



City of Colleyville City Council Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

Tuesday, December 7, 2021

**WORKSESSION
5:30 PM
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER

- WS-1** FY 2021 Economic Development Year-in-Review
- WS-2** Discussion of civic and wayfinding signage
- WS-3** Update on 2022 elections and voting location at Colleyville Library
- WS-4** Discussion of the December 7, 2021, City Council regular agenda items

1. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including: Glade Road eminent domain case for Parcel 150

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities, including: Acquisition of real property along SH26

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

**REGULAR MEETING
7:30 P.M.
CITY COUNCIL CHAMBERS**

INVOCATION:**PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt****2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-21-4677****3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS****Announcements of civic and charitable events****Presentation of calendar events and updates****Announcements of awards and recognition**

Presentation of the Texas Economic Development Council Community Economic Development Award to the City of Colleyville - Mayor Richard Newton and Assistant City Manager Adrienne Lothery

4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-21-4678

4a Approval of the minutes of the regular City Council meeting of November 16, 2021

4b Approval to appoint Eric Holland to the adhoc General Fund CIP Fee Advisory Committee

4c Approval of a construction contract with CMC Development & Construction Corporation, LLC, for the Justice Center Site Improvements Project, in an amount not to exceed \$676,000, and a contingency amount not to exceed \$50,000, and authorizing the City Manager to execute the contract.

4d Approval of the annual review and updates to the City of Colleyville Investment Policy

5. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**5a Ordinance O-21-2182**

Consideration of a Special Use Permit for a reduction in parking on Lot 1, Block 1, Corley Subdivision, located at 5409 Colleyville Boulevard, Case ZC21-028

5b Ordinance O-21-2183

Consideration of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013

5c Ordinance O-21-2184

Consideration of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014

5d Ordinance O-21-2185

Request to appeal the decision by the Planning and Zoning Commission for the consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024

5e Ordinance O-21-2186

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, adjusting water and wastewater volumetric rates to pass through changes from the Trinity River Authority

6. RESOLUTION(S): READING AND PUBLIC HEARING**6a Resolution R-21-4679**

Consideration of a Right-Of-Way Encroachment Agreement to allow for a permanent freestanding monument sign to be located within the right-of-way located at 715 Cheek-Sparger Road

6b Resolution R-21-4680

A resolution casting ballots for the Tarrant Appraisal District Board of Directors

7. CITIZEN COMMENTS**8. REPORTS**

Colleyville Center Advisory Committee Minutes - August 16, 2021

Parks and Recreation Advisory Board Minutes - September 13, 2021

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR TUESDAY, DECEMBER 7, 2021 - READING AND PUBLIC HEARING - RESOLUTION R-21-4681**10. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards *Friday, December 3, 2021* by 5:00 p.m.

Christine Loven, TRMC
City Secretary

A quorum of any Colleyville board, commission, or committee may be present at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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www.colleyville.com

Agenda Number WS-1

Agenda Date 12/7/2021

Type Worksession

Department Economic Development

Title

FY 2021 Economic Development Year-in-Review

Explanation

This agenda item will provide for a presentation on economic development programs and activity during the 2021 fiscal year.

Attachments

1. FY2021 Economic Development Annual Review
2. FY2021 Economic Development Report

FY2021 Economic Development Year-in-Review

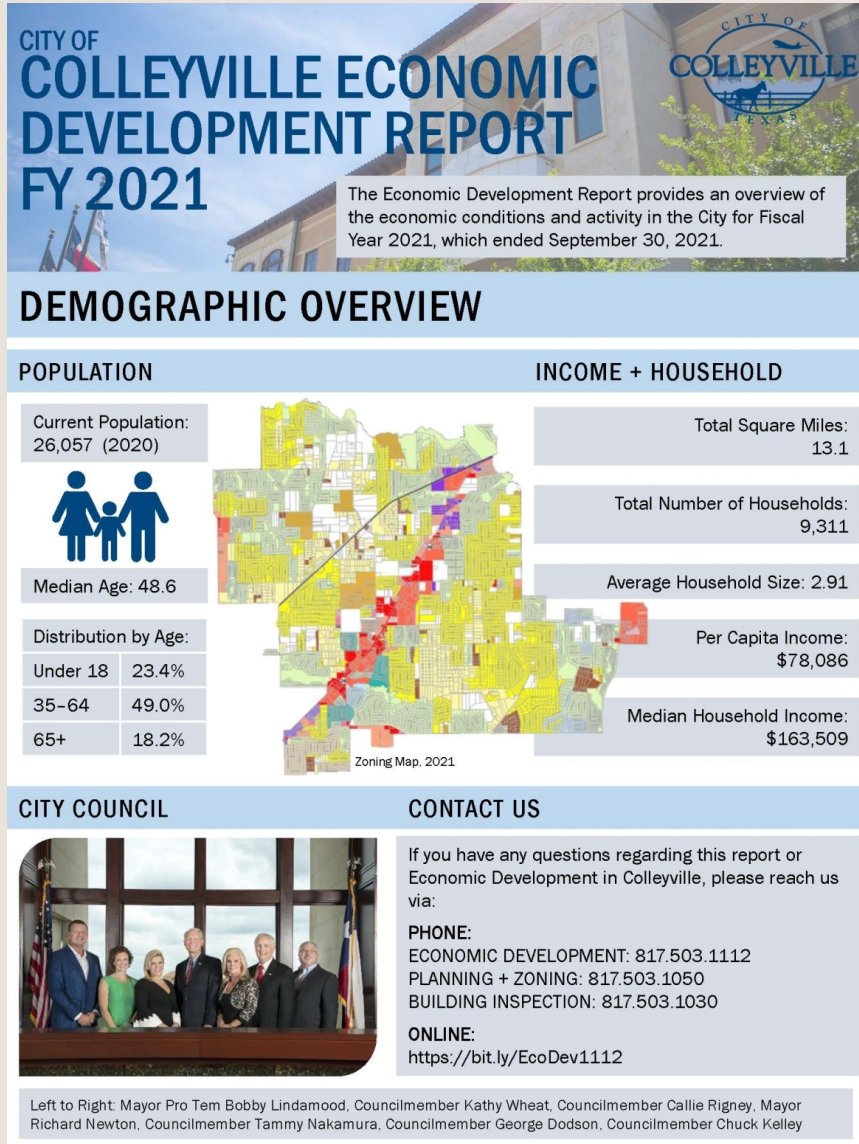
City Council
December 7, 2021

Purpose



- Introduce the FY2021 Economic Development Report
- Recap programs from the recently ended fiscal year

FY2021 Economic Development Report Highlights

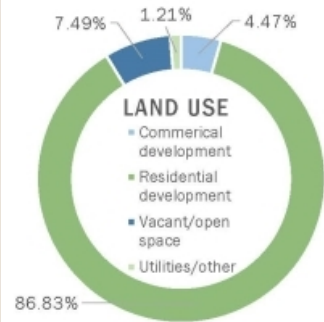


- Snapshot of activity, projects, and programs
- Showcases the strength of the community and the City's support of our local businesses

FY2021 Economic Development Report Highlights



DEVELOPMENT + LAND USE



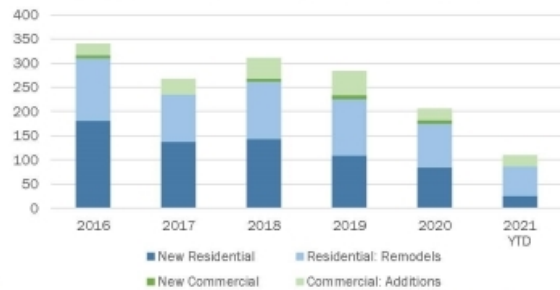
As a City that is largely built out and has limited available land for development, the majority of the City's economic development efforts focus on redevelopment, supporting existing businesses, and growing new businesses.

NEW DEVELOPMENT APPROVED FY 2021

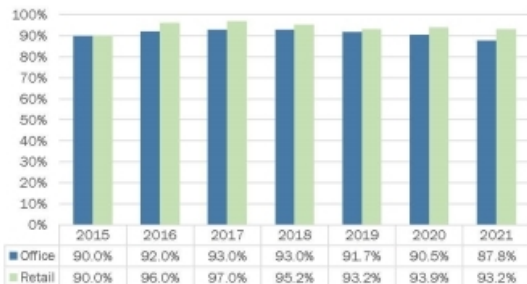
Residential Subdivision	Preston Manor	24 Single-family residential lots
	Oak Alley Estates	34 Single-family residential lots
Commercial Project	Creekside Commercial (North)	Multi-tenant retail building

Residential permits are estimated to decrease gradually over the next several years as the number of available lots decreases. Redevelopment of residential lots is expected to increase, while new subdivision construction will slow. Commercial development continues to fluctuate with the economy.

RESIDENTIAL AND COMMERCIAL PERMITS



OCCUPANCY RATES BY FISCAL YEAR



INSPECTIONS PERFORMED:

2021	6,970
2020	7,721
2019	10,519
2018	11,981
2017	9,978

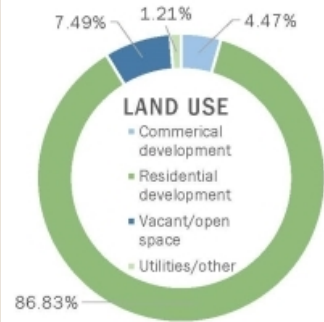
RESIDENTIAL AND COMMERCIAL PERMITS



FY2021 Economic Development Report Highlights



DEVELOPMENT + LAND USE



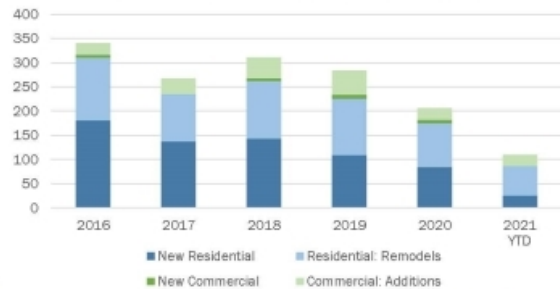
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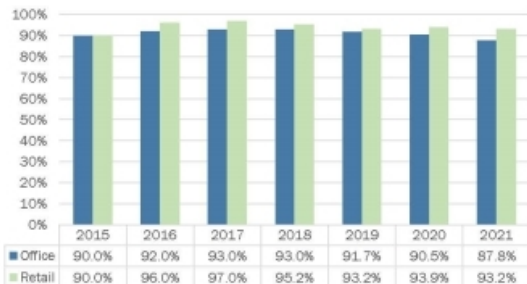
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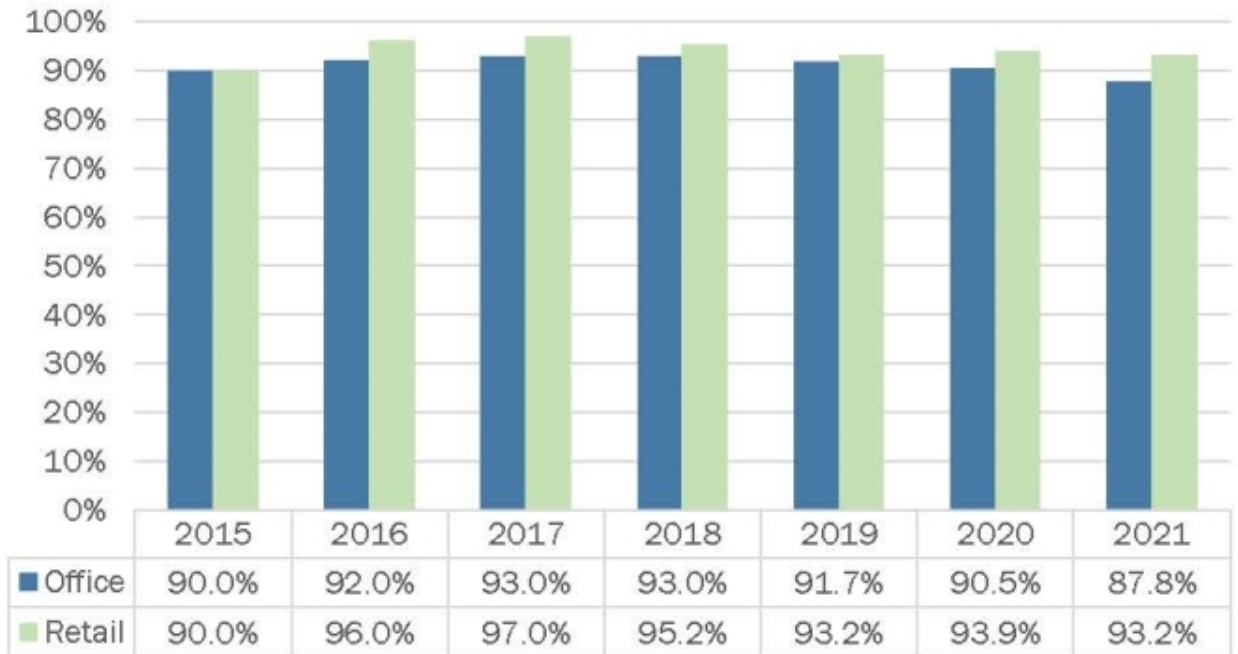
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OCCUPANCY RATES BY FISCAL YEAR



FY2021 Economic Development Report Highlights

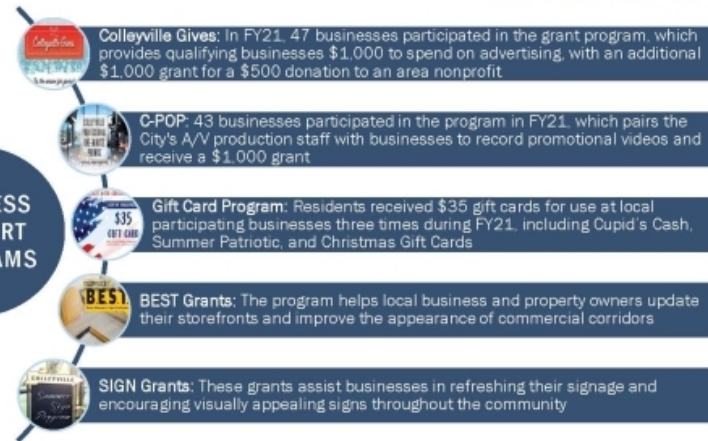


BUSINESS SUPPORT PROGRAMS

Colleyville has a variety of grant programs funded by the City's Tax Increment Financing (TIF) District, including property and signage improvements, the popular gift card program, and advertising support for businesses.

In FY21, the City's business support programs, which include Cupid's Cash and Summer Patriotic gift cards as well as advertising grants, provided \$1,010,615 in direct reinvestment into the community.

Since the inception of the property and signage grant programs in 2018, the improvement total in the community is \$9,760,452 while the city has invested \$726,332, an over 13x return on investment.



COLLEYVILLE BUSINESS CENTER



The Colleyville Business Center, which opened in August 2020, serves as the physical home of a partnership between the City and the Chamber of Commerce, allowing for a one-stop shop for businesses and entrepreneurs in need of assistance. The Business Center offers a variety of workspaces, from private and virtual offices, to work stations and conference rooms. The CBC celebrated its one year anniversary in FY21, with a waitlist for private office rental and a total of 23 programs hosted.

\$1M+ reinvested to support local businesses

3 Gift Cards | 47 #ColleyvilleGives advertising grants | 43 C-POP participants

\$9.7M total improvement value for property improvement projects receiving grant funds

33 City grants | \$726K City investment | 13x ROI | \$216K in total new AV revenue | \$129K in new AV revenue to GCISD

Cupid Cash Gift Card Program



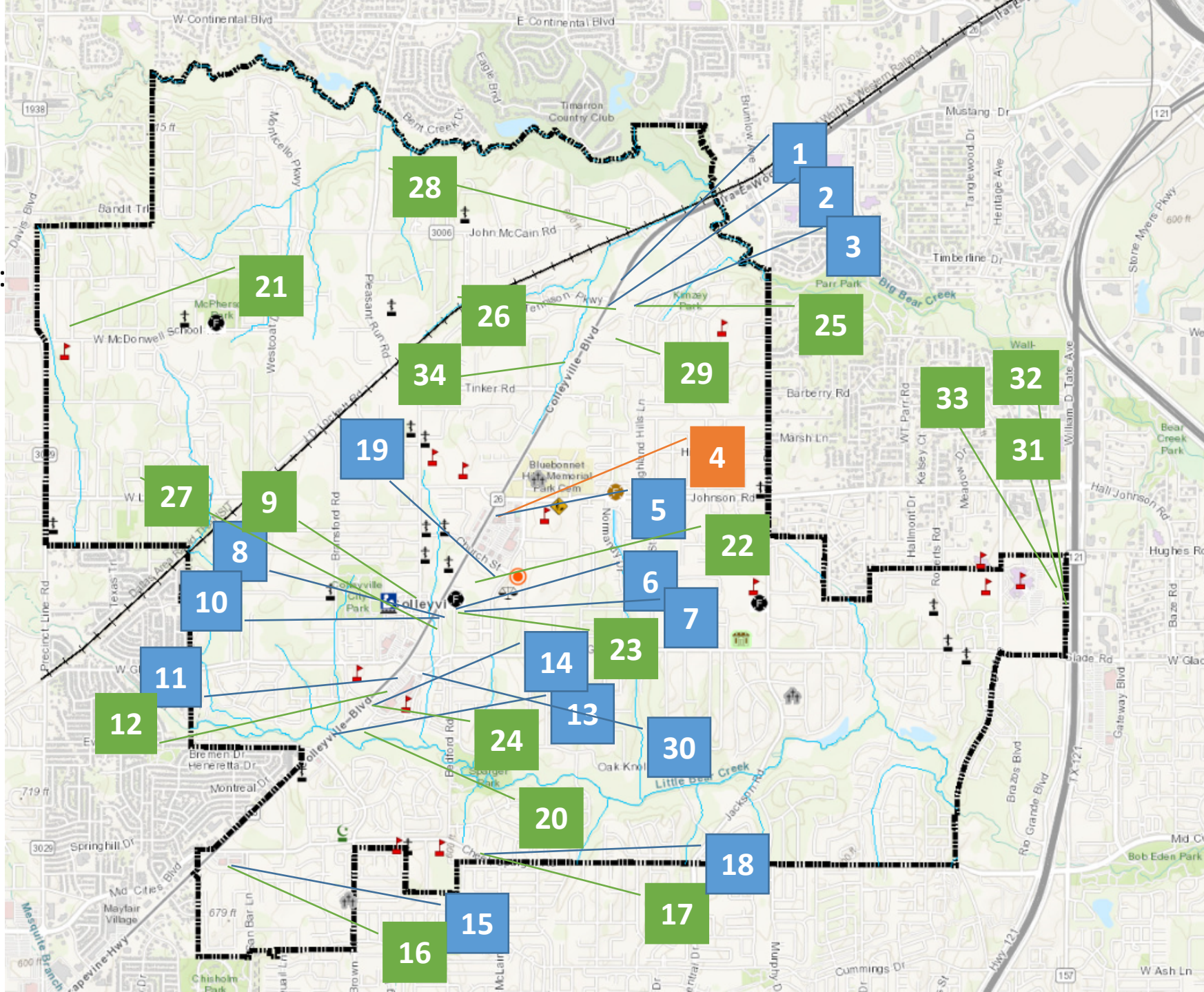
Gift Cards	Total Number	Total Investment
Cupid's Cash	9,595	\$335,825
Patriotic Gift Card	8,305	\$297,965
Christmas Card	7,058	\$256,825
TOTAL	24,958	\$890,615

Colleyville Grants Map

Grant Categories:

- BEST Grant
- SIGN Grant
- SAFER Grant

*Grants are funded by the Tax Increment Financing District (TIF) Fund, consistent with the purpose of those funds to further economic development



Grant Details

1. Texas Oral Surgery Specialists (\$5,000)
2. Joe Hudson's Collision Center (\$35,000)
3. Auto Ricambi (\$45,000)
4. Eagle Town Square, LP (\$50,000)
5. Ruggeri's (\$30,000)
6. Stone House (\$100,000)
7. JRSR Properties (\$72,000)
8. Bajram & Ruzdi Investments (\$35,000)
9. Luxor (\$443)
10. Chick-fil-A (\$100,000)
11. Lillium (\$30,000)
12. Buttermilk Sky Pie (\$3,000)
13. Leading Edge Claims (\$8,500)
14. Kwik Kar (\$11,000)
15. Bellissimo's (\$10,000)
16. People's Choice Insurance (\$1,945)
17. CV Juicery (\$918)
18. Tara Village (\$16,000)
19. T-Johnny's Cajun Gulf Market (\$33,000)
20. A-Z Premier Health (\$3,558.50)
21. DessertsRx (\$2,722)
22. Simply Eyes (\$5,000)
23. Stone House (\$1,948)
24. Kwik Kar (\$3,125)
25. N-Tex Landscaping Co (\$387.50)
26. Lake Cities Dental (\$4,291.52)
27. Inspire Yoga (\$3,185)
28. Wyred Audio (\$2,550)
29. Hodges Automotive (\$5,000)
30. Blu Crab (\$30,000)
31. Genesis Pain Mgt (\$5,000)
32. Genesis Pain Mgt (\$5,000)
33. Dr. Don Enty (\$4,999)
34. Beautopia (\$2,500)

Colleyville Business Center



- CBC recognized for outstanding achievement in community economic development
- 100% occupancy for private offices, with a waitlist
- 23 programs
- Student Intern Program (coming in 2022)



FY2021 Economic Development Report Highlights



CONSERVATIVE FINANCES

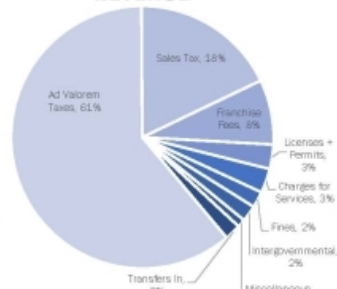
Colleyville benefits from a strong residential base, which helps mitigate the negative effects of economic fluctuations, such as those we have seen during the pandemic in FY 2020 and FY 2021.

PROPERTY TAX RATE + PROPERTY VALUE

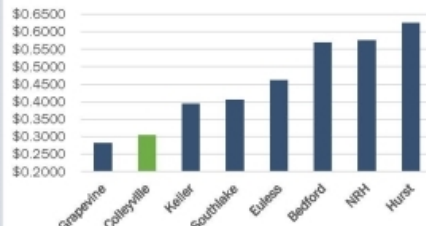


Colleyville has the second-lowest property tax rate of all cities within our primary trade area and 2022 marks the fourth year that the City has adopted the calculated no-new-revenue rate, meaning that the property tax rate is adjusted downward as property values increase. This is designed to keep taxpayers' bills from increasing on average, with the City instead relying on the tax revenue from new property developments and conservative financial management to fund budgetary needs.

REVENUE



FY21 PROPERTY TAX RATE COMPARISON



SALES TAX REVENUE (GENERAL FUND)



Sales tax for FY 2021 was budgeted to remain flat with FY 2020, but the City showed a 14.5% increase in allocation through the full fiscal year. It appears that remote sales (online shopping) in part led the resurgence in revenue. Staff estimates that a portion of this increase is likely non-recurring, led by business reopenings after COVID as well as massive home repairs stemming from the February winter storm.

Commitment to **conservative financial management** strategy

Increasing property values | four years "No New Revenue" property tax rate | 2nd lowest property tax rate in region | Sales Tax +14.5% for FY21

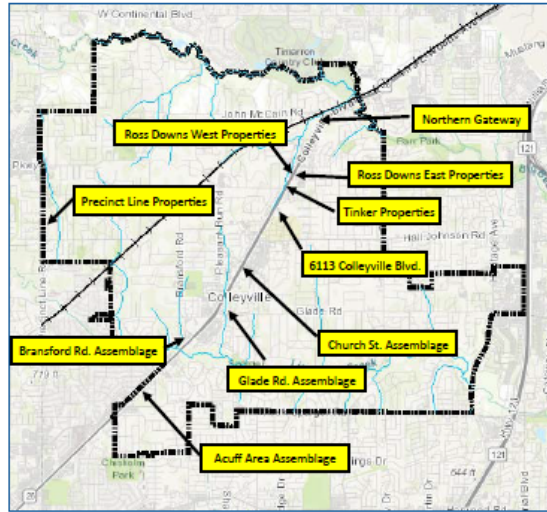
Opportunities for Development



- Summary with property details and map
- Development, Assemblage, Redevelopment Opportunities
- Data collected into single document



**DEVELOPMENT &
REDEVELOPMENT POSSIBILITIES**
2021 | Economic Development



The map displays various areas in Colleyville, Texas, with labels for specific development and redevelopment opportunities. These include:

- Ross Downs West Properties
- Northern Gateway
- Ross Downs East Properties
- Precinct Line Properties
- Tinker Properties
- 6113 Colleyville Blvd.
- Bransford Rd. Assemblage
- Church St. Assemblage
- Glade Rd. Assemblage
- Acuff Area Assemblage

The City of Colleyville Department of Economic Development has prepared this resource to connect brokers / developers / and other interested parties with opportunities for commercial development or redevelopment in the City.

Please contact the representatives shown on the following pages, or contact the Department if you need any assistance. Information provided is based on most recent data available, which may change at any time.

CITY CONTACT
Adrienne Lothery,
Assistant City Manager
alothery@colleyville.com
817-503-1112
www.Colleyville.com

FY2021 Economic Development Year-in-Review

COLLEYVILLE ECONOMIC DEVELOPMENT REPORT

FY 2021



The Economic Development Report provides an overview of the economic conditions and activity in the City for Fiscal Year 2021, which ended September 30, 2021.

DEMOGRAPHIC OVERVIEW

POPULATION

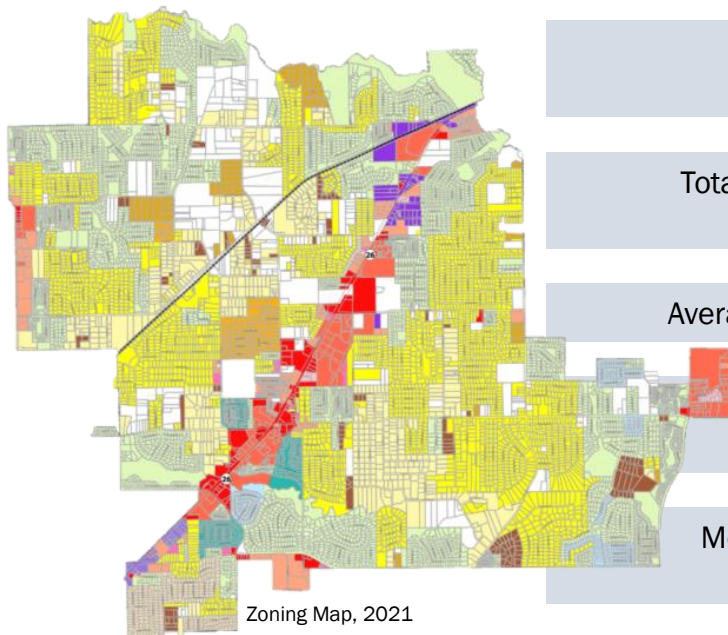
Current Population:
26,057 (2020)



Median Age: 48.6

Distribution by Age:

Under 18	23.4%
35-64	49.0%
65+	18.2%



Zoning Map, 2021

INCOME + HOUSEHOLD

Total Square Miles:
13.1

Total Number of Households:
9,311

Average Household Size: 2.91

Per Capita Income:
\$78,086

Median Household Income:
\$163,509

CITY COUNCIL



CONTACT US

If you have any questions regarding this report or Economic Development in Colleyville, please reach us via:

PHONE:

ECONOMIC DEVELOPMENT: 817.503.1112

PLANNING + ZONING: 817.503.1050

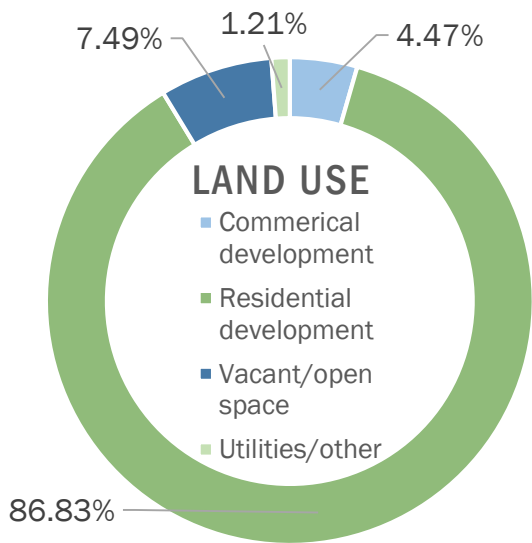
BUILDING INSPECTION: 817.503.1030

ONLINE:

<https://bit.ly/EcoDev1112>

Left to Right: Mayor Pro Tem Bobby Lindamood, Councilmember Kathy Wheat, Councilmember Callie Rigney, Mayor Richard Newton, Councilmember Tammy Nakamura, Councilmember George Dodson, Councilmember Chuck Kelley

DEVELOPMENT + LAND USE



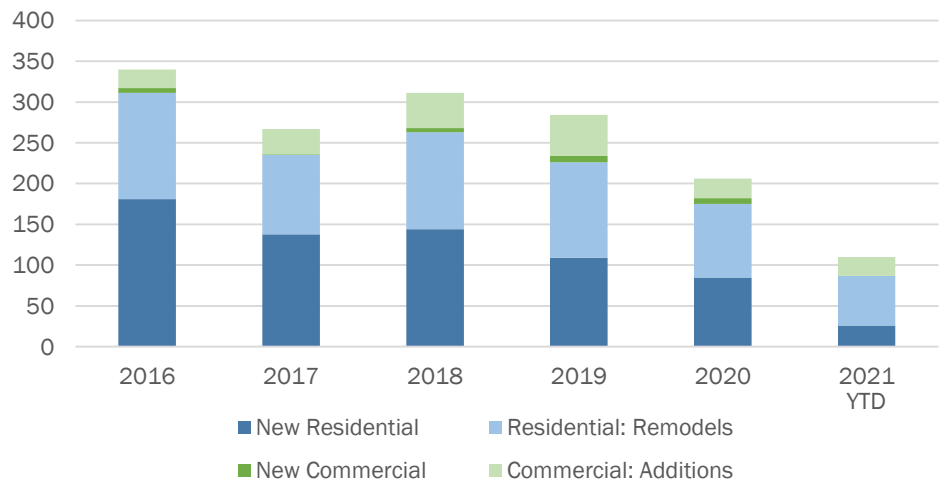
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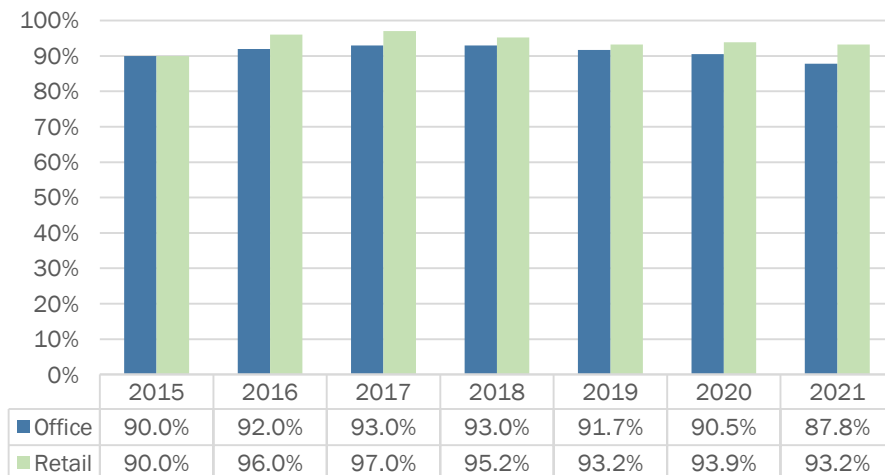
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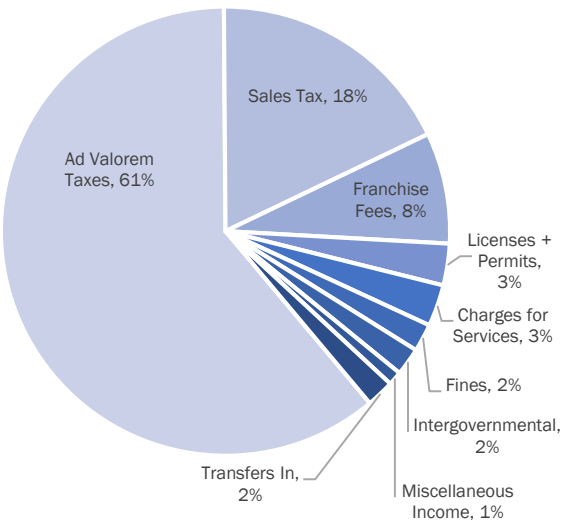
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PROPERTY TAX RATE + PROPERTY VALUE

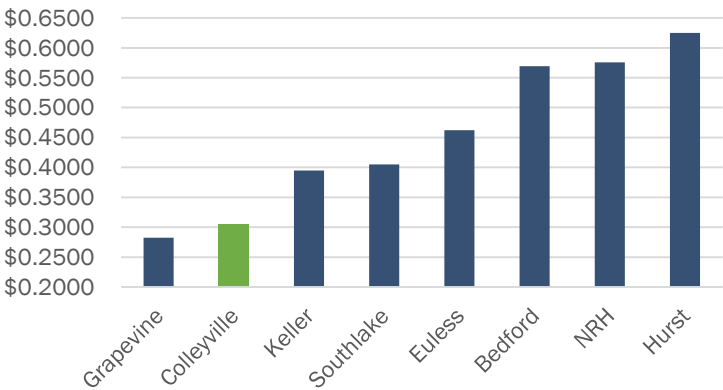


REVENUE

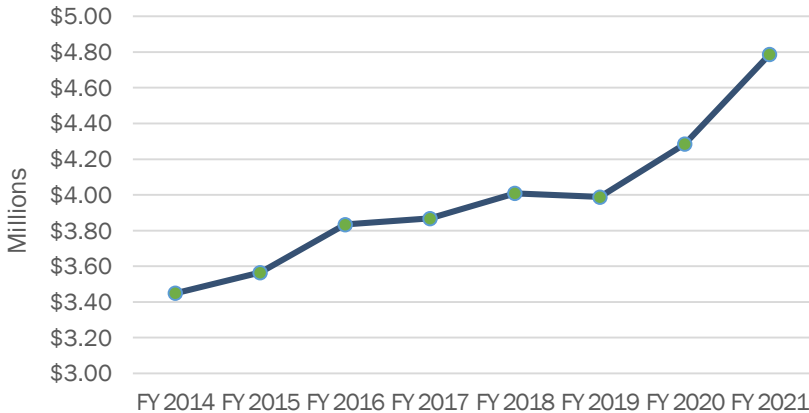


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City of Colleyville City Council Agenda Briefing

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Agenda Number WS-2

Agenda Date 12/7/2021

Type Worksession

Department City Manager

Title

Discussion of civic and wayfinding signage

Explanation

This agenda item provides for a presentation from design consultant MESA, regarding civic and wayfinding signage, as a further element of the City's beautification efforts. Staff is seeking direction from the City Council on general design preferences and interest in various types of civic signage.

Attachments

1. Signage Presentation

SH26

Colleyville Wayfinding

December 7, 2021
Project: 18023



DESTINATION COLLEYVILLE

Project Mission Statement:

To create a unique character for the 3 mile length of TX-26 that serves as the main corridor for the City of Colleyville.

Goals:

1. Strengthen the community connection of residents, businesses, and visitors through greater attention to the physical form and materiality of Colleyville's built environment.
2. Utilize design and placemaking to establish a civic character of the public realm, including signage, to foster a greater sense of community.

PRESENTATION OUTLINE

Accomplishments

- The SH26 lighting and median enhancements have transformed the City's primary commercial corridor
- The Gateway enhancements will further establish Colleyville's commitment to excellence
- The form and materiality of these enhancements inform future design elements including wayfinding signage

Commitments

- New entryway signage will be constructed at the Pastoral and Creekside Gateways
- Existing monument signage removed as part of the Main Street Gateway enhancements, creating a need to consider alternative signage strategies
- Develop new signage to identify The Village in a way that relates to other corridor elements

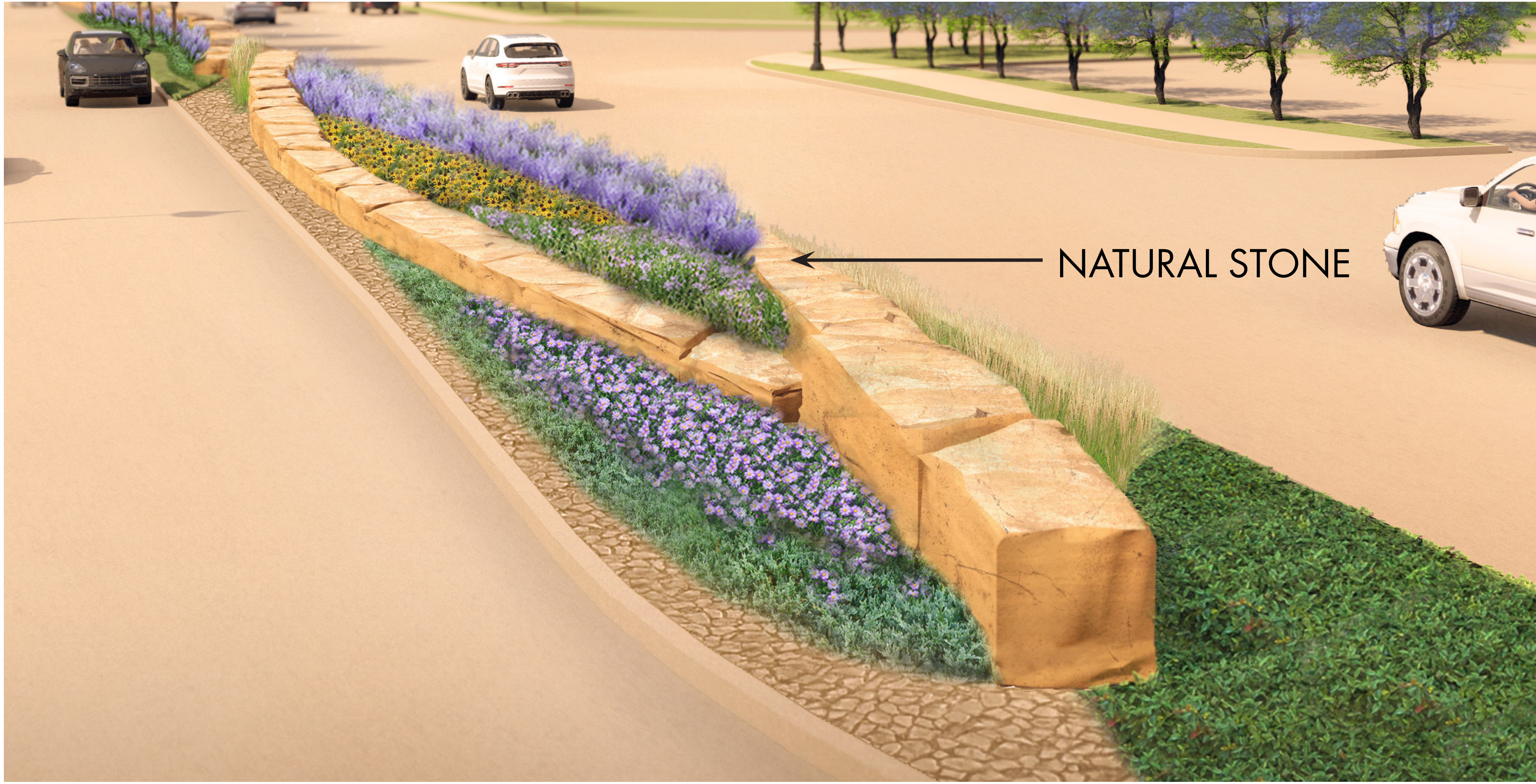
Opportunities

- Take a long-term strategic approach to community signage, considering future potential elements that may be added
- Recognize that continuity in signage types throughout the city reinforces Colleyville's image
- Consider developing a coordinated menu of community signage options, with individual types expanded to new locations or introduced over time
- Consider the desire for future signage such as wayfinding signage, permanent signage solutions for advertising community events, and updated park and trail signage

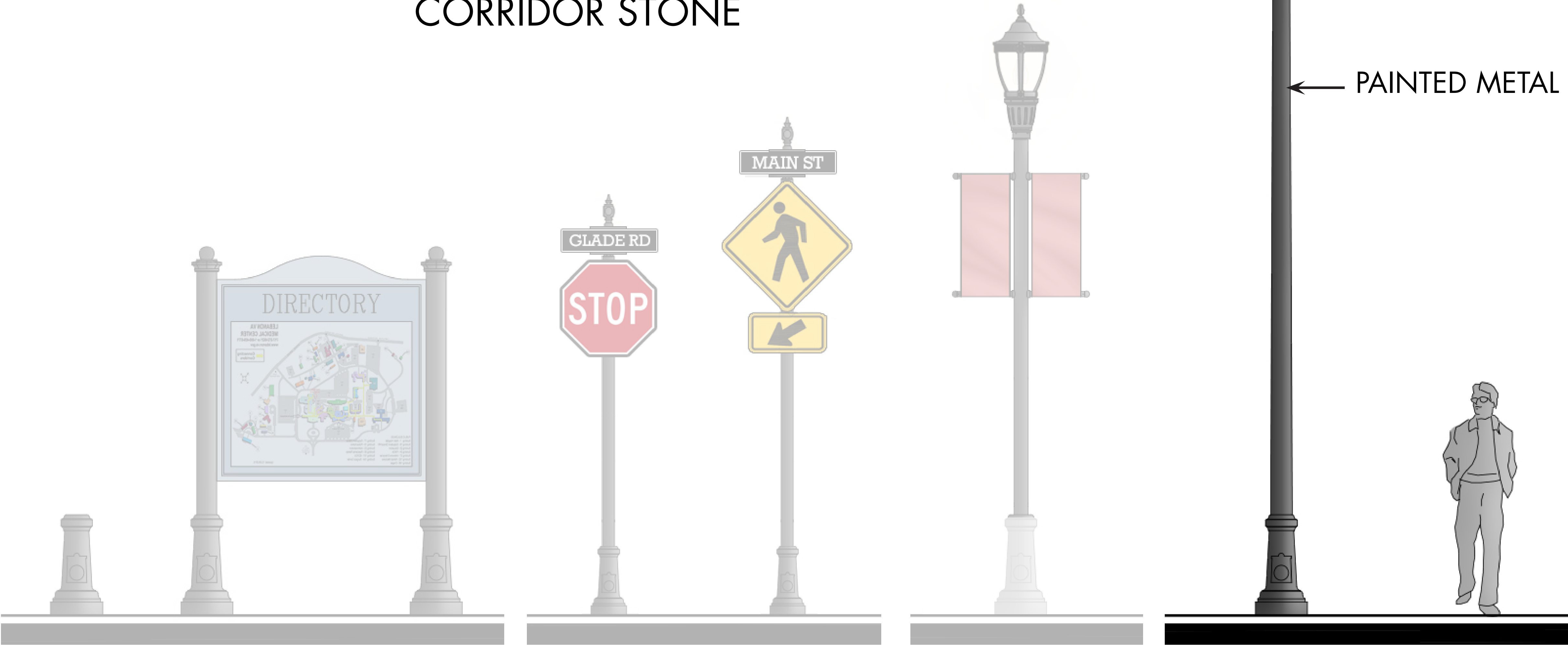




GATEWAY TOWER FAMILY



CORRIDOR STONE



ROADWAY LIGHTING FAMILY

An aerial photograph of a suburban town, showing a mix of residential houses, commercial buildings, and green spaces. A major road runs diagonally through the center of the image. The text is overlaid on the center of the image.

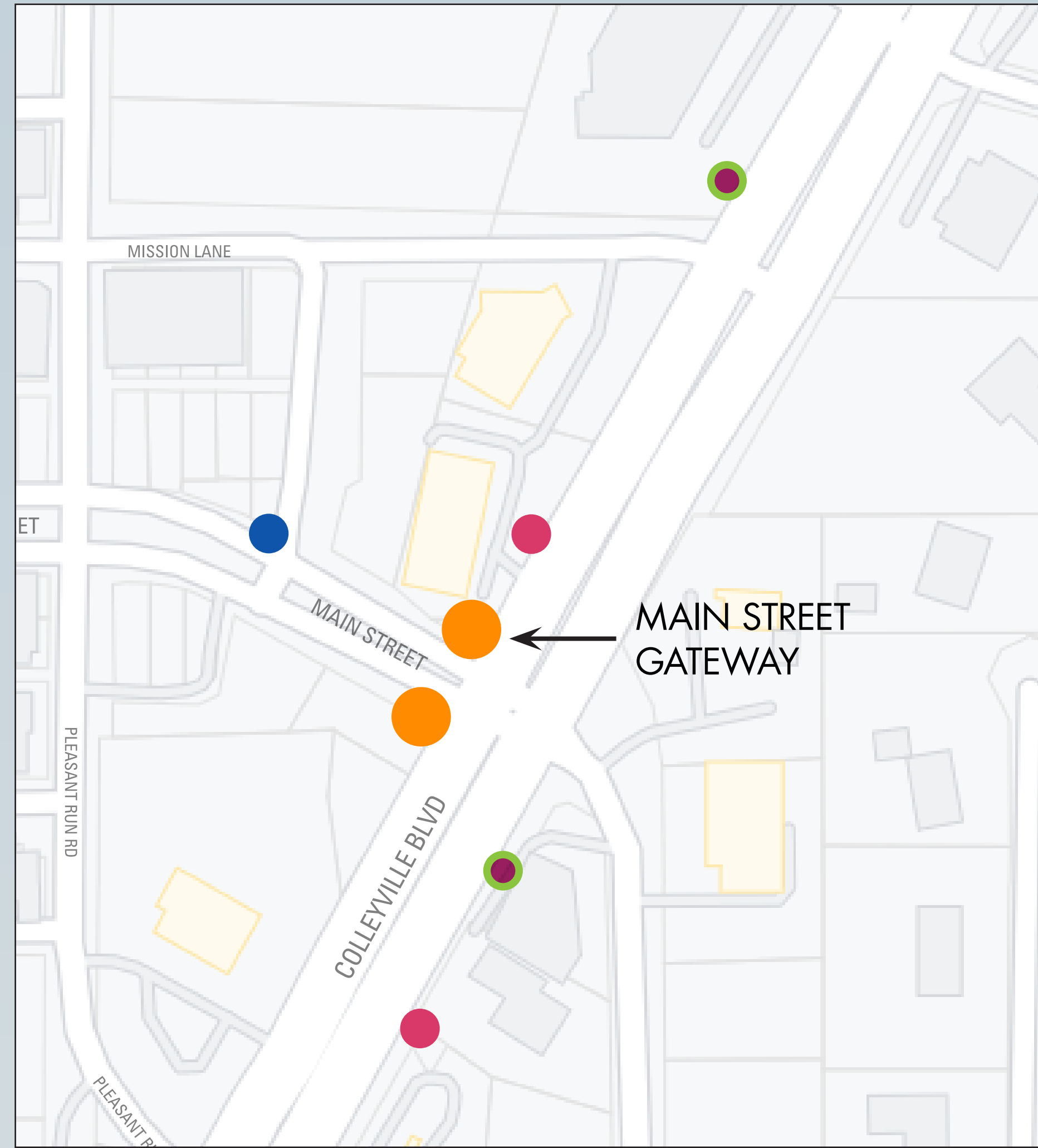
COMMITMENTS

The Village Signage

- Existing tower removed as part of the Main Street Gateway enhancements
- Develop new signage to identify The Village in a way that relates to other corridor elements
- Inappropriate to have private signage on civic gateway element

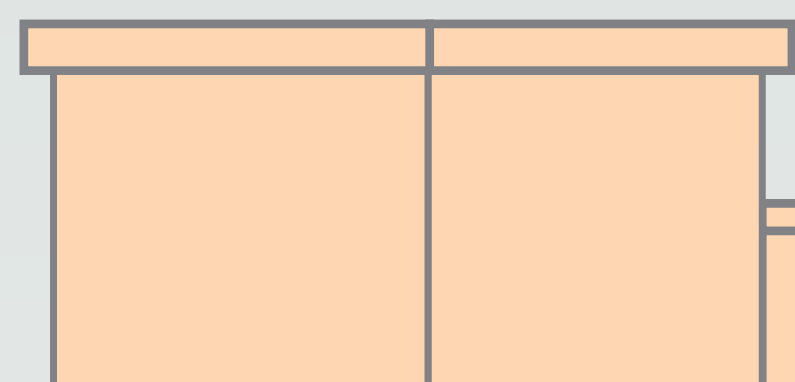
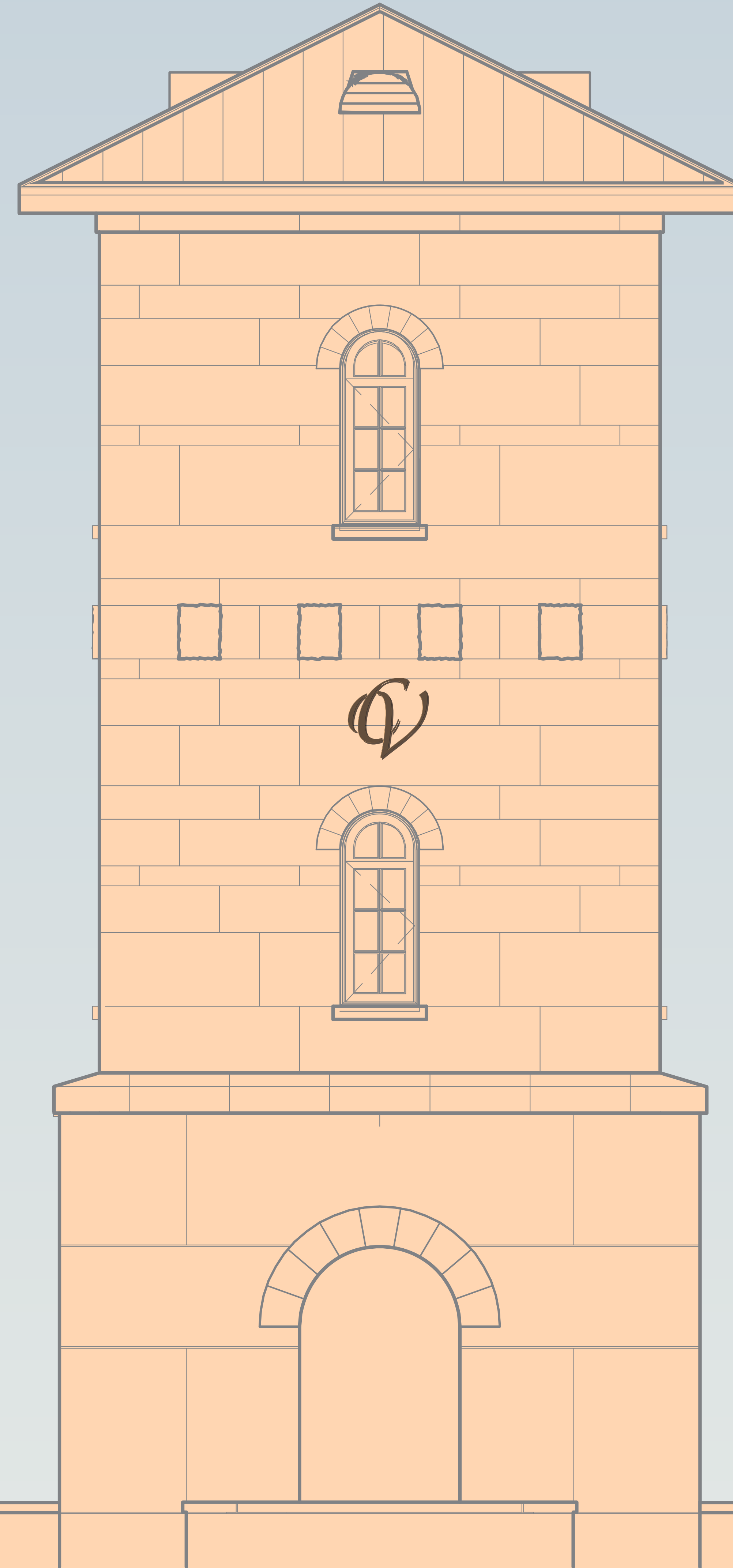






