



City of Colleyville City Council Agenda

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

Tuesday, August 16, 2022

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

CALL TO ORDER

- WS-1** Discussion of a resolution encouraging the Texas Legislature to take action to ensure ERCOT Power Grid provides reliable generation capabilities
- WS-2** Discussion of the Communicator Newsletter
- WS-3** Discussion of the Central Fire Station Signage
- WS-4** Discussion of funding agency agreements and in-kind civic organizations
- WS-5** Discussion of the August 16, 2022, 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 legal issues related to the potential future development of the Northern Gateway Property located at the southwest corner of the SH26 and John McCain Road

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: Kyle Bauman, Bear Valley 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-22-4757**
- 3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**
Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition
- 4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-22-4758**
 - 4a** Approval of the minutes of the regular City Council meeting of August 2, 2022
 - 4b** Approval of a Professional Services Agreement with Teague Nall & Perkins, Inc., in an amount not to exceed \$121,179 for right-of-way services and design of the waterline relocation along Jackson Road related to the bridge replacement project, and authorizing the City Manager to execute the agreement
- 5. ITEMS NOT FOR CITY COUNCIL ACTION**
 - 5a** Monthly Financial Report - July 2022
- 6. ORDINANCE(S): SECOND READING AND PUBLIC HEARING**
 - 6a Ordinance O-22-2212**
Consideration of a Special Use Permit for a fence to be located beyond the front facade of the primary dwelling on Lot 2, Block A, Park View Estate, located at 717 Field Street, Case ZC22-025
 - 6b Ordinance O-22-2213**
Consideration of amendments to Chapter 3 of the Land Development Code to not require a variance for non-conforming lots of record where the deviation is not more than fifteen percent (15%) of a dimensional regulation, specifically amending Section 3.7B Non-conforming Lots of Record, Case GC22-008

7. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**7a Ordinance O-22-2214**

Approval of a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 Rate Review Mechanism filing and adopting tariffs reflecting rate adjustments consistent with the negotiated settlement

8. TABLED ORDINANCE(S): SECOND READING AND PUBLIC HEARING**8a Ordinance O-22-2207**

Consideration of a zoning change from R-40 Single Family Residential to R-30 Single Family Residential zoning district for Lots 2 and 3, Block 3, Stafford Heights Subdivision, located at 4801 and 4809 Manning Drive, Case ZC22-023

9. RESOLUTION(S): READING AND PUBLIC HEARING**9a Resolution R-22-4759**

Consideration of a variance to the provisions of Section 3.24.G, Schedule of District Regulations of the Land Development Code, specifically for lot area in the RD Two Family Residential district, for Lot 1, Block 4, Fox Meadows Addition, located at 3307 Huntington Drive, Case VC22-007

10. CITIZEN COMMENTS**11. REPORTS**

Library Board Minutes - June 13, 2022

Planning and Zoning Commission Minutes - July 11, 2022

Planning and Zoning Commission Minutes - July 25, 2022

12. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR TUESDAY, AUGUST 16, 2022 - READING AND PUBLIC HEARING - RESOLUTION R-22-4760**13. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards *Friday, August 12, 2022* 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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Agenda Number WS-1

Agenda Date 8/16/2022

Type Worksession

Department City Secretary

Title

Discussion of a resolution encouraging the Texas Legislature to take action to ensure ERCOT Power Grid provides reliable generation capabilities

Explanation

Councilmember George Dodson has drafted a resolution for discussion regarding the ERCOT Power Grid and the City of Colleyville, encouraging the Texas Governor, the Texas Lieutenant Governor, and both houses of the Texas Legislature to take action to ensure additional reliable natural gas, coal, or nuclear generation is available to meet all future electric needs of the state.

Attachments

1. Reliable Electricity Presentation
2. Draft Resolution - ERCOT

A decorative graphic on the left side of the slide, consisting of white lines and circles on a blue gradient background, resembling a circuit board or a stylized tree structure.

WE NEED RELIABLE POWER
FOR TEXAS



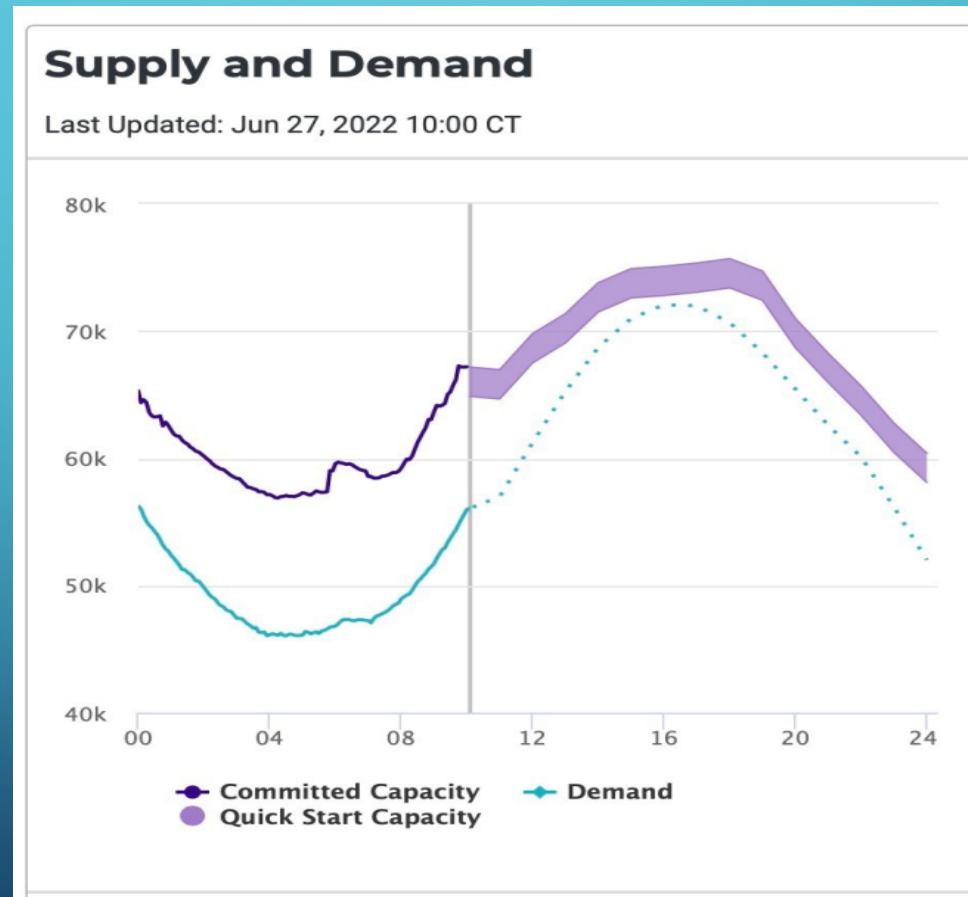
WHY DO WE HAVE UNRELIABLE POWER NOW?

- Government policies like “intermittent clean energy” tax credits result in more unreliable power generation
- Wind and solar have been allowed to be installed without any backups when their power stops or degrades
- The Texas Legislature has allowed ERCOT to operate without proper controls for reliable power
- Natural Gas, Nuclear, and Coal generation are considerably more reliable
- Before winter storm URI, the rules for ERCOT allowed electric prices to rise to \$9,000 per MWh during scarcity events, regardless of duration (the limit is now \$5,000)
- Standby natural gas generation only comes online in near emergency situations when prices are highest
- Federal agencies like EPA, limit the ability to expand natural gas generation
- Wind and solar lobbying in Austin are keeping the pressure on to add more “clean energy”
- Battery technology is not a simple solution for the required capability in a sustained high demand period beyond four or more hours
- Wind generation is the most unpredictable

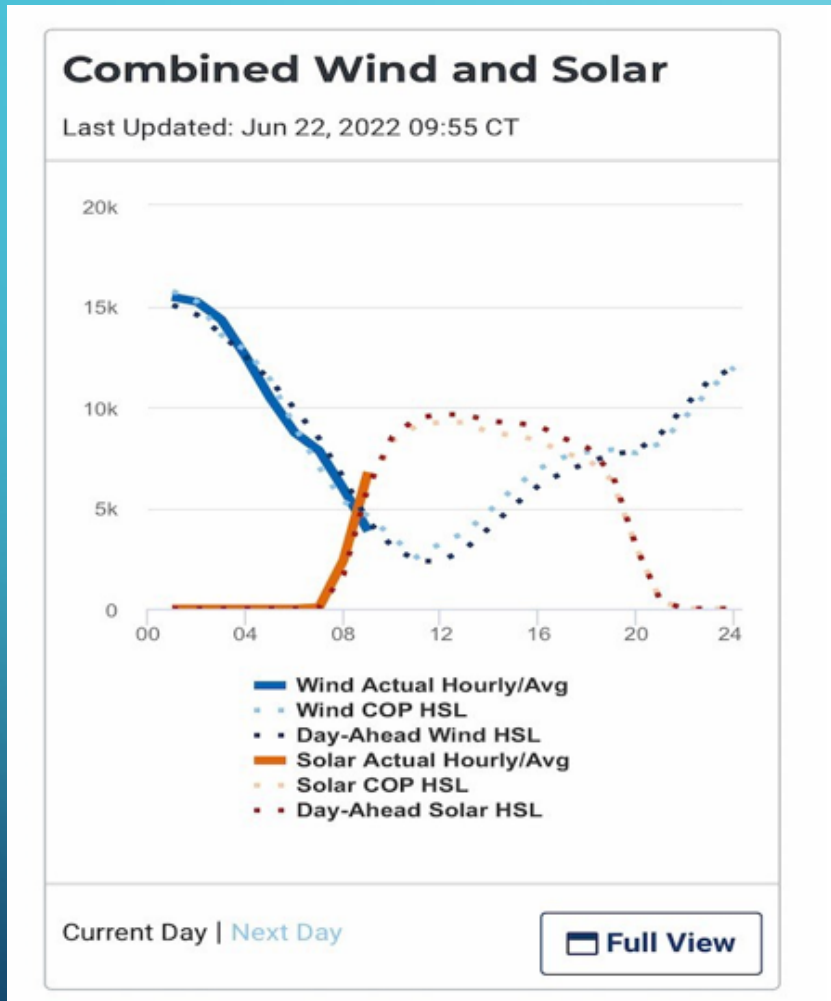
Also:

- **Texas is the only “energy only” market state; we do not have a payment for reserve capacity to generators**

DAILY ERCOT POWER DEMAND AND SUPPLY, NOTE THE RANGE OF QUICK START POWER IS VARIABLE AND VERY EXPENSIVE



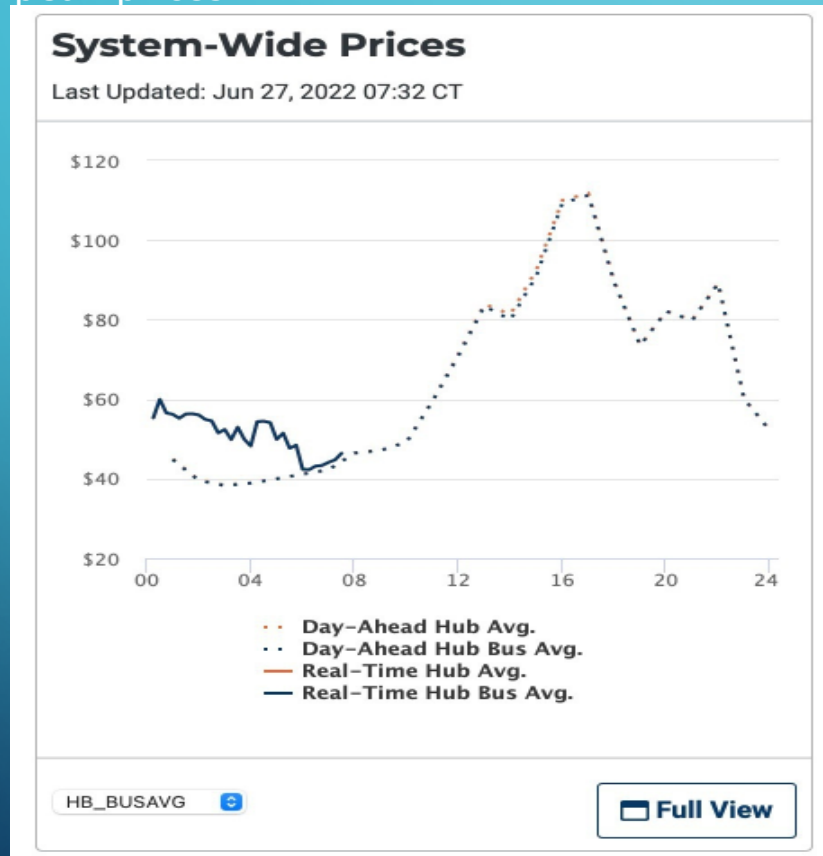
NOTE THE WIND POWER DROPS AS MUCH AS 94% AS THE TEMPERATURE INCREASES IN THESE CASES, JUST WHEN PEAK POWER IS REQUIRED



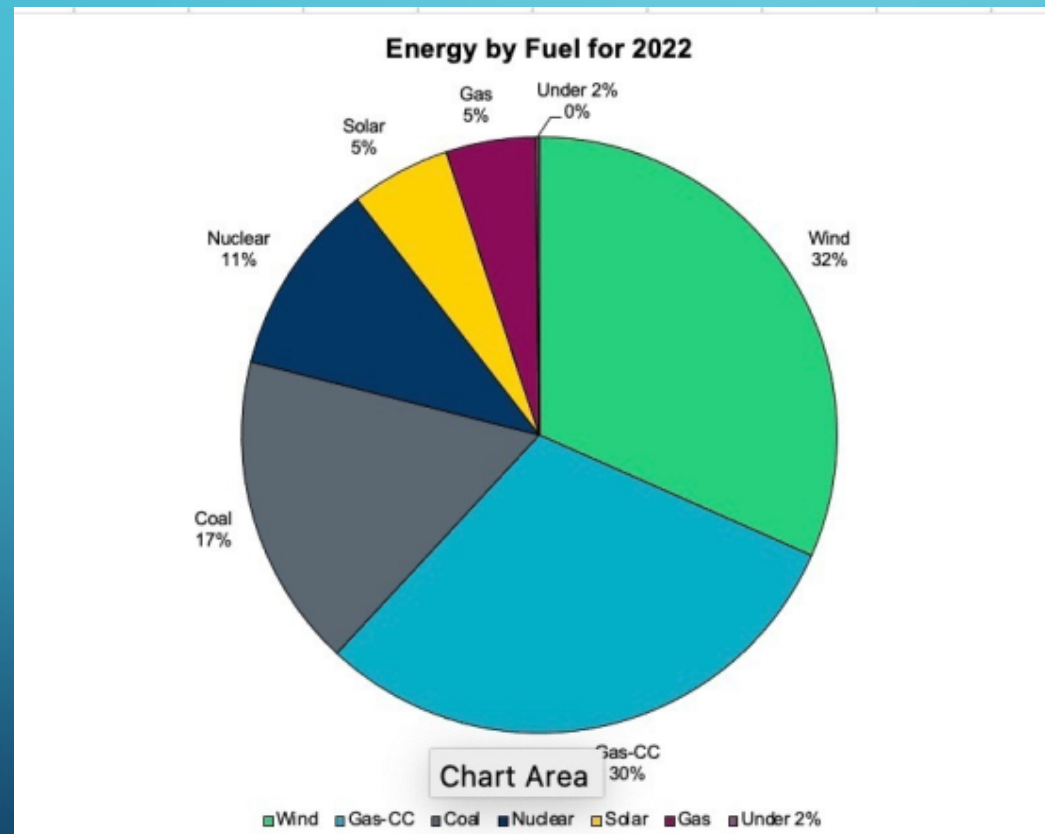
Note the right panel shows ERCOT has added the two sources to maximize the contributions, the installed wind is 35MWh

SUMMER ELECTRIC PRICES JUMP AT PEAK USAGE BECAUSE GAS MUST MAKE UP FOR SIGNIFICANT WIND DROP

Note that in three weeks the cost of power at peak periods has jumped over 45 times, due to not having reliable power, and the wholesale price in the latest graph is now 1,000 times above non peak prices



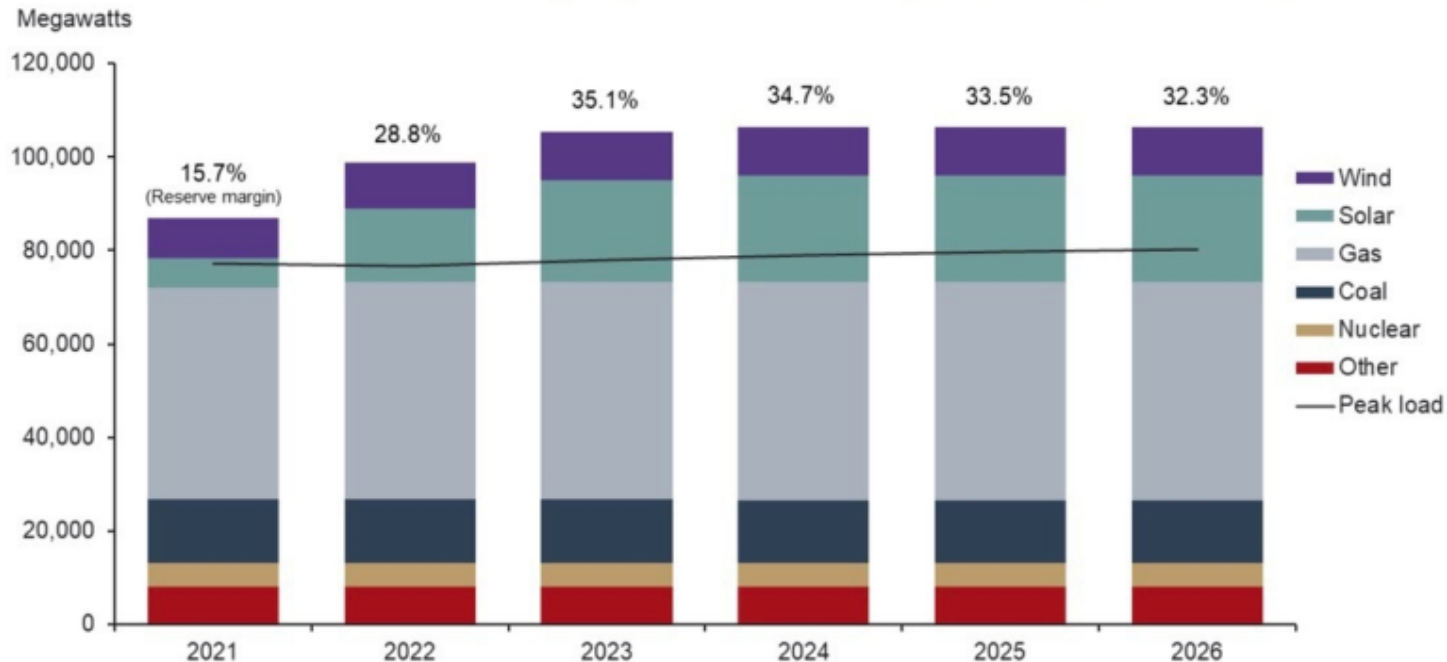
NOTE THIS IS TOTAL ENERGY BY MONTH, BUT
IN PEAK PERIODS IN SUMMER, WIND DROPS
AND GAS MUST MAKE UP THE DIFFERENCE
TO PROVIDE MORE THAN 50% OF POWER



In the July examples gas, coal and nuclear
have to make up for the loss of 94% of wind
generation

THIS SHOWS SIGNIFICANT GROWTH IN SOLAR, BUT NO GROWTH IN RELIABLE ENERGY SOURCES

Chart 2
ERCOT Summer Available Generation Capacity Shows Reserve Margins Exceeding 30 Percent by 2023



NOTES: Percentages indicate ERCOT's reserve margin. Chart depicts generation capacity, peak load and reserve margin for the summer period. "Other" includes hydroelectric, biomass, grid interconnections and private-use networks.
SOURCE: Electric Reliability Council of Texas (ERCOT).

Federal Reserve Bank of Dallas



WHAT IS THE IMPACT OF UNRELIABLE POWER?

- Every aspect of daily life depends on electricity
- Power outages put untold damage and potential deaths on the population
- ERCOT claims they have adequate power, but they have already issued multiple requests to save power
- Note the significant power cost when surplus generation is required (from \$.03 to \$5 per KWh)
- New ERCOT lifetime power usage was reached in early June and new records are being set daily
- As was shown in the 2021 winter storm URI, power outages are disastrous
- Retail users are seeing 50% or more increase in contract prices due to the winter storm and unreliable power
- Additional power comes at a cost, so there must be appropriate balance in any new requirements
- ERCOT does not have a centralized generation planning function and relies on market incentives for future generation development

What we have is a reliable power situation in the past which has been polluted with unreliable Wind and Solar generation pushed by the Federal Government subsidies!



WHAT CAN COLLEYVILLE CITY COUNCIL DO?

- Approve a resolution to the Texas Legislature requiring *non-controllable* (wind and solar) generation companies to provide excess capacity
- Work with other local cities and county to support a resolution dealing with reliable power
- Work with our legislators to put priority on requiring reliable power generation, by requiring all new “clean energy” to build reliable power at the same level as their peak power
- Publicize the situation to our citizens
- Work with US Congress to stop EPA from impeding gas, coal, and nuclear operation during urgent timeframes and also to stop the EPA from impeding gas, coal, and nuclear generator builds and expansions

RESOLUTION R-22-47XX

APPROVING THE REQUEST FOR THE TEXAS LEGISLATURE TO TAKE ACTIONS TO HELP ENSURE THE ERCOT POWER GRID PROVIDE FOR RELIABLE GENERATION CAPABILITIES, NO MATTER THE WEATHER OR OTHER SITUATIONS

- WHEREAS,** the Colleyville City Council finds it in the best interest of the City and its citizens to request the Texas Legislature to require the ERCOT Power Grid provide reliable power generation even during periods of low wind or solar generation; and
- WHEREAS,** there have been numerous situations, including the Winter storm of February 14, 2021 through February 16, 2021, where the ERCOT power grid failed millions of Texas residents and many residents were killed by the lack of power; and
- WHEREAS,** on July 11, 2021, during the ERCOT peak power usage, wind generation dipped to nearly one-third of its normal 31,000 megawatts installed capacity and extra expensive alternative power generation were required; and
- WHEREAS,** ERCOT claims they will have adequate power to provide for the summer of 2022 peak periods, but the peak ERCOT power demand set an all-time high of over 75,000 megawatts on June 12, 2022, even though 6,100 megawatts of solar power of the approximately 20,000 megawatts installed was unavailable; and
- WHEREAS,** ERCOT charges excessive amounts when the standard generation cannot meet the electric power demand, largely as the result of lower production of solar and wind generation; and
- WHEREAS,** the Texas population is growing at all-time high rates, in addition to more large businesses moving to Texas, the ERCOT electric power grid is no longer adding natural gas, coal, or nuclear generation – only unreliable solar and wind generation is being added; and
- WHEREAS,** solar and wind corporations are continuing to lobby for additional power generation, while neither of these sources provide reliable power; and

WHEREAS, the Texas Legislature has the responsibility to provide laws which protect citizens, it is essential they take significant action to ensure additional reliable natural gas, coal, or nuclear generation is available to meet all future electric needs of the state.

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

Sec 1. THAT the City Council authorizes the City Manager to notify the Texas Governor, the Texas Lieutenant Governor, and both houses of the Texas Legislature the City Council has passed this resolution.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, ON THIS THE 16TH DAY OF AUGUST 2022.

Mayor Bobby Lindamood
Brandi Elder, Place 1
George Dodson, Place 4
Callie Rigney, Place 6

_____	Mayor Pro Tem Kathy Wheat	_____
_____	George Bond, Place 2	_____
_____	Chuck Kelley, Place 5	_____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number WS-2

Agenda Date 8/16/2022

Type Worksession

Department City Manager

Title

Discussion of the Communicator Newsletter

Explanation

This agenda item provides an opportunity to discuss The Communicator newsletter and any desired changes.

Attachments

1. Communicator Presentation

The Communicator Newsletter

City Council Worksession
August 16, 2022

The Communicator - Current



Frequency:

Monthly

Format:

Hard copy included with utility bills
(arrives in the two billing cycles)

Lead Time:

Content required at least 45 days
in advance



Issue 06/2022

Mayor and Councilmembers Take Oath of Office

Mayor Bobby Lindamood and Councilmembers Brandi Elder, Place I. and George Bond, Place 2, took their oaths of office at the May 17 City Council meeting. Lindamood, Elder, and Bond were elected during the most recent general election and will serve until May 2025. The Colleyville Mayor and Councilmembers are elected to three-year terms in staggered years. Kathy Wheat was elected Mayor Pro Tem by the City Council.

Marking the end of their terms, Mayor Richard Newton, Mayor Pro Tem Kathy Lindamood, and Councilmember Tammy Nakamura were recognized for their service and dedication to the City during the last six years.

Dinosaur George and his Traveling Museum Coming to Town

The Colleyville Center is traveling back in time, welcoming the Dinosaur George Traveling Museum. Mark your calendars for this special one-day event, where the Colleyville Center will be transformed into a natural history museum complete with an astonishing display of dinosaur skulls. The museum is one of the largest traveling prehistoric exhibits in North America and will be open 9:00 a.m. to 6:00 p.m. on Thursday, July 21.

The museum is part of the Library's Read 'N' Tell Summer Reading Program and is open to the public. Participants will be able to experience an incredible display of dinosaur skulls and all things pre-historic during the day-long visit. Families will be able to view and learn about giant lizards, a 450 million-year-old 'tar', stand next to a skull of a crocodile longer than a bus, and so much more!

"Dinosaur George" Blasing is a self-taught paleontologist and animal behaviorist with more than 40 years of study and research. He is the writer, co-creator, and host of "Jurassic Fight Club" on The History Channel and has lectured at more than 4,000 museums, schools, and public events.

The event is free and no registration is required. Be sure to make plans to experience this family-friendly event and be wowed by the grandeur and scale of the Dinosaur George Traveling Museum! For more information, contact the Library at 817.503.1154 or visit ColleyvilleLibrary.com.

Police Department Offers Vacation Watch

An empty home can be a tempting target for a burglar. If you are planning a trip soon, be sure to include the Colleyville Police Department on your planning checklist. The Vacation House Watch, a free service provided by the Colleyville Police Department, can provide Colleyville citizens peace of mind while away from home for an extended period of time. Homeowners can request a vacation house watch and a member of the department will check the residence (at least once per shift) to ensure the premises are secure. To register for the service, visit Colleyville.com/vacationwatch.

Here are a few tips to remember when you are away:

- Double check that all doors and windows are locked and turn on your alarm system
- Set security lights and/or interior lights on a timer
- Place a pause on mail and package deliveries
- Park vehicles in a locked garage or, if driveway, ensure vehicles are locked and secure
- Don't share details of your vacation on social media sites; wait until you are home to share pictures and details.

Runs Through July

Children and their families every week in the Puddin' and Professor Branch and on Tuesdays and Thursdays at either the Sparger Park.

A fun curriculum designed for young players, drills and stations maximize club time for each player by focusing on fundamentals. For more information, call 817.503.1180.

Upcoming Events

Cobra Defense: Police Academy for Civilians
Saturday, July 16 - Aug. 13
12:15 - 1:15 p.m.

Colleyville Public Library
A co-ed, five week police academy for men and civilian adults. For more information, call 817.251.5806 or visit www.colleyvilleartsandarts.com.

Beginner Golf Camp
Mon. - Thurs., July 18-21
8:00 - 10:30 a.m.

Library Family Events
Tuesdays & Thursdays
June and July
Visit ColleyvilleLibrary.com for a complete lineup of family-friendly events including Professor Branch, Nana Puddin', Tracy Dolek Dog Show, Wildlife on the Moon, and more!

City Meetings

City Council	July 5	7:30 p.m.
Planning & Zoning	July 11	7 p.m.
Board of Adjustment	July 12	7 p.m.
City Council	July 19	7:30 p.m.

Only Rain Goes

Only rain goes down the drain. The discharge of any polluted water, sewage, oil, and paint is strictly prohibited. Help protect our community and waterways by reporting stormwater pollution when you see it. You can also help protect our water quality by picking up after your pets. For more information, visit <http://www.ncscog.org/learn/water/water-management/stormwater/pet-waste>, or contact the Stormwater Division at 817.503.1090.



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@Colleyville @CityColleyville @ColleyvilleTX

The Communicator – To Consider



A few new ideas to keep content fresh, exciting, and helpful:

- 2x per year substitute the traditional newsletter with another timely information piece that stands out
- Fall/Winter Events Calendar
- Spring/Summer Events Calendar
- A few times per year, provide space to GCISD in the newsletter to share information and updates with the community



COLLEYVILLE Communicator

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Runs Through July



Children and their families every week in the Puddin' and Professor Brannin and Tuesdays and Thursdays at either the Sparger Park

libration on July 29 at 5:30 p.m. in the arts and crafts, balloons, carnival games promotion, visit ColleyvilleLibrary.com.

ard Continuing

ished Budget Presentation Award from the United States and Canada (GFOA). Year 2022 budget marking the twenty-

by the City. It reflects the commitment seeing the highest principles of edgess award, the City had to satisfy presentation. These guidelines are as a policy document, financial Budget documents must be rated as mandatory criteria within those

at FY2023 budget at several budget ment. The fiscal year runs from October open to the public and streamed live at

Only Rain Goes

elly and unsightly, a health risk to pets reases water quality issues. Improperly e can wash into storm drains through rom sprinklers, and other landscape rains in Colleyville drain directly into eams, carrying many pollutants along e waste that ends up in our streams, causes many problems, making the cities.

only rain goes down the drain. The discharge of any polluted water, sewage, oil, and paint is strictly prohibited. Help protect our community and waterways by reporting stormwater pollution when you see it. You can also help protect our water quality by picking up after your pets. For more information, visit <http://www.ncscg.org/learn/water/water-management/stormwater/pet-waste>, or contact the Stormwater Division at 817.503.1090.

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City Council	July 19	7:30 p.m.



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Colleyville.com





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[@ColleyvilleTX](#)

Questions / Discussion



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number WS-3

Agenda Date 8/16/2022

Type Worksession

Department City Manager

Title

Discussion of the Central Fire Station Signage

Explanation

On June 21, 2022, City Council approved naming the Central Fire Station the Richard Newton Central Fire Station and adding the language to the current signage to reflect the change. Staff worked with Mesa, the design consultant responsible for the existing Central Fire Station sign design, on the attached proposed design to incorporate the new text. This design incorporates feedback received from the City Council at the July 19, 2022 Worksession.

Attachments

1. Central Fire Station Signage

MAYOR RICHARD NEWTON
CENTRAL FIRE STATION





City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number WS-4

Agenda Date 8/16/2022

Type Worksession

Department Finance

Title

Discussion of funding agency agreements and in-kind civic organizations

Explanation

This item is for Council's discussion regarding financial and in-kind donations to area non-profits for Fiscal Year 2023.

Attachments

1. Agency Agreements and In-Kind Presentation

Agency Agreements



Agency	2018 Approved	2019 Approved	2020 Approved	2021 Approved	2022 Approved	2023 Proposed
Alliance for Children	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500
GRACE	\$7,500	\$10,000	\$15,000	\$25,000	\$25,000	\$10,000
Metroport Meals on Wheels	\$12,000	\$10,000	\$12,000	\$12,000	\$12,000	\$12,000
Mercy House						\$3,500
Safe Haven	\$1,000	\$1,500	\$1,500	\$1,000	\$1,000	\$1,000
Special Needs Assistance Partners	\$500	\$500	\$500	\$1,000	\$1,000	\$1,000
Total Cash Donations	\$24,500	\$25,500	\$32,500	\$42,500	\$42,500	\$31,000
In-Kind Donations	2018 Approved	2019 Approved	2020 Approved	2021 Approved	2022 Approved	2023 Proposed
Lion's Club						\$7,500
Rotary						\$2,500
CEO						\$1,500
Garden Club						\$1,500
Women's Club						\$1,500
Total In-Kind Donations						\$14,500



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number WS-5

Agenda Date 8/16/2022

Type Worksession

Department City Secretary

Title

Discussion of the August 16, 2022, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number 1

Agenda Date 8/16/2022

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 legal issues related to the potential future development of the Northern Gateway Property located at the southwest corner of the SH26 and John McCain Road

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

RESOLUTION R-22-4757

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF AUGUST 16, 2022**

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 16TH DAY OF AUGUST 2022.

Mayor Bobby Lindamood
Brandi Elder, Place 1
George Dodson, Place 4
Callie Rigney, Place 6

_____	Mayor Pro Tem Kathy Wheat	_____
_____	George Bond, Place 2	_____
_____	Chuck Kelley, Place 5	_____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

RESOLUTION R-22-4758

**APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT
THE REGULAR CITY COUNCIL MEETING OF AUGUST 16, 2022**

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 August 2, 2022
 - b. Approval of a Professional Services Agreement with Teague Nall & Perkins, Inc., in an amount not to exceed \$121,179 for right-of-way services and design of the waterline relocation along Jackson Road related to the bridge replacement project, and authorizing the City Manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 16TH DAY OF AUGUST 2022.

Mayor Bobby Lindamood
Brandi Elder, Place 1
George Dodson, Place 4
Callie Rigney, Place 6

____ Mayor Pro Tem Kathy Wheat
____ George Bond, Place 2
____ Chuck Kelley, Place 5

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor



City of Colleyville City Council Minutes - Draft

City Hall
100 Main Street
Colleyville, Texas 76034
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Tuesday, August 2, 2022

Mayor Bobby Lindamood called the Colleyville City Council Worksession to order on Tuesday, August 2, 2022, at 5:30 p.m.

ROLL CALL: Mayor Bobby Lindamood, Mayor Pro Tem Kathy Wheat, and Councilmembers Brandi Elder, George Bond, George Dodson, Chuck Kelley, and Callie Rigney via Webex.

ALSO PRESENT: City Manager Jerry Ducay, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, Fire Chief Mark Cantrell, Parks and Recreation Director Lisa Escobedo, Community Development Director Ben Bryner, City Engineer/Interim Public Works Director Larry Wright, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

WS-1 Presentation of the 2022 certified tax roll

Finance Director Kyle Lester presented the 2022 certified tax roll to be levied on October 1, 2022 (Fiscal Year 2023), which calculates the City's net taxable value at \$6,664,106,273. The total excludes the value of properties currently under appeal to the Appraisal Review Board, incomplete appraisals, and in process accounts, totaling \$249,462,515. Director Lester explained the figures include new construction values of \$63,134,294, which represents a total increase of 9.8% over the July 2021 valuation. The incremental value for properties located in the TIF district is \$459,085,629 (TIF Zone #1 adopted in 1998 - \$441,002,903 and TIF Zone #1A adopted in 2012 - \$18,082,726).

Director Lester stated there is a resolution on tonight's agenda to set the ad valorem tax rate for Fiscal Year 2023 at \$0.2656198 per hundred dollars of valuation, which is the no-new-revenue tax rate.

WS-2 Presentation of the proposed FY23 budget

Finance Director Kyle Lester presented this item noting the budget is the culmination of months of work by staff and City Council, and provided an overview of the accomplishments of previous budgets. Director Lester reviewed property values, the proposed no-new-revenue tax rate, and proposed revenues and expenditures by fund. Director Lester stated the proposed FY23 budget maximizes use of sale tax funds, continues annual compensation increases, and reflects flat health insurance rates.

He then reviewed all funds, many of the proposed 2023 projects, and concluded by reviewing the calendar dates the budget and tax adoption ordinances will come before the City Council.

There was discussion regarding the compensation study, increased costs generally, and in-kind agreements with civic organizations.

WS-3 Discussion of the August 2, 2022, City Council regular agenda items

There was discussion of tabling Ordinance O-22-2211 to October 3, 2022, and to conduct special meetings to receive comments from the developer and citizens.

Mayor Lindamood adjourned the Worksession at 6:26 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 legal issues related to the potential future development of the Northern Gateway Property located at the southwest corner of the SH26 and John McCain Road

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 Lindamood adjourned Executive Session at 7:10 p.m.

Mayor Lindamood called the regular meeting of the City Council to order at 7:33 p.m. and called the roll.

ROLL CALL: Mayor Bobby Lindamood, Mayor Pro Tem Kathy Wheat, and Councilmembers Brandi Elder, George Bond, George Dodson, Chuck Kelley, and Callie Rigney via Webex.

INVOCATION: Martin Schmidt, Baha'i Community**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-22-4753**

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 Lindamood thanked Mayor Pro Tem Wheat for presiding at the previous City Council meeting while he was ill.

Mayor Lindamood expressed condolences to Mark Hefner, Keller City Manager, in the passing of his wife.

Mayor Lindamood stated the Greystone Manor ordinance will be tabled and special meetings will be conducted and noted every opinion is considered. He noted the City extends the notification distance to 500 feet from the required 200 feet. He also addressed misinformation, which was being distributed regarding a road through the subdivision and the developer circumventing City Council.

Mayor Lindamood and the City Council made the following announcements.

In-Kind Support of Local Nonprofits – Earlier this evening I introduced the granting of an in-kind contribution to various local volunteer organizations. This in-kind contribution would allow them to use the Colleyville Center at no cost as a small token of our City's appreciation for all that they do. These organizations include the Colleyville Lions Club, Rotary Club, Colleyville Executive Organization, and the Colleyville Garden Club.

Greystone Manor Special Worksession – The City has received questions on the next steps for the Greystone Manor development proposed off Westcoat. Staff is in the process of scheduling an additional worksession that will likely take place later this month. At the worksession, there will be an opportunity to hear from the developer on updates to his proposal and from the community. The City will let everyone know when the date has been finalized.

Thank You Summer Reading Sponsors! Many, many thanks to our local Colleyville businesses as well as those in our surrounding cities, for the generous prize donations for the 2022 Summer Reading Program, "Read Y'All", sponsored by

the Colleyville Public Library. Local businesses have been most gracious this year and the Library is so very thankful for their sponsorship in the Summer Reading Program. Our prizes included many restaurants and businesses who graciously donated either coupons or grand prize items for the annual reading event. The Summer Reading Program would not be as successful if it were not for the support of our community and community businesses.

