. The City's current corporate boundary extends south along (and inclusive of) Interstate Highway 45, east along (and inclusive of) E. Belt Line Road, south along (and inclusive of) S. Goode Road, and also inclusive of the 21± acre parcel to contiguous with the southern boundary of the subject property where the EMLI multi-family residential community is currently being constructed, making this property contiguous and eligible for annexation into the City.

City Staff's Comments:

The annexation petition was submitted by the property owner in February. With the property owner's knowledge/concurrence, initiation of annexation proceedings (including public notices, etc.) were held off until an application for permanent zoning was submitted such that the property's permanent zoning could be established/adopted at the same time as completion of annexation proceedings (the property owner has requested Planned Development zoning for the property, the application of which has been heard by the Planning & Zoning Commission at their September 27th meeting, and that application has been advertised for the City Council's public hearing and consideration at their October 18th meeting along with the second annexation public hearing).

We have no problem with annexing this 31± acre land tract, per the property owner's request.

Property Owner Notification:

Proper notice has been published as required by State law (no private/personal notice is required other than to public entities, per Section 43.9051(b) and (d), copies of which are attached for reference).

**Agenda Communication – City Council
DISD Property – Ordinance for Annexation
October 22, 2018
Page 2**

Options/Alternatives:

- Option #1** Approve Ordinance No. 18-1022A approving proposed voluntary annexation of a 31± acre tract of land that is generally located at the Southwest Corner of E. Belt Line Road and S. Goode Road.
- Option #2** Deny Approval of Ordinance No. 18-1022A approving proposed voluntary annexation of a 31± acre tract of land that is generally located at the Southwest Corner of E. Belt Line Road and S. Goode Road.

Staff Recommendation

Option #1 – Approve Ordinance No. 18-1022A

Attachments:

Annexation petition (and other associated documents submitted by the petitioner)

Notice to newspaper

Notice letters to applicable public entities (DISD, Dallas County, Dallas County Fire Marshal's office)

Exhibit showing proposed property annexation

AN ORDINANCE OF THE CITY OF WILMER

ORDINANCE NO. 1022A

AN ORDINANCE OF THE CITY OF WILMER, TEXAS, ANNEXING APPROXIMATELY 31.0± ACRES OF LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO INTO THE CITY OF WILMER, TEXAS, AND AT THE CORNER OF BELTLINE ROAD AND S. GOODE ROAD IN THE CITY SO AS TO INCLUDE SAID PROPERTY WITHIN THE CITY LIMITS; GRANTING TO ALL INHABITANTS AND OWNERS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANTS AND OWNERS BY ALL OF THE ORDINANCES, ACTS, RESOLUTIONS AND REGULATIONS OF THE CITY OF WILMER; ADOPTING A SERVICE PLAN AS EXHIBIT "B" ATTACHED HERETO; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, State law authorizes the annexation of territory; and

WHEREAS, pursuant to Chapter 43 of the Texas Local Government Code Dallas Independent School District voluntarily seeks to annex the property described and identified in Exhibit "A", attached hereto and incorporated herein, into the City of Wilmer, Texas; and

WHEREAS, the property is adjoining the present City limits of the City of Wilmer, and the City of Wilmer is authorized to annex the property; and

WHEREAS, the City Council finds that the required notices have been given and the required public hearings have been held, pursuant to Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council has determined that a service plan for the property should be prepared and adopted in conjunction with annexation of the property, and said service plan is attached hereto as Exhibit "B" and incorporated herein for all purposes; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of the State of Texas have been duly followed with respect to annexation of the Property; and

WHEREAS, the City Council has determined that it is in the best interests of the City to annex the property into the City, and the members of the City Council have concluded that said area should be annexed and made a part of the City of Wilmer, Texas.

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

SECTION 1. The property, being specifically described in Exhibit "A", attached hereto and incorporated herein, situated within the exclusive extraterritorial jurisdiction of the City and adjacent and contiguous thereto, is hereby annexed for all municipal purposes into the corporate

limits of the City of Wilmer, Texas, and said corporate limits are hereby extended so as to include the property. The official map of the City of Wilmer, Texas shall be hereby amended to include the property within the corporate limits, and the inhabitants of the annexed area shall hereafter be entitled to all of the rights and privileges of other citizens of the City of Wilmer and shall be bound by the ordinances, acts, resolutions and regulations of the City of Wilmer.

SECTION 2. The service plan for the Property, attached hereto as Exhibit "B" and incorporated herein for all purposes, is hereby approved and adopted as part of this ordinance.

SECTION 3. That all ordinances of the City of Wilmer, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjusted or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, or the City of Wilmer, Texas Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law and City Charter in such cases provide.

DULY PASSED AND APPROVED by the City Council of the City of Wilmer, Texas, this the 22nd day of October, 2018.

Approved:

Emmanuel Wealthy-Williams, Mayor

Attest:

Patsy Patten, City Secretary

WILMER PLANNING & ZONING COMMISSION

AGENDA ITEM

**Agenda Communication
October 22, 2018**

3

Discuss and Consider Ordinance No. 18-1022B on a zoning request initiated by DISD to establish Planned Development-Single-Family Residential-2 (PD-SF2) as the appropriate zoning classification for a 31± acre property
(located at the southwest corner of E. Belt Line Road and S. Goode Road)

Request

The applicant, Dallas Independent School District (DISD), is requesting the establishment of Planned Development-Single-Family Residential-2 (PD-SF2) as the appropriate zoning classification for a 31± acre tract of land to allow for the development of the property as a public school(s).