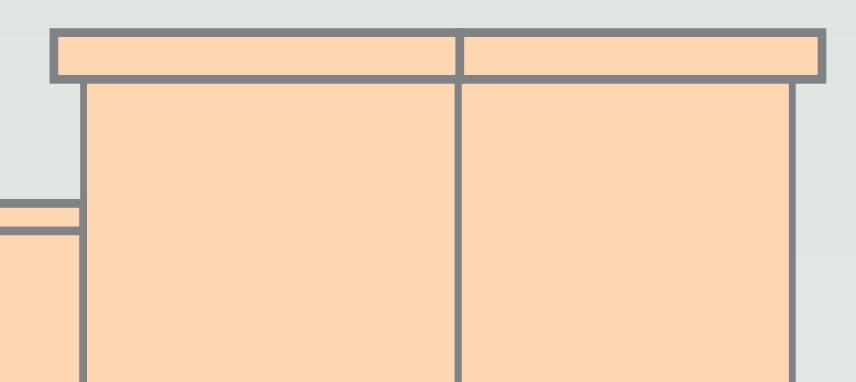
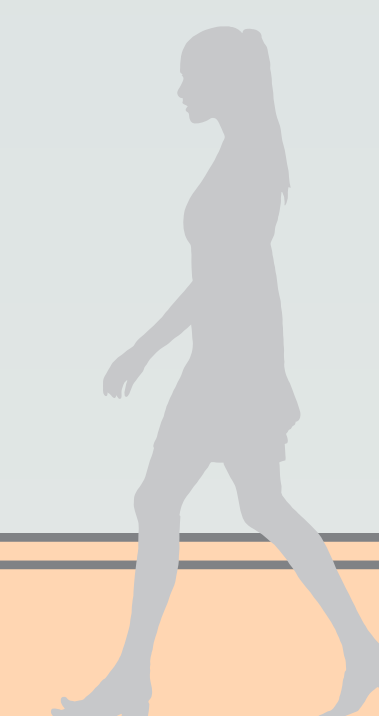
MAP KEY

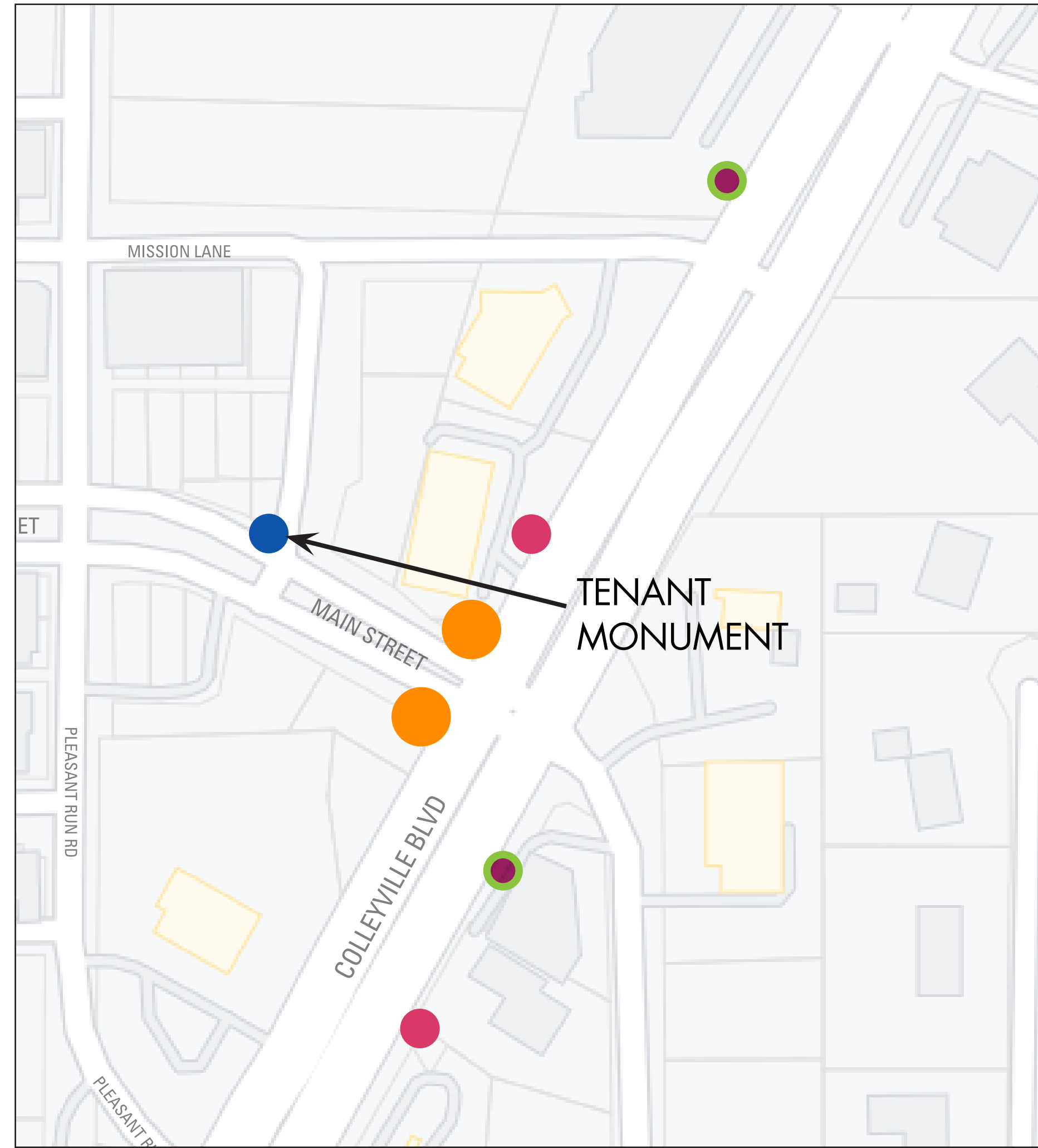
- Main Street Gateway
- Vehicular Directional
- Digital Events / Vehicular
- Digital Events / Pedestrian
- Pole Mounted Directional
- Tenant Monument



2'-0"
13'-8"
THE VILLAGE

PAINTED
ALUMINUM
CHANNEL
LETTERING



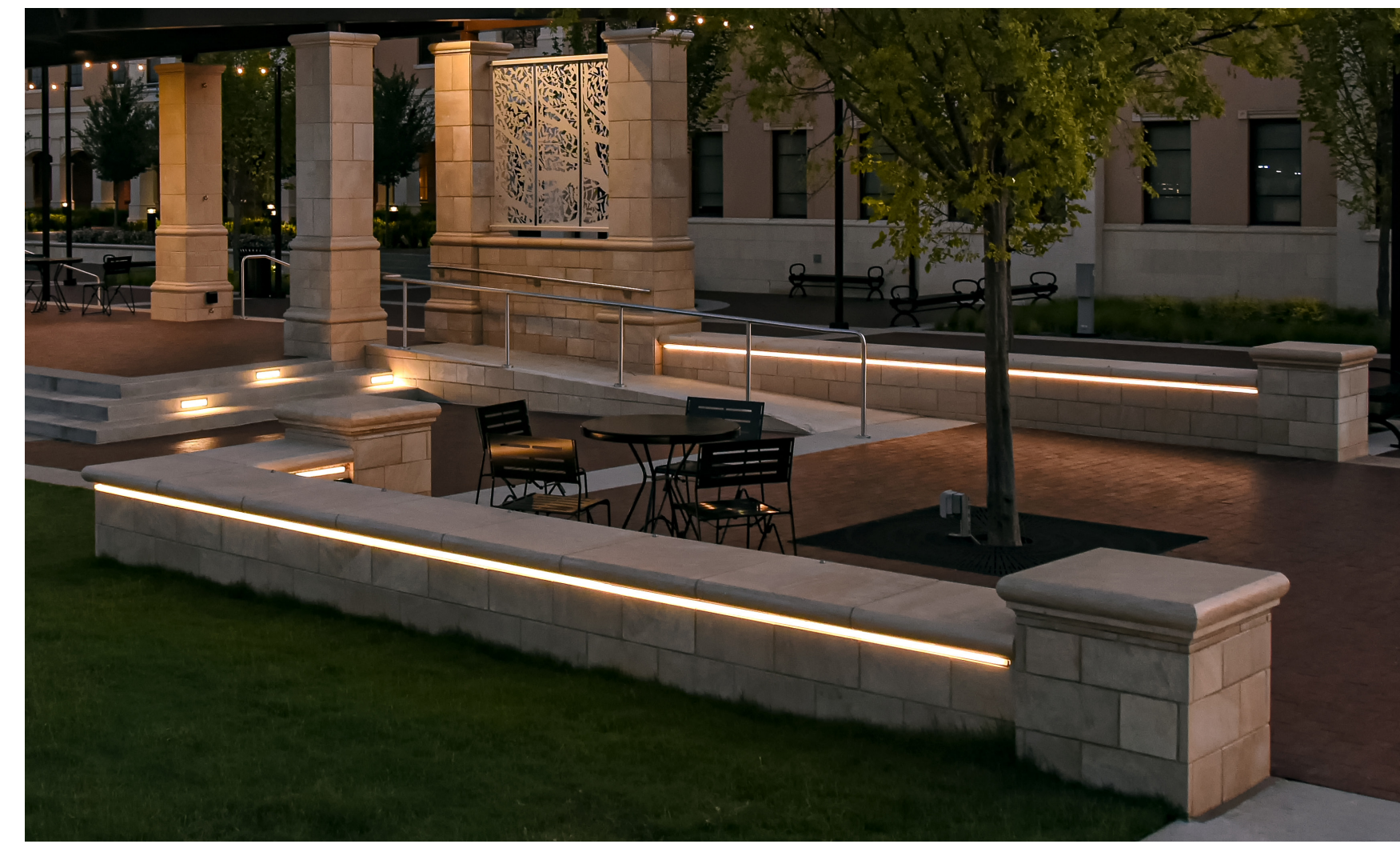


MAP KEY

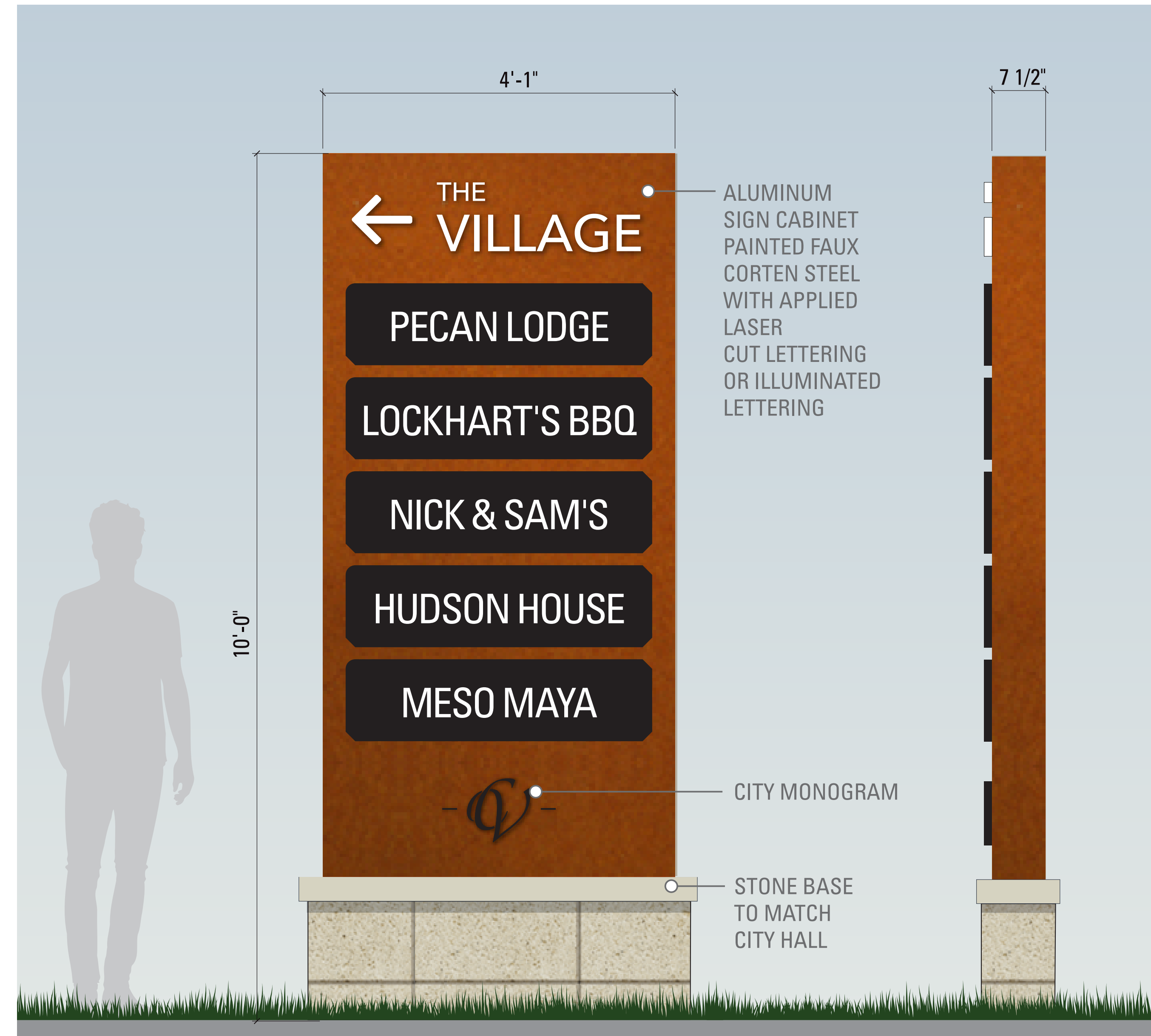


Option A - Village Only

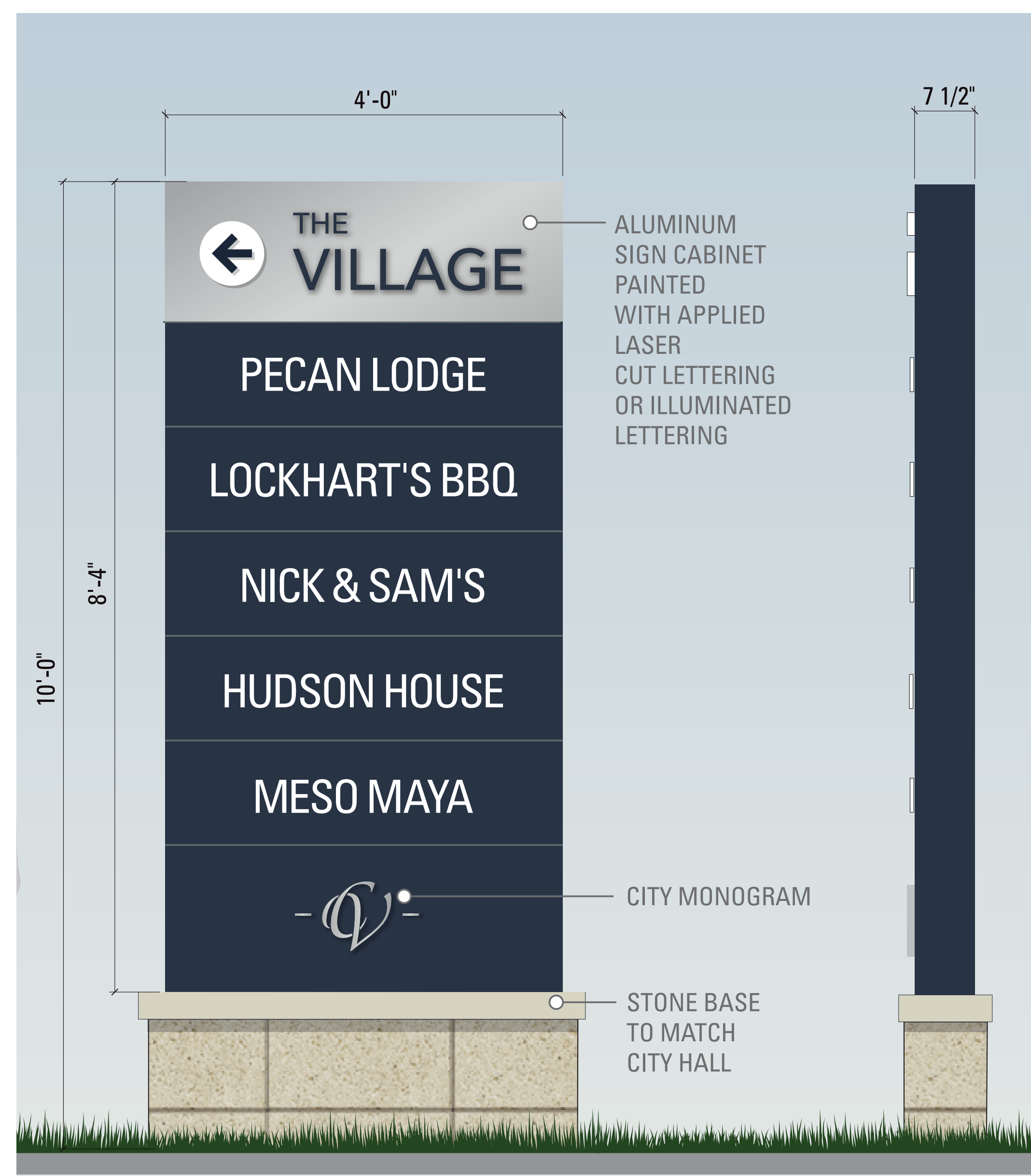
- Main Street Gateway
- Vehicular Directional
- Digital Events / Vehicular
- Digital Events / Pedestrian
- Pole Mounted Directional
- Tenant Monument



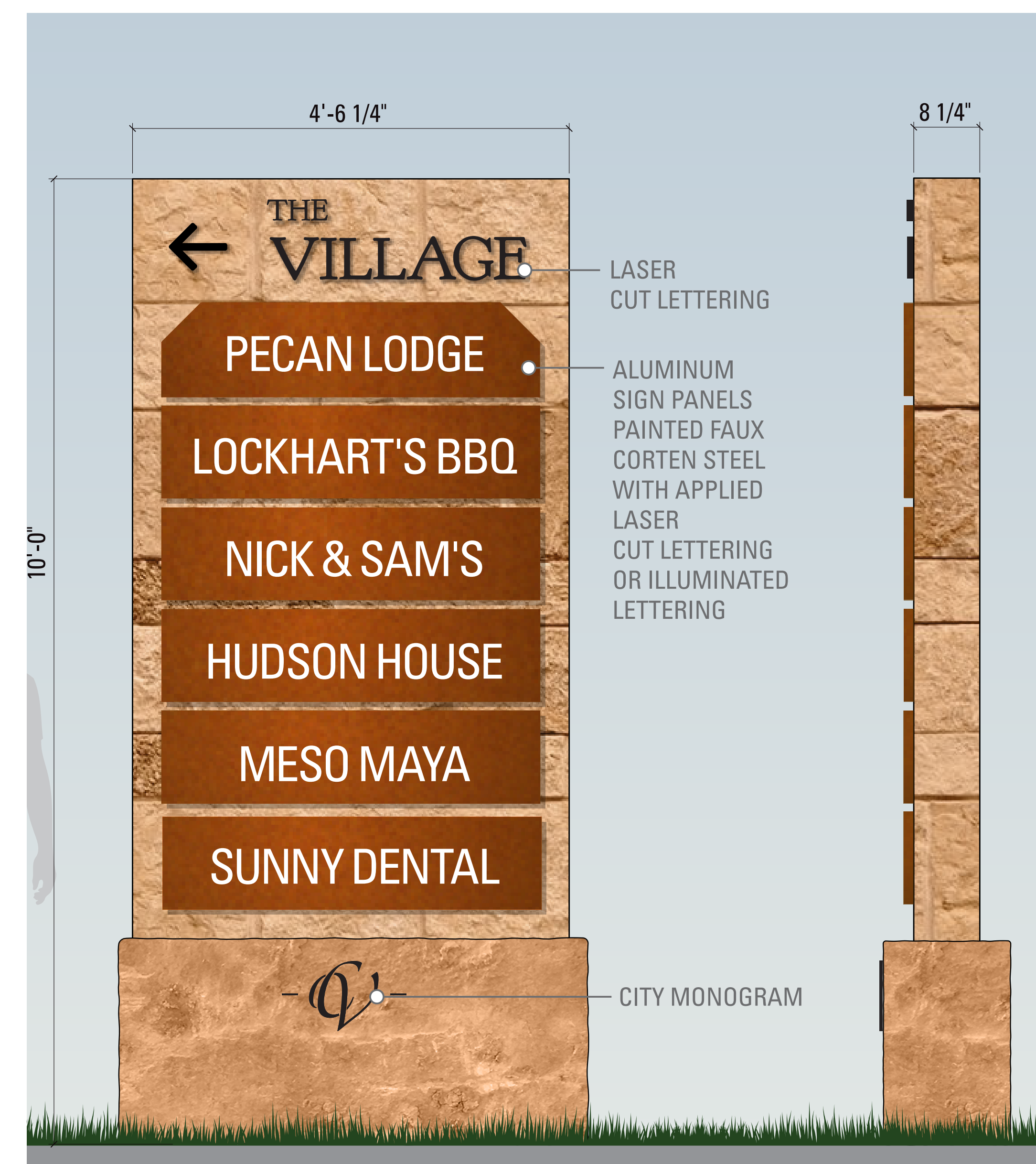
INSPIRATION



Option B



Option C



Option D



Option B



Option C

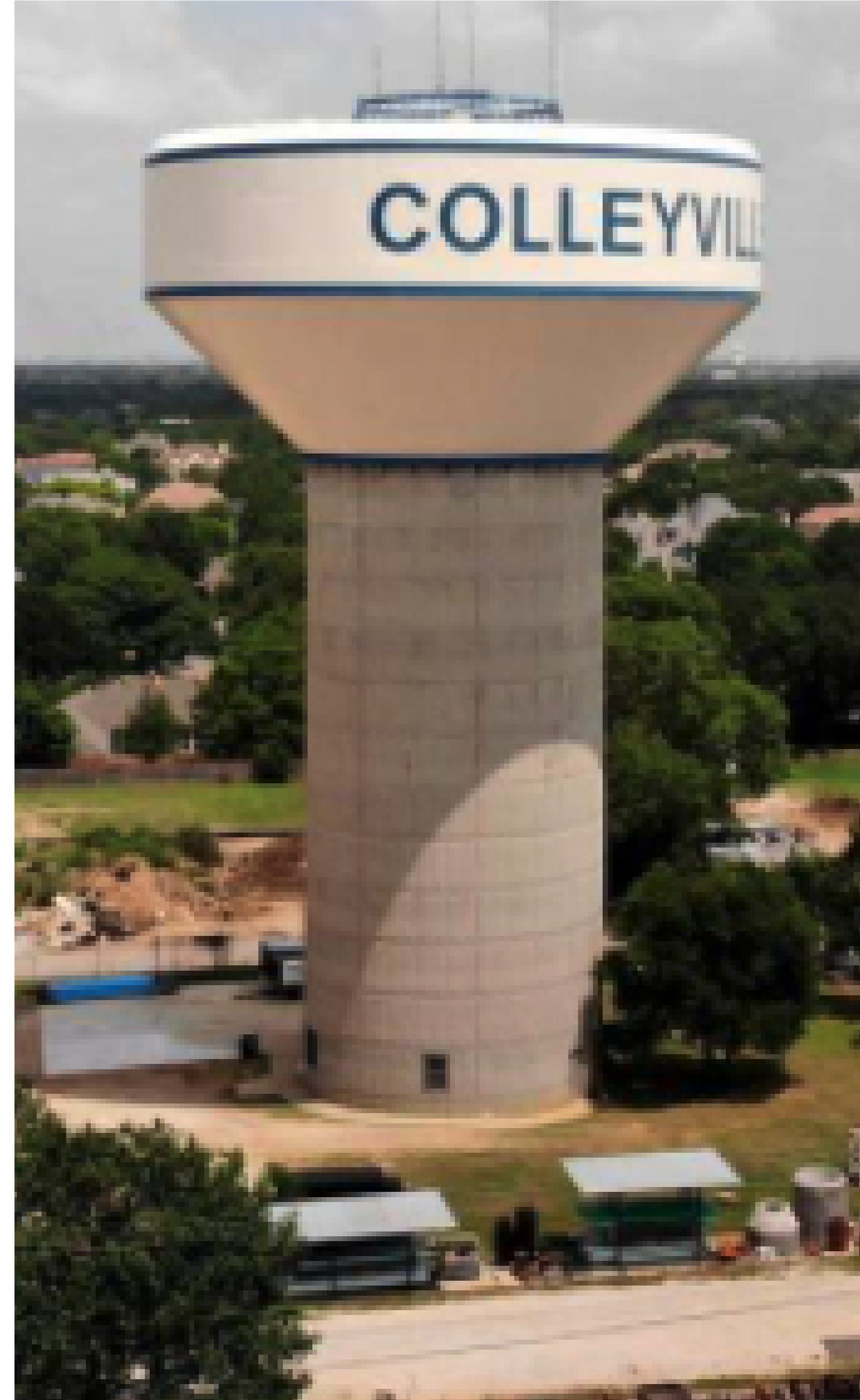
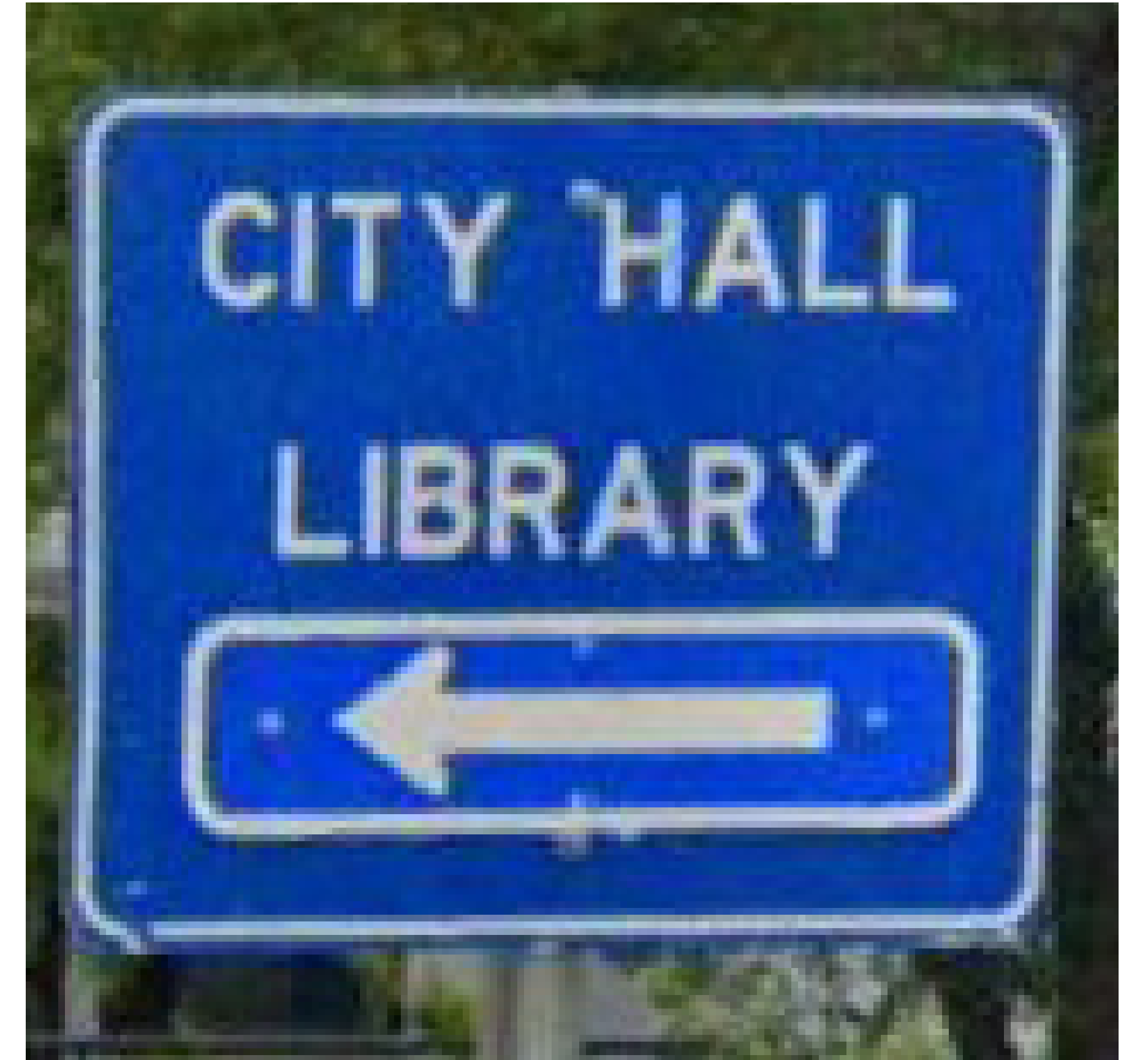


Option D

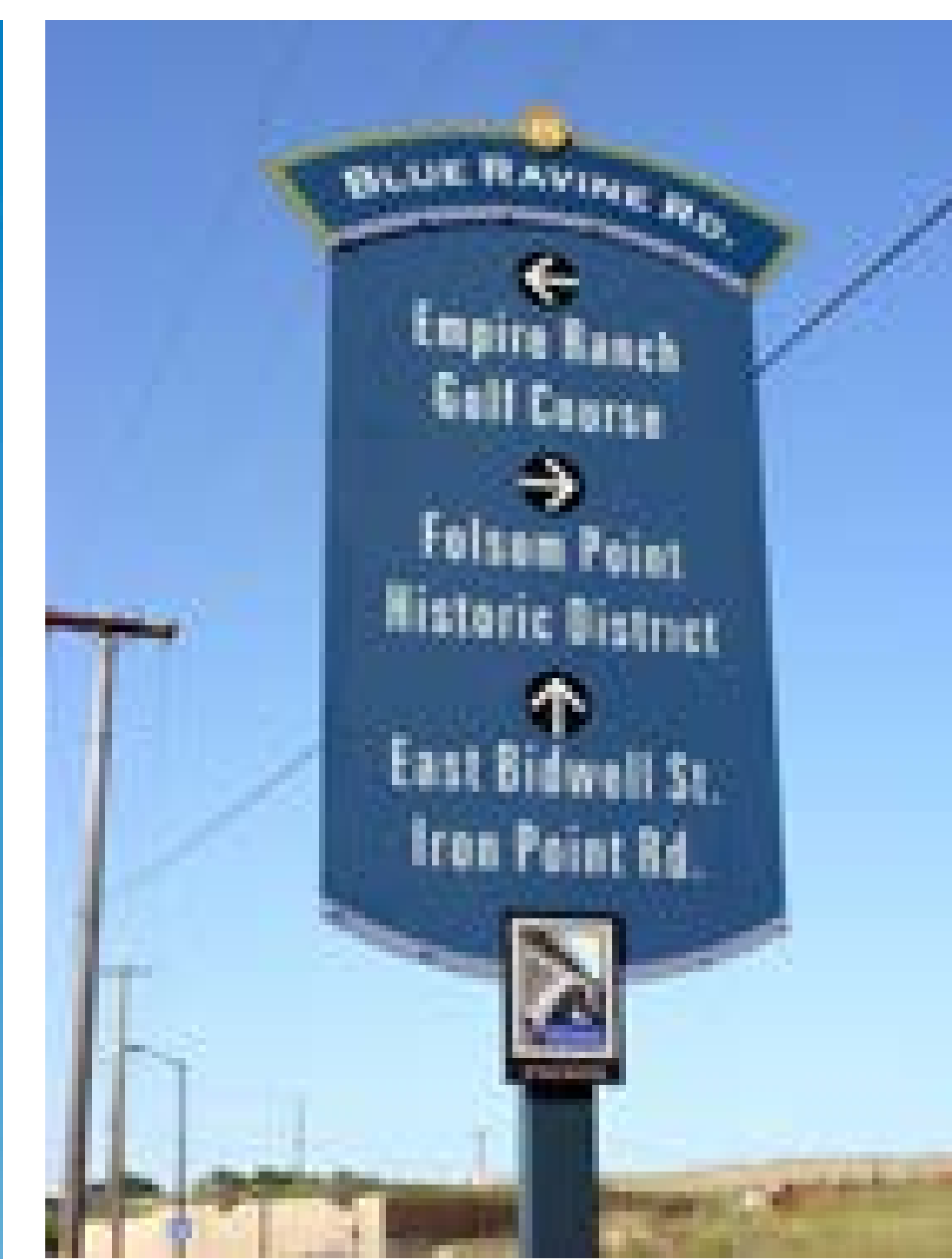
An aerial photograph of a suburban neighborhood. The image shows a mix of residential houses, green trees, and a paved road. The text is overlaid in the center.

OPPORTUNITIES

Civic Placemaking

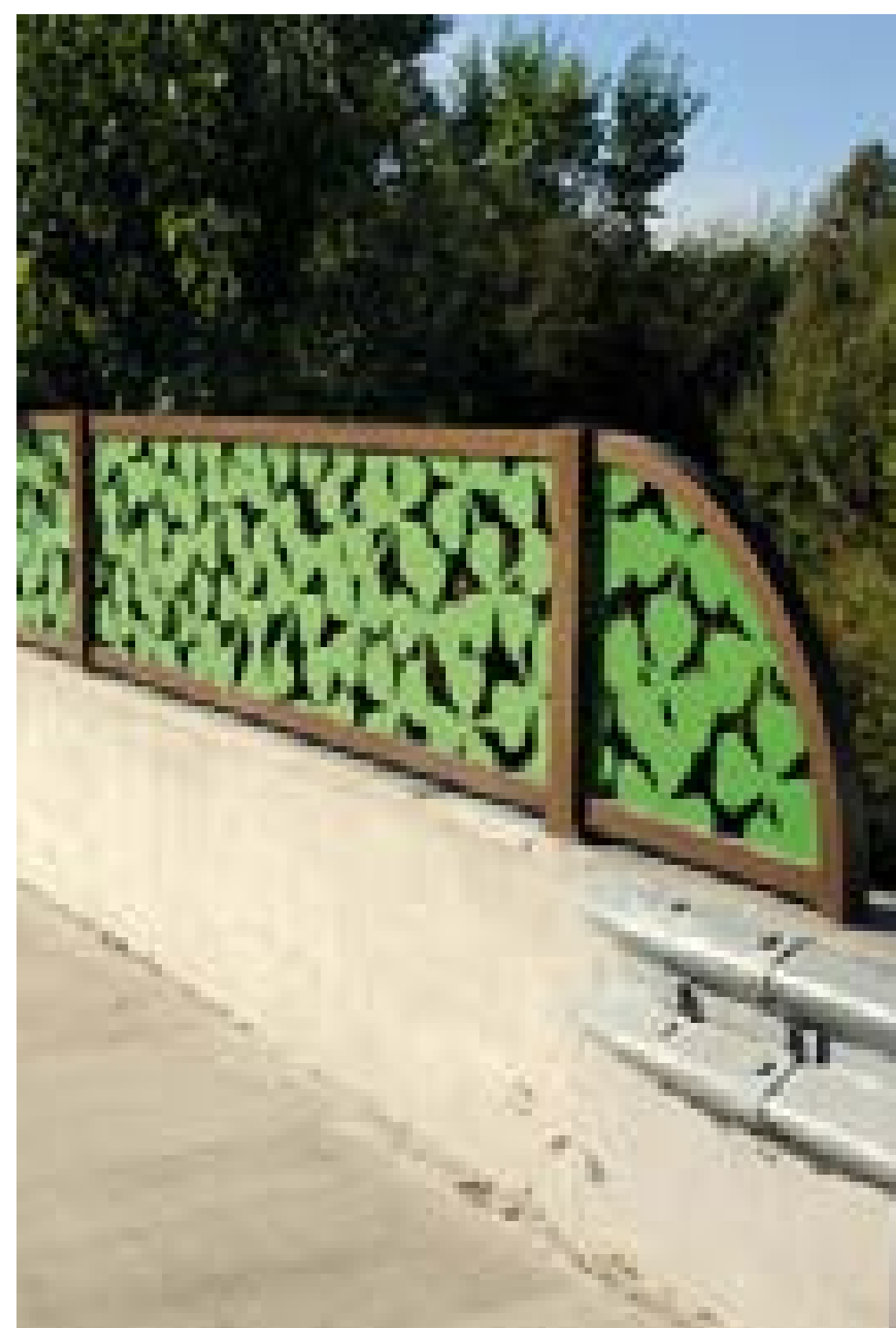






The design of the public realm, including signing, is essential to establishing a civic character and a stronger sense of community.

The character of streets, parks & other public spaces should contribute toward one connective framework that helps define Colleyville's personality.



Logo Monogram
becomes pattern



Iconic City Logo reads
as a Monogram



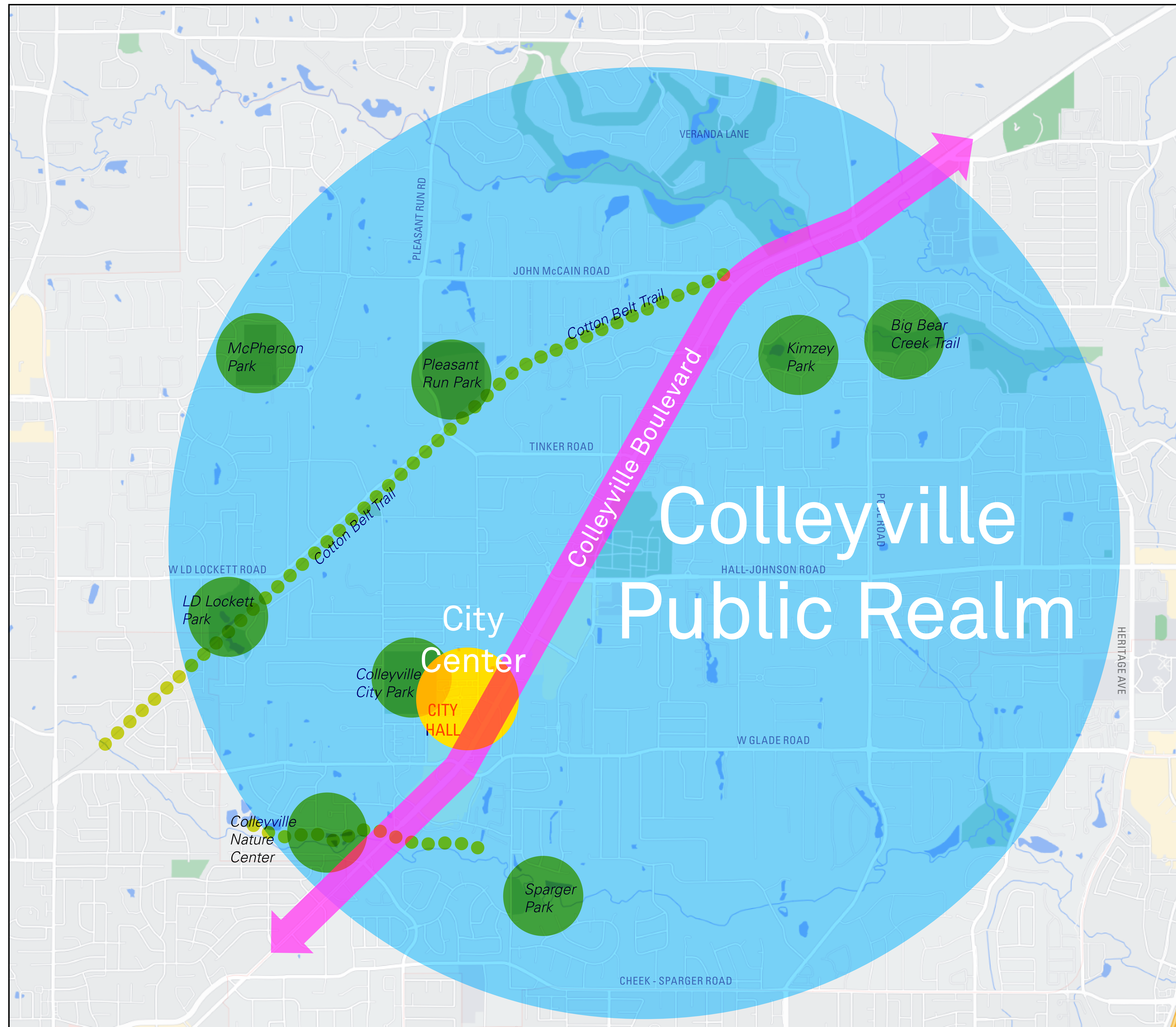
Simple Monograms
can be scaled
down and maintain
legibility

Simple Monograms
offer greater legibility

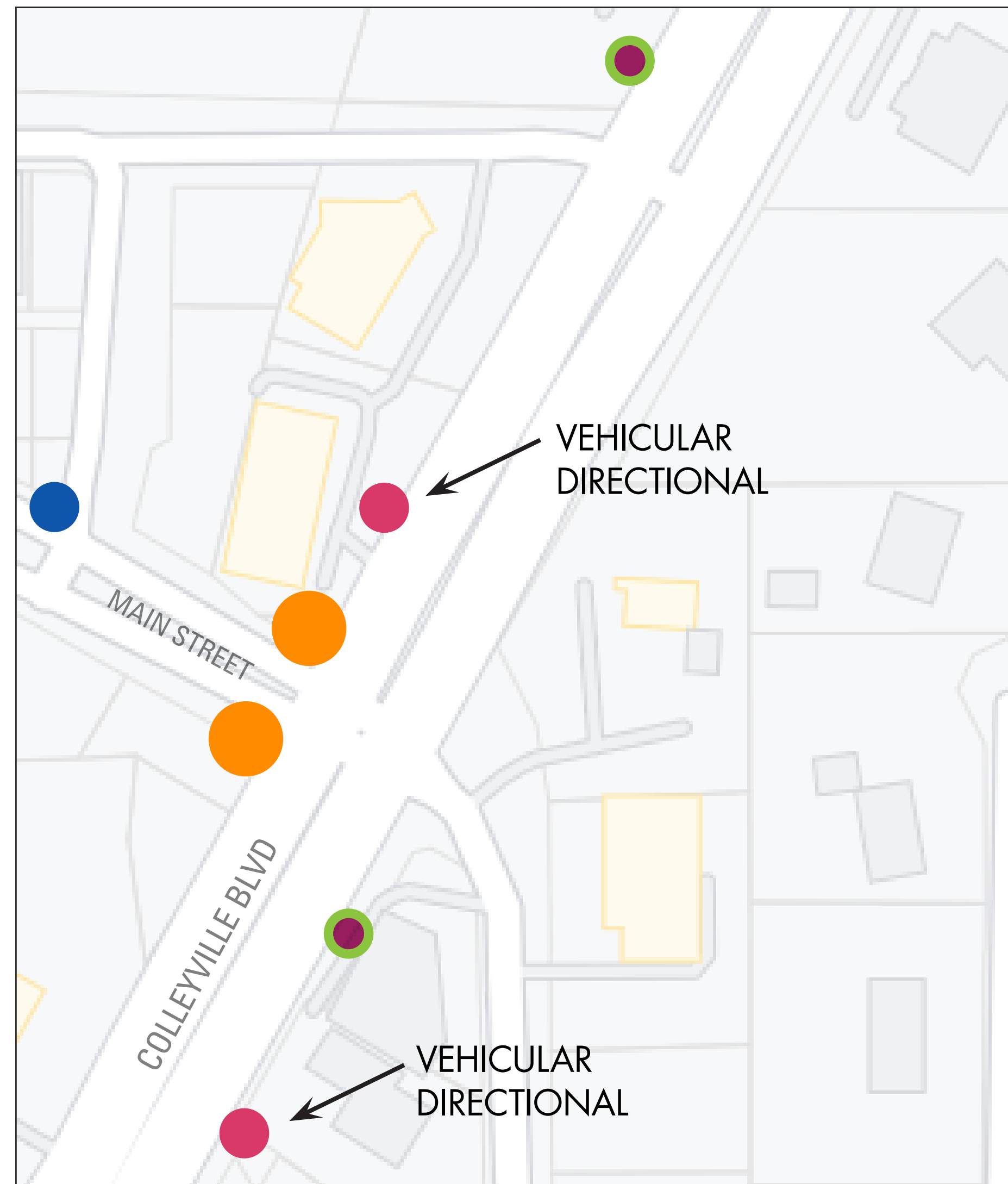


Complex Logos
reduce legibility

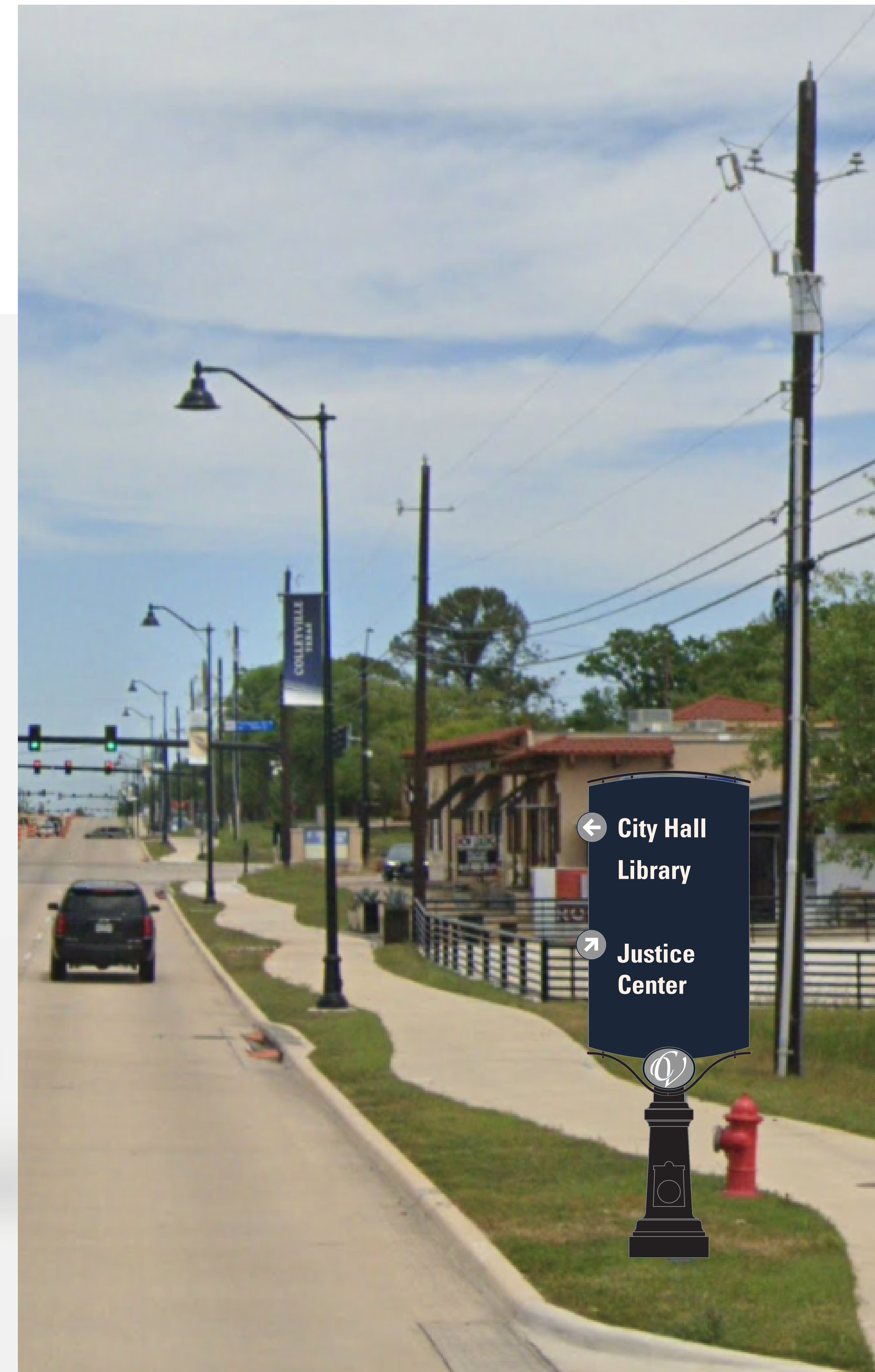
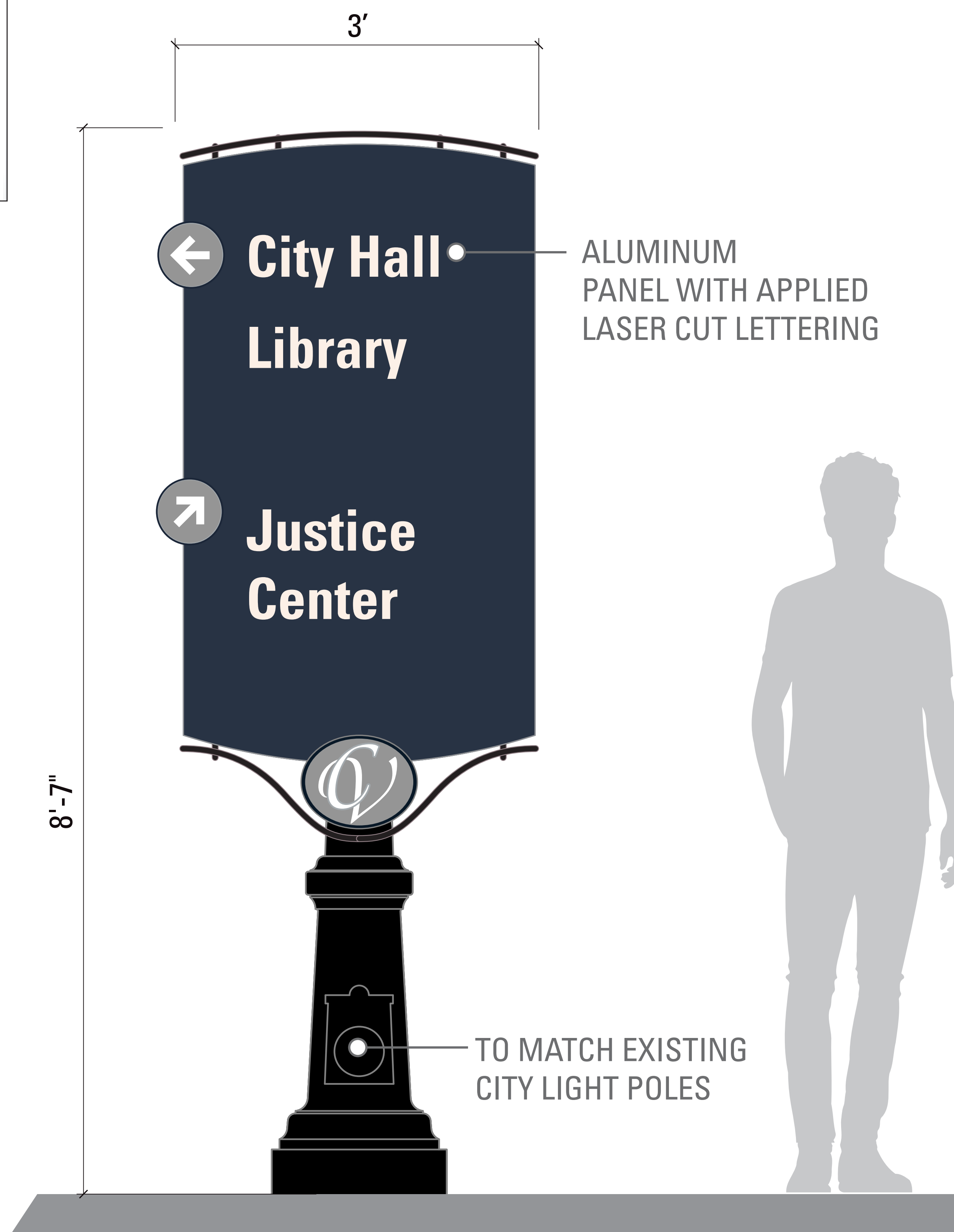


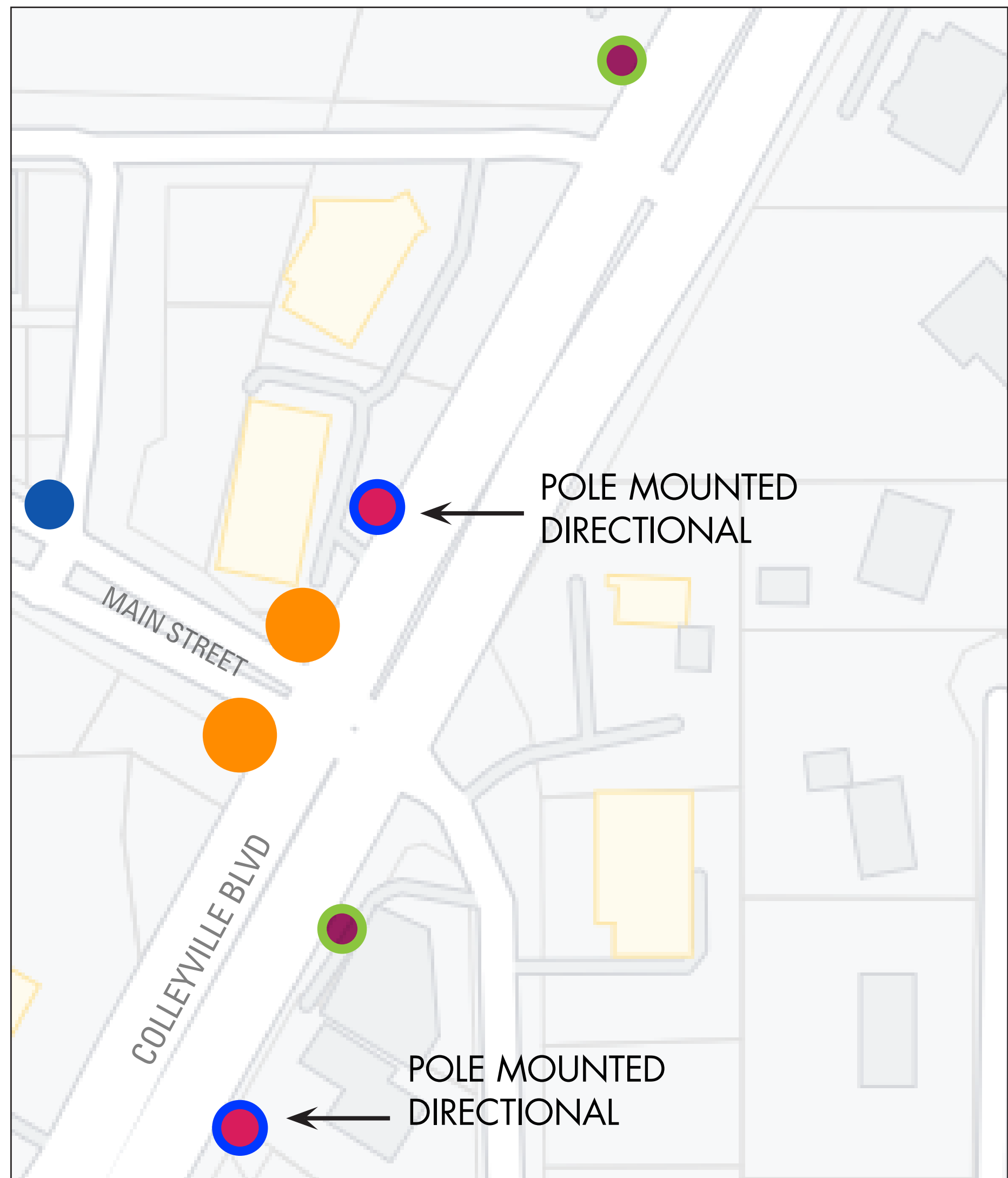


The Public Realm Wayfinding program places emphasis on neighborhood connectivity. Designed to programmatically support public amenities, the wayfinding program seeks to connect current and future residents to their community.