Public Safety Training at Southern Gateway – The metal buildings on the southeast corner of Acuff and SH26 will be torn down in September to prepare the site for redevelopment. In advance of that demolition, the police and fire departments will conduct training onsite. This is a great opportunity for field training.

Thank you Public Works! – A big thank you to our public works operations team for their work late last Thursday. The contractor on the Glade and Bluebonnet Project hit a water main and our team worked tirelessly to get the water shut off as quickly as possible and get repairs made. Thank you for your patience as the City works with the contractor to get the area cleaned up.

Welcome Patrick Stotts! - Patrick is the City's new ISM Manager and started last week. He is already hard at work getting up to speed on the City's numerous technology projects. He came to us from UT Arlington and has great experience with a variety of technology platforms and customer service. We are so glad to welcome him to our team.

Thank you for using your \$35 gift cards! – The Gift Card program ended Sunday and we are thrilled to be able to support Colleyville businesses. Over the next few weeks, we will receive the last of the cards from businesses turning them in for redemption.

Property Values Strong! - As presented earlier this evening in the worksession, property values in Colleyville show that choosing to live here is a great investment! This Council continues to be committed to conservative financial management, and is proposing the No New Revenue Tax Rate for the 5th year in a row. That means when property values go up, we lower the tax rate to take in the same amount of revenue as the current year, other than revenue from any new construction.

4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-22-4754

- 4a** Approval of the minutes of the regular City Council meeting of July 19, 2022
- 4b** Approval of a Contractor Agreement with Water and Play Expressions, Inc., for the installation of the playground equipment at Overland Park,

in an amount not to exceed \$172,381.95, and authorizing the City Manager to execute the agreement

Mayor Lindamood read Resolution R-22-4754 in its entirety.

Parks and Recreation Director Lisa Escobedo presented item 4b noting the Parks and Recreation Advisory Board recommended this project in 2021, and the City Council approved funding for the playground in the 2022 Capital Improvements Projects.

There was discussion regarding landscaping and the location of the playground.

Mayor Lindamood opened and closed the public hearing without anyone wishing to speak.

Mayor Pro Tem Wheat made a motion to approve Resolution R-22-4754, seconded by Councilmember Kelley.

The motion to approve passed by the following vote:

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

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

5a Ordinance O-22-2209

Approval of the Fiscal Year 2023 Colleyville Crime Control and Prevention District budget

Mayor Lindamood read the caption of Ordinance O-22-2209.

Police Chief Michael Miller reviewed the requests in the FY2023 budget, noting the budget was brought before the City Council during a Colleyville Crime Control and Prevention District Board Worksession, the Board Meeting, and the previous City Council meeting, conducted earlier in June and July.

There was no discussion on this item.

Mayor Lindamood opened the public hearing.

Kathy Hadley, 204 Timberline Drive North, spoke of her appreciation for Chief Miller and the Police Department, but expressed concern with the cost of School Resource Officers, and suggested training teachers to defend students and enlisting fathers and veterans to provide the security.

There were no others wishing to speak and Mayor Lindamood closed the public hearing.

Councilmember Kelley made a motion to approve Ordinance O-22-2209, seconded by Councilmember Dodson.

The motion to approve passed by the following vote:

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

5b Ordinance O-22-2210

Approval of the Roadway, Water, and Wastewater Land Use Assumptions, Capital Improvement Plans, and Impact Fees in accordance with Chapter 395 of the Texas Local Government Code

Mayor Lindamood read the caption of Ordinance O-22-2210.

City Engineer/Interim Public Works Director Larry Wright presented this item, giving a review of the recommendations of the Capital Improvements Advisory Committee (CIAC) to recommend the maximum for both roadway service areas and 50% for water and wastewater. Engineer/Director Wright reviewed the history of the item coming before Council in October 2021 and June 2022 and gave a brief overview of the data presented and the impact fee calculation.

Councilmember Dodson stated the consultant did not review all the data correctly the first time and had to go back and look at every parcel before bringing the item back to City Council and he would recommend assessing a 75% fee on wastewater. Councilmember Dodson said he feels the CIAC was not provided the correct information, based on their recommendation.

Mayor Lindamood reiterated this fee is assessed on new development, not current.

There was discussion regarding increasing the wastewater fee and the amount of revenue which would be generated.

Mayor Lindamood opened and closed the public hearing without anyone wishing to speak.

Councilmember Elder made a motion to approve Ordinance O-22-2210, seconded by Mayor Pro Tem Wheat.

Councilmember Dodson asked for the motion to be amended to provide for the wastewater impact fee to be 75%.

The amendment was denied by Councilmember Elder and Mayor Pro Tem Wheat.

The motion to approve passed by the following vote:

Ayes: 6 – Mayor Lindamood, Mayor Pro Tem Wheat, and Councilmembers Elder, Bond, Kelley, and Rigney.

Nay: 1 – Councilmember Dodson

5c Ordinance O-22-2211

Consideration of a zoning change from AG Agricultural and RE Single Family 'Estate' Residential to PUD-R Planned Unit Development-Residential zoning district for Tract 1B, Abstract 1487, O C Sturm Survey, Tracts 2A01, 2A01B, 2A07A, and 2A07A1, Abstract 1748, James E. Weathers Survey, Lots 1 and 1A, Block 1, K Bar G Estates Addition, Lot 1A, Block 1, Westcoat Estates, and Lots 1A2, 1B, and 1C, Block 1, Hilley Addition, located at 6401, 6405, 6409, 6417, 6501, 6507, and 6605 Westcoat Drive, Case ZC22-020

Mayor Pro Tem Lindamood read the caption of Ordinance O-22-2211.

Councilmember Dodson made a motion to table Ordinance O-22-2211 to October 3, 2022, seconded by Councilmember Bond.

The motion to table passed by the following vote:

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

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

6a Ordinance O-22-2212

Consideration of a Special Use Permit for a fence to be located beyond the front facade of the primary dwelling on Lot 2, Block A, Park View Estate, located at 717 Field Street, Case ZC22-025

Councilmember Chuck Kelley recused himself from deliberation of this item, as his home is located within the notification area.

Mayor Lindamood read the caption of Ordinance O-22-2212.

Community Development Director Ben Bryner presented this request for a Special Use Permit for a five-foot iron fence with a gate over the driveway and an eight-foot wooden fence, which would be located beyond the front façade. Director

Bryner reviewed the existing wood and cattle fences, and the location of the driveway entrance from Field Street.

There was discussion of the code and alternate material such as shrubs, which could be used.

Applicants Brian and Ashley Kenner, 717 Field Street, explained the configuration of the property and the current fencing. Mrs. Kenner stated the cattle gate would be removed. Mr. Kenner discussed the distance from the curb to the requested fence and reviewed the photographs in the presentation.

Mayor Lindamood opened the public hearing.

Kathy Hadley, 204 Timberline Drive North, stated there are oak trees where the current fence is and encouraged City Council to drive the street and approve the request.

Rick Warner, 5408 South Drive, stated he is the neighbor to Brian and Ashley Kenner and there is a remnant of a wood fence still in place on the property. Mr. Warner stated his sitting area looks directly at the front door of the Kenner home and he would like to see City Council approve the SUP as presented and it improves the property tremendously.

Mayor Lindamood asked the applicant what the current cattle fence is constructed of and if the trees will be removed. Mr. Kenner stated the trees will stay and the fence is pipe.

There were no others wishing to speak and Mayor Lindamood closed the public hearing.

This was a first reading; no action was taken.

6b Ordinance O-22-2213

Consideration of amendments to Chapter 3 of the Land Development Code to not require a variance for non-conforming lots of record where the deviation is not more than fifteen percent (15%) of a dimensional regulation, specifically amending Section 3.7B Non-conforming Lots of Record, Case GC22-008

Mayor Lindamood read the caption of Ordinance O-22-2213.

Community Development Director Ben Bryner presented this item noting the City recently has reviewed several cases where a non-conforming lot of record required a variance to the lot area regulation for the zoning district prior to a building permit being issued for improvements. He stated in most cases, the neighborhoods where the lots exist had been platted in this configuration for

decades. Approval of this amendment to the Land Development Code would exempt a non-conforming lot of record from needing to receive a variance approval when the deviation is no more than 10% of a regulation governing lot dimensions.

City Manager Jerry Ducay suggested adding language, which would provide for administrative approval. Councilmember Kelley noted the use of receiving a variance should be requiring a variance and asked for the correction to be made when adding administrative language to the amendment.

Mayor Lindamood opened and closed the public hearing without anyone wishing to speak.

This was a first reading; no action was taken.

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-22-4755

Approval of a proposal to set the ad valorem tax rate for Fiscal Year 2023 at \$0.265618 per hundred dollars of valuation

Mayor Lindamood read Resolution R-22-4755 in its entirety.

Finance Director Kyle Lester presented this item and stated the proposed rate is the no-new-revenue tax rate, and is the first formal step toward adopting the 2023 budget. Director Lester stated the Truth in Taxation laws require the City to inform the citizens of the proposed FY 2023 tax rate, and the intention to adopt the tax rate of \$0.265618 per hundred dollars of valuation, utilizing the July 2022 certified tax roll as the basis for the proposed tax rate. Director Lester stated this is the fifth consecutive year the Council was provided the no-new-revenue tax rate. He explained the no-new-revenue tax rate allows the City Council to lower the tax rate to offset the increasing property values determined by TAD, in order to collect the same amount of revenue as the prior year, excluding new growth.

Mayor Lindamood thanked Finance Director Lester for providing a good presentation and encouraged the public to watch the video from this evening's Worksession where Director Lester presented the proposed tax rate and 2022 budget.

Mayor Lindamood opened and closed the public hearing without anyone wishing to speak.

Councilmember Rigney made a motion to approve Resolution R-22-4755, seconded by Councilmember Dodson.

The motion to approve passed by the following vote:

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

8. CITIZEN COMMENTS

Jeff Clark, 115 W. Greenbriar, gave a presentation on pickleball and asked the City Council to plan for 16 more courts immediately. Mr. Clark suggested using one of the tennis courts for a dual-purpose court.

Janet Cunningham, 311 Covington Way, discussed the large number of people utilizing the pickleball courts and requested City Council immediately restripe a tennis court for dual use and budget for at least six additional courts. She also provided diagrams of the pickleball court layout.

Kathy Hadley, 204 Timberline Drive North, thanked the City Council for the discussion on the fence on this agenda, suggested City Council drive the road, and visit the lot where this SUP is requested.

Mrs. Hadley stated the medians on Church Street are to “southwest” looking and needed to have greenery added. She also asked City Council to consider less expensive costs for School Resource Officers.

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR TUESDAY, AUGUST 2, 2022 - READING AND PUBLIC HEARING - RESOLUTION R-22-4756

10. ADJOURNMENT

There being no further business before the City Council, Mayor Lindamood adjourned the meeting without objection by the City Council at 9:18 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 16TH DAY OF AUGUST 2022.

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 8/16/2022

Number

Type Resolution

Department Engineering

Title

Approval of a Professional Services Agreement with Teague Nall & Perkins, Inc., in an amount not to exceed \$121,179 for right-of-way services and design of the waterline relocation along Jackson Road related to the bridge replacement project, and authorizing the City Manager to execute the agreement

Strategic Plan

3.4 Thoroughly plan for future capital investments and associated costs

Explanation

Reading and Public Hearing

On August 29, 2019, the Texas Department of Transportation informed the City of Colleyville the Jackson Road Bridge at Little Bear Creek had been included and approved in the off-state system Federal-aid Highway Bridge Replacement and Rehabilitation Program (HBRRP).

In August of 2020, City Council approved an Advanced Funding Agreement (AFA) with TxDOT for the replacement of the bridge along Jackson Road over Little Bear Creek. The approved AFA stipulates TxDOT is to design and construct the bridge and the City is responsible for acquiring the necessary right-of-way (ROW), and coordinating utility relocations, as necessary, for the replacement. The design phase of the project is on-going and TxDOT has provided sufficient information to allow the City to begin detailed work on ROW acquisition and relocation of a City-owned and operated water line.

The City previously completed a Request for Qualifications process for professional engineering services. This process resulted in a total of 53 submittals from various professional engineering firms. Based on a review of the 53 submitted Statements of Qualifications, as well as an interview with the firm, staff selected Teague Nall & Perkins, Inc., for this project. Once approved, Teague Nall & Perkins, Inc. will provide services related to right-of-way acquisition and complete design of the project and prepare the engineering drawings for construction of this project.

Financial Impact

Funding for the Professional Services Agreement is provided for in the Capital Projects Fund.

Recommendation

Approve

Attachments

1. Colleyville PSA with Teague Nall & Perkins, Inc.

PROFESSIONAL SERVICES AGREEMENT JACKSON ROAD BRIDGE ROW SERVICES

This Professional Services Agreement ("Agreement") is made by and between the **City of Colleyville, Texas** ("City"), and **Teague Nall & Perkins, Inc.** ("Professional") (each a "party" and collectively the "parties"), acting by and through their respective authorized representatives.

RECITALS

WHEREAS, City desires to engage Professional to perform certain work and services, hereinafter referred to only as "services", as further specified in the Scope of Services defined in Section 1 of this Agreement; and

WHEREAS, Professional has expressed a willingness to perform said services in conformance with this Agreement.

NOW, THEREFORE, for and in consideration of the covenants and promises made one to the other herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1. Scope of Services

Upon written notice to proceed by City, Professional agrees to provide to City Jackson Road Bridge ROW Services ("Project"), as set forth in the Scope of Services attached hereto as **Exhibit "A"** and incorporated herein by reference (the "Scope of Services"). Professional shall not be entitled to any claim for extra services, additional services or changes in the services without a written agreement with City prior to the performance of such services.

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 Professional completes the services required herein and the City has accepted the same, unless sooner terminated as provided in this Agreement.

Section 3. Professional's Obligations

(a) Performance of Services. Professional shall furnish and pay for all labor, tools, software, materials, equipment, supplies, transportation and management necessary to perform the services. To the extent reasonably necessary, Professional may engage the services of any agents, assistants, or other persons that Professional may deem proper to assist in the performance of the services under this Agreement; provided, that Professional shall be responsible for all costs related thereto, except as expressly authorized in writing in advance by City.

(b) Site Access. City will endeavor to provide such rights of access on any project site as may be reasonably necessary for Professional to perform any necessary studies, surveys, tests or other required investigations in relation to the services; provided, that City shall have no obligation to (i) provide off-site access, (ii) provide access to private property for which City does not have an existing right to access, nor (ii) incur any costs associated with the access to be provided under this Agreement.

(c) Standard of Care. Professional shall perform the services with the skill and care ordinarily provided by competent professionals practicing in the same or similar locality and under the same or similar

circumstances and professional licenses. Professional shall be responsible for the professional quality, technical accuracy, and the coordination of all services, including all Project Documents, designs, drawings, specifications, plans, reports, presentations and all other services furnished by Professional under this Agreement. Professional shall, without additional compensation, correct or revise any errors or deficiencies in the services. Professional shall further make, without expense to City, such revisions to the Project Documents as may be required to meet the needs of City and which are within the Professional's Scope of Services.

(d) Additional Services. Should City require additional services not included under this Agreement, Professional shall make reasonable effort to provide such additional services in accordance with the fee schedule set forth in **Exhibit A**, and within the time schedule prescribed by City; and without decreasing the effectiveness of the performance of services required under this Agreement.

(e) No Waiver of City's Rights. Neither City's review, approval, 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 Professional shall be and remain liable to City in accordance with applicable law for all damages to City caused by Professional's negligent performance of any of the services furnished under this Agreement.

(f) Independent Contractor. It is understood and agreed by and between the parties that Professional, while performing under this Agreement, is acting independently, and that City assumes no responsibility or liabilities to any third party in connection with Professional's actions. All services to be performed by Professional pursuant to this Agreement shall be in the capacity of an independent contractor, and not as an agent or employee of City. Professional 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.

(g) Inspection of Records. Professional grants City and its designees the right to audit, examine or inspect, at City's election, all of Professional's Records (defined below) relating to the performance of services under this Agreement, during the term of the Agreement and any retention period herein. City's audit, examination, or inspection of Professional's Records may be performed by a City designee, which may include its internal auditors or an outside representative engaged by City. Professional agrees to retain Professional's Records for a minimum of four (4) years following termination of the Agreement, unless there is an ongoing dispute under the contract; then, such retention period shall extend until final resolution of the dispute. "Professional's Records" shall include any and all information, materials and data of every kind and character generated in connection with the services under this Agreement. City agrees that it will exercise its right to audit, examine or inspect Professional's Records during regular business hours unless City has provided advance written notice of an alternate time. Professional agrees to allow City and its designees access to all of Professional's Records, Professional's facilities, and the current or former employees of Professional, to the extent deemed reasonably necessary by City or its designee(s), to perform such audit, inspection or examination.

(h) Certification of No Conflicts. Professional hereby warrants to the City that Professional has made full disclosure in writing of any existing or potential conflicts of interest related to Professional's services under this Agreement. In the event that any conflicts of interest arise after the Effective Date of this Agreement, Professional hereby agrees immediately to make full disclosure to the City in writing.

(i) Hazardous Materials. Professional shall report the presence and location of any hazardous materials it notices or which a professional of similar skill and experience should have noticed to the City.

Section 4. Performance Schedule

(a) Time for Performance. Professional shall perform all services as provided for under this Agreement in a proper, efficient, timely, and professional manner in accordance with City's requirements. In the event Professional's performance of this Agreement is delayed or interfered with by acts of the City or others, Professional may request an extension of time in conformance with this Section 4 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.

(b) Extensions; Written Request Required. No allowance of any extension of time, for any cause whatever (including an event of Force Majeure as defined herein below), shall be claimed or made to Professional, unless Professional 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 Professional have agreed in writing upon the allowance of additional time to be made.

Section 5. Documents

(a) Project Documents. All proposals, reports, studies, surveys, applications, drawings, plans, specifications, data, and other documents, whether in draft form or final form (including any electronic format) prepared by Professional and its employees, consultants, subcontractors, agents, or representatives (collectively referred to in this section as "Professional") for the use and/or benefit of City in connection with this Agreement ("Project Documents"). Professional shall be deemed the authors of their respective component of the Project Documents. Notwithstanding, upon payment by City as required by this Agreement, City shall own, have, keep and retain all rights, title and interest in and to all Project Documents, including all ownership, common law, statutory, and other reserved rights, including copyrights (except copyrights held by the Professional) in and to all Project Documents, whether in draft form or final form, which are produced at City's request and in furtherance of this Agreement. City shall have full authority to authorize any contractor(s), subcontractors, consultants, and material or equipment suppliers to reproduce applicable portions of the Project Documents to and for use in their execution of the services or for any other purpose. Acceptance and approval of the Project Documents by City shall not constitute nor be deemed a release of the responsibility and liability of Professional for the accuracy or competency of its designs, working drawings, specifications, or other documents; nor shall such approval be deemed to be an assumption of such responsibility by City for any defect in the designs, working drawings and specifications, or any other documents prepared by Professional.

(b) Professional's Documents. All previously owned intellectual property of Professional, including but not limited to any computer software (object code and source code), tools, systems, equipment or other information used by Professional or its suppliers in the course of delivering the Services hereunder, and any know-how, methodologies or processes used by Professional to provide the services or protect deliverables to City, including without limitation, all copyrights, trademarks, patents, trade secrets and any other proprietary rights inherent therein and appurtenant thereto ("Professional's Documents"), shall remain the sole and exclusive property of Professional. Notwithstanding, Professional agrees that City shall have the right to access to all such information and City is granted the right to make and retain copies of Professional's Documents. City acknowledges that any reuse of Professional's Documents without specific written verification or adaptation by Professional will be at City's sole risk and without liability or legal exposure to Professional.

(c) Confidential Information. Professional agrees it will notify City in writing if it considers specific information to be confidential or proprietary trade secrets and will use its best efforts to clearly mark all such information as "Confidential" and/or "Proprietary – Trade Secret" at the time it is delivered or made accessible to City. City acknowledges that all such designated information is considered by

Professional to be confidential and the exclusive property of Professional. Notwithstanding the foregoing, Professional acknowledges that this Agreement, and all services performed hereunder, are subject to the legal requirements of the Texas Public Information Act and that City will have no obligation to protect or otherwise limit disclosure of any confidential or proprietary information if Professional has not notified City of such designation in conformance with this section. Professional agrees and covenants to protect any and all proprietary rights of City (or other persons) in any materials provided to Professional by City. Additionally, any materials provided to Professional by City shall not be released to any third party without the consent of City and shall be returned intact to City upon termination or completion of this Agreement if instructed to do so by City. In the event City delivers to Professional any information that has been expressly marked "Confidential" or has notified Professional is confidential or is the proprietary information of a third-party, Professional agrees it shall not disclose to anyone directly or indirectly during the term of this Agreement or at any time thereafter, any such information, nor shall it use any such information for any purpose other than as reasonably necessary in connection with Professional's performance of the services under this Agreement. Professional shall further, at its own expense, defend all suits or proceedings instituted against City and pay any award of damages or loss resulting from an injunction, against City, insofar as the same are based on any claim that materials or services provided under this Agreement constitute an infringement of any patent, trade secret, trademark, copyright or other intellectual property rights. Notwithstanding, the foregoing confidentiality obligations shall not extend to and nothing herein shall limit either party's right to disclose any information provided hereunder which: (i) was or becomes generally available to the public, other than as a result of a disclosure by the receiving party or its personnel; (ii) was or becomes available to the receiving party or its representatives on a non-confidential basis, provided that the source of the information is not bound by a confidentiality agreement or otherwise prohibited from transmitting such information by a contractual, legal, or fiduciary duty; (iii) was independently developed by the receiving party without the use of any confidential information of the disclosing party; or (iv) is required to be disclosed by applicable law or a court order.

Section 6. Payment

(a) Compensation. Professional's compensation shall be as specified in the payment schedule set forth in **Exhibit A**; provided, that the total compensation under this Agreement shall not exceed ONE HUNDRED AND TWENTY-ONE THOUSAND, ONE HUNDRED AND SEVENTY-NINE DOLLARS (\$121,179.00).

(b) Payment Terms. City agrees to pay Professional for all services authorized in writing and properly performed by Professional in general conformance with the fee schedule set forth in **Exhibit A**, subject to changes in the Scope of Services or additional services agreed upon in writing. Unless otherwise agreed in writing, all payments to Professional by City shall be based on detailed monthly invoices submitted by Professional for work performed and accepted by City, less any previous payments. Payment will be due within thirty (30) days of the City's receipt and acceptance of an approved invoice. Notwithstanding the foregoing, City reserves the right to delay, without penalty, any payment to Professional when, in the opinion of City, Professional has not made satisfactory progress on the Project as described in the Scope of Services.

(c) Deductions. City may deduct from any amounts due or to become due to Professional any sum or sums owing by Professional to City. In the event of any breach by Professional 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 City's premises, arising out of Professional's performance of this Agreement, City shall have the right to retain out of any payments due or to become due to Professional an amount sufficient to completely protect City from any and all reasonably anticipated loss, damage or expense therefrom, until the breach, claim or lien has been satisfactorily remedied or adjusted by Professional.

Section 7. Default; Force Majeure

(a) Default; Notice to Cure. A party shall be deemed in default under this Agreement if the party is in breach of a material provision of this Agreement and said breach is not cured within fifteen (15) days written notice of default by the other party. In the event the breaching party has notified the other party in writing that it is diligently working to cure the breach and has provided reasonable written evidence in support of the same, the breaching party shall not be deemed in default until the thirtieth (30th) day following the non-breaching party's notice of default.

(b) Default by Professional. In addition to default under Section 7(a) above, Professional shall be in default under this Agreement if Professional fails to comply or becomes disabled and unable to comply with the provisions of this Agreement related to Professional's performance of the services, including the quality or character of the services or time of performance for any material component of the services. If such default is not corrected within ten (10) days from the date of City's written notice to Professional regarding the same, City may, at its sole discretion without prejudice to any other right or remedy:

- (i) Terminate this Agreement and be relieved of the payment of any further consideration to Professional except for all services 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 Professional to and from meetings called by City at which Professional is required to attend, but shall not include any loss of profit of Professional. 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 re-subletting to others; or
- (ii) City may, without terminating this Agreement or taking over the services, furnish the necessary labor, materials, equipment, supplies and/or assistance necessary to remedy the situation, at the expense of Professional.

(c) Force Majeure. To the extent either party of this Agreement shall be wholly or partially prevented from the performance of any obligation or duty placed on such party by reason of or through stoppage of labor, riot, fire, flood, acts of war, insurrection, court judgment, or a government restriction, quarantine or mandatory closure order enacted in response to a pandemic or other public health crises, or other specific cause reasonably beyond the party's control and not attributable to its malfeasance, neglect or nonfeasance (each an event of "Force Majeure"), the time for performance of such obligation (other than a payment obligation) may be extended for a period equal to the time lost by reason such event, provided, that the party complies with the provisions of this section. Specifically, the party asserting Force Majeure (i) shall give prompt notice to the other party of the prevention of performance as soon as the asserting party is reasonably aware of such prevention, and (ii) has the burden of demonstrating: (1) how and why their performance was so prevented, (2) the period of time during which they were so prevented from performing (which under the facts may be equal to, or shorter or longer than, the duration of the Force Majeure event itself), and (3) that the party used commercially reasonable efforts to mitigate and/or eliminate such prevention and resumed performance under this Agreement as soon as reasonably practicable.

Section 8. Termination; Suspension

(a) Termination Upon Default. Either party may terminate this Agreement upon written notice if the other party is in default of this Agreement, subject to the defaulting party's right to cure in conformance with the terms of this Agreement.

(b) Termination by City. City shall be entitled to terminate this Agreement, with or without cause, by providing thirty (30) days prior written notice to Professional.

(c) Termination Following Request for Modification. Should City require a modification of this Agreement with Professional, and in the event City and Professional fail to agree upon a modification to this Agreement, City shall have the option of terminating this Agreement and Professional's services hereunder at no additional cost other than the payment to Professional, in accordance with the terms of this Agreement, for the services reasonably determined by City to be properly performed by Professional prior to such termination date.

(d) Suspension. City reserves the right to suspend this Agreement for the convenience of City by issuing a written notice of suspension which shall describe City's reason(s) for the suspension and the expected duration of the suspension. Such expected duration shall, in no way, guarantee what the total number of days of suspension shall occur. Such suspension shall take effect immediately upon Professional's receipt of said notice. Should such suspension extend past the expected duration identified by City in its latest notice of suspension, Professional shall have the right to terminate this Agreement if (i) Professional provides not less than thirty (30) days prior written notice to City requesting to recommence the services, and (ii) City does not recommence the services within the time requested.

Section 9. Insurance

Professional shall during the term hereof maintain in full force and effect all policies of insurance reasonably required by City. Professional's obligation to provide acceptable certificates of insurance is a material condition precedent to this Agreement, and services under this Agreement shall not commence until certificates of insurance have been received, reviewed, and accepted by City. The minimum coverages and limits of liability for the policies of insurance required for the specific services under this Agreement are maintained by and accessible through the City's purchasing department.

Section 10. Indemnification; Notice.

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 PROFESSIONAL PURSUANT TO THIS AGREEMENT. PROFESSIONAL HEREBY WAIVES ALL CLAIMS AGAINST CITY, ITS OFFICERS, AGENTS AND EMPLOYEES (COLLECTIVELY REFERRED TO IN THIS SECTION AS "CITY INDEMNITEES") FOR DAMAGE TO ANY PROPERTY OR INJURY TO, OR DEATH OF, ANY PERSON ARISING AT ANY TIME AND FROM ANY CAUSE OTHER THAN THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY INDEMNITEES. PROFESSIONAL AGREES TO INDEMNIFY, DEFEND, AND SAVE HARMLESS THE CITY INDEMNITEES 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 THE NEGLIGENT PERFORMANCE OF SERVICES UNDER THIS AGREEMENT OR BY REASON OF ANY NEGLIGENT ACT OR OMISSION ON THE PART OF PROFESSIONAL, ITS OFFICERS, DIRECTORS, MANAGERS, EMPLOYEES, CONTRACTORS, SERVANTS, REPRESENTATIVES, CONSULTANTS, LICENSEES, SUCCESSORS OR PERMITTED ASSIGNS (EXCEPT WHEN SUCH LIABILITY, CLAIMS, SUITS, COSTS, INJURIES, DEATHS OR DAMAGES ARISE FROM OR ARE ATTRIBUTED TO THE GROSS NEGLIGENCE OR WILFUL MISCONDUCT OF A CITY INDEMNITEE, IN WHOLE OR IN PART, IN WHICH CASE PROFESSIONAL SHALL INDEMNIFY THE CITY INDEMNITEES TO THE EXTENT OR PROPORTION OF NEGLIGENCE

ATTRIBUTED TO PROFESSIONAL, ITS OFFICERS, AGENTS, OR EMPLOYEES AS DETERMINED BY A COURT OR OTHER FORUM OF COMPETENT JURISDICTION).

Notices of Claim. Professional shall promptly advise City in writing of any claim or demand against the City, related to or arising out of Professional's acts or omissions under this Agreement and shall see to the investigation and defense of such claims or demand at Professional's sole cost and expense; provided, that City, at its option and at its own expense, may participate in such defense without relieving Professional of any of its obligations hereunder. Professional's obligations under this section shall not be limited to the limits of coverage of insurance maintained or required to be maintained under this Agreement.

THE PROVISIONS OF THIS SECTION SHALL SURVIVE EXPIRATION OR TERMINATION OF THIS AGREEMENT FOR A PERIOD OF FOUR (4) YEARS.

Section 11. Notice.

All notices required by this Agreement shall be in writing and addressed to the parties at the addresses set forth on the signature page(s) of this Agreement (or to such other address that may be designated by the receiving party from time to time in accordance with this section). All notices shall be delivered by (a) personal delivery, (b) certified or registered mail (in each case, return receipt requested, postage prepaid), (c) nationally recognized overnight courier (with all fees pre-paid), or (d) email of a pdf document containing the required notice. Such notice or document shall be deemed to be delivered or given, whether actually received or not, (i) when received if delivered or given in person, (ii) if sent by United States mail, three (3) business days after being deposited in the United States mail as set forth above, (iii) on the next business day after the day the notice or document is provided to a nationally recognized carrier to be delivered as set forth above, or (iv) if sent by email, the next business day. A confirmation of delivery report which reflects the time that the email was delivered to the recipient's last notified email address is prima facie evidence of its receipt by the recipient, unless the sender receives a delivery failure notification, indicating that the email has not been delivered to the recipient.

Section 12. Verifications by Professional

Professional's execution of this Agreement shall serve as its formal acknowledgement and written verification that:

(a) if the requirements of Subchapter J, Chapter 552, Government Code, apply to this Agreement and Professional agrees that the Agreement can be terminated if Professional knowingly or intentionally fails to comply with a requirement of that subchapter;

(b) pursuant to Texas Government Code Chapter 2270, that Professional's organization does not presently boycott Israel and will not boycott Israel during the term of this Agreement; and

(c) pursuant to Texas Government Code Chapter 2251, that Professional's organization does not current discriminate against firearm and ammunition industries and will not for the term of the contract. Discriminating means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with the firearm or ammunition industry or with a person or entity doing business in the firearm or ammunition industry, but does not include an action made for ordinary business purposes.

Section 13. Miscellaneous

(a) Professional shall not assign or sublet this Agreement, in whole or in part, without the prior written consent of City. (b) Professional shall comply with all federal, state, county, and municipal laws, ordinances, resolutions, regulations, rules, and orders applicable to the services under this Agreement. (c) 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 courts of Tarrant County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said courts. (d) 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. (e) The exhibits attached hereto, if any, are incorporated herein and made a part hereof for all purposes. (f) Unless expressly provided otherwise herein, this Agreement may only be modified, amended, supplemented or waived by a mutual written agreement of the parties. (g) 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. (h) 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. (i) This Agreement may be executed by the parties 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. (j) Each party represents that it has full capacity and authority to grant all rights and assume all obligations granted and assumed under this Agreement. (k) Subject to the provisions regarding assignment, this Agreement shall be binding on and inure to the benefit of the parties to it and their respective heirs, executors, administrators, legal representatives, successors and assigns.

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

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the Effective Date.

For City:

For Professional:

CITY OF COLLEYVILLE, TEXAS

TEAGUE NALL & PERKINS, INC.

By: _____

Jerry Ducay
City Manager

By: _____

Jennifer Hall
Director of Right of Way Services

Date: _____

Date: _____

Notice Address:

City of Colleyville
Attn: City Manager
100 Main Street
City of Colleyville, Texas 76034
E: jducay@colleyville.com

Notice Address:

Teague Nall & Perkins, Inc.
Attn: Jennifer Hall, Director of Right of Way
Services
5237 N Riverside Dr., Suite 100
Fort Worth, Texas 76137
E: tnprow@tnpinc.com

Colleyville Contract ID:
PSA_WW_July 15, 2022_v1.20220427

EXHIBIT “A”
SCOPE OF SERVICES

(attached)

Exhibit “A”

SCOPE OF SERVICES

PROJECT NAME: Jackson Road

TNP PROJECT NUMBER:

CLIENT: City of Colleyville

ADDRESS: 100 Main Street
Colleyville, TX 76034

City of Colleyville (herein the CLIENT) hereby requests and authorizes Teague Nall and Perkins, Inc., (the PROFESSIONAL) to perform the following services:

Article I

SCOPE: Provide design, bidding, and construction administration services for approximately 400 LF of up to 12” water line replacement along Jackson Road in Colleyville, Texas that will precede TxDOT’s Jackson Road at Little Bear Creek bridge replacement project.

Provide utility information, up to QL-“B”, for Jackson Rd at a length of 250’ either side of the existing bridge, just north of Sherwood Lane.

Perform surveying necessary to establish all property boundaries along Jackson Road, as needed for the relocation of an existing waterline attached to the current Jackson Road Bridge for use in the preparation of documents to be used in ROW and/or Easement acquisitions, including sidewalk easements adjacent to the project as requested by CLIENT.

Provide negotiating, appraisal, and closing services for the CLIENT’s intent to acquire property to support the improvements along Jackson Road. The right-of-way acquisition will include up to five (5) parcels with right of way and/or easement(s) as necessary for each parcel.

A detailed scope of services is included as **Attachment ‘A’** and is made a part hereto.

[End Scope Summary]

Exhibit A – Scope of Services

FEE SCHEDULE

(See **Attachment 'B'** for rates applicable to additional services)

COMPENSATION to be in accordance with the following table:

I.	Engineering Services (fixed fee):	\$ 48,500.00
II.	Subsurface Utility Engineering Services (fixed fee):	\$ 12,300.00
III.	Surveying - (fixed fee):	\$ 12,000.00
IV.	Survey Exhibits (reimbursable 5 @ \$1,800/Parcel):	\$ 6,000.00
V.	Closing Services (fixed fee):	\$ 2,750.00
VI.	Negotiations Services (reimbursable 5 @ \$4,500/Parcel):	\$ 22,500.00
VII.	Appraisal Services (fixed fee)	\$ 11,000.00
VIII.	<u>Direct Expenses (fixed fee):</u>	<u>\$ 3,129.00</u>

Total, including reimbursable items: \$121,179.00

The total fee is not to exceed \$121,179.00 without prior permission by CLIENT.

- A. Engineering Services: PROFESSIONAL shall be compensated on a percent complete basis on PROFESSIONAL's fee for Engineering services. Engineering services will be billed at \$48,500.
- B. SUE Services: PROFESSIONAL shall be compensated on a percent complete basis on PROFESSIONAL's fee for SUE services. SUE services will be billed at \$12,300.
- C. Survey Services: PROFESSIONAL shall be compensated on a percent complete basis on PROFESSIONAL's fee for Survey services. Survey services will be billed at \$21,000.
- D. Negotiation and Closing Services: PROFESSIONAL shall be compensated on a percent complete basis on PROFESSIONAL's fee for negotiation and closing services. Negotiation and closing services will be billed at \$25,250.
- E. Appraisal Services: The PROFESSIONAL will engage an appraisal firm and shall be compensated based on the Appraiser's per parcel fee. This fee is estimated at \$2,000 per parcel, to which 10% will be added; PROFESSIONAL's total estimated fee for five parcels is \$11,000. This fee is dependent on the availability of the Appraiser and may vary based on the actual amount invoiced by the Appraiser.
- C. Direct Cost Reimbursable: Mileage, Printing, copies, plots and reproduction work done in-house shall be compensated per the PROFESSIONAL's most current rate schedule for such work (Attachment 'B'). These fees are included in the total not to exceed amount.
- D. Work Outsourced to Others: For work done by others, at the actual cost to the PROFESSIONAL of such services plus 10%.
- E. Additional Services: Any service provided by the PROFESSIONAL which is not specifically described in the scope of work for this contract as defined above or delineated in an attachment shall be considered additional services. Additional services shall include, but shall not be limited to:
 - 1.) Addition of parcels for acquisition caused by change in design, parcel splits, additional requirements for either enlarged or additional parcels, settlement negotiations after CLIENT accepts eminent domain recommendation or other valid

Exhibit A – Scope of Services

causes approved or required by the CLIENT.

- 2.) Additional parcels for survey caused by changes in the design, changes in the scope of the project, changes in right-of-way needs, changes in acquisition feasibility, or other valid causes approved or required by the CLIENT.
- 3.) In the event of eminent domain proceedings against any parcel, the CLIENT may require the PROFESSIONAL to be an expert witness for pretrial conferences, depositions, special commissioner hearing, court appearances and any other consultation with CLIENT directly related to preparations of court testimony.

Additional services shall be considered additional work and shall be reimbursed at PROFESSIONAL'S current standard rates. The standard rates effective for 2022 are included as **Attachment 'B'**.