Background and Factual Information/Planner's Comments

The subject property is currently vacant/undeveloped. The existing zoning and land use of immediately surrounding properties are as follows:

<u>Direction</u>	<u>Existing Zoning</u>	<u>Existing Land Use</u>
North	C1 and SF1	Vacant/undeveloped property (across E. Belt Line Road)
East	PD-SF2	Single-family residences (across S. Goode Road)
South	PD-C2/MF1	Multi-family residential and single-family residence
West	I-1 (highway)	Retail and manufactured homes (across IH-45)

In association with the PD zoning request (in lieu of "straight" SF2 zoning), the applicant has provided special PD development standards (attached) that will, if the PD zoning request is approved by the City Council, become incorporated into the adopting ordinance that establishes the PD.

The applicant has also submitted the required Concept Plan for the proposed PD (also attached). The exact layout of Phase 1 of the proposed elementary school and its on-site traffic circulation patterns are still under review and not yet finalized, but the Concept Plan shows the elementary school's general location within the 31± acre site which is sufficient for the proposed PD zoning request.

The subject property is currently being annexed into the City, in accordance with Section 7 of the City's Zoning Ordinance. Since this zoning request is being heard by the Planning & Zoning Commission prior to Council's formal action to annex the property, we recommend that any approval of this request be subject to completion of property annexation proceedings by the City Council.

**Agenda Communication –
Rezone 31± Acres to PD-SF2 – DISD Elementary School
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Property Owner Notification:

There were 29 property owners notified in accordance with the 200-foot rule, and proper notification was advertised in the local newspaper (per the Texas Local Government Code). To our knowledge, one letter (in support) from citizens/property owners had been returned to the City at the time this report was prepared (attached).

Options/Alternatives:

Option #1 Approve Ordinance No. 18-1022B approving proposed zoning to establish Planned Development – Single Family Residential 2 (PD-SF2) as the appropriate zoning classification for a 31± acre tract of land that is generally located at the Southwest Corner of E. Belt Line Road and S. Goode Road.

Option #2 Deny Ordinance No. 18-1022B approving proposed zoning to establish Planned Development – Single Family Residential 2 (PD-SF2) as the appropriate zoning classification for a 31± acre tract of land that is generally located at the Southwest Corner of E. Belt Line Road and S. Goode Road.

Staff Recommendation

Option #1 – Approve Ordinance No. 18-1022B

Attachments

Application form for PD zoning change (and other documents supplied by the applicant)

Map view of the subject property and vicinity

PD development standards

PD concept plan

Letter from citizen/property owner

ORDINANCE NO. 18-1022B

AN ORDINANCE OF THE CITY OF WILMER, TEXAS, APPROVING A ZONING REQUEST INITIATED BY DALLAS INDEPENDENT SCHOOL DISTRICT ESTABLISHING PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL-2 (IPD-SF2) AS THE APPROPRIATE ZONING CLASSIFICATION FOR A 31± ACRE TRACT OF LAND THAT IS GENERALLY LOCATED AT THE SOUTHWEST CORNER OF E. BELT LINE ROAD AND S. GOODE ROAD AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, IN THE CITY OF WILMER, DALLAS COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Wilmer and the governing body of the City of Wilmer, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings, and in compliance with the Texas Zoning Enabling Act, Chapter 211 in the Texas Local Government Code, and affording a full and fair hearing to all persons interested in the exercise of its legislative discretion, the governing body of the City of Wilmer has concluded that the Comprehensive Zoning Ordinance and Map, as heretofore amended, should be further amended as provided herein as such amendment is in the best interest of the City, and promotes the public health, safety and general welfare of the City.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Wilmer, Texas, duly passed by the governing body of the City of Wilmer on the 6th day of December, 1988, as heretofore amended, be, and the same are hereby, amended by establishing Planned Development-Single Family Residential-2 (IPD-SF2), said property as further described and depicted in Exhibit "A" which is attached to this ordinance and made a part hereof.

SECTION 2. That all development within the Planned Development- Single Family Residential-2 (IPD-SF2) district granted hereby shall be subject to the special Planned Development standards set forth in Exhibit "B" which is attached to this ordinance and made a part hereof.

SECTION 3. That the concept plan that is normally required for a Planned Development zoning district pursuant to Section 18.B(3) of the City's Zoning Ordinance is hereby waived due to the pre-existing development of the subject property.

SECTION 4. That the Planned Development- Single Family Residential-2 (IPD-SF2) zoning classification is hereby approved on the property, subject to compliance with all other codes and ordinances of the City of Wilmer, and subject to compliance with all other

applicable laws and codes of federal, state, county and other entities having jurisdiction on the subject property.

SECTION 5. That the recitals are true and correct and are incorporated herein by this reference.

SECTION 6. That all provisions of the ordinances of the City of Wilmer in conflict with the provisions of this ordinance, as applicable to the property described herein, are hereby repealed and all other provisions of the ordinances of the City of Wilmer not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That an offense committed before the effective date of this ordinance is governed by the prior law and by then-applicable City ordinances that were in effect when such offense was committed and the former law is continued in effect for this purpose.

SECTION 8. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof, other than the part so declared to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 9. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided by the Comprehensive Zoning Ordinance of the City of Wilmer, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 10. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS ON THIS 22nd DAY OF October, 2018.

Approved:

Emmanuel Wealthy-Williams, Mayor

Attest:

Patsy Patten, City Secretary

Approved as to Form:

Michael Halla, City Attorney