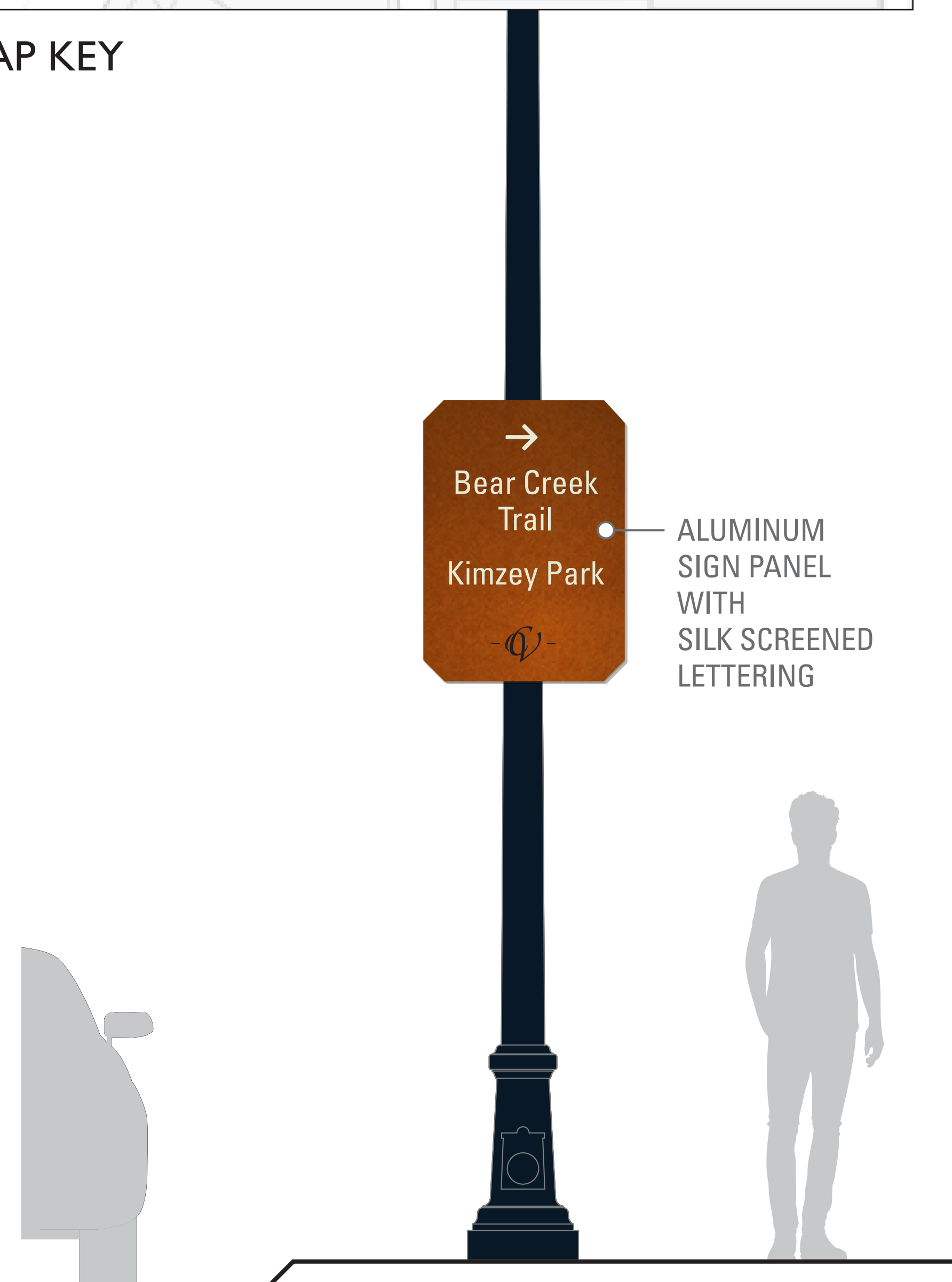
- Main Street Gateway
- Vehicular Directional
- Digital Events / Vehicular
- Digital Events / Pedestrian
- Pole Mounted Directional
- Tenant Monument





MAP KEY

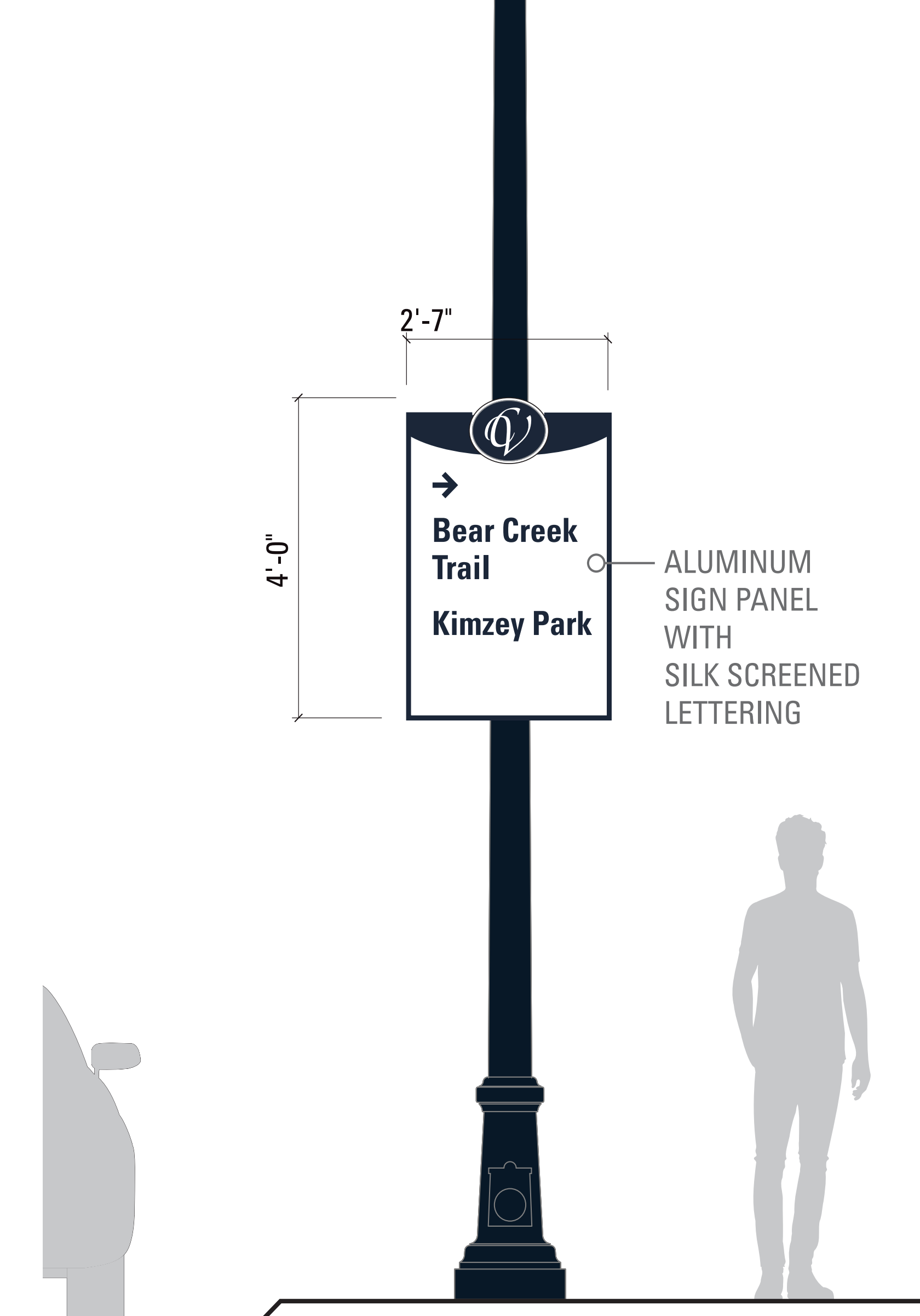
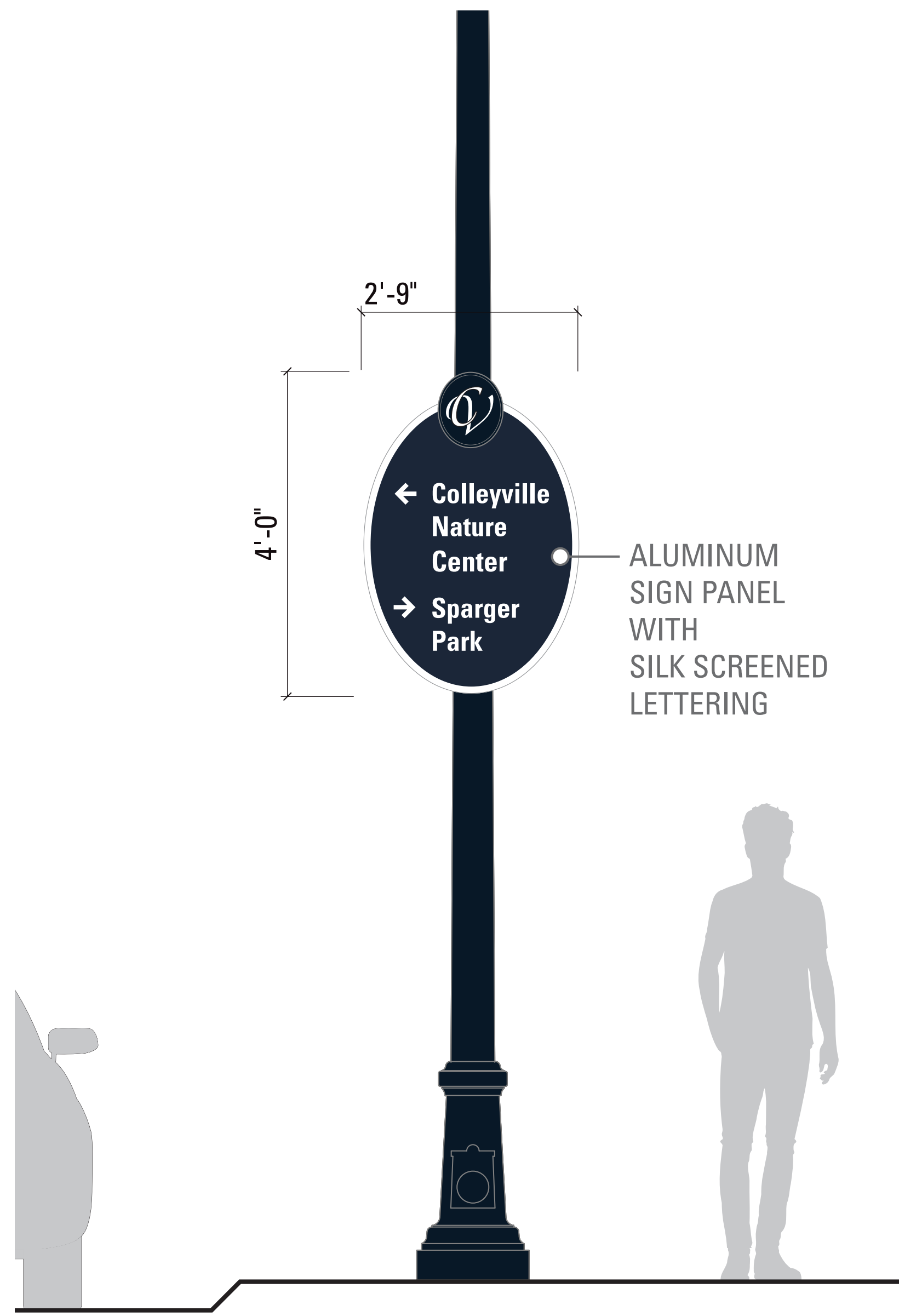
- Main Street Gateway
- Vehicular Directional
- Digital Events / Vehicular
- Digital Events / Pedestrian
- Pole Mounted Directional
- Tenant Monument



Option A

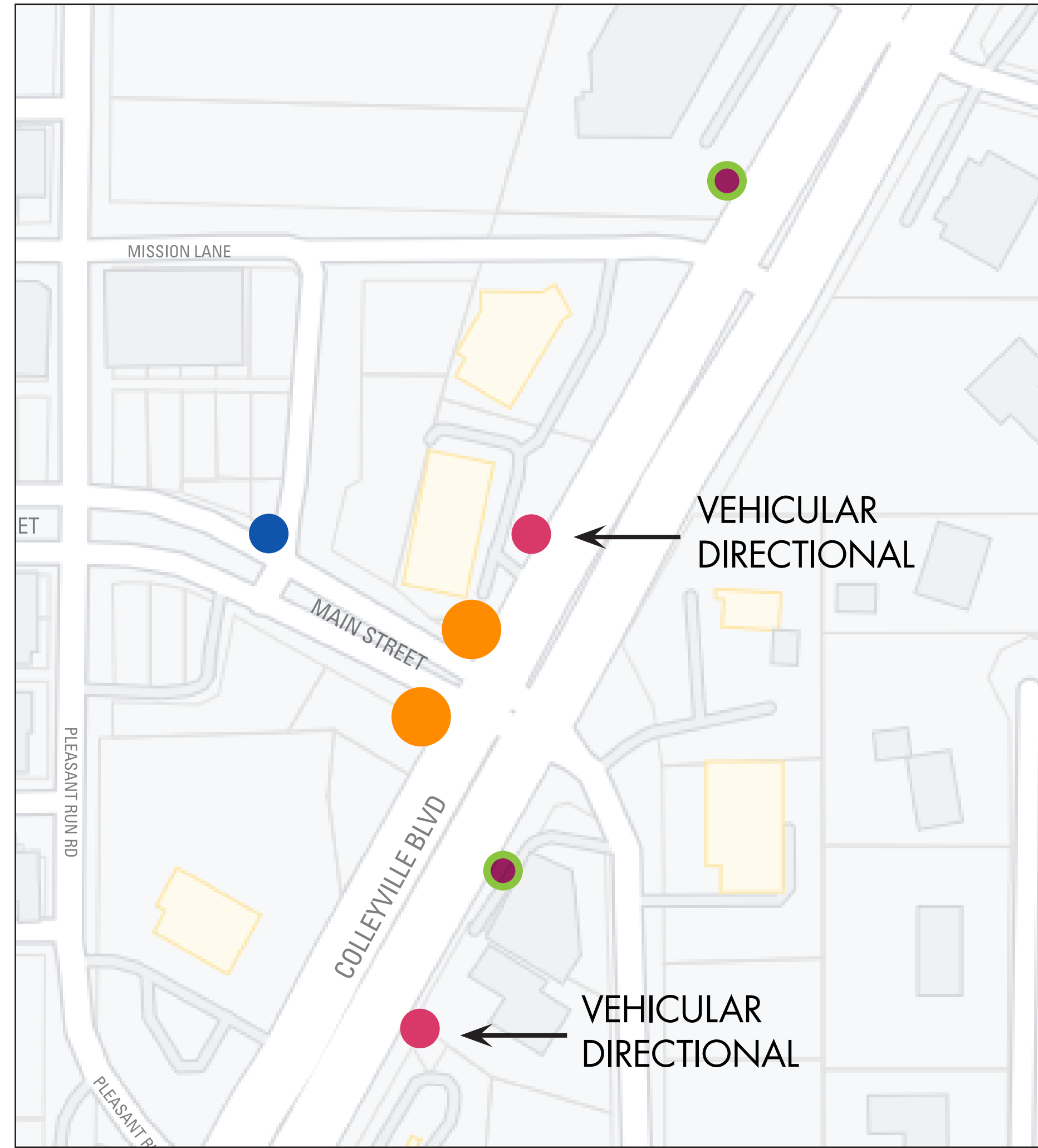


Option 1B



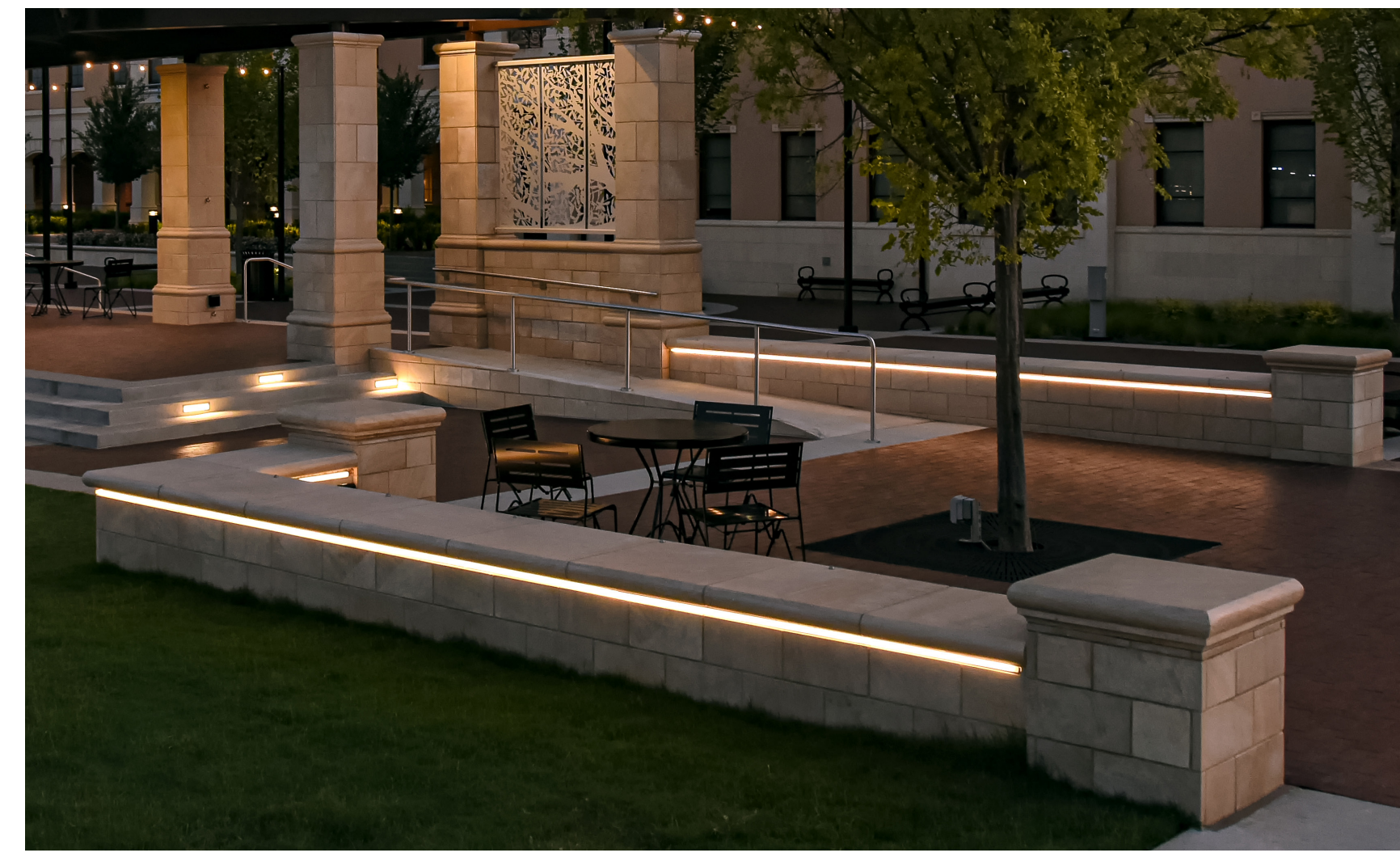
Option 2B



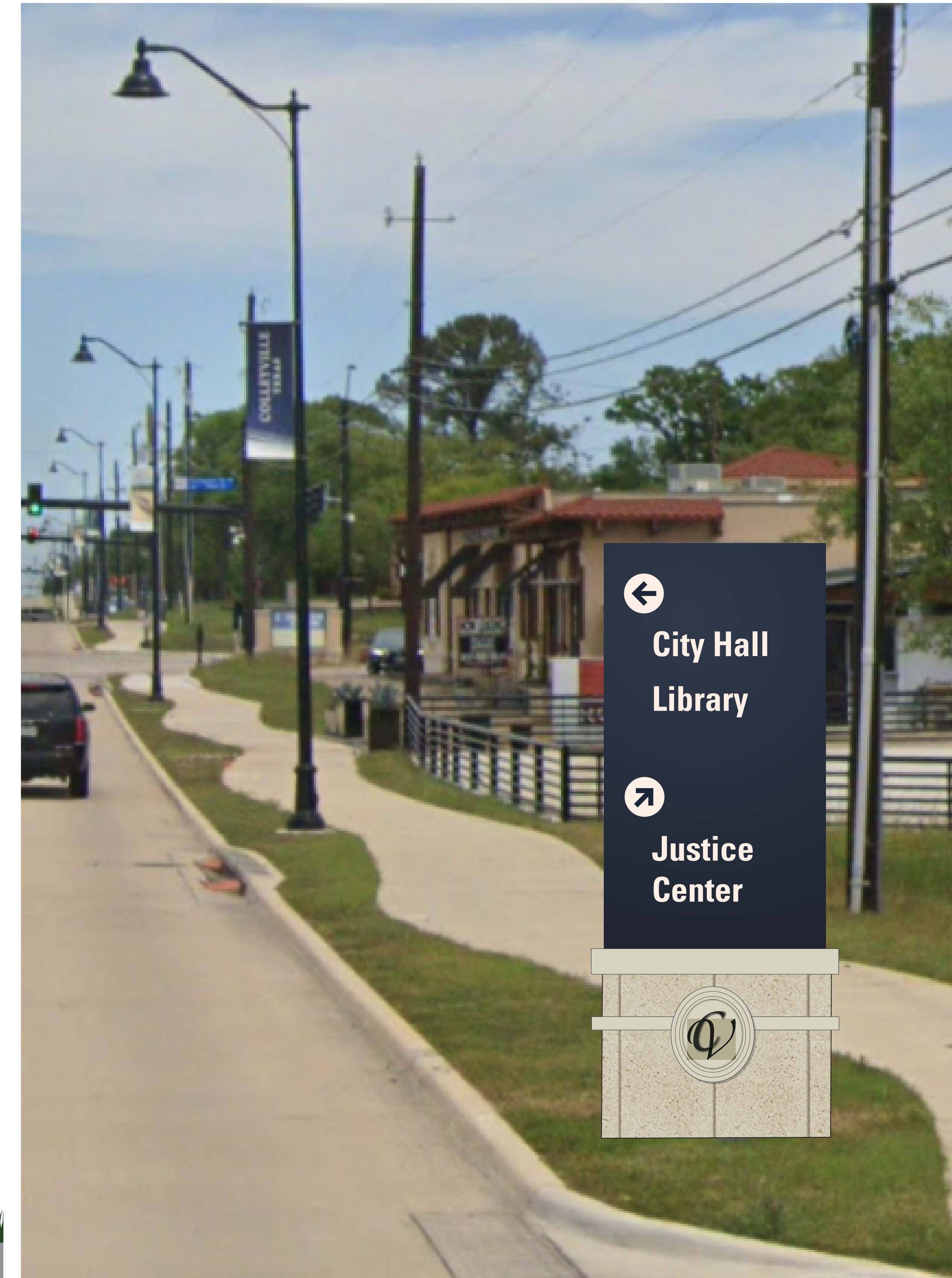
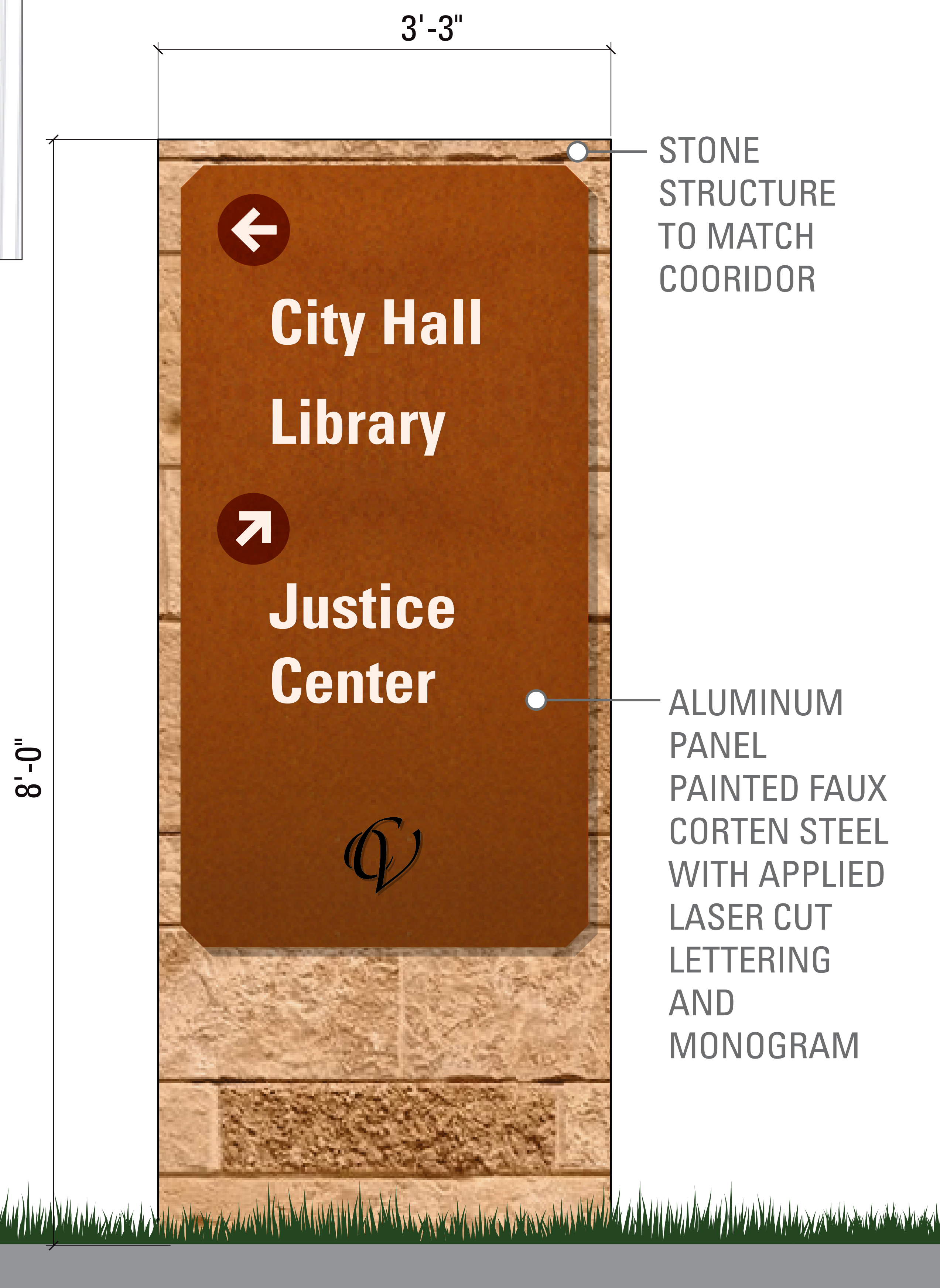


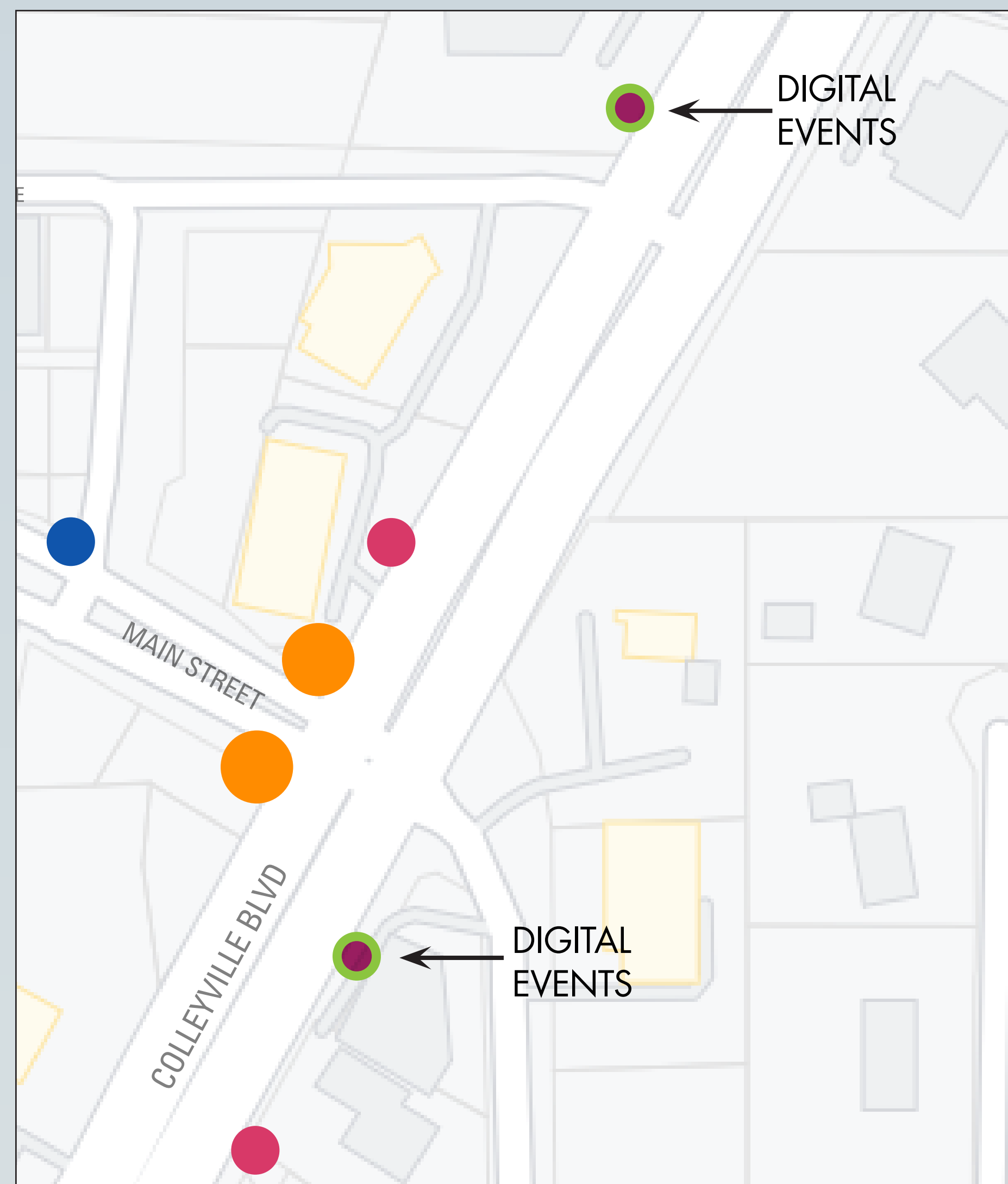
MAP KEY

- Main Street Gateway
- Vehicular Directional
- Digital Events / Vehicular
- Digital Events / Pedestrian
- Pole Mounted Directional
- Tenant Monument



INSPIRATION





- Main Street Gateway
- Vehicular Directional
- Digital Events / Vehicular
- Digital Events / Pedestrian
- Pole Mounted Directional
- Tenant Monument

MAP KEY



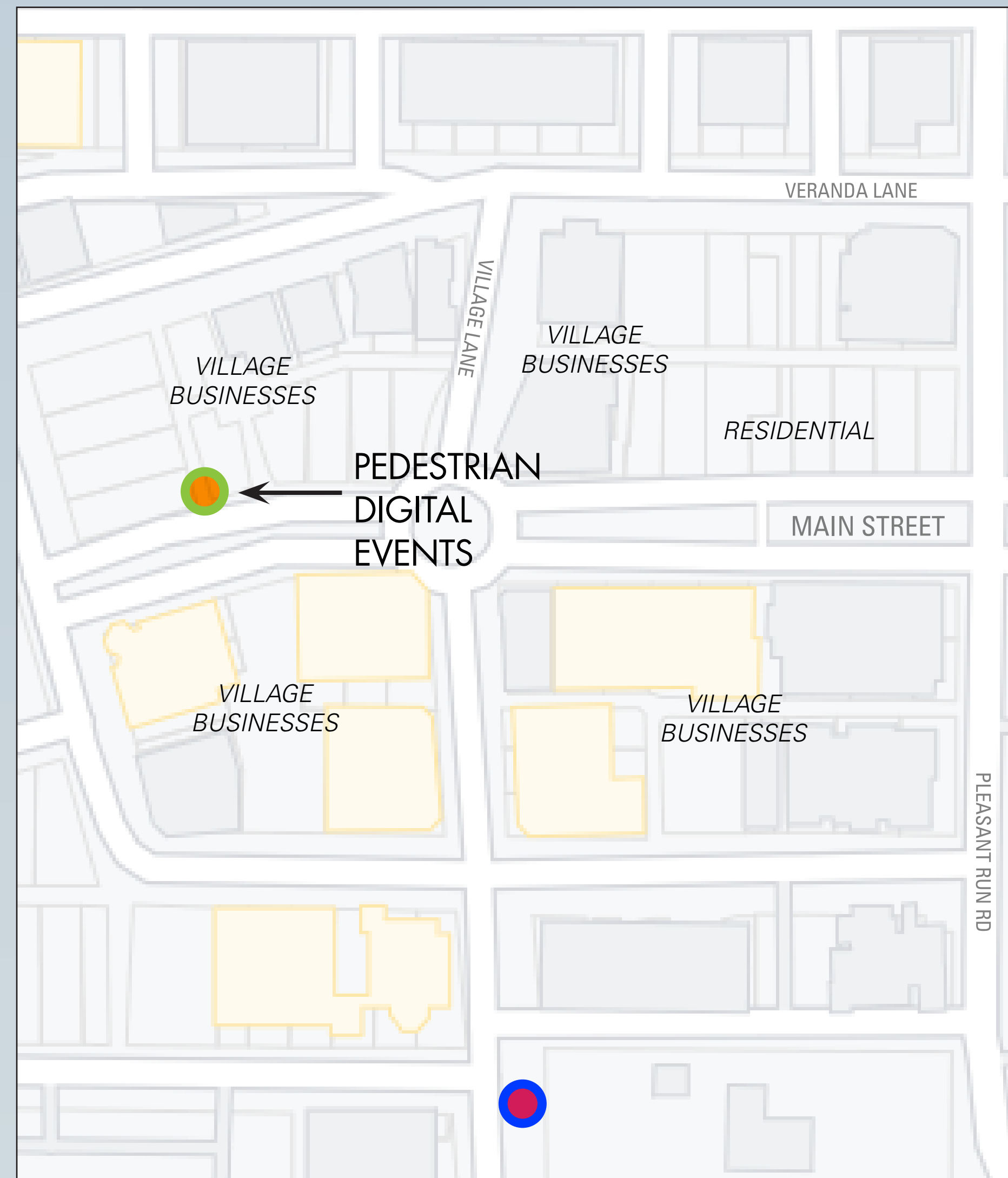
Masonry Concept - Horizontal



Pole Concept - Horizontal



Pole Concept - Vertical



MAP KEY

- Main Street Gateway
- Vehicular Directional
- Digital Events / Vehicular
- Digital Events / Pedestrian
- Pole Mounted Directional
- Tenant Monument



7'-10"



Front View

PAINTED ALUMINUM SIGN CABINET WITH APPLIED LASER CUT LETTERING

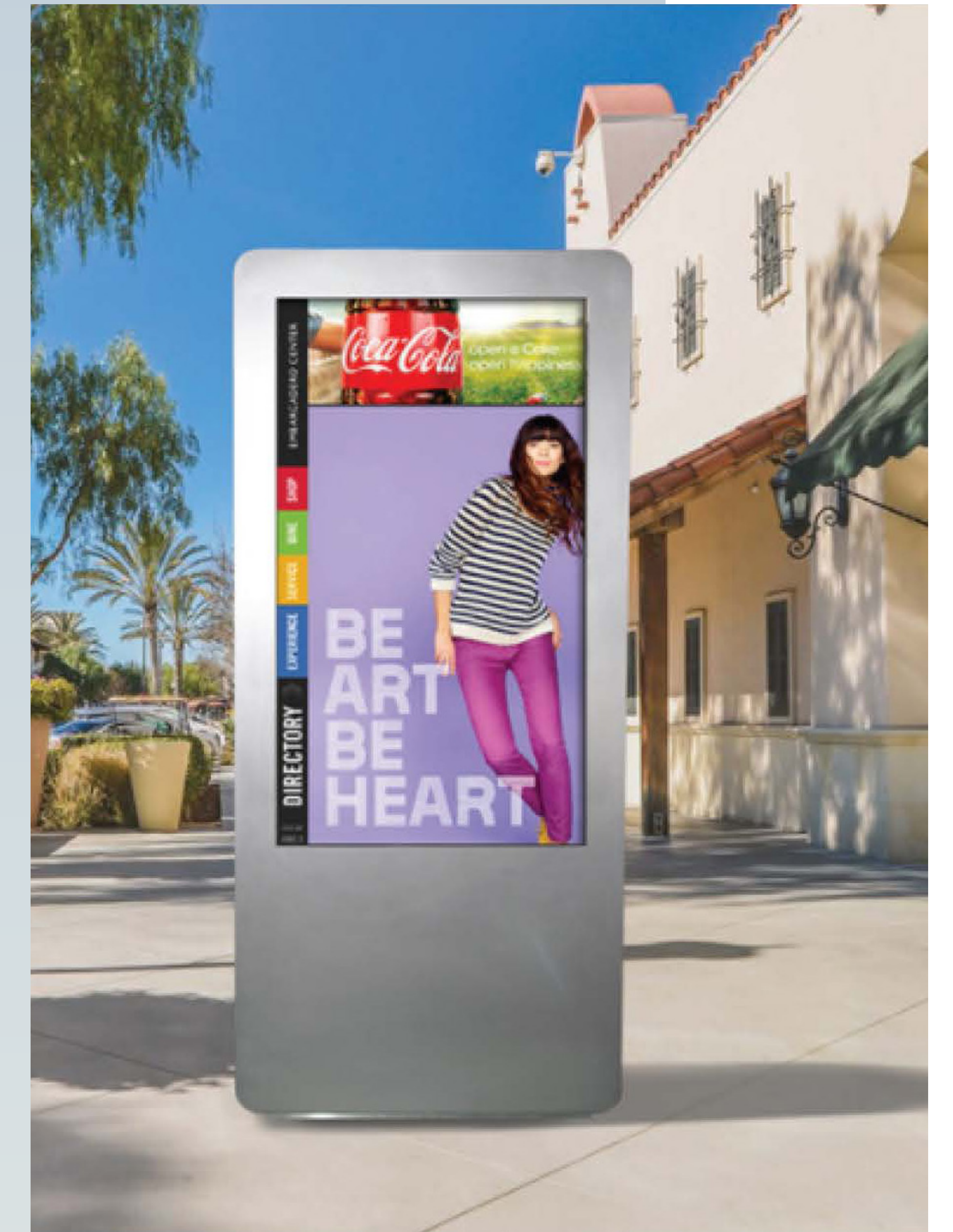
DIGITAL SCREEN

STONE BASE WITH MONOGRAM

8'-6"

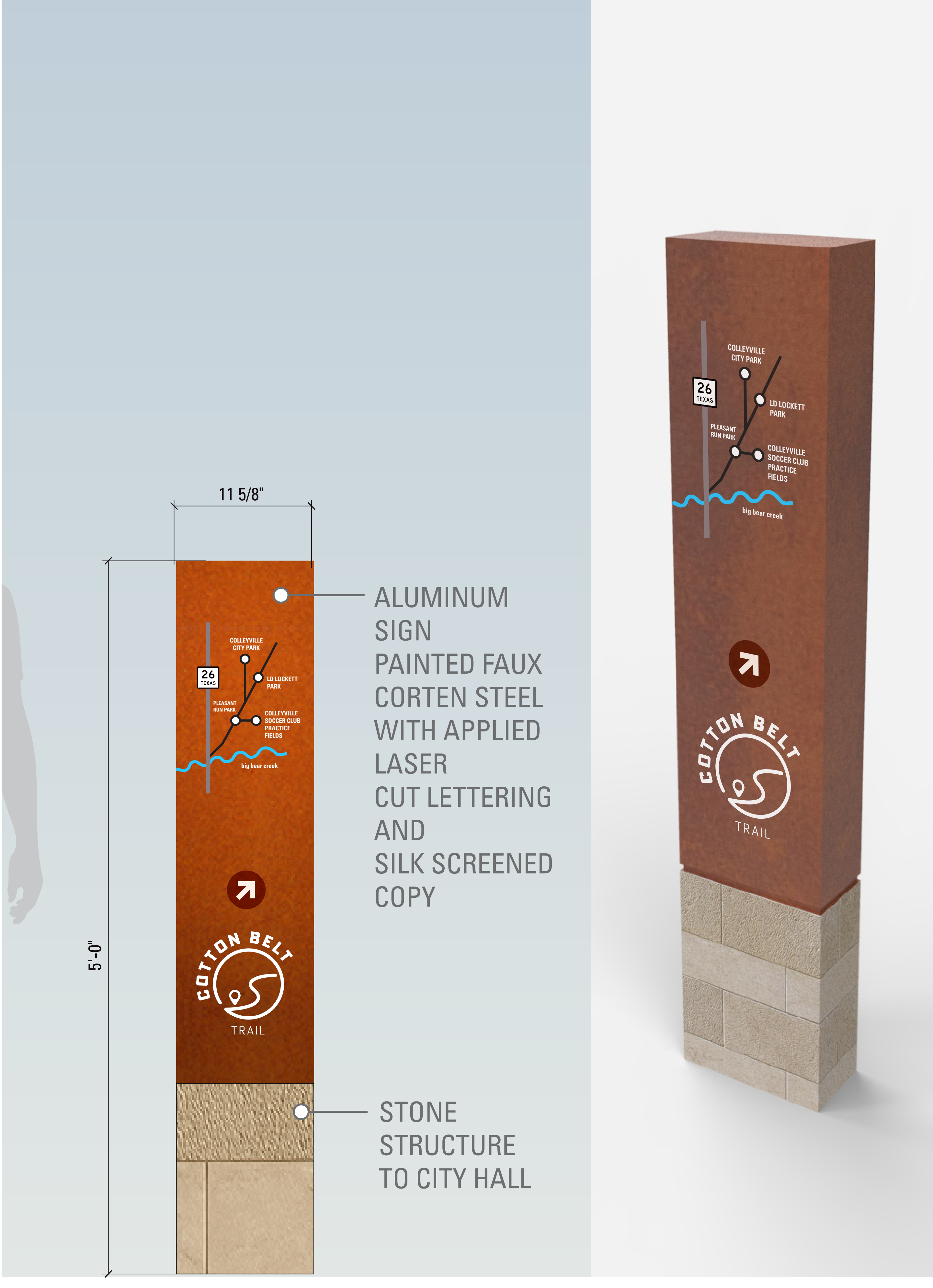


Side View

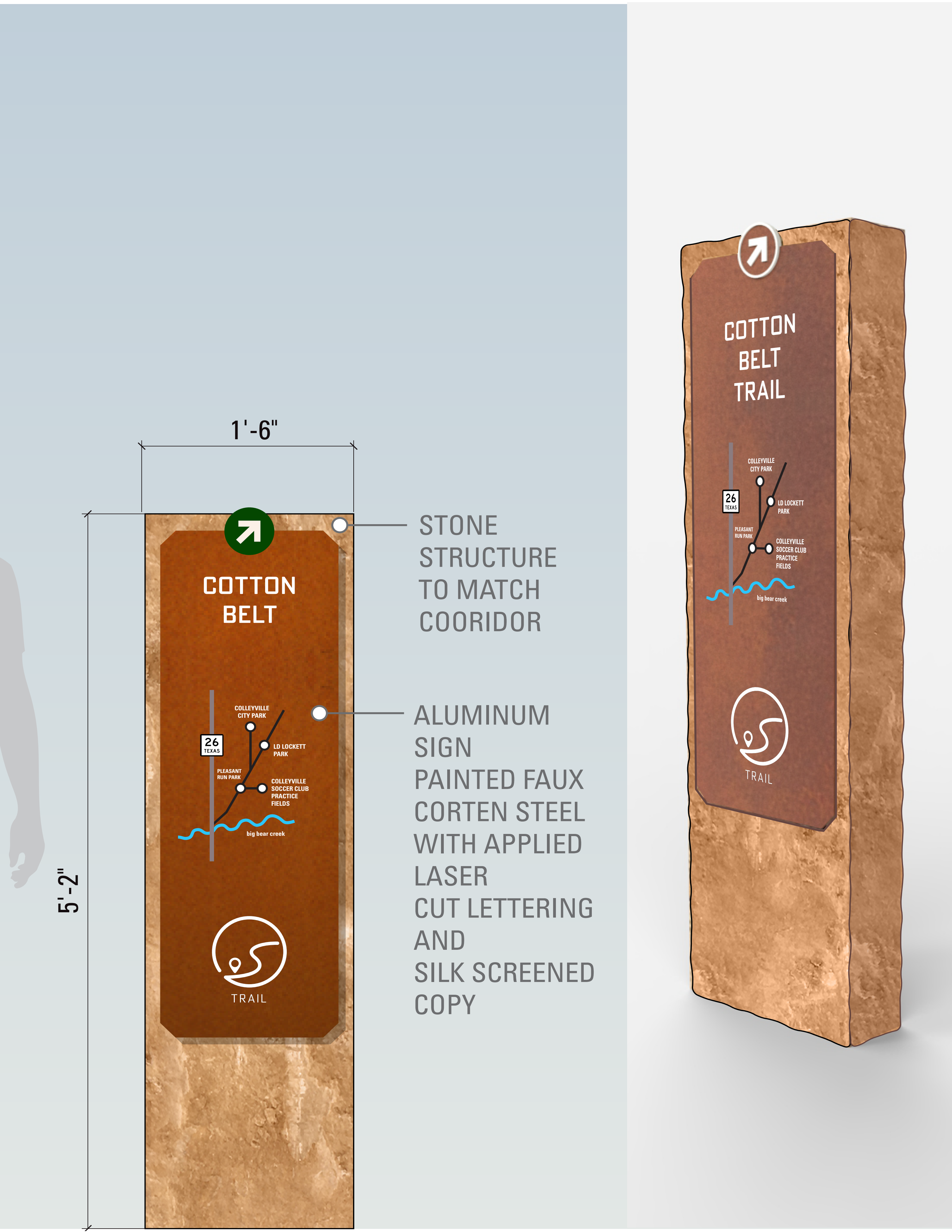




Option A



Option B



Option C

DISCUSSION



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number WS-3

Agenda Date 12/7/2021

Type Worksession

Department City Secretary

Title

Update on 2022 elections and voting location at Colleyville Library

Explanation

This item provides the opportunity to advise City Council of the 2022 Election Schedule. As the City is a voting center for all elections, and in anticipation of a high voter turn-out in all three 2022 elections (primary and general), voting will be conducted at the Colleyville Library. This will provide consistency for the voters, staff, and election workers. As always, the City's website will be updated as appropriate with election information.

The 2022 Election Schedule is as follows:

***Primary Election – Tuesday March 1 – When voting on Election Day
Republicans and Democrats must vote in separate lines***

Early Voting for March 1 Election: February 14 through 25

Monday, February 14 through Friday, February 18 – 8:00 a.m. – 5:00 p.m.

Saturday - February 19 - 7 a.m. – 7:00 p.m.

Sunday - February 20 - 11 a.m. – 4:00 p.m.

Monday-Friday – February 21-25 – 7 a.m. – 7:00 p.m.

Tuesday, March 1 – ELECTION DAY – 7:00 a.m. – 7:00 p.m.

PRIMARY RUN OFF – ELECTION DAY – MAY 24

EARLY VOTING MAY 16 THROUGH MAY 20

General Election – City of Colleyville – Saturday May 7, 2022

Early Voting for May 7 Election: April 25 through May 3

Monday, April 25 through Friday, April 29 – 8:00 a.m. – 5:00 p.m.

Saturday, April 30 – 7:00 a.m. – 7:00 p.m.

Sunday, May 1 – 11:00 a.m. – 4:00 p.m.

Monday-Tuesday – May 2-3 – 7:00 a.m. – 7:00 p.m.

Saturday, May 7 – ELECTION DAY – 7:00 a.m. – 7:00 p.m.

Tuesday, November 8, 2022 – ELECTION DAY

Early Voting November 8 Election: October 24 through November 4

Monday, October 24 through Friday, October 28 – 8:00 a.m. – 5:00 p.m.

Saturday – October 29 – 7 a.m. – 7:00 p.m.

Sunday – October 30 – 11 a.m. – 4:00 p.m.

Monday-Friday – October 31 - November 4 – 7 a.m. – 7:00 p.m.

Tuesday, November 8 – ELECTION DAY – 7:00 a.m. – 7:00 p.m.