[End Fee Schedule – Attachment 'A' follows]

ATTACHMENT 'A'
ITEMIZED SCOPE OF SERVICES

ENGINEERING SCOPE OF SERVICES

**Design and Construction Services for
Jackson Road Water Improvements**

WORK TO BE PERFORMED

PROFESSIONAL shall provide design, bidding, and construction administration services for the Project. The Project includes approximately 400 LF of up to 12" water line replacement along Jackson Road in Colleyville, Texas that will precede TxDOT's Jackson Road at Little Bear Creek bridge replacement project. It is assumed that approximately 100 LF of water line that crosses the creek will be bored with steel casing pipe, and the remaining length will be open cut.

The following tasks have been identified for inclusion in this scope of services:

- Task 1. Preliminary Design
- Task 2. Final Design
- Task 3. Bid Phase Services
- Task 4. Construction Administration

TASK 1. PRELIMINARY DESIGN (60% Plans):

Preliminary plans shall be submitted to CLIENT per the approved Project Schedule.

PROFESSIONAL will develop the preliminary design of the infrastructure as follows.

1. Communications and Reporting
 - a. Attend a pre-design project kickoff meeting with CLIENT staff to confirm and clarify scope, understand CLIENT objectives, and ensure economical and functional designs that meet CLIENT requirements
 - b. Conduct review meetings with the CLIENT at the end of each design phase.
 - c. Conduct site visits on an as-needed basis for investigations and coordination during the design process.
 - d. Coordinate with CLIENT, franchise utilities, property owners and other agencies and entities for the planning and design of the proposed infrastructure, and provide and obtain information needed to prepare the design.
 - e. Personnel and Vehicle Identification: When conducting site visits to the project location, the PROFESSIONAL or any of its sub-consultants shall carry readily available information identifying the name of the company and the company representative.
2. Data Collection
 - a. In addition to data obtained from the CLIENT, PROFESSIONAL will attempt to identify and research proposed improvements by others that may influence the project.
 - b. The PROFESSIONAL will also identify and seek to obtain data for existing conditions that may impact the project including but not limited to private utilities and property ownership as available from the Tax Assessor's office.

Exhibit A – Scope of Services

- c. The PROFESSIONAL shall visit the project site to confirm the existing conditions and elements that may influence the design.
3. Water Modeling
 - a. PROFESSIONAL assumes that no water modeling will be associated with this scope of services. Efforts related to performing any water modeling shall be considered an additional service.
4. Conceptual Design Layout:
 - a. Prior to Preliminary (60%) Design the PROFESSIONAL will develop a conceptual plan layout and attend a design coordination meeting with CLIENT staff to confirm and gain concurrence on the proposed alignment of the waterline replacement.
5. Development of Preliminary Design Drawings and Specifications shall include the following:
 - a. Cover Sheet
 - b. Project Control Sheet with benchmarks and control points.
 - c. General Notes Sheet
 - d. Water Plan & Profile Sheet including, but may not be limited to, the following:
 - i. Proposed water line alignment
 - ii. Pipe size(s)
 - iii. Valves
 - iv. Appurtenances
 - v. Service connections
 - vi. Pavement repair limits
 - vii. Easement and ROW limits
 - viii. Property ownership information
 - ix. Existing utilities
 - x. Temporary water lines
 - xi. Coordinates on all P.C.'s, P.T.'s, P.I.'s, valves, mainline fittings, etc., in the same coordinate system as the Control Points
 - e. The PROFESSIONAL shall make provisions for reconnecting all identifiable water service lines which will be impacted by the proposed water and sewer main, including replacement of existing service lines within CLIENT right-of-way or utility easement.
 - f. The PROFESSIONAL will prepare special details for the water line installation and/or replacement that are not already included CLIENT's standard details. These may include connection details between various parts of the project, tunneling details, boring and jacking details, relocations, details unique to the construction of the project, trenchless details, and special reconnections.
6. Constructability Review
 - a. Prior to the 60% review meeting with the CLIENT, the PROFESSIONAL shall schedule and attend a project site visit with the CLIENT to walk the project. The PROFESSIONAL shall summarize the CLIENT's comments from the field visit and submit this information to the CLIENT in writing.
7. Utility Clearance

Exhibit A – Scope of Services

- a. Subsurface Utility Engineering (SUE) services have been included in this scope of services.
 - b. The PROFESSIONAL will consult with the applicable CLIENT's departments and other public utilities, private utilities and government agencies in an attempt to determine the approximate location of above and underground utilities, and other facilities (current and future) that may have an impact or influence on the project. Based on the information obtained, the PROFESSIONAL will design the proposed facilities in a manner that avoids or minimizes conflicts with existing utilities, and where known and possible, consider potential future utilities in designs. Should it become necessary to adjust an existing utility, this work shall be performed by the owner of the utility or it can be added to this scope of services as an Additional Service.
 - c. The PROFESSIONAL will contact utility companies and/or Texas811 to request locates of all utilities within the project limits. Any locates that are marked by others will be incorporated into the design survey and reflected on the plans.
 - d. The PROFESSIONAL will provide plans to the private utility companies for their use in identifying impacts and coordinating adjustments.
8. Traffic Control and Phasing
 - a. Traffic Control shall be the responsibility of the Contractor.
 9. Storm Water Pollution Prevention Plan
 - a. The SWPPP shall be the responsibility of the Contractor.

ASSUMPTIONS

- a. CLIENT will provide TNP the topographic survey performed for the TxDOT Jackson Road at Little Bear Creek bridge replacement project. (CSJ: 0902-90-132)
- b. TNP will utilize the survey by others to design the Jackson waterline replacement.
- c. CLIENT will provide TNP the geotechnical report developed for the TxDOT Jackson Road at Little Bear Creek bridge replacement project. (CSJ: 0902-90-132)
- d. TNP will utilize geotechnical report by others to design the Jackson waterline replacement.
- e. No temporary water line design or plans are anticipated. If temporary water line and/or services are needed to facilitate construction, the Contractor will be responsible for providing the plan for review as a submittal.
- f. PROFESSIONAL shall not proceed with Final Design activities without obtaining the CLIENT's approval of the Preliminary Design Plans.

DELIVERABLES

- a. Meeting minutes with action items
- b. Electronic submittals. No hardcopies needed. (22x34 size PDFs)
- c. Permit Applications/correspondence (e.g. Private utilities, gas companies, etc.)
- d. Private utility coordination drawings
- e. Preliminary Opinion of Probable Cost
- f. Names and addresses of residents and businesses that may be affected by the Project.

- g. Summary of the proposed technical specifications for the Project.

TASK 2. FINAL DESIGN (90%) AND FINAL CONSTRUCTION DOCUMENTS (100%)

Upon approval of the Preliminary plans, PROFESSIONAL will prepare construction plans as follows:

1. Development of Final Design Drawings and Specifications shall include the following:
 - a. The final plans shall include completed versions of all plan sheets associated with the preliminary plan submittal plus the CLIENT's standard details and any other plan sheets that were identified during the review of the preliminary plans or the development of the final plans.
 - b. Conduct site visits on an as-needed basis for investigations and coordination during the design process
 - c. Proposal, technical specifications and documents not covered by the CLIENT's standard specifications and contract documents
 - d. Final plans and specifications shall be submitted to CLIENT per the approved Project Schedule. Copies of the CLIENT's preliminary plans comments shall be provided with the submittal.
 - e. Following a 90% construction plan review meeting with the CLIENT, the PROFESSIONAL shall submit Construction Documents (100%) to the CLIENT per the approved Project Schedule. Each plan sheet shall be stamped, dated, and signed by the PROFESSIONAL licensed in State of Texas. The specification book shall contain updated proposal pages and all necessary technical specifications as well as copies of all necessary permits and approvals for construction of the project (e.g. TxDOT utility permit, utility crossing permits, easements, etc.
 - f. The PROFESSIONAL shall submit a final opinion of probable construction cost with both the 90% and 100% design packages.
 - g. The PROFESSIONAL shall submit final easement documents with the 100% design package.

ASSUMPTIONS

- a. It is assumed that the design services will span up to a maximum of four (4) months (Does NOT include construction).

DELIVERABLES

- a. Electronic submittals. No hardcopies needed. (22x34 size PDFs)
- b. 90% and 100% final opinion of probable construction cost including summaries of bid items and quantities.
- c. One (1) hardcopy set and one PDF copy of bid documents for the CLIENT's use during the bidding process.

TASK 3. BID PHASE SERVICES

Exhibit A – Scope of Services

PROFESSIONAL will provide the following services during the Project's bidding and award phase.

3. Bid Support

- a. Upload the bidding documents to a web-based distribution system such as Civcast.
- b. Assist the CLIENT in addressing bidder questions and preparing and distributing any addenda.
- c. Assist in the bid opening and tabulation of bids.
- d. Check references of the Contractor.
- e. Provide a letter of recommendation to the CLIENT for award of the project.
- f. Incorporate all addenda into the contract documents and issue conformed sets of plans and specifications for use as the issued for construction documents.

ASSUMPTIONS

- a. The CLIENT is responsible for the cost of advertising the project.
- b. The bidding format will be based on lowest qualified bidder.
- c. The PROFESSIONAL will assemble the conformed contract documents and specifications for construction.
- d. The PROFESSIONAL will facilitate the distribution of plans through a web-based plan distribution system such as Civcast.
- e. The bid opening will take place at the CLIENT offices. PROFESSIONAL will be present to assist with the opening and reading of the bids.

DELIVERABLES

- a. Addenda
- b. Bid tabulations
- c. Recommendation of award
- d. Electronic submittal of conformed plans and specifications.

TASK 4. CONSTRUCTION ADMINISTRATION

PROFESSIONAL will provide construction administration services for the project as follows.

4. Construction Support

- a. PROFESSIONAL shall not be responsible for the means, methods, techniques, sequences, or procedures of construction selected by the Contractor, or the safety precautions and programs incident to the work of the Contractor
- b. The PROFESSIONAL shall prepare a pre-construction meeting agenda and conduct the pre-construction meeting in conjunction with the CLIENT. PROFESSIONAL shall prepare and distribute meeting minutes.

Exhibit A – Scope of Services

- c. Provide interpretations and clarifications of contract documents, respond to RFI's, and make recommendations as to the acceptability of the work.
- d. Participate in up to two (2) meetings with the CLIENT and/or Contractor for the purpose of coordination or to address construction related issues.
- e. Upon completion of Project, prepare and issue a Letter of Recommendation of Project Acceptance to the CLIENT that also identifies the start of the Project's warranty period.

ASSUMPTIONS

- a. The length of construction is anticipated to be a period of two (2) months.

DELIVERABLES

- a. Meeting agenda and minutes
- b. RFI Responses & Field Coordination
- c. Recommendation of acceptance letter

ADDITIONAL SERVICES NOT INCLUDED IN THE SCOPE OF SERVICES

CLIENT and PROFESSIONAL agree that the following services are beyond the Scope of Services described in the tasks above. However, PROFESSIONAL can provide these services, if needed, upon the CLIENT's written request. Any additional amounts paid to the PROFESSIONAL as a result of any material change to the Scope of the Project shall be agreed upon in writing by both parties before the services are performed. These additional services include the following:

- i. Preparation of roadway design and plans.
- ii. Preparation of drainage design and plans.
- iii. Preparation of sanitary sewer design and plans.
- iv. Preparation of erosion control plans.
- v. Preparation of detailed traffic control or phasing plans.
- vi. Environmental Services.
- vii. Geotechnical services.
- viii. Services related to water modeling.
- ix. Services related to Topographic Survey beyond those listed in the scope of services.
- x. CCTV inspection of existing utilities.
- xi. Services related to development of the CLIENT's project financing and/or budget.
- xii. Services related to disputes over pre-qualification, bid protests, bid rejection and re-bidding of the contract for construction.
- xiii. Construction management and inspection services.
- xiv. Performance of materials testing or specialty testing services.
- xv. Services necessary due to the default of the Contractor.
- xvi. Services related to damages caused by fire, flood, earthquake or other acts of God.
- xvii. Services related to warranty claims, enforcement and inspection after final completion.
- xviii. Services related to Survey Construction Staking beyond those listed in the scope of services.

Exhibit A – Scope of Services

- xix. Services to support, prepare, document, bring, defend, or assist in litigation undertaken or defended by the CLIENT.
- xx. Public outreach support and public meeting attendance.
- xxi. Performance of miscellaneous and supplemental services related to the project as requested by the CLIENT.

Survey ITEMIZED SCOPE OF SERVICES

1. PROFESSIONAL shall provide all office and field work necessary to establish all property boundaries along Jackson Road as needed for the relocation of an existing waterline attached to the current Jackson Road Bridge for use in the preparation of documents to be used in ROW and/or Easement acquisitions.
2. PROFESSIONAL shall upon completion of the field work, a Registered Professional Land Surveyor shall perform a boundary analysis of the found monuments and determine the boundary lines of the properties and at which time ROW and/or Easement Exhibit 'A' (Legal Description) and Exhibit 'B' (Sketch) shall be prepared for use in said acquisitions. The new ROW and/or Easement lines will be monumented with a capped iron rod and followed by the Signed and Sealed documents from a Registered Professional Land Surveyor.
3. All survey information provided by the PROFESSIONAL will be referenced to Grid North of the Texas Coordinate System of 1983 {North Central Zone No. 4202; NAD83(2011) Epoch 2010} as derived locally from Allterra Central's continuously operating reference stations via real time kinematic survey methods as well as Conventional Survey methods.
4. PROFESSIONAL shall perform all surveying services in accordance with the General Rules and Procedures of Practice, and the Professional and Technical Standards established by the Texas Board of Professional Engineers and Land Surveyors.

DELIVERABLES:

PDF and/or hard copies of the documents shall be provided.

SCHEDULE:

Work shall begin within 10 working days from authorization to proceed.

[continues on next page]

S.U.E. ITEMIZED SCOPE OF SERVICES

GENERAL UNDERSTANDING:

The following represents the general understanding between the CLIENT and PROFESSIONAL regarding the basis and/or limitations under which these subsurface utility designating and/or locating services are provided:

1. These services will be conducted and provided in general compliance with CI/ASCE 38-02 (Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Data). This standard establishes and defines four quality levels for data collection that are briefly described as:
 - a. Quality Level D (QL-“D”) – Generally QL-“D” indicates information collected or derived from research of existing records and/or oral discussions.
 - b. Quality Level C (QL-“C”) - Generally QL-“C” indicates information obtained by surveying and plotting visible above-ground utility features and by using professional judgment in correlating this information to QL-“D” information. Incorporates QL-“D” information. (Limited in this scope, this scope is to cover underground utility crossings)
 - c. Quality Level B (QL-“B”) – Generally QL-“B”, also known as “designating” indicates information obtained through the application of appropriate surface geophysical methods to determine the existence and approximate horizontal position of subsurface utilities. Quality level B data should be reproducible by surface geophysics at any point of their depiction. This information is surveyed to applicable tolerances defined by the project and reduced onto plan documents. Incorporates QL-“D” & QL-“C” information.
 - d. Quality Level A (QL-“A”) - Generally QL-“A”, also known as “locating”, indicates the precise horizontal and vertical location of utilities obtained by the actual exposure (or verification of previously exposed and surveyed utilities) and subsequent measurement of subsurface utilities, at a specific point. Incorporates QL-“D” QL-“C” & QL-“B” information.
2. These services are for the purpose of aiding the design of the subject project by providing information related to subsurface utilities in order to allow potential utility conflicts to be minimized or eliminated.
3. The PROFESSIONAL will provide services that meet the standard of care for existing subsurface utility location and mapping as established in CI/ASCE 38-02 by exercising due diligence with regard to records research and acquisition of utility information, including visually inspecting the

Exhibit A – Scope of Services

work area for evidence of utilities and reviewing the available utility record information from the various utility owners. However, the PROFESSIONAL makes no guarantee that all utilities can or will be identified and shown as there still may be utilities within the project area that are undetectable or unknown.

4. Facilities that are discovered through field investigative efforts by the PROFESSIONAL but no plan records or ownership data can be identified will be hereafter referred to as “unknown” utilities. As part of these services, the PROFESSIONAL will provide QL-C information in the project deliverables for all unknown utilities that may be identified in the field investigation of the project. Designating and/or locating unknown utilities will typically not be part of the initial scope of work but depending on the client’s needs can be added as additional work to address concerns of the project impacts of “unknown” facilities.
5. Ground penetrating radar will not be used as a part of the field investigation of the project site unless that use has been specifically addressed with the scope of services described herein.
6. The documented results produced by these services represent a professional opinion and interpretation based upon record information and/or field evidence. These results may be affected by a variety of existing site conditions, including soil content, depth of the utility, density of utility clusters, and electro-magnetic characteristics of the targeted utilities. Also, the lack of and/or poor condition of a trace wire for non-conductive materials such as PVC, HDPE, etc. in most cases will make the successful detection and location of the utility unlikely.
7. The PROFESSIONAL will apply professional judgment to determine which utilities require additional field effort and/or methods to properly designate and/or locate, most commonly when record drawings are not available. In such cases, the PROFESSIONAL will provide a recommendation or request for additional services to the CLIENT. Among other methods, a detectable duct rodder or other conductor may be introduced into the line to enable the designation of the utility. This method is dependent upon approval by the utility owner, as well as access to, size and condition of the utility.
8. None of these services are intended to and should not be understood to relieve the CLIENT or others from the responsibility to comply with the statutory requirements related to notifying the proper one-call system(s) in advance of any and all excavation, grading and/or construction within the project site.

SCOPE OF BASIC SERVICES:

The scope of subsurface utility designating and/or locating services for this project is described below. Survey services to tie utility crossing marks and/or identifiers placed during the subsurface utility designating and/or locating effort will be provided in this contract.

- i. Quality Level ‘B’ through ‘D’ Utility Information & Designation – TNP will provide utility information, up to QL-“B”, for Jackson Rd a length of 250’ either side of the existing bridge, just north of Sherwood Lane. Project limits will include all of existing ROW and 50’ outside of existing ROW on either side.

This work includes:

- a. Requesting utility records on all crossing utilities from the CLIENT, public utilities and private utility companies known to provide service within the project area, as well as other sources,

Exhibit A – Scope of Services

in an effort to develop a comprehensive inventory of utility systems likely to be encountered. Record documents may include construction plans, system diagrams, distribution maps, transmission maps, geographic information system data, as well as oral descriptions of the existing systems. The depiction of utilities from records (QL-“C” or “D”) will be based on thorough field and office activities and shall be based on the most reliable indication of position available.

- b. Visible surface features and appurtenances of subsurface utilities found within the project site will also be evaluated. Using appropriate surface geophysical methods, PROFESSIONAL will search for detectable indications of the location of anticipated subsurface utilities.
- c. Marking all locations that can be validated, using paint, flags or other devices.
- d. Preparing documentation of the utilities encountered and marked, including their general location, orientation, type & size, if known.
- e. Based on ASCE Standard 38-02 standards, a PDF and 2D CADD file depicting the subsurface utilities designated signed and sealed by a Professional Engineer.

[continues on next page]

**RIGHT OF WAY
ITEMIZED SCOPE OF SERVICES**

1. Right of Entry for Survey

- a. Review Appraisal District information to determine parcel ownership.
- b. Research landowner's contact information. Call and/or email landowners to verify parcel ownership and request the Right of Entry for survey.
- c. Mail the Right of Entry request letter to all landowners unless we are able to secure the Right of Entry electronically first.
- d. Provide a weekly status of Right of Entries to the Project Manager.

2. Negotiation Services

- a. Analyze preliminary title report to determine potential title curative issues.
- b. Analyze appraisal report if applicable; confirm the CLIENT's approved value prior to making an offer for each parcel.
- c. Prepare the initial offer letter, instruments of conveyance, and any other documents required or requested by the CLIENT, on CLIENT approved forms.
- d. Send the initial offer, appraisal or title report if applicable, and required brochures to each property owner or the property owner's designated representative through CMRRR. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing.
- e. Make four (4) diligent attempts to contact each property owner, after which the property owner will be considered non-responsive, and negotiations will be considered exhausted.
- f. Prepare and maintain a negotiator's report for each parcel.
- g. Receive any counteroffers from the property owner. Evaluate all counters and submit to and discuss them with the CLIENT's Project Manager.
- h. After concurrence of CLIENT Project Manager, prepare final offer letter and mail conveyance documents by CMRRR.

3. Title and Closing Services (combined)

Exhibit A – Scope of Services

- a. Secure preliminary title commitment or preliminary title search, and 5-year sales data from Title Company that will be providing title insurance.
- b. Secure title insurance for all parcels acquired, ensuring acceptable title to the CLIENT. Written approval by the CLIENT is required for any exception.
- c. The curative services necessary to provide clear title to the CLIENT is the responsibility of the PROFESSIONAL.
- d. The PROFESSIONAL provides closing services in conjunction with the Title Company.
- e. Any fee related to obtaining certified court documents and fees for recording the same, which are not collected at the closing of the parcel, shall be direct pass-through fees at the exact cost.
- f. The PROFESSIONAL shall cause the recordation of all instruments conveying property to the CLIENT. The cost of the recording fees and filing fees are paid by CLIENT and are not included in the PROFESSIONAL's negotiated fee schedule.

4. Real Estate Appraisal Services

- a. Appraisers will provide advance notice of the date and time of their appraisal inspections of the subject property to the PROFESSIONAL'S Project Manager.
- b. Appraisers will prepare and conduct personal pre-appraisal contact with interest owners for each parcel.
- c. Appraisers will contact property owners or their designated representative to offer an opportunity to accompany the appraiser on the appraiser's inspection of the subject property. Maintain a record of contact in the file.
- d. For an initial appraisal assignment, prepare an appraisal report for each parcel to be acquired utilizing appropriate appraisal forms. These reports shall conform to policies and procedures along with the Uniform Standards of Professional Appraisal Practices as promulgated by the Appraisal Foundation.
- e. PROFESSIONAL will review and recommend completed appraisals for approval by the CLIENT Staff or assigns.
- f. Should revisions or updates to appraisal reports be requested by the CLIENT, PROFESSIONAL will submit associated fees to CLIENT for approval before authorizing such revisions or updates.

Exhibit A – Scope of Services

Attachment B

Teague Nall and Perkins, Inc.

2022 Standard Hourly Rates (vers 040422)

Effective January 1, 2022 to December 31, 2022

Engineering/Landscape Architecture/ROW	Hourly Billing Rate
Principal or Director	270.00
Team Leader	260.00
Senior Project Manager	250.00
Project Manager	200.00
Senior Engineer	260.00
Project Engineer	170.00
Engineer III/IV	140.00
Engineer I/II	130.00
Senior Landscape Architect/Planner	200.00
Landscape Architect / Planner	180.00
Landscape Designer	125.00
Senior Designer	165.00
Designer	150.00
Senior CAD Technician	135.00
CAD Technician	120.00
IT Technician	180.00
Clerical	85.00
ROW Manager	220.00
Senior ROW Agent	175.00
ROW Agent	135.00
Relocation Agent	170.00
ROW Admin	90.00
Intern	80.00
Surveying	Hourly Billing Rate
Survey Manager	245.00
Registered Professional Land Surveyor (RPLS)	210.00
Field Coordinator	145.00
S.I.T. or Senior Survey Technician	145.00
Survey Technician	120.00
1-Person Field Crew w/Equipment**	155.00
2-Person Field Crew w/Equipment**	185.00
3-Person Field Crew w/Equipment**	210.00
4-Person Field Crew w/Equipment**	230.00
Flagger	55.00
Abstractor (Property Deed Research)	95.00
Small Unmanned Aerial Systems (sUAS) Equipment & Crew	420.00
Terrestrial Scanning Equipment & Crew	265.00

Exhibit A – Scope of Services

Utility Management, Utility Coordination, and SUE	Hourly Billing Rate
Senior Utility Coordinator 175.00 Utility Coordinator 160.00	
Sr. Utility Location Specialist	165.00
SUE Project Manager	\$200.00
SUE Engineer	\$170.00
Utility Location Specialist	100.00
1-Person Designator Crew w/Equipment***	155.00
2-Person Designator Crew w/Equipment***	180.00
2-Person Vac Excavator Crew w/Equip (Exposing Utility Only)	300.00 (4 hr. min.)
Core Drill (equipment only)	790.00 per day
SUE QL-A Test Hole (0 < 8 ft)****	2,200.00 each
SUE QL-A Test Hole (> 8 < 15 ft)****	2,700.00 each

Construction Management, Construction Engineering and Inspection (CEI)	Hourly Billing Rate
Construction Inspector I/II	110.00
Construction Inspector III	120.00
Senior Construction Inspector	140.00
Construction Superintendent	185.00
Senior Project Manager	250.00
Construction Manager	200.00
Senior Construction Manager	250.00
Construction Records Keeper	120.00

Direct Cost Reimbursables

A fee equal to 3% of labor billings shall be included on each monthly invoice for prints, plots, photocopies, plans or documents on CD, DVD or memory devices, and mileage. No individual or separate accounting of these items will be performed by TNP or provided on the invoice.

Any permit fees, filing fees, or other fees related to the project and paid on behalf of the client by TNP to other entities shall be invoiced at 1.10 times actual cost.

Notes:

All subcontracted and outsourced services shall be billed at rates comparable to TNP's billing rates above or cost times a multiplier of 1.10.

* Rates shown are for 2022 and are subject to change in subsequent years.

** Survey equipment may include truck, ATV, Robotic Total Station, GPS Units and Digital Level.

*** Includes crew labor, vehicle costs, and field supplies.

[End of Exhibit A]



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5a

Agenda Date 8/16/2022

Number

Type Report

Department Finance

Title

Monthly Financial Report - July 2022

Explanation

General Fund

Through July, the General Fund has collected \$24.8 million in revenue and spent 81%, or over \$20.2 million, of its budgeted expenditures. From a cash-flow standpoint, the General Fund is in a similar position as last year, driven primarily by the higher revenue from Franchise Taxes, ambulance revenues and other service charges, and insurance/settlement payments recorded as miscellaneous revenue. Sales tax continues to do well, with 9.6% growth over the previous year. Expenses have increased from last July, mostly due to payroll increases, including vacation buy back, and overtime costs.

Sales tax revenue

The City's latest sales tax collections were a continuation of high gains, with an 8% increase over July of 2021. To date, this puts the City's total gain at 9.6%, or almost \$670,000, over the previous fiscal year. Furthermore, administrative audit adjustments were minimal, meaning this increase is reflective of continued growth in economic activity as opposed to adjustments from the comptroller's office. Cities across the state, DFW, and locally, showed similar results with destination-based economies like Grapevine, Southlake, and Hurst continuing their sizeable turnaround from their pandemic lows. With three months left in the fiscal year, Colleyville looks to finish strong.

Utility Fund

Through July, the Utility Fund has collected 81% of its budgeted revenue and spent 66% of its budgeted expenditures, yielding a stronger surplus than we saw this time last year. This is due in part to the suspension of late fees and penalties in FY21. As the summary details, the City's direct revenues have come in above its expenses, while our operational relationship with the Trinity River Authority accounts for most of the \$2.7 million surplus. The City received its annual true-up from the Trinity River Authority in April, resulting in about \$1 million in costs refunded to the City. Prior to

that, the Authority artificially lowered its invoices to the City in October and November of this fiscal year, resulting in additional savings. As is the case with every fiscal year, any savings will go directly into the City's cash-funded Capital Improvement Program to prevent any future debt issues, as well as reduce any needed rate increases in the coming year.

The Trinity River Authority is the water/wastewater provider used by Colleyville and several other local cities. Each year, the Authority apportions its operating budget among its customer cities based on projected water usage. After the year concludes, the Authority "trues up" its actual expenditures with its actual revenues. In the event there is a shortfall, the Authority will charge its customer cities an additional amount. If there is a surplus, the Authority issues prorated refunds to each customer city.

Drainage Fund

To date, the Drainage Utility Fund has received 84% of its budgeted revenue and spent 70% of its expenditures. This fund's cash flow is stronger than the previous year, with a surplus of \$382,000, led by lower spending on debt service. The fund paid off its remaining municipal revenue bond in FY21, resulting in annual savings of almost \$130,000. Some savings are also due to one vacancy. As for revenue, the Fund is on track to collect over one million dollars in fee revenue through the end of the fiscal year. As with other operating funds, any year-end surplus in this fund will be moved to the Drainage Capital Fund for use in the City's Capital Improvement Plan.

Hotel Fund

COVID-related economic disruptions obviously took a toll on any travel-related revenues in the last few years, but the Hotel Occupancy Tax Fund has kept a strong fund balance. Fortunately, travel activities are on the rise and revenue in this fund is making a comeback. While revenue still isn't quite as strong as we've seen prior to COVID, it has nevertheless doubled from FY21. Last year's ending fund balance came to \$245,000, and the current balance is sitting at just over \$166,000. Costs funded include personnel related directly to advertising the City as well as Colleyville Center costs and some special events. The cash position throughout this year has improved significantly over last year.

Debt Service Fund

Being predominately funded through property taxes, the Debt Service fund has received most 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 also occurring throughout the year. As of the July figures, the fund is running a deficit of about \$178,000 after its first scheduled bond payment and some lease payments this year. It should be noted our 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.

Attachments

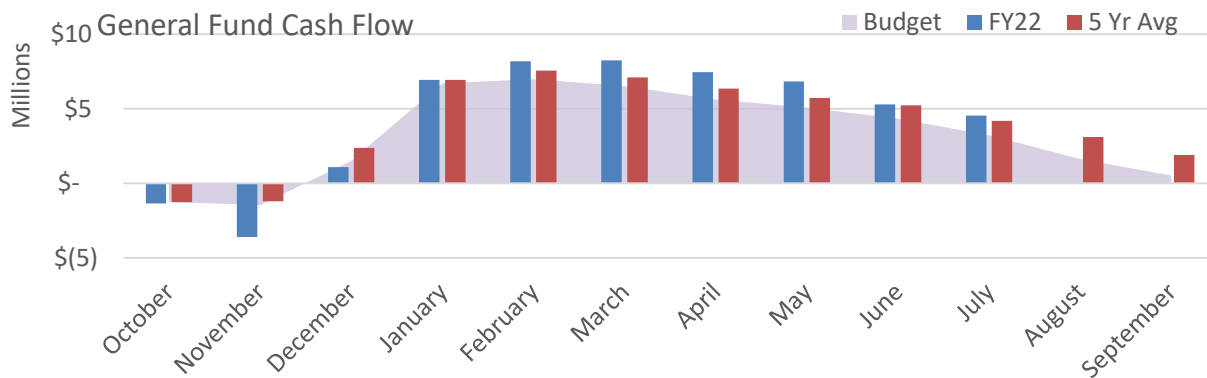
1. July 2022 MFR
2. Report Period July 2022

Monthly Financial Report - July 2022

General Fund % of year Completed 83%
 % of Budget Spent 81%

	FY22 Budget	FY22 YTD	% of Budget	FY21 YTD	FY21% of Budget
Revenues	\$ 25,659,689	\$ 24,780,304	97%	\$ 23,551,742	94%
Expenditures	\$ 25,130,144	\$ 20,232,061	81%	\$ 19,918,055	76%
	\$ 529,545	\$ 4,548,243		\$ 3,633,687	

Through July, the General Fund has collected \$24.8m in revenue and spent 81%, or over \$20.2m, of its budgeted expenditures. From a cash-flow standpoint, the General Fund is in a similar position as last year, driven primarily by the higher revenue from Franchise Taxes, ambulance revenues and other service charges, and insurance/settlement payments recorded as miscellaneous revenue. Sales tax continues to be a bright spot as well, with 9.6% growth over the previous year. Expenses are up significantly from last July, mostly due to payroll increases, including vacation buy back and overtime costs.



General Fund Highlights

Revenue (FY22/FY21)

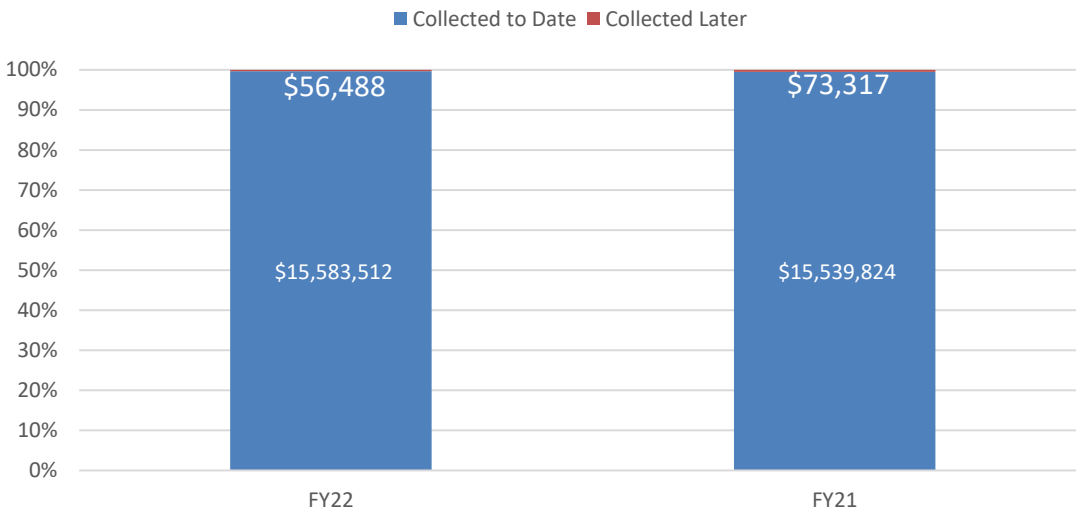
Property Tax	+ \$44k	Sales Tax	+ \$295k	Franchise Tax	+ \$148k
Licenses	+ \$68k	Other Revenue	+ \$667k	Total Rev	+ \$1,222k

Expenditures (FY22/21)

Personnel	+ \$478k	Contractual	-\$116k	Supplies	-\$36k
Capital	-\$12k	Transfers	\$ 0k	Total Exp	+ \$314k

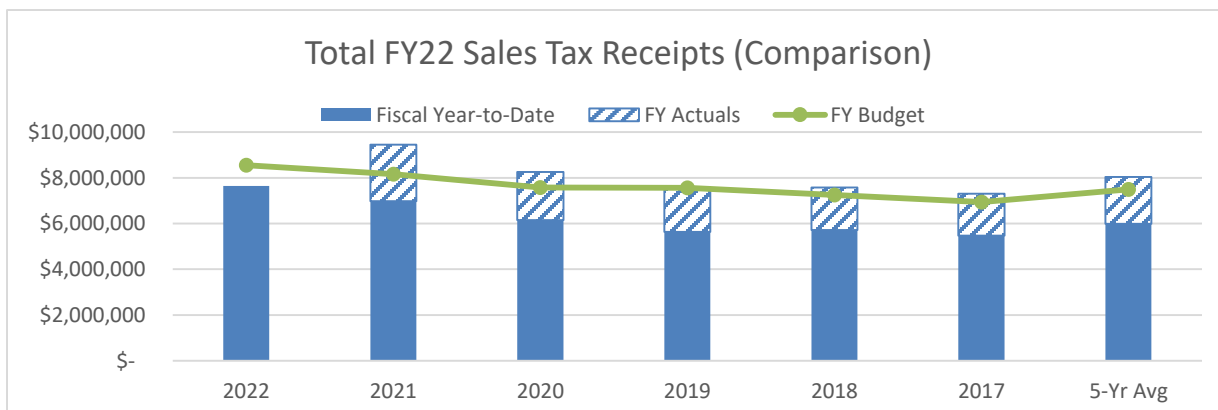
Monthly Financial Report - July 2022

Revenue Highlight: Property Tax



Colleyville is planning to receive \$15.64m in General Fund property tax this year, which makes for a small increase over actual FY21 property tax receipts. It should be noted that this increase comes from taxes off of new property, as opposed to increased taxes on existing property inside the City. As with last fiscal year, Colleyville's FY22 budget has been balanced using the no-new-revenue tax rate.

Revenue Highlight: Sales Tax



MTD Increase

↑ 8.1%

YTD Increase

↑ 9.6%



The City's latest sales tax collections were a continuation of high gains, with an 8% increase over June of 2021. To date, this puts the City's total gain at 9.6%, or almost \$670,000, over the previous fiscal year. Furthermore, administrative audit adjustments were minimal, meaning this increase is reflective of continued growth in economic activity as opposed to adjustments from the comptroller's office. Cities across the state, DFW, and locally showed similar results, with destination-based economies like Grapevine, Southlake, and Hurst continuing their sizeable turnaround from their pandemic lows. With 3 months left in the fiscal year, Colleyville looks to finish strong.

Monthly Financial Report - July 2022

% of year Completed 83%

Water/Sewer Utility Fund

% of Budget Spent 66%

	FY22 Budget	FY22 YTD	% of Budget	FY21 YTD	FY21% of Budget
Revenues	\$ 18,088,176	\$ 14,726,867	81%	\$ 12,465,652	71%
Expenditures	\$ 18,088,176	\$ 12,024,279	66%	\$ 10,743,335	61%
	\$ -	\$ 2,702,588		\$ 1,722,317	

Breakout of City's revenues/expenses from those related to the Trinity River Authority:

*TRA Revenue/Expense Summary			City Revenue/Expense Summary		
	FY22 Budget	FY22 YTD		FY22 Budget	FY22 YTD
Revs	\$ 14,359,032	\$ 11,688,113	Revs	\$ 3,729,144	\$ 3,038,754
Exps	\$ 13,909,032	\$ 9,099,949	Exps	\$ 3,729,144	\$ 2,924,330
Net	\$ 450,000	\$ 2,588,164	Net	\$ -	\$ 114,424

Through July, the Utility Fund has collected 81% of its budgeted revenue and spent 66% of its budgeted expenditures, yielding a stronger surplus than we saw this time in the previous year. This is due in part to the suspension of late fees and penalties in FY21. As summary above shows, the City's direct revenues have come in above its expenses, while our operational relationship with the Trinity River Authority accounts for most of the \$2.7m surplus. The City received its annual true-up from the Trinity River Authority in April, resulting in about \$1 million in costs refunded to the City. Prior to that, the Authority artificially lowered its invoices to the City in October and November of this fiscal year, resulting in additional savings. As is the case with every fiscal year, any savings will go directly into the City's cash-funded capital improvement program to prevent any future debt issues as well as reduce any needed rate increases in the coming year.

Annual Trinity River Authority True-Up

The Trinity River Authority is the water/wastewater provider used by Colleyville and several other local cities. Each year, the Authority apportions its operating budget among its customer cities based on projected water usage. After the year concludes, the Authority "true up" its actual expenditures with its actual revenues. In the event there is a shortfall, the Authority will charge its customer cities an additional amount. If there is a surplus, the Authority issues prorated refunds to each customer city.

Expenditures (FY22/21)		Mostly TRA costs ↓			
Personnel	- \$50k	Contractual	\$1,357k	Supplies	- \$64k
	↓		↑		↓
Capital	+ \$15k	Transfers	+ \$23k	Total Exp	+ \$1,281k
	↑		↑		↑

Colleyville's rate structure enables the City to more easily manage years of varying water consumption from year-to-year. The majority of the City's rate is comprised of a direct pass-through to TRA for water costs. Funding for the City's operational costs come from a fixed monthly charge to customers based on meter size. The goal of this fund is to break-even at the end of the year.

Monthly Financial Report - July 2022

% of year Completed

83%

Drainage Utility Fund

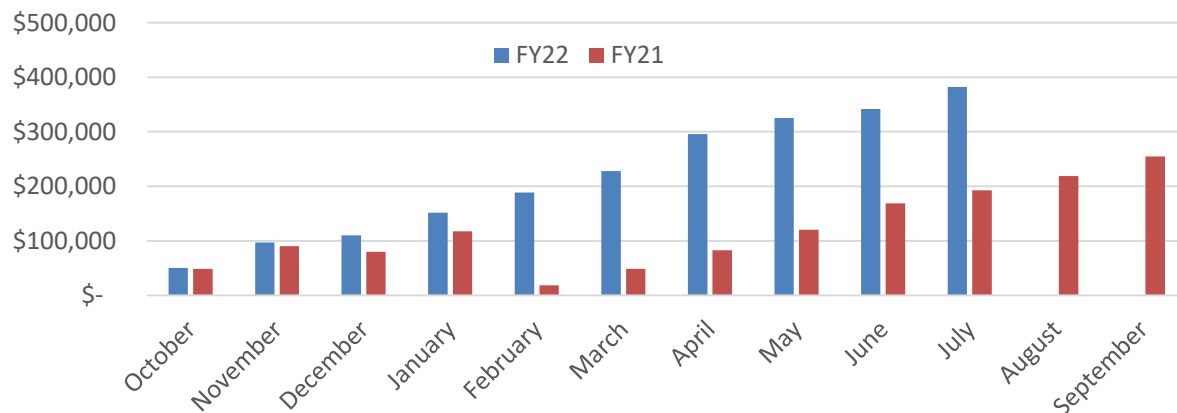
% of Budget Spent

70%

	FY22 Budget	FY22 YTD	% of Budget	FY21 YTD	FY21% of Budget
Revenues	\$1,030,868	\$ 868,512	84%	\$ 842,129	86%
Expenditures	\$ 694,205	\$ 486,149	70%	\$ 649,666	80%
	\$ 336,663	\$ 382,362		\$ 192,463	

To date, the Drainage Utility Fund has received 84% of its budgeted revenue and spent 70% of its expenditures. This fund's cash flow is stronger than the previous year, with a surplus of \$382,000, led by lower spending on debt service. The fund paid off its remaining municipal revenue bond in FY21, resulting in annual savings of almost \$130,000. Some savings are also due to one vacancy here. As for revenue, the Fund is on track to collect over one million dollars in fee revenue through the end of the fiscal year. As with our other operating funds, any year-end surplus in this fund will be moved to the Drainage Capital Fund for use on the City's capital improvement plan.

FY22 vs. FY21 Cash Flow



Drainage Fund Operation Highlights

Revenue - Drainage Fees

FY22/FY21 0.2%

FY22/5-Yr Avg 1.0%

Expenditures (FY22/21)

Personnel	-\$18k
Supplies	-\$12k
Debt Service	-\$126k

Note: this fund's debt service is has been retired as of fiscal year 2021.

Contractual	-\$6k
Capital/Xfers	\$0k
Total Exp.	-\$164k

Monthly Financial Report - July 2022

Hotel Tax Fund

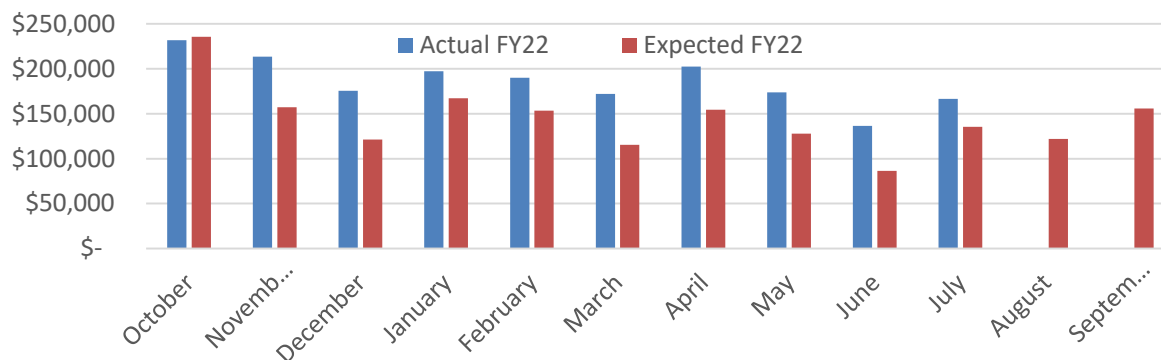
% of year Completed 83%

% of Budget Spent 96%

	FY22 Budget	FY22 YTD	% of Budget	FY21 YTD
Revenues	\$ 252,500	\$ 158,713	63%	\$ 79,993
Expenditures*	\$ 247,822	\$ 237,714	96%	\$ 262,980
	\$ 4,678	\$ (79,001)		\$ (182,988)

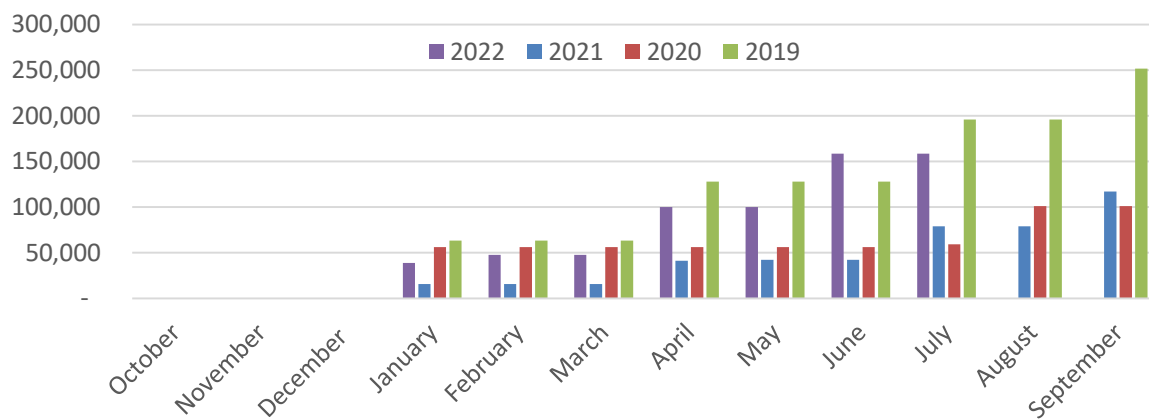
COVID-related economic disruptions obviously took a toll on any travel-related revenues in the last few years, but the Hotel Occupancy Tax Fund has kept a strong fund balance. Fortunately, travel activities are on the rise and revenue in this fund is making a comeback. While our revenue still isn't quite as strong as we've seen prior to COVID, it has nevertheless doubled from FY21. Last year's ending fund balance came to \$245,000, and the current balance is sitting at just over \$166,000. Costs funded out of here include personnel related directly to advertising the city as well as Colleyville Center costs and some special events. The cash position throughout this year has improved significantly over last year.

Expected Fund Balance vs. Actual Fund Balance (by month)



Hotel Tax Performance

FY22 Revenue vs. History



Monthly Financial Report - July 2022

Debt Service Fund % of year Completed 83%
 % of Budget Spent 97%

	FY22 Budget	FY22 YTD	% of Budget	FY21 YTD	FY21% of Budget
Revenues	\$ 627,500	\$ 617,787	98%	\$ 801,464	102%
Expenditures*	\$ 821,898	\$ 796,223	97%	\$ 833,146	102%
	\$ (194,398)	\$ (178,436)		\$ (31,681)	

Being predominately funded through property taxes, the Debt Service fund has received most 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 also occurring throughout the year. As of the July figures, the fund is running a deficit of about \$178,000 after its first scheduled bond payment and some lease payments this year. It should be noted that our 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.



For any questions or comments regarding this report, please contact:

Kyle Lester
 Finance Director
 City of Colleyville, TX
klester@colleyville.com
 817-503-1014



Agenda Item - Items not for council action

Monthly Financial Report July 2022

City Council Meeting
August 16, 2022

General Fund

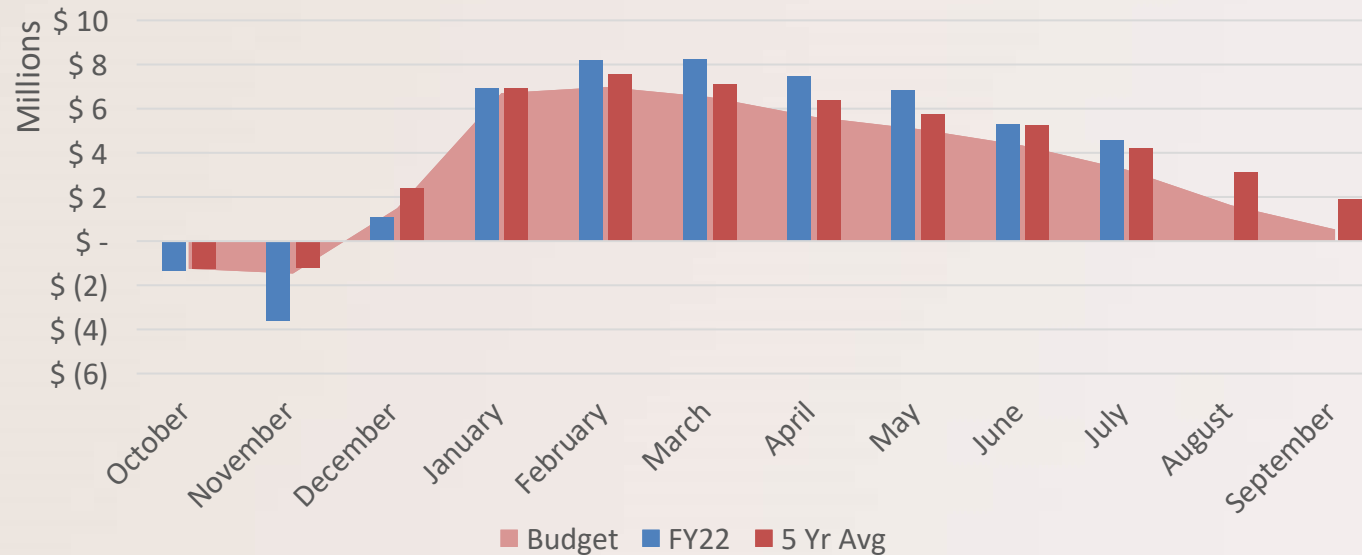


General Fund

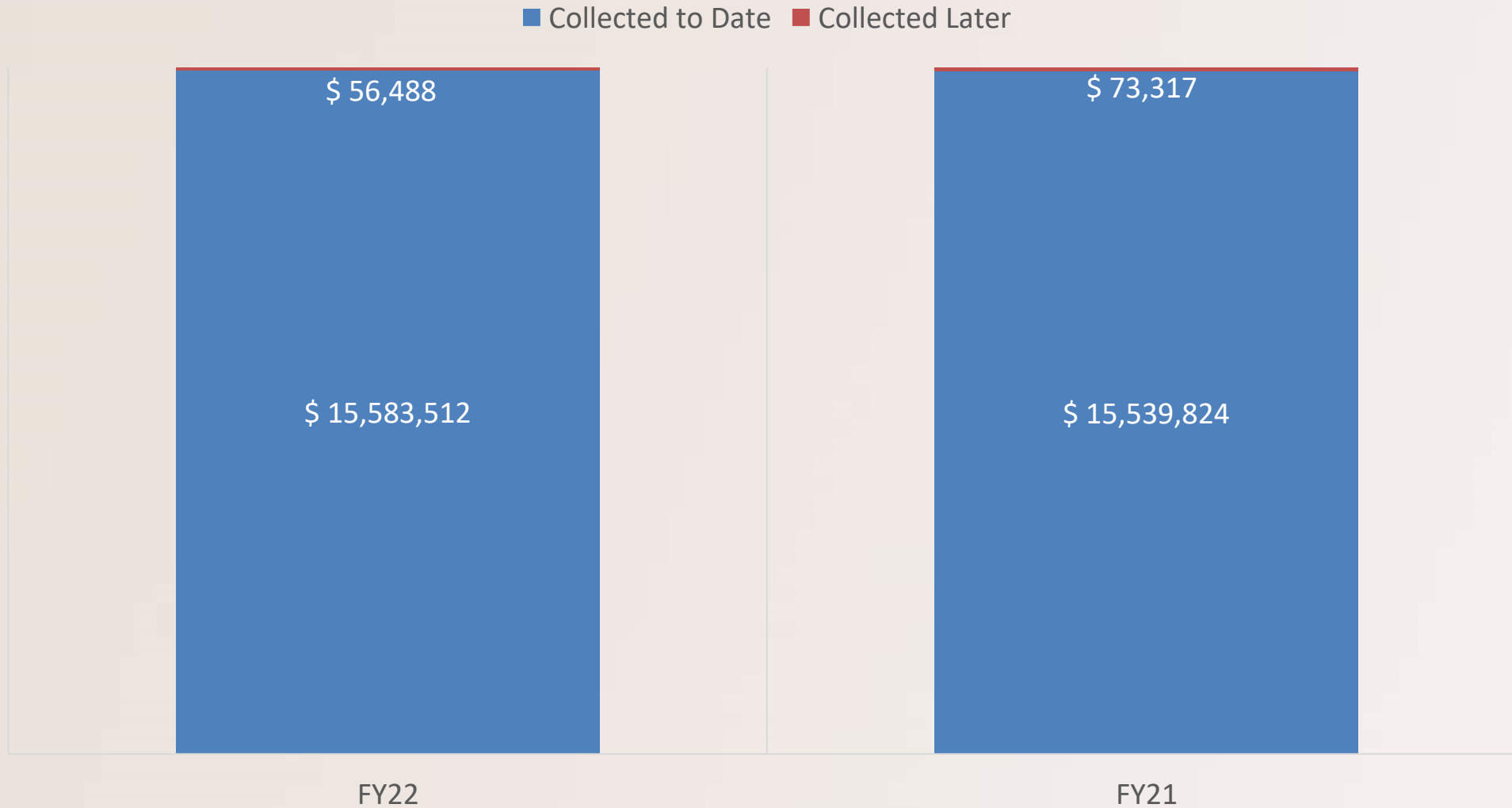
	FY22 Budget		FY22 YTD		% of Budget	FY21 YTD		FY21 % of Budget
Revenues	\$	25,659,689	\$	24,780,304	97%	\$	23,551,742	94%
Expenditures	\$	25,130,144	\$	20,232,061	81%	\$	19,918,055	76%
	\$	529,545	\$	4,548,243		\$	3,633,687	

*83% of the year is completed

General Fund Cash Flow



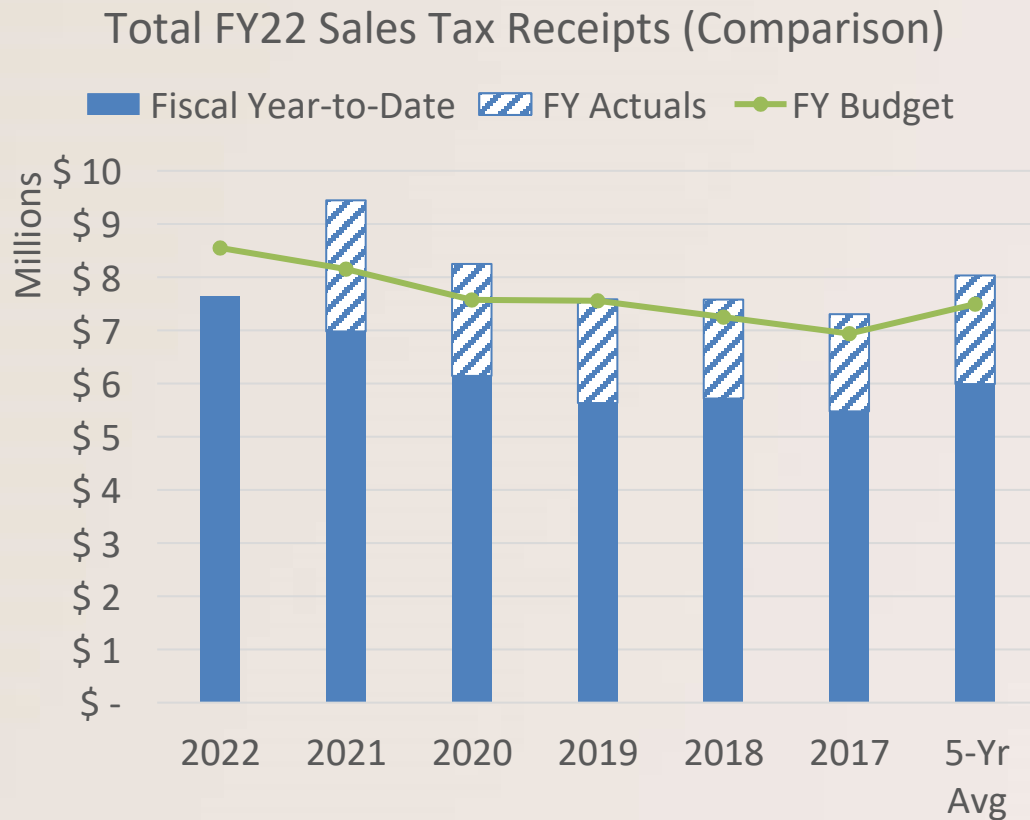
Property Tax Highlight



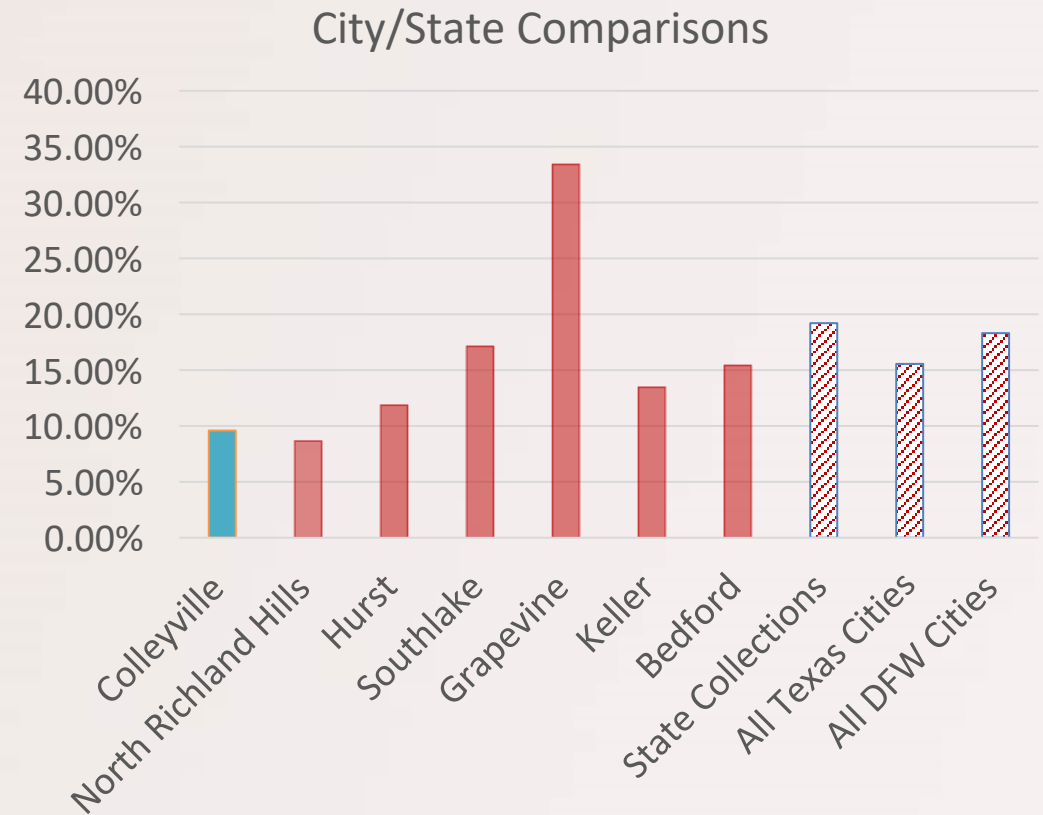
Sales Tax Highlight



FY22 YTD Receipts compared to Previous Years



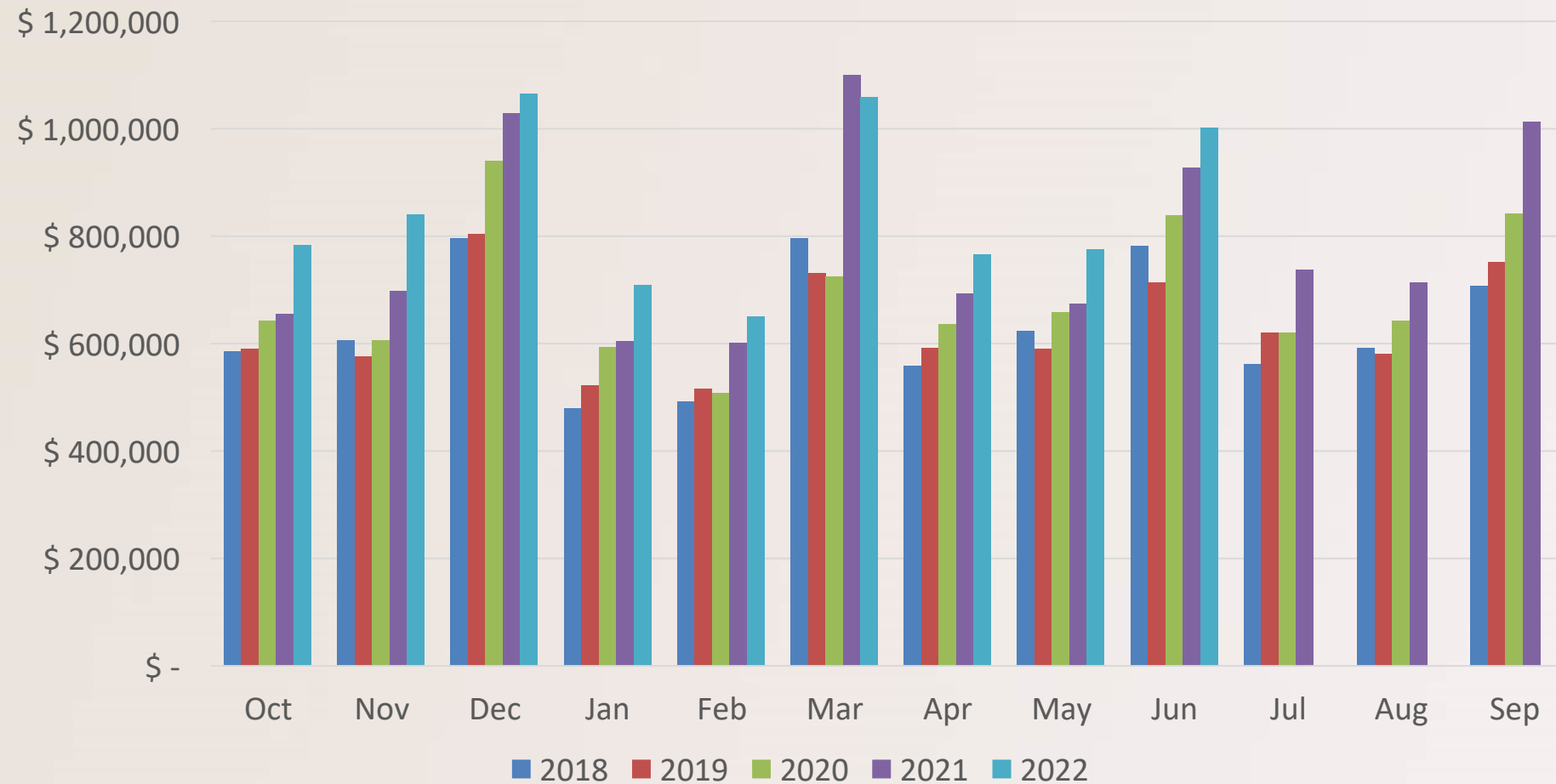
City/State Comparisons



Sales Tax Highlight



Month over Month Collections



Utility Fund



Utility Fund					
	FY22 Budget	FY22 YTD	% of Budget	FY21 YTD	FY21 % of Budget
Revenues	\$ 18,088,176	\$ 14,726,867	81%	\$ 12,465,652	71%
Expenditures	\$ 18,088,176	\$ 12,024,279	66%	\$ 10,743,335	61%
	\$ -	\$ 2,702,588		\$ 1,722,317	

*83% of the year is completed

TRA Revs/Exps		
	FY22 Budget	FY22 YTD
Revenues	\$ 14,359,032	\$ 11,688,113
Expenditures	\$ 13,909,032	\$ 9,099,949
	\$ 450,000	\$ 2,588,164

City Revs/Exps		
	FY22 Budget	FY22 YTD
Revenues	\$ 3,729,144	\$ 3,038,754
Expenditures	\$ 3,729,144	\$ 2,924,330
	\$ -	\$ 114,424

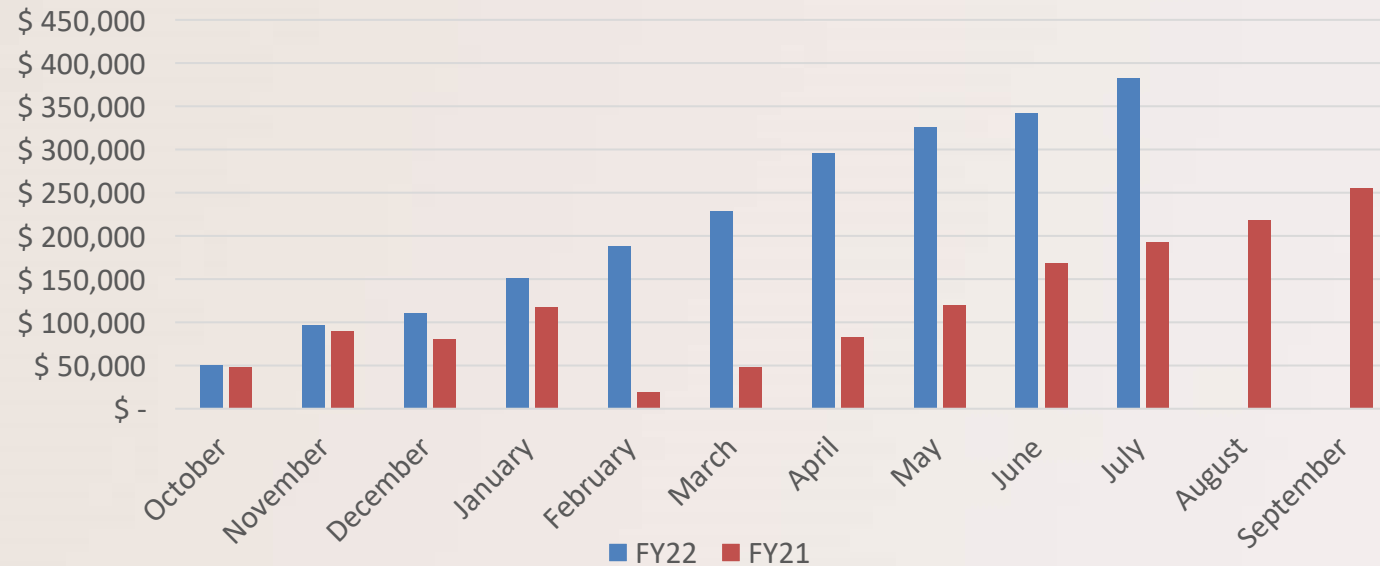
Drainage Fund



Drainage Fund					
	FY22 Budget	FY22 YTD	% of Budget	FY21 YTD	FY21 % of Budget
Revenues	\$ 1,030,868	\$ 868,512	84%	\$ 842,129	86%
Expenditures	\$ 694,205	\$ 486,149	70%	\$ 649,666	80%
	\$ 336,663	\$ 382,362		\$ 192,463	

*83% of the year is completed

FY22 vs. FY21 Cash Flow



Hotel Fund

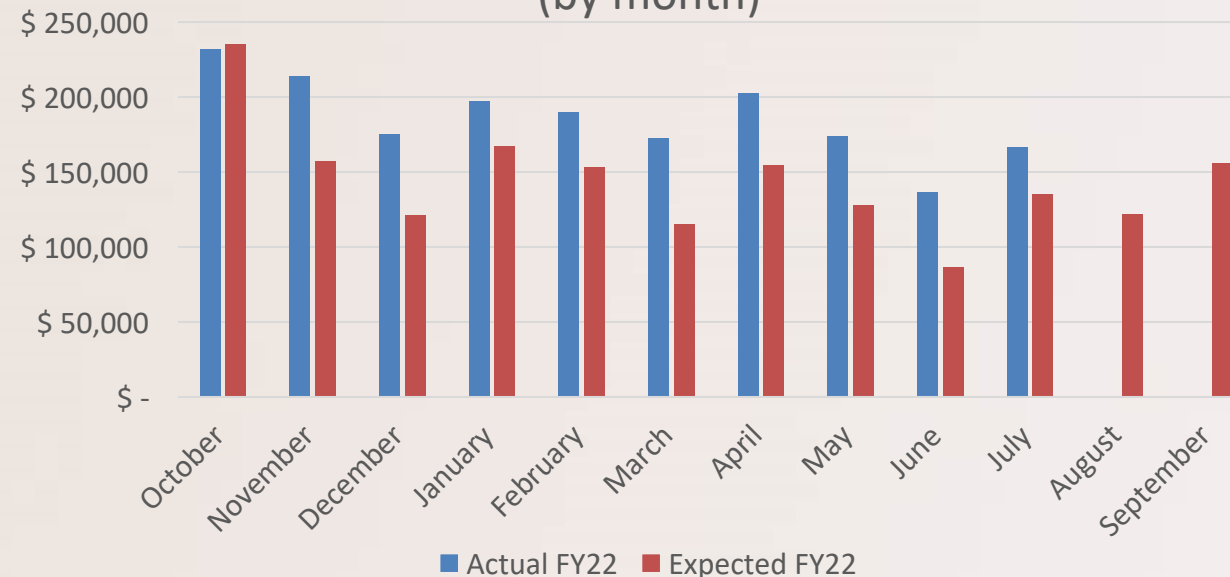


Hotel Fund

	FY22 Budget		FY22 YTD		% of Budget	FY21 YTD
Revenues	\$	252,500	\$	158,713	63%	\$ 79,993
Expenditures	\$	247,822	\$	237,714	96%	\$ 262,980
	\$	4,678	\$	(79,001)		\$ (182,988)

*83% of the year is completed

Expected Fund Balance vs. Actual Fund Balance
(by month)



Debt Service Fund



Debt Service Fund						
	FY22 Budget		FY22 YTD		% of Budget	
Revenues	\$	627,500	\$	617,787	98%	\$ 801,464 102%
Expenditures	\$	821,898	\$	796,223	97%	\$ 833,146 102%
	\$	(194,398)	\$	(178,436)		\$ (31,681)

*75% of the year is completed





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 8/16/2022

Number Ordinance O-22-2212

Type Ordinance

Department Community Development

Title

Consideration of a Special Use Permit for a fence to be located beyond the front facade of the primary dwelling on Lot 2, Block A, Park View Estate, located at 717 Field Street, Case ZC22-025

Strategic Plan

4.1 Protect Colleyville's semi-rural residential character

Explanation

Second Reading and Public Hearing

UPDATE: The applicant is unavailable for the August 16, 2022 meeting and is requesting to table to the September 6, 2022 City Council meeting.

The applicants were present and answered questions regarding the request. Comments were received during the public hearing, including from the adjacent neighbor to the north who spoke in favor of the request.

First Reading and Public Hearing

Brian Kenner, the applicant, has submitted a request for a Special Use Permit (SUP) for a five-foot iron fence with a gate over the driveway and an eight-foot wooden fence both to be located beyond the front façade of the primary structure on Lot 2, Block A, Park View Estate being approximately 0.57 acres, and zoned R-20 Single Family Residential district.

Existing Conditions/Background: The subject property, 717 Field Street, has R-20 zoning and is located at the intersection of Field Street and South Street. The subject property has a new single family residence.

SUP Request: *Request* – The applicant is requesting approval of an SUP to allow for a five-foot iron fence with a gate and an eight-foot wooden fence, both to be forward of the home. The proposed fence is requested to be placed on the front property line.

Ordinance – Section 3.26 Fences, Free Standing Walls, and Screening Materials Regulations of the Land Development Code establishes the maximum size and location of fencing to be permitted by staff on a residential lot:

"E. Fence and Free-Standing Wall Setback Requirement:

1. Front Yards: No fence or freestanding wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent opaque construction shall be located beyond the front façade of the primary residential structure.

a. The primary fencing material shall be of wrought iron, pre-formed concrete, poured in place concrete, concrete masonry unit (CMU), brick, approved wood rail construction, a combination thereof or other similar material approved by the City Building Official. All poured in place concrete and CMU shall contain an architectural finish."

Regulation "1" above applies in this case requiring no fence be allowed to extend beyond the front façade of the house. The applicant proposes to locate an iron fence with a gate five-feet in height and an eight-foot wooden fence both to extend beyond the front facade. The Land Development Code provides the opportunity to request an SUP to modify from the requirements:

Special Use Permit Provision: Any request for a building permit for a fence/wall 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.

Analysis: Any request for a residential fence which differs from the Land Development Code shall only be authorized after approval of a Special Use Permit by the City Council. The applicant is proposing a five-foot iron fence with gate and an eight-foot wood fence to be located beyond the front façade of the home. It would be located on the front property line.

Plat Status: The property is platted as Lot 2, Block A, Park View Estate.

DRC Review: The DRC met on June 20th and determined the case could be scheduled for the next available Planning and Zoning Commission meeting.

Drainage: NA

Surrounding Development: The properties to the south and west are zoned R-20 and contain single family residential development. The property to the east is zoned PUD-R Planned Unit Development – Residential and contain single family residential development. The property to the north is zoned R-10 Single Family Residential and is improved with uses associated with single family residential development.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 recommends denial of the requested SUP as it does not meet the technical requirements of the Land Development Code.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the eight-foot wood fence only at their July 11, 2022 meeting by a vote of 4-0.

Financial Impact

There is no financial impact to the City.

Recommendation

Denial

Attachments

1. Request to Table to September 6, 2022 CC Meeting
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Site Plan - Fence Detail
6. Street View 1
7. Street View 2
8. Notification Map
9. Notification Letter
10. Notification List
11. Ordinance O-22-2212

Ben Bryner

Subject: RE: Planning and Zoning Meeting

From: Kenner, Brian <>

Sent: Tuesday, August 9, 2022 8:40 AM

To: Jackie Reyff <JReyff@colleyville.com>

Cc: Ashley Hamm <>; Ben Bryner <BBryner@colleyville.com>; Dakari Hill <DHill@colleyville.com>

Subject: Re: Planning and Zoning Meeting

Yes needs to be tabled until the 6th of September please.

On Tue, Aug 9, 2022 at 8:05 AM Jackie Reyff <JReyff@colleyville.com> wrote:

Mr. Kenner,

The next City Council meeting is on August 16, 2022. The next meeting after that is September 6th. If you need to move your case to the 6th meeting date then we'll need an email requesting your case to be tabled to the 6th.

If you have any further questions, I may be reached by phone or email.

Jackie

Jacquelyn Reyff, AICP

Planning Manager



817.503.1056

Integrity ~ Communication ~ Excellence ~ Transparency



ATTENTION ALL PUBLIC OFFICIALS: A "Reply to All" of this e-mail could lead to violations of the Texas Open Meeting Act. Please reply only to the sender.