Attachments



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number WS-4

Agenda Date 12/7/2021

Type Worksession

Department City Secretary

Title

Discussion of the December 7, 2021, City Council regular agenda items

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City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 1

Agenda Date 12/7/2021

Type Executive Session

Department City Secretary

Title

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including: Glade Road eminent domain case for Parcel 150

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities, including: Acquisition of real property along SH26

Section 551.087 - Economic Development - Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

Attachments

RESOLUTION R-21-4677

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF DECEMBER 7, 2021**

WHEREAS, following discussion in Executive Session, and in full accordance with the requirements of the Open Meetings Act, the City Council determines that the following action 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 COLLEYVILLE, TEXAS:

Sec. 1. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 7TH DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 3

Agenda Date 12/7/2021

Type Announcements, Proclamations, and Presentations

Department Economic Development

Title

Presentation of the Texas Economic Development Council Community Economic Development Award to the City of Colleyville - Mayor Richard Newton and Assistant City Manager Adrienne Lothery

Attachments

1. CEDA Plaque



TEXAS ECONOMIC DEVELOPMENT COUNCIL

2021

**COMMUNITY ECONOMIC
DEVELOPMENT AWARD**

Merit Recognition Presented To

City of Colleyville

**For Outstanding Achievement in
Community Economic Development**

October 14, 2021

RESOLUTION R-21-4678

**APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT
THE REGULAR CITY COUNCIL MEETING OF DECEMBER 7, 2021**

WHEREAS, City Council has taken action on certain items on the agenda under Consent Items.

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

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the Regular City Council meeting of November 16, 2021
 - b. Approval to appoint Eric Holland to the Adhoc General Fund CIP Fee Advisory Committee
 - c. Approval of a construction contract with CMC Development & Construction Corporation, LLC, for the Justice Center Site Improvements Project, in an amount not to exceed \$676,000, and a contingency amount not to exceed \$50,000, and authorizing the City Manager to execute the contract
 - d. Approval of the annual review and updates to the City of Colleyville Investment Policy

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 7TH DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Minutes

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Tuesday, November 16, 2021

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, November 16, 2021, at 6:00 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

ALSO PRESENT: City Manager Jerry Ducay, Assistant City Manager Mark Wood, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, Community Development Director Ben Bryner, Information Services Manager Chris Pena, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

Mayor Newton stated he is going to hear item WS-2 first.

WS-1 Discussion of a Property Maintenance Code

Community Development Director Ben Bryner recapped the City Council's request for staff to identify what property maintenance regulations are currently enforced in an effort to assist City Council in determining if the City should play a larger role in residential property maintenance. Director Bryner reviewed the existing regulations and highlighted regulations within the International Property Maintenance Code which could be adopted and enforced by the City Council and staff.

Mayor Newton and the City Council expressed concern for the need and if adopting more astringent codes would be an over-reach of authority. Mayor Newton stated this would need to be a more in-depth conversation and understanding of what is already provided for in the City codes.

WS-2 ISM Security Update

Information Services Manager Chris Pena reviewed the City's Cybersecurity Program. Manager Pena stated the City follows the National Institute of Standards and Technology framework, and provided an overview of the detailed framework. He explained the center for internet security controls, cyber training and monitoring protocols, and auditing processes.

There was discussion regarding the data backups, auditing process, and remote applications.

Mayor Newton and the City Council thanked Manager Pena for the work of the department.

WS-3 Discussion of the November 16, 2021, City Council regular agenda items

Mayor Newton and the City Council discussed the planned appointments to the Boards, Commissions, and Committees on this agenda.

There was no further discussion and Mayor Newton adjourned the Worksession at 6:29 p.m. and called the Executive Session to order.

1. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including: Glade Road eminent domain case for Parcel 150

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities, including: Acquisition of real property along SH26

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

There was no action taken and Mayor Newton adjourned Executive Session at 7:09 p.m.

Mayor Newton called the regular meeting of the City Council to order at 7:30 p.m. and called the roll.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

INVOCATION: Pastor Caleb Miller, Compass Church

PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-21-4669

This resolution was not needed.

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS
Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition

Mayor Newton and the City Council made the following announcements:

COVID-19 Update – Last meeting I stated I would not be providing regular meeting announcement updates on COVID-19 unless something notable occurred. Well, I am happy to report that we have positive news worthy of mention. Tarrant County has reduced the COVID-19 spread level from “high” to “substantial.” This is the result of continued good news regarding the decrease in virus spread. Of equally good note is the hospitalization data. Tarrant County beds occupied by COVID patients are 5%, and the 9-county TSA-E region COVID hospitalization is 4.79%. While we should remain vigilant to limit the spread of COVID-19, the current trends are positive news as we head into the holiday season.

Fire Department Offers Vaccinations/Boosters – The Colleyville Fire Department continues to provide vaccinations for Colleyville citizens that are interested. The department has all three vaccines available, and currently has 300 child-sized doses for distribution for those ages 5-11. As we have done in the past, priority will be given to Colleyville residents. Parents wishing to sign up for the 5-11 year old vaccination should do so on the website kidspfizer.timetap.com.

Sales Tax Positive Trend Continues – The Texas Comptroller’s Office has posted the most recent sales tax allocation information for November, representing all receipts from purchases made in September of this year. Our most recent collection came in at 20% over September of FY20, putting our final FY21 growth at 14.5%. In terms of dollars, this represents a total YTD gain of almost \$1.2 million over last year. The City received a total of \$9,445,150 in sales tax in FY21. We budgeted \$8.1M (\$4.2 General Fund; \$1.9M CEDC; \$2.0M CCCPD). This month marks the 18th consecutive month in which Colleyville has posted sales tax gains over the previous year. The City continues to see high sales tax receipts. However, a fair portion of this revenue comes from online sales. Please remember to shop local during this holiday season.

Gift Cards in the Mail – Residents should have received the first of two Colleyville Christmas Gift cards in the mail. This card is good for any \$35 purchase at participating businesses with the City of Colleyville. A list of those businesses participating can be found on the City website. It is important we remember the

importance of our local brick and mortar business community. They provide exceptional goods and service in a convenient location, generate sales tax to fund City services, and reduce the property tax burden on residential property. Shop local this holiday season! The gift card program will run through January 7.

Christmas Tree Lighting Celebration – Colleyville’s Christmas Tree Lighting is just a few weeks away! This event will return to an in-person, on-site celebration with features the whole family can enjoy. Choir performances, farmers market, pony and carriage rides, a petting zoo, drive-in movie, food trucks, and SO MUCH MORE! Colleyville’s favorite Christmas monkey will return and word has it, Santa already has us on his radar. As with all City events, this is FREE to the public. Join us for the festive event on the City Plaza Friday, December 3, from 5:30-8:30 p.m. and let me be the first to say Merry Christmas from the City of Colleyville (never too soon)!

SH26 Tower Project Update – Earlier this evening we held a groundbreaking ceremony for the construction of the new towers at Main Street and SH 26. The towers and associated intersection beautification efforts are the first of three sites scheduled for improvement. The other two sites are John McCain (northern gateway) and Little Bear Creek Bridge (southern gateway). Work will begin with the demolition of the small tower structure at Main Street. This work is the final stage in the corridor beautification plan undertaken by this council nearly three years ago. The improvements set the tone for quality in our City’s commercial streetscape that our residents expect. We thank our residents and businesses for their patience as we bring about these exceptional community enhancements.

Movie In the Plaza – Bring your family and friends to the Plaza on November 18 at 6:30 p.m. for another FREE movie night! We will show The Greatest Showman. This outdoor event is fun for the entire family. If you would rather stay inside to see a movie, the Colleyville Library will be screening “Paw Patrol, The Movie” on Wednesday, November 24 in the Library 2nd floor community room. The movie begins at 12:30 p.m. Light refreshments, including the Library’s famous popcorn will be provided. The Library will have chairs available for parents if they wish, and children attending are encouraged to bring blankets and pillows to watch the movie.

Police Department Raising Money for Charity – The Police Department asks that you “pardon their stubble.” During the month of November, our team is raising money to combat pediatric cancer by donating the funds we would normally spend on grooming to this great cause. Chief Miller has waived our standard grooming policy for officers who donate (any amount) and allowed them to grow facial hair or paint their nails any color in support of this national campaign.

#ColleyvilleGives Grant Application Process Open to Assist Businesses – The City of Colleyville's annual #ColleyvilleGives advertising grant program is underway. This seasonal program is designed to assist Colleyville businesses with their fourth quarter advertising and marketing efforts by providing advertising grants. Consistent with years past, this promotion provides \$1,000 in grant money for an advertising

campaign during the busy holiday months. Businesses who wish to make a \$500 donation to an area non-profit will receive an additional \$1,000 in grant money. This program has resulted in more than \$60,000 donated to charity by Colleyville businesses. We are fortunate to have so many generous corporate citizens in our City. The program will run through the end of the year. To apply, submit a completed and signed application to the City Manager's Office by emailing Christine Johnson at cjohnson@colleyville.com. Applications can be emailed to you or downloaded from the City website. If you have questions about this promotion, please call 817.503.1111.

CareFlite recognition of the Colleyville Fire Department for three CPR saves - Fire Chief Mark Cantrell, Battalion Chief Jeremy Lewis, and Mayor Richard Newton

Doak Enabnit, Senior Director, Government and Community Relations, CareFlite, stated it was an honor to be present to recognize the Colleyville Fire Department personnel. Mr. Enabnit gave the following Great First Responder life saving awards:

On March 25, 2021 - CPR and Advanced Life Support with full recovery of a female found face down in the water for approximately eight minutes before CPR was administered. Response Team Members:

Mark Cantrell, Fire Chief
Jason Fisch, Firefighter/Paramedic
Tim Folden, Assistant Fire Chief,
Marshall Judd, Firefighter/EMT
Jeremy T. Lewis, Captain
Garrett Rigsby, Firefighter/Paramedic
Kase Williams, Engineer
Robert Simpson, Engineer
Robert Creamier, Field Supervising Officer (FTO)

August 6, 2021 - CPR, female who presented initially with agonal breathing before going apneic. Has recovered and is doing well with no complications. Response Team Members:

Dustin Wynn, Engineer
Jacob Little, Firefighter/Paramedic
Steven Davidson, Firefighter/Paramedic
Robert Stewart, Captain
Matt Olson, Field Supervising Officer (FTO)
Jason Fisch, Firefighter/Paramedic
Martin Mendoza, Firefighter/Paramedic
Jeremy H. Lewis, Battalion Chief

August 29, 2021 – CPR, shock administration, IV was established. Patient survived and has a permanent Pacemaker, and is doing well. Response Team Members:

Nick Cushing, Battalion Chief
Scott Gill, Captain
Terrance Wisdon, Engineer
Brian Wallace, Engineer
Cody Richey, Firefighter/Paramedic
Will Hutton, Firefighter/Paramedic
Caitlin Golightly, Firefighter/Paramedic

4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-21-4670

- 4a** Approval of the minutes of the Regular City Council meeting of November 1, 2021
- 4b** Approval to purchase a 2020 Komatsu WA200-8 Front End Loader from Kirby Smith Machinery, Inc., an approved vendor through the Sourcewell Cooperative Purchasing Program, in the amount of \$146,431.00, including the trade-in of two pieces of equipment, and authorizing the City Manager to execute the contract
- 4c** Approval of a five-year term service agreement with Trane Service Group, utilizing the OMNIA Partners purchasing cooperative, to provide for the inspection, maintenance, and repair of the HVAC system servicing the Colleyville City Hall and Public Library, in an amount not to exceed \$83,724.00, and authorizing the City Manager to execute the agreement
- 4d** Approval of a five-year term service agreement with Trane Service Group, utilizing the OMNIA Partners purchasing cooperative, to provide for the inspection, maintenance, and repair of the HVAC system servicing the Justice Center, in an amount not to exceed \$195,362.00, and authorizing the City Manager to execute the agreement

Mayor Newton read Resolution R-21-4670 in its entirety.

Public Works Director Ray Silva-Reyes presented items 4b, 4c, and 4d.

Regarding item 4b, Councilmember Dodson asked if it was common for a vendor to accept a trade-in. Director Silva-Reyes stated it varies by vendor, however, it is not uncommon.

Mayor Pro Tem Lindamood asked staff if the equipment to be purchased was new and had a number of hours of use and if the City is required to buy through a co-op.

Director Silva-Reyes stated the City is not required to use a co-op to purchase the equipment, however, he felt the City received good pricing. Mayor Pro Tem Lindamood stated he would like it if the City utilized a bid process, not on this item, but in the future.

Regarding items 4c and 4d, Councilmember Dodson asked if there is a size difference in equipment between the City Hall and Library and the Justice Center.

Director Silva-Reyes stated there is a size difference which creates a higher maintenance contract for the units at the Justice Center.

Mayor Pro Tem Lindamood thanked Director Silva-Reyes for the department's due diligence with all the projects and purchasing.

Mayor Newton opened and closed the public hearing at 8:10 p.m. as there were no speakers.

Mayor Pro Tem Lindamood made a motion to approve Resolution R-21-4670 seconded by Councilmember Nakamura.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

5. ITEMS NOT FOR CITY COUNCIL ACTION

5a Monthly Financial Report - October 2021

Finance Director Kyle Lester presented the October Financial Report, which is the first month of the fiscal year, and reviewed all funds. General Fund has collected \$224,000, in revenue and spent 6%, or \$1.57 million, of its budgeted expenditures. Cash flow is significantly behind last year's position, driven by two factors; licenses/permits revenue began the year strong, with building permits bringing in more than double what was expected of October, and contractual expenses hit earlier this year.

The City received its last sales tax collection of FY21, and it brought in an increase of 20% over September of last year. The total FY21 growth was 14.5% over FY20, equaling a total dollar gain of almost \$1.2 million in FY21. Statewide, Texas cities had another month of double-digit gains for a total fiscal year increase of 13%.

The Utility Fund has collected 11% of its budgeted revenue and spent 8% of its budgeted expenditures, yielding a stronger surplus compared to the previous year.

The Drainage Utility Fund has received 8% of its budgeted revenue and spent 5% of its budgeted expenditures. This fund's cash flow is along the same lines as last year with a surplus of over \$40,000. Historically, drainage fee revenues tended to average at 1.2% higher than the previous fiscal year. However, as the City reaches build out these revenues tend to be more stable from year to year. Currently, there is less than 1% growth for FY22.

Mayor Newton stated an adhoc committee to review the drainage fee and prepare for future needs has been appointed and will be bringing forth a recommendation in January 2022.

COVID-related economic disruptions took a toll on travel-related revenues in the last few years, but the Hotel Occupancy Tax Fund has remained with a strong balance to fund its costs. The FY21 ending fund balance came to \$207,000, and will be spent down until the first quarter of this fiscal year. Revenue had begun to increase through the end of FY21.

Being predominately funded through property taxes, the Debt Service fund has yet to receive a substantial portion of its revenue this year. Cash flow for this fund is very predictable, as most revenues are recognized in December/January and debt service payments occur twice annually, with lease payments occurring throughout the year. As of October's figures, the fund is running a deficit of about \$168,500, due to a lease payment made in October. It should be noted the updated property tax forms necessitate a planned spend down of fund balance by \$194,000, this year. With Colleyville's current debt service schedule, all bonded debt is on track to be paid off by FY27.

6. ORDINANCE(S): SECOND READING AND PUBLIC HEARING

6a Ordinance O-21-2180

Consideration of a zoning change from AG Agricultural district to R-40 Single Family Residential district for Tract 2F01, Abstract 1692, Joseph White Survey, located at 6113 Hunter Lane, Case ZC21-026

Mayor Newton read the caption of Ordinance O-21-2180.

Community Development Director Ben Bryner presented this item and noted the owners intend to demolish and rebuild the house on the lot.

Councilmember Dodson asked if there is a drainage swale to the east. City Manager Ducay stated the swale is to the east and demonstrated the flow.

Mayor Newton stated he and the Council do not like waivers, however, in this case, there is nothing the applicant can do, therefore, he is fine with the request.

Mayor Newton opened and closed the public hearing at 8:33 p.m. as there was no one present wishing to speak.

Councilmember Wheat made a motion to approve Ordinance O-21-2180, seconded by Councilmember Dodson.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

6b Ordinance O-21-2181

Appointing a municipal court judge and associate judge for the combined Municipal Court for the City of Colleyville and the City of Keller

Mayor Newton read the caption of Ordinance O-21-2181.

Mayor Newton stated a Colleyville and Keller committee conducted a formal search. There were many qualified applicants and the committee narrowed the field to five, sent them a questionnaire, and asked them to submit a video of themselves and then each candidate was interviewed in person. Mayor Newton stated the committee would like to appoint Carol Montgomery.

City Manager Jerry Ducay noted the compensation is the same as that of the previous judge and interim judge, with a shared cost by both cities.

Mayor Newton noted Judge Montgomery serves as magistrate under Colleyville and Keller, but will have a separate agreement to serve as magistrate for Southlake and Roanoke.

Councilmember Dodson stated he had the opportunity to meet Judge Montgomery at the Citizen Police Academy and he was very impressed

Mayor Newton opened and closed the public hearing at 8:38 p.m. as there was no one present wishing to speak.

Councilmember Rigney made a motion to approve Ordinance O-21-2181, seconded by Councilmember Nakamura.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

7. RESOLUTION(S): READING AND PUBLIC HEARING**7a Resolution R-21-4671**

Consideration of a Minor Plat with a Plat Waiver for Lot Width for Tract 2F01, Abstract 1692, Joseph White Survey, located at 6113 Hunter Lane, Case PC21-016

Mayor Newton read Resolution R-21-4671 in its entirety.

Community Development Director Ben Bryner presented this item and stated it is the companion to Ordinance O-21-2180, which City Council just approved.

Mayor Newton reiterated there is nothing the applicant can do to change the need for the waiver.

Mayor Newton opened and closed the public hearing at 8:41 p.m. as there was no one present wishing to speak.

Councilmember Nakamura made a motion to approve Resolution R-21-4671, seconded by Councilmember Dodson.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

Mayor Newton stated resolutions 7b, 7c, 7d, and 7e are for the conduct of City business therefore, he is going to move to agenda item 8a which has people in the audience waiting to hear the item, and will then return to the previous resolutions following the action on 8a.

7b Resolution R-21-4672

A resolution changing the March and October 2022 City Council meetings dates

Mayor Newton read Resolution R-21-4672 in its entirety.

The resolution was self-explanatory and there was no discussion.

Mayor Newton opened and closed the public hearing at 9:11 p.m. as there was no one present wishing to speak.

Councilmember Kelley made a motion to approve Resolution R-21-4672, seconded by Mayor Pro Tem Lindamood.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

7c Resolution R-21-4673

Appointing members to the Library Board

Mayor Newton read Resolution R-21-4673 in its entirety, appointing the following to the Library Board, for a two-year term expiring November 2023: Place 1 – Kay Newton, Place 3 – Pat Jones, Place 5 – Wanda Cotter, and Alternate 1 – Joe Stout.

There was no discussion.

Mayor Newton opened the public hearing at 9:12 p.m.

Kathy Hadley, 204 Timberline Drive North, spoke with concerns for the materials available at the Library.

There were no others wishing to speak and Mayor Newton closed the public hearing at 9:14 p.m.

Councilmember Dodson made a motion to approve Resolution R-21-4673, seconded by Councilmember Wheat.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

7d Resolution R-21-4674

Appointing members to the Planning and Zoning Commission

Mayor Newton read Resolution R-21-4674 in its entirety, appointing the following to the Planning and Zoning Commission to a term of November 2023: Place 5 – Jason McDougall, Place 6 – Claudia Bevill, and Place 7 – George Bond

There was no discussion.

Mayor Newton opened and closed the public hearing at 9:16 p.m. as there was no one present wishing to speak.

Mayor Pro Tem Lindamood stated incumbent Matt Koch has done a great job serving the City on the Commission, but he is traveling a great deal for work and felt he could no longer continue.

Councilmember Dodson stated those who serve work hard and dig into detail and their recommendations are a great help to City Council.

Councilmember Nakamura made a motion to approve Resolution R-21-4674, seconded by Councilmember Kelley.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

7e Resolution R-21-4675

Appointing members to the Zoning Board of Adjustment/Sign Board of Appeals

Mayor Newton read Resolution R-21-4675 in its entirety, appointing the following to the to the Zoning Board of Adjustment/Sign Board of Appeals to a term of November 2023: Place 4 – Frank Carroll, Place 5 – Mic Deakin, Alternate 1 – Mary Dede, and Alternate 2 – Eric Holland to a November 2022 unexpired term.

There was no discussion.

Mayor Newton opened and closed the public hearing at 9:18 p.m. as there was no one present wishing to speak.

Councilmember Dodson a motion to approve Resolution R-21-4675, seconded by Councilmember Rigney.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

8. TABLED RESOLUTION(S): READING AND PUBLIC HEARING

8a Resolution R-21-4666

Consideration of a Minor Plat with a Plat Waiver for Street Frontage for Tract 2LL, Abstract 1248, Thomas J Polson Survey, located at 4813 Ford Court, Case PC21-015

Councilmember Kelley made a motion to remove Resolution R-21-4666 from the table, seconded by Councilmember Wheat, and passed unanimously.

Mayor Newton read Resolution R-21-4666 in its entirety.

Community Development Director Ben Bryner presented this item and noted the property is unplatted with the intent to demolish the house on the lot and obtain a building permit.

Mayor Newton stated this item was tabled at the last meeting as the applicant could not be present and he asked the applicant to come forward to answer questions.

Applicant Derek Tuttle came forward and through a series of questions and answers between Mayor Newton and Mr. Tuttle, it was determined the front lots to the property were platted in 2015, the driveway access is stable and can withstand emergency vehicle access, the hydrant closest to the property is situated at 548 feet and is closer than the hydrants to the surrounding properties. Additionally, Brandon Corse, 508 Black Drive, is working with Mr. Tuttle on providing an easement for driveway access over the drainage on his property. Mr. Corse stated he would like the Council to grant the waiver.

Mayor Newton stated this is a flag lot and he and the Council evaluate every waiver request to find other solutions, however, in this case, he believes there are no other alternatives and he is in favor of the request, and is pleased to know Mr. Tuttle is not a developer, but plans to live on this property.

Mayor Newton opened and closed the public hearing at 9:08 p.m., as there was no one present wishing to speak.

Councilmember Rigney made a motion to approve Resolution R-21-4666, seconded by Councilmember Dodson.

The motion to approve carried by the following vote:

Ayes: 7 – Mayor Newton, Mayor Pro Tem Lindamood, Councilmembers Nakamura, Wheat, Dodson, Kelley, and Rigney.

9. CITIZEN COMMENTS

Kathy Hadley, 204 Timberline Drive North, stated the medians on SH26 are awesome and she is very pleased. She also noted there is currently a lot of controversy regarding children and reading and she hopes the City of Colleyville will continue to uphold their high standards regarding what is available at the Library.

Howard Rosenthal, 603 Northwood Court, Southlake, expressed appreciation to the Colleyville City Council and City Manager Jerry Ducay for the successful Peace Together Walk. Mr. Rosenthal stated the mission of the Walk is to build relationships with all our neighbors, regardless of religion, non-religion, opinion, or race. He then provided Peace Together Walk wristbands to Council and staff.

10. REPORTS

Sign Board of Appeals Minutes - March 9, 2021

Planning and Zoning Commission Meeting Minutes - October 11, 2021

Planning and Zoning Commission Worksession Minutes - October 25, 2021

There was no action taken.

11. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR TUESDAY, NOVEMBER 16, 2021 - READING AND PUBLIC HEARING - RESOLUTION R-21-4676

This resolution was not needed.

12. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the meeting without objection by the City Council at 9:25 p.m.

APPROVED BY A VOTE OF _ AYES, NAYS, ON THIS THE 7TH DAY OF DECEMBER 2021.

Minutes taken and prepared by:

*Christine Loven, TRMC
City Secretary*



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 4b

Agenda Date 12/7/2021

Number

Type Resolution

Department City Secretary

Title

Approval to appoint Eric Holland to the Adhoc General Fund CIP Fee Advisory Committee

Strategic Plan

1.1 Actively involve and engage stakeholders

Explanation

Reading and Public Hearing

At the November 16, 2021, City Council Meeting, the City Council appointed members to the Library Board, Planning and Zoning Commission, and the Zoning Board of Adjustment/Sign Board of Appeals. It was noted applicant Eric Holland, who was appointed as an alternate to the Zoning Board of Adjustment/Sign Board of Appeals, also desired to serve on the Adhoc General Fund CIP Fee Advisory Committee. This item provides for Eric Holland to be appointed to the Adhoc General Fund CIP Fee Advisory Committee effective upon approval.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Adhoc General Fund CIP Fee Advisory Committee Roster

ADHOC GENERAL FUND CIP FEE ADVISORY COMMITTEE

CHAIR

June Shrewsbury

678-372-6827

june@jrshrewsbury.com

Scotty Richardson

2005 Reynolds Drive

W: (817) 676-2120

Labman0001@hotmail.com

VICE CHAIR

Tim Raine

3508 Fox Meadows Drive

H: 817-360-6119

Timraine25@gmail.com

Tony Seris

5000 Montclair Drive

C: 817-915-6428

aseris@hotmail.com

Raymond Allee

5907 Highland Hills Lane

H: 817-329-0186

rayallee@aol.com

Thomas Bauch

4201 Shadow Ridge Drive

H: 817-577-1471

W: 817-312-2288

Tomb4201@gmail.com

James Dove

800 Colleyville Terrace

H: 817-713-2885

Jamesldove1@gmail.com

Cliff LeBlanc

6013 Volterra Court

H: 817-800-6383

cliff@leblanc.net

Jeff Pistor

7200 Holly Lane

H: 817-424-0056

W: 817-800-0004

jgpistor@verizon.net



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 4c

Agenda Date 12/7/2021

Number

Type Resolution

Department Engineering

Title

Approval of a construction contract with CMC Development & Construction Corporation, LLC, for the Justice Center Site Improvements Project, in an amount not to exceed \$676,000, and a contingency amount not to exceed \$50,000, and authorizing the City Manager to execute the contract.

Strategic Plan

2.4 Demonstrate stewardship of public resources

Explanation

Reading and Public Hearing

By Resolution R-21-4651, City Council adopted the FY2022-2026 Capital Improvement Program. The Justice Center Exterior Safety Enhancements project was included in the FY22 facilities project and budgeted at \$450,000. The exterior renovations involve installing new masonry fences, cantilevered parking canopies, a sliding vehicular gate system tied to existing access control, replacing wayfinding signage, and modifications to other site elements.

Public notification of the invitation for bids was advertised in the Fort Worth Star-Telegram on October 10, 17, and 24, 2021. The notice to bidders and bid packet were posted on CivCast for free downloading and distributed to the Dodge Lead Center, BlueBook Building and Construction Network, and Construct Connect, which includes ISqFt, CMD, CDC, and Bid Clerk. Additionally, staff directly notified a list of local contractors who may be interested in the bid opportunity. The project had 73 plan holders, of which were one architect, two engineers, 34 general contractors, four manufacturers, one not specified, six other, one owner, six plan rooms, 14 sub-contractors, and four suppliers.

The City received the five sealed bids listed below, which were opened and publicly read aloud on November 9, 2021. Due to the increases in material costs and the gates, all bids exceeded the budgeted amount of \$450,000. After review of pricing, references, and qualifications, the recommendation is to award the contract to CMC Development & Construction Corporation, to include bid alternate #1, an additional parking canopy, for a total bid award not to exceed \$676,000, plus authorization of a contingency amount not to exceed \$50,000.

Contractor	Base Bid	Contingency	Alternate Bid #1	TOTAL Contract Amount
CMC Development & Construction	\$660,000	\$50,000	\$16,000	\$726,000
Patton Contractors, Inc.	\$698,088	\$50,000	\$26,613	\$774,701
REAL Network Services, Inc.	\$812,888	\$50,000	\$20,277	\$883,165
AUI Partners, LLC	\$819,775	\$50,000	\$31,663	\$901,438
JFA Construction, LLC	\$833,554	\$50,000	\$33,022	\$916,576
Mart, Inc.	\$868,948	\$50,000	\$35,000.00	\$953,948.00
K. Tillman Construction, LLC	\$944,444	\$50,000	\$26,200	\$1,020,644

Financial Impact

The funding sources for this project are the Crime Control and Prevention District and the Tax Incremental Fund.

Recommendation

Approve

Attachments

1. Bid Tab
2. Recommendation Letter
3. Construction Services Agreement
4. Form 1295
5. 4c-Justice Center Site Improvement Project

Bid Tab - City of Colleyville – Justice Center Site Improvements

November 9, 2021

Item	Description	Unit	QTY	CMC Development & Construction Corporation	Patton Contractors, Inc.	REAL Network Services In.	AUI Partners, LLC	JFA Construction LLC	Mart, Inc.	K Tillman Construction LLC
1	Mobilization, Demobilization, Bonds and Insurance in accordance with the Notice to Bidders; for lump sum of:	LS	1	\$32,815.00	\$54,339.75	\$111,771.00	\$96,086.00	\$73,907.00	\$73,730.00	\$56,000.00
2	Removal and replacement of existing vehicular gates, tubular steel fencing, pedestrian gate modifications, and access control devices as scheduled; for the lump sum of:	LS	1	\$263,955.00	\$52,238.60	\$212,279.25	\$12,900.00	\$198,191.00	\$184,348.00	\$211,000.00
3	Construction of new double-wythe masonry fence; for the lump sum of:	LS	1	\$76,300.00	\$122,050.34	\$180,865.00	\$109,932.00	\$113,052.00	\$181,803.00	\$231,444.00
4	Installation of five (5) new parking canopies (canopies #1 - #5) and associated lighting and power outlets; for the sum of:	LS	1	\$239,292.00	\$380,075.35	\$306,906.60	\$439,227.00	\$433,870.00	\$397,108.00	\$441,000.00
5	Other miscellaneous items included in project scope but not specifically listed above; for the lump sum of:	LS	1	\$47,638.00	\$89,384.14	\$1,066.15	\$161,630.00	\$14,534.00	\$31,959.00	\$5,000.00
Sub Totals				\$660,000.00	\$698,088.18	\$812,888.00	\$819,775.00	\$833,554.00	\$868,948.00	\$944,444.00
6	Owner's Contingency	LS	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
Sub Total Base Bid				\$710,000.00	\$748,088.18	\$862,888.00	\$869,775.00	\$883,554.00	\$918,948.00	\$994,444.00

Alternative Bid #1

1	Mobilization, Demobilization, Bonds and Insurance in accordance with the Notice to Bidders; for lump sum of:	LS	1	\$1,533.00	\$4,001.09	\$4,834.00	\$2,209.00	\$0.00	\$6,000.00	\$3,000.00
2	Procurement and Installation of one (1) steel parking canopies (canopy #6); for the lump sum of:	LS	1	\$14,467.00	\$22,611.75	\$15,443.00	\$29,454.00	\$33,022.00	\$29,000.00	\$23,200.00
Sub Total Alternative Bid #1				\$16,000.00	\$26,612.84	\$20,277.00	\$31,663.00	\$33,022.00	\$35,000.00	\$26,200.00

Grand Total				\$726,000.00	\$774,701.02	\$883,165.00	\$901,438.00	\$916,576.00	\$953,948.00	\$1,020,644.00
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November 22, 2021

Ray Silva-Reyes, Director of Public Works
The City of Colleyville
100 Main Street, 2nd Floor
Colleyville, TX 76034

Re: Colleyville Justice Center Site Improvements – Bid Recommendation

Dear Mr. Silva-Reyes,

I have reviewed the bid documents of the seven (7) contractors who submitted for the Colleyville Justice Center Site Improvements project. After review of pricing, references, and qualifications, it is my recommendation that CMC Development & Construction be awarded the Contract. CMC has experience with similar projects, has a Project Manager based in DFW, and will use all local subcontractors. CMC was also the Contractor who completed the Colleyville Center Interior Renovation project earlier this year. During this project they proved responsive, demonstrated quality workmanship, and showed a desire to do things right.

CMC was also the lowest bid—coming in around 6% lower than the next lowest bid and we feel that their bid amount is a fair price for this scope of work.

Please let me know if I can be of further assistance in this matter.

Sincerely,

Stephen Bingham, AIA

CONSTRUCTION SERVICES AGREEMENT

Justice Center Site Improvements

This **CONSTRUCTION SERVICES AGREEMENT** ("Agreement") is made as of the Effective Date by and between **CMC Development & Construction Corporation, LLC**, a Texas limited liability company, hereinafter called "CONTRACTOR", and the **City of Colleyville, Texas**, hereinafter called "CITY".

RECITALS

WHEREAS, CITY desires CONTRACTOR to perform certain work and services set forth in Section 1 (the "Scope of Services"), and

WHEREAS, CONTRACTOR has expressed a willingness to perform said work and services, hereinafter referred to only as "services", specified in the Contract Documents, and enumerated under Section 1, of this Agreement;

NOW, THEREFORE, for and in consideration of the covenants and promises made one to the other herein, CITY and CONTRACTOR agree as follows:

Section 1. Scope of Services

Upon issuance of a written Notice to Proceed by CITY, CONTRACTOR agrees to provide to CITY the necessary services, labor, materials, equipment and supplies related to the Colleyville Justice Center Site Improvements (the "Project"), such services being more fully described herein and pursuant to the plans and specifications identified in the Contract Documents.

Section 2. Term of Agreement

The term of this Agreement shall begin on the last date of execution hereof (the "Effective Date") and shall continue until CONTRACTOR completes the services required herein to the satisfaction of CITY and has been paid in full by City, unless sooner terminated as provided in Section 9, below.

Section 3. Contract Documents

A. This Agreement is a part of the Contract Documents, which include:

- 1) This Agreement, including all exhibits and addenda hereto;
- 2) CITY'S Specifications and Contract Documents for the Project contained in the City's Invitation for Bid # BSV 2022-001 ("Bid Packet");
- 3) CITY'S written notice(s) to proceed to the CONTRACTOR;
- 4) Properly authorized change orders;
- 5) CONTRACTOR's Bid Proposal ("Proposal" and/or "Response"); and
- 6) Any other materials distributed by the CITY that relate to the Project.

In the event there exists a conflict between any term, provision, or interpretation of the Contract Documents, the documents shall take precedent and control in the order listed above in this Section. If discrepancies are found that may impact construction of the Project, it shall be the Contractor's obligation to seek clarification as to which requirements or provisions control before undertaking any work on that component of the project. Should the Contractor fail or refuse to seek a clarification of such conflicting or inconsistent requirements or provisions prior to any work on that component of the Project, the Contractor shall be solely responsible for

the costs and expenses - including additional time - necessary to cure, repair and/or correct that component of the Project.

Section 4. Contractor Obligations

A. CONTRACTOR shall devote such time as reasonably necessary for the satisfactory performance of the work under this Agreement. Should CITY require additional services not included under this Agreement, CONTRACTOR shall make reasonable effort to provide such additional services at mutually agreed charges or rates, and within the time schedule prescribed by CITY; and without decreasing the effectiveness of the performance of services required under this Agreement.

B. To the extent reasonably necessary for CONTRACTOR to perform the services under this Agreement, CONTRACTOR shall be authorized to engage the services of any agents, assistants, persons, or corporations that CONTRACTOR may deem proper to aid or assist in the performance of the services under this Agreement with the prior written approval of CITY. The cost of such personnel and assistance shall be a reimbursable expense to CONTRACTOR only if authorized in writing in advance by CITY.

C. Unless otherwise agreed, CONTRACTOR shall provide and pay for all materials, supplies, machinery, equipment, tools, superintendence, labor, insurance, and all water, light, power, fuel, transportation and all other facilities necessary for the execution and completion of the work covered by the Scope of Services. Unless otherwise specified, all materials shall be new and both workmanship and materials shall be of a good quality. CONTRACTOR shall, if required, furnish satisfactory evidence as to the kind and quality of materials. Materials or work described in words that so applied have well known, technical or trade meaning shall be held to refer to such recognized standards.

D. CONTRACTOR shall comply with all laws, ordinances, rules and regulations governing CONTRACTOR's performance of this Agreement.

E. All minor details of the work not specifically mentioned in the Scope of Services or Project Drawings but obviously necessary for the proper completion of the work, such as the proper connection of new work to old, shall be considered as incidental to and a part of the work for which the prices are set forth in this Agreement. CONTRACTOR will not be entitled to any additional compensation therefor unless specifically stated otherwise. Otherwise the term "extra work" as used in this Agreement shall be understood to mean and include all work that may be required by CITY to be done by CONTRACTOR to accomplish any alteration or addition to the work as shown on the Project Drawings. It is agreed that CONTRACTOR shall perform all extra work under the direction of the City's Representative when presented with a written work order signed by the City's Representative, subject, however, to the right of CONTRACTOR to require written confirmation of such extra work order by CITY. Payment for extra work shall be as agreed in the work order.

F. CONTRACTOR agrees to indemnify, defend, and save CITY harmless from all claims growing out of any demands of subcontractors, laborers, workmen, mechanics, materialmen, and suppliers of machinery and parts thereof, equipment, power tools, all supplies incurred in the furtherance of the performance of this Agreement. When CITY requests, CONTRACTOR shall furnish satisfactory evidence that all obligations of the nature hereinabove designated have been paid, discharged or waived.

Section 5. Payment

A. CITY agrees to pay CONTRACTOR for all services authorized in writing and properly performed by CONTRACTOR in a total amount not to exceed SEVEN HUNDRED AND TWENTY-SIX THOUSAND AND NO/100 DOLLARS (\$726,000) ("Contract Price"), subject to additions or deletions for changes or extras agreed upon in writing. Unless otherwise provided herein, payment to CONTRACTOR

shall be monthly based on the CONTRACTOR'S monthly progress report and detailed monthly itemized statement for services that shows the names of the CONTRACTOR'S employees, agents, contractors performing the services, the time worked, the actual services performed, and the rates charged for such services, in a form reasonably acceptable to CITY. CITY shall pay such monthly statements within thirty (30) days after receipt and CITY verification of the services.

B. CITY may deduct from any amounts due or to become due to CONTRACTOR any sum or sums owing by CONTRACTOR to CITY. In the event of any breach by CONTRACTOR of any provision or obligation of this Agreement, or in the event of the assertion by other parties of any claim or lien against CITY, or the CITY'S premises, arising out of CONTRACTOR's performance of this Agreement, CITY shall have the right to retain out of any payments due or to become due to CONTRACTOR an amount sufficient to completely protect the CITY from any and all loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by CONTRACTOR.

C. CITY may, on account of subsequently discovered evidence, withhold the whole or part of any payment to such extent as may be necessary to protect itself from loss on account of:

- (1) Defective work not remedied;
- (2) Claims filed or reasonable evidence indicating possible filing of claims;
- (3) Failure of CONTRACTOR to make payments promptly to subcontractors or for material or labor which CITY may pay as an agent for the CONTRACTOR; or
- (4) Damages to another contractor or subcontractor.

When the above grounds are removed, or CONTRACTOR provides a surety bond satisfactory to CITY which will protect CITY in the amount withheld because of said grounds, CITY will release the amounts withheld.

Section 6. Responsibilities

A. CONTRACTOR shall be responsible for the professional quality, technical accuracy, and the coordination of all materials, construction, installation and other services furnished by CONTRACTOR under this Agreement. CONTRACTOR shall, without additional compensation, correct or revise any errors or deficiencies in the installation and construction of the Project components to conform as shown in the Project drawings and specifications.

B. Neither CITY's review, approval or acceptance of, nor payment for any of the services required under this Agreement, shall be construed to operate as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement, and CONTRACTOR shall be and remain liable to CITY in accordance with applicable law for all damages to CITY caused by CONTRACTOR's negligent performance of any of the services furnished under this Agreement.

C. The rights and remedies of CITY under this Agreement are as provided by law.

Section 7. Time for Performance

A. CONTRACTOR shall perform all services as provided for under this Agreement in a proper, efficient, timely, and professional manner in accordance with CITY'S requirements. The time for performance under this Agreement is Ninety (90) calendar days. Accordingly, CONTRACTOR shall complete all work related to the Project on or before the 90th calendar day following the date of CITY'S written notice to proceed to CONTRACTOR.

B. In the event CONTRACTOR's performance of this Agreement is delayed or interfered with by acts of the CITY or others, CONTRACTOR may request an extension of time for the performance of same as hereinafter provided, but shall not be entitled to any increase in fee or price, or to damages or additional compensation as a consequence of such delays.

C. No allowance of any extension of time, for any cause whatever, shall be claimed or made to CONTRACTOR, unless CONTRACTOR shall have made written request upon CITY for such extension within forty-eight (48) hours after the cause for such extension occurred, and unless CITY and CONTRACTOR have agreed in writing upon the allowance of additional time to be made.

D. CONTRACTOR understands and agrees that time is of the essence of this contract, and that for each day of delay beyond the number of calendar days agreed upon for the completion of the work herein specified and contracted for (after due allowance for such extension of time as may otherwise be provided for extension of time herein), the Owner may withhold permanently from the Contract Price an amount equal to \$1,500 per day.

E. In case CONTRACTOR should abandon and fail or refuse to resume work within ten (10) days after written notification from the City, or if CONTRACTOR fails to comply with the orders of the CITY, when such orders are consistent with the Contract Documents, then, and in that case, where performance and payment bonds exist, the Sureties on these bonds may be notified in writing by CITY and directed to complete the work (at CITY'S sole discretion), and a copy of said notice shall be delivered to CONTRACTOR. After receiving said notice of abandonment, CONTRACTOR shall not remove from the work any machinery, equipment, tools, materials or supplies then on the job, but the same, together with any materials and equipment under contract for the work, may be held for use on the work by the CITY or the Surety on the performance bond, or another contractor in completion of the work; and CONTRACTOR shall not receive any rental or credit therefor, it being understood that the use of such equipment and materials will ultimately reduce the cost to complete the work and be reflected in the final settlement. Nothing in this section shall be deemed a waiver of any remedy available to the CITY under this Agreement and the CITY shall retain all remedies upon default provided in Section 14 herein.

(1) In case the Surety should fail to commence compliance with the notice for completion hereinbefore provided for, within Ten (10) days after service such notice, then the CITY may provide for completion of the work in either of the following elective manners:

- a. The CITY may employ such force of labor and use such machinery, equipment, tools, materials and supplies as said CITY may deem necessary to complete the work and charge the expense of such labor, machinery, equipment, tools, materials and supplies to said CONTRACTOR, and expense so charged shall be deducted and paid by the CITY out of such moneys as may be due, or that may thereafter at any time become due to the CONTRACTOR under and by virtue of this Agreement. In case such expense is less than the sum which would have been payable under this contract, if the same had been completed by the CONTRACTOR, then said CONTRACTOR shall receive the difference. In case such expense is greater than the sum which would have been payable under this contract, if the same had been completed by said CONTRACTOR, then the CONTRACTOR and/or its Surety shall pay the amount of such excess to the CITY; or
- b. The CITY under sealed bids, when and in the manner required by law, may let the contract for the completion of the work under substantially the same terms and conditions which are provided in this Agreement. In the case of any increase in

cost to the CITY under the new contract as compared to what would have been the cost under this Agreement, such increase shall be charged to the CONTRACTOR and the Surety shall be and remain bound therefor. However, should the cost to complete any such new contract prove to be less than what would have been the cost to complete under this Agreement, the CONTRACTOR and/his Surety shall be credited therewith.

Section 8. Ownership of Project; Bill of Sale

A. CONTRACTOR warrants that title to all work, including all equipment and materials incorporated into the Project, will pass to CITY no later than the time of final payment. CONTRACTOR further warrants that upon payment by CITY, all Work for which payments have been received from CITY shall be free and clear of liens, claims, security interests or other encumbrances in favor of CONTRACTOR or any other person or entity whatsoever.

B. CONTRACTOR agrees to assign to CITY at the time of completion of the Scope of Services all manufacturer's warranties relating to equipment, materials and labor used in the Project and further agrees to perform the Project in such manner to preserve all manufacturer's warranties. If necessary as a matter of law, CONTRACTOR may retain the right to enforce directly any such manufacturers' warranties during the one year period following the date of acceptance of the Project by City.

Section 9. Termination

A. CITY may suspend or terminate this Agreement for cause or without cause at any time by giving written notice to CONTRACTOR. In the event suspension or termination is without cause, payment to CONTRACTOR, in accordance with the terms of this Agreement, will be made based on services reasonably determined by CITY to be satisfactorily performed to the date of suspension or termination. Such payment will be due upon delivery of all instruments of service to CITY.

B. If CITY requires a modification of this Agreement with CONTRACTOR, and in the event CITY and CONTRACTOR fail to agree upon a modification to this Agreement, CITY shall have the option of terminating this Agreement and CONTRACTOR's services hereunder at no additional cost other than the payment to CONTRACTOR, in accordance with the terms of this Agreement, for the services reasonably determined by CITY to be properly performed by CONTRACTOR prior to such termination date.

Section 10. Insurance

A. CONTRACTOR shall during the term hereof maintain in full force and effect the following insurance:

- (1) a comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the CONTRACTOR's performance of services pursuant to this Agreement with a minimum combined single limit of not less than \$2,000,000.00 per occurrence and \$4,000,000.00 aggregate for injury to persons (including death), and for property damage; and
- (2) a policy of automobile liability insurance covering any vehicles owned and/or operated by CONTRACTOR, its officers, agents, and employees, and used in the performance of this Agreement with policy limits of not less than \$500,000.00 combined single limit and aggregate for bodily injury and property damage; and

- (3) statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of CONTRACTOR's employees involved in the provision of services under this Agreement with policy limit of not less than \$500,000.00.

B. All insurance and certificate(s) of insurance shall:

- (1) provide for at least thirty (30) days prior written notice to CITY for cancellation or non-renewal of the insurance; and
- (2) name CITY, its officers, and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance; and
- (3) provide for a waiver of subrogation against CITY for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance.

C. All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.

D. A certificate of insurance evidencing the required insurance and all endorsements shall be submitted prior to commencement of services. Contractor shall provide written notice to CITY of any material change of or to the insurance required herein.

Section 11. Indemnification.

CITY SHALL NOT BE LIABLE FOR ANY LOSS, DAMAGE, OR INJURY OF ANY KIND OR CHARACTER TO ANY PERSON OR PROPERTY ARISING FROM THE SERVICES OF CONTRACTOR PURSUANT TO THIS AGREEMENT. CONTRACTOR HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE NEGLIGENCE OR WILLFUL MISCONDUCT OF CITY OR BREACH OF CITY'S OBLIGATIONS HEREUNDER. CONTRACTOR AGREES TO INDEMNIFY AND SAVE HARMLESS CITY FROM AND AGAINST ANY AND ALL LIABILITIES, DAMAGES, CLAIMS, SUITS, COSTS (INCLUDING COURT COSTS, REASONABLE ATTORNEYS' FEES AND COSTS OF INVESTIGATION) AND ACTIONS OF ANY KIND BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO OR LOSS OF PROPERTY TO THE EXTENT CAUSED BY CONTRACTOR'S NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF CONTRACTOR, ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO NEGLIGENCE OF CITY, IN WHOLE OR IN PART, IN WHICH CASE CONTRACTOR SHALL INDEMNIFY CITY ONLY TO THE EXTENT OR PROPORTION OF NEGLIGENCE ATTRIBUTED TO CONTRACTOR AND/OR ITS OFFICERS, DIRECTORS, SERVANTS, EMPLOYEES, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION). CONTRACTOR'S OBLIGATIONS UNDER THIS SECTION SHALL NOT BE LIMITED TO THE LIMITS OF COVERAGE OF INSURANCE MAINTAINED OR REQUIRED TO BE MAINTAINED BY CONTRACTOR UNDER THIS AGREEMENT. THIS PROVISION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

Section 12. Assignment

CONTRACTOR shall not assign or sublet this Agreement, or any part thereof, without the prior written consent of CITY.

Section 13. Applicable Laws

CONTRACTOR shall comply with all Federal, State, County and Municipal laws, ordinances, regulations, safety orders, resolutions and building codes relating or applicable to services to be performed under this Agreement. The laws of the State of Texas shall govern this Agreement; and venue for any action concerning this Agreement shall be in the State District Court of Tarrant County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court

Section 14. Default of CONTRACTOR

In the event CONTRACTOR fails to comply or becomes disabled and unable to comply with the provisions of this Agreement as to the quality or character of the service or time of performance, and the failure is not corrected within ten (10) days after written notice by CITY to CONTRACTOR, CITY may, at its sole discretion without prejudice to any other right or remedy:

A. Terminate this Agreement and be relieved of the payment of any further consideration to CONTRACTOR except for all work determined by CITY to be satisfactorily completed prior to termination. Payment for work satisfactorily completed shall be for actual costs, including reasonable salaries and travel expenses of CONTRACTOR to and from meetings called by CITY at which CONTRACTOR is required to attend, but shall not include any loss of profit of CONTRACTOR. In the event, of such termination, CITY may proceed to complete the services in any manner deemed proper by CITY, either by the use of its own forces or by resubletting to others.

B. CITY may, without terminating this Agreement or taking over the services, furnish the necessary materials, equipment, supplies and/or help necessary to remedy the situation, at the expense of CONTRACTOR.

Section 15. Adjustments in Services

No claims for extra services, additional services or changes in the services will be made by CONTRACTOR without a written agreement with CITY prior to the performance of such services.

Section 16. Execution Becomes Effective

This Agreement will be effective upon signing of the Agreement by authorized representatives of CONTRACTOR and CITY.

Section 17. Agreement Amendments

This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and there are no oral understandings, statements or stipulations bearing upon the meaning or effect of this Agreement which have not been incorporated herein. This Agreement may only be modified, amended, supplemented or waived by a written instrument executed by the parties except as may be otherwise provided therein.

Section 18. Severability.

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

Section 19. Independent Contractor.

In satisfying the conditions of and providing the services under this Agreement, CONTRACTOR is acting independently, and CITY assumes no responsibility or liabilities to any third party in connection with CONTRACTOR's actions. All services to be performed by CONTRACTOR pursuant to this Agreement shall be in the capacity of an independent contractor and not as an agent or employee of CITY. CONTRACTOR shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this Agreement. There is no intended third-party beneficiary to this Agreement.

Section 20. Right-Of-Access.

CITY will obtain and/or furnish right-of-access on any project site for CONTRACTOR to perform any required studies, surveys, tests or other necessary investigations in relation to the Scope of Services. CONTRACTOR will take reasonable precautions to minimize damage to the personal or real property in the performance of such surveys, tests, studies and investigations.

Section 21. Notice.

Any notice required or permitted to be delivered hereunder may be sent by first class mail, overnight courier or by confirmed telefax or facsimile to the address specified below, or to such other party or address as either party may designate in writing, and shall be deemed received three (3) days after delivery set forth herein:

If to CITY: City Manager
Attn: Jerry Ducay
City of Colleyville
100 Main Street, Colleyville
Colleyville, Texas 76034

With copy to: Whitt L. Wyatt, City Attorney
c/o City Secretary
100 Main Street, 3rd Floor
Colleyville, Texas 76034

If to CONTRACTOR: CMC Development & Construction, LLC
Attn: Christian Crenshaw, CEO
1111 W Mockingbird Lane, Suite 595
Dallas, Texas 75247

Section 22. Counterparts

This Agreement may be executed by the parties hereto in separate counterparts, each of which when so executed and delivered shall be an original, but all such counterparts shall together constitute one and the

same instrument. Each counterpart may consist of any number of copies hereof each signed by less than all, but together signed by all of the parties hereto.

Section 23. Recitals; Exhibits.

All recitals and exhibits attached hereto are incorporated and made a part hereof for all purposes.

Section 24. Survival of Obligations.

Any of the representations and obligations of the parties, as well as any rights and benefits of the parties pertaining to a period of time following the termination of this Agreement shall survive termination.

Section 25. Sales and Use Taxes

CONTRACTOR understands and acknowledges that CITY is a governmental entity and exempt from the payment of sales and use taxes for certain materials and equipment conveyed to City as part of this Project or otherwise incorporated into the Project. CITY agrees to provide CONTRACTOR such documentation as may otherwise be required by state law to allow CONTRACTOR to avoid payment of sales and uses taxes for materials and equipment with respect to the Project to the extent allowed by law.

Section 25. Sales and Use Taxes

CONTRACTOR's execution of this Agreement shall serve as its verification that:

(a) CONTRACTOR (i) does not Boycott Israel and agrees that during the term of the Agreement will not Boycott Israel as that term is defined in Texas Government Code Section 808.001, as amended; (ii) does not Boycott Energy Companies and agrees that during the term of this Agreement will not Boycott Energy Companies as that term is defined in Texas Government Code Section 809.001, as amended; and (iii) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association as those terms are defined in Texas Government Code Section 2274.001, and will not discriminate during the term of this Agreement against a firearm entity or firearm trade association; or

(b) CONTRACTOR is exempt from the forgoing verification because it (i) is a sole proprietor, (ii) a nonprofit entity, (iii) a governmental entity, or (iv) has fewer than ten (10) fulltime employees.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK -
SIGNATURE PAGE FOLLOWS]

EXECUTED on December 7, 2021

CITY OF COLLEYVILLE, TEXAS

By: _____
Jerry Ducay, City Manager

ATTEST:

Christine Loven, City Secretary

APPROVED AS TO FORM:



Whitt L. Wyatt, City Attorney
Staff:pk:Date:November 19, 2021:v4.2019

EXECUTED on Decmeber ___, 2021.

CONTRACTOR
CMC Development & Construction

By: _____
Christian Crenshaw, CEO

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING****1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

CMC Development & Construction Corporation LLC
Houston, TX United States

Certificate Number:
2021-818095

Date Filed:
10/28/2021

Date Acknowledged:
11/19/2021

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Colleyville

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

BSV-2022-001
Justice Center Improvements

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	CMC Development & Construction Corporation LLC	Houston, TX United States	X	

5 Check only if there is NO Interested Party.☐**6 UNSWORN DECLARATION**

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY
CERTIFICATION OF FILING****1 Name of business entity filing form, and the city, state and country of the business entity's place of business.**

CMC Development & Construction Corporation LLC
Houston, TX United States

Certificate Number:
2021-818095

Date Filed:
10/28/2021

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Colleyville

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

BSV-2022-001
Justice Center Improvements

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary
	CMC Development & Construction Corporation LLC	Houston, TX United States	X	

5 Check only if there is NO Interested Party.☐**6 UNSWORN DECLARATION**

My name is Christian Crenshaw, and my date of birth is 09/28/1992.

My address is 9494 Southwest Freeway, Suite 485, Houston, TX, 77074, US.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County County, State of Texas, on the 28 day of October, 2021.
(month) (year)



Signature of authorized agent of contracting business entity
(Declarant)

4c. Justice Center Site Improvements



Approval of a construction contract with CMC Development & Construction Corporation, LLC, for the Justice Center Site Improvements Project, in an amount not to exceed \$676,000, including alternate bid item #1, and a contingency amount not to exceed \$50,000, and authorizing the City Manager to execute the contract

PROJECT HIGHLIGHTS

- Installing new masonry fencing
- Installing cantilevered parking canopies
- Installing sliding vehicular gate system tied to existing access control
- Replacing wayfinding signage
- Miscellaneous site element improvements



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 4d

Agenda Date 12/7/2021

Number

Type Resolution

Department Finance

Title

Approval of the annual review and updates to the City of Colleyville Investment Policy

Strategic Plan

2.4 Demonstrate stewardship of public resources

Explanation

Reading and Public Hearing

The Public Funds Investment Act requires the governing body of a public entity review the investment strategy and adopt a written instrument by resolution stating that it has reviewed the investment policy and investment strategies.

The City's investment strategy is addressed under the "Investment Strategy" section of the attached City of Colleyville Investment Policy.

Staff proposes no changes.

Financial Impact

The Investment Policy provides required parameters for the investment of City funds as required by the State of Texas Public Funds Investment Act.

Recommendation

Approve

Attachments

1. Public Funds Investment Act
2. Investment Policy 2022
3. Policy Update

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

Sec. 2256.001. SHORT TITLE. This chapter may be cited as the Public Funds Investment Act.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.002. DEFINITIONS. In this chapter:

(1) "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by an entity, and reserves and funds maintained by an entity for debt service purposes.

(2) "Book value" means the original acquisition cost of an investment plus or minus the accrued amortization or accretion.

(3) "Funds" means public funds in the custody of a state agency or local government that:

(A) are not required by law to be deposited in the state treasury; and

(B) the investing entity has authority to invest.

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Investing entity" and "entity" mean an entity subject to this chapter and described by Section 2256.003.

(6) "Investment pool" means an entity created under this code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are:

(A) preservation and safety of principal;

(B) liquidity; and

(C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the

State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

(8) "Market value" means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

(9) "Pooled fund group" means an internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested.

(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;

(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution;

(C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or

(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

(11) "School district" means a public school district.

(12) "Separately invested asset" means an account or fund of a state agency or local government that is not invested in a pooled fund group.

(13) "State agency" means an office, department, commission, board, or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 1, eff. Sept. 1, 1999.

Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:

- (1) a local government;
- (2) a state agency;
- (3) a nonprofit corporation acting on behalf of a local government or a state agency; or
- (4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

(b) In the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 2, eff. Sept. 1, 1999.

Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:

- (1) a public retirement system as defined by Section 802.001;
- (2) state funds invested as authorized by Section 404.024;
- (3) an institution of higher education having total endowments of at least \$150 million in book value on September 1, 2017;
- (4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;
- (5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or

(6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 505, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.21, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1454, Sec. 3, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 1, eff. June 14, 2017.

Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER. (a) The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control.

(b) The investment policies must:

- (1) be written;
- (2) primarily emphasize safety of principal and liquidity;
- (3) address investment diversification, yield, and maturity and the quality and capability of investment management; and
- (4) include:

(A) a list of the types of authorized investments in which the investing entity's funds may be invested;

(B) the maximum allowable stated maturity of any individual investment owned by the entity;

(C) for pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date for the portfolio;

(D) methods to monitor the market price of investments acquired with public funds;

(E) a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

(F) procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Section [2256.021](#).

(c) The investment policies may provide that bids for certificates of deposit be solicited:

- (1) orally;
- (2) in writing;
- (3) electronically; or
- (4) in any combination of those methods.

(d) As an integral part of an investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

- (1) understanding of the suitability of the investment to the financial requirements of the entity;
- (2) preservation and safety of principal;
- (3) liquidity;
- (4) marketability of the investment if the need arises to liquidate the investment before maturity;
- (5) diversification of the investment portfolio; and
- (6) yield.

(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the

investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(g) Subsection (f) does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing its funds.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 685, Sec. 1

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be an investment officer for the commission under Subsection (f) if the officer or employee is an investment officer designated under Subsection (f) for another local government.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 1421, Sec. 3

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be designated as an investment officer under Subsection (f) for any investing entity other than for that commission.

(i) An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

(1) the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the

fair market value of the business organization;

(2) funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or

(3) the investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

(j) The governing body of an investing entity may specify in its investment policy that any investment authorized by this chapter is not suitable.

(k) A written copy of the investment policy shall be presented to any business organization offering to engage in an investment transaction with an investing entity. For purposes of this subsection and Subsection (l), "business organization" means an investment pool or investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio that has accepted authority granted by the entity under the contract to exercise investment discretion in regard to the investing entity's funds. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

(1) received and reviewed the investment policy of the entity;
and

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization:

(A) is dependent on an analysis of the makeup of the entity's entire portfolio;

(B) requires an interpretation of subjective investment standards; or

(C) relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a business organization that has not delivered to the entity the instrument required by Subsection (k).

(m) An investing entity other than a state agency, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the entity's established investment policies.

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section [321.020](#). Not later than January 1 of each even-numbered year a state agency shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section [321.013](#), the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section [404.024](#).

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 4, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 41, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. [2226](#)), Sec. 1, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 149 (H.B. [1701](#)), Sec. 1, eff. September 1, 2017.

Sec. 2256.006. STANDARD OF CARE. (a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

- (1) preservation and safety of principal;
- (2) liquidity; and
- (3) yield.

(b) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- (2) whether the investment decision was consistent with the written investment policy of the entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a) Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

(b) The Texas Higher Education Coordinating Board shall provide the training under this section.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 73, Sec. 1, eff. May 9, 1997; Acts 1997, 75th Leg.,

ch. 1421, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 5, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. [2226](#)), Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS.

(a) Except as provided by Subsections (a-1), (b), (b-1), (e), and (f), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(a-1) Except as provided by Subsection (g), the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a school district or a municipality, in addition to the requirements of Subsection (a)(1), shall attend an investment training session not less than once in a two-year period that begins on the first day of the school district's or municipality's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the governing body of the school district or municipality, or by a designated investment committee advising the investment officer as provided for in the investment policy of the school district or municipality.

(b) An investing entity created under authority of Section [52](#)(b), Article III, or Section [59](#), Article XVI, Texas Constitution, that has

contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date. The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(b-1) A housing authority created under Chapter 392, Local Government Code, may satisfy the training requirement provided by Subsection (a)(2) by requiring the following person to attend, in each two-year period that begins on the first day of that housing authority's fiscal year and consists of the two consecutive fiscal years after that date, at least five hours of appropriate instruction:

- (1) the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, or the investment officer; or
- (2) if the authority does not have an officer described by Subdivision (1), another officer of the authority.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

(e) This section does not apply to a district governed by Chapter 36 or 49, Water Code.

(f) Subsection (a)(2) does not apply to an officer of a municipality or housing authority if the municipality or housing authority:

- (1) does not invest municipal or housing authority funds, as applicable; or
- (2) only deposits those funds in:

- (A) interest-bearing deposit accounts; or
- (B) certificates of deposit as authorized by Section

2256.010.

(g) Subsection (a-1) does not apply to the treasurer, chief financial officer, or investment officer of a school district if:

(1) the district:

- (A) does not invest district funds; or
- (B) only deposits those funds in:
 - (i) interest-bearing deposit accounts; or
 - (ii) certificates of deposit as authorized by Section

2256.010; and

(2) the treasurer, chief financial officer, or investment officer annually submits to the agency a sworn affidavit identifying the applicable criteria under Subdivision (1) that apply to the district.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 69, Sec. 4, eff. May 14, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 3, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 222 (H.B. 1148), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1248 (H.B. 870), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 8.015, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1000 (H.B. 1238), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1000 (H.B. 1238), Sec. 2, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 477 (H.B. 293), Sec. 1, eff. June 7, 2019.

Sec. 2256.009. AUTHORIZED INVESTMENTS: OBLIGATIONS OF, OR GUARANTEED BY GOVERNMENTAL ENTITIES. (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

(1) obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home

Loan Banks;

(2) direct obligations of this state or its agencies and instrumentalities;

(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;

(6) bonds issued, assumed, or guaranteed by the State of Israel;

(7) interest-bearing banking deposits that are guaranteed or insured by:

(A) the Federal Deposit Insurance Corporation or its successor; or

(B) the National Credit Union Share Insurance Fund or its successor; and

(8) interest-bearing banking deposits other than those described by Subdivision (7) if:

(A) the funds invested in the banking deposits are invested through:

(i) a broker with a main office or branch office in this state that the investing entity selects from a list the governing body or designated investment committee of the entity adopts as required by Section [2256.025](#); or

(ii) a depository institution with a main office or branch office in this state that the investing entity selects;

(B) the broker or depository institution selected as described by Paragraph (A) arranges for the deposit of the funds in the banking deposits in one or more federally insured depository institutions, regardless of where located, for the investing entity's account;

(C) the full amount of the principal and accrued interest of the banking deposits is insured by the United States or an instrumentality

of the United States; and

(D) the investing entity appoints as the entity's custodian of the banking deposits issued for the entity's account:

(i) the depository institution selected as described by Paragraph (A);

(ii) an entity described by Section [2257.041](#)(d); or

(iii) a clearing broker dealer registered with the Securities and Exchange Commission and operating under Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3).

(b) The following are not authorized investments under this section:

(1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

(2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

(3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and

(4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 558, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. [2226](#)), Sec. 4, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. [1003](#)), Sec. 2, eff. June 14, 2017.

Acts 2017, 85th Leg., R.S., Ch. 863 (H.B. [2647](#)), Sec. 1, eff. June 15, 2017.

Acts 2017, 85th Leg., R.S., Ch. 874 (H.B. [2928](#)), Sec. 1, eff. September 1, 2017.

Sec. 2256.010. AUTHORIZED INVESTMENTS: CERTIFICATES OF DEPOSIT AND SHARE CERTIFICATES. (a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;

(2) secured by obligations that are described by Section 2256.009(a), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b); or

(3) secured in accordance with Chapter 2257 or in any other manner and amount provided by law for deposits of the investing entity.

(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this subchapter:

(1) the funds are invested by an investing entity through:

(A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025; or

(B) a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;

(2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;

(3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

(4) the investing entity appoints the depository institution selected by the investing entity under Subdivision (1), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Amended by Acts 1995, 74th Leg., ch. 32, Sec. 1, eff. April 28, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 128 (H.B. 256), Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 5, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 874 (H.B. 2928), Sec. 2, eff. September 1, 2017.

Sec. 2256.011. AUTHORIZED INVESTMENTS: REPURCHASE AGREEMENTS. (a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

- (1) has a defined termination date;
- (2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1) or 2256.013 or, if applicable, Section 2256.0204;
- (3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and
- (4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1) or 2256.013 or, if applicable, Section 2256.0204, at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

(c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

(d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

(e) Section 1371.059(c) applies to the execution of a repurchase agreement by an investing entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. [2226](#)), Sec. 6, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. [1003](#)), Sec. 3, eff. June 14, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1133 (H.B. [2706](#)), Sec. 1, eff. September 1, 2019.

Sec. 2256.0115. AUTHORIZED INVESTMENTS: SECURITIES LENDING PROGRAM.

(a) A securities lending program is an authorized investment under this subchapter if it meets the conditions provided by this section.

(b) To qualify as an authorized investment under this subchapter:

(1) the value of securities loaned under the program must be not less than 100 percent collateralized, including accrued income;

(2) a loan made under the program must allow for termination at any time;

(3) a loan made under the program must be secured by:

(A) pledged securities described by Section [2256.009](#);

(B) pledged irrevocable letters of credit issued by a bank that is:

(i) organized and existing under the laws of the United States or any other state; and

(ii) continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or

(C) cash invested in accordance with Section:

(i) [2256.009](#);

(ii) [2256.013](#);

(iii) [2256.014](#); or

(iv) [2256.016](#);

(4) the terms of a loan made under the program must require that the securities being held as collateral be:

(A) pledged to the investing entity;

(B) held in the investing entity's name; and

(C) deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity;

(5) a loan made under the program must be placed through:

(A) a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003; or

(B) a financial institution doing business in this state;
and

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

(1) has a stated maturity of 270 days or fewer from the date of its issuance;

(2) will be, in accordance with its terms, liquidated in full at maturity;

(3) is eligible for collateral for borrowing from a Federal Reserve Bank; and

(4) is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:

(1) has a stated maturity of 365 days or fewer from the date of its issuance; and

(2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1133 (H.B. [2706](#)), Sec. 2, eff. September 1, 2019.

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS.

(a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.); and

(3) complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.).

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

(1) is registered with the Securities and Exchange Commission;

(2) has an average weighted maturity of less than two years; and

(3) either:

(A) has a duration of one year or more and is invested exclusively in obligations approved by this subchapter; or

(B) has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities.

(c) An entity is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);

(2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or

(3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. [1003](#)), Sec. 4, eff. June 14, 2017.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

(1) has a defined termination date;

(2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and

(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;

(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;

(3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;

(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

(d) Section 1371.059(c) applies to the execution of a guaranteed investment contract by an investing entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 5, eff. June 14, 2017.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

- (1) the types of investments in which money is allowed to be invested;
- (2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;
- (3) the maximum stated maturity date any investment security within the portfolio has;
- (4) the objectives of the pool;
- (5) the size of the pool;
- (6) the names of the members of the advisory board of the pool and the dates their terms expire;
- (7) the custodian bank that will safekeep the pool's assets;
- (8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;
- (9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;
- (10) the name and address of the independent auditor of the pool;
- (11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool;
- (12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios; and
- (13) the pool's policy regarding holding deposits in cash.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

- (1) investment transaction confirmations; and
- (2) a monthly report that contains, at a minimum, the following information:
 - (A) the types and percentage breakdown of securities in which the pool is invested;
 - (B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;
 - (C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;
 - (D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;
 - (E) the size of the pool;
 - (F) the number of participants in the pool;
 - (G) the custodian bank that is safekeeping the assets of the pool;
 - (H) a listing of daily transaction activity of the entity participating in the pool;
 - (I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;
 - (J) the portfolio managers of the pool; and
 - (K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, for purposes of an investment pool for which a \$1.00 net asset value is maintained, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter:

- (1) a public funds investment pool that uses amortized cost or fair value accounting must mark its portfolio to market daily; and
- (2) if the investment pool uses amortized cost:
 - (A) the investment pool must, to the extent reasonably possible, stabilize at a \$1.00 net asset value, when rounded and expressed

to two decimal places;

(B) the governing body of the investment pool must, if the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, take action as the body determines necessary to eliminate or reduce to the extent reasonably practicable any dilution or unfair result to existing participants, including a sale of portfolio holdings to attempt to maintain the ratio between 0.995 and 1.005; and

(C) the investment pool must, in addition to the requirements of its investment policy and any other forms of reporting, report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. [2226](#)), Sec. 7, eff. June 17, 2011.

Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. [1003](#)), Sec. 6, eff. June 14, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1133 (H.B. [2706](#)), Sec. 3, eff. September 1, 2019.

Sec. 2256.017. EXISTING INVESTMENTS. Except as provided by Chapter [2270](#), an entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 96 (S.B. [253](#)), Sec. 2, eff. May 23, 2017.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. [2226](#)), Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a

holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 7 (S.B. 495), Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for

oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. 1371 (S.B. 894), Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. 804 (H.B. 2346), Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

- (1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or
- (2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally

recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1133 (H.B. [2706](#)), Sec. 5, eff. September 1, 2019.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1347 (S.B. [1543](#)), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1133 (H.B. [2706](#)), Sec. 5, eff. September 1, 2019.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a)

In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. 121 (S.B. [1464](#)), Sec. 1, eff. September 1, 2005.

Sec. 2256.0206. AUTHORIZED INVESTMENTS: HEDGING TRANSACTIONS. (a)

In this section:

(1) "Eligible entity" means a political subdivision that has:

(A) a principal amount of at least \$250 million in:

(i) outstanding long-term indebtedness;

(ii) long-term indebtedness proposed to be issued; or

(iii) a combination of outstanding long-term

indebtedness and long-term indebtedness proposed to be issued; and

(B) outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

(2) "Eligible project" has the meaning assigned by Section [1371.001](#).

(3) "Hedging" means acting to protect against economic loss due to price fluctuation of a commodity or related investment by entering into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.

(b) This section prevails to the extent of any conflict between this section and:

(1) another law; or

(2) an eligible entity's municipal charter, if applicable.

(c) The governing body of an eligible entity shall establish the entity's policy regarding hedging transactions.

(d) An eligible entity may enter into hedging transactions, including hedging contracts, and related security, credit, and insurance agreements in connection with commodities used by an eligible entity in the entity's general operations, with the acquisition or construction of a capital project, or with an eligible project. A hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission.

(e) An eligible entity may pledge as security for and to the payment of a hedging contract or a security, credit, or insurance agreement any general or special revenues or funds the entity is authorized by law to pledge to the payment of any other obligation.

(f) Section 1371.059(c) applies to the execution by an eligible entity of a hedging contract and any related security, credit, or insurance agreement.

(g) An eligible entity may credit any amount the entity receives under a hedging contract against expenses associated with a commodity purchase.

(h) An eligible entity's cost of or payment under a hedging contract or agreement may be considered:

(1) an operation and maintenance expense of the eligible entity;

(2) an acquisition expense of the eligible entity;

(3) a project cost of an eligible project; or

(4) a construction expense of the eligible entity.

Added by Acts 2017, 85th Leg., R.S., Ch. 773 (H.B. 1003), Sec. 7, eff. June 14, 2017.

Sec. 2256.0207. AUTHORIZED INVESTMENTS: PUBLIC JUNIOR COLLEGE DISTRICT FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, the governing board of a public junior college district may invest funds received by the district from a lease or contract for the management and development of land owned by the district and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by the governing board of a public junior college district under this section shall be segregated and accounted for separately from other funds of the district.

Added by Acts 2017, 85th Leg., R.S., Ch. 344 (H.B. 1472), Sec. 1, eff. September 1, 2017.

Redesignated from Government Code, Section 2256.0206 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(34), eff. September 1, 2019.

Sec. 2256.0208. LOCAL GOVERNMENT INVESTMENT OF BOND PROCEEDS AND PLEDGED REVENUE. (a) In this section, "pledged revenue" means money pledged to the payment of or as security for:

- (1) bonds or other indebtedness issued by a local government;
- (2) obligations under a lease, installment sale, or other agreement of a local government; or
- (3) certificates of participation in a debt or obligation described by Subdivision (1) or (2).

(b) The investment officer of a local government may invest bond proceeds or pledged revenue only to the extent permitted by this chapter, in accordance with:

- (1) statutory provisions governing the debt issuance or the agreement, as applicable; and
- (2) the local government's investment policy regarding the debt issuance or the agreement, as applicable.

Added by Acts 2019, 86th Leg., R.S., Ch. 1133 (H.B. 2706), Sec. 4, eff. September 1, 2019.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state

auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section [321.013](#).

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

(1) describe in detail the investment position of the entity on the date of the report;

(2) be prepared jointly by all investment officers of the entity;

(3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be

formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1004 (H.B. 2226), Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b) and Section 2256.017, this subchapter does not:

(1) prohibit an investment specifically authorized by other law;
or

(2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

(1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;

(2) an entity created under Chapter 392, Local Government Code;
or

(3) an entity created under Chapter 394, Local Government Code.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 96 (S.B. 253), Sec. 3, eff. May 23, 2017.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made

under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

CITY OF COLLEYVILLE INVESTMENT POLICY

Policy

It is the policy of the City of Colleyville (the City) to invest public funds in a manner which will provide a reasonable market rate of return commensurate with the City's investment risk constraints while meeting the daily cash flow demands of the entity and conforming to all State of Texas laws and statutes including the Public Funds Investment Act (PFIA), Chapter 2256 of the Government Code and City ordinances.

Scope

This Investment Policy applies to all financial assets of the City. These funds are accounted for in the City's Comprehensive Annual Financial Report and include:

- General Fund
- Special Revenue Funds
- Capital Projects Funds
- Enterprise Funds
- Debt Service Funds, including reserves and sinking funds
- Trust and Agency Funds, to the extent not required by law or existing contract to be kept segregated and managed separately

and any new fund created by the City Council, unless specifically exempted by the City Council or by law. All funds may be combined as pooled funds unless specifically prohibited by State law or statute or City ordinance.

Objectives

The primary objectives, in priority order, of the City's investment activities shall be:

Safety: Safety of principal is the foremost objective of the City in managing its portfolio. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective the City will diversify its investments among a variety of investment types and financial institutions. The City will also take into account

the marketability of the investment if the need arises to liquidate the investment before maturity.

Liquidity: The City will also maintain sufficient liquidity to provide adequate and timely working funds.

Yield: The investment portfolio shall be designed with the objective of obtaining a reasonable market rate of return throughout budgetary and economic cycles within the parameters imposed by its safety and liquidity objectives, investment strategies, and state and local law. The weighted average return on thirteen-week Treasury bills is considered a benchmark for riskless investment transactions, and therefore, is a minimum standard for the portfolio's rate of return.

Delegation of Authority

The City designates the Investment Officers to be the Director of Finance, with overall responsibilities to see that investment objectives are accomplished, and the Accounting Manager, with the specific day-to-day performance of managing the funds of the City.

Ethics and Conflict of Interest

All Investment Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions. Investment Officers shall disclose to the City Council and Texas Ethics Commission a statement under the following conditions:

- A. If they have a personal business relationship with a business organization offering to engage in an investment transaction with the entity. Under PFIA, a personal business relationship is defined as:
 - 1. The investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
 - 2. Funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or

3. The investment officer has acquired from the business organization during the previous year, investments with a book value of \$2,500 or more for the personal account of the investment officer.
- B. If they are related within the second degree by affinity or consanguinity, as determined by Chapter 573 V.A.T.C.S. to an individual seeking to sell an investment to the City of Colleyville.

Investment Officers shall notify the City Council in writing of any conflicts of interest, as defined by PFIA, no later than the next regularly scheduled Council meeting.

Prudence

Investments shall be made with judgement and care – under circumstances then prevailing – which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Investment Officers acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

It is the policy of the City that the Investment Officers perform their duties in accordance with the policies and procedures set forth in this policy. The Investment Officers of the City shall be personally indemnified in the event of investment loss provided the Investment Policy is followed.

Internal Controls

The Director of Finance and Accounting Manager shall establish a system of written internal controls which shall be reviewed by an independent auditor in conjunction with the annual financial audit. The controls shall be designed to prevent the loss of public funds due to fraud, error, misrepresentation, unanticipated market changes or imprudent actions.

Authorized Investments

The following is the list of authorized investments permitted for the City:

1. Obligations, including letters of credit, of the United States or its agencies or instrumentalities, including the Federal Home Loan Banks;
2. Direct obligations of the State of Texas or its agencies;
3. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by the State of Texas or the United States or its agencies or instrumentalities;
4. Obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by nationally recognized investment rating firm and having received a rating of not less than "A" or its equivalent;
5. Certificates of deposit, and other forms of deposit, placed with a financial institution that has its main office or branch office in Texas that is:
 - a. Guaranteed or insured by the Federal Deposit Insurance Corporation, or its successors;
 - b. Secured by obligations in any manner and amount provided by law for deposits of the City; or
 - c. is placed in compliance with the requirements of PFIA.
6. AAA-rated Texas local government investment pools as authorized by PFIA. Participation in any pool must be authorized by resolution of the City Council. Pools investing in commercial paper are permissible up to 5% of total pool investments.
7. Direct repurchase agreements with primary security dealers or financial institutions doing business in the State of Texas having a defined termination date, and secured by cash or U.S. Government or federal agency securities, provided that the ownership of collateral for the repurchase agreement is transferred to the City, and deposited with a safekeeping agent for the duration of the contract, and a signed master repurchase agreement has been executed with the counterparty.
8. SEC-registered, no-load money market mutual funds whose assets generally consist of United States Government Securities or obligations backed by that security-type, and whose investment objectives include

seeking to maintain a stable net asset value of \$1.0000 per share. Investment in mutual funds shall be limited as per PFIA.

The City is not required to liquidate an investment that was authorized at the time of its purchase.

Prohibited Investments

The following securities, although authorized by PFIA, are not eligible investments for the City:

1. Collateralized mortgage obligations and/or obligations of the following structure
 - a. obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
 - b. obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
 - c. collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
 - d. collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.
2. Commercial paper
3. Banker's acceptances
4. Reverse repurchase agreements (Local Government Investment Pools which the City participates in may engage in reverse repurchase agreements if the term is 90 days or less)
5. No-load mutual funds other than SEC-registered, no-load money market mutual funds as described above.
6. Share certificates of qualifying credit unions

Effect of Loss of Required Rating

An investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have a minimum rating. The Investment Officers shall take all prudent measures that are consistent with the City's Investment Policy to liquidate the investment(s) that does not have the minimum rating. In accordance with PFIA, the Investment Officers shall monitor rating changes in current investments on a periodic basis.

Investment Strategies

The investment strategy by type of fund is as follows:

(1) Operating Funds

The investment strategy for operating fund(s) is to assure that anticipated cash flows are matched with adequate investment liquidity. A secondary objective is to create a portfolio, which will experience minimum volatility during economic cycles. These funds shall not have an investment with a stated maturity greater than two years and the weighted average maturity shall not exceed twelve months.

(2) Debt Service Funds

The investment strategy for debt service fund(s) is the assurance of investment liquidity to cover the debt service obligations on the required payment date. Investments purchased shall not have a stated final maturity date which exceeds the corresponding debt service payment date.

(3) Reserve Funds

The investment strategy for reserve fund(s) is the assurance of investment liquidity adequate to cover the debt service obligations not funded by debt service funds on the required payment date. Investment of reserve funds are controlled by their ordinance, resolution or indenture, and Federal and State law. Bond documents must be examined for each issue, for potential differences with this policy concerning investment instruments, maximum maturity or average life restrictions, call dates or sinking fund redemptions, and applicable arbitrage yields and rebate liability. More restrictive provisions contained in the bond documents will supersede provisions of this Policy. Weighted average maturity shall be in compliance with bond requirements, as

stated.

Maturity limitations for single issue reserve funds shall not exceed the sooner of five (5) years, the call provisions of the bond ordinance, or the final maturity of the bond issue.

Reserve funds may be subject to arbitrage rebate rules requiring refunding of excess earnings. All excess earnings received will be segregated to allow a proper determination of interest income to be used in the arbitrage calculation.

(4) Special Project or Special Purpose Funds

The investment strategy for special projects or special purpose fund portfolio(s) will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The City's final maturity dates of securities held shall not exceed the estimated project completion date. Funds in excess of defined construction payment schedules shall be limited to a maximum final maturity date of three years.

Diversification

The City will attempt to limit the risk of loss through diversification of its portfolio and to achieve the aforementioned investment strategies by diversification of instruments across various maturities.

Diversification of Portfolio by Instrument	Maximum Percent
U.S. Treasury Obligations (Bills, Notes and Bonds – direct purchase),	100%
U.S. Government Agency Securities, and Instrumentalities of Government Sponsored Corporations (direct purchase)	75%
Certificates of Deposit (CD's – direct purchase)	75%
Local Government Investment Pools	75%
Repurchase Agreements (direct purchase)	15%

Investment Procedures

The City shall enter the following agreements (if applicable): safekeeping, repurchase agreements, wire transfer agreements, banking services contracts, and collateral/depository agreements. These contracts shall include the explicit delegation of authority to persons responsible for the transactions involving these agreements. No person except those designated in the contract may engage in any investment transactions.

In order to create a competitive pricing environment for each investment transaction, the City shall solicit quotations from multiple investment providers, authorized broker/dealers or financial institutions, as applicable. Records will be kept of the quotes offered, transactions accepted, and a brief explanation of the decision that was made regarding the investment. Money market mutual fund, money market account and local government investment pool risk/returns shall also be periodically compared to ensure competitive performance.

Qualified Broker/Dealers

Annually, the City Council shall review and approve a list of qualified broker/dealers authorized to engage in investment transactions with the City. All firms shall answer and submit a Broker/Dealer questionnaire to the City for evaluation. All personnel in the firms who will be trading or quoting securities to the City Council must maintain a current Financial Industry Regulatory Authority (FINRA) license and be registered to deal securities in the State of Texas. Broker/dealers eligible to transact investment business with the City shall be presented a written copy of this Investment Policy.

Certification of Business Organizations

The registered principal of any investment pool or discretionary investment manager seeking to transact investment business with the City shall execute a written instrument substantially to the effect that the registered principal has:

- received and reviewed this Investment Policy, and
- acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities with the City except to the extent that the authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires

interpretation of subjective investment standards, or relates to investment transactions of the City that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

The City shall not enter into an investment transaction with a pool or discretionary investment manager prior to receiving the written instrument described above.

Safekeeping

All marketable securities purchased by the City shall be held in a third party safekeeping institution. All securities will be settled on a delivery versus payment basis whereby the third party safekeeping institution will verify the correct security was delivered by the seller prior to releasing payment for the security. The third party safekeeping institution shall issue a safekeeping receipt to the City listing the specific instrument, rate/yield, maturity, CUSIP, and other pertinent information. The securities will be held in an account in the City's name as evidenced by the safekeeping receipts.

Securities pledged as collateral on deposits which exceed the FDIC coverage shall be held by a third party custodial institution designated by the City and held in an account in the City's name. A collateral agreement shall be executed between the City and the third party custodian of the collateral.

Collateralization

Financial institutions serving as City depositories will be required to sign a depository agreement with the City. The collateralized deposit portion of the agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement must be executed by the depository and the City contemporaneously with the acquisition of the asset;
- The agreement must be approved by the Board of Directors or designated committee of the depository and a copy of the meeting minutes must be delivered to the City; and
- The agreement must be part of the depository's "official record" continuously since its execution.

The written agreement will specify the acceptable collateral, require independent custodian of the collateral, only allow substitution of collateral of equal or greater value than the collateral being substituted, and require City approval before release of collateral.

A clearly marked evidence of pledge must be supplied to the City and retained by the Investment Officers. A monthly collateral report provided by the custodian shall be reviewed by the Investment Officers to assure that the market value of the pledged securities is adequate.

For financial institution deposits, the market value of securities pledged as collateral for deposits must at all times be equal to or greater than 105% of the par value of the deposit plus accrued interest less the amount insured by the Federal Deposit Insurance Corporation (FDIC), or its successors. The depository shall be liable for monitoring and maintaining the collateral and collateral margins at all times. The Public Funds Collateral Act defines the eligible pledge securities - subject to the City's sole right to accept or reject any proposed security as collateral.

Letters of credit pledged as collateral shall at all times be equal to the total value of the deposits plus accrued interest less the applicable level of FDIC insurance.

If the value of the securities pledged falls below the required collateral level, the financial institution must pledge additional securities no later than the end of the next succeeding business day.

Selection of Primary Depository

A Primary Depository shall be selected through the City's banking services procurement process, which shall include a formal request for application. In selecting a Primary Depository, the services available, service costs, and credit-worthiness of institutions shall be considered, and the Investment Officers, shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history.

Arbitrage

The Tax Reform Act of 1986 places limitations on the City's yield from investing certain tax-exempt bond proceeds, debt service funds and reserve funds. The rebate provisions require that the City compute earnings on investments from certain issues of bonds on a periodic basis to determine if rebate is required.

To determine the City's arbitrage position, the City is required to calculate the actual interest income earned on the investment of the funds and compare it to the income that would have been earned if the funds had been invested at a rate equal to the yield on the applicable bonds sold by the City. The rebate provisions state that periodically (not less than once every five years and not later than sixty days after maturity of the bonds), the City is required to pay the United States Treasury a rebate of any excess earnings. These restrictions require extreme precision in the monitoring and record keeping of investments, particularly in computing yields to ensure compliance. Failure to comply can dictate that the bonds become taxable, retroactively from the date of issuance.

Investment of bond fund proceeds which fall under the arbitrage provisions of the Tax Reform Act of 1986, will be made with safety of principal and liquidity in mind, but will attempt to earn a competitive rate of return utilizing investments permitted by this Investment Policy.

Reporting Requirements

The Investment Officers shall issue a written report quarterly to the Audit Committee and City Council concerning the City's investment transactions for the preceding quarter and describing in detail the investment position of the City as of the end of the quarter. The report shall list for each investment held during the quarter: the purchase price, the par value, the maturity date, the market value at the beginning of the quarter, the market value at the end of the quarter, and fully accrued interest for the period. The report shall be signed by all Investment Officers for the City and state its compliance with PFIA and the adopted Investment Policy strategy.

Monthly market pricing information is to be obtained through the use of appropriate external third party software, third party safekeeping service providers, or an independent pricing source.

"Weighted average yield to maturity" shall be the standard on which investment performance is calculated.

The quarterly investment reports must be reviewed annually by the independent auditor, as a part of the City's annual audit, and the result of the review shall be reported to the City Council by that auditor.

Training Requirements

The City shall provide investment training as required by PFIA to ensure the quality and capability of investment management.

In accordance with PFIA, the Investment Officers shall accumulate 10 hours of investment training within 12 months of assuming duties and 8 hours not less than once in a two-year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date.

This training may be obtained from the following sources: North Central Texas Council of Governments, Government Treasurers' Organization of Texas, Government Finance Officers Association of Texas, Texas Municipal League, or the University of North Texas Center for Professional Development. The training must include education in investment controls, security risks, strategy risks, market risks, and any other topics as required by PFIA.

Annual Review

Annually, the City Council shall formally review the Investment Policy and investment strategy contained with the Policy, and record in writing that it has reviewed the Policy and adopted any changes to either the Policy or strategy.

GLOSSARY

AGENCIES – Federal agency securities and/or Government-sponsored entities.

BENCHMARK – A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

BROKER – A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT – A time deposit with a specific maturity evidenced by a certificate.

COLLATERAL – Securities, evidence of deposit, or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

DEALER – A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DELIVERY VERSUS PAYMENT – Delivery versus payment is the delivery of a security and there is an exchange of money after the delivery of the security.

DISCOUNT SECURITIES – Non-interest bearing money market instruments that are being issued at a discount and redeemed at maturity for full face value, e.g. Treasury Bills.

DIVERSIFICATION – Dividing instruments among securities offering independent returns.

FEDERAL CREDIT AGENCIES – Agencies of the Federal government set up to supply credit to various classes of institutions and individuals e.g. savings and loans, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) – A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

FEDERAL HOME LOAN BANKS (FHLB) – Government sponsored regional wholesale banks which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB is to liquify the housing related assets of its members who must purchase stock in their district bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA) – FNMA, like GNMA was

chartered under the Federal National Mortgage Association Act in 1938. It is a federal corporation and the largest single provider of residential mortgage funds in the United States. FNMA's securities are highly liquid and widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA) – Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations. Security holder is backed by the full faith and credit of the US Government.

LIQUIDITY – An asset that can be converted quickly and easily to cash.

LOCAL GOVERNMENT INVESTMENT POOL – An investment by local governments in which their money is pooled as a method for managing local funds.

MARKET VALUE – The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT – A written contract that establishes each party's rights in the transactions. A master agreement will specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MATURITY – The date upon which the principal or stated value of an investment becomes due and payable.

MUTUAL FUND – An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by Securities and Exchange disclosure guidelines.

PORTFOLIO – Collection of securities held by an investor.

PRIMARY DEALER – A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to informal oversight.

PRUDENT PERSON RULE – An investment standard outlining fiduciary responsibilities of public funds investors relating to investment practices.

RATE OF RETURN – The yield obtainable on a security based on its purchase price or its current market price.

REPURCHASE AGREEMENT – An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to

repurchase the securities at a specified price or at a specified later date.

REVERSE REPURCHASE AGREEMENT – An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

SAFEKEEPING – Holding of assets (e.g. securities) by a financial institution.

TREASURY BILLS – A non-interest bearing discount security issued by the US Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year. The yields on these bills are monitored closely for interest rate trends.

TREASURY BONDS – Long term US government debt securities with maturities of ten to thirty years.

TREASURY NOTES – Intermediate term US government debt securities with maturities of one to ten years.

YIELD – The current rate of return on an investment security generally expressed as a percentage of the securities current price.

Annual Review of City of Colleyville Investment Policy

December 7, 2021

Purpose



Policy to invest public funds to provide reasonable rate of return while incurring minimal risk as well as sufficient daily cash flow to meet the demands of the City as well as conform to all State of Texas laws and statutes.

- **Applies to all financial assets of the City which are accounted for in the City's annual audit**
- **First objective is safety - Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. This means diversification in investments and tracking the marketability of all investments.**
- **Second objective is liquidity - The City shall maintain sufficient liquidity to provide adequate and timely working funds.**
- **Our final objective is yield - Our portfolio shall be designed with the objective of obtaining a reasonable market return within the parameters imposed by its safety and liquidity objectives.**

Delegation of Authority



The City designates the Investment Officers to be the Director of Finance as well as the Accounting Manager.

- **A monthly (and in some cases, weekly) cash position/forecast is kept to ensure adequate liquidity is maintained**
- **At least three sources or brokers are consulted prior to committing public funds**
- **All investments are signed off on by a designee of the City Manager's Office prior to committing public funds**
- **All decisions are put into writing and kept record of**
- **A publicly available quarterly report is filed throughout the year and presented by the Director of Finance**

Ethics / Conflicts of Interest



All investment officers and employees involved shall refrain from personal business activity that could conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions.

- **State governance falls under the Public Funds Investment Act**
- **Officers must disclose to Council and the Texas Ethics Commission if:**
 - **Officer owns 10% or more of the voting stock or shares of the business organization or owns \$5,000 or more of fair market value of the organization**
 - **Funds received by the officer from the business organization exceed 10% of the officer's gross annual income**
 - **Officer has acquired from the business organization during the previous year, investments with a book value of \$2,500 or more for their personal account.**

Authorized Investments



- **Obligations, including letters of credit, of the US or its agencies, including FHLB's**
- **Direct obligations of the State of Texas or its agencies**
- **Other obligations which are unconditionally guaranteed or insured by the State of Texas or the US or its agencies**
- **Obligations of states, agencies, counties, cities, and other political subdivisions of any state having been rated as to investment quality by a nationally recognized investment rating firm and having received a rating of not less than "A" or its equivalent**
- **Certificates of deposit placed with a financial institution that has its main office or a branch office in Texas (must be FDIC guaranteed)**
- **AAA-rated local government investment pools**
- **Direct repurchase agreements as well as SEC-registered, no-load money market mutual funds**

Prohibited Investments



- **Collateralized mortgage obligations**
- **Commercial Paper**
- **Banker's acceptances**
- **Reverse repurchase agreements**
- **No-load mutual funds other than SEC-registered**
- **Share certificates of qualifying credit unions**

Parameters



- **Operating funds shall not have an investment with a stated maturity greater than two years and the weighted average maturity shall not exceed twelve months**
- **Debt Service funds shall not have a stated final maturity date which exceeds the corresponding debt service payment date**
- **Reserve funds maturities shall not exceed the sooner of five years or the call provisions of any relevant bond ordinance**
- **Special Project funds shall be limited to a maximum final maturity date of three years**

Diversification



- **U.S. Treasuries:** **100%**
- **US Agencies:** **75%**
- **Certificates of Deposit:** **75%**
- **Local Gov. Investment Pools** **75%**
- **Repurchase Agreements** **15%**

Questions/Comments



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 5a

Agenda Date 12/7/2021

Number Ordinance O-21-2182

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit for a reduction in parking on Lot 1, Block 1, Corley Subdivision, located at 5409 Colleyville Boulevard, Case ZC21-028

Strategic Plan

4.2 Encourage compatible commercial growth

Explanation

First Reading and Public Hearing

Phil Tullis, representing The Cajun Market, has submitted a request for a Special Use Permit (SUP) to allow for a reduction in parking at 5409 Colleyville Boulevard, to allow for the market use to transition into a restaurant use. The City Council may approve a reduction in parking with the approval of an SUP.

Existing Conditions/Background: The subject property is zoned CC-2 Shopping Center district and generally located on the east side of Colleyville Boulevard, south of Church Street. The subject property is a platted lot and currently shares the lot with an auto-use business.

Proposed Special Use Permit: Request – The applicant is requesting approval of an SUP to allow for a reduction in parking at this location.

Ordinance – Land Development Code, Chapter 3, Section 3.29 Parking Requirements I. Supplemental Parking Space Requirements:

5. A reduction may be authorized after approval of a Special Use Permit by the City Council when associated with new development or a significant change in use of an existing building or site. A parking analysis report justifying the reduction shall be provided as part of the request for parking reduction.

Analysis: The applicant is requesting the SUP for a reduction in parking. The parking ratio for a fish market is one space per 200 square feet (SF), or 13 required spaces. The parking ratio for a restaurant is one space per 100 SF, or 26 required spaces. Currently, the provided parking for The Cajun Market is 15 spaces. The adjacent bank provides 40 spaces with only 18 of those spaces needed to meet their parking space requirement. Therefore, a shared parking agreement between The Cajun Market and the adjacent bank will allow the market to meet the parking requirement for a

restaurant use. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

Plat Status: The property is platted as Lot 1, Block 1, of the Corley Subdivision.

DRC Review: The DRC reviewed the request during their October 18, 2021, meeting and determined the application was complete and may be scheduled for the next available Planning and Zoning Commission meeting.

Drainage: NA

Surrounding Development: The properties to the north and east are zoned CC-1 Village Retail district and developed with a mixture of retail and automotive uses. The properties to the south and west are zoned CC-2 Shopping Center district and developed with a mixture of retail and institutional uses.

Comprehensive Plan: The City's Comprehensive Plan, Destination Colleyville, identifies the subject property as part of the "Colleyville Boulevard Corridor" and located within a Sales Tax Preferred Intersection.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code.

Staff Recommendation: Staff is neutral on this request.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request at their November 8, 2021, meeting by a vote of 7-0.

Financial Impact

There is no financial impact to the City.

Recommendation

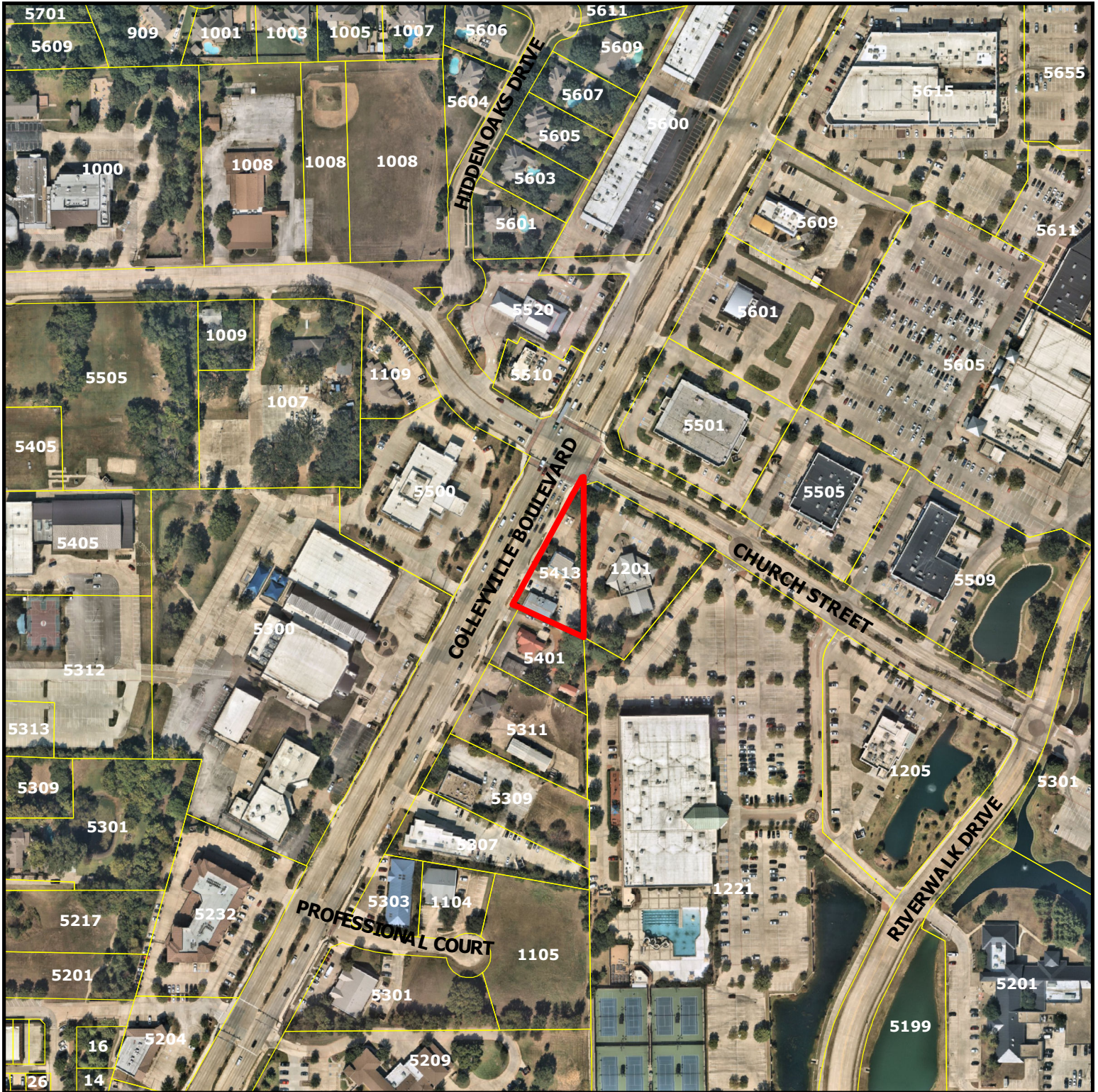
None

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Site Plan

6. Parking Analysis
7. Shared Parking Agreements
8. Notification Map
9. Notify List
10. Ordinance O-21-2182

Aerial Map



ZC21-028

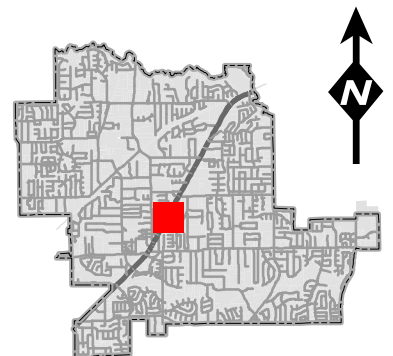
5409 Colleyville Boulevard

DISCLAIMER:

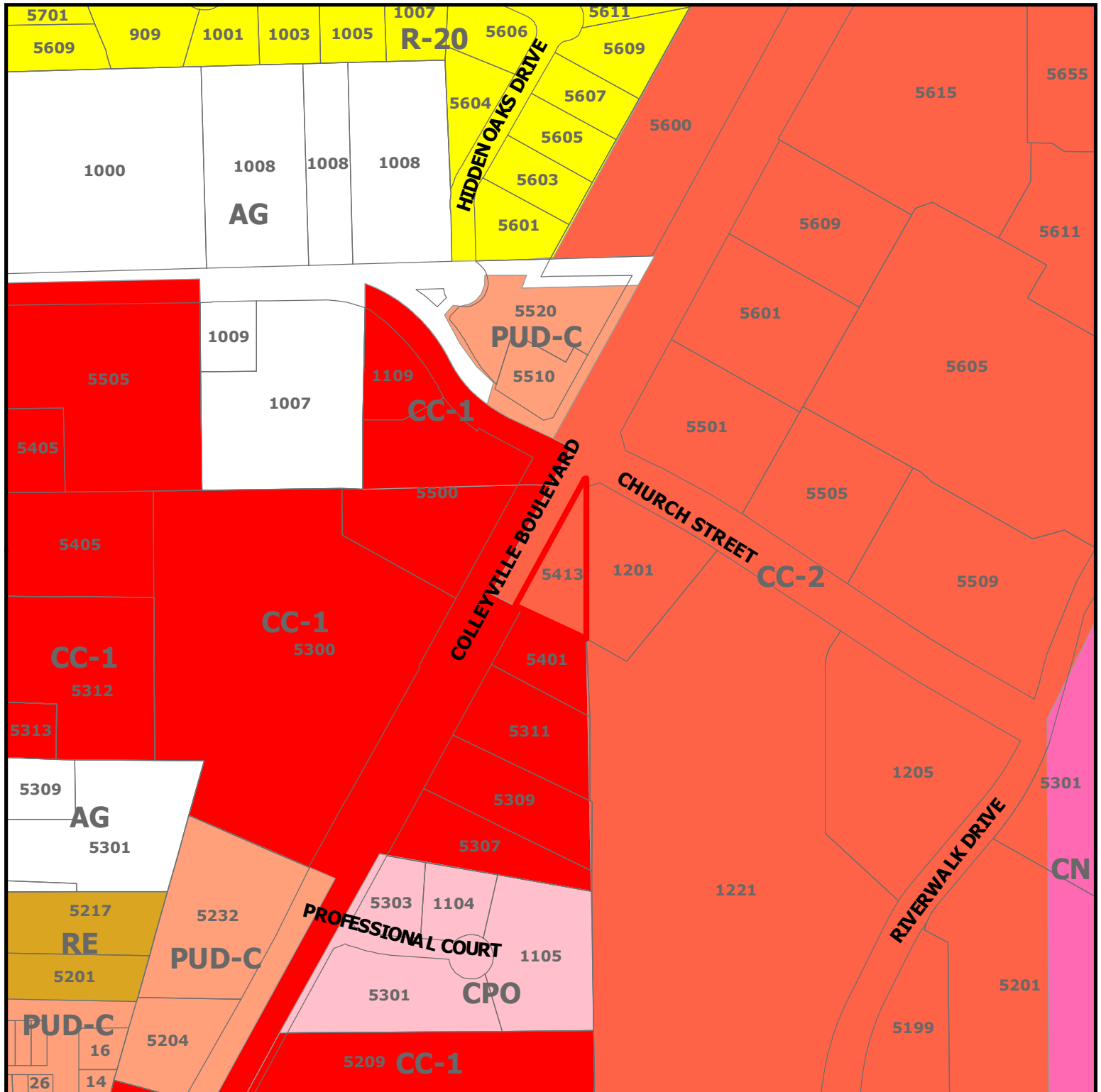
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Subject Property



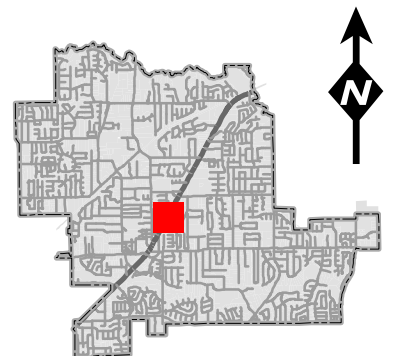
Zoning Map



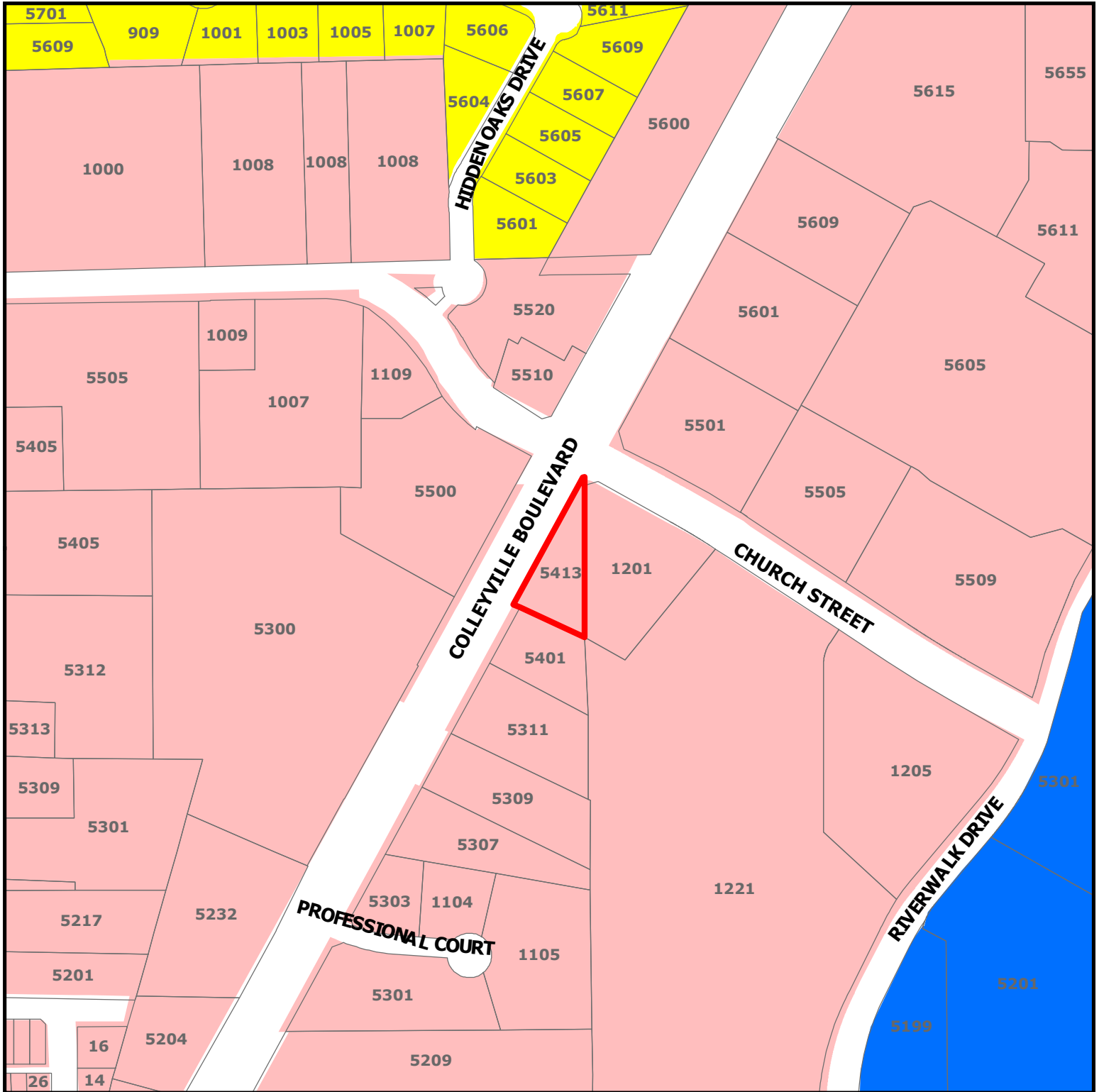
ZC21-028
5409 Colleyville Boulevard

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 Subject Property



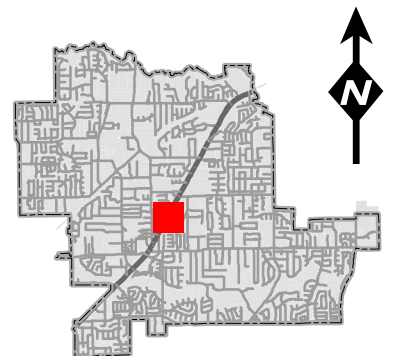
Future Land Use Map



ZC21-028

5409 Colleyville Boulevard

-  Subject Property
-  Residential
-  Institutional
-  Colleyville Blvd Corridor



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THE CAJUN MARKET LLC STATEMENT OF PLANNING OBJECTIVES

THE Cajun Market LLC began operations in June 2020 as T-Johnny's Cajun Market-Texas LLC.