From: Kenner, Brian <>

Sent: Tuesday, August 9, 2022 7:09 AM

To: Jackie Reyff <JReyff@colleyville.com>

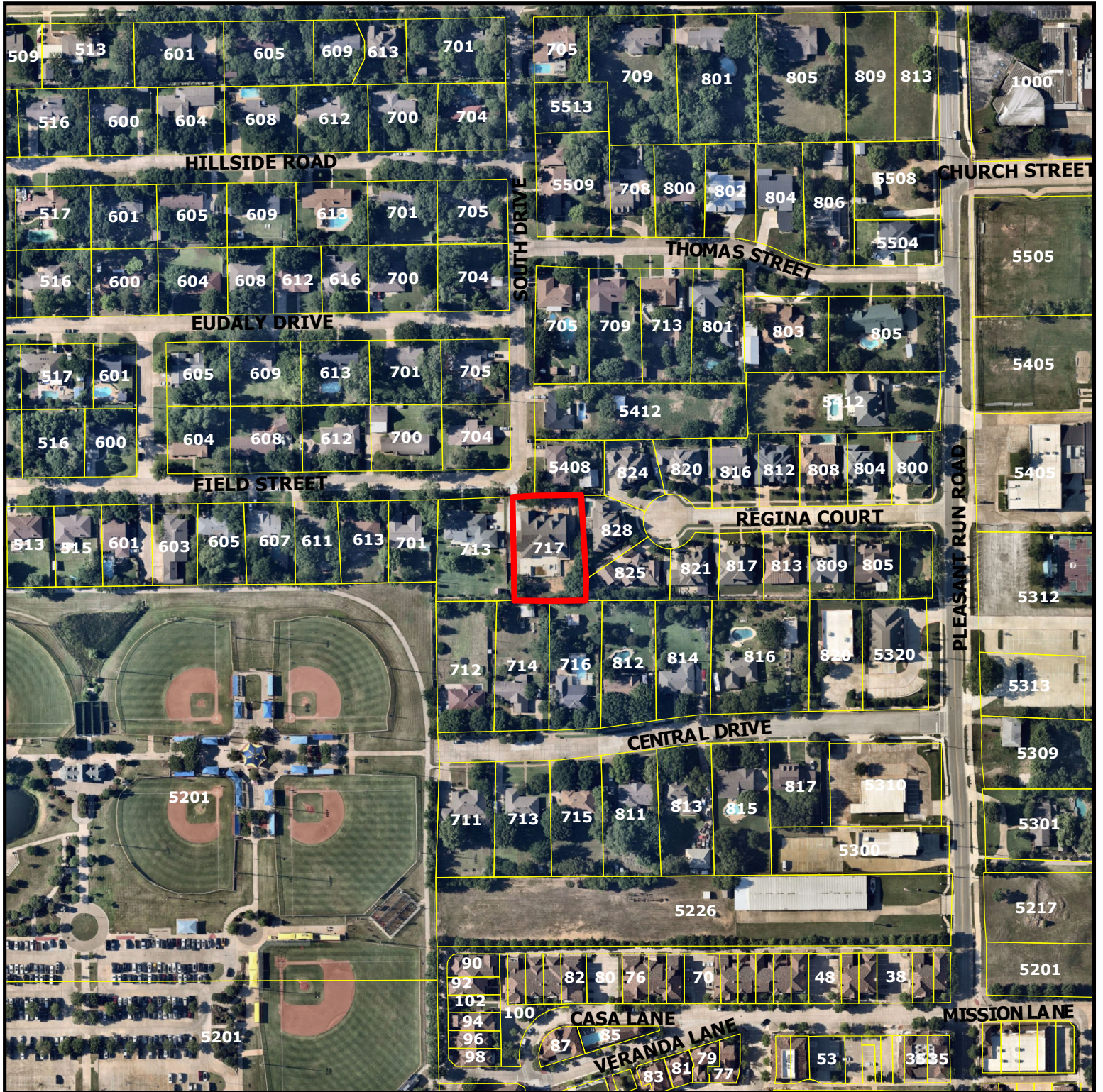
Cc: Ashley Hamm <>; Ben Bryner <BBryner@colleyville.com>; Dakari Hill <DHill@colleyville.com>

Subject: Re: Planning and Zoning Meeting

Hi Jackie,

When is the next meeting? I believe we can't make it but would need the date available for the next meeting.

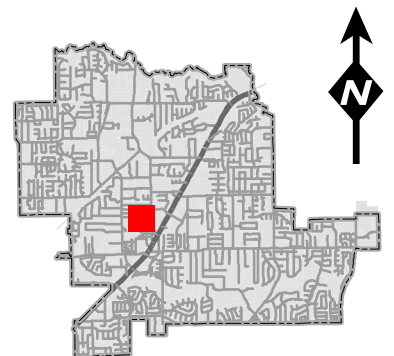
Aerial Map



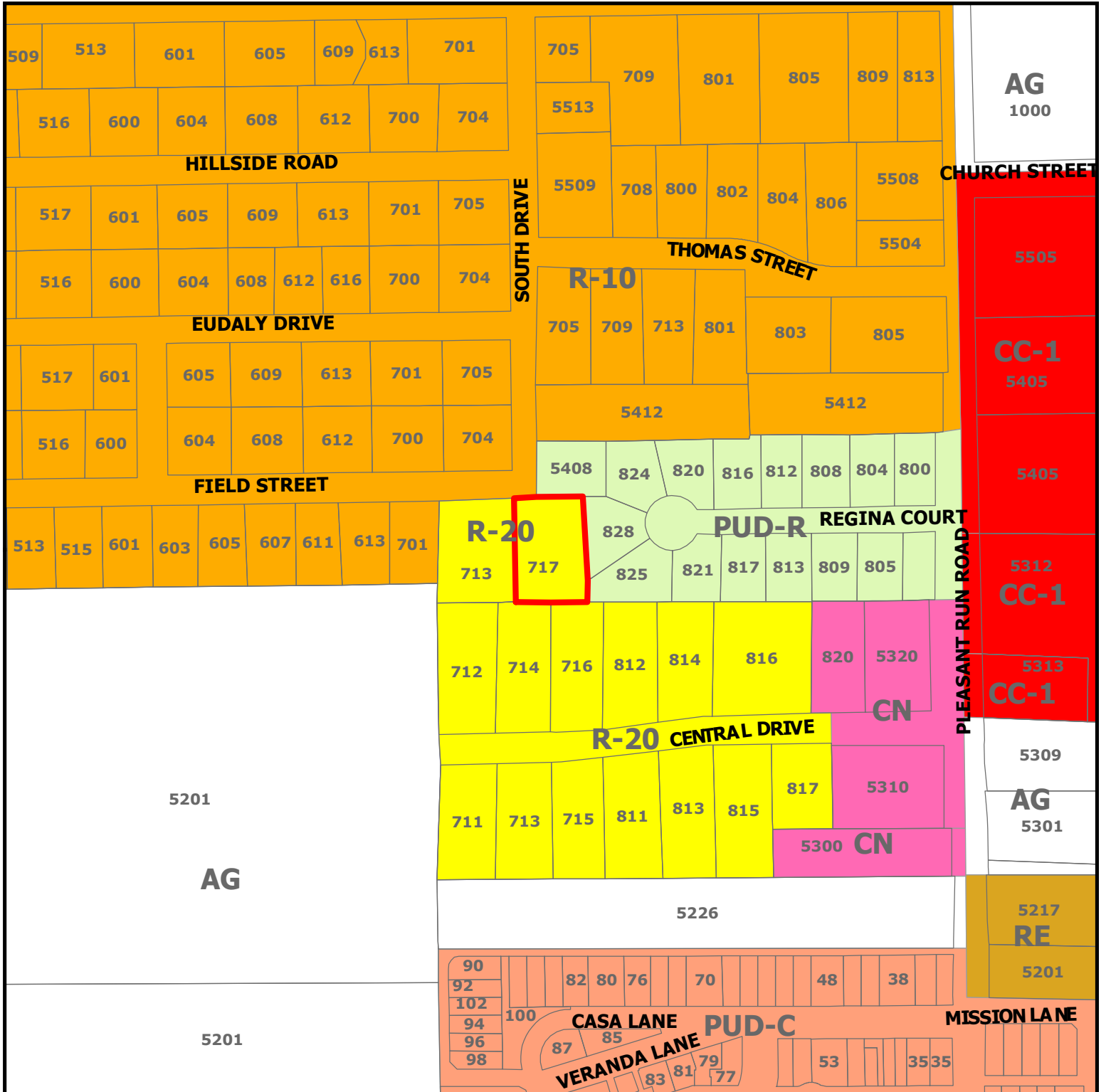
ZC22-025
717 Field Street

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



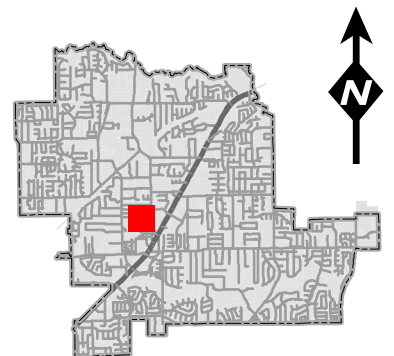
Zoning Map



ZC22-025
717 Field Street

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 Subject Property

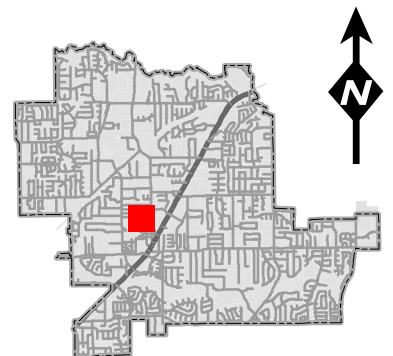


Future Land Use Map



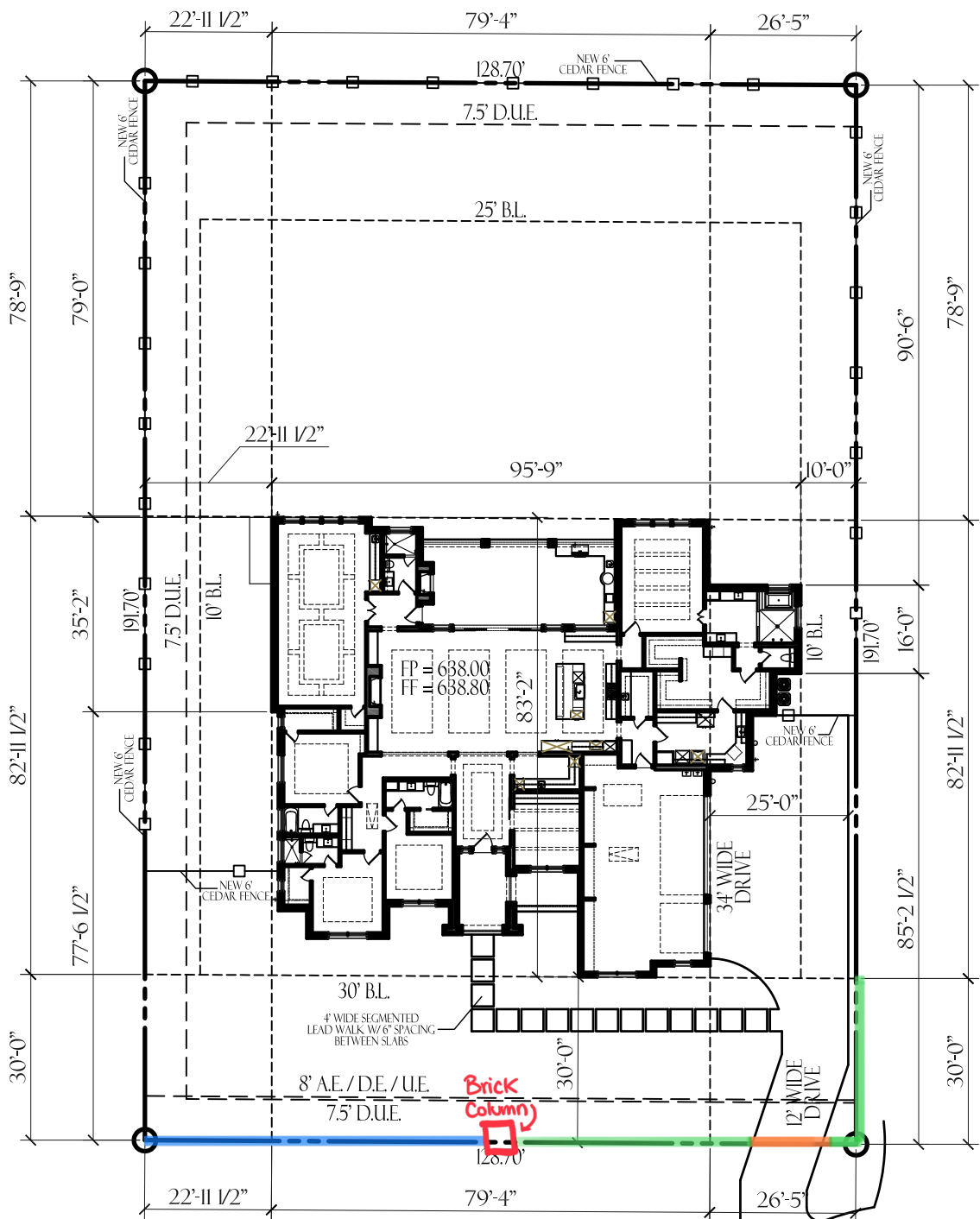
ZC22-025
717 Field Street

- Subject Property
- Residential
- Colleyville Blvd Corridor
- Open Space; Parks



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FENCE DETAIL SITE PLAN



Blue highlighted to be 8' wood fence on steel posts stopping at the brick column

Green highlighted to be 5' tall iron fence

Orange highlighted to be 12' sliding gate

717 FIELD STREET

DS
GAW
DS
Bk
DS
AK

TOTAL LOT: 24,671 SQ. FT.
TOTAL SLAB: 6,255 SQ. FT. = 25.35% COVERAGE
TOTAL DRIVES & WALKS: 1,750 SQ. FT.
COMBINED SLAB, DRIVES, & WALKS: 8,005 SQ. FT.
32.45 % TOTAL LOT COVERAGE



SITE PLAN
1" = 30'-0"
LOT 2, BLOCK A
PARK VIEW ESTATE
COLLEYVILLE, TEXAS
KENNER RESIDENCE
20023

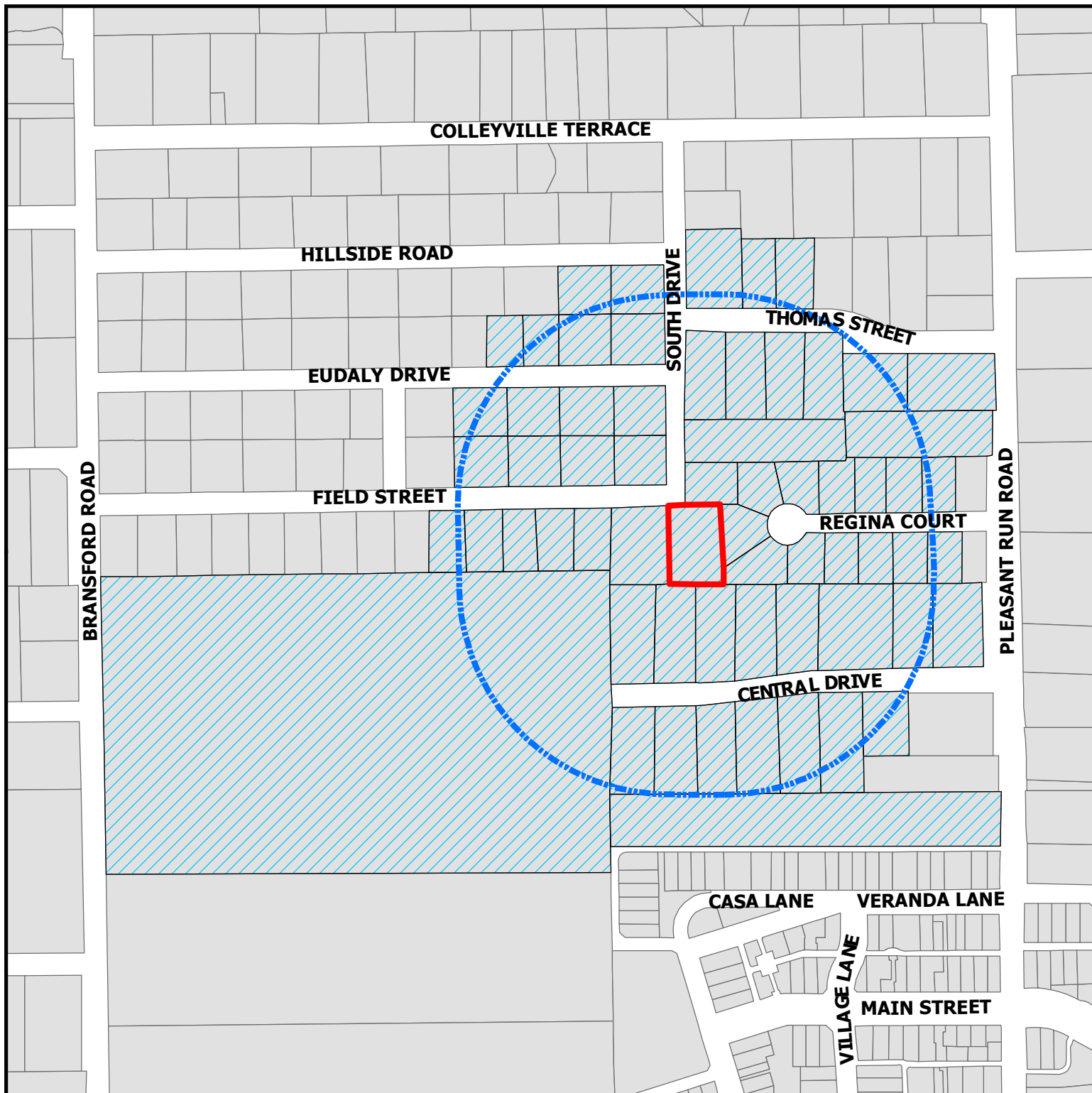
* Contractor/Owner to verify and check all aspects of this site and plot plan prior to any construction





NOTICE: TOWING CHARGE
ON THIS PROPERTY
For more information
(817) 503-1050

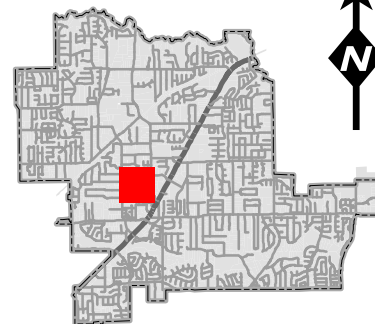
Notification Map



ZC22-025
717 Field Street

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-  Subject Property
-  500ft Buffer
-  Properties within 500ft





NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, July 11, 2022 at 7:00 p.m.
City Council Meetings: Tuesday, August 2, 2022 & Tuesday, August 16, 2022 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a Special Use Permit for a Fence to be located beyond the front façade of the primary dwelling. The purpose of the request is to allow for a wood and iron fence with an iron driveway gate to encroach into the 30-foot required front yard setback.

Zoning Case: ZC22-025

Applicant: Brian Kenner

Owner: Brian Kenner

Location: 717 Field Street

Property Description: Lot 2, Block A, Park View Estate

Present Zoning: R-20 Single Family Residential

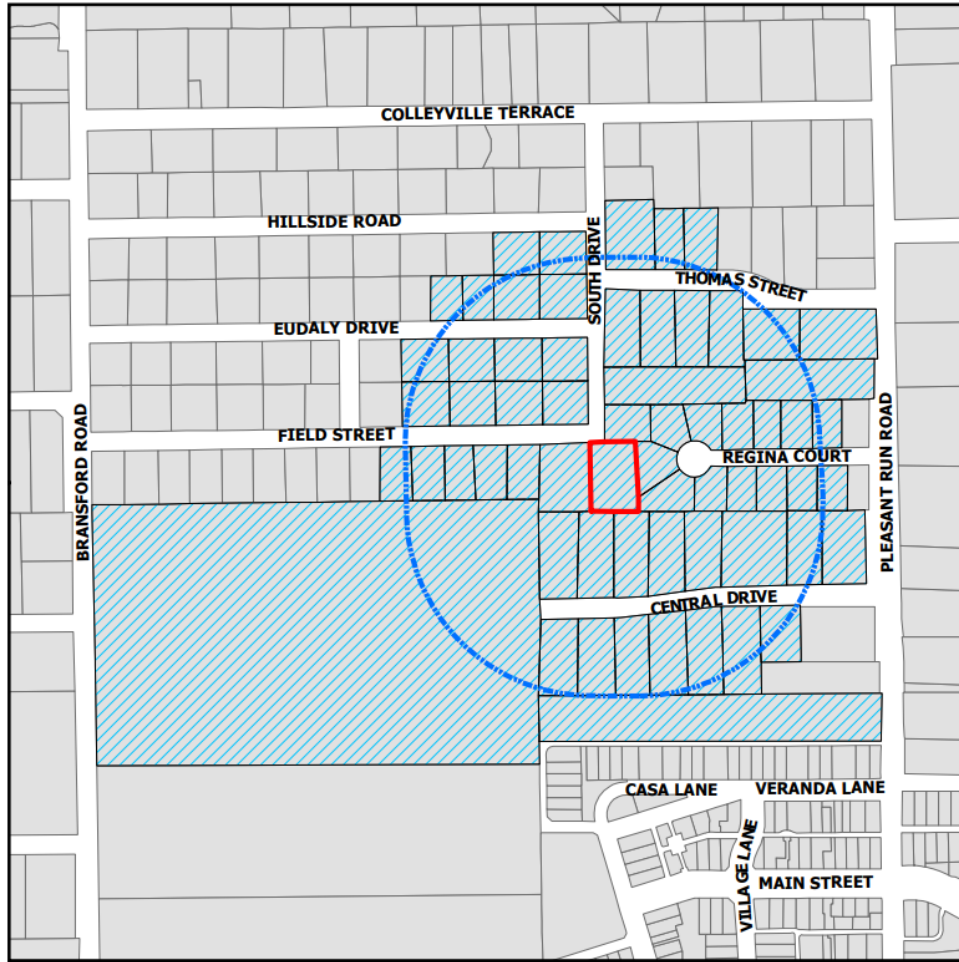
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

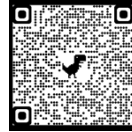
**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff

Jacquelyn Reyff
Principal Planner
jreyff@colleyville.com

Owner Name	Owner Address	Owner City
2021VECO LLC	6406 CUTTER RIDGE CT	COLLEYVILLE, TX
BANKS, JAMES	715 CENTRAL DR	COLLEYVILLE, TX
BARNES, MICHAEL	812 REGINA CT	COLLEYVILLE, TX
BELL, MICHAEL W	816 REGINA CT	COLLEYVILLE, TX
BENNETT, LORI	611 FIELD ST	COLLEYVILLE, TX
BERGMAN, JONAS	612 FIELD ST	COLLEYVILLE, TX
BRUNKEN, JOHN E. JR.	7204 BELLE MEADE DR	COLLEYVILLE, TX
CARDINI, CHRISTOPHER	821 REGINA CT	COLLEYVILLE, TX
CHACKO, RAIBU	817 REGINA CT	COLLEYVILLE, TX
CHANDLER, LEA	508 TUCKER ST	MCKINNEY, TX
CLARKE PRODUCTS INC	820 CENTRAL DR	COLLEYVILLE, TX
COLLEYVILLE HEIGHTS	816 REGINA CT	COLLEYVILLE, TX
CRANDALL, BRUCE	5412 PLEASANT RUN RD	COLLEYVILLE, TX
D & V WALKER PROPERTIES LLC	5501 NORMANDY DR	COLLEYVILLE, TX
DS & RS PROPERTIES LLC	2421 ARBOR GATE LN	COLLEYVILLE, TX
DUKE, JAMES	812 CENTURY DR	COLLEYVILLE, TX
FIGUEROA FAMILY REVOCABLE TRUS	817 CENTRAL DR	COLLEYVILLE, TX
FLUEGEL, KYLE	801 THOMAS ST	COLLEYVILLE, TX
GABLE, MICHAEL	813 CENTRAL DR	COLLEYVILLE, TX
GARCIA, ANNETTE	PO BOX 1466	COLLEYVILLE, TX
GARCIA, JOHN	616 EUDALY DR	COLLEYVILLE, TX
GARRETT, RUSSELL W	820 REGINA CT	COLLEYVILLE, TX
GRACIA, MACEDONIO	803 THOMAS ST	COLLEYVILLE, TX
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX
GREENBERG, MICHELLE	804 REGINA CT	COLLEYVILLE, TX
GRIFFIN, TIMOTHY S	828 REGINA CT	COLLEYVILLE, TX
GROFFMAN, STEVEN	815 CENTRAL DR	COLLEYVILLE, TX
HALEY, JASON B	711 CENTRAL DR	COLLEYVILLE, TX
HARRIS, FRANK H	5509 SOUTH DR	COLLEYVILLE, TX
HASELTINE, MARILYN L	704 FIELD ST	COLLEYVILLE, TX
HELM, ERIC	825 REGINA CT	COLLEYVILLE, TX
HENIGSMITH, CECIL	705 THOMAS ST	COLLEYVILLE, TX
INGRAM, TERESA	808 REGINA CT	COLLEYVILLE, TX
JOHNSTON, NICHOLAS	705 EUDALY DR	COLLEYVILLE, TX
KELLEY, CHARLES S	705 HILLSIDE RD	COLLEYVILLE, TX
KELLOGG FAMILY TRUST	824 REGINA CT	COLLEYVILLE, TX
KENNER, ASHLEY	717 FIELD ST	COLLEYVILLE, TX
KIM & DEBORAH SHELTON TRUST	813 REGINA CT	COLLEYVILLE, TX
LAIBLY, CATHEY	704 EUDALY DR	COLLEYVILLE, TX
LALA FAMILY TRUST	816 CENTRAL DR	COLLEYVILLE, TX
LONG, MATTHEW	805 REGINA CT	COLLEYVILLE, TX
MAX, RICHARD W	700 FIELD ST	COLLEYVILLE, TX
MCDONALD, CEACY SAMANTHA	814 CENTRAL DR	COLLEYVILLE, TX
MCNARY PROPERTIES	1230 BROWN TR STE 107	BEDFORD, TX
MISKO, SUSAN R	716 CENTRAL DR	COLLEYVILLE, TX
MITCHELL, JEWELL O	800 THOMAS ST	COLLEYVILLE, TX
MOORE, KAREN JEAN	PO BOX 694	COLLEYVILLE, TX
PAYNE, KAREN M	608 FIELD ST	COLLEYVILLE, TX
PICKENS, ROSEMARY	708 THOMAS ST	COLLEYVILLE, TX
RAINES, ESTHER DELEON	605 FIELD ST	COLLEYVILLE, TX
REYNOLDS, GILES	714 CENTRAL DR	COLLEYVILLE, TX
ROEMING, BRANTON F	805 THOMAS ST	COLLEYVILLE, TX
STOUVENEL RYAN FOREST	607 FIELD ST	COLLEYVILLE, TX
TIPTON, CAROL A	701 FIELD ST	COLLEYVILLE, TX

TUMPAK, SCOTT	809 REGINA CT	COLLEYVILLE, TX
TURNER, CHRISTINE	713 CENTRAL DR	COLLEYVILLE, TX
VENABLE, JONATHAN	700 EUDALE DR	COLLEYVILLE, TX
WARNER, RICHARD D	5408 SOUTH DR	COLLEYVILLE, TX
WELCH, DONALD	713 FIELD ST	COLLEYVILLE, TX
WESCOAT, BRYAN S	804 COLLEYVILLE TERR	COLLEYVILLE, TX
WILLIAMSON, LAWRENCE	709 THOMAS ST	COLLEYVILLE, TX
WILLIAMSON, PENNY S	713 THOMAS ST	COLLEYVILLE, TX
YOUNG, CLINT	811 CENTRAL DR	COLLEYVILLE, TX

ORDINANCE O-22-2212

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 0.57 ACRES, ON LOT 2, BLOCK A, PARK VIEW ESTATE, LOCATED AT 717 FIELD STREET BY AUTHORIZING A SPECIAL USE PERMIT FOR A FENCE TO BE LOCATED BEYOND THE FRONT FAÇADE OF THE PRIMARY DWELLING; 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 fence to be located beyond the front facade of the primary dwelling under Case No. ZC21-025; 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 that 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 fence to be located beyond the front façade of the primary dwelling on lot on 0.57 acres, being Lot 2 Block A, Brown Addition, located at 717 Field Street, 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 an iron fence five-feet in height with an iron gate and a wooden fence eight-feet in height to extend beyond the front façade of the house being located on the front property line.

b. It shall be generally consistent with the site plan and as depicted on the attached Exhibit "B".

c. 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 2nd day of August 2022.

The second reading and public hearing being conducted on the 16th day of August 2022.

PASSED AND APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 16TH DAY OF AUGUST 2022.

Mayor Bobby Lindamood
Brandi Elder, Place 1
George Dodson, Place 4
Callie Rigney, Place 6

_____	Mayor Pro Tem Kathy Wheat	_____
_____	George Bond, Place 2	_____
_____	Chuck Kelley, Place 5	_____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A" - Location and Zoning Map

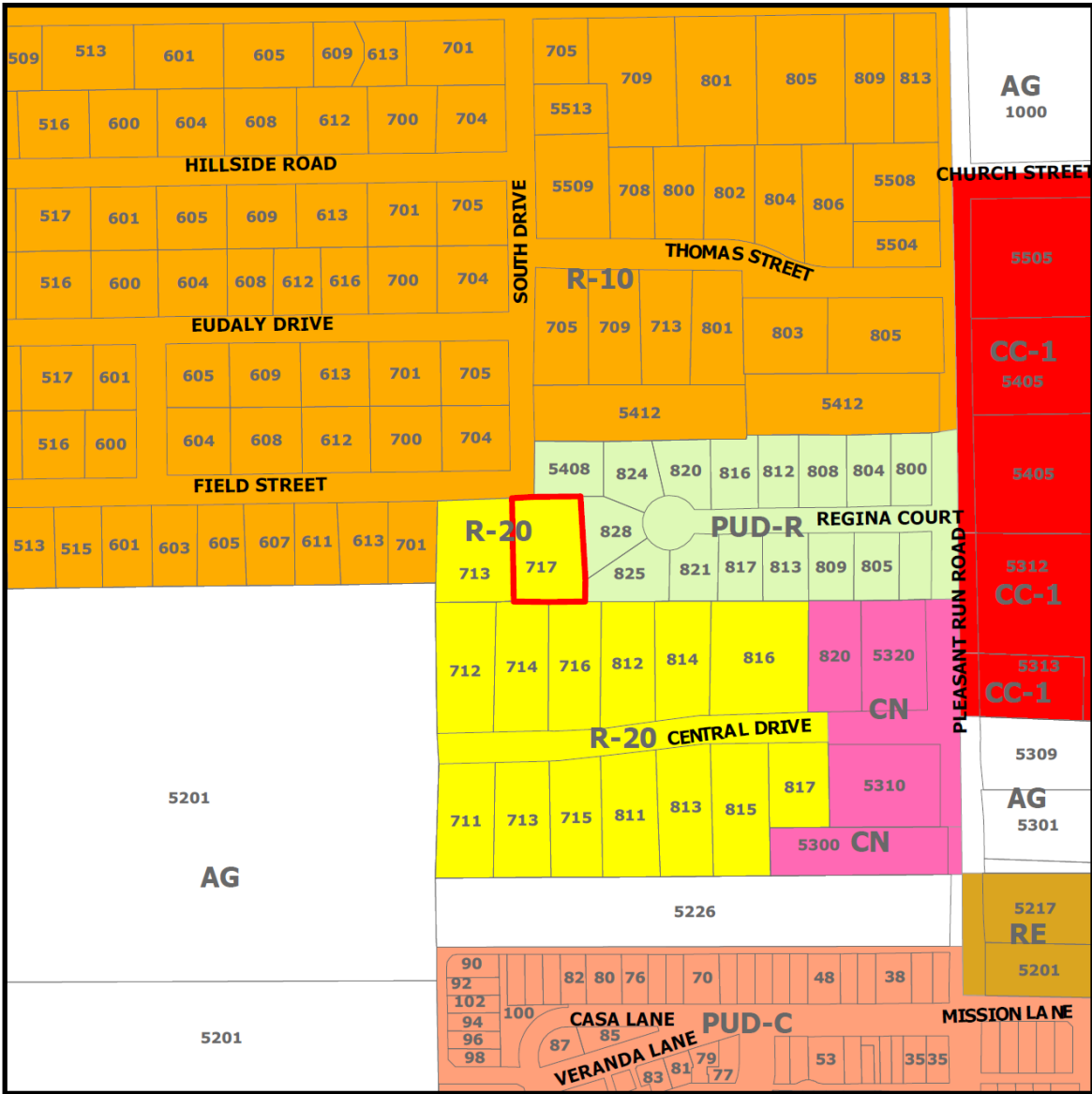
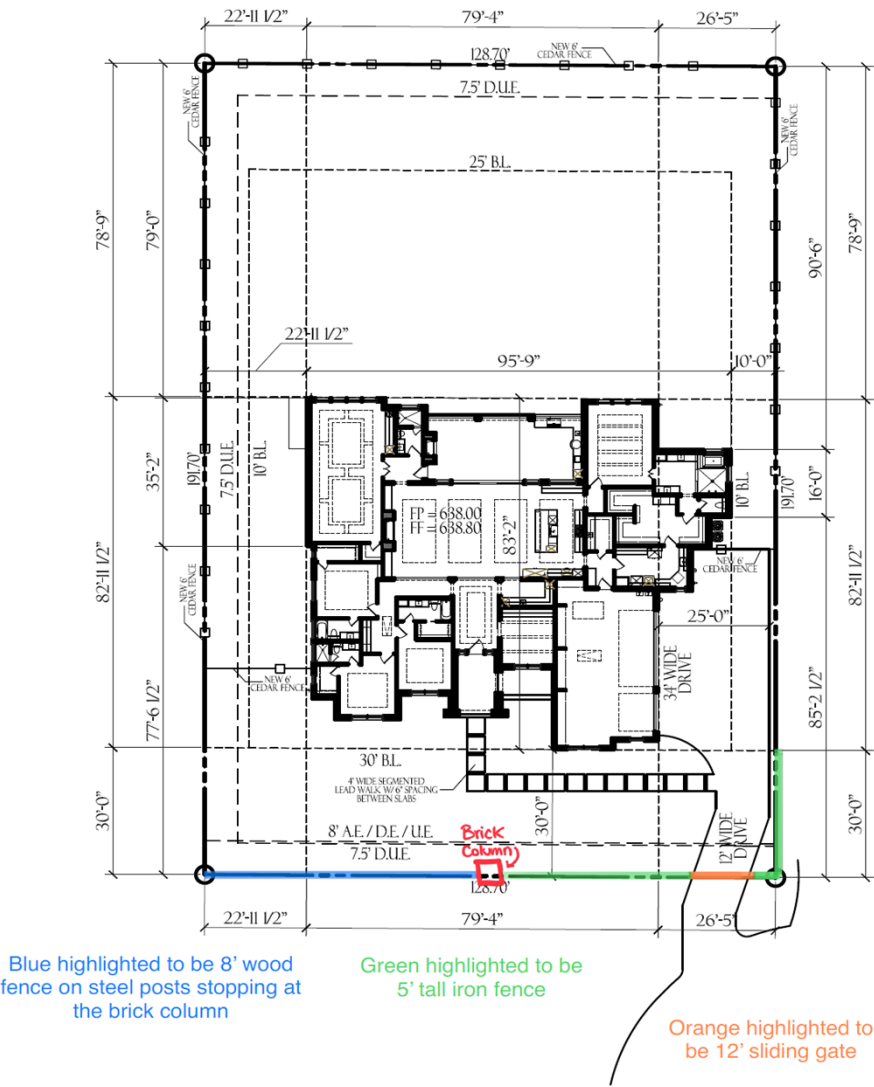


Exhibit "B" – Site Plan

FENCE DETAIL SITE PLAN



717 FIELD STREET

DS
GLW

DS
Bk

DS
AH

TOTAL LOT: 24,671 SQ. FT. TOTAL SLAB: 6,255 SQ. FT. = 25.35% COVERAGE TOTAL DRIVES & WALKS: 1,750 SQ. FT. COMBINED SLAB, DRIVES, & WALKS: 8,005 SQ. FT. 32.45 % TOTAL LOT COVERAGE		<u>SITE PLAN</u> 1" = 30'-0" LOT 2, BLOCK A PARK VIEW ESTATE COLLEYVILLE, TEXAS KENNER RESIDENCE 20023
* Contractor/Owner to verify and check all aspects of this site and plot plan prior to any construction		

20023



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6b

Agenda Date 8/16/2022

Number Ordinance O-22-2213

Type Ordinance

Department Community Development

Title

Consideration of amendments to Chapter 3 of the Land Development Code to not require a variance for non-conforming lots of record where the deviation is not more than fifteen percent (15%) of a dimensional regulation, specifically amending Section 3.7B Non-conforming Lots of Record, Case GC22-008

Strategic Plan

4.3 Adopt best-practice planning and development processes

Explanation

Second Reading and Public Hearing

There were no speakers at the August 2, 2022 meeting. The City Council asked for alternative language to be provided clarifying administrative approval shall be required when the deviation is no more than 10% of a regulation. The City Attorney drafted the additional language included in the ordinance.

First Reading and Public Hearing

The City recently has reviewed several cases where a non-conforming lot of record required a variance to the lot area regulation for the zoning district prior to a building permit issued for improvements to the property. In most cases, the neighborhoods where the lots exist had been platted in this configuration for decades. The City Council asked staff to provide an amendment to the Land Development Code that would exempt a non-conforming lot of record from needing to receive a variance approval when the deviation is no more than 15% of a regulation governing lot dimensions.

Staff Recommendation: Staff recommends approval of the LDC amendment.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval contingent on the deviation being no more than 10% at their July 11, 2022 meeting by a vote of 4-0.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Amendments to Section 3.7.B Non-Conforming Lots of Record
2. Ordinance O-22-2213

Section 3.7 – Non-conforming Uses, Lots and Buildings

- B. Non-conforming Lots of Record – In any zoning district in which single-family dwellings or commercial buildings are permitted, a single-family dwelling or commercial building and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter; provided, that such lot must be in separate ownership, and must conform with the district regulations governing minimum lot size and yard dimensions for the district in which such lot is located. Variance of district regulations governing minimum lot size or minimum yard dimensions shall be obtained only through action of the City Council per Chapter 1, Section 1.13.D and Sections 1.16.E. **Exception: Notwithstanding the foregoing, the Community Development Director (or their designee) may administratively approve a variance to a regulation governing lot dimensions (i.e., lot area, lot width, and lot depth) without City Council approval where the variance will not modify the existing lot dimensions by more than ten percent (10%).**

*red indicates new proposed language

ORDINANCE O-22-2213

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 3, SECTION 3.7.B NON-CONFORMING LOTS OF RECORD 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 3.7.B Non-Conforming Lots of Record 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 3.7.B Non-Conforming Lots of Record 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 2nd day of August 2022.

The second reading and public hearing being conducted on the 16th day of August 2022.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, ON THIS THE 16TH DAY OF AUGUST 2022.

Mayor Bobby Lindamood
Brandi Elder, Place 1
George Dodson, Place 4
Callie Rigney, Place 6

_____	Mayor Pro Tem Kathy Wheat	_____
_____	George Bond, Place 2	_____
_____	Chuck Kelley, Place 5	_____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit "A"

Section 3.7 – Non-conforming Uses, Lots and Buildings

B. Non-conforming Lots of Record – In any zoning district in which single-family dwellings or commercial buildings are permitted, a single-family dwelling or commercial building and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter; provided, that such lot must be in separate ownership, and must conform with the district regulations governing minimum lot size and yard dimensions for the district in which such lot is located. Variance of district regulations governing minimum lot size or minimum yard dimensions shall be obtained only through action of the City Council per Chapter 1, Section 1.13.D and Sections 1.16.E. Exception: Notwithstanding the foregoing, the Community Development Director (or their designee) may administratively approve a variance to a regulation governing lot dimensions (i.e., lot area, lot width, and lot depth) without City Council approval where the variance will not modify the existing lot dimensions by more than ten percent (10%).

*red indicates new proposed language



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 8/16/2022

Number Ordinance O-22-2214

Type Ordinance

Department City Manager

Title

Approval of a negotiated settlement between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2022 Rate Review Mechanism filing and adopting tariffs reflecting rate adjustments consistent with the negotiated settlement

Strategic Plan

2.1 Provide responsive, efficient city services

Explanation

First Reading and Public Hearing

The City, along with 171 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division, is a member of the Steering Committee of Cities Served by Atmos (ACSC). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). The settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute. The Legislature's GRIP process allowed gas utilities to receive annual rate increases associated with capital investments. The RRM process has proven to result in a more efficient and less costly (both from a consumer rate impact perspective and from a ratemaking perspective) than the GRIP process. Since 2007, there have been several modifications to the original RRM Tariff with the most recent being adopted in 2018.

2022 RRM Filing

On or about April 1, 2022, Atmos filed a rate request pursuant to the RRM Tariff adopted by ACSC members. Atmos claimed its cost-of-service in a test year ending December 31, 2021, entitled it to additional system-wide revenues of \$141.3 million. Application of the standards set forth in ACSC's RRM Tariff required Atmos to reduce its request to \$115 million, \$83.26 million of which would be applicable to ACSC members. ACSC's consultants concluded the system-wide deficiency under the RRM regime should be \$95.8 million instead of the claimed \$141.3 million. After the Company reviewed ACSC's consultants' report, ACSC's Executive Committee and the Company negotiated a settlement whereby the Company would receive an increase of \$115 million.

Financial Impact

The impact of the settlement on average residential rates is an increase of \$4.60 on a monthly basis, or 6.7 percent. The increase for average commercial usage will be \$14.34 or 4.3 percent. New rates become effective October 1, 2022.

Recommendation

Approve

Attachments

1. Ordinance O-22-2214
2. Exhibit A - Tariffs
3. Exhibit B - Pension Benchmark

ORDINANCE O-22-2214

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2022 RATE REVIEW MECHANISM FILING; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE

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

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff which allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City by Resolution R-18-4306 in 2018; and

WHEREAS, on about April 1, 2022, Atmos Mid-Tex filed its 2022 RRM rate request with ACSC Cities based on a test year ending December 31, 2021; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2022 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$115 million applicable to ACSC Cities with an Effective Date of October 1, 2022; and

WHEREAS, ACSC agrees Atmos plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

Sec. 1 THAT the findings set forth in this Ordinance are hereby in all things approved.

Sec. 2 THAT without prejudice to future litigation of any issue identified by ACSC, the City Council finds the settled amount of an increase in revenues of \$115 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2022 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Sec. 3 THAT despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

- Sec. 4 THAT the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$115 million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.
- Sec. 5 THAT the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit B, attached hereto and incorporated herein.
- Sec. 6 THAT Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2022 RRM filing.
- Sec. 7 THAT to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this ordinance, it is hereby repealed.
- Sec. 8 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. 9 THAT this ordinance shall take effect immediately from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2022.
- Sec. 10 THAT a copy of this ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of August 2022.

The second reading and public hearing being conducted on the 6th day of September 2022.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, ON THIS THE 6TH DAY OF SEPTEMBER 2022.

Mayor Bobby Lindamood
Brandi Elder, Place 1
George Dodson, Place 4
Callie Rigney, Place 6

_____	Mayor Pro Tem Kathy Wheat	_____
_____	George Bond, Place 2	_____
_____	Chuck Kelley, Place 5	_____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 21.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 21.60 per month
Commodity Charge – All <u>Ccf</u>	\$0.36223 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 63.50 per month
Rider CEE Surcharge	(\$ 0.01) per month ¹
Total Customer Charge	\$ 63.49 per month
Commodity Charge – All Ccf	\$ 0.14137 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2022.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 1,204.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.4939 per MMBtu
Next 3,500 MMBtu	\$ 0.3617 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0776 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2022	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.58	0.1422	88.85	0.6666
Austin	9.90	0.1372	233.56	0.7819
Dallas	14.17	0.1938	186.38	0.9394
Waco	10.07	0.1308	140.10	0.7170
Wichita Falls	11.43	0.1398	131.57	0.5610

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2021

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2022 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 1,715,323	\$ 982,708	\$ 3,137,022	\$ 313,319	\$ (341,412)	
2	Allocation to Mid-Tex	44.72%	44.72%	76.88%	100.00%	76.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 767,038	\$ 439,436	\$ 2,411,882	\$ 313,319	\$ (262,493)	\$ 3,669,182
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	79.88%	79.88%	38.60%	11.00%	38.60%	
11							
12							
13	Total Pension Account Plan	\$ 612,700		\$ 931,100			\$ 1,543,800
14	Total Post-Employment Benefit Plan		\$ 351,016			\$ (101,335)	249,681
15	Total Supplemental Executive Benefit Plan				\$ 34,465		34,465
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 612,700	\$ 351,016	\$ 931,100	\$ 34,465	\$ (101,335)	\$ 1,827,946

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. Mid-Tex is proposing that the Fiscal Year 2022 Willis Towers Watson actuarial amounts shown on WP_F-2.3 and WP_F-2.3.1, be approved by the RRM Cities as the benchmark amounts to be used to calculate the regulatory asset or liability for future periods. The benchmark amount approved by the RRM Cities for future periods includes only the expense amount.
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8a

Agenda Date 8/16/2022

Number Ordinance O-22-2207

Type Ordinance

Department Community Development

Title

Consideration of a zoning change from R-40 Single Family Residential to R-30 Single Family Residential zoning district for Lots 2 and 3, Block 3, Stafford Heights Subdivision, located at 4801 and 4809 Manning Drive, Case ZC22-023

Strategic Plan

4.1 Protect Colleyville's semi-rural residential character

Explanation

Second Reading and Public Hearing

UPDATE: No change of zoning where exists a protest against such change, signed by the owners of twenty (20) percent or more of either the area of lots or land included in such proposed change, or lots or land immediately adjoining same and extending two hundred (200) feet therefrom, filed with the City Secretary, shall be passed except by a favorable vote of three-fourths (3/4) of all members of the City Council. The opposition currently stands at 59%.

The applicant was present at the first reading and answered questions from the Council. The item was tabled at the 2nd reading to the August 16, 2022 City Council meeting in order to allow for a potential Land Development Code amendment to come before the Council. The amendment would allow for an administrative review for platted lots that are substandard where the deviation is no more than 10% of a regulation governing lot dimensions (lot area, lot width, and lot depth).

First Reading and Public Hearing

Gridiron Realty, LLC, the applicant, has submitted a request for a zoning change on Lots 2 and 3, Block 3, Stafford Heights Subdivision, being approximately 1.77 acres, and zoned R-40 Single Family Residential district. The purpose is to rezone from the R-40 Single Family Residential district to the R-30 Single Family Residential district to allow for the construction of two new single family homes on two existing platted lots. There are no new lots proposed.

Existing Conditions/Background: The subject properties, 4801 and 4809 Manning Drive, reside on the east side of Manning Drive south of the intersection with Glade Road and have R-40 zoning. The existing lot areas are 38,063 sq. ft., not the required

40,000 sq. ft. There is an existing home, which was built over the lot line that will be demolished.

Proposed Zoning: Request – The applicant requests to rezone the property from R-40 to the R-30 district. The minimum standards for the R-30 zoning district are as follows:

Minimum Lot Size	30,000 square feet
Minimum Lot Width	125 feet
Minimum Lot Depth	125 feet
Front Building Line	35 feet
Side Building Line	10 feet
Rear Building Line	25 feet
Max. Lot Coverage	25%
Max. Impervious Coverage	55%

Analysis: The subject properties are requesting to be rezoned due to the lot size not in compliance with the current R-40 zoning. Both lots are platted and have existed in this manner since 1962. The properties were scheduled with the Zoning Board of Adjustment in May for consideration of a Variance Appeal of the substandard lot size. There was a motion to approve the Variance; however, it failed by a vote of three ayes to two nays (four affirmative votes at ZBA are required for a motion to pass). Therefore, a rezoning to the lot size would allow for the ability to apply for and receive the necessary building permits to build two new single family homes.

Plat Status: The properties are platted as Lots 2 and 3, Block 3, Stafford Heights Addition.

DRC Review: The DRC reviewed the request during their May 23, 2022 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, south, east, and west are zoned R-40 Single Family Residential district and are improved with single family residential homes.

Comprehensive Plan: The City's Comprehensive Plan, Destination Colleyville, identifies the subject properties as residential. Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 recommends approval of this request.

Planning and Zoning Commission Recommendation: The Planning and Zoning Commission recommended approval of the request at their June 13, 2022 meeting by a vote of 5-0.

Financial Impact

There is no financial impact to the City.

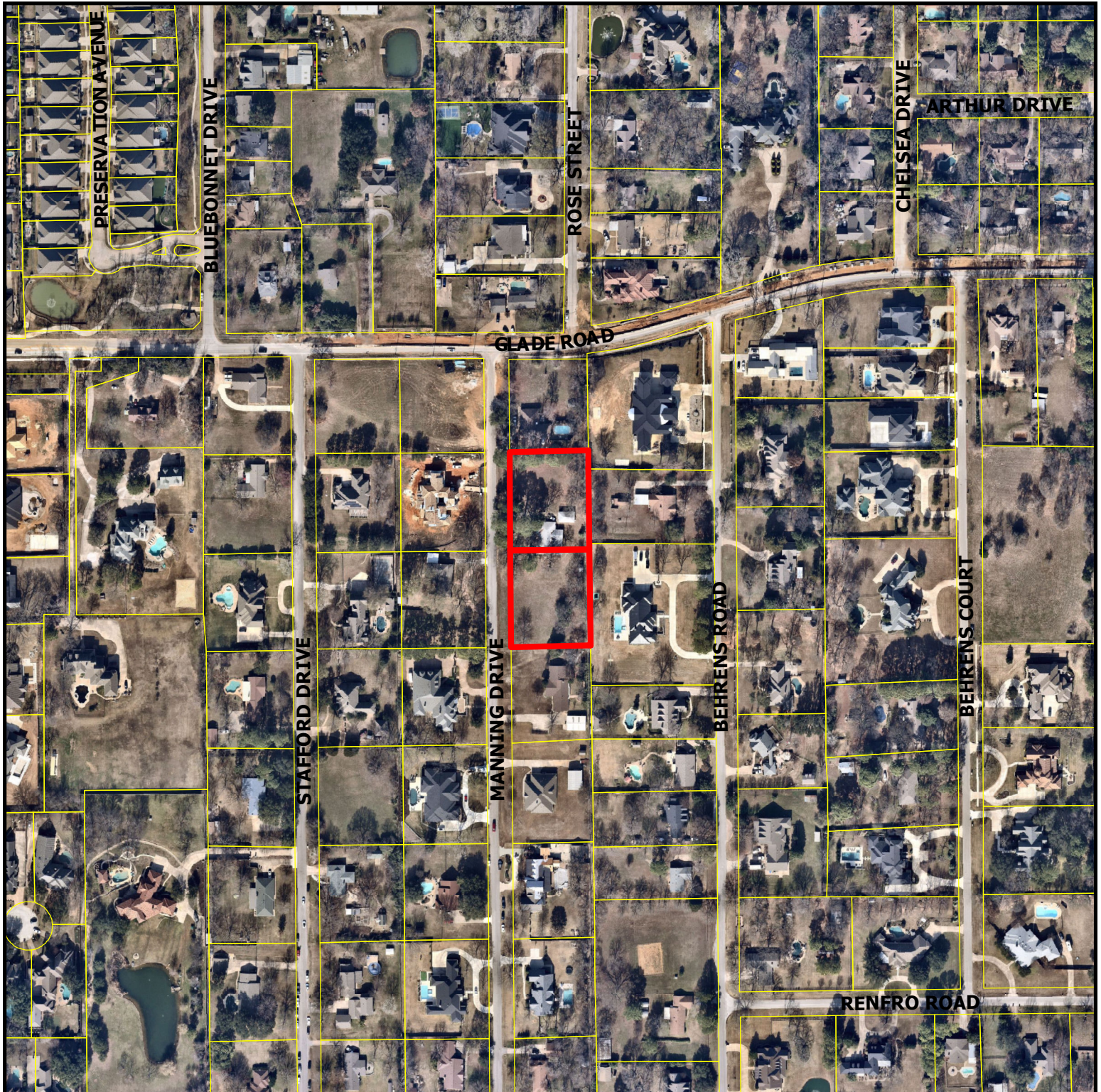
Recommendation

Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Stafford Heights Plat
6. Survey Plat
7. Notification Map
8. Notification Letter
9. Notification List
10. Letters of Opposition
11. Ordinance O-22-2207

Aerial Map



ZC22-023

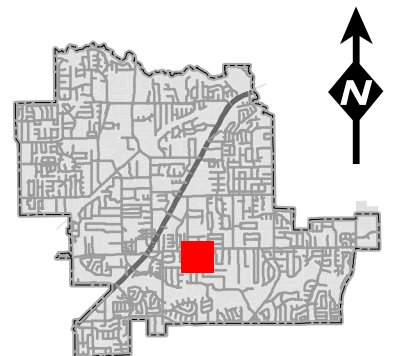
4801 & 4809 Manning Drive

DISCLAIMER:

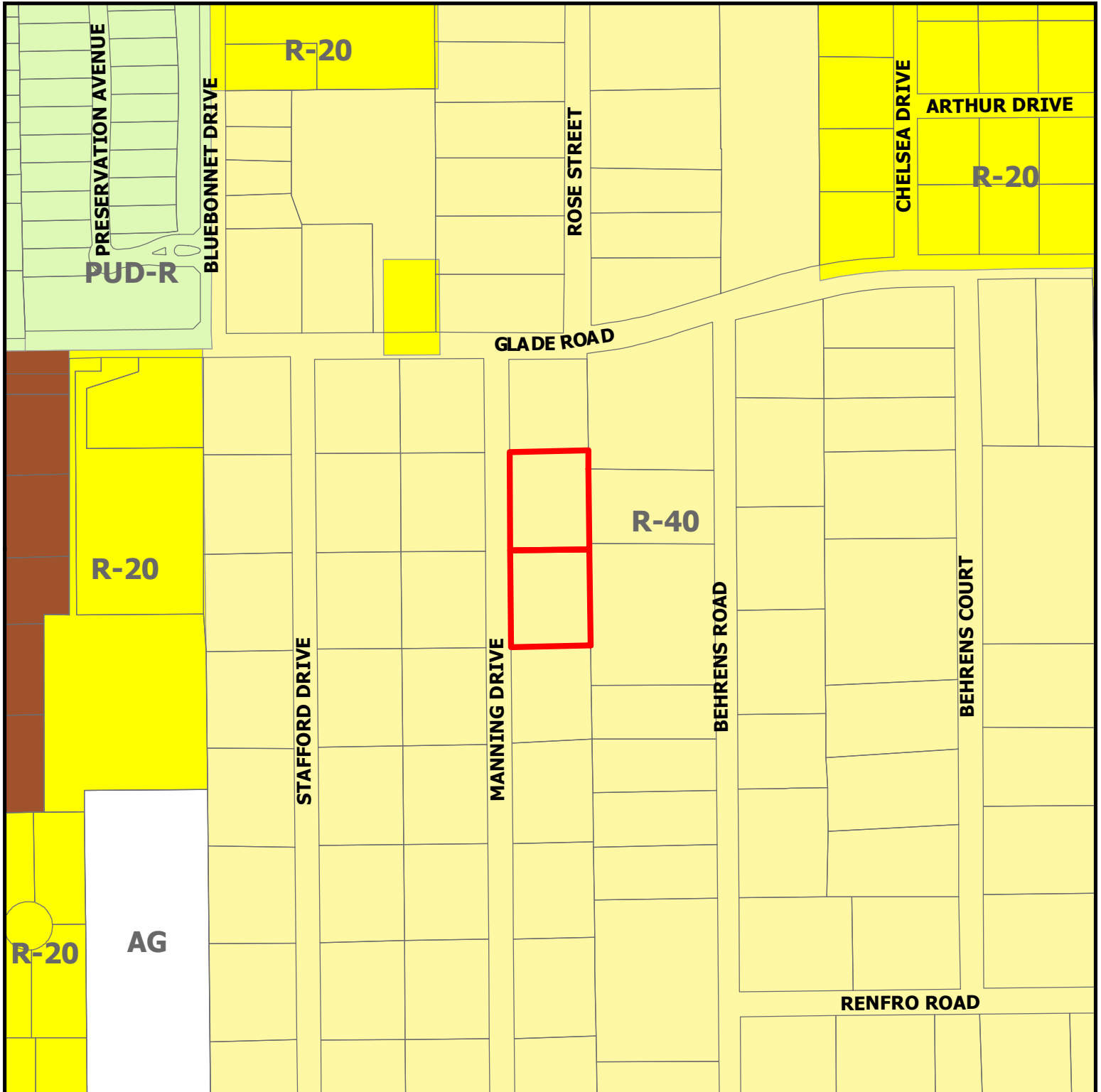
This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.



Subject Property



Zoning Map



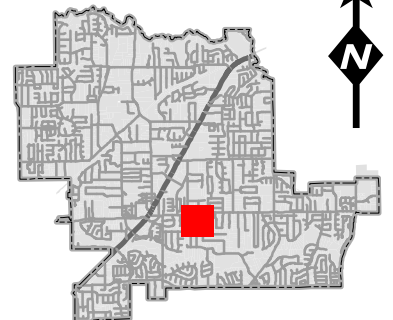
ZC22-023
4801 & 4809 Manning Drive

DISCLAIMER:

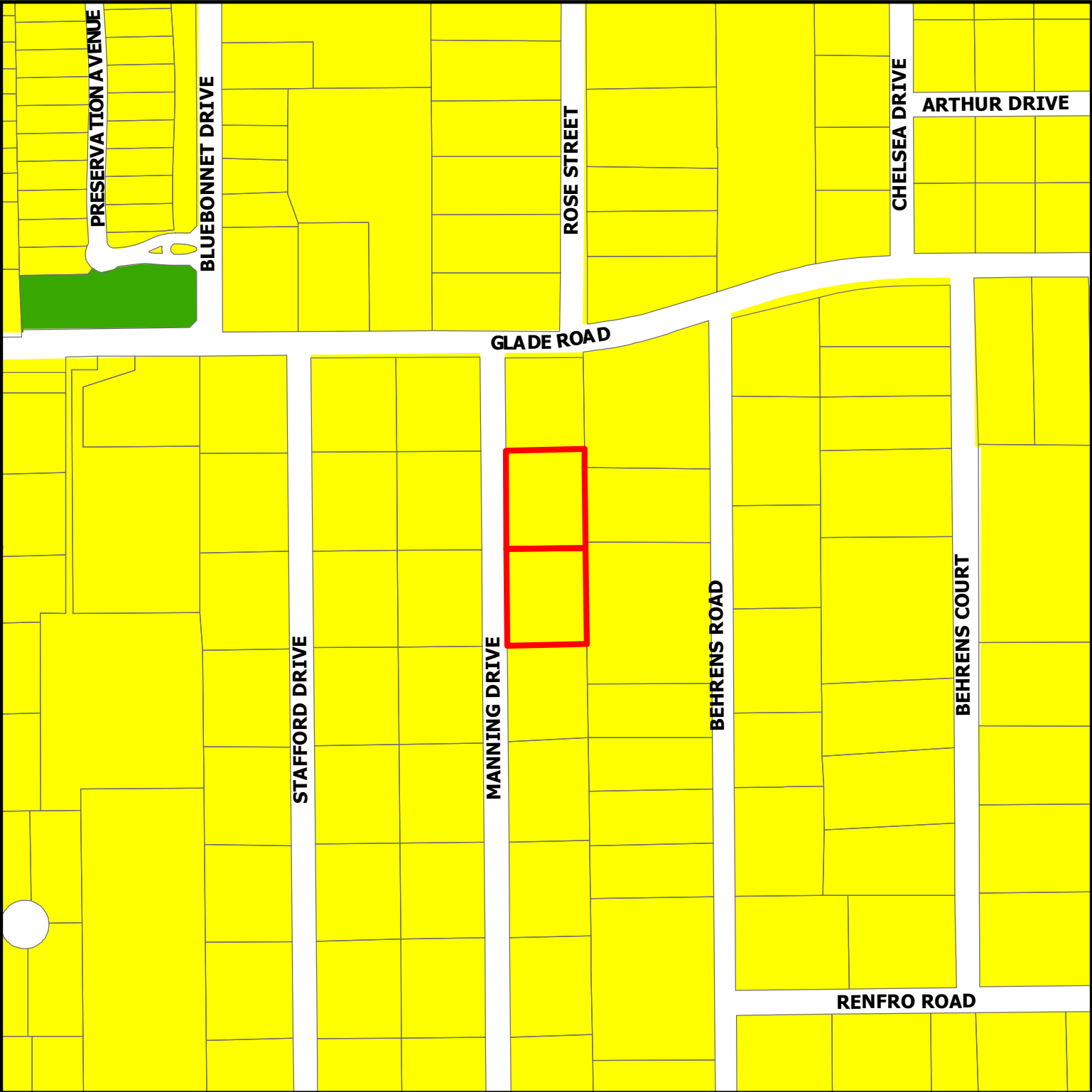
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Subject Property



Future Land Use Map

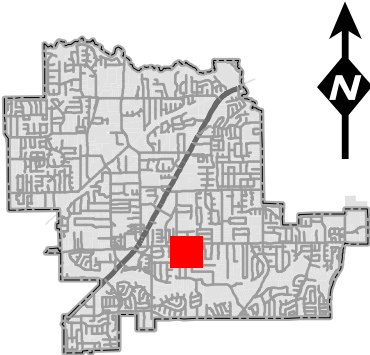


ZC22-023

4801 & 4809 Manning Drive

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-  Subject Property
-  Residential
-  Open Space; Parks



Proposed Planning Objectives for

4801/4809 Manning Dr., Colleyville TX 76034

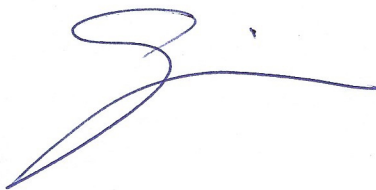
A unique situation occurs with this property that was not a result of our actions.

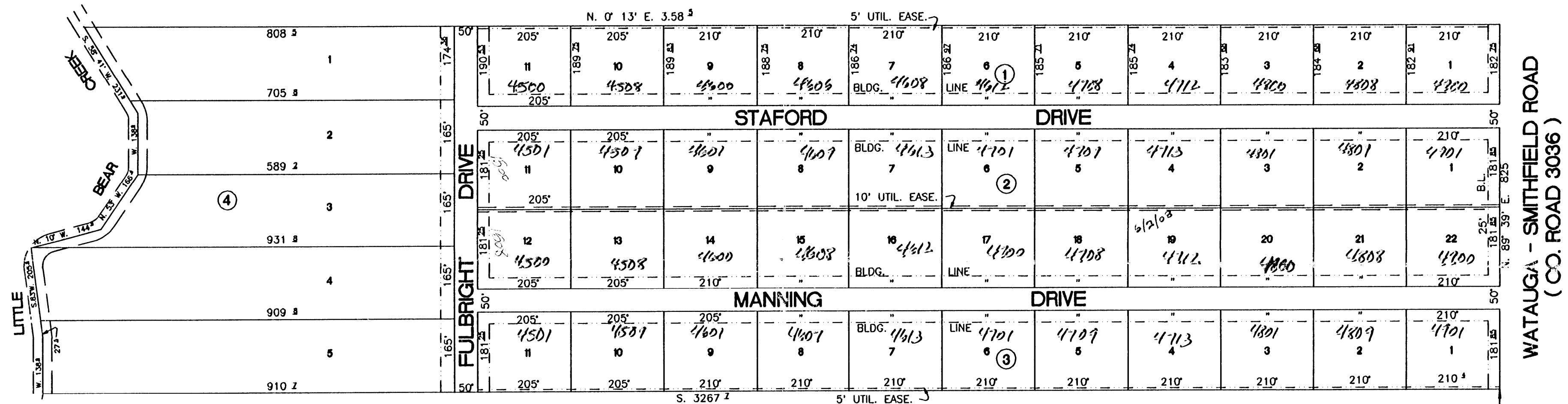
GridIron Realty LLC, a partnership owned by Sib Bahjat and Nick Bossinakis, purchased the property in December 2021 from the Seller, Mr. John Henning. Mr. Henning built the existing home and lived in the home for over 40 years. The home sits in the middle of the lot of 1.746 acres. The home was originally built to exceed the individual plat of .87 acre lot of 4801 Manning, crossing over to 4809 Manning by about three feet. As a result, the sale of the property included both 4801 and 4809 Manning as one property. Because the lots are addressed separately and platted separately, they are considered two lots at approximately .87 acre each.

We are seeking approval from the City of Colleyville to demolish the existing home to allow us to have two individual R40 lots as shown on the current Survey and plat attached. Future use consideration is for a residential home to be built on each lot.

Please let me know if you have any questions or need further information.

Respectfully,
Michelle Bahjat
817.917.5482 (c)



BEGIN 25' S. FROM N.E./C G.W. TEETER SURV. & BEING N.W./C BESSIE V. BEHRENS TRACK AS REC. IN VOL. 3609, PG. 358, D.R.T.C.T.

I, David C. Moak DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AS SURVEYED ON THE GROUND AUGUST, 1962.

SUBDIVISION APPROVAL

Town of Colleyville
Tarrant Co. - Texas

DATE: Aug. 14, 1962
BY: E. R. Eustaly, Mayor
BY: Mrs. J. O. Bailey

CHECKED
BY: Herm. W. M. F.

PLAT OF

STAFORD HEIGHTS

A SUB'D. 60 AC. OUT G.W. TEETER SURV. COLLEYVILLE, TARRANT COUNTY, TEXAS



David C. Moak

REG. PUBLIC SURVEYOR

334E HURST BLVD.
HURST TEXAS

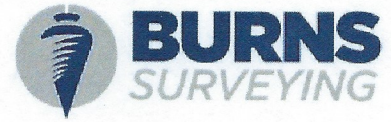
REG. PUBLIC SURVEYOR

BU2-5587 BU2-5855

Date: 8-23-62

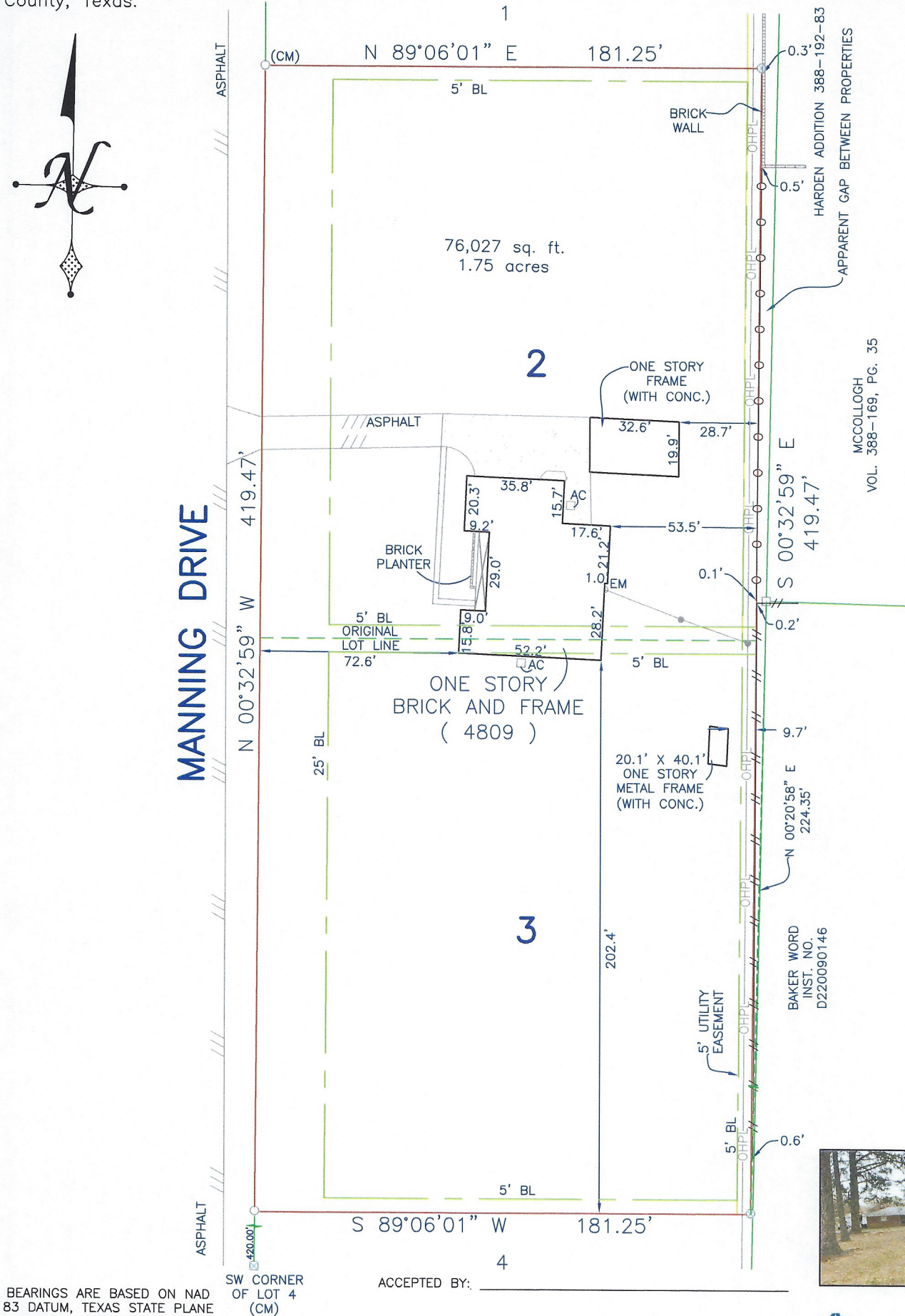
2785

SURVEY PLAT

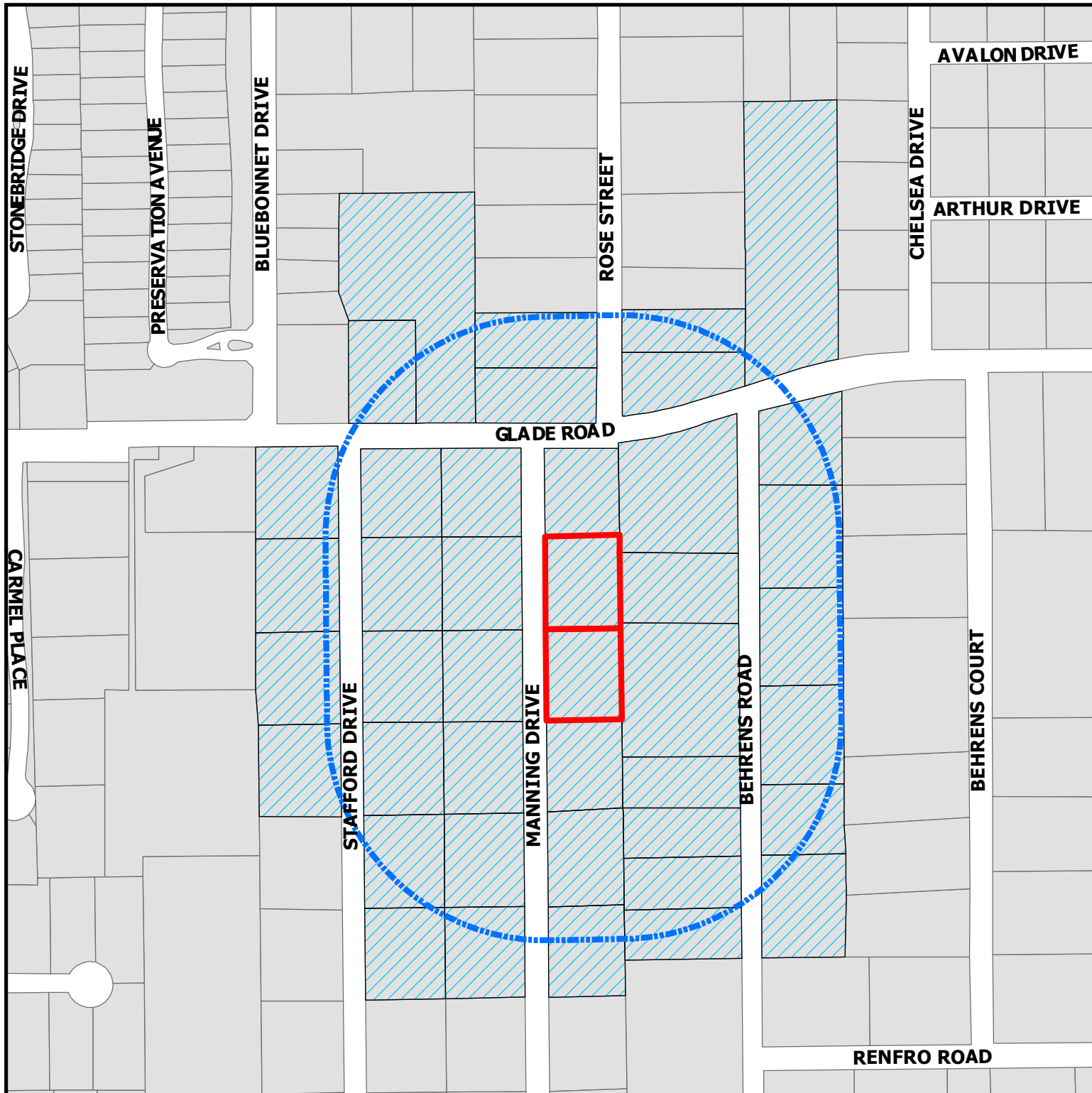


BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 4801 & 4809 MANNING DRIVE, in the City of COLLEYVILLE Texas. Being Lots 2 and 3, in Block 3, STAFORD HEIGHTS an Addition to the City of Colleyville, Tarrant County, Texas according to the Plat thereof recorded in Volume 388-32, Page 12, of the Plat Records of Tarrant County, Texas.



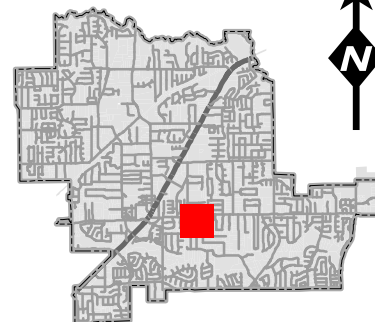
Notification Map



ZC22-023
4801 & 4809 Manning Drive

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-  Subject Property
-  500ft Buffer
-  Properties within 500ft





NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

Planning and Zoning Commission Meeting: Monday, June 13, 2022 at 7:00 p.m.
City Council Meetings: Tuesday, July 5, 2022 & Tuesday, July 19, 2022 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas

Request: Consideration of a zoning change from the R-40 Single Family Residential district to the R-30 Single Family Residential district. The request is to rezone the property to allow for two new single family homes on two existing platted lots.

Zoning Case: ZC22-023

Applicant: Gridiron Realty LLC

Owners: Sib Bahjat and Nick Bossinakis

Location: 4801 and 4809 Manning Drive

Property Description: Lots 2 and 3, Block 3, Stafford Heights Subdivision

Present Zoning: R-40 Single Family Residential

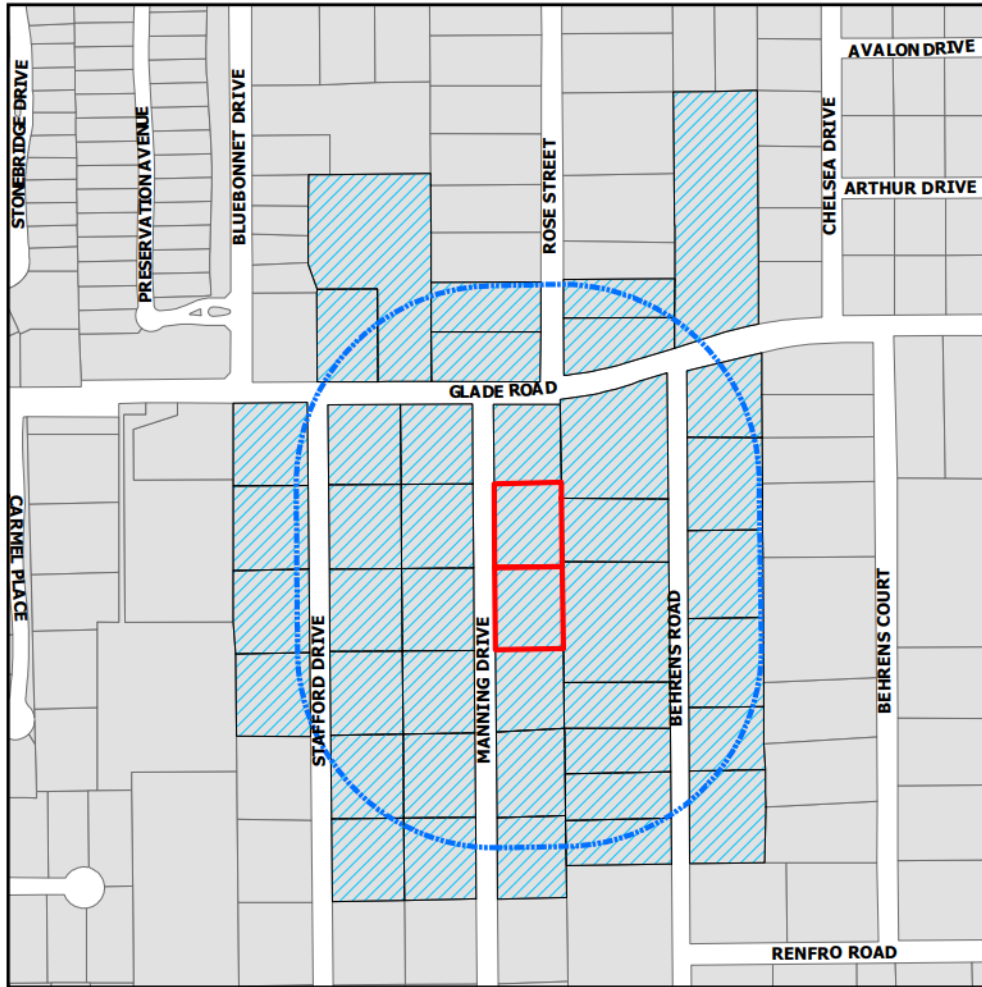
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet. Approval by the Planning and Zoning Commission serves as a recommendation to the City Council and is not a final action on the request. Denial of the proposal by the Commission is final, unless the applicant submits a written notice of appeal within 10 days from the date of action by the Commission. If appealed, the request will be placed on the next available City Council agenda as listed above. Rezoning requests, zoning amendments and conditions recommended by the Commission for approval by the City Council may be more restrictive than those described in this notice.

All interested persons are encouraged to attend the public hearing and express their opinions on the zoning change request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

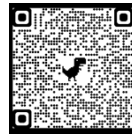
Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034

If the property owners of 20% or more of the land within the 200 foot notification area file a written protest prior to the public hearing, State law provides that the approval of the zoning change request shall require the approval of a super majority vote by City Council.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Planning Manager
jreyff@colleyville.com

Owner Name	Owner Address	Owner City
ALBERT, JOHN M	5004 ROSE ST	COLLEYVILLE, TX
BABIN, CHRISTOPHER	1504 GLADE RD	COLLEYVILLE, TX
BACA, RICHARD	4713 BEHRENS RD	COLLEYVILLE, TX
BENNIE, JAMES	2051 HUGHES RD	GRAPEVINE, TX
BURRIS, RACHEL	4809 STAFFORD DR	COLLEYVILLE, TX
CAPPA, ROBERT	4800 STAFFORD DR	COLLEYVILLE, TX
CASILIO LIVING TRUST	1705 AVALON DR	COLLEYVILLE, TX
CHELSEA PARK ADDITION	1816 AVONDALE DR	COLLEYVILLE, TX
COPLON, MAHLON	4905 BEHRENS RD	COLLEYVILLE, TX
COX, NORMAN LLOYD	4901 BEHRENS RD	COLLEYVILLE, TX
CUMMINGS, WILLIAM C	4800 BEHRENS RD	COLLEYVILLE, TX
DAVID AND KECIA MALDONADO REVO	1701 GLADE RD	COLLEYVILLE, TX
DAVIDSON, MARK	4708 BEHRENS RD	COLLEYVILLE, TX
DODSON, DAVID	4701 STAFFORD DR	COLLEYVILLE, TX
DUCIC, YADRANKO	1700 GLADE RD	COLLEYVILLE, TX
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX
GRIDIRON REALTY LLC	1450 POST AND PADDOCK ST	GRAND PRAIRIE, TX
GRIFFIN, JOHN	1813 AVALON DR	COLLEYVILLE, TX
HENNING, JOHN B	4809 MANNING DR	COLLEYVILLE, TX
HERRING, CANDY	1600 GLADE RD	COLLEYVILLE, TX
HUGGINS, WILLIAM S	PO BOX 1047	COLLEYVILLE, TX
KEEFE, ALEX	4713 MANNING DR	COLLEYVILLE, TX
LAKES OF SOMERSET	1104 CHATSWORTH CT W	COLLEYVILLE, TX
LUTRICK, THOMAS M	4701 MANNING DR	COLLEYVILLE, TX
LYNCH, JOHN M	4700 MANNING DR	COLLEYVILLE, TX
MAHAN, ROY	4712 STAFFORD DR	COLLEYVILLE, TX
MCCOLLOUGH JOYCE B	4912 BEHRENS RD	COLLEYVILLE, TX
MILLS, DONALD	4801 STAFFORD DR	COLLEYVILLE, TX
NGUYEN, HAI	3933 FRESHWATER DR	CARROLLTON, TX
PHILLIPS, VANICE	4713 STAFFORD DR	COLLEYVILLE, TX
PHILLIPS, WILLIAM C	4712 MANNING DR	COLLEYVILLE, TX
POMROY, PAUL R	4712 BEHRENS RD	COLLEYVILLE, TX
PRESERVATION	106 N DENTON TAP RD #210-375	COPPELL, TX
RICKS, GREGORY A	8808 QUEENS CT	COLLEGE STATION, TX
SMITH, RICHARD	4901 MANNING DR	COLLEYVILLE, TX
SNYDER, JOHN JOSEPH	1701 ROYAL LN APT 1202	FARMERS BRANCH, TX
SPROUSE, MARY G	4704 BEHRENS RD	COLLEYVILLE, TX
THE PENCE COMPANY LLC	3428 BROWN TRL	BEDFORD, TX
VEACH, GARY E	4709 MANNING DR	COLLEYVILLE, TX
WEISS, SABRINA	4709 BEHRENS RD	COLLEYVILLE, TX
WINSWORTH, LLOYD	4900 STAFFORD DR	COLLEYVILLE, TX
WORD, RAMIE	4900 BEHRENS RD	COLLEYVILLE, TX

4900 Behrens Road
Colleyville, TX 76034

June 01, 2022

Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034



RE: Zoning Case ZC22-023

I am opposed to the Rezoning Case referenced at 4801 & 4809 Manning Drive, from the existing R-40 to accommodate two R-30 lot sizes.

There has NEVER been a house or other building on the address listed as 4801 Manning Drive, (Denied Variance case, VC 22-003). The land at 4801 Manning Drive in the Tarrant Appraisal District is listed at 35,571 square feet; 0.8165 acre.

The house address for 4809 Manning Drive, (Denied Variance case, VC 22-004) is listed in the Tarrant Appraisal District is listed at 36,127 square feet; 0.8293 acre.

Our home is at 4900 Behrens Road, directly behind both the referenced properties. If you look at the map, our land is much wider and deeper at 76,286 square feet; a little over 1.75 acres.

The 4809 and 4801 Manning Drive property was zoned R-40 in 12/2021 when Gridiron Realty purchased it as a single property.

This is a lovely area and was intended by Master Plan to remain R40 as the minimum lot size. Attempts to cherry-pick to R-30 have failed multiple times in recent years and historically.

As the applicant is a real estate investor/speculator, they do not have the same interest in keeping it this way.


Ramie Word
4900 Behrens RD
Colleyville, TX 76034
(817) 657-2981

Chris Robin

1504 Glade Rd

Colleyville, TX 76034

July 18th, 2022

Community Development Department
City Of Colleyville
100 Main St.
Colleyville TX 76034
RE: Zoning Case ZC22-023

I am/we are opposed to the rezoning case reference to 4801 and 4809 Manning Dr., from existing R-40 to accommodate two R30 lot sizes.

These lots, 4801 and 4809 Manning Dr., sit squarely in the middle of a larger R-40 multi-street neighborhood and GridIron Realty LLC purchased these lots *knowing that* they were currently zoned as R-40 in December 2021.

- The lot at 4801 Manning Drive in the Tarrant appraisal district is listed at 35,571 ft.² or 0.8165 acre and the lot for 4809 Manning Dr. is listed at 36,127 ft.² or 0.8293 acre
- Please reference recent past denied variance cases VC 22-003 and VC 22-004 for the same two lots which were both denied as recent as May 10th, 2022

In their "Statement of Planning Objectives, GridIron Realty LLC opens with "A unique situation..." but is it ? There are other R-40 lots within Colleyville that would fall into the same circumstance. So what precedence is being set ?

Colleyville describes itself on the Citie's Public Internet website under "About Colleyville" as such:

"Colleyville, Texas is a unique community in the heart of the D/FW Metroplex. Residents say they move here for its rural feel and the proximity to modern luxuries including a variety of shops, restaurants and service. Colleyville started as a community of neighborhoods and continues that quiet, friendly, and charming atmosphere as a municipality, despite being just minutes away from D/FW Airport."

We could not agree more with the City and as the applicant is a real estate developer, we believe they do not have the same interest as those living in our specific neighborhood. Furthermore as this neighborhood was intended by Master Plan to remain R-40 as the minimum lot size we urge you to deny this/these variances once again.

Alan M. Bal

July 18th 2022

4708 Manning Drive

James and Leanne Bennie

Colleyville, TX 76034

July 18th, 2022

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City Of Colleyville
100 Main St.
Colleyville TX 76034
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 Leanne Bennie

James & Leanne Bennie

Norm & Liz Cox
4901 Behrens Rd
Colleyville, TX 76034

July 18th, 2022

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City Of Colleyville
100 Main St.
Colleyville TX 76034
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Norm and Liz Cox
July 18, 2022

Elizabeth Cummings
4800 Behrem Rd.
Colleyville, TX 76034

July 18th, 2022

Community Development Department
City Of Colleyville
100 Main St.
Colleyville TX 76034
RE: Zoning Case ZC22-023

I am/we are opposed to the rezoning case reference to 4801 and 4809 Manning Dr., from existing R-40 to accommodate two R30 lot sizes.

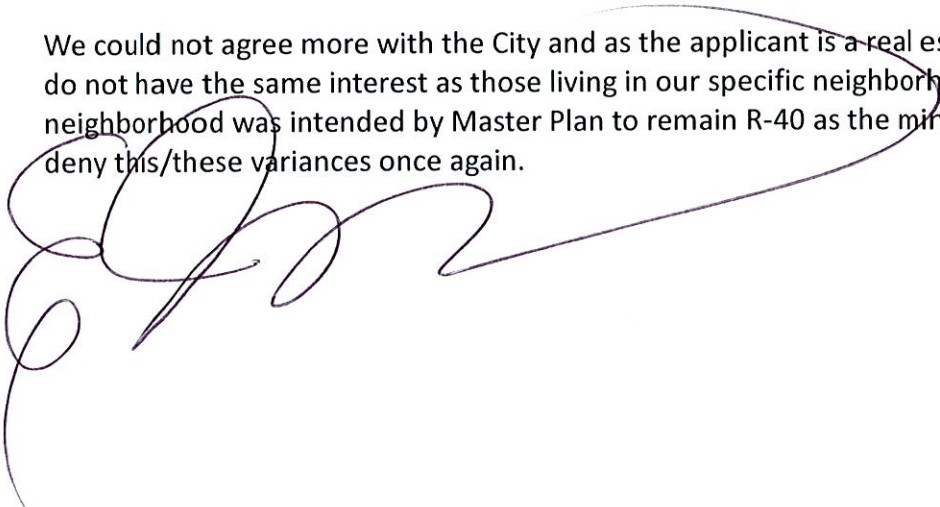
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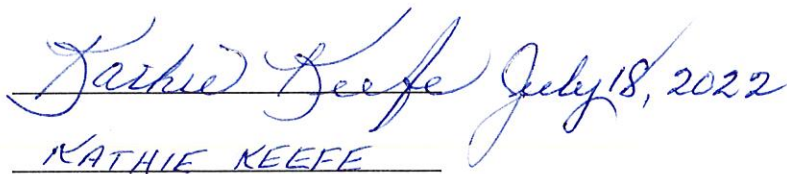
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 July 18, 2022
KATHIE KEEFE

Colleyville, TX 76034

July 18th, 2022

Community Development Department
City Of Colleyville
100 Main St.
Colleyville TX 76034
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THOMAS M. & SHANNON M. LUTRICK

4701 MANNING DR.

Colleyville, TX 76034

July 18th, 2022

Community Development Department
City Of Colleyville
100 Main St.
Colleyville TX 76034
RE: Zoning Case ZC22-023

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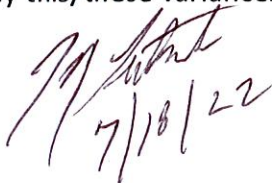
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7/18/22

PAUL POARROY
4712 BEHRENS RD.
Colleyville, TX 76034

July 18th, 2022

Community Development Department
City Of Colleyville
100 Main St.
Colleyville TX 76034
RE: Zoning Case ZC22-023

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Paul R. Poarroy 7/18/22

Richard Smith

4901 MANNING DR

Colleyville, TX 76034

July 18th, 2022

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100 Main St.
Colleyville TX 76034
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Richard Smith

Ben Bryner

Subject: RE: Manning Drive - zoning

From: Kate Phillips < >

Sent: Monday, July 18, 2022 11:00 AM

To: George Dodson; Brandi Elder; George Bond; [CKelley](#); Callie Rigney; Kathy Wheat; Bobby Lindamood

Cc:

Subject: Manning Drive - zoning

Hi,

I am a very concerned property owner that lives at 4712 Manning Drive. I purchased my home knowing that the lots were large but only one home per lot. Now I heard that a property management company bought the house next door to me and they rent it out. They want to build two homes across the street from me and rent out. This is devaluing my property. They do not keep up with home or yard. I had to call code enforcement several times because tree branches, lawn was over a foot tall.

Please block this from happening next door to me, in my neighborhood, and protect me from property values going down on our street!

Thank you,

Kate Phillips
4712 Manning Drive

ORDINANCE O-22-2207

AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON APPROXIMATELY 1.77 ACRES, AND BEING, LOTS 2 AND 3, BLOCK 3, STAFFORD HEIGHTS ADDITION, LOCATED AT 4801 AND 4809 MANNING DRIVE, FROM THE R-40 SINGLE FAMILY RESIDENTIAL TO THE R-30 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; 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 rezoning of the properties from R-40 Single Family Residential to R-30 Single Family Residential district for Case No. ZC22-023; 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 that 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 change in the zoning from R-40 Single Family Residential district to R-30 zoning district on 1.77 acres, being Lots 2 and 3, Block 3, Stafford Heights Addition at 4801 and 4809 Manning Drive 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. As depicted in the attached Exhibit "A" and Exhibit "B".
- 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 6th day of July 2022.

The second reading and public hearing being conducted on the 16th day of August 2022.

PASSED AND APPROVED BY A VOTE OF ____ AYES, ____ NAYS, ON THIS THE
16TH DAY OF AUGUST 2022.

Mayor Bobby Lindamood
Place 1, Brandi Elder
Place 2, George Bond
Place 4, George Dodson

_____	Mayor Pro Tem Kathy Wheat	_____
_____	Place 5, Chuck Kelley	_____
_____	Place 6, Callie Rigney	_____

ATTEST:

CITY OF COLLEYVILLE

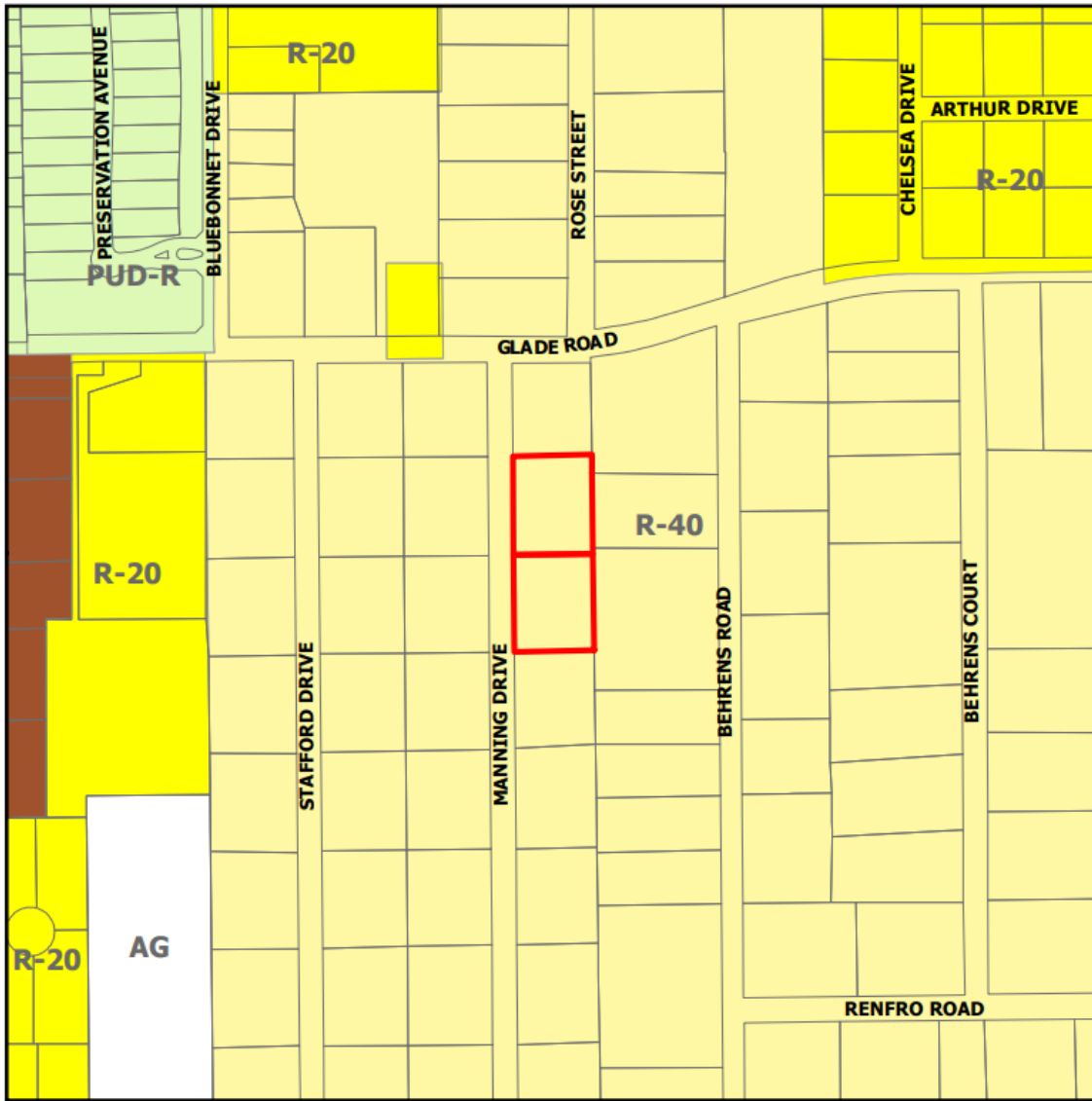
Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

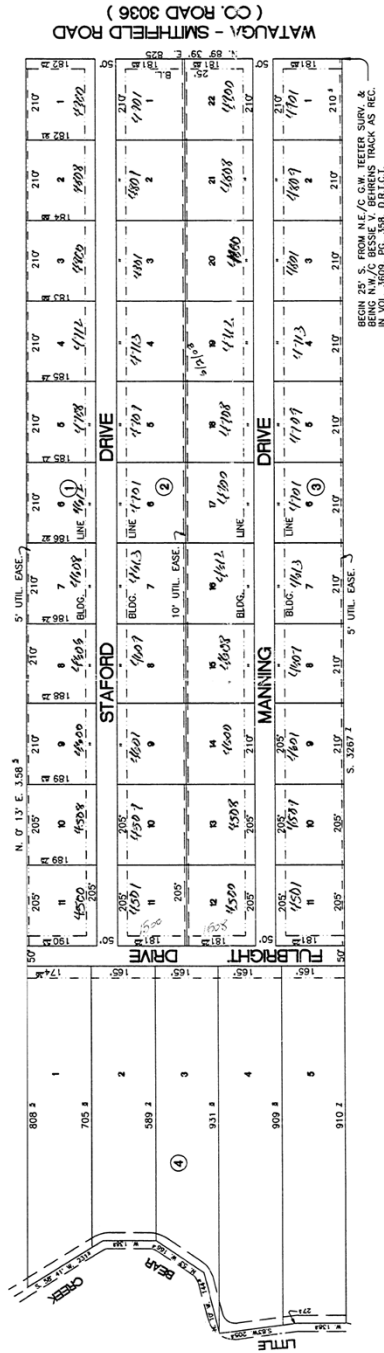
APPROVED AS TO FORM:

Whitt Wyatt
City Attorney

Exhibit "A"- Zoning Map



PLAT RECORD VOLUME 388 32



I, David C. Moak DO HEREBY CERTIFY THAT
THIS PLAY IS TRUE AND CORRECT AS SURVEYED
ON THE GROUND AUGUST, 1962.

PLAT OF
STAFORD HEIGHTS

A SUB'D. 60 AC. OUT G.W. TEETER SURV. COLLEYVILLE, TARRANT COUNTY, TEXAS

SUBDIVISION APPROVAL
Town of Colleyville
Tarrant Co. -- Texas

DATE: Aug. 14, 1962
BY: E. R. Eudaly, Mayor
BY: Mrs. J. O. Bailey

CHECKED
BY: Herm. W. M. F.



David C. Moak
SURVEYOR
REG. PUBLIC
334E HURST BLVD.
HURST
TEXAS
BUI2-5587 BUI2-6866



City of Colleyville City Council Agenda Briefing

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

Agenda Number 9a

Agenda Date 8/16/2022

Number Resolution R-22-4759

Type Resolution

Department Community Development

Title

Consideration of a variance to the provisions of Section 3.24.G, Schedule of District Regulations of the Land Development Code, specifically for lot area in the RD Two Family Residential district, for Lot 1, Block 4, Fox Meadows Addition, located at 3307 Huntington Drive, Case VC22-007

Strategic Plan

4.1 Protect Colleyville's semi-rural residential character

Explanation

Reading and Public Hearing

Michael Johnson, the applicant, has submitted a request for a variance to the provisions of Section 3.24.G, Schedule of District Regulations of the Land Development Code, specifically for the lot area in the RD Two Family Residential district. The request is to allow for the lot size of 10,660 square feet.

Existing Conditions/Background: The subject property, 3307 Huntington Drive, resides at the northeast corner of the intersection of Huntington Drive and Huntington Court and has RD zoning. The existing lot area is 10,660 sq. ft., not the required 20,000 sq. ft. There is an existing home which will remain and the applicant plans on building an accessory building.

Requested Variance: The applicant is requesting a variance to the lot size to allow for a new accessory building to be constructed. The existing RD zoning requires compliance with R-20 Single Family Residential zoning, which requires a minimum of 20,000 sq. ft. for the lot size, when developed with a single family residential use. The variance would allow for the existing lot size of 10,660 sq. ft.

Ordinance – Chapter 3 – Land Use – Section 3.24.G Schedule of District Regulations

The minimum standards for the R-20 zoning district are as follows:

Minimum Lot Size	20,000 square feet	10,660 s.f.
Minimum Lot Width	100 feet	
Minimum Lot Depth	125 feet	
Front Building Line	30 feet	
Side Building Line	10 feet	

Rear Building Line	25 feet
Max. Lot Coverage	30%
Max. Impervious Coverage	60%

Plat Status: The property is currently platted as Lot 1, Block 4, Fox Meadows Addition.

DRC Review: The Development Review Committee (DRC) reviewed the request at their July 19, 2022 meeting, did not offer any comments, and scheduled the request for the City Council meeting on August 16, 2022.

Drainage: NA

Analysis: The subject property is requesting to have a variance to the lot size. The property is zoned RD and the lot size is not in compliance. When developed with a single family residential use, the lot shall comply with the R-20 zoning district standards. A variance to the lot size would allow the ability to apply for and receive the necessary building permit to build an accessory building.

Surrounding Development: The properties to the north, south, east, and west are zoned RD Two Family Residential district and are improved with single family residential homes.

Public Notification: Staff mailed notices to all property owners within 500 feet as well as any Homeowners Associations within 1,000 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 recommends approval of the requested variance.

Financial Impact

There is no financial impact to the City.

Recommendation

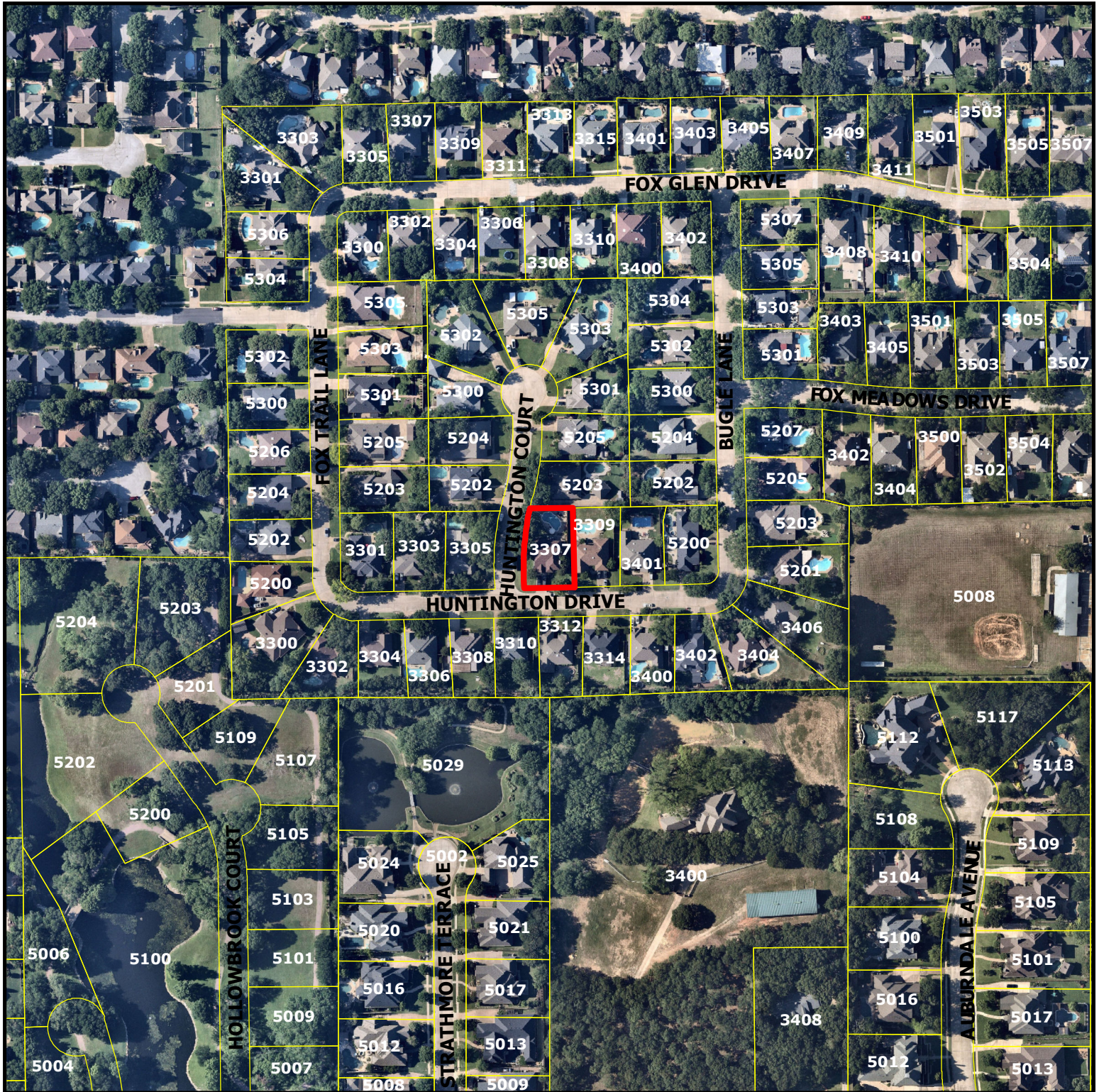
Approve

Attachments

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Survey
5. Picture 1
6. Picture 2

7. Notification Map
8. Notification Letter
9. Notification List
10. Resolution R-22-4759

Aerial Map



VC22-007

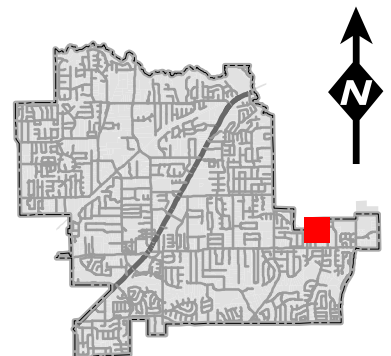
3307 Huntington Drive

DISCLAIMER:

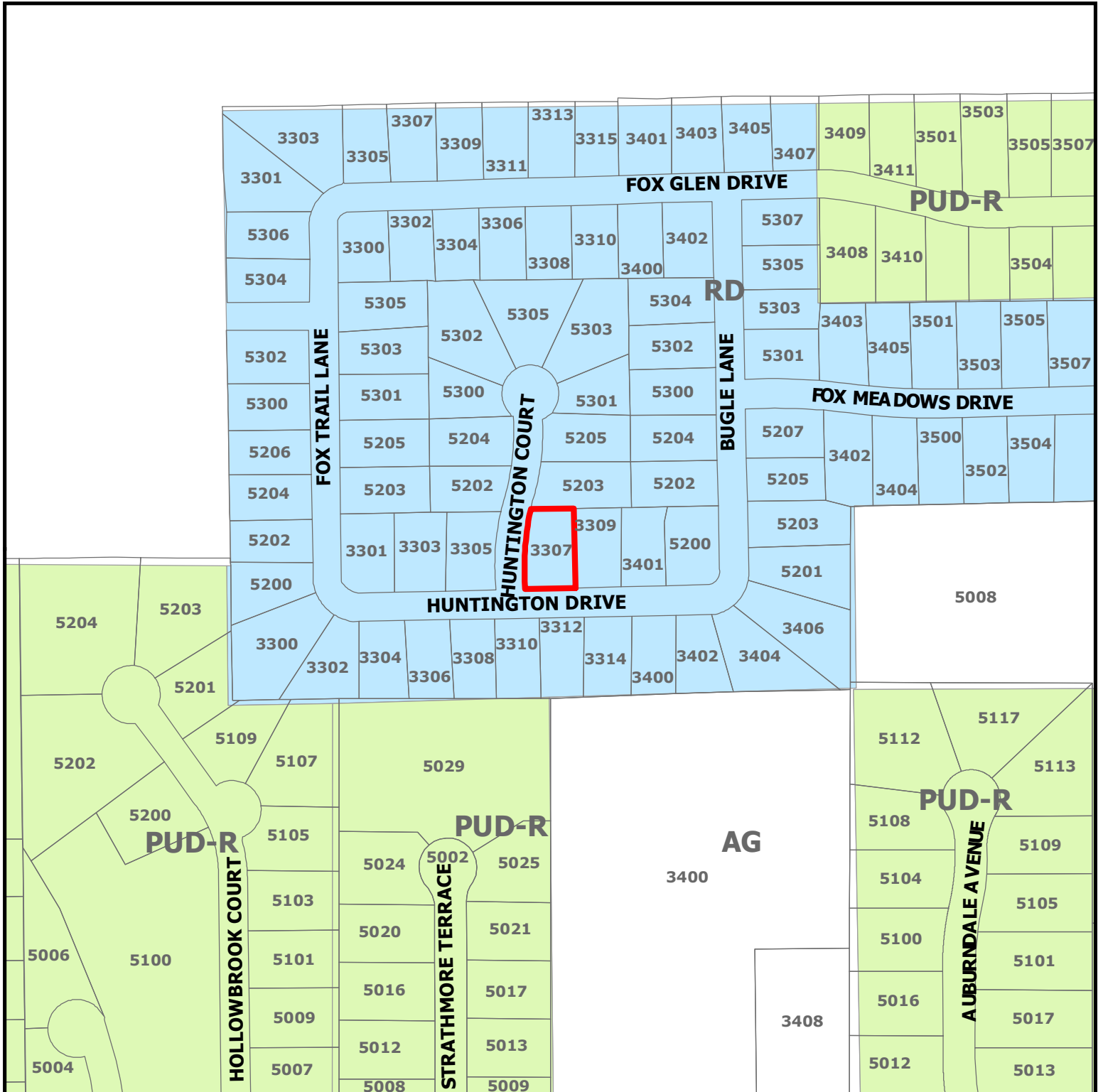
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Subject Property



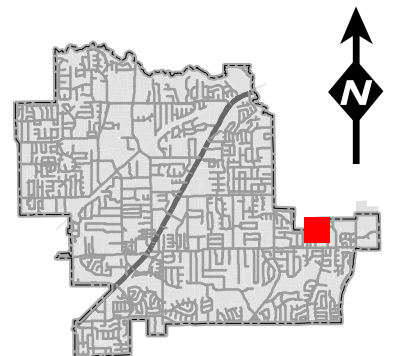
Zoning Map



VC22-007
3307 Huntington Drive

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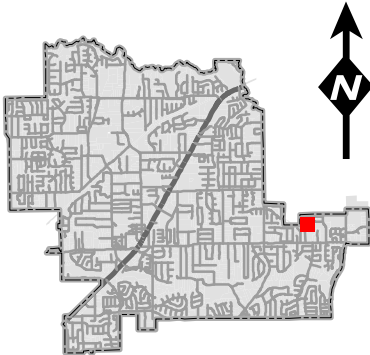
Future Land Use Map



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VC22-007
3307 Huntington Drive

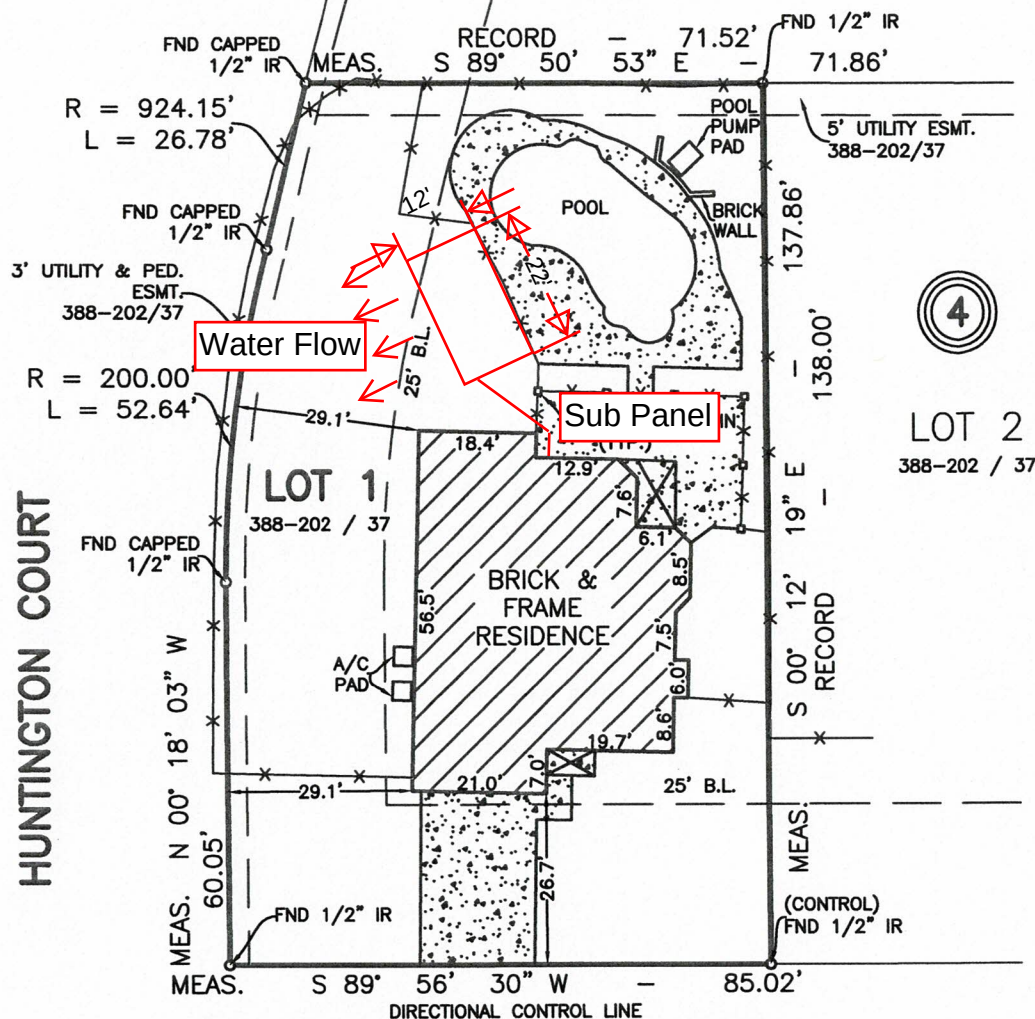
-  Subject Property
-  Residential
-  Open Space; Parks



HUNTINGTON COURT

LOT 34

388-202 / 37



3307 HUNTINGTON DRIVE



SCALE: 1" = 30'

SURVEYORS CERTIFICATION

—	BOUNDARY LINE
—E—	BUILDING
—X—	OVERHEAD UTILITIES
—X—	FENCE
—X—	BRICK
—X—	WOOD DECK
—X—	CONCRETE

LEGEND

This survey is hereby accepted and approved.

[Signature]
Purchaser

[Signature]
Purchaser
7 25 18
Date

STATE FIRM REGISTRATION NUMBER 10193797



PROLINE

SURVEYING LTD.

www.prolinesurveyors.com

Ph# 817-276-1148 info@prolinesurveyors.com

© Proline Surveying, LTD. 2018

SURVEY CAN BE UPDATED FOR DISCOUNTED PRICE

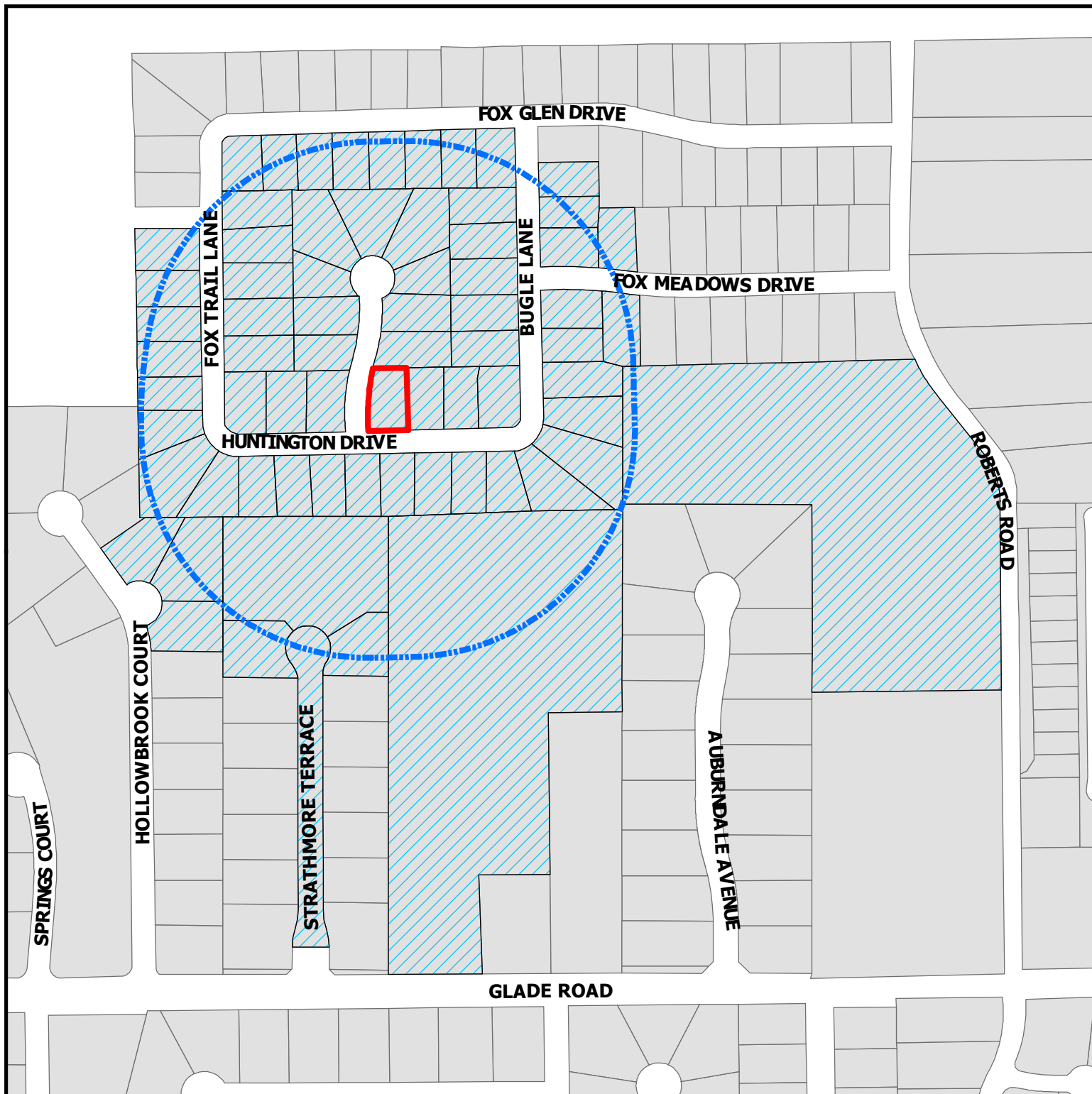
DRAWN BY: PW DATE: 6-29-2018

SURVEY ONLY VALID WITH ORIGINAL SIGNATURE





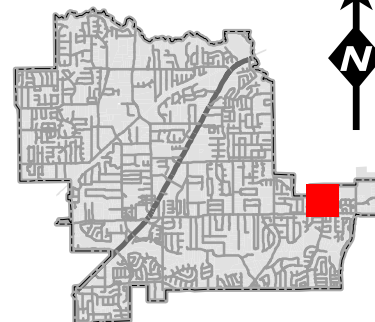
Notification Map



VC22-007
3307 Huntington Drive

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-  Subject Property
-  500ft Buffer
-  Properties within 500ft





NOTICE OF PUBLIC HEARING

«Owner Name»

«Owner Address»

«Owner City» «Owner Zip»

The City of Colleyville has scheduled public hearings concerning the below referenced request on the following dates and location:

**City Council Meeting: Tuesday, August 16, 2022 at 7:30 p.m.
3rd floor of City Hall, 100 Main Street, Colleyville, Texas**

Request: Request for a variance to the provisions of Section 3.24.G Schedule of District Regulations of the Land Development Code, specifically for the minimum lot size requirement in the RD Two-Family Residential district. The size of a platted lot is smaller than the minimum 20,000 square foot lot size requirement when developed as a single-family residential use. The variance will allow for the construction of a detached office shed on the lot. The existing house will remain.

Zoning Case: VC22-007

Applicant: Michael Johnson

Owner: Michael Johnson

Location: 3307 Huntington Drive

Property Description: Lot 1, Block 4, Fox Meadows Addition

Present Zoning: RD Two-Family Residential

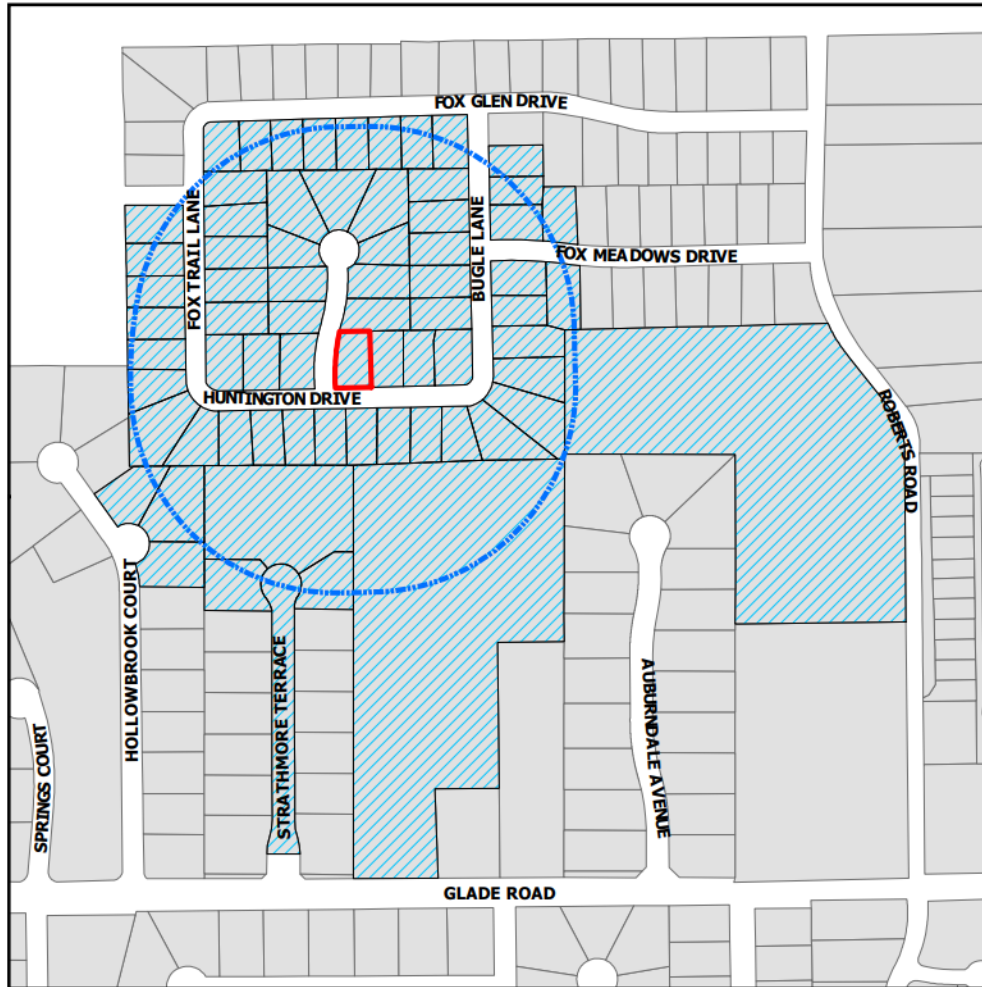
This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved City tax roll. Action by the City Council serves as a final action on the request.

All interested persons are encouraged to attend the public hearing and express their opinions on the variance request. If you are unable to attend, but wish to have your opinions made a part of the public record, please submit written comments prior to the public hearing, to the address below:

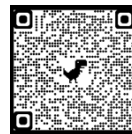
**Community Development Department
City of Colleyville
100 Main Street
Colleyville, TX 76034**

This notice has been sent to all owners of real property within 500 feet of the request as such ownership appears on the last approved tax roll and all homeowners associations within 1000 feet.

NOTICE OF PUBLIC HEARING



The application is on file for public examination in the Community Development Department at 100 Main Street, Colleyville, Texas 76034. A brief project description can be found online on the Agenda Packet and Active Development Case map (please use your phone's camera to scan QR code below):



For additional information, please contact the Community Development Department at 817.503.1056. Please reference the zoning case number when requesting information.

Jacquelyn Reyff
Planning Manager
jreyff@colleyville.com

Owner Name	Owner Address	Owner City
ARAUJO, ARIANE	5202 HUNTINGTON CT	COLLEYVILLE, TX
ARMS, MARIE	5302 FOX TRAIL LN	COLLEYVILLE, TX
ASHMORE II ADDITION	PO BOX 1923	COLLEYVILLE, TX
BISHOP MACKLIN W	3302 HUNTINGTON DR	COLLEYVILLE, TX
BOCCI, CHRISTOPHER	3305 HUNTINGTON DR	COLLEYVILLE, TX
BOLIVAR, JOSE	5206 FOX TRAIL LN	COLLEYVILLE, TX
BROSTOSKI FAMILY LIVING TRUST	5301 HUNTINGTON CT	COLLEYVILLE, TX
BROWN, DARRELL	5300 FOX TRAIL LN	COLLEYVILLE, TX
CANTRELL, KAREN	PO BOX 1140	COLLEYVILLE, TX
CARDARETTE, WILLIAM	5303 BUGLE LN	COLLEYVILLE, TX
COLTMAN, PETER	3404 HUNTINGTON DR	COLLEYVILLE, TX
COTTRILL, JOHN M	5202 FOX TRAIL LN	COLLEYVILLE, TX
COVENANT CHURCH	2660 E TRINITY MILLS RD	CARROLLTON, TX
CRAWFORD, JOHN R	3306 HUNTINGTON DR	COLLEYVILLE, TX
CRAWFORD, MICHAEL	3401 HUNTINGTON DR	COLLEYVILLE, TX
DAHL, DIONN	3301 HUNTINGTON DR	COLLEYVILLE, TX
DAVIDSON, SUSAN	5207 BUGLE LN	COLLEYVILLE, TX
DEVEREAUX, WALTER	3300 HUNTINGTON DR	COLLEYVILLE, TX
DOMINIEC, ANTHONY	3310 FOX GLEN DR	COLLEYVILLE, TX
DOWELL, LESLIE K	3402 FOX GLEN DR	COLLEYVILLE, TX
ECKLUND, DORIS NANETTE	5204 FOX TRAIL LN	COLLEYVILLE, TX
ELAM, MICHAEL	5305 FOX TRAIL LN	COLLEYVILLE, TX
ELLIS, JAIME	3308 FOX GLEN DR	COLLEYVILLE, TX
EVANS, GARY	5201 BUGLE LN	COLLEYVILLE, TX
FENG, MIAO-HSIANG CHEN	3402 FOX MEADOWS DR	COLLEYVILLE, TX
FINLEY, DAVID BYRON	5205 HUNTINGTON CT	COLLEYVILLE, TX
FOSTER, DEBRA	5301 BUGLE LN	COLLEYVILLE, TX
FOSTER, MONICA M	5205 BUGLE LN	COLLEYVILLE, TX
FOX MEADOWS ADDITION	5301 BUGLE LN	COLLEYVILLE, TX
GEIDER, JEFFREY	5204 HUNTINGTON CT	COLLEYVILLE, TX
GEORGE AND JANEEN KENDALL FAMI	5302 HUNTINGTON CT	COLLEYVILLE, TX
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE, TX
HAMRAEI, A	5203 FOX TRAIL LN	COLLEYVILLE, TX
HARADA, SEIJI	3309 HUNTINGTON DR	COLLEYVILLE, TX
HEISTERKAMP, ALEX	3308 HUNTINGTON DR	COLLEYVILLE, TX
HERITAGE GLEN ADDN-COLLEYVILLE	5105 AUBURNDAL AVE	COLLEYVILLE, TX
HOUSE, HARRY	5202 BUGLE LN	COLLEYVILLE, TX
HUBBARD, ASHLEY M EXEMPT TRUST	1812 INDUSTRIAL BLVD	COLLEYVILLE, TX
HUFF, TODD D	5200 BUGLE LN	COLLEYVILLE, TX
JOHNSON, MICHAEL	3307 HUNTINGTON DR	COLLEYVILLE, TX
JOHNSTON, MICHAEL B	5300 BUGLE LN	COLLEYVILLE, TX
KALLESTAD, JUSTIN E	3400 HUNTINGTON DR	COLLEYVILLE, TX
KELLER, ROBERT S	5303 FOX TRAIL LN	COLLEYVILLE, TX
LEE, KYUNG S	3403 FOX MEADOWS DR	COLLEYVILLE, TX
LEIKNESS, GARY	3304 HUNTINGTON DR	COLLEYVILLE, TX
LU, CHING-YU	5204 BUGLE LN	COLLEYVILLE, TX
MARTIN, RICKY	3303 HUNTINGTON DR	COLLEYVILLE, TX
MCDONALD, DILLON	5304 BUGLE LN	COLLEYVILLE, TX
MORENO, AMY	5305 HUNTINGTON CT	COLLEYVILLE, TX
MORGAN, TAYLOR	5200 FOX TRAIL LN	COLLEYVILLE, TX
MOXEY, ROGER L	3300 FOX GLEN DR	COLLEYVILLE, TX
MUNSELL, WILLIAM	3302 FOX GLEN DR	COLLEYVILLE, TX
MYERS, DANNY M	PO BOX 1440	COLLEYVILLE, TX
NETZER, JEFFREY A	5025 STRATHMORE TERR	COLLEYVILLE, TX

NYE, STEVEN	3310 HUNTINGTON DR	COLLEYVILLE, TX
PONDER, BILL C	3406 HUNTINGTON DR	COLLEYVILLE, TX
PRINCE, BARRY	5303 HUNTINGTON CT	COLLEYVILLE, TX
PROPP REVOCABLE TRUST	5302 BUGLE LN	COLLEYVILLE, TX
RICHARDSON, JESSICA	3312 HUNTINGTON DR	COLLEYVILLE, TX
RILEY, DUNCAN	3400 FOX GLEN DR	COLLEYVILLE, TX
SANTOS, ANDRE L	3314 HUNTINGTON DR	COLLEYVILLE, TX
SIMARD, MICHEL	5301 FOX TRAIL LN	COLLEYVILLE, TX
SLACKNEY, JASON T	3306 FOX GLEN DR	COLLEYVILLE, TX
SMITH, ANTHONY	5300 HUNTINGTON CT	COLLEYVILLE, TX
STEELE, MARK	5205 FOX TRAIL LN	COLLEYVILLE, TX
STRATHMORE ADDITION	5012 STRATHMORE TERR	COLLEYVILLE, TX
STRATHMORE HOA	5024 STRATHMORE TERR	COLLEYVILLE, TX
STUBBLEFIELD, BRAD	5203 HUNTINGTON CT	COLLEYVILLE, TX
SULLINS, RICHARD L	4100 BECKLEY CT	COLLEYVILLE, TX
SUTTER, WM	5305 BUGLE LN	COLLEYVILLE, TX
VOSS, PATRICK	5203 BUGLE LN	COLLEYVILLE, TX
WURST, PETER J	3402 HUNTINGTON DR	COLLEYVILLE, TX

RESOLUTION R-22-4759

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO SECTION 3.24.G, SCHEDULE OF DISTRICT REGULATIONS OF THE LAND DEVELOPMENT CODE, SPECIFICALLY FOR LOT AREA IN THE RD TWO FAMILY RESIDENTIAL DISTRICT, FOR LOT 1, BLOCK 4, FOX MEADOWS ADDITION, LOCATED AT 3307 HUNTINGTON DRIVE

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

- Sec. 1. THAT the variance to allow for the lot area to be approximately 10,660 square feet with the RD Two Family Residential zoning district located at 3307 Huntington Drive (the "Property"), as depicted in Exhibit "A" hereto, is approved; and
- Sec. 2. THAT this resolution shall become effective immediately upon passage; provided that, the variance for the Property shall become effective immediately upon the conditions stated herein being fully satisfied.

AND IT IS SO RESOLVED.

PASSED BY A VOTE OF ____ AYES, ____ NAYS, ON THIS THE 16TH DAY OF AUGUST 2022.

Mayor Bobby Lindamood _____
Place 1, Brandi Elder _____
Place 2, George Bond _____
Place 4, George Dodson _____

Mayor Pro Tem Kathy Wheat _____
Place 5, Chuck Kelley _____
Place 6, Callie Rigney _____

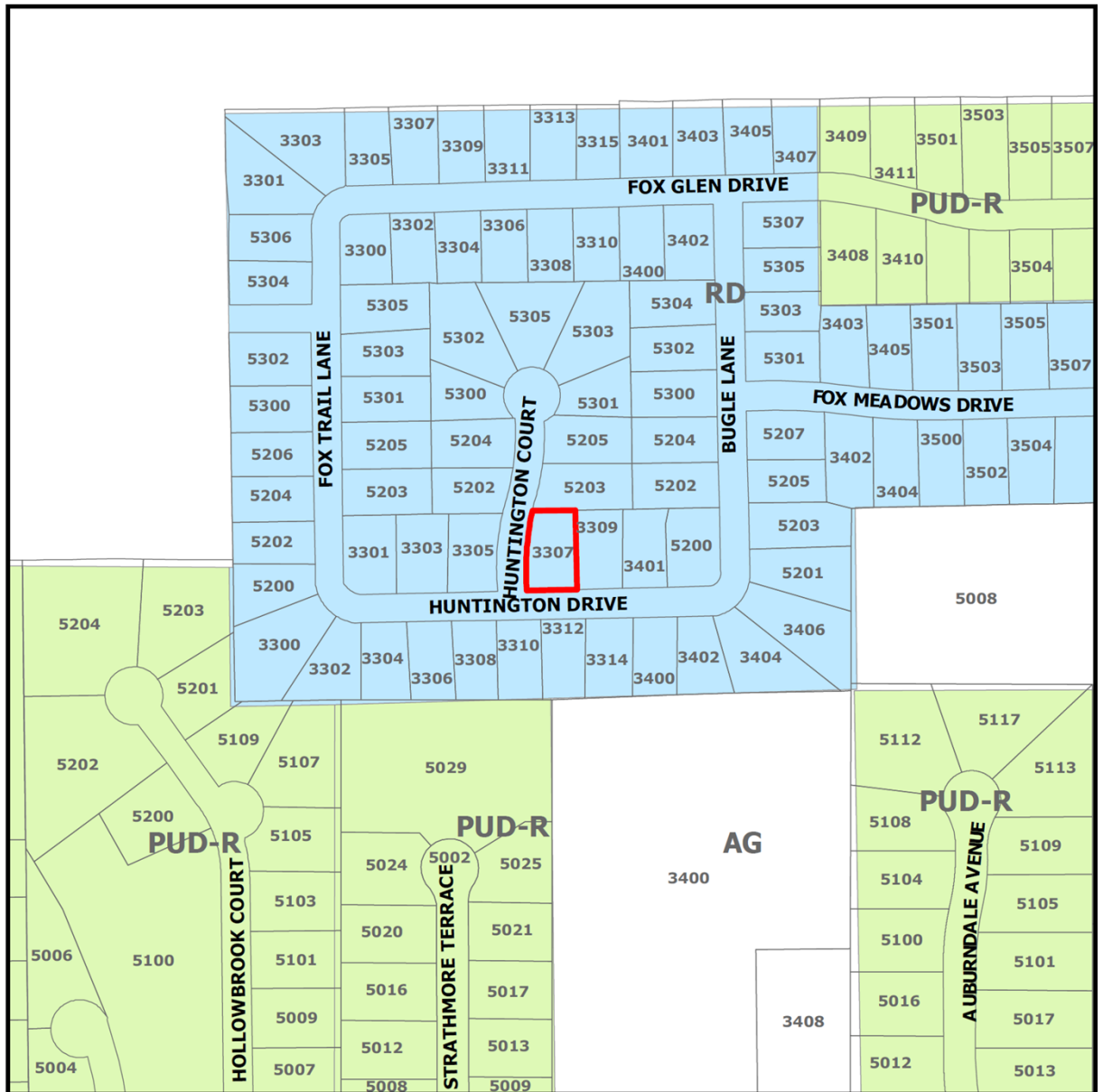
ATTEST:

CITY OF COLLEYVILLE

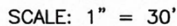
Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor

Attachment "A"



Attachment "B"



SURVEYORS CERTIFICATION

I, DAVID J. ROSE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE BOUNDARY LINE, AND DIMENSIONS OF THE LAND INDICATED THEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, SAID PROPERTY BEING SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS AND RESTRICTIONS THAT MAY BE OF RECORD, AND THAT THE ENCUMBRANCES SHOWN ON THE REFERENCED PLAT OF RECORD, VISIBLE ENCUMBRANCES AND THOSE WHICH ARE SHOWN BY WRITTEN INSTRUMENTS OF THE TITLE COMPANY ARE SHOWN ON THIS PLAT. SURVEYOR DID NOT ABSTRACT THIS PROPERTY. THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR THE TITLE COMPANY AND PURCHASER SHOWN AND IS LICENSED FOR ONE SINGLE USE. THIS SURVEY WILL BE VOID IF USED BY ANY OTHER PERSON OR FOR ANY OTHER PURPOSE. SURVEYOR BEARS NO RESPONSIBILITY FOR SAID USE.

PROLINE
SURVEYING LTD.

www.prolinesurveyors.com
Ph# 817-276-1148 info@prolinesurveyors.com

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SURVEY CAN BE UPDATED FOR DISCOUNTED PRICE

	BOUNDARY LINE
	BUILDING
	OVERHEAD UTILITIES
	FENCE
	BRICK
	WOOD DECK
	CONCRETE

This survey is hereby
accepted and approved.

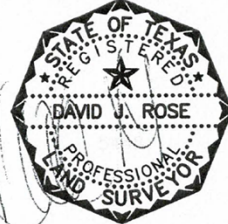
Purchaser

Purchaser

7 25 18
Date

Date _____

STATE FIRM REGISTRATION NUMBER 10193797



DRAWN BY: PW DATE: 6-29-2018

SURVEY ONLY VALID WITH ORIGINAL SIGNATURE



City of Colleyville City Council Agenda Briefing

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

Agenda Number 11

Agenda Date 8/16/2022

Type Report

Department City Secretary

Title

Library Board Minutes - June 13, 2022

Planning and Zoning Commission Minutes - July 11, 2022

Planning and Zoning Commission Minutes - July 25, 2022

Attachments

1. Library Board Minutes-June 13, 2022
2. Planning and Zoning Commission Minutes - July 11, 2022
3. Planning and Zoning Commission Minutes - July 25, 2022



City of Colleyville

Colleyville Library Board

MINUTES

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

Monday, June 13, 2022
6:00 p.m.

Colleyville Public Library
110 Main Street

1. CALL TO ORDER

Chair Gary McPherson called the meeting of the Colleyville Library Board to order at 6:06 p.m.

Present Board members: Vice-Chair Joan Roberts, Molly Skinner, Joseph Stout, Kay Newton, Joy Fulton Lee; City Staff: Library Director Mary Rodne, Library Community Events Coordinator Maria Hoefke

Absent Board Members: Pat Jones, Wanda Cotter, Denise Light

2. APPROVAL OF MINUTES

February 14, 2022

A motion was made by Molly Skinner and seconded by Kay Newton to approve the February 12, 2022 minutes. The motion was approved unanimously.

3. REGULAR AGENDA ITEMS

3a Discussion of the Colleyville Public Library Long-Range Plan Update

Chair McPherson introduced Aaron Babcock of Hidell Associates Architects, who updated the Board members on a proposed presentation to the Colleyville City Council regarding the Colleyville Library Long-Range Plan. As a result of the community survey conducted in December, 2021 and staff input, Babcock said several priorities and recommendations would be made to the City Council. Among them is increased access to the Library's digital collection as well as an after-hours method for picking up hold materials. For example, a locker system either located at the Library, other City facility, or public building, within the City, to collect or pick up Library materials. Babcock also stated the survey indicated Library patrons wanted increase access to the digital book collection. More specifically, with the ability to use specific devices to access the Library's online offerings. Additionally, the Library's budget for pay-per-use or specific titles online, is generally depleted by the beginning of each month due to high demand. Babcock also said the survey indicated a need for programming for older adults and trying to find topics and

areas they would be interested in attending. Other areas included developing a public health response and other emergency planning guidelines; changing technology needs as in how to charge different devices within the Library; an omni-channel marketing plan utilizing several print or online methods; and the replacement of some of the Library's furniture, specifically the eight-foot community tables and the Library's book return/sorter system.

3b Discussion of Items for Future Agendas

Chair McPherson said the Long-Range Plan update would be a continued subject matter for discussion as well as a marketing and communication plan.

REPORTS

4a Librarian's Report

A. Monthly Statistics:

Director Rodne provided an overview of the statistics and programs for the month of May 2022.

B. Donations:

Rodne reported that the Library had received a total of \$14,860.91 in the months of February through May. In February, the Library received a \$10,000 donation from the Robert J. and Helen H. Glaser Family Foundation for the Library's Summer Reading Program; and \$210.91 from Better World Books through the Friends of the Colleyville Public Library. In March, the Library received \$50 from Alam Ziq, a patron, which was used to purchase books for the adult collection; and a \$500 Grant from the Colleyville Lion's Club for the purchase of large print books. In April, the Library received \$100 from the Colleyville Garden Club for the purchase of gardening books; and \$500 from the Friends of the Library for the purchase of Summer Reading Program prizes. In May, the Library received a \$3,500 grant from the Colleyville Woman's Club, which the Library will use to purchase VOX Talking Books.

C. Programs:

Director Rodne provided an overview of the Library's programs and events from February to April.

Director Rodne noted that the early voting and Election Day in the Spring saw additional foot traffic in the Library.

Additionally, Rodne reported that in May, Youth Services staff members were able to visit the Colleyville schools and promote the Library's Summer Reading Program. The staff visited O.C. Taylor Elementary, Colleyville Elementary, Glen Hope Elementary, Bransford Elementary and Colleyville Montessori, for a total of 2,000 people reached. The Summer Reading Program, Read Y'all! launched and participants are able to track their reading either online or use a paper brochure. The Summer Reading Program will last seven weeks and the Finale is scheduled from 5:30 – 8:30 PM, Friday, July 29. Additionally, the Library has become the recipient of a grant from the Texas Commission on the Arts. The grant money will be used to have a larger-than-life armadillo at the Finale. The armadillo is from the Austin-based company, The Bike Zoo. The Library has returned to in-person Story Times and has added some new programming, including Makey Place, Buckaroo Builders and Family Art: Quick Draw on the Plaza. Family Movies on Friday as well as Bounce Time have returned again for the Summer.

In Adult Programming, a new Craft & Chat program is being offered. Also, there is an Author Luncheon planned for August 12, with author Jeff Guinn.

To date, the Summer Reading Program has 951 registered children, 17 teens, and 60 adults. The Kick-Off saw 630 people in attendance and all the Youth Service Story Time programs are full with wait-lists.

Rodne reported that the Library experienced a flood from the second floor kitchen in February and all repairs to the Colleyville Room, Meeting Room B, the Story Time Room, and the storage room have all been repaired and completed just in time for the Summer Reading Kick-Off.

Additionally, Rodne announced that the Library had submitted applications and received two Texas Library Association awards. The Library worked with an intern at the City of Colleyville on the award proposals. The Library was notified in the Spring that the Library received the Texas Library Association's Branding Iron Award for the 2021 Summer Reading Program as well as the Texas Library Association's Benefactor Award for the Glaser Family Foundation. In April, Director Mary Rodne and several members of the Library Foundation attended a Texas Library Association luncheon in Fort Worth, at which an award was presented to Robert and Christine Glaser. Also, both awards were featured in the June edition of the Texas Library Association's magazine.

4b Friends of the Colleyville Public Library Report

Joan Roberts stated the Friends of the Library's annual meeting will be held Tuesday, June 14 and will feature a technology talk with Jack Pawlowski, the

Library's Circulation Information Services Librarian. Roberts also said the Friends will be taking a 'pause' during the Summer in accepting book donations. The Friends have tried scheduling appointments with those with book donations, however, donations continue to arrive at the Library. Due to space constraints this year, with the Library sharing space with the Parks/Recreation and Senior Center, there isn't an opportunity to accept more donations.

4c Colleyville Public Library Foundation Report

No Report.

4. ADJOURNMENT

A motion was made by Kay Newton and seconded by Joan Roberts to adjourn the meeting of the Colleyville Library Board at 7:26 p.m. The motion was approved unanimously.

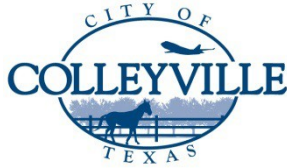
APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 8th DAY OF August.

Minutes taken and prepared by:



Maria Hoefke

Library Community Events Coordinator



City of Colleyville Planning and Zoning Commission Minutes

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

Monday, July 11, 2022

Executive Conference Room

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission Meeting was called to order by Chair Bevill on July 11, 2022, at 6:16 p.m.

Roll Call

Present: David Groves, Lawrence Williamson, Claudia Bevill, and Scotty Richardson

Absent: Sayeda Syed, Tim Raine, and Jim Linn

Staff Present: Ben Bryner, Jacquelyn Reyff, Rob McKeown, and Dakari Hill

Also Present: Attorney, Nicole Corr

There was general discussion amongst Staff and the Commission regarding items to be presented this evening at the regular meeting.

Chair Bevill adjourned the Planning and Zoning Commission Meeting at 6:38 p.m.

CALL MEETING TO ORDER CITY COUNCIL CHAMBERS

The City of Colleyville Planning and Zoning Commission Meeting was called to order by Chair Bevill on July 11, 2022, at 7:00 p.m.

Roll Call

Present: David Groves, Lawrence Williamson, Claudia Bevill, and Scotty Richardson

Absent: Sayeda Syed, Tim Raine, and Jim Linn

Staff Present: Ben Bryner, Jacquelyn Reyff, Rob McKeown, and Dakari Hill

Also Present: Attorney, Nicole Corr

1. APPROVAL OF MINUTES

- 1a** Planning and Zoning Commission Meeting Minutes – June 13, 2022
Planning and Zoning Commission Worksession Minutes – June 27, 2022

Commissioner Williamson made a motion to approve the June 13, 2022 Planning and Zoning Commission Meeting Minutes, and the June 27, 2022 Planning and Zoning Commission Worksession Minutes. Commissioner Groves seconded the motion.

The motion was carried by the following vote:

**Aye: 4 – Groves, Williamson, Bevill, and Richardson
Nay: 0**

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Consideration of a Special Use Permit for a Fence to be located beyond the front façade of the primary dwelling on Lot 2, Block A, Park View Estate, located at 717 Field Street, Case ZC22-025

Jacquelyn Reyff presented the item and briefed the Commission.

The applicants, Brian and Ashley Kenner, 717 Field Street, Colleyville, TX, came forward and answered questions of the Commission regarding the distance of the proposed gate from the curb, the potential of the proposed gate impeding traffic, and their neighbor's sentiments on the proposal.

Staff answered questions of the Commission regarding the regulations for minimum driveway width.

The public hearing was open at 7:21 p.m

Rick Warner, 5408 South Drive, Colleyville, TX, came forward and spoke in support of the case. Mr. Warner expressed that the proposal was practical because of the property's unique positioning and the fence would create a line of demarcation between his property and the neighboring property.

With no one wishing to speak, the public hearing was closed at 7:23 p.m.

Commissioner Groves made a motion to approve Case ZC22-025 with the contingency that only the wooden fence be approved. Commissioner Richardson seconded the motion.

The motion was carried by the following vote:

Aye: 4 – Groves, Williamson, Bevill, and Richardson
Nay: 0

- 2b** Consideration of amendments to Chapter 3 of the Land Development Code to not require a variance for non-conforming lots of record where the deviation is not more than fifteen percent (15%) of a dimensional regulation, specifically amending Section 3.7B Non-conforming Lots of Record, Case GC22-008

Ben Bryner presented the item and briefed the Commission.

Commissioner Richardson stated that a variance of 15% for the R-40 zoning district was a big difference.

The public hearing was open at 7:42 p.m.

With no one wishing to speak, the public hearing was closed at 7:42 p.m.

Commissioner Richardson made a motion to approve Case GC22-008 with the contingency that the deviation be amended to 10 %.
Commissioner Groves seconded the motion.

The motion was carried by the following vote:

Aye: 4 – Groves, Williamson, Bevill, and Richardson
Nay: 0

3. CITIZEN COMMENTS

The public hearing was open at 7:46 p.m.

With no one wishing to speak, the public hearing was closed at 7:46 p.m.

4. AJOURNMENT

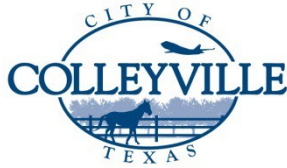
The meeting adjourned at 7:46 p.m.

The minutes were written and prepared by:



Dakari Hill
Planner

The meeting minutes were approved on August 8, 2022 by a vote of 7-0



City of Colleyville Planning and Zoning Commission Minutes

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

Monday, July 25, 2022

Executive Conference Room

CALL MEETING TO ORDER

The City of Colleyville Planning and Zoning Commission Worksession Meeting was called to order by Chair Bevill on July 25, 2022, at 6:15 p.m.

Roll Call

Present: David Groves, Lawrence Williamson, Tim Raine, Claudia Bevill, and Scotty Richardson

Absent: Sayeda Syed and Jim Linn

Staff Present: Ben Bryner, Larry Wright, Jacquelyn Reyff, Rob McKeown, and Dakari Hill

Also Present: George Bond (City Councilman), George Dodson (City Councilman), Chuck Kelley (City Councilman), and Nicole Corr (City Attorney)

2. WORKSESSION AGENDA ITEMS

- 2 a** Presentation and discussion of a Special Use Permit for outdoor display of merchandise on Lot 3A1A, 3B1, and 4A, Block 2, Andy Felps Addition, located at 4201 Colleyville Boulevard, Case ZC22-019

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the other possible locations for the merchandise, limiting the amount of items displayed in the front property, and the period of time the merchandise has been displayed in the front of the property.

- 2b** Presentation and discussion of a Replat for Lot 1R, Block 1, Epperson Addition, being Tract 4E, Abstract 295, William E. Crooks Survey, and Lot 1, Block 1, Epperson Addition, located at 7308 and 7316 John McCain Road, Case PC22-011

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the removal of the large

home on one of the lots.

- 2c** Presentation and discussion of a Zoning Change from R-40 Single Family Residential to R-30 Single Family Residential zoning district for Lot 1A, Block 2, Stafford Heights Subdivision, located at 4901 Stafford Drive, Case ZC22-026

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the reasoning for the request.

- 2d** Presentation and discussion of a Special Use Permit for Alcoholic Beverage Sales for On-Premises Consumption on Lot 13R, Block 2, Thompson Terraces Subdivision, located at 5201 Colleyville Boulevard, Case ZC22-027

Jacquelyn Reyff presented the item and briefed the Commission.

- 2e** Presentation and discussion of a Special Use Permit for a Residential Carport on Lot 4, Block 6, Rustic Oaks Addition, located at 413 Live Oak Drive, Case ZC22-028

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding how the City became aware of the structure and the compliance of the roofline.

- 2f** Presentation and discussion of a Replat for Lots 1R-A and 1R-B, Block 4, Fairway Addition, being Lot 1, Block 4, Fairway Addition, located at 6601 Herbert Road, Case PC22-012

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the intent of the replat and the potential lots having access onto McDonwell.

- 2g** Presentation and discussion of a Zoning Change from AG Agricultural to PUD-R Planned Unit Development-Residential zoning district for Tracts 1B1, 1C1, 1B2, and 1B3, Abstract 294, Robert Chowning Survey, located at 2417 Wilkes Drive, Case ZC22-029

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding potential connection to Pool Road, the plan's compliance with density requirements, and the impact of the 100 year flood plain on the proposed development.

- 2h** Presentation and discussion of a Special Use Permit for an accessory

building to exceed the permitted lot coverage for accessory buildings and to encroach into the rear setback on Lot 5, Block 7, Saddlebrook Addition, located at 4105 Mockingbird Lane, Case ZC22-030

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding Saddlebrook's HOA and when noncompliant accessory structure was built.

- 2i** Presentation and discussion of a Zoning Change from R-10 Single Family Residential to R-20 Single Family Residential zoning district for Lot 16 and E1/2 LT 15, Block 4, Colleyville Estates, located at 705 Hillside Road, Case ZC22-031

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the reasoning for request and the potential of the entire subdivision being rezoned.

- 2j** Presentation and discussion of a Special Use Permit for an accessory building to encroach into the street side yard setback on Lot 1, Block 4, Fox Meadows Addition, located at 3307 Huntington Drive, Case ZC22-032

Jacquelyn Reyff presented the item and briefed the Commission. Staff addressed questions of the Commission regarding the part of the structure that encroaches into the setback and the feasibility of bring the structure into compliance.

3. AJOURMENT

The meeting adjourned at 7:59 p.m.

The minutes were written and prepared by:



Dakari Hill
Planner

The meeting minutes were approved on August 8, 2022 by a vote of 7-0.

RESOLUTION R-22-4760

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
AUGUST 16, 2022**

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 16TH DAY OF
AUGUST 2022.

Mayor Bobby Lindamood
Brandi Elder, Place 1
George Dodson, Place 4
Callie Rigney, Place 6

_____	Mayor Pro Tem Kathy Wheat	_____
_____	George Bond, Place 2	_____
_____	Chuck Kelley, Place 5	_____

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Bobby Lindamood
Mayor