The business was never organized as, or operated legally at the outset as a franchise or partnership. Its original name selection was solely to help expand a friend in Louisiana's brand name. Subsequently, and shortly after beginning operations it was soon apparent that there were significant differences in business philosophy by the owners of T-Johnny's Cajun Market in Louisiana and the owners of THE Cajun Market in Colleyville, which subsequently led to the name change of the business to THE Cajun Market.

Initially, THE Cajun Market in Colleyville was set up to operate as a seafood and Louisiana products specialty market serving fresh and cooked seafood to the public at large, along with fresh and frozen Cajun specialty meats, as well as Cajun-specific shelf products.

As such, THE Cajun Market had planned on operating as a market, with a limited amount of prepared or cooked foods and predominantly as a takeout business. It was determined that the 18 parking spaces the location provided would be sufficient to handle its customers during its operating hours of 11am to 8pm daily.

Unbeknownst to THE Cajun Market, as well as most other businesses when it delivered its business plan to the City that Covid, and the serious effects it was going to have on business was soon to arrive.

In order to survive THE Cajun Market has had to shift its focus from its initial plan to operate as a market to serving more cooked and prepared foods to attract customers and remain in business. Basically, a shift from a market-type business to a combination market café/restaurant business.

That decision has proved to be successful in that our business has been able to weather the Covid storm and thus far is surviving the increases in food costs mostly as a direct cause of supply chain issues.

Initially, we believed that we would draw customers from throughout the large base of Louisiana natives that currently live throughout the Metroplex. Even since we have increased the volume of hot food, including sandwiches, traditional Cajun fare, fried seafood dishes, along with our boiled and live seafood, and our other products, our business has thrived and helped us survive the economic downturn resulting from the pandemic and now increasing inflation. As it has turned out, the ratio of cooked food that we prepare and serve daily amounts to 90% of our overall revenues and is popular to Louisianans, Texas natives, and transplants alike. A lot of this success has come from the publicity we have received from the quality of our food and the publicity we have received from numerous publications being one of the only destinations in the Metroplex for authentic Cajun cuisine. In fact, when we recently reviewed our revenue receipts it appears that over 50% of our business comes from outside a five-mile radius of the City of Colleyville which would indicate that is a win-win for both our business and the City of Colleyville in the form of increased revenues to us and sales taxes to the City of Colleyville.

We are proud to be a contributing member to Colleyville's business and economic efforts both from our sales as well as our community involvement, as was demonstrated by our help to those in need during the "Snowmeggedon" event, including the City's fire and police departments and our support of local schools and charities alike.

Our plan of action and request is to be reclassified from market status to café/restaurant status and to be allowed to add the word "Café" to our marquee signage. It would appear that the only thing that initially prohibited that classification was a lack of parking which we now have.

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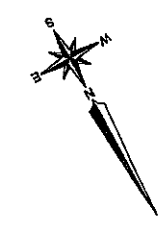
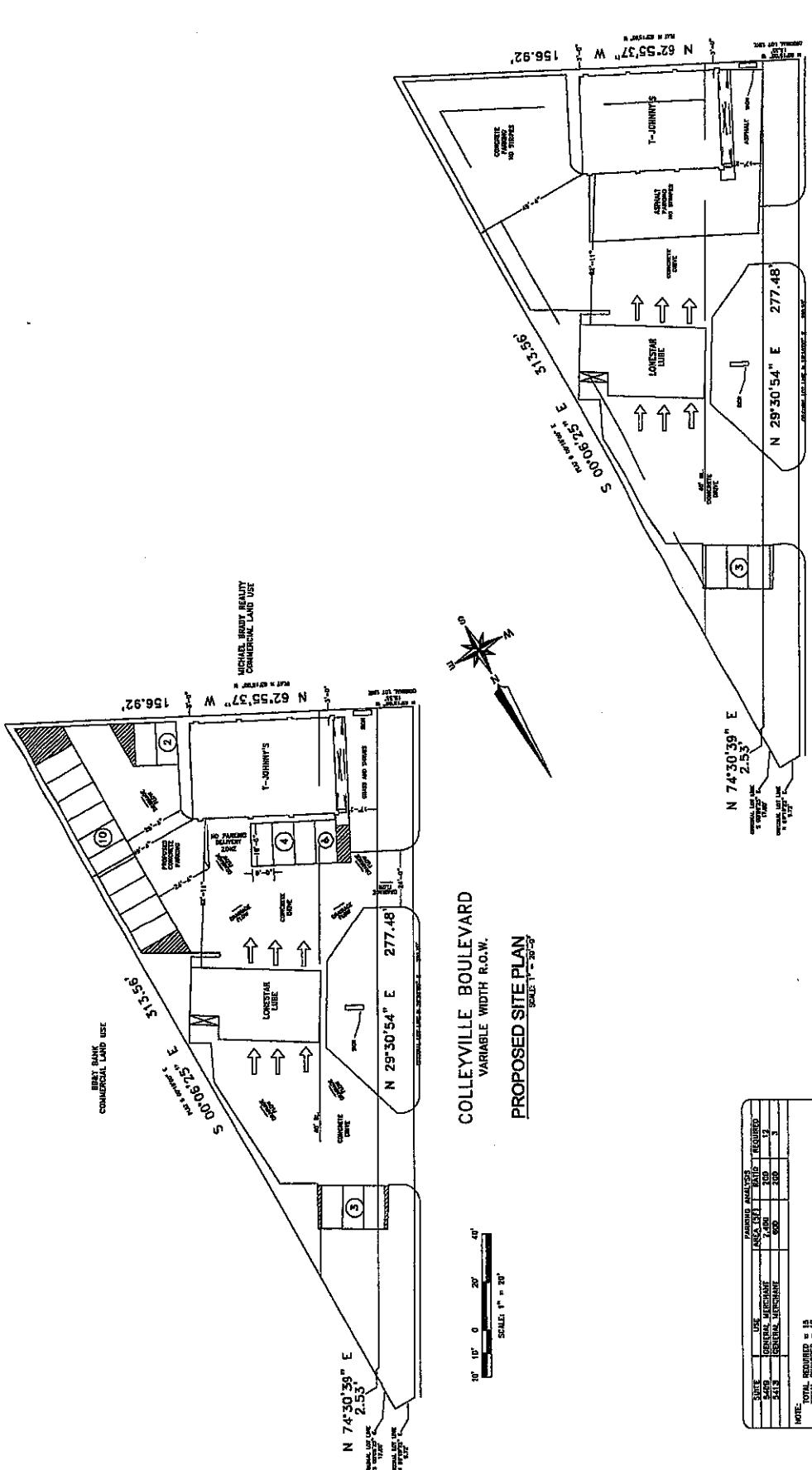
TEXAS PREMIER DRAFTING
 1000 KUTZMANN
 FURST, TEXAS 75156
 (972) 532-6775
 WWW.TEASPREMIERDRAFTING.COM

T-JOHNNY'S CAJUN MARKET
 5409 COLLEYVILLE BOULEVARD
 COLLEYVILLE, TX 76034

PHILIP TULLIS
 5409 COLLEYVILLE BOULEVARD
 COLLEYVILLE, TX 76034

SP CANTO VENTURES LLC
 5409 COLLEYVILLE BOULEVARD
 COLLEYVILLE, TX 76034

SITE PLAN		DATE	01.16.2020
SCALE	1" = 20'-0"	PROJECT	SP
DATE	01.16.2020	DESIGNER	CSF



COLLEYVILLE BOULEVARD
 VARIABLE WIDTH R.O.W.
EXISTING SITE PLAN
 SCALE: 1" = 20'-0"



COLLEYVILLE BOULEVARD
 VARIABLE WIDTH R.O.W.
PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"



USE	AREA (SQ FT)	RATIO	REQUIRED
SITE	1000	1	1
DRIVEWAY	1000	1	1
PAVING	1000	1	1
LANDSCAPING	1000	1	1
TOTAL	4000	4	4

NOTE:
 TOTAL REQUIRED = 18
 TOTAL PROVIDED = 18
 TOTAL HANDICAPPED = 1

PARKING ANALYSIS FOR THE CAJUN MARKET (FORMERLY T-JOHNNY'S CAJUN MARKET)

When THE Cajun Market originally opened in June of 2020, it was assumed that it's primary business would be more of a market and takeout food provider versus a café type of business. It was assumed customers would be "in and out" in short periods of times, and a great deal of our business would be takeout.

Our original business plan by definition was as a market that would sell fresh and cooked seafood, meats and specialty product out of its freezers and specialty Cajun shelf products, with a certain amount of hot (cooked) food mostly prepare for takeout. These original plans met the City of Colleyville's regulations for the 18 parking places that exist on the site's location, as well as required handicapped parking and mandatory lane spacing for fire and emergency equipment to adequately access and traverse the property.

While the primary focus of the business has remained the same, it has had the need to grow and offer hot prepared food for sit-down as well as take out customers. The result of this much needed new customer business has changed the status of the business from market to café/restaurant.

Because of these changes, the number of parking spots (18) do not meet the City's requirements to be listed as a hot-food, sit-down, food-serving establishment.

However, we believe this problem can be resolved with a parking variance if granted by the City.

The Cajun Market & Café's adjacent business neighbors, BB&T Bank, Michael Brady Realtors, and Lone Star Lube recognized our success and need for additional parking. Each business came on its own volition and offered their assistance in solving the parking problem, by allowing The Cajun Market & Café's customers overflow parking to park at their adjacent facilities. That move has proven to be successful and has created zero negative impact on any of our surrounding neighbors' businesses.

Earlier in 2021 The Cajun Market met with and presented City Manager Jerry Ducay, Assistant City Manager for Business Development Adrienne Lothery, and City Councilman Tammy Nakamura with letters from each adjacent business neighbor indicating their willingness allowing The Cajun Market & Café's customers to park at their individual premises at will. These letters should be on file with the City Manager. If not, replacement letters can and will be provided.

It is our understanding that City regulations require a minimum of 32 parking spaces to operate as a café/restaurant. Collectively, the following parking spaces are available as follow:

- The Cajun Market & Café --- 18
- BB&T Bank --- 14
- Michael Brady --- 8
- Lone Star Lube --- 2

Total 42 spaces

Therefore, based on the current parking spaces THE Cajun Market Café possesses on its own location, and the additional parking spaces offered for use by our adjacent neighbor, we respectfully request the City of Colleyville issue a parking variance that would allow it to operate under a café/restaurant classification.

October 1 2020

RE: Overflow parking for the Cajun Market

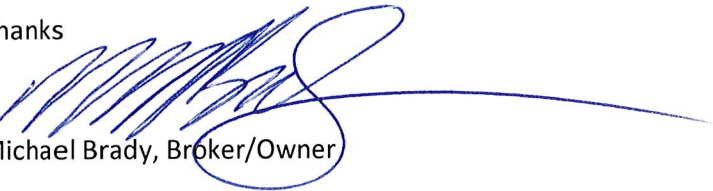
This is to confirm that I am allowing overflow parking in our parking lot for the Cajun Market located next door at 5409 Colleyville Blvd.

We are willing to work with them to help them be successful in the new business.

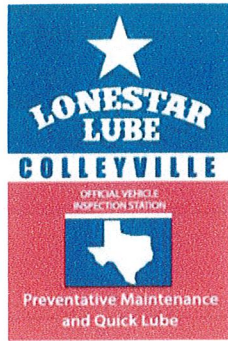
Phil and Deborah are the type of Business owners that Colleyville needs more of.

Please feel free to contact me if you have any questions or concerns.

Thanks



Michael Brady, Broker/Owner



October 7, 2020

RE: Overflow parking for the Cajun Market

To whom it may concern:

The letter is to confirm that I am allowing overflow parking in our parking lot at 5413 Colleyville Blvd., for the Cajun Market located at 5409 Colleyville Blvd.

We enjoy and value their business in the community and look forward to helping in any way to ensure they continue to thrive. Their market is bringing more business for Colleyville, and Phil and Deb are wonderful business owners.

Please feel free to contact me with any questions.

Thank you.

A handwritten signature in black ink, appearing to read "Russell Gantos", with a long, sweeping horizontal line extending to the right.

Russell Gantos

Owner, Lone Star Lube Colleyville



10/27/2021

To Whom It May Concern:

I am Melissa Hooper, the Branch Leader of the Truist location located at: 1201 Church Street Colleyville, TX 76034. We grant permission to Phillip J Tullis, owner of The Cajun Market & Café, to utilize our parking lot spaces for Employees, Customers, or any other business need.

Should you have any questions or need additional details, please contact me at 817-849-1892.

Respectfully,

Melissa Hooper
Vice President
Branch Leader / Truist

1201 Church Street
Colleyville, TX 76034
Office: 817-849-1892 / Mobile: 817-874-7254
melissa.hooper@truist.com

Melissa Hooper
Phillip J Tullis

State of Texas County of Tarrant

Sworn to (or affirmed) and subscribed before me

This 26th day of October, 2021, by Melissa Hooper

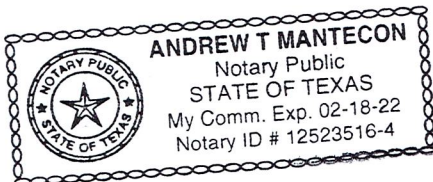
Notary Public's Signature Andrew Manteca
Notary Name

State of Texas County of Tarrant

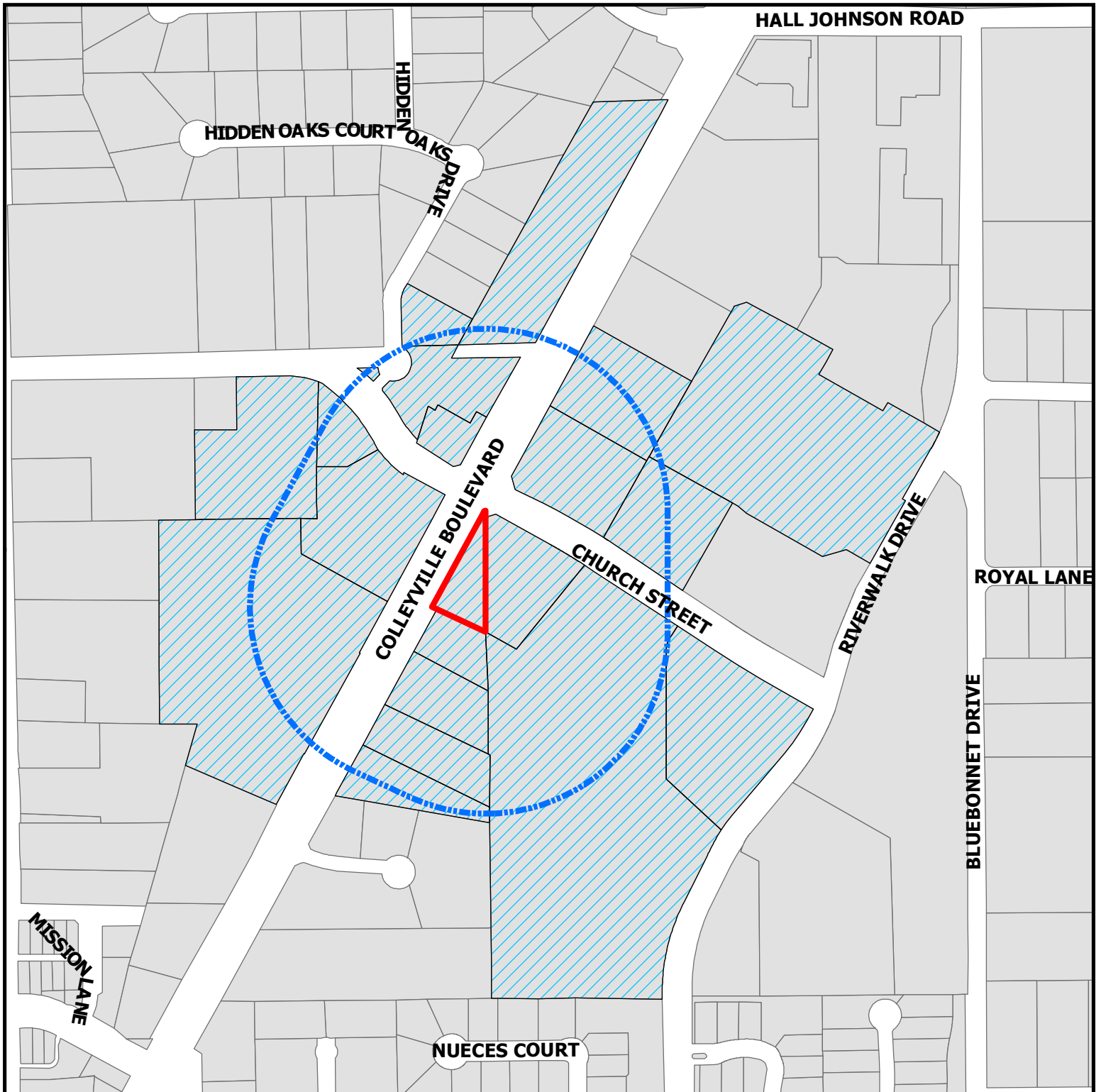
Sworn to (or affirmed) and subscribed before me

This 26th day of October, 2021, by Phillip J. Tullis

Notary Public's Signature Andrew Manteca
Notary Name



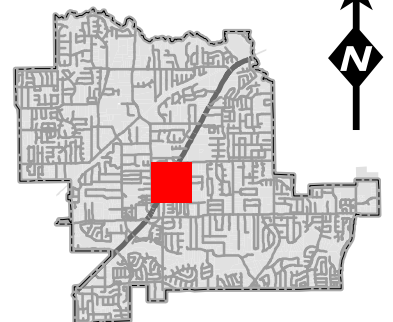
Notification Map



ZC21-028
5409 Colleyville Boulevard

DISCLAIMER:
This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

-  Subject Property
-  500ft Buffer
-  Properties within 500ft



Owner Name	Owner Address	Owner City
EAGLE-COLLEYVILLE TOWNE SQ.	PO BOX 12670	DALLAS, TX
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX
CHARLES & ROB LTD	8235 DOUGLAS AVE STE 815	DALLAS, TX
FIRST BAPTIST CH COLLEYVILLE	5405 PLEASANT RUN RD	COLLEYVILLE, TX
CAVALIER INVESTMENT COMPANY	5829 N MESA ST	EL PASO, TX
BAJRAM & RUZDI INVESTMENTS	4701 MILL CREEK RD	COLLEYVILLE, TX
DEDIEGO FAMILY TRUST	4381 MORRIS DR	SOQUEL, CA
BAJRAM & RUZDI INVESTMENTS	4701 MILL CREEK RD	COLLEYVILLE, TX
R P GANTOS VENTURES LLC	7213 COTTONWOOD CT	NORTH RICHLAND HILLS, TX
JD JUDD REALTY HOLDINGS LLC	1109 CHURCH ST	COLLEYVILLE, TX
BRADY, LIBBY W	5405 COLLEYVILLE BLVD	COLLEYVILLE, TX
BOTTOM FAMILY TRUST	1401 FOUNTAINGROVE PKWY	SANTA ROSA, CA
SVAP III TC COLLEYVILLE LLC	302 DATURA ST STE 100	WEST PALM BEACH, FL
VELOCIS COLLEYVILLE LP	3131 MCKINNEY AVE # 10	DALLAS, TX
LTF REAL ESTATE MP I LLC	2902 CORPORATE PL	CHANHASSEN, MN
CHIVAKULA, LAKSHMI	4104 CHARBRAY CT	CEDAR PARK, TX
FIRST BAPTIST CH COLLEYVILLE	5405 PLEASANT RUN RD	COLLEYVILLE, TX
HTA-COLLEYVILLE HOSPITAL LLC	16435 N SCOTTSDALE RD STE 320	SCOTTSDALE, AZ
LAUKIEN, DIRK D	24 WATERWAY AVE STE 225	SPRING, TX
BRANCH BANKING & TRUST CO	150 S STRATFORD RD STE 400	WINSTON SALEM, NC
HIDDEN OAKS ESTATES		COLLEYVILLE, TX
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX

ORDINANCE O-21-2182

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 0.609 ACRES, BEING LOT 1, BLOCK 1, OF THE CORLEY SUBDIVISION, LOCATED AT 5409 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR A REDUCTION IN PARKING; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for a reduction in parking for the business known as The Cajun Market, Case No. ZC21-028; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to amend the City's zoning ordinance; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City Council is of the opinion the change in zoning provided for herein should be made, in compliance with the City Charter, and State law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

- Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a reduction in parking on 0.609 acres, being Lot 1, Block 1, of the Corley Subdivision, located at 5409 Colleyville Boulevard, for the business known as The Cajun Market as depicted on the attached as Exhibit "A".

Sec. 2. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.

Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to a reduction in parking.
- b. The name of the business authorized for a reduction in parking by this Special Use Permit shall be called "The Cajun Market".
- c. Exhibit C "Shared Parking Agreements" shall apply.
- d. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
- e. All requirements of the Land Development Code shall be met, except where amended herein.

Sec. 4. 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 for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 7. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

PASSED AND APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 21ST DAY OF DECEMBER 2021.

Mayor Richard Newton _____
Place 1, Tammy Nakamura _____
Place 4, George Dodson _____
Place 6, Callie Rigney _____

Mayor Pro Tem Bobby Lindamood _____
Place 3, Kathy Wheat _____
Place 5, Chuck Kelley _____

ATTEST:

CITY OF COLLEYVILLE

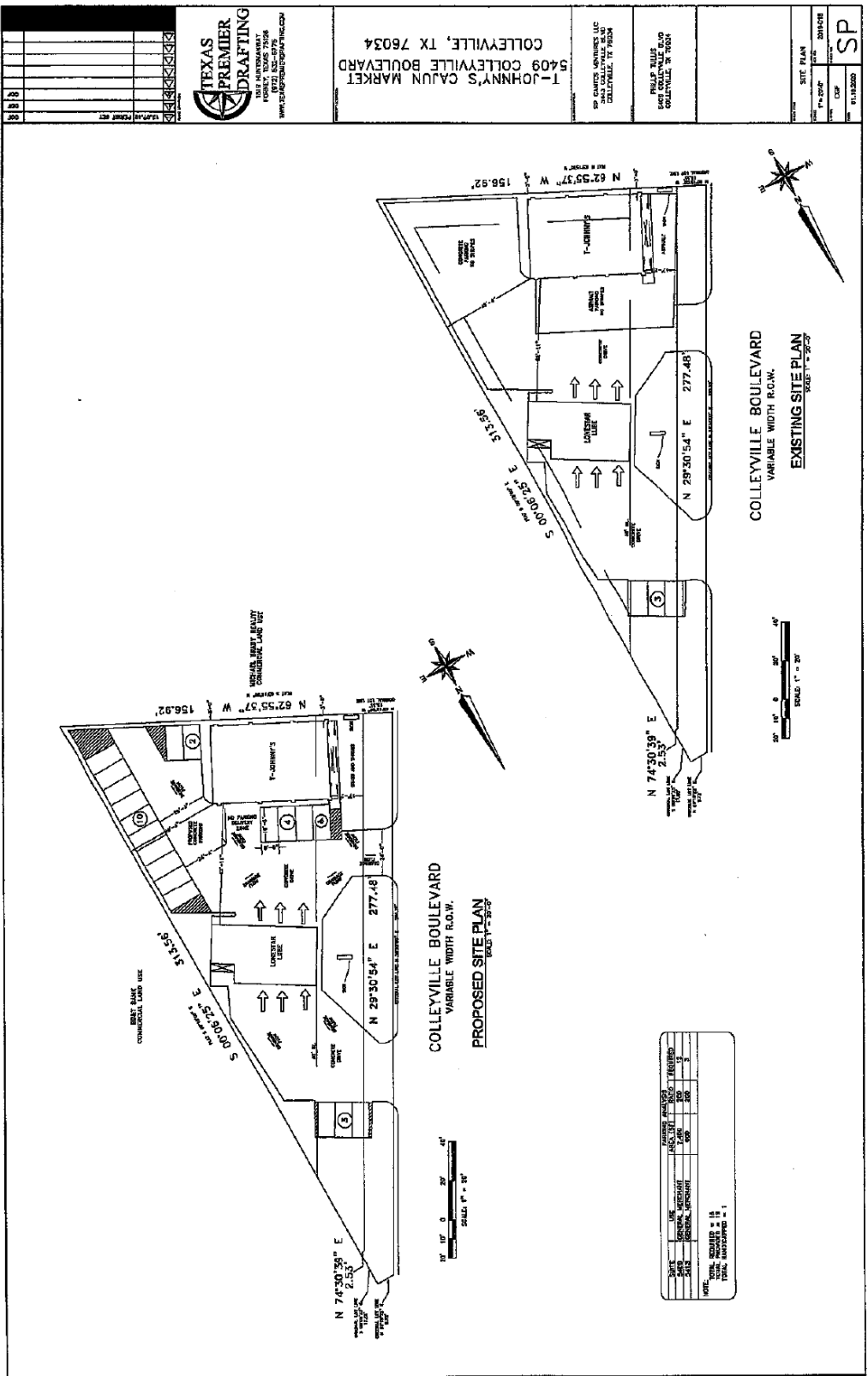
Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "B" - Site Plan



TEXAS PREMIER DRAFTING
401 EAST MAIN STREET
FORT WORTH, TEXAS 76102
WWW.TEXASPREMIERDRAFTING.COM

T-Johnny's Cajun Market
5409 COLLEYVILLE BOULEVARD
COLLEYVILLE, TX 76034

SP DAVIS UNIVERS LLC
5409 COLLEYVILLE BOULEVARD
COLLEYVILLE, TX 76034

PHILIP TULLIS
5409 COLLEYVILLE BOULEVARD
COLLEYVILLE, TX 76034

SITE PLAN
DATE: 11-20-09
DRAWN BY: SP
CHECKED BY: SP
SCALE: 1" = 20'

SP

Exhibit "C" – Shared Parking Agreements



10/27/2021

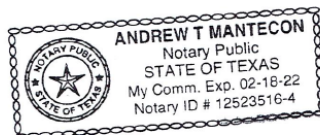
To Whom It May Concern:

I am Melissa Hooper, the Branch Leader of the Truist location located at: 1201 Church Street Colleyville, TX 76034. We grant permission to Phillip J Tullis, owner of The Cajun Market & Café, to utilize our parking lot spaces for Employees, Customers, or any other business need.

Should you have any questions or need additional details, please contact me at 817-849-1892.

Respectfully,

Melissa Hooper
Vice President
Branch Leader / Truist
1201 Church Street
Colleyville, TX 76034
Office: 817-849-1892 / Mobile: 817-874-7254
melissa.hooper@truist.com

Melissa Hooper
Phillip J Tullis

State of Texas County of Tarrant
Sworn to (or affirmed) and subscribed before me
This 26th day of October, 2021, by Melissa Hooper

Notary Public's Signature Notary Name

State of Texas County of Tarrant
Sworn to (or affirmed) and subscribed before me
This 26th day of October, 2021, by Phillip J. Tullis

Notary Public's Signature Notary Name

October 1 2020

RE: Overflow parking for the Cajun Market

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We are willing to work with them to help them be successful in the new business.

Phil and Deborah are the type of Business owners that Colleyville needs more of.

Please feel free to contact me if you have any questions or concerns.

Thanks



Michael Brady, Broker/Owner



October 7, 2020

RE: Overflow parking for the Cajun Market

To whom it may concern:

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Please feel free to contact me with any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Russell Guntos", with a long horizontal line extending to the right.

Russell Guntos

Owner, Lone Star Lube Colleyville



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 5b

Agenda Date 12/7/2021

Number Ordinance O-21-2183

Type Ordinance

Department Community Development

Title

Consideration of amendments to Chapter 3 of the Land Development Code requiring a Special Use Permit for a duplex in the RD Two Family Residential district, specifically amending Section 3.24B Schedule of Permitted Principal Uses, Case GC21-013

Strategic Plan

4.3 Adopt best-practice planning and development processes

Explanation

First Reading and Public Hearing

There are several properties within the City of Colleyville with the RD Two Family Residential zoning district designation. A 'duplex' is a permitted use within this district. However, all properties with this zoning designation have been developed with single-family homes. The amendment to the Land Development Code would require approval of a Special Use Permit (SUP) for a duplex use to be permitted.

Staff Recommendation: Staff recommends approval of the amendments.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the amendments at their November 8, 2021 meeting by a vote of 7-0.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Section 3.24.B Schedule of Permitted Principal Uses
2. Ordinance O-21-2183

Table 3.24.B- - Schedule of Permitted Principal Uses

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3	ML			
A. RESIDENTIAL ACCOMODATION USES																		
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P	P							6	3
Duplex – Attached Dwelling								PS	S								6	2
Townhome – Attached Dwellings									S								6	4
Multi-family – Attached Dwellings									S								6	4
HUD Code Manufactured Housing										P							6	2
Assisted Living Facilities	PUD only																17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S	S								1,6	18
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P									5
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P	P							Sec. 3.27	n.a.
Carport	S	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.
Home Occupations Uses	P	P	P	P	P	P	P	P	P	P							6	n.a.
Accessory Dwelling	P	P	S	S												S	11	1
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S																25
Crop Farming	P	P																n.a.
Livestock raising and breeding	P	P															8	n.a.
Private horse stables for domestic use	P	P	P	S	S													n.a.
Roadside produce stands (year round)	S	S																n.a.
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			21
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			24

ORDINANCE O-21-2183

AMENDING CHAPTER 3, SECTION 3.24.B SCHEDULE OF PERMITTED PRINCIPAL USES OF THE LAND DEVELOPMENT CODE, SPECIFICALLY REQUIRING A SPECIAL USE PERMIT FOR A DUPLEX IN THE RD TWO FAMILY RESIDENTIAL DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 3, Section 3.24B - Reserved of the Land Development Code; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

- Sec. 1. THAT *Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses* of the Land Development Code is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. 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 for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS ON THIS THE 21ST DAY OF DECEMBER 2021.

Mayor Richard Newton _____
Place 1, Tammy Nakamura _____
Place 4, George Dodson _____
Place 6, Callie Rigney _____

Mayor Pro Tem Bobby Lindamood _____
Place 3, Kathy Wheat _____
Place 5, Chuck Kelley _____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit "A"

Colleyville, Texas, Land Development Code

Table 3.24.B- - Schedule of Permitted Principal Uses																			
Land Use Classification	Residential District									Non-Residential Districts					Special Land Use Standards or Section Ref.	Parking Group			
	AG	RE	R40	R30	R20	R15	RD	RMF	MT	CPO	CN	CC1	CC2	CC3			ML		
A. RESIDENTIAL ACCOMODATION USES																			
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P								6	3	
Duplex – Attached Dwelling							PS	S									6	2	
Townhome – Attached Dwellings								S									6	4	
Multi-family – Attached Dwellings								S									6	4	
HUD Code Manufactured Housing																	6	2	
Assisted Living Facilities	PUD only																	17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S	S								1,6	18	
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P									5	
B. ACCESSORY USES																			
Accessory Building	P	P	P	P	P	P	P	P	P								Sec. 3.27	n.a.	
Carport	S	S	S	S	S	S	S	S	S								Sec. 3.27.C	n.a.	
Home Occupations Uses	P	P	P	P	P	P	P	P	P								6	n.a.	
Accessory Dwelling	P	P	S	S											S		11	1	
C. AGRICULTURAL USES																			
Commercial equestrian boarding stable and school	P	S																25	
Crop Farming	P	P																n.a.	
Livestock raising and breeding	P	P															8	n.a.	
Private horse stables for domestic use	P	P	P	S	S													n.a.	
Roadside produce stands (year round)	S	S																n.a.	
D. UTILITY USES																			
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21	
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 5c

Agenda Date 12/7/2021

Number Ordinance O-21-2184

Type Ordinance

Department Community Development

Title

Consideration of amendments to Chapter 3 of the Land Development Code allowing commercial accessory buildings and providing regulations, specifically amending Section 3.24B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations, Case GC21-014

Strategic Plan

4.3 Adopt best-practice planning and development processes

Explanation

First Reading and Public Hearing

Currently, the City has regulations for commercial accessory buildings in Section 3.27 of the Land Development Code. However, the Schedule of Permitted Principal Uses does not allow for 'accessory buildings' within the City's non-residential zoning districts. The amendment to the Land Development Code allows for commercial accessory buildings and attempts to clarify the regulations associated with such buildings.

Staff Recommendation: Staff recommends approval of the amendments

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the amendments at their November 8, 2021, meeting by a vote of 7-0.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Section 3.24.B Schedule of Permitted Principal Uses
2. Section 3.27 Accessory Buildings and Residential Carport Regulations
3. Ordinance O-21-2184

Table 3.24.B- - Schedule of Permitted Principal Uses

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Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group	
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HUD Code Manufactured Housing									P							6	2	
Assisted Living Facilities	PUD only																17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S								1,6	18	
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P									5	
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.27	n.a.	
Carport	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.	
Home Occupations Uses	P	P	P	P	P	P	P	P	P							6	n.a.	
Accessory Dwelling	P	P	S	S											S	11	1	
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S															25	
Crop Farming	P	P															n.a.	
Livestock raising and breeding	P	P														8	n.a.	
Private horse stables for domestic use	P	P	P	S	S												n.a.	
Roadside produce stands (year round)	S	S															n.a.	
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		21	
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		24	

name and address of the supervisor or foreman of said company or corporation and the name of its president.

- b. Name and owner of the property.
- c. Local address where fence is proposed to be erected.
- d. Materials and type of fence construction.
- e. Height of fence.
- f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
- g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

1. *Permit Required:*

- a. A building permit shall be required for any accessory building which exceeds one hundred and twenty (120) square feet. However, all accessory buildings containing 120 square feet or less shall comply with the height and setback requirements of this Section. An accessory building shall only be allowed as an incidental structure to a principle building unless the accessory building is located in the Agricultural District.
- b. For the purpose of this Section, the term accessory building shall include detached residential garages, pool houses, accessory dwellings, gazebos, cabanas, or other shade structures. **Exception:** structures for specific use as playground assemblies and/or playhouses shall be exempt provided that minimum five (5) feet setbacks from property lines are maintained.

2. *Maximum Size and Number of Buildings:*

- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed four percent (4%) of the aggregate area of the lot. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.
- b. Accessory dwellings allowed by the Land Development Code shall be limited in size to be no more than the most restrictive of the following:
 - 1. Fifty percent (50%) of the primary structure;
 - 2. The maximum allowed square footage for accessory buildings on the lot; or
 - 3. No more than twelve hundred (1,200) square feet
- c. For the purpose of this Section, the size of an accessory building shall be the square footage of each floor, mezzanine, covered porch, or shade structure.
- d. An application to exceed the total square footage authorized above may be approved as a Special Use Permit (SUP).
- e. An existing accessory building may be remodeled or expanded provided the combined square footage of all accessory buildings does not exceed the maximum square footage allowed. However, a legally-

existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.

- f. There shall be no physical connection between accessory buildings and a minimum separation of three (3) feet between accessory buildings.

3. *Setbacks:*

- a. No accessory building shall be allowed, erected, or located forward of the front façade of the primary dwelling. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from this requirement.
 - b. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
 - c. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces. **Exception:** Open structures (open on at least 2 ¾ sides), such as patio covers, shall be allowed to extend into the required rear yard setback a maximum of 10 feet.
 - d. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.
4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the allowed height of the zoning district. For clarification, structures shall be measured at grade and shall not exceed the maximum height of the zoning district.
 5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district. No accessory building shall be used for dwelling purposes (the act of occupying a structure – with or without a kitchen) other than for an accessory dwelling, where permitted by the district regulations or Special Use Permit. No accessory building or accessory dwelling shall be rented.
 6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. Commercial accessory buildings may be located within approved non-residential districts subject to the following conditions:
 - a. Limited to one (1) accessory building per platted lot.
 - b. Must meet same setbacks as the primary structure.
 - c. Maximum size of two hundred-fifty (250) square feet.
 - d. Maximum height of one-story and 15 feet.
 - e. Must be located to the rear of the primary building and not visible from adjacent roadways.
 - f. The use of the accessory building must be ancillary to the primary use.
 - g. Exterior walls shall be of the same materials as used with the primary structure.

h. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property.

- ~~1. No accessory building shall be erected in any required yard area except as set forth by this section.~~
- ~~2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.~~
- ~~3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:~~
 - ~~a. Maximum size of two hundred fifty (250) square feet.~~
 - ~~b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.~~
 - ~~c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material, provided metal material does not exceed twenty-five percent (25%) of the exterior walls.~~
 - ~~d. Located within required setbacks and in conformance with this section.~~
 - ~~e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.~~
 - ~~f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.~~
 - ~~g. Limited to one (1) kiosk per platted plot.~~

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
 - b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
 - c. *Setbacks:*
 - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
 - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
 - d. *Maximum Number Per Lot:* one

e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.

ii. Posts - Posts shall be clad or finished of brick, stone, cedar or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than eight inches (8") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Cedar posts shall be wrapped using masonry stone or brick from the base to at least 50% of the post height. The exposed portion of the cedar post shall be a minimum of 8 inches.

g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

Section 3.28 Supplementary District Regulations

- A. All required building lines shall adhere to the minimum yard requirement of the applicable zoning district for the property per Section 3.24.6-Schedule of District Regulations regardless of any setbacks shown on a plat unless a documented plat waiver has been approved.
- B. Erection of More Than One Principal Building on a Lot – In any district other than Agricultural zoning, no more than one (1) building housing a permitted or permissible principal use may be erected on a single lot.
- C. Buildings Constructed Across Lot Lines – No building may be constructed across existing platted lot lines unless a replat is filed and approved in accordance with applicable regulations of the city.
- D. Exceptions to Height Regulations
 1. Schools, public buildings, and institutions may be erected to a height exceeding the maximum height in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
 2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.
 3. Limitations on number of stories shall not apply to buildings used exclusively for manufacturing or storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.
 4. The permitted height of any occupied building shall be further restricted to the capability of the local fire fighting equipment to adequately handle any such building height.

ORDINANCE O-21-2184

AMENDING CHAPTER 3, SECTION 3.24.B SCHEDULE OF PERMITTED PRINCIPAL USES AND SECTION 3.27 ACCESSORY BUILDINGS AND RESIDENTIAL CARPORT REGULATIONS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses and Section 3.27 Accessory Buildings and Residential Carport Regulations of the Land Development Code; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

- Sec. 1. THAT *Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses and 3.27 Accessory Buildings and Residential Carport Regulations* of the Land Development Code is hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. 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 for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS ON THIS THE 21ST DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit "A"

Colleyville, Texas, Land Development Code

Table 3.24.B- - Schedule of Permitted Principal Uses																		
Land Use Classification	Residential District									Non-Residential Districts						Special Land Use Standards or Section Ref.	Parking Group	
	AG	RE	R40	R30	R20	R15	RD	RMF	MH	CPO	CN	CC1	CC2	CC3	ML			
A. RESIDENTIAL ACCOMODATION USES																		
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P								6	3
Duplex – Attached Dwelling							P	S									6	2
Townhome – Attached Dwellings								S									6	4
Multi-family – Attached Dwellings								S									6	4
HUD Code Manufactured Housing									P								6	2
Assisted Living Facilities	PUD only																17	
Bed and Breakfast Lodging	S	S	S	S	S	S	S	S	S								1,6	18
Private (HOA) Recreational Facilities		P	P	P	P	P	P	P	P									5
B. ACCESSORY USES																		
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		Sec. 3.27	n.a.
Carport	S	S	S	S	S	S	S	S	S	S							Sec. 3.27.C	n.a.
Home Occupations Uses	P	P	P	P	P	P	P	P	P	P							6	n.a.
Accessory Dwelling	P	P	S	S											S		11	1
C. AGRICULTURAL USES																		
Commercial equestrian boarding stable and school	P	S																25
Crop Farming	P	P																n.a.
Livestock raising and breeding	P	P															8	n.a.
Private horse stables for domestic use	P	P	P	S	S													n.a.
Roadside produce stands (year round)	S	S																n.a.
D. UTILITY USES																		
Electrical Substations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			21
Public Utility Supply and Storage Yards	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			24

name and address of the supervisor or foreman of said company or corporation and the name of its president.

- b. Name and owner of the property.
- c. Local address where fence is proposed to be erected.
- d. Materials and type of fence construction.
- e. Height of fence.
- f. Applicant shall provide engineering plans and specifications for those types of fences where such engineering is deemed appropriate by the Building Official. The engineering plans shall be reviewed and approved by the Building Official prior to issuance of a fence permit.
- g. Survey showing lot on which the fence is proposed to be erected and the location of adjoining or adjacent lots showing existing structures and fences. The proposed fence shall be delineated by a dark heavy line. In AG zoning districts a scaled plot plan can be submitted in lieu of a survey.

Section 3.27 Accessory Buildings and Residential Carport Regulations

The following regulations shall govern the location, size and use of accessory buildings:

A. Accessory Buildings Located in Residential Zoning Districts (O-00-1223 / 07/18/00)

1. *Permit Required:*

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- a. The maximum number of accessory buildings allowed per lot shall be three (3) buildings. In addition, the combined square footage of all accessory buildings shall not exceed four percent (4%) of the aggregate area of the lot. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from the requirement for the maximum number of accessory buildings.
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 - 1. Fifty percent (50%) of the primary structure;
 - 2. The maximum allowed square footage for accessory buildings on the lot; or
 - 3. No more than twelve hundred (1,200) square feet
- c. For the purpose of this Section, the size of an accessory building shall be the square footage of each floor, mezzanine, covered porch, or shade structure.
- d. An application to exceed the total square footage authorized above may be approved as a Special Use Permit (SUP).
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existing accessory building which exceeds the maximum square footage allowed may be remodeled or replaced with a new accessory building, but not expanded or increased in height.

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- a. No accessory building shall be allowed, erected, or located forward of the front façade of the primary dwelling. **Exemption:** Lots containing a minimum of 80,000 square feet shall be exempt from this requirement.
 - b. No accessory building shall be erected in any required yard, as defined in *Chapter 2 – Definitions*, except as set forth herein.
 - c. Attached accessory buildings – Accessory buildings erected ten (10) feet or closer to the principal building shall be considered attached, and shall comply with the setback lines established for the applicable zoning district. For the purpose of this regulation, the distance between buildings shall be measured between the nearest wall surfaces. **Exception:** Open structures (open on at least 2 ¼ sides), such as patio covers, shall be allowed to extend into the required rear yard setback a maximum of 10 feet.
 - d. Detached accessory buildings – A detached accessory building shall comply with the setback lines established for the applicable zoning district, unless the accessory building is located totally behind the rear of the principal building, then it shall not be placed closer than five (5) feet to any side or rear lot line.
4. *Maximum Height:* No accessory building shall penetrate a vertical height envelope defined as being a point five feet from a side or rear lot line and extending vertically 8 feet to a point, then extending at a 45° angle to the allowed height of the zoning district. For clarification, structures shall be measured at grade and shall not exceed the maximum height of the zoning district.
5. *Permitted Uses:* The use of an accessory building shall be consistent with the permitted uses of the applicable zoning district. No accessory building shall be used for dwelling purposes (the act of occupying a structure – with or without a kitchen) other than for an accessory dwelling, where permitted by the district regulations or Special Use Permit. No accessory building or accessory dwelling shall be rented.
6. *Special Use Permit Provision:* Any request for a building permit for an accessory building which does not meet the criteria in this Section shall only be authorized after approval of a Special Use Permit by the City Council using the procedures contained elsewhere in this Land Development Code.

B. For Accessory Buildings Located in Non-residential Zoning Districts

1. Commercial accessory buildings may be located within approved non-residential districts subject to the following conditions:
 - a. Limited to one (1) accessory building per platted lot.
 - b. Must meet same setbacks as the primary structure.
 - c. Maximum size of two hundred-fifty (250) square feet.
 - d. Maximum height of one-story and 15 feet.
 - e. Must be located to the rear of the primary building and not visible from adjacent roadways.
 - f. The use of the accessory building must be ancillary to the primary use.
 - g. Exterior walls shall be of the same materials as used with the primary structure.

h. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property.

- ~~1. No accessory building shall be erected in any required yard area except as set forth by this section.~~
- ~~2. No accessory building shall be erected within ten (10) feet of any other building unless such accessory building is used as a commercial kiosk, in which case such commercial kiosk cannot be located within fifty (50) feet of another building.~~
- ~~3. Commercial kiosks as accessory uses and/or buildings may be located within approved nonresidential districts subject to the following conditions:~~
 - ~~a. Maximum size of two hundred fifty (250) square feet.~~
 - ~~b. No inside sales or service or drive in sales or service; walk-up and/or drive-up service permitted.~~
 - ~~c. Exterior walls shall be of at least seventy-five percent (75%) masonry, glass, or other equivalent material; provided metal material does not exceed twenty-five percent (25%) of the exterior walls.~~
 - ~~d. Located within required setbacks and in conformance with this section.~~
 - ~~e. Located in such a manner as to not impede, impair or endanger vehicular traffic on the property where the kiosk is located and for vehicular traffic ingressing from and egressing to public rights-of-way.~~
 - ~~f. Submission of an acceptable site plan shall be required for consideration of the issuance of a building permit unless a current valid Certificate of Occupancy exists.~~
 - ~~g. Limited to one (1) kiosk per platted plot.~~

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
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 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
 - d. *Maximum Number Per Lot:* one

e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.

f. *Design Criteria:*

- i. Roof - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
- ii. Posts - Posts shall be clad or finished of brick, stone, cedar or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than eight inches (8") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Cedar posts shall be wrapped using masonry stone or brick from the base to at least 50% of the post height. The exposed portion of the cedar post shall be a minimum of 8 inches.

g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

Section 3.28 Supplementary District Regulations

- A. All required building lines shall adhere to the minimum yard requirement of the applicable zoning district for the property per Section 3.24.6-Schedule of District Regulations regardless of any setbacks shown on a plat unless a documented plat waiver has been approved.
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- D. Exceptions to Height Regulations
 1. Schools, public buildings, and institutions may be erected to a height exceeding the maximum height in any district in which they are permitted, provided front and rear yards are increased in depth and side yards increased in width one (1) foot for each foot of height that the building exceeds the height regulations of the district in which it is located.
 2. The height regulations prescribed elsewhere in this Chapter shall not apply (except as may be applicable to paragraph d. hereof) to grain elevators, television and radio towers, church spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, ornamental towers, monuments, conveyors, fuel storage tanks, asphalt and concrete batch plant equipment not intended for human occupancy.
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City of Colleyville Planning and Zoning Commission Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 5d

Agenda Date 12/7/2021

Number Ordinance O-21-2185

Type Ordinance

Department Community Development

Title

Request to appeal the decision by the Planning and Zoning Commission for the consideration of a Special Use Permit for a CBD Store use on Lot 7R1A, Block 2, Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, Case ZC21-024

Explanation

First Reading and Public Hearing

Kushal Bastakoti, representing Earth and Roots CBD, has submitted a request for a Special Use Permit (SUP) to allow for a CBD Store use at 4209 Colleyville Boulevard, Suite B. A CBD store is allowed in the CC-3 Highway Commercial district with the approval of an SUP.

Existing Conditions/Background: The subject property is zoned CC-3 and generally located on the east side of Colleyville Boulevard, north of Cheek Sparger Road near the intersection of Felps Drive. The subject property is a platted lot and currently developed with a multi-tenant commercial building. Suite B is currently vacant.

Proposed Special Use Permit: Request – The applicant is requesting approval of an SUP to allow for a CBD store use at this location.

Ordinance – Land Development Code, Chapter 3, Section 3.24.B Schedule of Permitted Principal Uses:

A CBD Store in the CC-2 and CC-3 non-residential zoning districts is required to obtain an SUP.

Analysis: The applicant is requesting the SUP for a CBD store. The hours of operation will be 9:00 am to 9:00 pm. The percentage of CBD products to be sold are between 40% - 60%. Approval of an SUP at this location for this user should not adversely impact surrounding uses or the character of the neighborhood.

Plat Status: The property is platted as Lot 7R1A, Block 2, of the Andy Felps Addition.

DRC Review: The DRC reviewed the request during their September 20, 2021, meeting and determined the application was complete and may be scheduled for the next available Planning and Zoning Commission meeting.

Drainage: NA

Surrounding Development: The properties to the north and south are zoned CC-3 Highway Commercial, and developed with a mixture of retail and automotive uses. The property to the east is zoned R-20 Single Family Residential and is improved with single-family uses. The property to the west is located in the City of Hurst and developed with a commercial building.

Comprehensive Plan: The City's Comprehensive Plan, Destination Colleyville, identifies the subject property as "Colleyville Boulevard Corridor" and located within a sales tax preferred intersection.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code.

Staff Recommendation: Staff is neutral on this request.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended denial at their November 8, 2021, meeting by a vote of 7-0. When the Planning and Zoning Commission makes a recommendation of denial, a favorable vote of three-fourths (3/4) of all members of the City Council is required for approval of the request.

Recommendation

None

Attachments

1. Request to Appeal
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Statement of Planning Objectives
6. Notification Map
7. Notify List
8. Ordinance O-21-2185

Ben Bryner

To: Jackie Reyff
Subject: RE: ZC21-024 Proposed CBD Store 4209 Colleyville Blvd. Suite B

From: Kush Art Gallery <>
Sent: Tuesday, November 9, 2021 9:56 AM
To: Jackie Reyff <JReyff@colleyville.com>
Subject: Re: ZC21-024 Proposed CBD Store 4209 Colleyville Blvd. Suite B

Good Morning Ms. Jackie,
I hope you are doing well. Yes I would like to appeal the decision of the Planning and zoning commission.
Also, I want to mention that I wont be selling delta 8 in the store even though they been c stores in Colleyville area. Looking forward to hear from you.
Thank you
Regards
Kushal Bastakoti

Aerial Map



ZC21-024

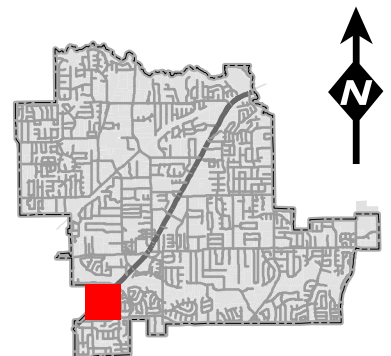
4209 Colleyville Boulevard, Suite B

DISCLAIMER:

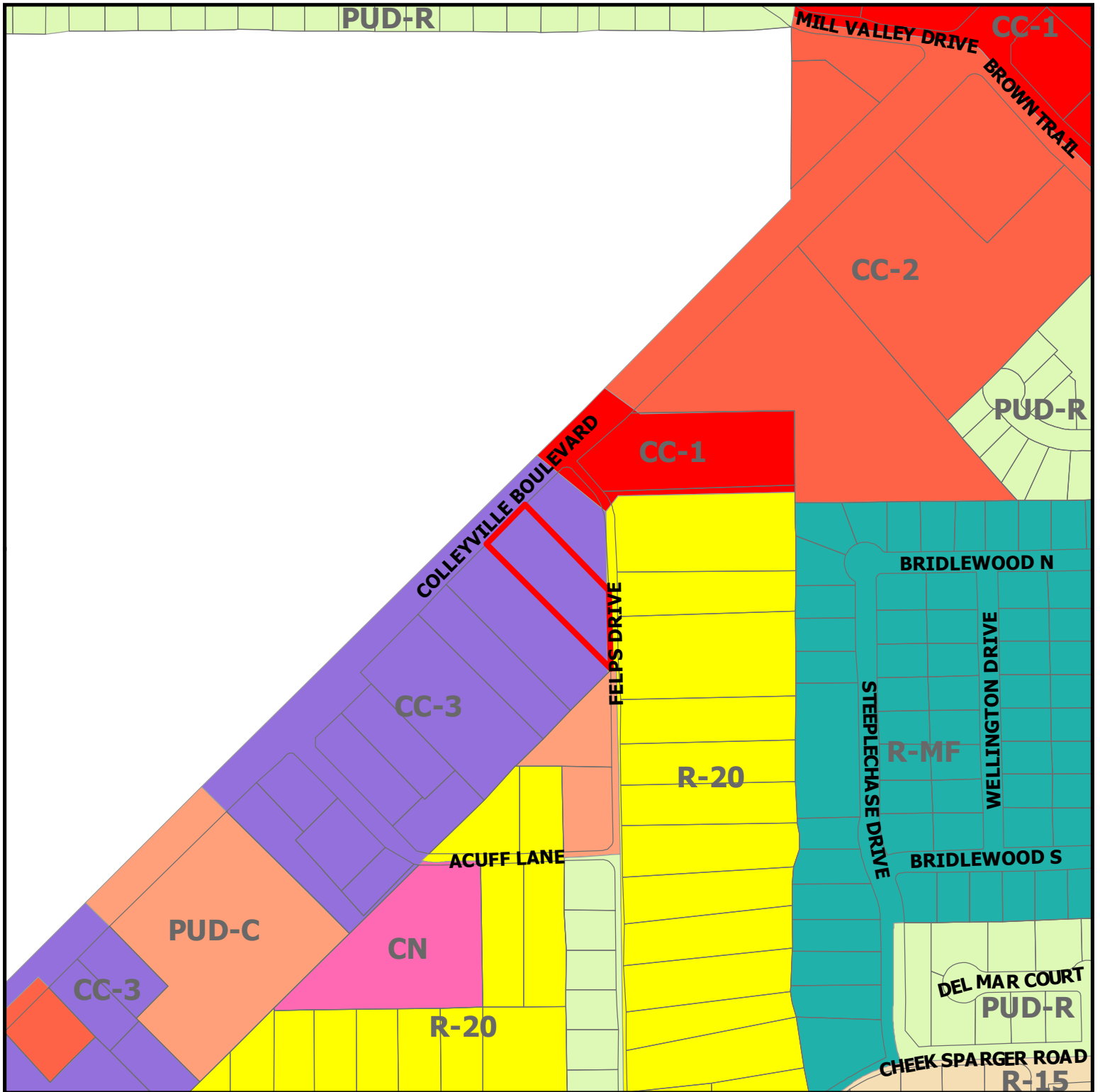
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Subject Property



Zoning Map



ZC21-024

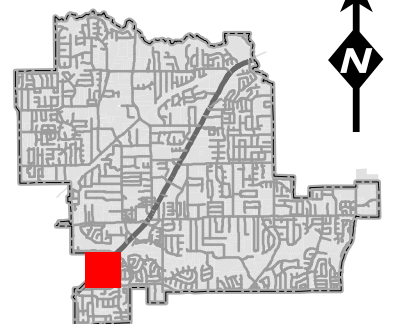
4209 Colleyville Boulevard, Suite B

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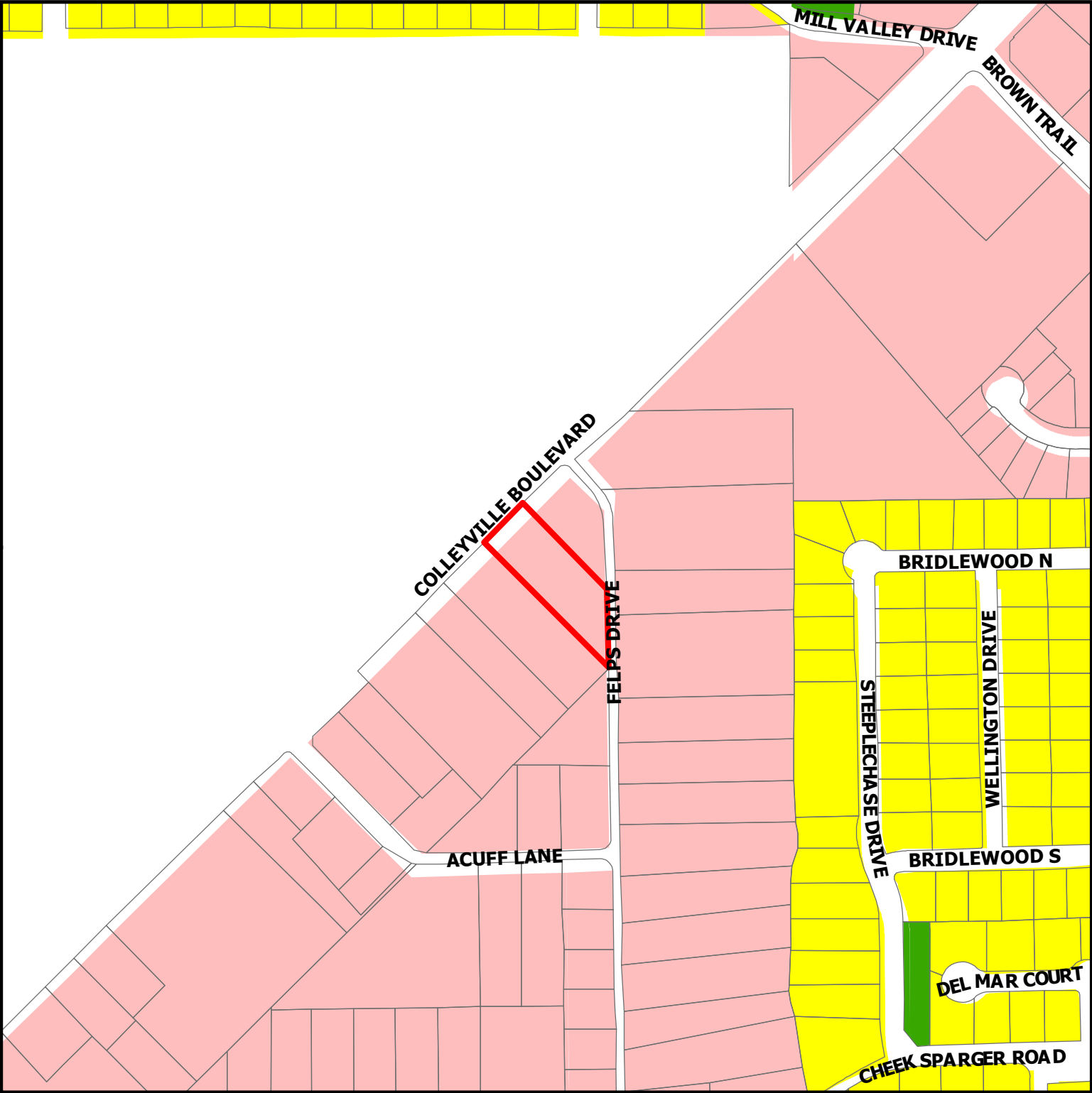
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Subject Property



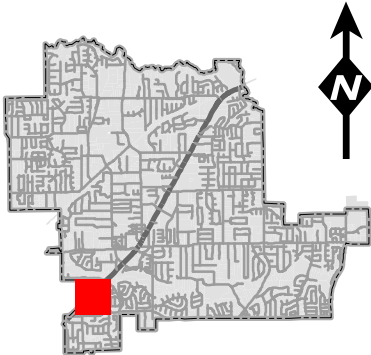
Future Land Use Map



ZC21-024

4209 Colleyville Boulevard, Suite B

-  Subject Property
-  Residential
-  Colleyville Blvd Corridor
-  Open Space; Parks



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EARTH AND ROOTS CBD

Presentation by Steven Ha, President

OUR MISSION

Earth and Roots CBD started with one vision: To bring the best quality hemp products for health and wellness, and offer the highest level of customer service to spread knowledge and awareness on how CBD and naturceuticals can change lives for the better.

Our goal is to empower education and wellness with hemp derived products. Helping others understand the benefits and power that cannabinoids can potentially offer, is our main goal.

Education on CBD has been, and is currently lacking, and we aim to spread awareness to people through our educational campaigns.

Limited research suggests cannabinoids show reduction in anxiety, inflammation, and pain. -Health.Harvard.edu



How is Earth and Roots classified as a high end CBD store?

1. All of our employees must pass 5 courses certificated from CBDtrainingacademy.com and train for excellence in education and customer experience.
2. We actually design our stores specifically to the balance of Black and White. The Yin & Yang which is the balance of life. We have been rated to be one of the best CBD stores in the state.
3. We don't sell any paraphernalia.
4. We don't sell any CBD products over 0.3% THC.
5. We don't sell Delta 8, Delta 10 or THCO or any other Isomer and Synthetic product.
6. Everything we produce is 100% natural, occurring from the hemp plant.
7. We use organic and natural ingredients in all of our products.
8. We use herbal blends in our CBD products for better health solutions.

We won 2nd best in DFW in the CBD category!

Best in **DFW**
The Dallas Morning News
People's Choice

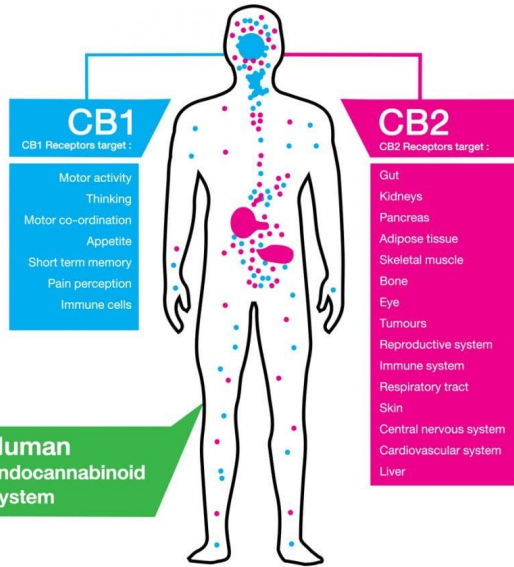


Why Franchise with Earth and Roots?

1. Our franchisees must be qualified to be part of Earth and Roots, through our vetting process.
2. We are highly selective of competitive candidates that will show passion, integrity and proven leadership to this industry.
3. We want to create a positive influence with CBD. We don't look for investors that want to be a franchisee, but operating owners.
4. We are a manufacturer that has proven grounds on distribution and won't have issues with the demand and supply as others have faced along inventory control.
5. Franchisees must have \$50k liquidity for a minimum of six months of post-down costs.



Why is hemp good for us?



Cannabinoids exert their effects by interacting with specific cannabinoid receptors present on the surface of cells. Cannabinoid receptors are an essential component of the body's endogenous, or endocannabinoid system (ECS). Every function in our body requires balance, or homeostasis, to perform at maximum capacity.



CB1 receptors

CB1 is expressed primarily in the brain, central nervous system, lungs, liver, kidneys, and other vital organs.



CB2 receptors

The communication of the CB1 to provide activity that inhibits inflammatory signaling pathways, bringing things back to a normal non-inflammatory state, or a state of homeostasis.



Conclusion

In today's world we lack a good balanced meal, exercise, sleep, and maintaining stress levels. This could be a dysfunction that can contribute in development in genetic and environmental factors.



Education and dosage is provided during the visit at the store and QR codes on every product so customers can scan and learn more.

CANNABIS HAS OVER **100+**
CANNABINOIDS
two commonly known ones are:



The infographic is divided into two columns. The left column is titled 'HEMP' and states it 'contains 0.3% THC (OR LESS)'. The right column is titled 'MARIJUANA' and states it 'contains 15-20% THC (TYPICALLY)'. A central vertical line connects the two columns, with a small circle labeled 'THC AMOUNT' at the bottom. Two arrows point from this central circle to two pie charts. The first pie chart, corresponding to Hemp, is almost entirely white with a very thin green slice at the bottom, representing 0.3%. The second pie chart, corresponding to Marijuana, is mostly green with a small white slice at the top, representing 15-20%.

Plant Type	THC Content
Hemp	0.3% (OR LESS)
Marijuana	15-20% (TYPICALLY)

Because hemp and MJ are cousin plants. They can be confused in the mix. Non- reputable companies associate and market hemp as MJ with the tacky leaf. Which has caused stigma. Hemp has been used for thousands of year like bamboo such as rope, textiles, clothing, shoes, food and paper.

CONCEPT



Highlights

Our retail concept is very simple. We bring character in our stores through a mix of modern and industrial aesthetics, similar to New York concepts. As you can see, the White(California theme) and Black (New York theme) Brick concept. This represents Yin and Yang , which we based our concept out of: A balanced homeostasis of the body through our CBD products.

Advantages of franchising with E&R

1. CBD Manufacturer-owned franchise that has full inventory control and backing.
2. Training and Initial business set-up, ongoing Franchise Support, and continuous training development.
3. Ongoing innovation on new products from our own formulations, research and development, and packaging.
4. Our system is about helping our franchisees succeed, and we are very proud of our brand. You are not a store number, but family when accepted into Earth and Roots.
5. Marketing and advertising support, from our in house marketing team lead by our CMO with an extensive marketing agency background.
6. Pharmacist formulated products

The best franchisees are great leaders

PRIMARY CANNABINOIDS								
POTENTIAL BENEFITS*	THC	CBD	CBG	CBN	CBC	THC-V	THC-A	CBD-A
CAN ALLEVIATE PAIN	●	●	●	●	●			
CAN REDUCE INFLAMMATION		●	●	●	●		●	●
CAN SUPPRESS APPETITE		●				●		
CAN STIMULATE APPETITE	●	●						
CAN REDUCE NAUSEA	●	●						
CAN REDUCE ANXIETY		●			●			
CAN MODERATE PSYCHOSIS		●						
CAN BOOST IMMUNE SYSTEM		●						
CAN REDUCE BLOOD SUGAR LEVELS		●						
CAN REDUCE SEIZURES	●	●		●		●	●	
CAN SUPPRESS MUSCLE SPASMS	●	●		●			●	
CAN HELP AID SLEEP	●	●		●				
CAN DETER NEURODEGENERATION	●	●						
MAY INHIBIT CELL GROWTH IN TUMORS	●	●	●			●	●	●
CAN PROMOTE BONE HEALTH		●	●			●		
CAN REDUCE DEPRESSION		●	●					

*These statements have not been evaluated by the FDA. This product is not intended to diagnose, treat, cure, or prevent any disease.

SOURCE: CBD ORIGIN

TESTIMONIES

We have over (133) Google review 5.0 star in the past 10 months

Kathy George

6 reviews

★★★★★ 8 months ago

I visited the CBD farmhouse in Farmers Branch and they were closed on Saturday and a young man came to the door and informed me of Earth & Roots in The Colony. I arrived and a kind young man welcomed me and assessed my needs while being attentive to my many questions. I was comfortable and his product suggestions gave me relief while saving 40% from the CBD plus three blocks away. I went to pay for my purchase and had dropped a \$100 bill somewhere and panicked while a young lady came out to assist me in searching outside for the bill. We found the money and she introduced herself since she does facials inside the store.

The stores concept is met with a creative owner and Pharmacist which gives me more confidence in the products offered by this business. I am challenged by a congenital bone disorder with a 6" leg length discrepancy and forty two surgeries later, I refuse to depend on synthetic drugs for pain relief and appreciate this young lady joining the research offering Americans an effective and safe alternative that hemp can offer.

Thank you Earth& Roots.

Kathy George

Tyler Eppes

1 review

★★★★★ 4 months ago

Stopped in for the first time yesterday and had a wonderful experience. Eugene was an absolute doll, I can say that he taught me more in 15 minutes about the products I'm using than anyone in any other shop I've been to has. Great atmosphere and in house products so you know what you are getting. He also helped my mother find something to help with her tendonitis and was very informative. All in all terrific customer service and I left happy with exactly what I needed. Thank Eugene for me!

D

Danny Talanquines

5 reviews

★★★★★ 8 months ago

Walked into earth roots and I was immediately greeted with such kindness.

The salesperson, Eugene, was so knowledgeable and walked me through every step.

Just by chance, I met the owners and I could not be more impressed. They showed me the top selling products and explained everything to me. I never knew about CBD until it was explained to me by the employees.

Going through back pain and anxiety, it really helped. I am a registered nurse and I will say that these products really helped through my daily life. I found out that the products are made by a board certified pharmacist and I am hooked!

Just want to say thank you to earth roots for introducing me to a great product that I will now recommend to all my friends and coworkers!



tina tina

Local Guide · 9 reviews · 53 photos

★★★★★ 9 months ago

If you have sleeping problem, you need to try their "Sleepytime Full Spectrum". I've had sleep problems and tried from over the counter to prescriptions and this product is the best thus far. It work within 15 minutes and I get my deep sleep for a productive next day. Highly recommend it!



Eazydoesit

2 reviews

★★★★★ 8 months ago

Purchased the 1000 Topical for my father. He has been having problems with arthritis in his hands. He noticed improvement immediately. After a couple of days the pain and movement were back to normal. You have a customer for life. Awesome product and top of the line ingredients.

M

Milene Zapata

2 reviews

★★★★★ a year ago

I don't have words to express myself how wonderful CBD products are...I had a sharp pain on my left leg that I could hardly walk. I went to the hospital and they tried to find the cause of my pain with 3 MRI but they found nothing...my pain continued...my son Gabriel told me to try the Cooling cream and the 1500mgs tincture(sublingual) and in less than 2 weeks I was walking perfectly fine. I just couldn't believe it!!! The problem is that I still owe \$4,500 to the hospital.. I will always use CBD products from CBD Farmhouse, they are very knowledgeable and their customer service is outstanding, they are very generous when you ask for samples...Thank you so much for all you do!

Meet Yuong Lam, PharmD & CEO

Yuong Lam is a pharmacist by trade and co-founder of Earth and Roots CBD™, our full time cannabis consultant and hemp product formulator. She is an alumni of both University of Houston and Texas Tech School of Pharmacy. She decided to leave the world of Big Pharma in 2019, and move into the alternative medicine and cannabis-derived nutraceuticals field. There are many studies by researchers and universities that show CBD could help many people in terms of pain, anxiety, inflammation, and sleep, but she felt that corporate retail pharmacy was restrictive in offering alternative solutions. That's how Earth and Roots CBD was born.



Meet Anselm, COO

Anselm Ng is a Houston native and co-founder of Earth and Roots CBD™. He found a passion for Cannabis and CBD products, as he realized that the world needs to learn more about the industry. Having operations experience in different fields of business, he quickly paired his passion with his partners, and finding ways to change people's lives for the better, bringing a positive influence to the world.



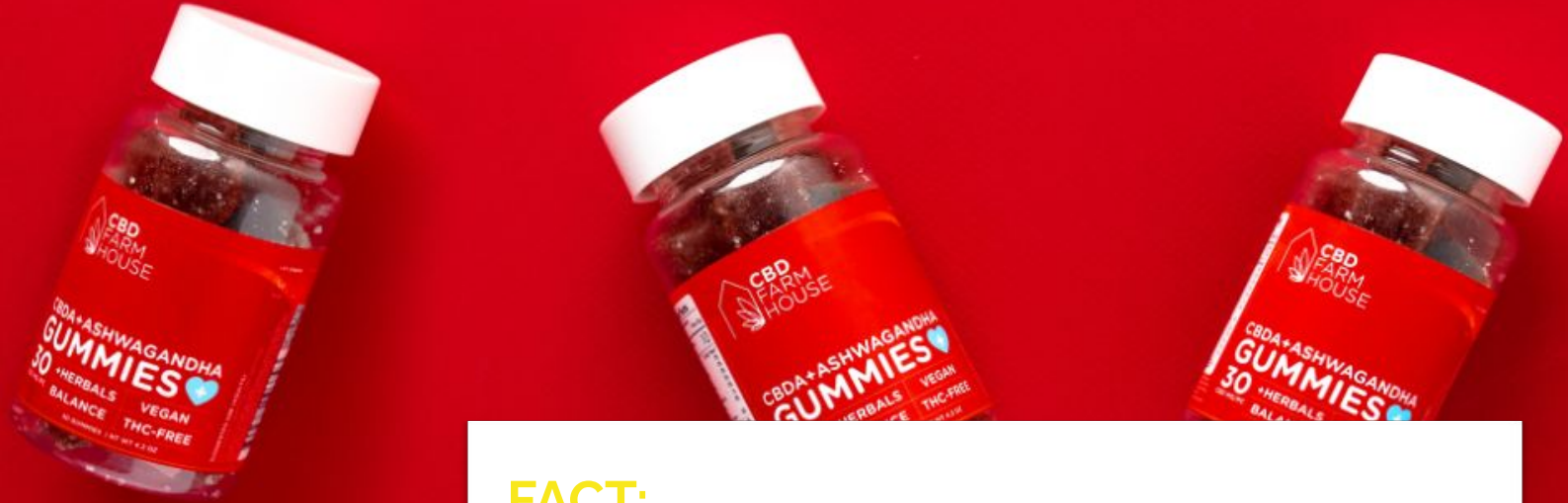


TRAINING

Our corporate trainer, Eugene, has 6 years of experience with CBD with over 6-8 certifications on CBD, CBD for pets and processing.

Every store that is set up, pre-launch, will have a 2 week training period. In these 2 weeks, Eugene will guide all employees at that location with extensive product knowledge, education, store operations, and top customer service with Earth and Roots. He will stay with that store location for a week after opening to ensure the operations of that store runs smoothly.

YOUR WELLNESS IS OUR CONCERN



FACT:

Our customers' health means everything to us. We don't just make plain CBD products, but we infuse them with healthy herbal blends to enhance our product benefits

How has CBD positively affected the nation and the demographics that use it?

In 2019 only 14% of consumers used CBD products. The statistics has shown that every age 18-72 has had equal usage since this number. CBD is for everyone.

Source: travel.trade.gov



Milestone

October 15, 2020

Opened up our first Earth and Roots Location in The Colony

August, 2021

Earth and Roots Franchise Corporation was created. Established Trademark, FDD and other certifications.

December, 2021

5 more Earth and Roots locations will have been opened, and 5 more in construction

2014

2015

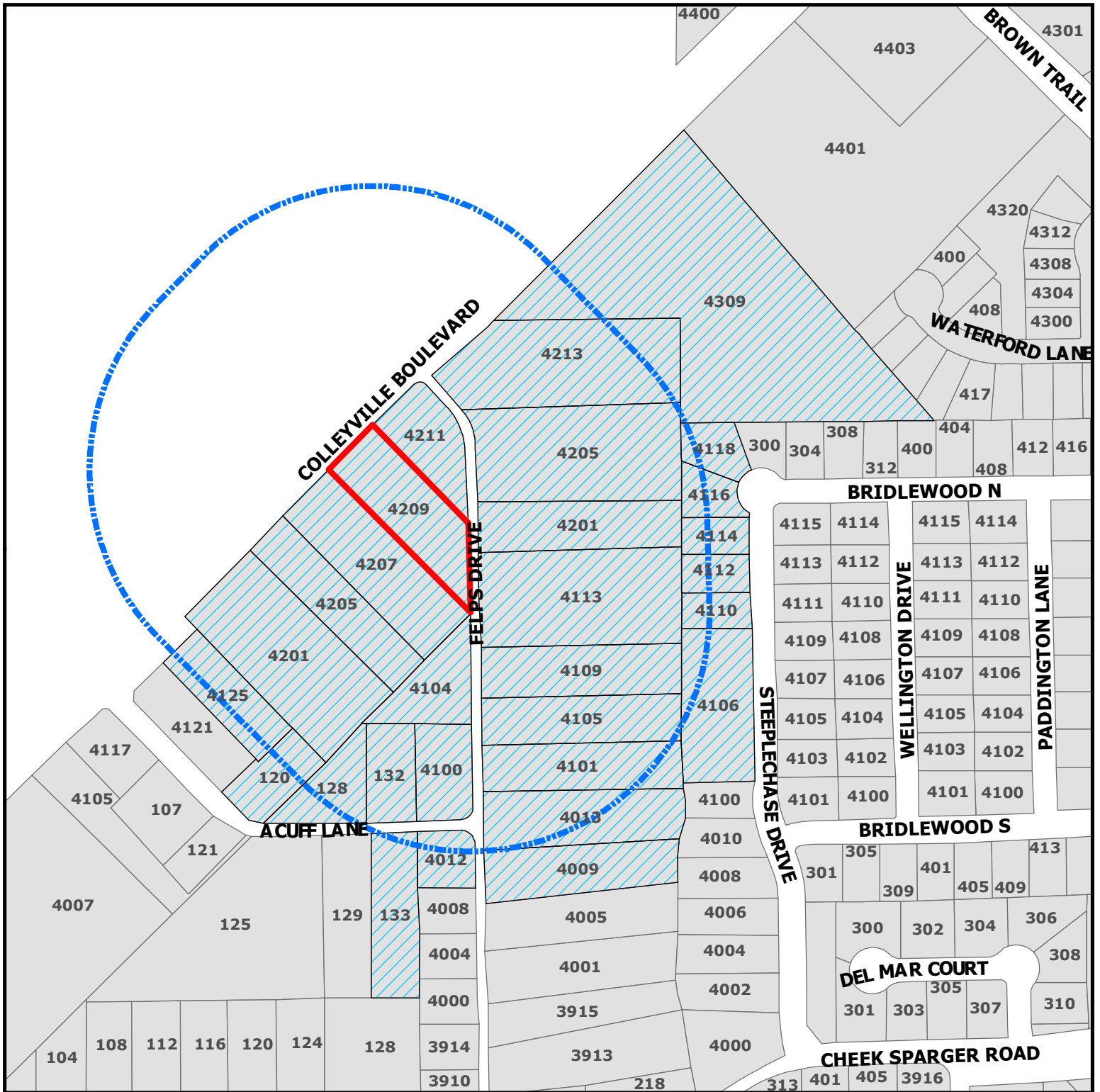
January, 2021

Stabilized our beta store operation and customer base

September, 2021

Secured 4 new DFW locations and POST development in Houston.

Notification Map



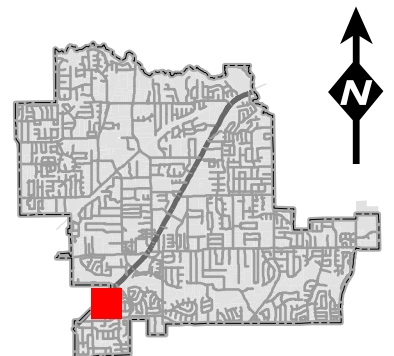
ZC21-024

4209 Colleyville Boulevard, Suite B

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-  Subject Property
-  500ft Buffer
-  Properties within 500ft



Owner_Name	Owner_Addr	Owner_City
AUTO WASH DEPOT CENTERS	2400 E COMMERCIAL BLVD STE 901	FORT LAUDERDALE, FL
CHOATE, JOHN P	4112 STEEPLECHASE DR	COLLEYVILLE, TX
DUONG, TRANG	10268 CHARISSGLEN CIR	LITTLETON, CO
HINKLE-MORRISON, MICHAEL	4012 FELPS DR	COLLEYVILLE, TX
MANDATO, DAVID A	4109 FELPS DR	COLLEYVILLE, TX
WILKS, EARLEEN FAY	132 ACUFF LN	COLLEYVILLE, TX
HOELSCHER, KEVIN	4116 STEEPLECHASE DR	COLLEYVILLE, TX
ROMINE, LAQUITA JOY	4113 FELPS DR	COLLEYVILLE, TX
RAI, RAMINDERPAL	4201 FELPS DR	COLLEYVILLE, TX
FRENCH, JAMES E	PO BOX 550	TIOGA, TX
HOMEOWNERS OF BRIDLEWOOD	PO BOX 1142	COLLEYVILLE, TX
4209 COLLEYVILLE BLVD LLC	PO BOX 602	COLLEYVILLE, TX
LAWSON, DAVID S	4114 STEEPLECHASE DR	COLLEYVILLE, TX
4FD PROPERTIES LLC	4100 FELPS DR STE A	COLLEYVILLE, TX
4205 COLLEYVILLE LLC	PO BOX 92565	SOUTHLAKE, TX
BENCHMARK AMERICAN HOMES	9001 GLENDARA DR	NORTH RICHLAND HILLS, TX
LAPRELLE, CHAD	133 ACUFF LN	COLLEYVILLE, TX
CALLAHAN, JIMMY	PO BOX 430	YANTIS, TX
ACHA, CHRISTINE	7656 RIDGELINE DR	DUBLIN, CA
BOTEJU, PRABATH S	501 THORN WOOD DR	EULESS, TX
KNIGHT, STEVEN	4205 FELPS DR	COLLEYVILLE, TX
EKDREN TRUST	4110 STEEPLECHASE DR	COLLEYVILLE, TX
MIDBELT PROPERTIES LP	2722 FAIRMOUNT ST	DALLAS, TX
WIEGMANN, PAULA L	4118 STEEPLECHASE DR	COLLEYVILLE, TX
BRATTON, BILLY W	4009 FELPS DR	COLLEYVILLE, TX
FIRST ASSEMBLY OF GOD CH	PO BOX 98	COLLEYVILLE, TX
CORPORATION, ALARDIN	1721 WOODHILL LN	BEDFORD, TX
LATT PROPERTIES INC	3701 CLIFFWOOD DR	COLLEYVILLE, TX
CROMBIE, PHILLIP EST	128 ACUFF LN	COLLEYVILLE, TX
BRIDLEWOOD ESTATES	4110 Coachman	COLLEYVILLE, TX
TIFFANY PARK	1264 Harwood Road	BEDFORD, TX
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX

ORDINANCE O-21-2185

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 0.841 ACRES, BEING LOT 7R1A, BLOCK 2, OF THE ANDY FELPS ADDITION, LOCATED AT 4209 COLLEYVILLE BOULEVARD, SUITE B, AUTHORIZING A SPECIAL USE PERMIT FOR A CBD STORE USE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a Special Use Permit for a CBD store for the business known as Earth and Roots CBD, Case No. ZC21-024; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to amend the City's zoning ordinance; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the City's zoning districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the City Council is of the opinion the change in zoning provided for herein should be made, in compliance with the City Charter, and State law with reference to changes to zoning classifications under the City's zoning ordinance and zoning map, having given the requisite notices required by law and having held public hearings affording all interested persons and property owners a full and fair opportunity to be heard.

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

- Sec. 1. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by authorizing a Special Use Permit for a CBD store on 0.841 acres, being Lot 7R1A, Block 2, of the Andy Felps Addition, located at 4209 Colleyville Boulevard, Suite B, for the business known as Earth and Roots CBD, as depicted on the attached as Exhibit "A".

- Sec. 2. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 3. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The Special Use Permit shall apply to a CBD store.
 - b. The name of the business authorized for a CBD store by this Special Use Permit shall be called "Earth and Roots CBD".
 - c. The hours of operation shall be 9 a.m. to 9 p.m.
 - d. The business shall not sell any paraphernalia related to vaping and/or smoking.
 - e. There shall not be any smoking on the premises, inside or outside, and a "no smoking" sign shall be posted.
 - f. There shall not be any CBD products sold over 0.3% THC.
 - g. There shall not be any Delta 8, Delta 10, or THCO or any other Isomer and Synthetic product sold.
 - h. No smoothies or other similar food type products (prepared to order) shall be permitted.
 - i. The Special Use Permit shall automatically expire upon the abandonment of the business, change in use, a change in ownership or upon the expiration or termination of the Certificate of Occupancy.
 - j. All requirements of the Land Development Code shall be met, except where amended herein.
- Sec. 4. 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 for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

Sec. 6. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 7. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

PASSED AND APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 21ST DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

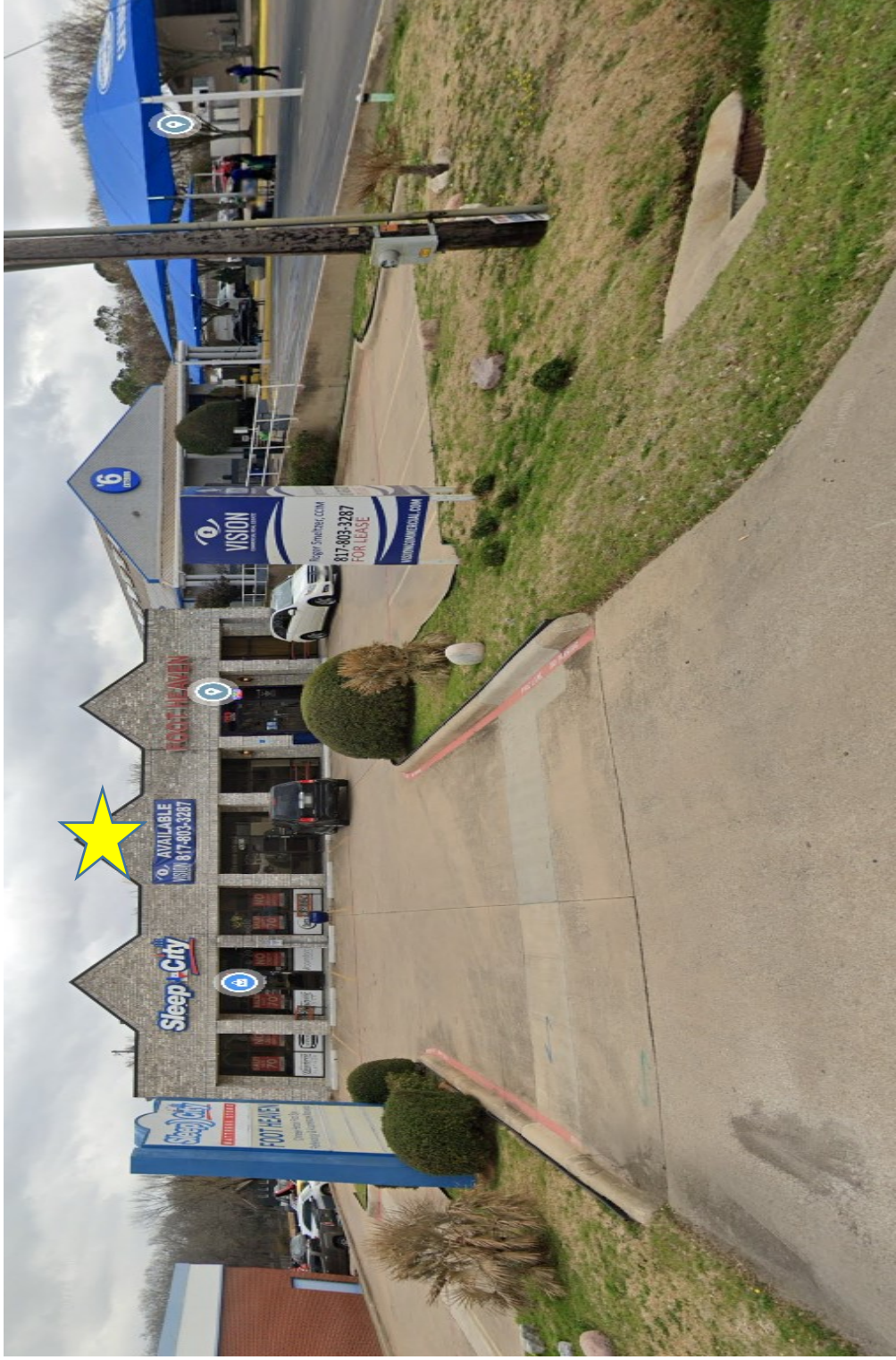
Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map







City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 5e

Agenda Date 12/7/2021

Number Ordinance O-21-2186

Type Ordinance

Department Finance

Title

An ordinance amending Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, adjusting water and wastewater volumetric rates to pass through changes from the Trinity River Authority

Strategic Plan

2.1 Provide responsive, efficient city services

Explanation

First Reading and Public Hearing

On November 15, 2016, the City Council approved Ordinance O-16-1996, implementing the recommendations of the Water and Wastewater Rate Advisory Committee. This ordinance established a new rate structure in which City operating costs are recovered through base rates and volumetric rates are set to pass through the costs charged by the Trinity River Authority (TRA).

The base and volumetric rates are reviewed and updated on an annual basis. The new base rates are reflected in the bills sent out in October to coincide with the City's fiscal year while the new volumetric rates are reflected in the bills sent out in January to coincide with TRA's rate change.

This agenda item provides for formal consideration and approval to amend Sections 3A and 3B of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas, to reflect the proposed new pass through rates to be in effect starting with the January billing for December's usage as follows:

Water Rates

Staff recommends consideration of lowering the current water volumetric rate from \$4.4654 to \$4.3430.

Wastewater Rates

Staff recommends consideration of lowering the current wastewater volumetric rate from \$3.1650 to \$3.0663.

Financial Impact

Adoption of this ordinance will provide the revenue to recover the costs from TRA.

Recommendation

Approve

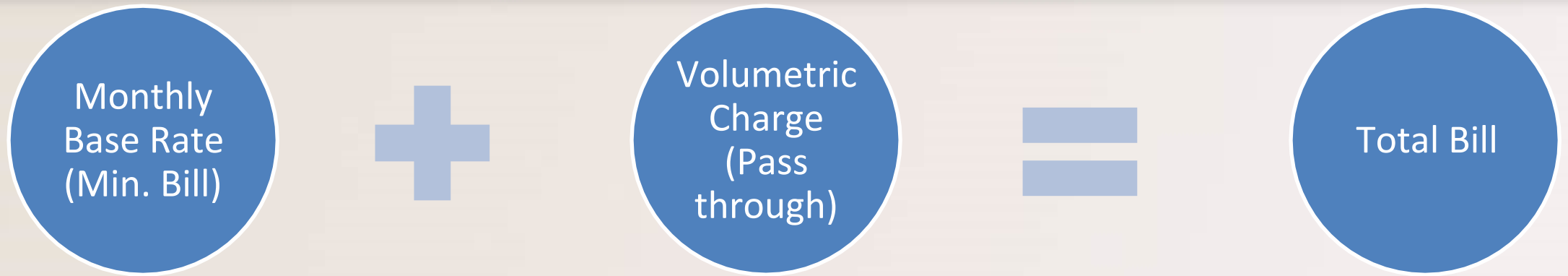
Attachments

1. Volumetric Rates Presentation
2. Ordinance O-21-2186

Volumetric Utility Rates

City Council
December 7, 2021

Rate Breakdown



- Fixed monthly charges calculated based on the amount of revenue necessary to recover the City's operating costs.
 - ✓ Water Base Rate
 - ✓ Wastewater Base Rate
 - ✓ Capital Improvement Plan (CIP) Rate

➤ Effective Date: October 1

- TRA bills Colleyville for water and wastewater treatment.
 - ✓ WATER: Based on volume of treated water purchased
 - ✓ WASTEWATER: Based on volume of wastewater treated
 - ✓ DEBT SERVICE: Based on Colleyville's proportional share of water use within the Tarrant County Water Supply Project and proportional share of wastewater flows for Central Regional Wastewater System

➤ Effective Date: January 1

- Colleyville bills customers:
 - ✓ A base rate to recover the operating costs.
 - ✓ A volumetric rate based on projected payments to TRA



Utility Fund Projections - Rates

FY 2022 Recommendation

Moderate increases to water/wastewater base rates
CIP rate increases to originally projected rate

+\$1.90 to **+\$3.10 to**
+\$16.44 **+\$21.99**

+\$0.48 to
+\$4.83

+\$0.72

Water Meter Size	FY 2021 Water	FY 2021 Wastewater	FY 2021 CIP	FY 2021 Total
1" Meter	\$13.58	\$11.60	\$3.93	\$29.11
1.5" Meter	\$27.16	\$11.60	\$7.28	\$46.04
2" Meter	\$43.45	\$11.60	\$11.30	\$66.35
3" Meter	\$81.47	\$11.60	\$20.67	\$113.74
4" Meter	\$135.78	\$11.60	\$34.05	\$181.43

Water Meter Size	FY 2022 Water	FY 2022 Wastewater	FY 2022 CIP	FY 2022 Total
1" Meter	\$14.06	\$12.32	\$5.83	\$32.21
1.5" Meter	\$28.12	\$12.32	\$10.79	\$51.23
2" Meter	\$45.00	\$12.32	\$16.75	\$74.07
3" Meter	\$84.37	\$12.32	\$30.65	\$127.34
4" Meter	\$140.61	\$12.32	\$50.49	\$203.42

Water Volumetric Rates



Current Rate	New Rate	Difference
\$4.4654 / 1,000 Gallons	\$4.3430 / 1,000 Gallons	(\$0.12) / -2.74%

Volumetric Rate Calculation	Rate per 1,000 Gallons
TRWD Raw Water Costs	\$1.307
Colleyville's Portion of TRA Operating Budget	\$1.020
Add: 20% of O&M rate (billed by TRA to ensure liquidity)	\$0.470
Subtotal O&M Rate	\$2.793
Colleyville's portion of TRA Debt Budget	\$1.476
Add: 5% of Debt Service (based on historical experience)	\$0.074
Subtotal Debt Rate	\$1.550
Total FY22 Volumetric Water Rate	\$4.3430

Wastewater Volumetric Rates



Current Rate	New Rate	Difference
\$3.1650 / 1,000 Gallons	\$3.0663/ 1,000 Gallons	(\$0.0987)/ -3.119%

Volumetric Rate Calculation	Rate per 1,000 Gallons
Colleyville's Portion of TRA Operating Budget	\$1.065
Add: 2% of O&M rate (based on historical experience)	\$0.021
Subtotal O&M Rate	\$1.086
Colleyville's portion of TRA Debt Budget	\$1.886
Add: 5% of Debt Service (based on historical experience)	\$0.094
Subtotal Debt Rate	\$1.980
Total FY22 Volumetric Wastewater Rate	\$3.0663

Wastewater Usage Calculation



- Commercial/Industrial customers are metered (actual usage)
- Residential customers are based on average water use for December, January, February (winter averaging)
 - Industry standard practice; effectively factors out irrigation usage
 - If no preceding winter average is available, a volume of 9,000 gallons is used

Water Conservation Tips



- Turn off irrigation system during winter months
- Use garbage disposal sparingly (compost)
- Be aware of water levels in laundry
 - If buying new machine, research models for energy conservation
- Use a pool cover (prevent water loss through evaporation)
- Monitor water bill monthly to discover any leaks

Questions and Discussion

ORDINANCE O-21-2186

AMENDING SECTION 3 – SERVICE CHARGES OF THE WATER AND SEWER POLICY AND PROCEDURE MANUAL OF THE CITY OF COLLEYVILLE, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, water and wastewater base rates are set to recover the City’s annual operating costs for the utility system; and

WHEREAS, the Fiscal Year 2022 Utility Fund operating budget has been proposed and the required base rates to fund said budget have been calculated; and

WHEREAS, the City Council desires to maintain base rates in total by lowering the water base rate, lowering the wastewater base rate, and increasing the base rate for funding of utility capital projects.

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

Sec. 1. THAT Section 3 – Service Charges of the Water and Sewer Policy and Procedure Manual of Colleyville, Texas, which is “Appendix A” of the Colleyville Code be replaced in its entirety to read as follows:

Sec. A. - Water rates.

The following base and volumetric charges shall apply to residential and non-residential water customers. Base charges for out-of-city customers shall be \$4.00 higher than the charge for in-city customers.

Base charge per month for in-city customers:	
Water meters 1 inch or less	\$14.06
Water meters of 1.5 inches	\$28.12
Water meters of 2 inches	\$45.00
Water meters of 3 inches	\$84.37
Water meters of 4 inches	\$140.61
Base charge per month for out-of-city customers:	
Water meters 1 inch or less	\$18.06
Water meters of 1.5 inches	\$32.12
Water meters of 2 inches	\$49.00
Water meters of 3 inches	\$88.37
Water meters of 4 inches	\$144.61

Volumetric charge per 1,000 gallons	\$4.3430
-------------------------------------	----------

Rates for fire hydrant meters:

The use of fire hydrant meters shall only be allowed within the Colleyville city limits. The use of the fire hydrant meters shall be limited to a period of no more than 90 cumulative calendar days. Under special conditions, a customer may submit a written request to the public works department for use of a fire hydrant meter for a period longer than 90 cumulative calendar days, subject to public works director approval. In considering special condition(s), the public works director shall not consider requests which are necessary to relieve a self-created or personal hardship, failure of performance by a contractor, nor for financial reasons. In considering the customer request, the public works director shall solicit the recommendation of the fire chief and fire marshal in consideration of the request. Further, the public works director shall consider alternative means available to the customer. If special condition(s) are approved by the public works director, in no case shall the meter be used for more than an additional 30 calendar days. The public works director may provide a written ruling within 15 working days of receipt of the customer's written request.

In the event a request for special condition(s) is denied by the public works director, customer shall, within 14 calendar days, make written appeal to the city manager of the public works director's decision. The city manager shall render a written decision within 30 working days of receipt of the customer's appeal. Such decision by the city manager shall be final and not appealable to the city council.

For purposes of this section, written communication shall be considered communication, which is deposited with the United States Postal Service for delivery.

The user must submit in writing, the location of where the meter will be used and such meter shall be used exclusively at the location on record with the city. For purposes of this section, the use of a meter shall be allowed cumulatively for only one location within an individual subdivision and/or development.

For a period of 90 cumulative calendar days after a meter is returned and read by the city, a user shall not be permitted to check out another meter for use at the same designated location, as defined herein.

The monthly base charge for a fire hydrant meter shall be \$50.00. Water usage for a fire hydrant meter shall be charged at a rate of \$4.17 per 1,000 gallons of water used.

The customer shall be in possession of and responsible for the meter. The customer will be responsible for bringing the meter to the public works service center by the 20th of each month for reading. The customer is required to use a proper fire hydrant wrench for operation of the fire hydrant. The customer shall be responsible for any damage and repair, as reasonably determined by the city, to the fire hydrant or the fire hydrant meter by the use of a temporary water meter.

The customer will be required to provide for any backflow device necessary to meet the current city ordinance for protection of the city's drinking water supply.

The City of Colleyville, Tarrant County, and Texas Department of Transportation (TxDOT) shall be exempt from the provisions of this policy.

Sec. B. - Sewer rates.

This schedule of rates per month or fraction thereof shall be the basis for determining charges to all customers for rendering sanitary sewage service, where the sewage produced by such customer is a normal strength wastewater (170 mg/l BOD and 260 mg/l suspended solids) and where such customer is located within the City of Colleyville. The base charge for non-residential customers shall be \$6.00 higher than the charge for residential customers.

A base charge per month shall be charged as follows:	
Residential customers	\$12.32
Non-residential customers	\$18.32

A monthly sewer volume charge shall also be charged to all customers as set forth hereinafter. The sewer volume charge for residential customers will be based upon the individual customer's average monthly water use during the months of December, January, and February. Where no preceding winter quarter average is available from records, a volume of 9,000 gallons shall be used for this volume charge.

The monthly sewer volume charges to commercial and industrial class customers will be based on total water use each month as measured by appropriate meters, with the provision that if a customer can show to the

satisfaction of the public works director that a significant portion of the metered water usage does not enter the sanitary sewers, the customer will be charged for only that volume entering the sewers, as determined by a method approved by the director of public works.

Volumetric rate per 1,000 gallons:	\$3.0663
------------------------------------	----------

Sec. C. – Capital Projects rates.

The following base charges shall apply to residential and non-residential customers to provide funding for utility capital projects necessary to maintain the utility system:

Base charge per month for in-city and out-of-city customers:	
Water meters 1 inch or less	\$5.83
Water meters of 1.5 inches	\$10.79
Water meters of 2 inches	\$16.75
Water meters of 3 inches	\$30.65
Water meters of 4 inches	\$50.49

Sec. D. – Billing; delinquent penalty.

All charges for services furnished or rendered by the City of Colleyville Utility Department are due and payable on the date bill is received. If payment is not received within sixteen days of the billing date, a (10%) penalty will be imposed for failure to pay by the due date of the bill.

In the event the meter is not delivered to the city for reading, a penalty fee would be imposed as follows:

\$100.00	1 st missed reading
\$200.00	2 nd missed reading
\$300.00	3 rd missed reading

After the third missed reading, the security deposit will be forfeited and the City of Colleyville will revoke the use of the fire hydrant meter.

Sec. E. – Discontinuance of service, notice; reconnection fee.

In the event that any month's charges remain delinquent and unpaid at the time of a subsequent billing's due date, the user or customer shall receive a cut-off notice which will be mailed no later than two working days after the subsequent billing's due date. Services will be disconnected if any arrearages

over 30 days are not paid within six working days of the cut-off notice. Where service has been discontinued for failure to pay for service rendered, a charge of \$25.00 shall be made for each meter disconnected before said service shall be restored. In the event the customer requests reconnection at hours other than 8:00 a.m. to 4:30 p.m., said reconnect fee shall be increased to \$75.00.

Sec. 2. THAT the effective date of this ordinance shall be for the bills sent out starting January 1, 2022.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2021.

The second reading and public hearing being conducted on the 21st day of December 2021.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 21ST DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 6a

Agenda Date 12/7/2021

Number Resolution R-21-4679

Type Resolution

Department Community Development

Title

Consideration of a Right-Of-Way Encroachment Agreement to allow for a permanent freestanding monument sign to be located within the right-of-way located at 715 Cheek-Sparger Road

Strategic Plan

4.1 Protect Colleyville's semi-rural residential character

Explanation

Reading and Public Hearing

Patrick Webb, the applicant, has submitted a request for a right-of-way encroachment agreement to be approved for a monument sign to be placed in front of the property line located at 715 Cheek-Sparger Road.

Existing Conditions/Background: The subject property is generally located on the south side of Cheek-Sparger Road west of Bedford Road and Wayne Drive. It is zoned PUD-C Planned Unit Development - Commercial and is currently platted as Lot 1R, Block 1, Colleyville Presbyterian Church Addition.

Request: The applicant received approval of a variance from the Sign Board of Appeals to allow for the construction of a monument sign that will encroach beyond the required eight (8) foot front property line setback and into the Cheek-Sparger Road right-of-way. The approval was contingent on receiving approval of a Right-Of-Way Encroachment Agreement from the City Council.

Analysis: The proposed sign location would be located along Cheek-Sparger Road and the proposed location of it encroaches beyond the 8' required setback and into the right-of-way, placing it approximately 24' from the edge of the street. The location of the sign is between two entrances to the property when heading east bound on Cheek-Sparger Road and in front of an existing tree. The dimensions of the monument sign meet the requirements of Chapter 7 Sign regulations of the Land Development Code.

As part of any right-of-way or easement encroachment agreement, the City has a form which requires all appropriate utility companies (e.g. electric, communication, gas) acknowledge the encroachment and release their interest in the right-of-way for the specific encroachment with their signature. The applicant has been provided the form and is working on obtaining the utility company signatures.

Staff Recommendation: Staff recommends approval contingent on release from all appropriate utility companies.

Financial Impact

There is no financial impact to the City.

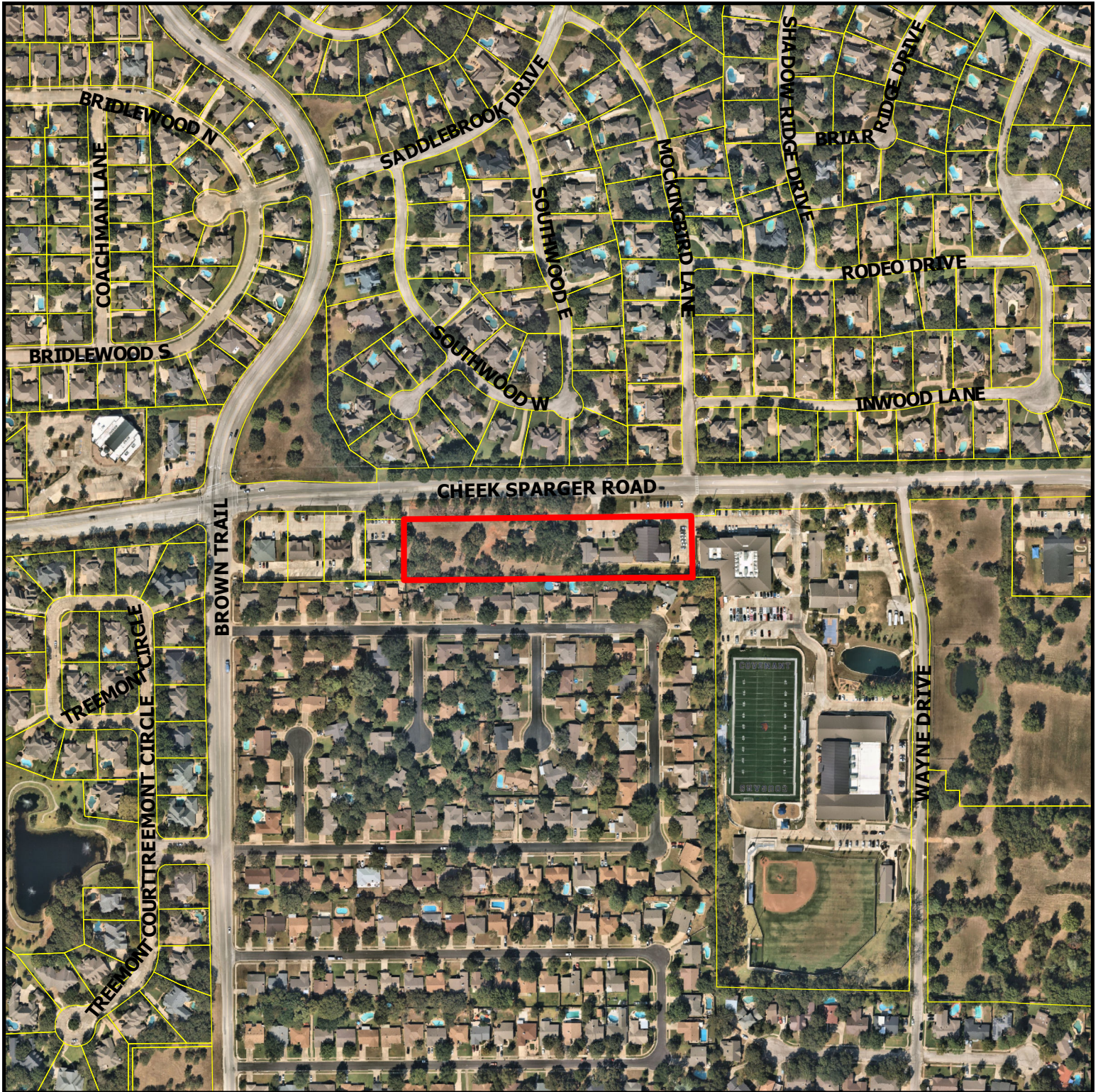
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Variance Request
5. Site Exhibits
6. Mounument Sign Exhibits
7. Resolution R-21-4679

Aerial Map



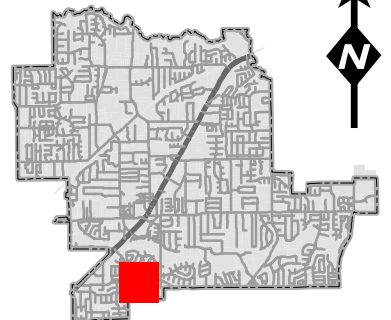
SC21-003
715 Cheek-Sparger Road

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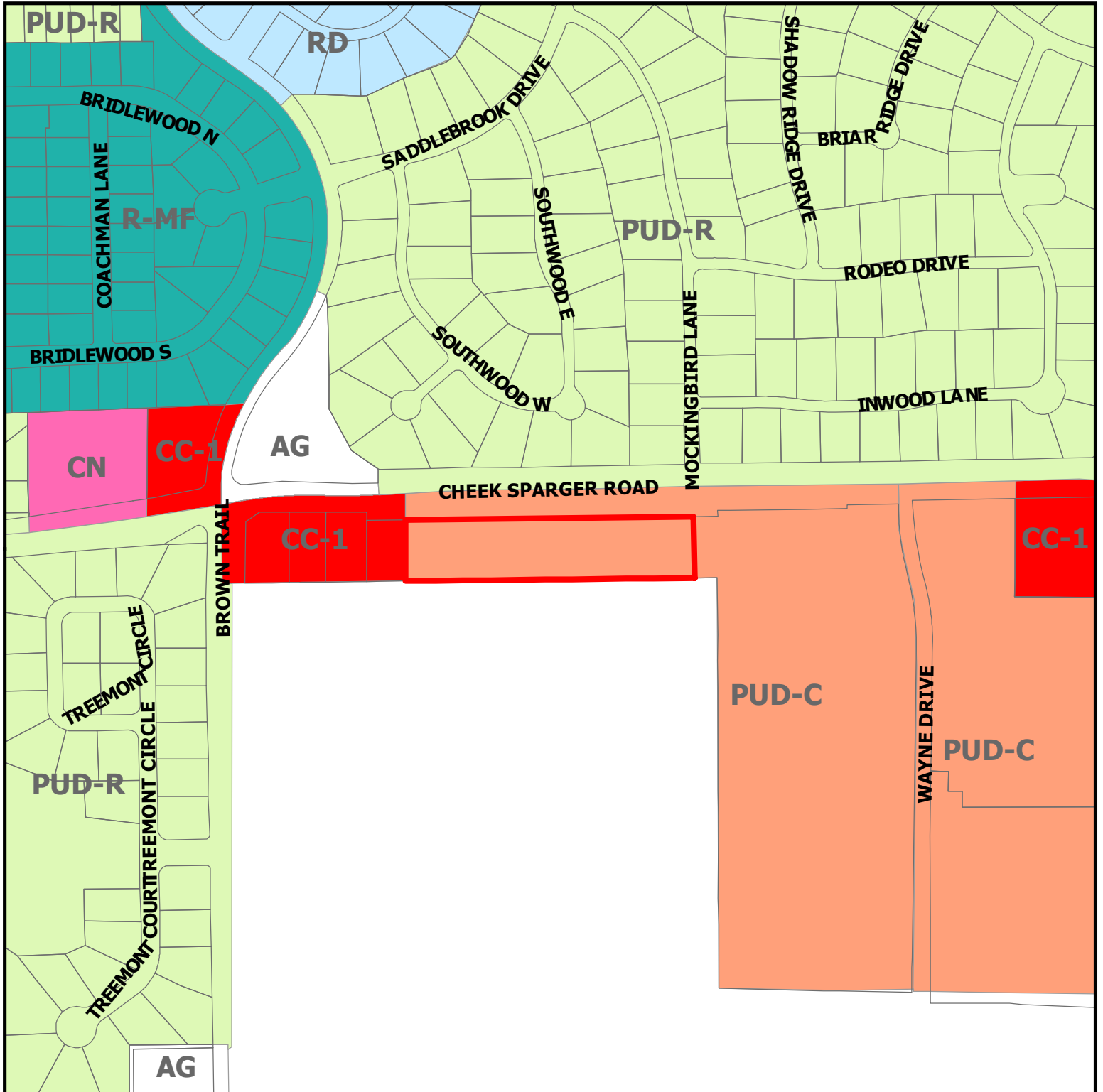
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Subject Property



Zoning Map



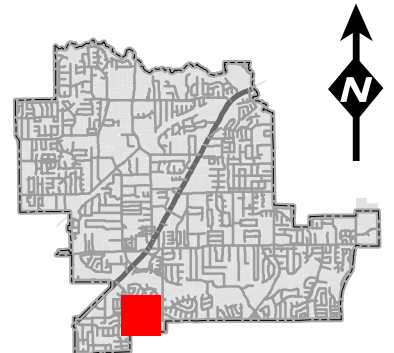
SC21-003
715 Cheek-Sparger Road

DISCLAIMER:

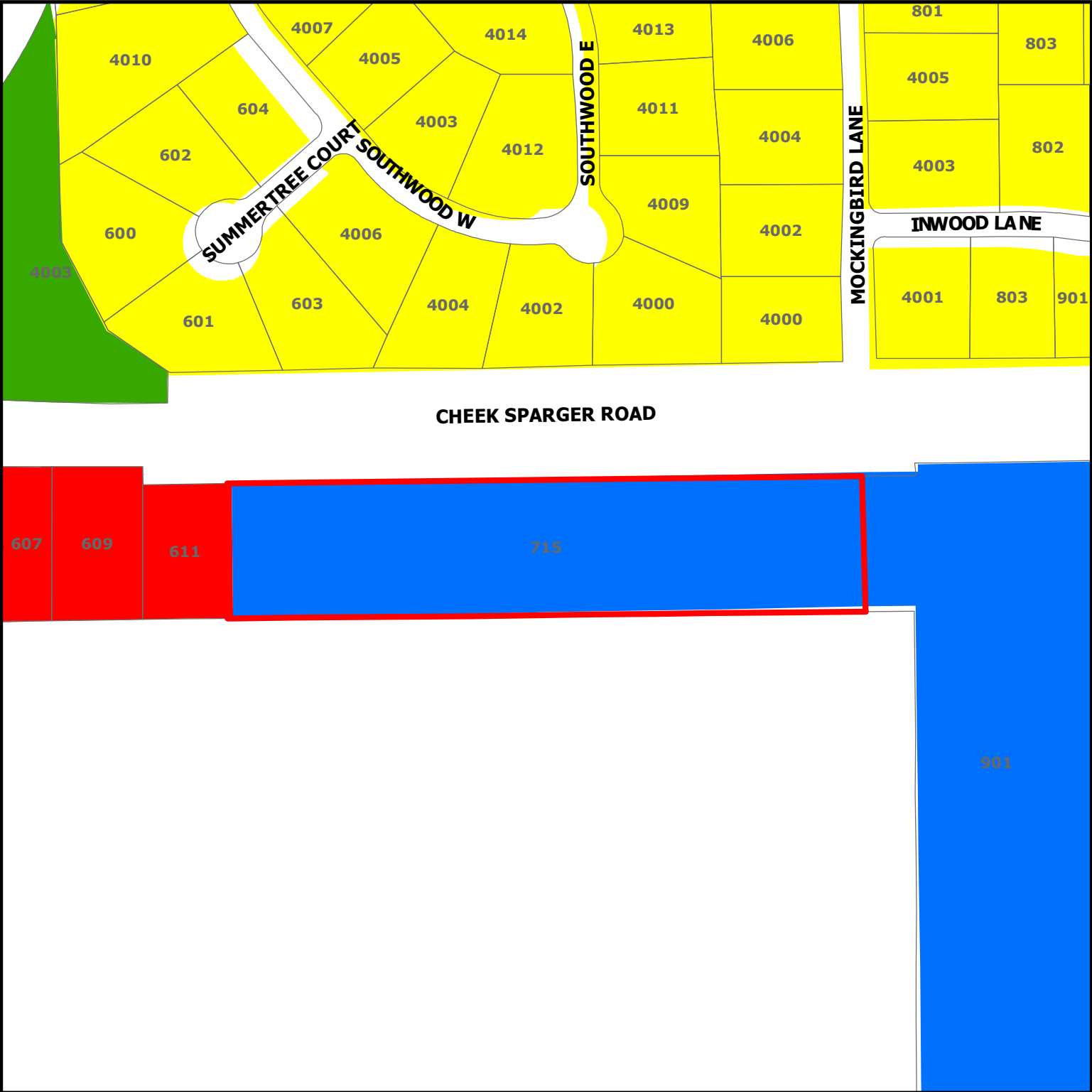
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Subject Property



Future Land Use Map



SC21-003

715 Cheek Sparger Road



Subject Property



Residential



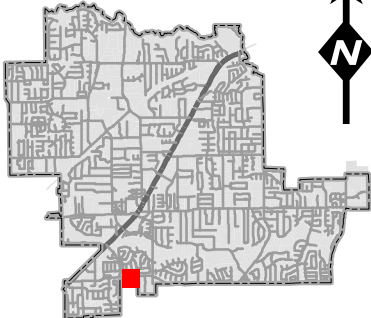
Commercial



Institutional



Open Space; Parks



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715 Cheek Sparger Road
Colleyville, TX 76034

September 28, 2021

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

Dear Members of the Sign Board of Appeals:

The purpose of this letter and the application related to it is to request for a variance to the location of a planned monument sign in front of our building alongside Cheek Sparger Road. As it stands now, current code restricts the potential sign only to a location obviously unsuitable to its purpose. We believe that we have found a common sense placement for the sign that will fully serve both our needs and the needs of the city. We hope you agree.

To state the matter simply: locating a sign compliant to the current code (8 feet back from the property line closest to Cheek Sparger Road) would put it in an obviously unreasonable and unattractive place. Principally, it would locate the sign approximately 50 feet away from the road, so far away as to render its dual-purpose of promoting our institution and distinguishing our property from the neighboring property practically useless. Further, it would locate the sign either in the middle of a field or in the middle of a parking lot, creating a clear obstruction either to pedestrian or automobile traffic. Finally, it would make for an eyesore to onlookers, as placing a sign in such a useless and obstructive place is unsightly. We need your help to resolve these problems, and we believe that a variance is the best and simplest way to do that.

From the edge of our property line to the edge of Cheek Sparger is approximately 40 feet of lawn that we maintain and that not only looks like the front lawn of our property but that, until very recently, we actually believed *was* the front lawn of our property. We propose to place an attractive monument sign in the middle of this lawn, approximately 8 feet back from the drainage easement and adjacent power lines, where to my knowledge a previously sign once resided. This location is perfectly suitable to the purpose of a monument sign: it resides in excellent proximity to the road and to our building, we trust that it will not cause any obstruction to us or to the city either now or in the future, it looks nice, and there is no other potential location that might reasonably work. Please see the rest of the application for further details.

Approving our request for a variance and allowing for the sign to be placed in our front lawn would be a great service to our church. We hope that our proposal to put a sign in this location is a simple, common sense solution that benefits everyone. To the extent that it may not be the case, we welcome your feedback and look forward to working together to find the best solution.

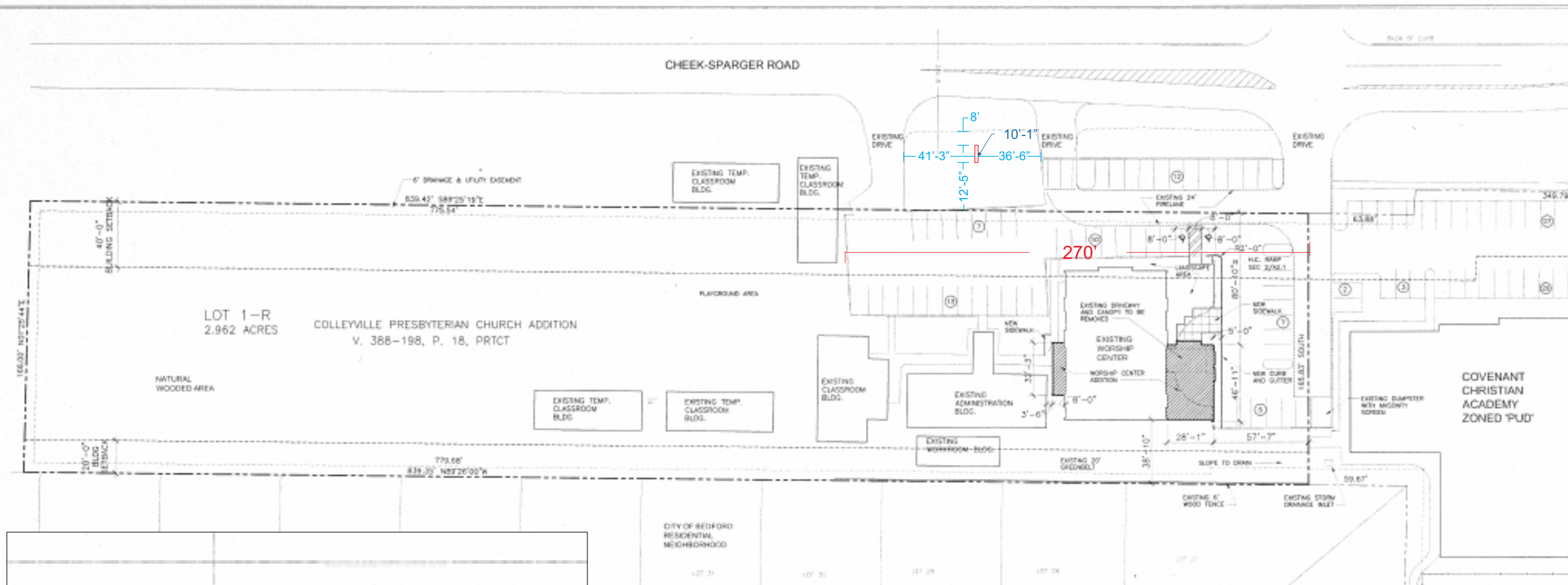
Thank you for your time and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Webb', with a stylized, cursive script.

Rev. Patrick Webb
Assistant Pastor
Colleyville Presbyterian Church

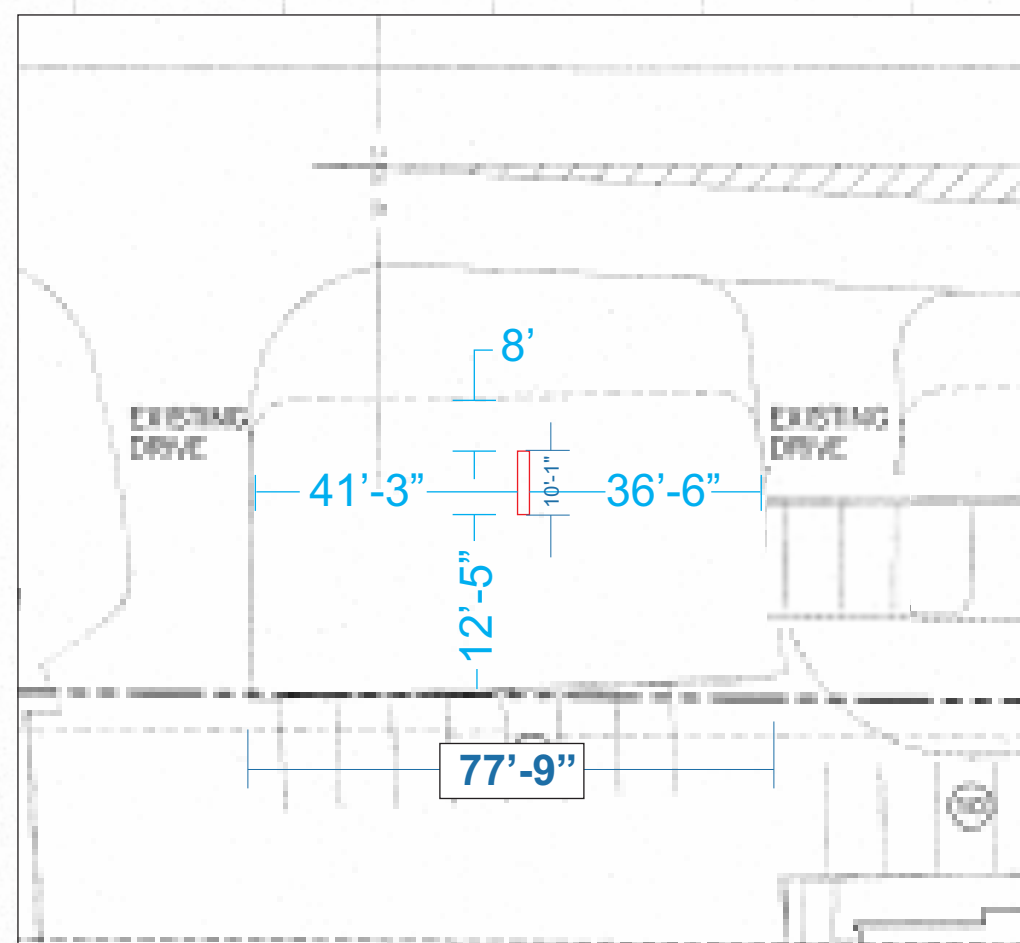
IT 40T



01 SITE PLAN
A2.1 SCALE: 1"=30'-0"

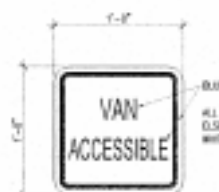


5' 0' 10' 20' 40'



H.C. RAMP
SCALE: 1/4"=1'-0"

ACCESSORY PARKING SIGNS
ARE TO BE POLE MOUNTED
WHERE SHOWN ON SITE PLAN
1. AND 2. SIGNS A VAN
ACCESSIBLE SIGN ON THE
EASTERN MOST ACCESSIBLE
SPACE. MINIMUM SIGN IS AT
5'-0" ABOVE FINISHED GRADE.



H.C. PARKING SIGNS
A2.1 SCALE: 1/2"=1'-0"

GENERAL NOTES

1. THE PROPERTY IS ZONED "PUD-C".
2. THE STORM DRAINAGE FOR THIS SITE HAS BEEN CALCULATED AND PROVIDED FOR IN THE RECENTLY COMPLETED STORM DRAIN AND DETENTION SYSTEM CONSTRUCTED WITH THE COVENANT CHRISTIAN ACADEMY BUILDING ON THE ADJACENT EAST PROPERTY.
3. CITY ENGINEERING DEPARTMENT WILL INSPECT ALL WATER/SEWER CONNECTIONS.
4. THE HEIGHT OF THE ADDITIONS WILL NOT EXCEED THE EXISTING BUILDING.

SITE DATA TABLE

GROSS AREA OF PROPERTY	129,805 SF
GROSS AREA OF BUILDINGS, PARKING, & SIDEWALKS	18,803 SF
GROSS AREA OF OPEN SPACE	91,154 SF
GROSS AREA OF BUILDING	
EXISTING SCHOOL & LIBRARY	2,430 SF
EXISTING SCHOOL ADMINISTRATION OFFICE	2,300 SF
EXISTING SCHOOL ADMINISTRATION WORKROOM	900 SF
EXISTING SCHOOL TEMPORARY CLASSROOM BUILDING	8,190 SF
EXISTING WORKSHOP CENTER	5,588 SF
NEW ADDITION	1,535 SF
TOTAL BUILDINGS	19,003 SF
PERCENT OF BUILDING COVERAGE	14.70%
PERCENT OF PARKING AREA COVERED	14.58%
PERCENT OF OPEN SPACE	76.70%

LANDSCAPE DATA

1. NO TREES WILL BE REMOVED AS A RESULT OF THE NEW ADDITION.
2. EXISTING LANDSCAPED AREAS WILL BE MAINTAINED.
3. BUILDING ADDITION WILL BE CONSTRUCTED OVER AREA CURRENTLY USED AS A COVERED BROWDER AND ENTRY SIDEWALK.
4. NO NEW PARKING SPACES ARE REQUIRED WITH THIS CONSTRUCTION.
5. EXISTING LANDSCAPE SPRINKLER SYSTEM WILL BE MAINTAINED.

PARKING TABULATION

PROPOSED USE	REQUIRED	PROVIDED
CHURCH		
CHURCH ONE SPACE FOR EACH THREE SEATS IN THE SANCTUARY (350 SEATS PROVIDED)	117	128

COLLEYVILLE PRESBYTERIAN CHURCH AND COVENANT CHRISTIAN ACADEMY HAVE A WRITTEN SHARED PARKING AGREEMENT CURRENTLY IN PLACE. ALL PARKING IS THEREFORE COMMON USE.

DATE: 06/25/17

REVISION: 07/16/17

REVISED FOR CONSTRUCTION

06/06/17

REVISED FOR AREA

SEPARATIONS AND RELATED

CHANGES

DRAWN: ADH/CH

REVIEWED: GHL

SHEET TITLE

3 TO 100

SEE INFORMATION

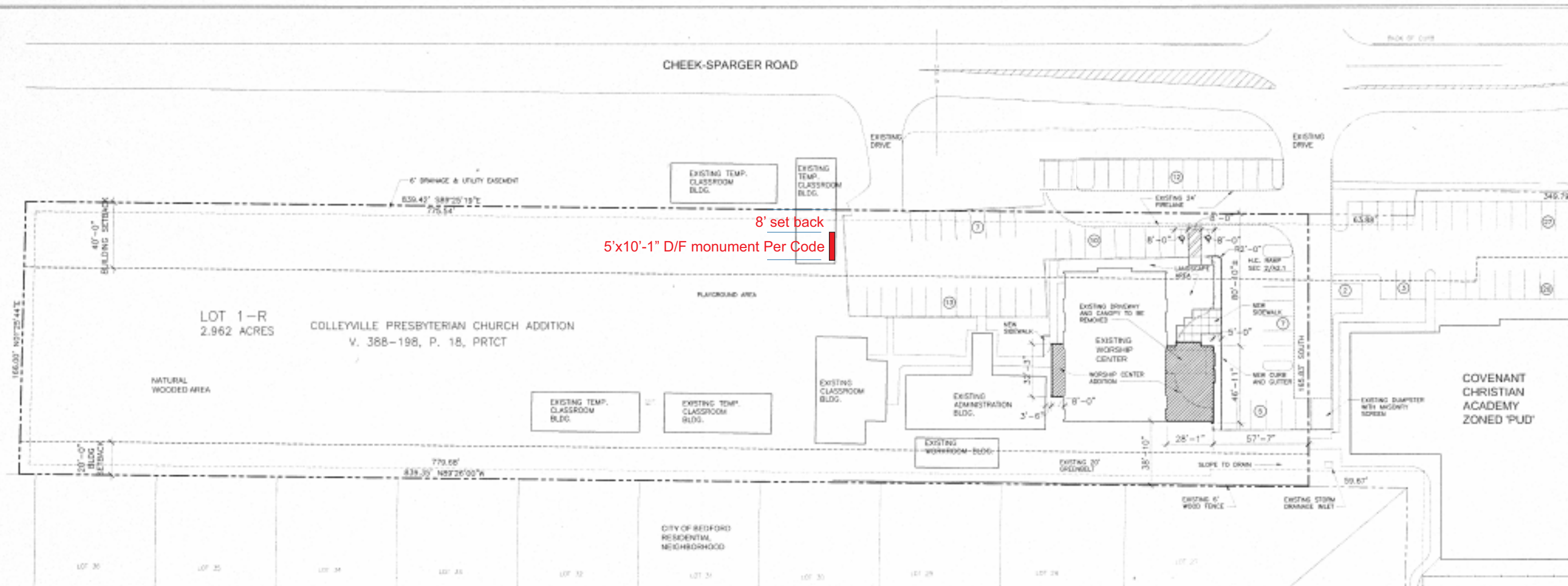
08/11/13

SHEET NO.

A2.1

OF

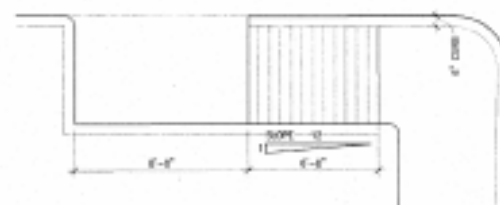
ANT LOT



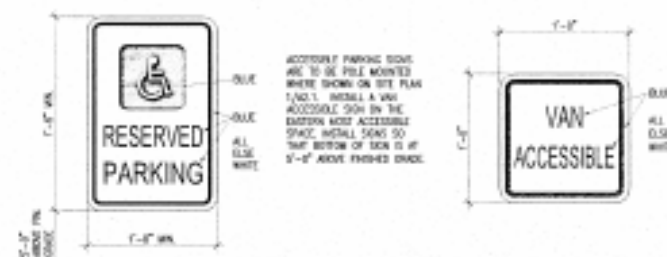
01 SITE PLAN
SCALE: 1"=30'-0"



5' 0" 10' 20' 40'



02 H.C. RAMP
SCALE: 1/4"=1'-0"



03 H.C. PARKING SIGNS
SCALE: 1 1/2"=1'-0"

GENERAL NOTES

1. THE PROPERTY IS ZONED "PUD-C".
2. THE STORM DRAINAGE FOR THIS SITE HAS BEEN CALCULATED AND PROVIDED FOR IN THE RECENTLY COMPLETED STORM DRAIN AND DETENTION SYSTEM CONSTRUCTED WITH THE COVENANT CHRISTIAN ACADEMY BUILDING ON THE ADJACENT EAST PROPERTY.
3. CITY ENGINEERING DEPARTMENT WILL INSPECT ALL WATER/SEWER CONNECTIONS.
4. THE HEIGHT OF THE ADDITIONS WILL NOT EXCEED THE EXISTING BUILDING.

LANDSCAPE DATA

1. NO TREES WILL BE REMOVED AS A RESULT OF THE NEW ADDITION.
2. EXISTING LANDSCAPED AREAS WILL BE MAINTAINED.
3. BUILDING ADDITION WILL BE CONSTRUCTED OVER AREA CURRENTLY USED AS A COVERED DRIVEWAY AND ENTRY SIDEWALK.
4. NO NEW PARKING SPACES ARE REQUIRED WITH THIS CONSTRUCTION.
5. EXISTING LANDSCAPE SPRINKLER SYSTEM WILL BE MAINTAINED.

SITE DATA TABLE

GROSS AREA OF PROPERTY	129,805 SF	
GROSS AREA OF DRIVEWAYS, PARKING, & SIDEWALKS	18,800 SF	
GROSS AREA OF OPEN SPACE	91,154 SF	
GROSS AREA OF BUILDING		
EXISTING SCHOOL & LIBRARY	2,430 SF	1,880
EXISTING SCHOOL ADMINISTRATION OFFICE	2,300 SF	1,850
EXISTING SCHOOL ADMINISTRATION WORKROOM	900 SF	8,700
EXISTING SCHOOL TEMPORARY CLASSROOM BUILDING	8,100 SF	4,800
EXISTING WORKSHOP CENTER NEW ADDITION	5,588 SF	4,300
	1,535 SF	1,100
TOTAL BUILDINGS	19,308 SF	
PERCENT OF BUILDING COVERAGE		14.78%
PERCENT OF PARKING AREA COVERED		14.58%
PERCENT OF OPEN SPACE		79.18%

PARKING TABULATION

PROPOSED USE	REQUIRED	PROVIDED
CHURCH CHURCH ONE SPACE FOR EACH THREE SEATS IN THE SANCTUARY (350 SEATS PROVIDED)	117	128

COLLEYVILLE PRESBYTERIAN CHURCH AND COVENANT CHRISTIAN ACADEMY HAVE A WRITTEN SHARED PARKING AGREEMENT CURRENTLY IN PLACE. ALL PARKING IS THEREFORE COMMON USE.

ADDITION AND RENOVATIONS TO
COLLEYVILLE PRESBYTERIAN CHURCH
715 CHEEK SPARGER ROAD
COLLEYVILLE, TEXAS

ARCHITECTURE
INTERIORS
PLANNING
GHLA
GAYLEN HOWARD LANG ARCHITECT, INC.
281 EAST ARRAU STREET, SUITE TWO, ARLINGTON, TEXAS 76010-8108 (202)



DATE: 06/25/21
REVISIONS: 07/16/21
REVISED FOR CONSTRUCTION
08/06/21
REVISED FOR AREA
SEPARATIONS AND RELATED
CHANGES

DRAWN: JAH/BDH
REVIEWED: GHL

SHEET TYPE
SITE PLAN
FOR INFORMATION
ONLY

SHEET NO.
A2.1
OF



714 Cheek Sparger Rd

Per Code Placement

Proposed Placement

Gallayville Presbyterian Church

Image Landsat / Copernicus



D/F MONUMENT ELEVATION: OPTION 1

SCOPE OF WORK
1. MANUFACTURE & INSTALL (1) ONE NEW NON-ILLUMINATED D/F MONUMENT SIGN STRUCTURE.



COLLEYVILLE
PRESBYTERIAN CHURCH

715 Cheek Sparger Road
Colleyville, TX 76731

DRAWING NUMBER		TSS-1281	
INITIAL DATE		02/24/2021	
REV 1		REV 2	
REV 3		REV 4	
REV 5		REV 6	
REV 7		REV 8	

Sales: **DAVID PEARSON**
Design: **KC**

CUSTOMER APPROVAL

Print Name _____

Signature _____

Date _____



7110 Burns Street
Richland Hills, Texas 76118
P: **817.222.0033** / F: 817.222.1329
TurnerSignSystems.com

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D/F NON-ILLUMINATED MONUMENT SIGN STRUCTURE

(1) ONE REQUIRED

SCALE: 1/2"=1'-0"

54.62 SF

SPECIFICATIONS:

- 1" ALUMINUM TUBE FRAME / HARDY BOARD STRUCTURE
- ACME BRICK: COPPERAS COVE MONUMENT
- .125" ALUMINUM SIGN FACE PAINTED BRONZE 70%
- 1/4" ALUMINUM FCO LOGO (GOLD SATIN ANODIZED)
- 1/4" ALUMINUM FCO COPY PAINTED (BONE WHITE 70%)
- LOGO / COPY STUD MOUNTED TO FACE WITH 1/4" OFFSET
- (1) CENTER SUPPORT POST (TBD BY ENGINEERING)



COLLEYVILLE
PRESBYTERIAN CHURCH

715 Cheek Sparger Road
Colleyville, TX 76731

DRAWING NUMBER		TSS-1281	
INITIAL DATE		02/24/2021	
REV 1		REV 2	
REV 3		REV 4	
REV 5		REV 6	
REV 7		REV 8	

Sales: **DAVID PEARSON**
Design: **KC**

CUSTOMER APPROVAL

Print Name

Signature

Date



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Richland Hills, Texas 76118
P: 817.222.0033 / F: 817.222.1329
TurnerSignSystems.com

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Turner Sign Systems Inc.

NOTE: COLORS MAY APPEAR DIFFERENT FROM COMPUTER TO COMPUTER



ACME BRICK Copperas Cove



RESOLUTION R-21-4679

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY ENCROACHMENT AGREEMENT TO ALLOW FOR A PERMANENT FREESTANDING MONUMENT SIGN TO BE LOCATED WITHIN THE RIGHT-OF-WAY LOCATED AT 715 CHEEK-SPARGER ROAD

WHEREAS, Patrick Webb, the applicant, has submitted a request for a right-of-way encroachment agreement for a monument sign to be placed in front of the property line located at 715 Cheek-Sparger Road; and

WHEREAS, the applicant is seeking to encroach into the right-of-way of Cheek-Sparger Road approximately 22.5 feet placing it approximately 24' from the edge of the street.

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

Sec. 1. THAT the encroachment into the right-of-way of Cheek-Sparger Road, as described in the attached Exhibit "A" and as depicted in the attached Exhibit "B", is hereby approved.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS ON THIS THE 7TH DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

EXHIBIT A

715 Cheek Sparger Road
Colleyville, TX 76034

September 28, 2021

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

Dear Members of the Sign Board of Appeals:

The purpose of this letter and the application related to it is to request for a variance to the location of a planned monument sign in front of our building alongside Cheek Sparger Road. As it stands now, current code restricts the potential sign only to a location obviously unsuitable to its purpose. We believe that we have found a common sense placement for the sign that will fully serve both our needs and the needs of the city. We hope you agree.

To state the matter simply: locating a sign compliant to the current code (8 feet back from the property line closest to Cheek Sparger Road) would put it in an obviously unreasonable and unattractive place. Principally, it would locate the sign approximately 50 feet away from the road, so far away as to render its dual-purpose of promoting our institution and distinguishing our property from the neighboring property practically useless. Further, it would locate the sign either in the middle of a field or in the middle of a parking lot, creating a clear obstruction either to pedestrian or automobile traffic. Finally, it would make for an eyesore to onlookers, as placing a sign in such a useless and obstructive place is unsightly. We need your help to resolve these problems, and we believe that a variance is the best and simplest way to do that.

From the edge of our property line to the edge of Cheek Sparger is approximately 40 feet of lawn that we maintain and that not only looks like the front lawn of our property but that, until very recently, we actually believed *was* the front lawn of our property. We propose to place an attractive monument sign in the middle of this lawn, approximately 8 feet back from the drainage easement and adjacent power lines, where to my knowledge a previously sign once resided. This location is perfectly suitable to the purpose of a monument sign: it resides in excellent proximity to the road and to our building, we trust that it will not cause any obstruction to us or to the city either now or in the future, it looks nice, and there is no other potential location that might reasonably work. Please see the rest of the application for further details.

Approving our request for a variance and allowing for the sign to be placed in our front lawn would be a great service to our church. We hope that our proposal to put a sign in this location is a simple, common sense solution that benefits everyone. To the extent that it may not be the case, we welcome your feedback and look forward to working together to find the best solution.

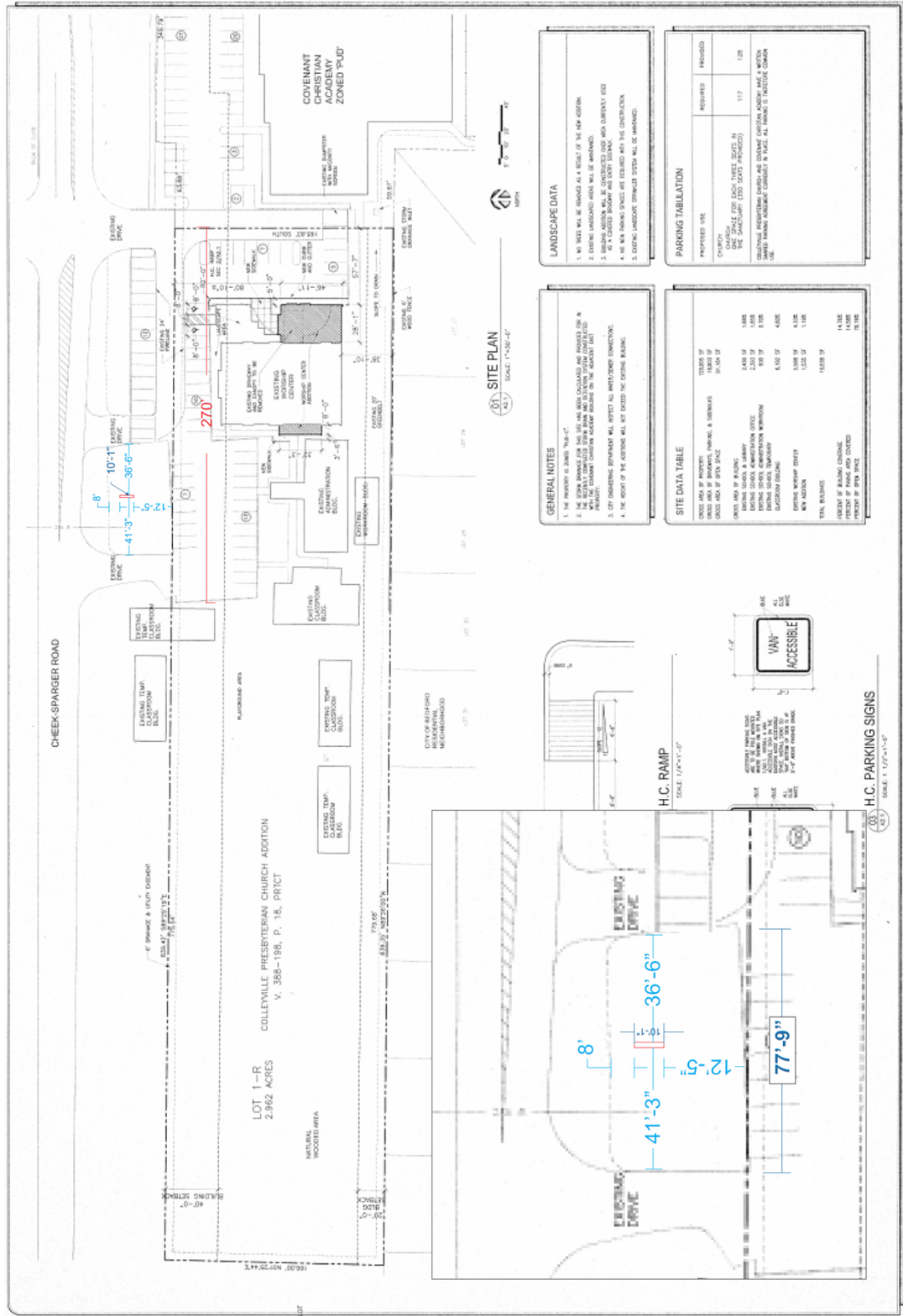
Thank you for your time and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Webb", with a stylized, cursive script.

Rev. Patrick Webb
Assistant Pastor
Colleyville Presbyterian Church

ARCHITECTURAL INTERIOR DESIGN PLUMBING	GHILA GUSTAVO HERNANDEZ ARCHITECT, INC. 2010 EAST ARROYO STREET SUITE 200 ANTONIO TEXAS 78104-1791		ADDITION AND RENOVATIONS TO COLLEVILLE PRESBYTERIAN CHURCH 715 CHEEK SPARGER ROAD COLLEVILLE TEXAS	DATE: 01/11/2017 TIME: 10:00 AM PROJECT NO: 17001 DRAWING NO: 01	SHEET NO. A2.1 OF 10
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City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 6b

Agenda Date 12/7/2021

Number Resolution R-21-4680

Type Resolution

Department City Council

Title

A resolution casting ballots for the Tarrant Appraisal District Board of Directors

Strategic Plan

1.1 Actively involve and engage stakeholders

Explanation

Reading and Public Hearing

The City was notified the Tarrant Appraisal District (TAD) was seeking nominations for candidates to serve on the Board of Directors as the terms of service for the five members of the current Board of Directors will expire on December 31, 2021.

On October 4, 2021, by Resolution R-21-4657, the City Council nominated Gary Losada and Rich DeOtte as candidates for the TAD board of directors. On September 29, 2021, Mayor Newton, via mailed correspondence, contacted each voting unit and asked for their consideration of casting their votes for both candidates.

The City of Colleyville may cast 20 votes individually or collectively for the following:

Mr. Jim Austin
Mr. Wesley Bullock
Mr. Rich DeOtte
Mr. Rockie Gilley
Mr. Jim Griffin
Mr. Jungus Jordan
Mr. Mike Leyman
Mr. Gary Losada
Mr. Joseph Ralph (J.R.) Martinez
Mr. Tony Pompa
Ms. Kathryn Wilemon

The proposed resolution provides for the City of Colleyville to cast 20 votes total for candidates of their choice.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Resolution R-21-4480

RESOLUTION R-21-4480

**A RESOLUTION CASTING A VOTE FOR ELECTING MEMBERS TO THE
TARRANT APPRAISAL DISTRICT BOARD OF DIRECTORS**

WHEREAS, the City of Colleyville contracts with the Tarrant Appraisal District (TAD) for setting property valuations; and

WHEREAS, the City of Colleyville is entitled to cast 20 ballots, collectively or separately for nominees for the Tarrant Appraisal District (TAD) Board of Directors; and

WHEREAS, the terms of the elected TAD Board of Directors will begin January 1, 2022.

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

Sec. 1. THAT the City of Colleyville casts the following votes:

10 for Rich DeOtte
10 for Gary Losada

to be elected to the Tarrant Appraisal District Board of Directors.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, ON THIS THE 7TH DAY OF DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 8

Agenda Date 12/7/2021

Type Report

Department City Secretary

Title

Colleyville Center Advisory Committee Minutes - August 16, 2021

Parks and Recreation Advisory Board Minutes - September 13, 2021

Attachments

1. Colleyville Center Advisory Committee Minutes - August 16, 2021
2. Parks and Recreation Advisory Board Minutes - September 13, 2021

COLLEYVILLE CENTER ADVISORY COMMITTEE
FY 2021 – 4th QUARTER MEETING
August 16, 2021
MINUTES

Present: Chair Mark Johnson, Jerome Davis, Judith Goodwin, Jeremy Tallo, Fred Mills, Paul Vigiletti, Julie George, Alex Thomas, Athena Wiginton, Darla Dennison, Center Manager Leslie Hill, Center Event Specialist Kristi Isbell

Absent: Vice-Chair Louis Miller

1. The meeting was called to order at 5:34 p.m. by Chair Mark Johnson.

2. The minutes were approved as written for Q3 2021 (May 17, 2021).

- a. Julie George motioned for approval of May 17, 2021 minutes.
- b. Motion seconded by Paul Vigiletti with no dissension.

3. Regular Agenda Items

- a. Colleyville Center Renovation and Repair Project Update:
 - o Staff provided background on renovation project as a result of the February 2020 ice storm and break in water suppression system.
 - o Staff explained repairs and updates were made to the flooring in the Grand Hall, Conference Room, kitchen corridor, and tech/supply room; walls surface treatment and paint in the Grand Hall, Conference Room, and lobby; and, update to wood veneers on door slides and columns.
 - o Staff provided a tour of venue after adjournment.
- b. FY21 Performance Update: Staff provided information and a presentation on the Center's performance to date, FY21, including an increase in cost recovery over previous quarter. Discussion ensued regarding the City's role in funding budget to support the Center's mission and role in the community.
- c. Discussion of Items for Future Agendas:
 - o Staff provided additional dates for Colleyville Center Advisory Committee meetings: November 15, 2021, February 21, 2022, May 16, 2022, and August 15, 2022.
 - o Staff requested consideration for non-resident rate adjustment in FY23 and will complete a rate study in near future. Staff explained desire to preserve Center for resident and non-profit use and the lack of care exhibited by non-resident clients at large events. Discussion ensued regarding various ways to mitigate issues with large events and methods for discouraging unwanted behavior.

4. The meeting was adjourned at 6:17 p.m. The next meeting is tentatively scheduled for Monday, November 15, 2021.

- a. Paul Vigiletti motioned for adjournment.
- b. Motion seconded by Fred Mills with no dissension.



City of Colleyville Parks and Recreation Advisory Board MINUTES

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

September 13, 2021
6:00 p.m.

Colleyville Center
5301 Riverwalk Dr

1. CALL TO ORDER

Chair Rich Hendler called the meeting of the Parks and Recreation Advisory Board to order on September 13, at 6:00 p.m.

ROLL CALL: Chair Rich Hendler, Vice Chair Cliff LeBlanc, Board Members: John Hillebrand, Amy Ackermann, James Linn, Eric Presson, and Dan Witte. Absent Board Member: Dustan Goodell

Also Present: Parks and Recreation Director Lisa Escobedo, Assistant City Manager Adrienne Lothery, Councilmember Liaison Kathy Wheat, City Secretary Christine Loven, and Administrative Secretary Joyceinne Williams.

2. APPROVAL OF MINUTES

Member Witte moved to approve the July 12, 2021 minutes. Member Presson seconded the motion. The motion carried unanimously.

3. REGULAR AGENDA ITEMS

3a City Secretary Overview of the Parks and Recreation Advisory Board History Role, and Bylaws

Director Lisa Escobedo introduced City Secretary, Christine Loven to the Board.

City Secretary Loven presented the board with a copy of the "Bylaws approved by City Council" on April 2, 2013 and a copy of her presentation slides, which were prepared for this meeting dated September 13, 2021.

City Secretary Loven spoke on the growth of the City and the history of the Parks and Recreation Board. She proceeded to identify the purpose of the board, duties, and responsibilities of the board, as stated in the bylaws.

City Secretary Loven emphasized the value and appreciation of the Board's input to Council and staff.

Chair Hendler and other board members expressed their appreciation of the presentation and spoke on their vision and direction of the Board.

Chair Hendler expressed a desire to broaden the purpose of the Board and the frequency of meetings.

4a Parks and Recreation Report

Director Escobedo provided a report on the Parks and Recreation operations, which included scheduled Parks and Recreation programs, events, and projects.

- Summer camps participation was at capacity and fall classes have begun.
- Youth Sports Association, opening day is November 11. Coed Sand Volleyball will begin September 13. Youth volleyball league has over 250 girls participating and will begin September 18.
- Fall Tennis Leagues have started. Pickleball lessons will be offered by Matt Benton a Colleyville Resident.
- Senior Center has begun offering trips again and the fall programming has begun with steady participation.
- Pickleball courts are expected to be finished very soon. Pleasant Run Practice soccer fields restroom construction has been delayed. Park house demolition is waiting for the city to issue a permit. City park softball shade structure and playground contract was signed and completion date is expected in Spring 2022. Overland Park enhancements waiting for final proposal for trees and irrigation installation.
- Upcoming projects include the senior center renovation project and Church Street/SH26 median beautification.

Next Meeting Scheduled for November 8, 2021.

5. ADJOURNMENT

Board member Linn moved to adjourn the meeting, and Board member Witte seconded. Motion carried unanimously. Chair Hendler adjourned the meeting at 7:20 p.m.

Minutes taken and prepared by:
Joyceinne Williams

RESOLUTION R-21-4681

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
DECEMBER 7, 2021**

WHEREAS, City Council has taken action on certain items on the agenda under Business.

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

Sec. 1. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 7TH DAY OF
DECEMBER 2021.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor