



City of Colleyville City Council Agenda

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

Tuesday, December 17, 2013

City Council Chambers

**PRE COUNCIL MEETING
EXECUTIVE SESSION
5:30 P.M.
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER

PC-1 Discussion of Highway 26 School Zone

PC-2 Discussion of the methodology for calculating drainage utility fees

PC-3 Presentation of the Monthly Financial Report - November 2013

PC-4 Discussion of the December 17, 2013, 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 public hearing or action items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Moxie Pest Services - Dallas, LLC v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding solicitor ordinance

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

Section 551.087 - Economic Development - Discuss or deliberate regarding commercial or financial information that the City has received from business prospects that 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

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

INVOCATION: Pastor Dave Jung, Crown of Life Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

- 2. OATH OF OFFICE - Jack Stacy, Mayor for a Day**
- 3. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-13-3697**
- 4. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS**
 - Announcements of civic and charitable events**
 - Presentation of calendar events and updates**
 - Announcements of awards and recognition**
 - Proclamation in recognition of Jack Stacy, Mayor for a Day - Mayor David Kelly
 - Proclamation declaring December 20, 2013, "Thank a Teacher Day" at Colleyville Elementary School - Colleyville Elementary School Principal Shelia Shimmick - Mayor for a Day Jack Stacy
 - In recognition of Colleyville's featured business - Michael's Keys, 4003 Colleyville Boulevard - John Lemmon, Shop Manager - Mayor David Kelly and Economic Development Director Marty Wieder
 - Recognition of employees' years of service
 - Recognition of employee achievements
- 5. CONSENT: READING AND PUBLIC HEARING - Resolution R-13-3698**
 - 5a** Approval of the minutes of the regular City Council meeting of December 3, 2013
 - 5b** Approval to extend the approved bank depository proposal with Wells Fargo Bank, N.A. for the period of April 1, 2014 through March 31, 2015

- 5c** Approval of a three year Municipal and County Government Enterprise License Agreement (ELA), between the City of Colleyville and the Environmental Systems Research Institute, Inc. (ESRI), in an amount not to exceed \$88,650, and authorize the city manager to execute the agreement

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

6a Ordinance O-13-1898

Consideration of a request for a Special Use Permit for a carport on Lot 14, Block 7, of the Oak Crest Hill Addition, located at 313 Oak Crest Hill Drive, Case ZC13-016

6b Ordinance O-13-1899

Consideration of a request for a zoning change from AG-Agricultural to PUD-R-Planned Unit Development Residential on 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue; and a request for approval of an amendment to the PUD-R-Planned Unit Development Residential zoning and development requirements on 108.5 acres out of the Elizabeth Cox Survey, John H. Havens Survey, and the Jesse Doss Survey, located in the 4900 block of Heritage Avenue, Case ZC13-017

6c Ordinance O-13-1900

Consideration of a request for an amendment to the Special Use Permit for a Package Store development requirements for Lot 2, Block 1, of the Glade Points Addition, located at 4200 Glade Road, Case ZC13-018

6d Ordinance O-13-1901

Approval of amendments to Chapter 13 - Impact Fees of the Land Development Code

6e Ordinance O-13-1902

Approval of amendments to the Code of Ordinances Chapter 70, Article II, Section 70-28, Relating to Home Solicitation, Distribution, and Miscellaneous Sales

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-13-3699

Consideration of appointments to the Architectural Review Commission

7b Resolution R-13-3700

Consideration of appointments to the Colleyville Center Advisory Committee

7c Resolution R-13-3701

Consideration of appointments to the Colleyville Events Steering Committee

7d Resolution R-13-3702

Consideration of appointments to the Colleyville Sidewalks Committee

7e Resolution R-13-3703

Consideration of an appointment to the Historical Preservation Committee

7f Resolution R-13-3704

Consideration of appointments to the Library Board, Alternate 1 and Alternate 2, and filling the position of Library Board, Place 6

7g Resolution R-13-3705

Consideration of appointments to the Parks and Recreation Advisory Board

7h Resolution R-13-3706

Consideration of appointments to the Traffic Safety Advisory Committee

8. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**9. REPORTS**

Planning and Zoning Commission Meeting Minutes - October 28, 2013

Planning and Zoning Commission Meeting Minutes - November 11, 2013

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR DECEMBER 17, 2013 - Reading and Public Hearing - Resolution R-13-3707**11. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, December 13, 2013, by 5:00 p.m.

Amy Shelley, TRMC
City Secretary

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
Colleyville, Texas 76034
www.colleyville.com

Agenda Number PC-1

Agenda Date 12/17/2013

Type Pre Council

Department Police

Title

Discussion of Highway 26 School Zone

Explanation

In response to a recent inquiry by Councilmember Jody Short, the Police Department conducted an analysis of the school safety zone located on State Highway 26 (SH26) at Hall-Johnson Road. The analysis included reviewing previous documentation, monitoring of the school safety zone to determine current usage, reviewing recent accident and citation data, and determining current affected campus student population.

The school safety zone runs both north and south of Hall-Johnson Road on State Highway 26. The posted speed limit is 35 mph during the times that the school safety zone is active. This is normally 7:15AM – 8:25AM and 2:30PM – 3:55PM Monday through Friday during the school year. The school safety zone is marked by flashing lights when active.

The school safety zone was established by ordinance and was last updated in 2009. In August 2009, the Texas Department of Transportation (TxDOT) reviewed the school safety zone after receiving complaints from citizens. TxDOT gathered information regarding children's crossing patterns, proximity of schools and input from the Police Department. The final determination was to retain the school safety zone, per the attached letter from TxDOT. TxDOT also recommended that additional signage be installed on Hall-Johnson Road advising approaching drivers that they will be entering a school safety zone once they enter onto SH26. The advance warning signs were installed on Hall-Johnson Road on both the east and westbound directions.

The Police Department recently conducted visual inspections of the SH26 school safety zone to determine the current usage patterns. The inspections were conducted on random school days, and during both the morning and afternoon active times. The typical usage count was between four and eight children during the active period.

The Police Department also reviewed motor vehicle accident data over the past three years. The data reviewed included accidents within the area of the SH26 school safety zone. During this period, the Police Department worked 19 motor vehicle accidents. However, only two of the accidents were during an active school safety zone period. The Police Department has also issued 51 citations related to speeding

within the school safety zone since January 1, 2013.

Currently, the SH26 school safety zone serves the children who attend Colleyville Middle School with an approximate population of 690 students and staff, Bridges with a population of 68, Vista with a population of 26, and Colleyville Elementary School with a population of approximately 493 students and staff.

While staff recognizes that there have been concerns raised regarding the necessity of retaining the SH26 school safety zone, a review of the findings indicates that it is still effective and needed. The number of children utilizing the crosswalks may not be overwhelming, but they are enough to warrant speed control. The reduced speed seems to be effective in reducing the number of motor vehicle accidents during the active periods. The Police Department will continue to monitor the area and ensure the safety of the children.

Attachments

1. TxDOT School Zone



Texas Department of Transportation

P.O. BOX 6868 • FORT WORTH, TEXAS 76115-0868 • (817) 370-6500

August 28, 2009

The Honorable David Kelly
Mayor of Colleyville
100 Main Street
Colleyville, TX 76034

Re: School Zone on SH 26

Dear Mayor Kelly,

Thank you for your recent letter regarding the existing school zone on SH 26 at Hall Johnson Road. We also appreciate the additional information that you have provided regarding the accident history on SH 26 in this area. In the spring of this year, we received several citizen complaints about this school zone, which prompted us to investigate further. The public's perception was that it was no longer needed due to the relocation of Colleyville Elementary School. We initially recommended removal of the school zone. Recently, my staff has visited with Mr. Steve Chutchian, as well as members of the police force. We were able to gather more information regarding the children's crossing patterns and the location of the other schools in this area. While we typically do not provide a school zone where there is a signalized crossing, we understand the city's concerns and at this time agree to leave the school zone in place.

We have received other citizen inquiries about additional signage of the school zone. The main concern is that motorists turning onto SH 26 from Hall-Johnson do not have warning that they have turned into a school zone. We respectfully request that the city investigate installing advanced signing on Hall-Johnson indicating that there is a school zone ahead. My staff would be happy to work with you to recommend the appropriate signage.

We appreciate the city working with us on this issue. If you should have any other questions about this school zone, please contact Ms. Theresa Lopez, P.E., Assistant Director of Transportation Operations, at (817) 370-6614.

Sincerely,

FR Maribel P. Chavez, P.E.
Fort Worth District Engineer

TAL:cas



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-2

Agenda Date 12/17/2013

Type Pre Council

Department Public Works

Title

Discussion of the methodology for calculating drainage utility fees

Explanation

On June 15, 1993, City Council adopted Ordinance O-93-902, declaring the drainage of the City of Colleyville to be a public utility. On August 31, 1993, City Council adopted Ordinance O-93-912, which established a schedule of drainage utility charges to be levied on all property within the boundaries of the City of Colleyville, except those properties specifically exempted in the Ordinance. The fee schedule established a monthly flat rate of \$4.00 for all residential lots or tracts, and a varying rate, based on land use, ranging from \$6.10 for park land to \$13.94 per acre for business/commercial properties. The establishment of the drainage utility system and the schedule of charges are codified in Part II, Chapter 98, of the Code of Ordinances of the City of Colleyville.

On September 5, 2000, City Council adopted Ordinance O-00-1239, amending the schedule of charges by increasing the residential rate to \$6.00 per month, and the range of the non-residential charge from \$9.15 to \$20.91 per acre per month.

On September 20, 2005, City Council adopted Ordinance O-05-1545, again increasing the residential fee to \$7.00 per month, and the range of the non-residential fee from \$10.68 to \$24.40 per acre per month. These rates are the rates currently in effect as contained in the attached Section 98 of the Code of Ordinances.

Colleyville was one of the first cities in north Texas to adopt a drainage utility, and had very little precedent upon which to develop the program and establish the schedule of fees, so it was determined that land use would be the basis for fees. Over the years, as more cities have established drainage utilities, the most commonly accepted methodology, and the most equitable, is based on runoff, which is a function of impervious surface on a parcel of land.

When the drainage utility was created, the enabling ordinance declared that "*The City will offer drainage service on non-discriminatory, reasonable and equitable terms.*" Staff has performed a preliminary analysis of the existing fee structure and determined that residential properties are paying approximately 25 percent more per square foot of impervious area than are non-residential properties. In addition, non-residential properties, that have a small building on a parcel, are paying significantly more than a large building on a parcel of the same size. By assessing the fee based on impervious

area instead of land use, the equitability of fees will improve as the fee and the service being provided more closely correlate.

This discussion is not intended to be about the amount being charged, but rather about how the fee is determined. If the City Council desires that impervious area be used as the basis for the fee calculation, staff will do an in-depth analysis and come back to City Council at a later date with recommendations on a new rate structure.

Attachments

1. Drainage Utility Fee presentation
2. Ordinance O-93-902
3. Ordinance O-93-912
4. Ordinance O-00-1239
5. Ordinance O-05-1545
6. Part II, Chapter 98, Colleyville Code of Ordinances



Drainage Utility System

Restructuring the Methodology for Calculating
Drainage Fees

Pre Council Meeting
December 17, 2013



Background

In 1993, the City Council created the drainage utility system to:

“Protect the public health and safety from loss of life caused by surface water overflows, surface water stagnation, and pollution arising from non-point of source runoff within the City.”

The Council declared that:

“The City will offer drainage service on nondiscriminatory, reasonable, and equitable terms.”

Colleyville Code of Ordinances, Sec. 98-101. - Establishment of system.

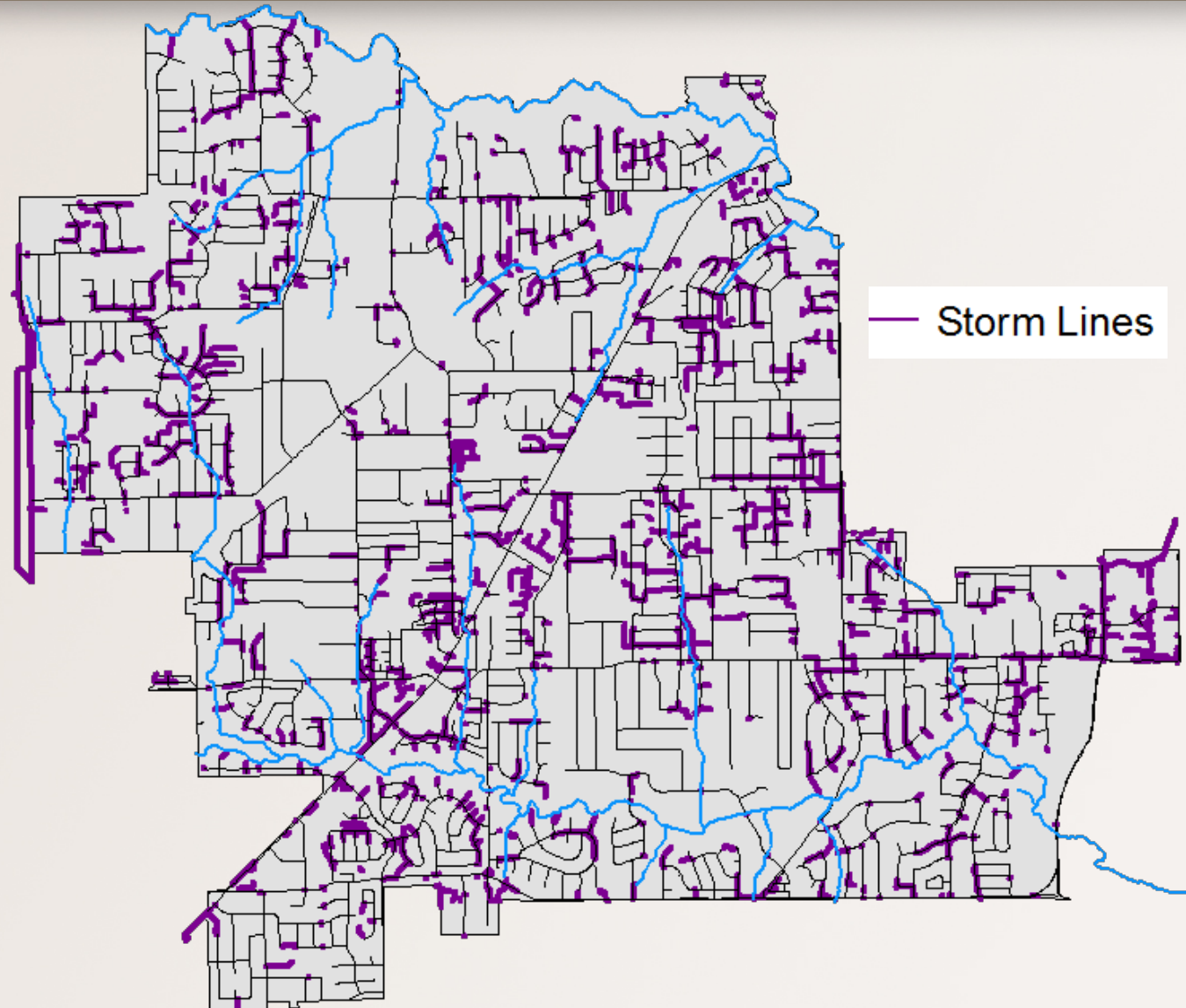


Background (continued)

- When Colleyville adopted the drainage fee in 1993, there were very few cities in Texas that had done so, and very little precedent existed on which to base it.
- GIS technology had not evolved to a point where it was a useful tool in determining impervious surface area. The City acquired GIS technology in the late 1990's.
- There was limited non-residential property in Colleyville, especially commercial.

Drainage Infrastructure

- Over 64 miles of storm sewer infrastructure worth over \$38 million.
- Bar ditches
- An expansive creek/tributary system





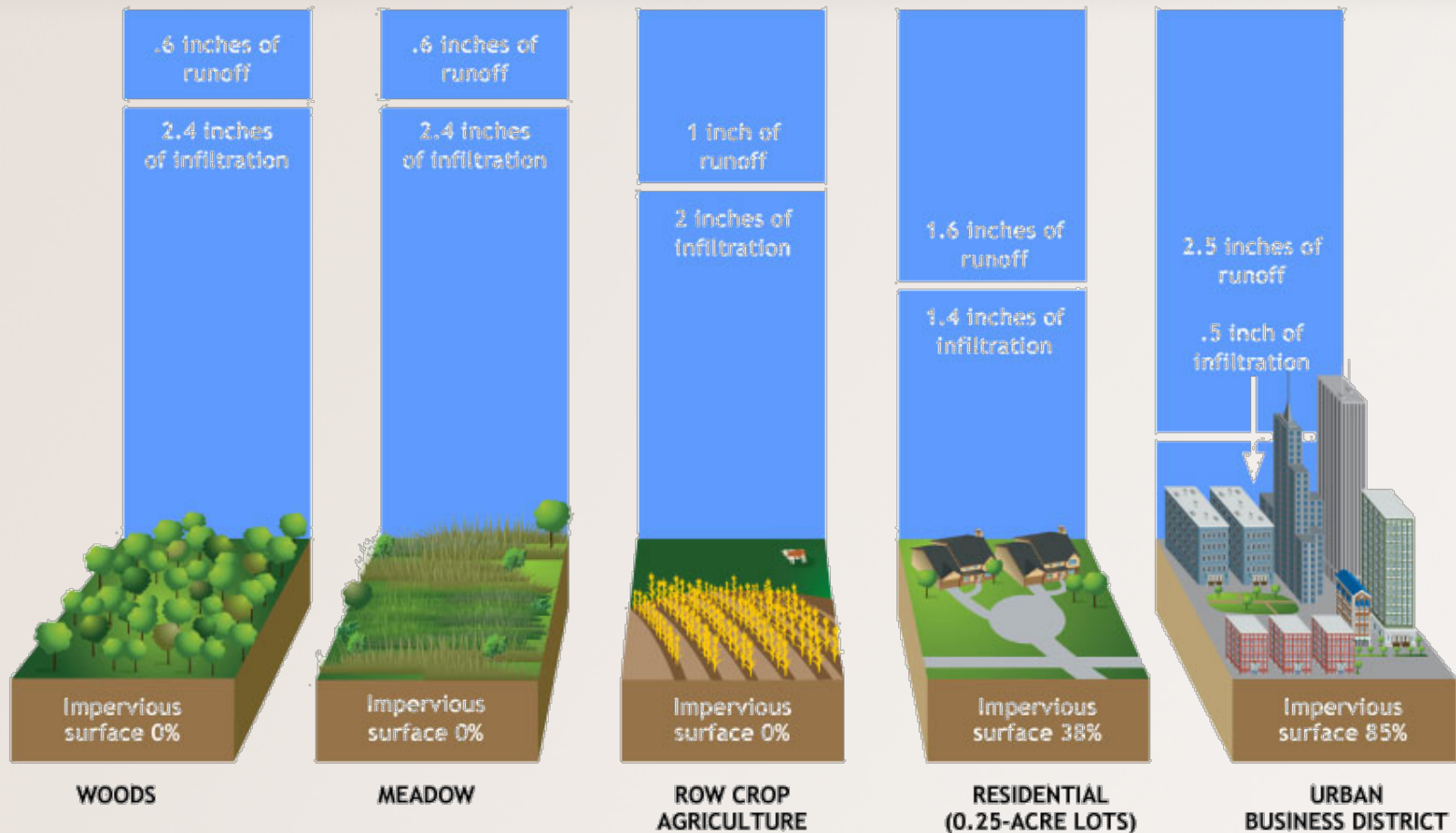
Schedule of Monthly Charges

Year	Residential	Non-Residential
1993	\$4.00	\$6.10-13.94/acre
2000	\$6.00	\$9.15-20.91/acre
2005-Present	\$7.00	\$10.68-24.40/acre

Non-Residential Land Use	Monthly Rate Per Acre
School, Business/Commercial-1, Industrial - 1, Miscellaneous-1	\$ 24.40
Church	\$ 15.25
Park, Business/Commercial-2(*), Industrial-2(*), Miscellaneous-2(*)	\$ 10.68

* These land use categories are applicable to business/commercial, industrial or miscellaneous land use, which do not require the construction of impervious lot cover

Impervious Surfaces



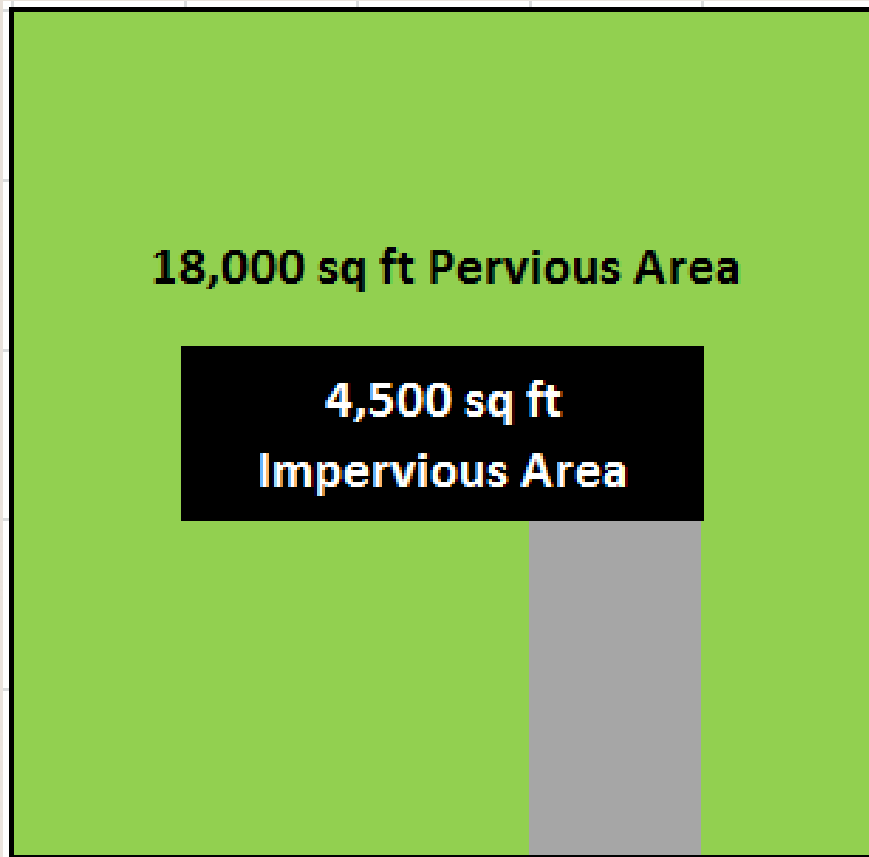


Our Neighbors

City	Residential	Non-Residential
Southlake	Flat Rate	Impervious Area
Bedford	Flat Rate	Impervious Area
Grapevine	Flat Rate	Impervious Area (Churches Exempt)
Keller	Flat Rate	Impervious Area
Hurst	Flat Rate	Impervious Area
NRH	Lot Size / Zoning	Lot Size / Zoning
Eules	Flat Rate	Lot Size
Colleyville	Flat Rate	Land Use and Lot Size

Residential Comparison

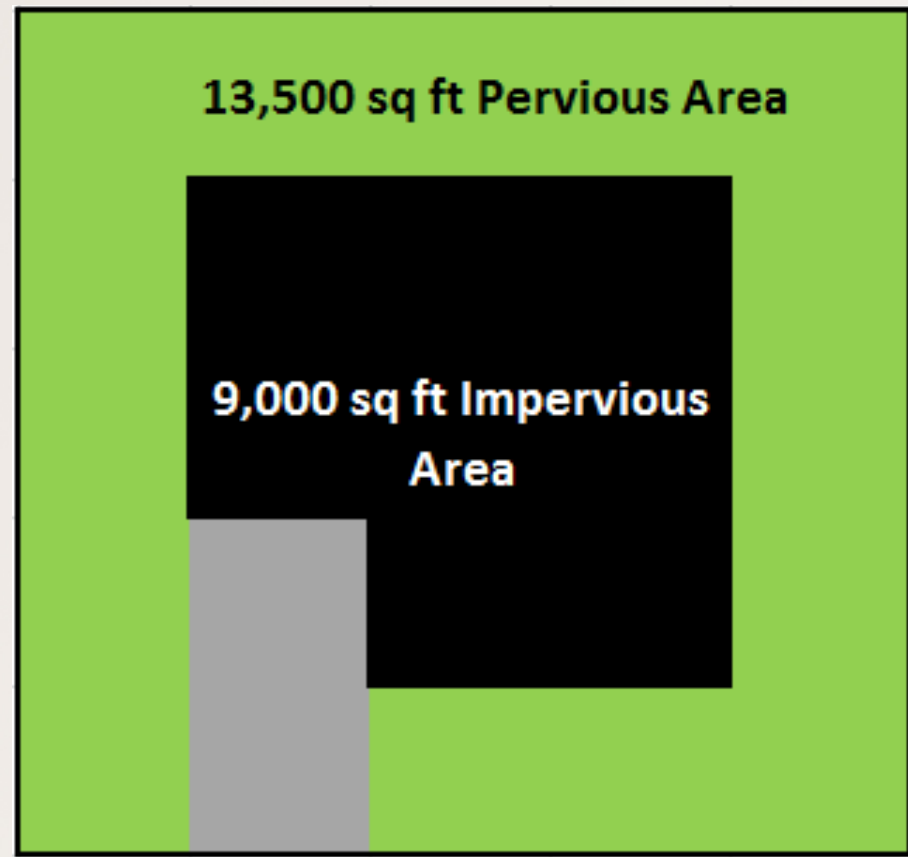
Property 1



$\frac{1}{2}$ Acre

Residential

Property 2

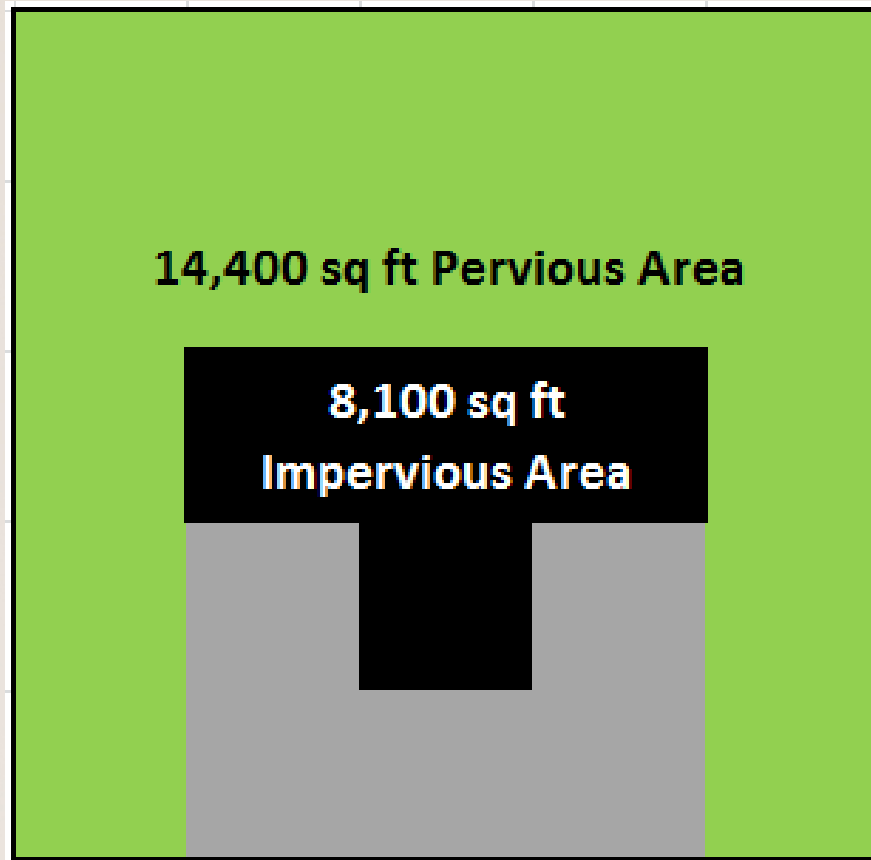


$\frac{1}{2}$ Acre

Residential

Non-residential Comparison

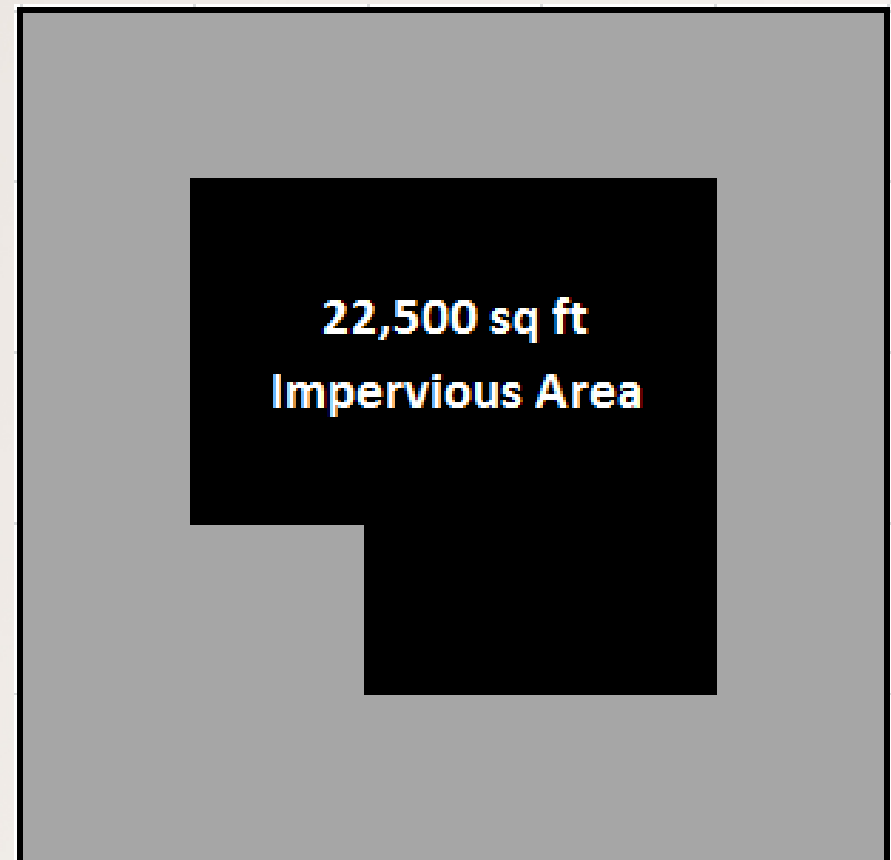
Property 1



$\frac{1}{2}$ Acre

Business/Commercial-1

Property 2

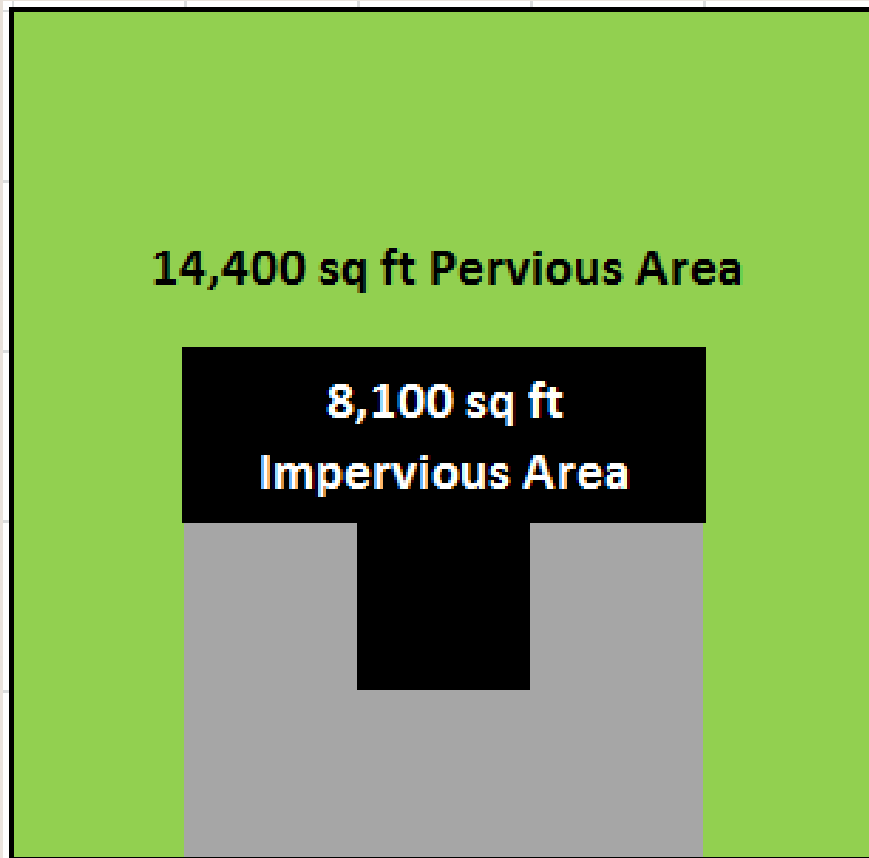


$\frac{1}{2}$ Acre

Business/Commercial-1

Non-residential Comparison

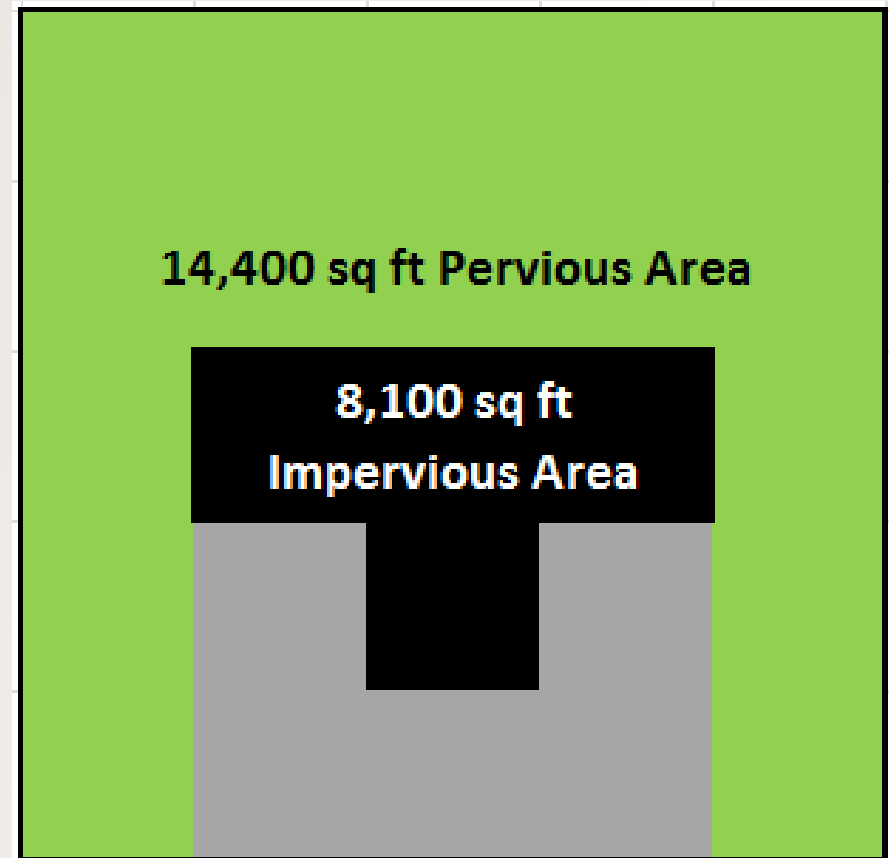
Property 1



$\frac{1}{2}$ Acre

Business/Commercial-1

Property 2



$\frac{1}{2}$ Acre

Church

Residential vs. Non-Residential

Total Annual Fees/Total Impervious Area = Annual average revenue per square foot of impervious area

Residential

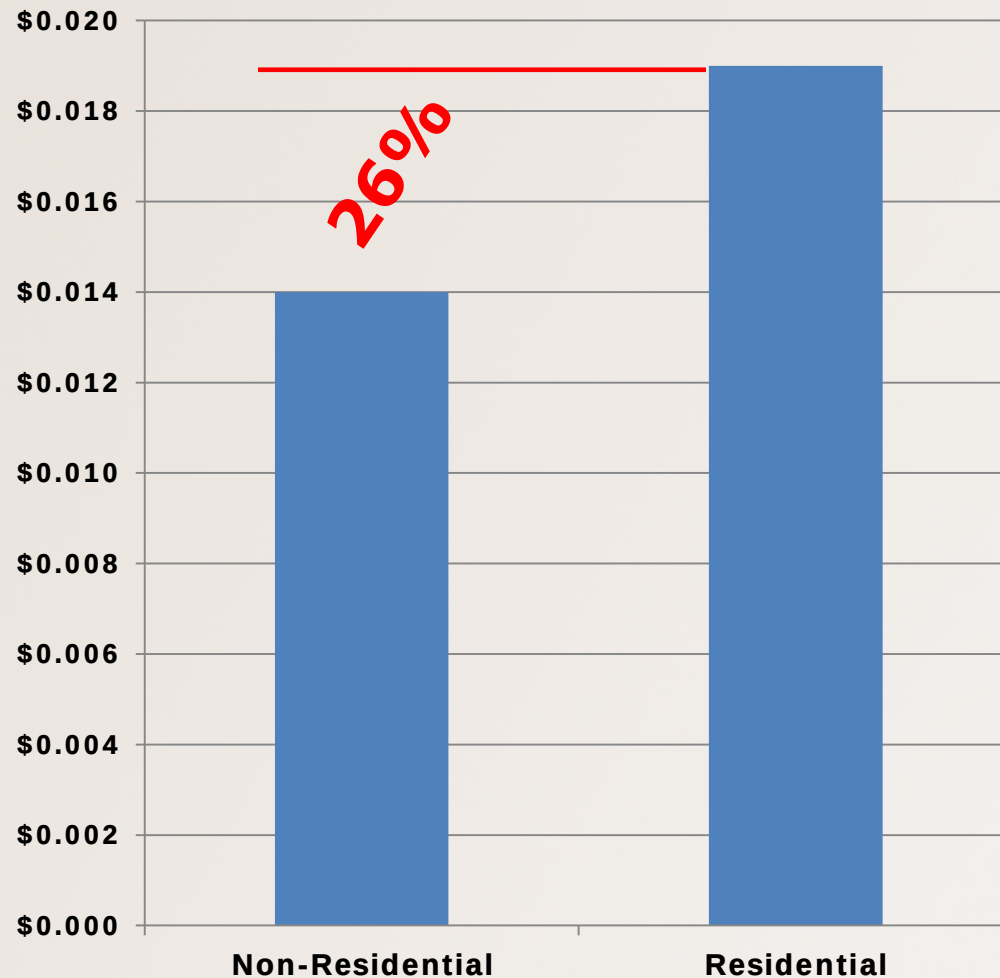
\$715,512 total fees collected	
38,155,729 total sq. ft. impervious surface	= 1.9 cents/sq. ft.

Non-Residential

\$199,776 total fees collected	
14,194,352 total sq. ft. impervious surface	= 1.4 cents/sq. ft.

Residential vs. Non-Residential

Annual Average Revenue Per Square Foot of Impervious Area



Analysis Sample

Current Fee Structure:
8.78 acres

Impervious Area: 4.12
acres



Analysis Sample

Current Fee Structure:
7.02 acres

Impervious Area: 6.67
acres



Residential Comparison



4,342 sq. ft.
impervious surface

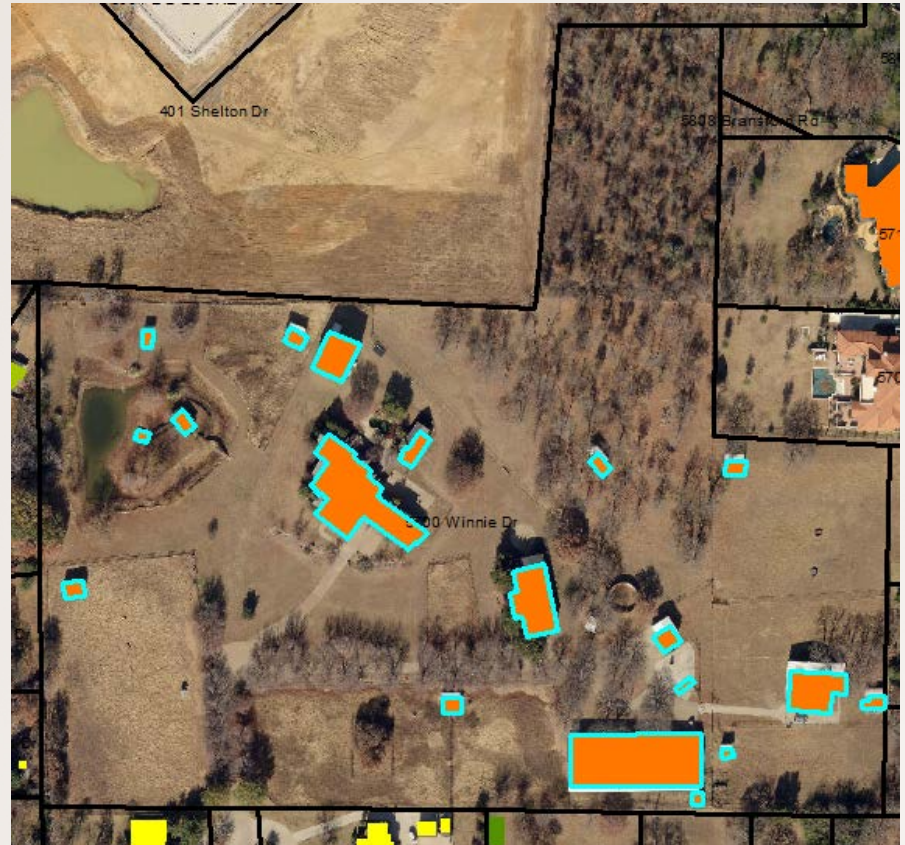


15,272 sq. ft.
impervious surface

Residential Comparison



5,641 sq. ft.
impervious surface



48,756 sq. ft.
impervious surface



Summary

- The current methodology of accessing fees does not appear to be producing equitable results
- Preliminary analysis shows that fees collected from residential properties are subsidizing the lesser paying non-residential properties
- Staff is seeking direction by City Council on changing the methodology of accessing fees

ORDINANCE NO. 0-93-902

AN ORDINANCE DECLARING ADOPTING OF THE MUNICIPAL DRAINAGE UTILITY SYSTEMS ACT, MAKING AND ADOPTING FINDINGS, DECLARING THE DRAINAGE OF THE CITY OF COLLEYVILLE TO BE A PUBLIC UTILITY AND INCORPORATING EXISTING DRAINAGE FACILITIES, MATERIALS AND SUPPLIES INTO THE DRAINAGE UTILITY SYSTEM.

WHEREAS, the creation of a drainage utility system within the City of Colleyville is necessary to protect the public health and safety from loss of life and property caused by surface water overflows, surface water stagnation, and pollution arising from non-point source run-off within the City of Colleyville; and

WHEREAS, after proper notice, a public hearing has been conducted upon the proposed adoption of the drainage utility system herein declared; and

WHEREAS, the City Council finds that the City of Colleyville will establish a schedule of drainage charges against all real property in the proposed service area subject to charges under the Municipal Drainage Utility Systems Act; and

WHEREAS, the City Council finds that the City of Colleyville will provide drainage for all real property within the City on the payment of drainage charges, except real property exempted pursuant to the provisions of the Municipal Drainage Utility Systems Act; and

WHEREAS, the City Council finds that the City of Colleyville will offer drainage service on a non-discriminatory, reasonable and equitable terms; and

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

Sec. 1: That all findings of fact contained in the above recitals are hereby determined, found and adopted.

Sec. 2: That the City of Colleyville declares that it adopts the Municipal Drainage Utility Systems Act and declares the drainage of the City of Colleyville to be a public utility.

1
2
3 Sec. 3: That the existing drainage facilities, materials and supplies in the City of
4 Colleyville are incorporated into the drainage utility system.

5 AND IT IS SO ORDERED

6 The first reading and public hearing being conducted on the 18th day of
7 May, 1993.

8 The second reading and public hearing being conducted on the 1st day
9 of JUNE, 1993.

10 The third reading and public hearing being conducted on the 15th day of
11 JUNE, 1993.

12 ATTEST:

CITY OF COLLEYVILLE

13 Jean Harris

Jean Harris
City Secretary

14 Richard Newton

Richard Newton
Mayor

15 APPROVED AS TO FORM AND LEGALITY:

16 Ross T. Foster

Ross T. Foster
City Attorney

ORDINANCE NO. 0-93-912

AN ORDINANCE LEVYING DRAINAGE UTILITY CHARGES, PROVIDING THAT DRAINAGE CHARGES SHALL INCLUDE FUNDING OF FUTURE CONSTRUCTION, MODIFYING CHAPTER 11 OF THE COLLEYVILLE CODE BY ADDING THERETO A SECTION 5 PROVIDING FOR THE ESTABLISHMENT OF A DRAINAGE UTILITY SYSTEM, ADOPTING DRAINAGE CHARGES, PROVIDING FOR SEGREGATION OF INCOME, PROVIDING FOR DISCONTINUANCE OF UTILITY SERVICES, ESTABLISHING EXEMPTIONS, PROVIDING FOR DUE DATES OF CHARGES AND DELINQUENCY CHARGES, ESTABLISHING BILLING AND DEPOSIT PROCEDURES.

WHEREAS, the City has declared its adoption of the Municipal Drainage Utility Systems Act and has declared the drainage within the City to be a public utility; and

WHEREAS, after proper notice, a public hearing has been conducted upon the charges herein levied; and

WHEREAS, the classification of benefitted properties pursuant to which charges are levied herein is non-discriminatory, equitable and reasonable; and

WHEREAS, the service area for the drainage utility system is determined to be the boundaries of the City of Colleyville; and

WHEREAS, the charges levied herein are based upon a calculation of the inventory of lots and tracts within the City; and

WHEREAS, the City Council finds the rules adopted herein are appropriate to operate its drainage utility system.

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

Sec. 1: That the Schedule of Drainage Utility Charges attached hereto as Exhibit "A" are hereby levied on all property within the boundaries of the City of Colleyville, except those properties which are exempted herein.

Sec. 2: That the Drainage Charges levied and provided for herein shall include an amount made in contribution to funding of future drainage system construction by the City.

Sec. 3: That Chapter 11 of the Colleyville Code be amended by adding thereto a Section 5 providing as follows:

"Section 5 - DRAINAGE UTILITY SYSTEM

A. ESTABLISHMENT OF DRAINAGE UTILITY SYSTEM.

The City of Colleyville has established, pursuant to the provisions of the Municipal Drainage Utility Systems Act, that the drainage of the property within the boundaries of the City of Colleyville is a public utility of the City of Colleyville.

B. SCHEDULE OF DRAINAGE CHARGES.

Each person owning a lot or tract in the City is hereby assessed and obligated to pay to the City drainage utility charges as follows:

<u>Land Use</u>	<u>Monthly Rate Per Lot or Tract</u>
Residential	\$ 4.00

<u>Land Use</u>	<u>Monthly Rate Per Acre</u>
Park	\$ 6.10
Church	8.71
School	8.71
Business/Commercial - 1	13.94
Business/Commercial - 2 (*)	6.10
Industrial - 1	13.94
Industrial - 2 (*)	6.10
Miscellaneous - 1	13.94
Miscellaneous - 2 (*)	6.10

(*) These land use categories are applicable to business/commercial, industrial or miscellaneous land use which does not require the construction of impervious lot cover.

C. SEGREGATION OF INCOME.

The City may transfer income in the drainage utility system account in whole or in part to the municipal general fund, except for any part pledged to retire any outstanding indebtedness or obligation incurred or as a reserve for future construction, repair, or maintenance of the drainage system. The City shall not transfer the segregated drainage utility income to the general fund.

D. DISCONTINUANCE OF UTILITY SERVICES.

(1) The user of the drainage utility service shall be subject to discontinuance of all utility services provided by the City upon failure to pay all drainage utility system charges promptly when due.

(2) Upon determination that a user has failed to pay drainage utility system charges when due, the City may discontinue all utility services to the user of that lot or tract 10 days after the City deposits in the U.S. Mail, addressed to the user of the property, a notice advising that it is the intention of the City to discontinue all utility services to the lot or tract within 10 days of the date of the notice if the delinquent drainage utility service charges are not paid.

(3) A user may request within the 10 day period after notice, a hearing before the City Manager concerning the delinquency and proposed discontinuance of utility services. Where a timely request for hearing has been made by the user, the City shall not discontinue any utility services to the property until such time as the City Manager has determined, after hearing, that a delinquency in the payment of the drainage utility charges exist.

E. EXEMPTIONS.

The following property shall be exempt from the drainage utility system charges:

(1) Property with proper construction and maintenance of a wholly sufficient, privately owned drainage system.

(2) Property held and maintained in its natural state, until such time that the property is developed and all of the public structure constructed has been accepted by the municipality for maintenance.

(3) A subdivided lot, until a structure has been built on the lot and a Certificate of Occupancy has been issued by the City.

(4) Property owned by the City of Colleyville.

F. DUE DATE AND DELINQUENCY CHARGES.

(1) Drainage utility charges shall be due and payable on the 16th day after the issuance date on the billing statement for drainage utility charges directed to the user of the property. All drainage utility charges not paid when due shall be increased by 10% as a delinquency charge.

(2) In the event a drainage utility charge is paid by check and the check is subsequently returned, unpaid, for any reason, a service charge of \$15.00 shall be assessed.

(3) Interest shall accrue upon delinquent drainage utility charges at the maximum rate allowed by law until paid in full.

G. BILLINGS; DEPOSITS.

(1) The City may bill for drainage utility charges, identified separately, with the City's other public utility billings.

(2) No deposit shall be required for drainage service as a pre-condition to accepting surface flow in the drainage utility system."

AND IT IS SO ORDERED

The first reading and public hearing being conducted on the 20th day of July, 1993.

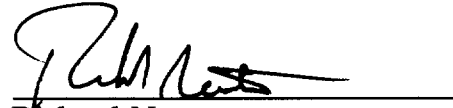
The second reading and public hearing being conducted on the 17th day of August, 1993.

The third reading and public hearing being conducted on the 31st day of August, 1993.

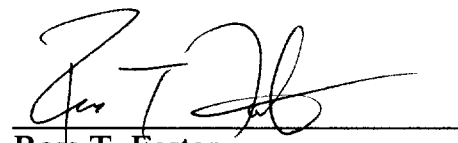
ATTEST:

CITY OF COLLEYVILLE


Jean Harris
City Secretary


Richard Newton
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

SCHEDULE OF DRAINAGE UTILITY CHARGES

<u>Land Use</u>	<u>Monthly Rate</u> <u>Per Lot or Tract</u>
Residential	\$ 4.00

<u>Land Use</u>	<u>Monthly Rate</u> <u>Per Acre</u>
Park	\$ 6.10
Church	8.71
School	8.71
Business/Commercial - 1	13.94
Business/Commercial - 2 (*)	6.10
Industrial - 1	13.94
Industrial - 2 (*)	6.10
Miscellaneous - 1	13.94
Miscellaneous - 2 (*)	6.10

(*) These land use categories are applicable to business/commercial, industrial or miscellaneous land use which does not require the construction of impervious lot cover.

EXHIBIT "A"

ORDINANCE O-00-1239

AN ORDINANCE AMENDING CHAPTER 98, ARTICLE IV, SECTION 98-104 OF THE COLLEYVILLE CODE OF ORDINANCES, "SCHEDULE OF DRAINAGE CHARGES", TO BECOME EFFECTIVE OCTOBER 1, 2000.

WHEREAS, the City of Colleyville charges a monthly drainage utility fee to each person owning a lot or tract in the City and uses the revenue from these fees to fund drainage improvements; and,

WHEREAS, the City of Colleyville desires to sell additional bonds to fund drainage improvements and the repayment of the debt service on the bonds would necessitate an increase in the drainage fee.

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

Sec. 1. THAT from and after the effective date of this Ordinance, Chapter 98, Article IV, Section 98-104 of the City of Colleyville Code of Ordinances shall be revised as follows:

<u>Land Use</u>	<u>Monthly Rate Per Lot or Tract</u>
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Residential	\$6.00
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<u>Land Use</u>	<u>Monthly Rate Per Acre</u>
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Park	\$ 9.15
Church	\$13.07
School	\$20.91
Business/Commercial - 1	\$20.91
Business/Commercial -2 (*)	\$ 9.15
Industrial -1	\$20.91
Industrial - 2 (*)	\$ 9.15
Miscellaneous - 1	\$ 20.91
Miscellaneous - 2 (*)	\$ 9.15

(*) These land use categories are applicable to business/commercial, industrial or miscellaneous land use which does not require the construction of impervious lot cover.

Sec. 2. THAT the effective date of this ordinance shall be October 1, 2000.

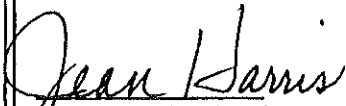
AND SO IT IS ORDERED.

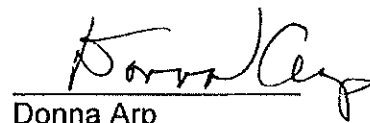
The first reading and public hearing being conducted on the 15th day of August, 2000.

The second reading and public hearing being conducted on the 5th day of September, 2000.

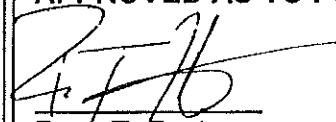
ATTEST:

CITY OF COLLEYVILLE


Jean Harris, CMC
City Secretary


Donna Arp
Mayor

APPROVED AS TO FORM AND LEGALITY:


Ross T. Foster
City Attorney

ORDINANCE O-05-1545

AN ORDINANCE AMENDING CHAPTER 98, ARTICLE IV, SECTION 98-104 OF THE COLLEYVILLE CODE OF ORDINANCES, "SCHEDULE OF DRAINAGE CHARGES", TO BECOME EFFECTIVE OCTOBER 1, 2005

WHEREAS, the City of Colleyville charges a monthly drainage utility fee to each person owning a lot or tract in the City and uses the revenue from these fees to fund drainage improvements; and

WHEREAS, the City of Colleyville desires to enhance services in the drainage fund through additional personnel and this would necessitate an increase in the drainage fee; and

WHEREAS, all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Open Meeting Act; and

WHEREAS, the City Council determines that the passage of this Ordinance is in the best interests of the health, safety and welfare of the public.

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

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

Sec. 2. THAT from and after the effective date of this Ordinance, Chapter 98, Article IV, Section 98-104 of the City of Colleyville Code of Ordinances shall be revised as follows:

<u>Land Use</u>	<u>Monthly Rate Per Lot or Tract</u>
Residential	\$7.00

<u>Land Use</u>	<u>Monthly Rate Per Acre</u>
Park	\$10.68
Church	\$15.25
School	\$24.40
Business/Commercial - 1	\$24.40

Business/Commercial -2 (*)	\$10.68
Industrial -1	\$24.40
Industrial - 2 (*)	\$10.68
Miscellaneous - 1	\$24.40
Miscellaneous - 2 (*)	\$10.68

(*) These land use categories are applicable to business/commercial, industrial or miscellaneous land use, which does not require the construction of impervious lot cover.

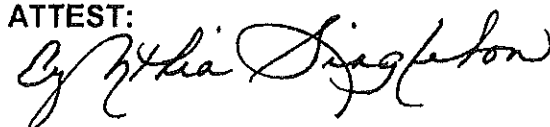
Sec. 3. THAT the effective date of this ordinance shall be October 1, 2005

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 6th day of September 2005.

The second reading and public hearing being conducted on the 20th day of September 2005.

ATTEST:



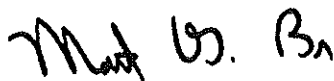
Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Sec. 98-101. Establishment of system.

The city council finds and declares that:

- (1) The creation of a drainage utility system within the city is necessary to protect the public health and safety from loss of life and property caused by surface water overflows, surface water stagnation, and pollution arising from non-point of source runoff within the city.
- (2) After proper notice, a public hearing has been conducted upon the proposed adoption of the drainage utility system herein declared.
- (3) The city will establish a schedule of drainage charges against all real property in the proposed service area subject to charges under the Municipal Drainage Utility Systems Act (V.T.C.A., Local Government Code § 402.041 et seq.).
- (4) The city will provide drainage for all real property within the city on the payment of drainage charges, except real property exempted pursuant to the provisions of the Municipal Drainage Utility Systems Act (V.T.C.A., Local Government Code § 402.041 et seq.).
- (5) The city will offer drainage service on nondiscriminatory, reasonable and equitable terms.

(Ord. No. O-93-902, § 1, 6-15-93)

Sec. 98-102. Adoption of drainage utility systems act; public utility.

The city declares that it adopts the Municipal Drainage Utility Systems Act and declares the drainage system of the city to be a public utility.

(Ord. No. O-93-902, § 2, 6-15-93)

State law reference— Authority for above section, V.T.C.A., Local Government Code § 402.045.

Sec. 98-103. Drainage facilities and materials incorporated into system.

The existing drainage facilities, materials and supplies of the city are incorporated into the drainage utility system.

(Ord. No. O-93-902, § 3(A), 6-15-93)

State law reference— Authority for above section, V.T.C.A., Local Government Code § 402.046.

Sec. 98-104. Schedule of charges.

From and after the effective date [Oct. 1, 2005] of this section the following schedule shall apply:

Land Use	Monthly Rate Per Lot or Tract
Residential	\$7.00

Land Use	Monthly Rate Per Acre
Park	\$10.68
Church	15.25
School	24.40
Business/Commercial—1	24.40
Business/Commercial—2(*)	10.68
Industrial—1	24.40
Industrial—2(*)	10.68
Miscellaneous—1	24.40
Miscellaneous—2(*)	10.68

(*) These land use categories are applicable to business/commercial, industrial or miscellaneous land use, which does not require the construction of impervious lot cover.

(Ord. No. O-93-912, §§ 1, 3(B), 8-31-93; Ord. No. O-00-1239, § 1, 8-15-00; Ord. No. O-05-1545, § 2, 9-20-05)

State law reference— Drainage charges, V.T.C.A., Local Government Code § 402.047.

Sec. 98-105. Funding of future construction.

The drainage charges levied and provided for in section 98-104 shall include an amount made in contribution to funding of future drainage system construction by the city.

(Ord. No. O-93-912, § 2, 8-31-93)

Sec. 98-106. Segregation of utility income.

The city may transfer income in the drainage utility system account in whole or in part to the municipal general fund, except for any part pledged to retire any outstanding indebtedness or obligation incurred or as a reserve for future construction, repair, or maintenance of the drainage system. The city shall not transfer the segregated drainage utility income to the general fund.

(Ord. No. O-93-912, § 3(C), 8-31-93)

State law reference— Similar provisions, V.T.C.A., Local Government Code § 402.049.

Sec. 98-107. Discontinuance of utility services for nonpayment of charges.

- (a) The user of the drainage utility system shall be subject to discontinuance of all utility services provided by the city upon failure to pay all drainage utility system charges promptly when due.
- (b) Upon determination that a user has failed to pay drainage utility system charges when due, the city may discontinue all utility services to the user of that lot or tract ten days after the city deposits in the U.S. mail, addressed to the user of the property, a notice advising that it is the intention of the city to discontinue all utility services to the lot or tract within ten days of the date of the notice if the delinquent drainage utility service charges are not paid.
- (c) A user may request within the ten-day period after service of notice as provided in this section, a hearing before the city manager concerning the delinquency and proposed discontinuance of utility services. Where a timely request for hearing has been made by the user, the city shall not discontinue any utility services to the property until such time as the city manager has determined, after hearing, that a delinquency in the payment of the drainage utility charges exist.

(Ord. No. O-93-912, § 3(D), 8-31-93)

State law reference— Delinquent charges, V.T.C.A., Local Government Code § 402.050.

Sec. 98-108. Exemptions from charges.

The following property shall be exempt from the drainage utility system charges:

- (1) Property with proper construction and maintenance of a wholly sufficient, privately owned drainage system.
- (2) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the city for maintenance.
- (3) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the city.
- (4) Property owned by the city.

(Ord. No. O-93-912, § 3(E), 8-31-93)

Sec. 98-109. Due date and delinquency charges.

- (a) Drainage utility charges shall be due and payable on the 16th day after the issuance date on the billing statement for drainage utility charges directed to the user of the property. All drainage utility charges not paid when due shall be increased by ten percent as a delinquency charge.
- (b) If a drainage utility charge is paid by check and the check is subsequently returned unpaid, for any reason, a service charge of \$15.00 shall be assessed.
- (c) Interest shall accrue upon delinquent drainage utility charges at the maximum rate allowed by law until paid in full.

(Ord. No. O-93-912, § 3(F), 8-31-93)

State law reference— Maximum rate of interest, V.T.C.A., Finance Code, § 302.001.

Sec. 98-110. Billing; deposit.

- (a) The city may bill for drainage utility charges, identified separately, with the city's other public utility billings.
- (b) No deposit shall be required for drainage service as a precondition to accepting surface flow in the drainage utility system.

(Ord. No. O-93-912, § 3(G), 8-31-93)

State law reference— Similar provisions, V.T.C.A., Local Government Code § 402.048.



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-3

Agenda Date 12/17/2013

Type Pre Council

Department Finance

Title

Presentation of the Monthly Financial Report - November 2013

Explanation

The percentage of current year taxes collected is ahead of the percentage collected through November 2012. Sales tax revenue received in November was up 0.29% (\$900) from revenues reported for the same time period last year. Per governmental accounting rules, sales tax revenue received in November is accrued to the prior fiscal year (FY 2013) as the sales occurred in September 2013. For the 2013 Fiscal Year, General Fund sales tax revenue finished up 7.55% (\$215,813), and the FY 2013 annual total sales tax receipts of \$3,073,879 are the highest ever received in a fiscal year. The quarterly amount received for cable franchise was up \$11,014 over the projected amount. Six new residential building permits were issued in November, compared to eight issued in November 2012. Permit revenues exceed budgeted projections by almost 34%. Revenues from ambulance collections currently exceed budgeted projections by \$35,793. The average amount expended by the General Fund departments at the end of November is 14.26% of the total appropriation, versus 14.62%, which was projected to be spent.

Utility Fund

Water usage decreased as compared to the amount sold through November 2012. The average amount expended by the Utility Fund departments at the end of November is 9.65% of the total appropriation, versus 10.51%, which was projected to be spent.

Attachments

1. November 2013 Monthly Financial Report

MONTHLY FINANCIAL REPORT - NOVEMBER 2013

GENERAL FUND		RECEIVED	PROJECTED	PERCENT OF	RECEIVED	PERCENT
REVENUE SOURCE	FY 2014 BUDGET	AS OF 11/30/2013	AS OF 11/30/2013	FY14 BUDGET RECEIVED	AS OF 11/30/2012	CHANGE OVER PRIOR YEAR
Current Taxes	\$11,601,451	\$898,532	\$879,917	7.74%	\$912,303	-1.51%
Delinquent Taxes	70,000	16,587	15,504	23.70%	26,578	-37.59%
Penalty & Interest	65,000	5,533	6,976	8.51%	6,761	-18.17%
TOTAL AD VALOREM TAXES	\$11,736,451	\$920,651	\$902,397	7.84%	\$945,642	-2.64%
Oncor Electric	\$840,000	\$0	\$0	0.00%	\$0	0.00%
Tri-County Electric	105,000	0	0	0.00%	0	0.00%
Atmos Gas	305,000	0	0	0.00%	0	0.00%
AT&T	83,500	19,586	20,875	23.46%	21,595	-9.30%
Verizon/Others	84,000	17,412	14,000	20.73%	16,676	4.42%
Refuse/Recycling	145,800	19,416	18,224	13.32%	19,911	-2.48%
Cable TV	425,000	117,264	106,250	27.59%	114,581	2.34%
TOTAL FRANCHISE TAXES	\$1,988,300	\$173,679	\$159,349	8.74%	\$172,762	0.53%
Sales Tax	\$2,875,000	\$0	\$0	0.00%	\$0	0.00%
Mixed Beverage Tax	25,277	21,291	4,213	84.23%	17,526	21.48%
TOTAL SALES TAX	\$2,900,277	\$21,291	\$4,213	0.73%	\$17,526	21.48%
Building	\$485,768	\$163,966	\$80,961	33.75%	\$80,774	102.99%
Plumbing	48,680	11,715	8,113	24.06%	8,590	36.37%
Mechanical	28,868	6,609	4,811	22.89%	5,876	12.48%
Electrical	37,568	8,200	6,261	21.83%	9,783	-16.18%
City License	37,372	6,920	6,229	18.52%	5,215	32.69%
Building Plan Review Fee	68,000	44,916	11,333	66.05%	13,076	243.49%
New Business	3,372	705	562	20.91%	987	-28.57%
Sign Permit	5,463	1,895	911	34.69%	870	117.82%
Fence Permit	3,500	1,700	583	48.57%	850	100.00%
Fire Permits	6,500	600	1,083	9.23%	900	-33.33%
Irrigation Permit	13,660	2,241	2,277	16.41%	2,864	-21.74%
TOTAL LICENSES & PERMITS	\$738,751	\$249,467	\$123,125	33.77%	\$129,785	92.22%
Fines	\$750,000	\$106,485	\$125,000	14.20%	\$110,857	-3.94%
Alarm Fees	52,000	6,995	8,667	13.45%	7,631	-8.34%
Library Fines	22,500	2,804	3,750	12.46%	3,820	-26.61%
TOTAL FINES	\$824,500	\$116,283	\$137,417	14.10%	\$122,308	-4.93%

MONTHLY FINANCIAL REPORT - NOVEMBER 2013

REVENUE SOURCE	FY 2014 BUDGET	RECEIVED AS OF 11/30/2013	PROJECTED AS OF 11/30/2013	PERCENT OF FY14 BUDGET RECEIVED	RECEIVED AS OF 11/30/2012	PERCENT CHANGE OVER PRIOR YEAR
Re-zoning	\$7,500	\$2,415	\$1,250	32.20%	\$2,060	17.23%
Plat Fee/Site Plan	4,000	1,750	667	43.75%	2,923	40.12%
Board of Adjustment	1,250	0	208	0.00%	500	-100.00%
Sale of Material	100	473	17	473.00%	6	7290.63%
Weed Mowing	6,500	465	1,083	7.15%	1,610	-71.12%
Ambulance	275,000	81,626	45,833	29.68%	57,685	41.50%
Recreation Program	145,000	25,418	24,167	17.53%	20,429	24.42%
Non-Resident Fee Parks	35,850	9,720	8,963	27.11%	20,210	-51.90%
Field Use Charge	20,500	16,725	5,125	81.59%	7,450	124.50%
Engineering & Inspection	0	47,339	0	0.00%	0	-100.00%
Colleyville Center Rental	230,000	28,913	38,333	12.57%	37,488	-22.88%
Lot Drainage Insp Fee	16,875	2,125	2,813	12.59%	2,000	6.25%
TOTAL CHARGES FOR SERVICE	\$742,575	\$216,968	\$128,458	29.22%	\$152,361	42.40%
SRO Officer Reimb	\$94,282	\$0	\$0	0.00%	\$0	0.00%
Keller Court	217,697	0	0	0.00%	0	0.00%
TOTAL INTERGOVERNMENTAL	\$311,979	\$0	\$0	0.00%	\$0	0.00%
Sale of Surplus Property	\$5,000	\$0	\$0	0.00%	\$0	0.00%
Interest Income	35,000	0	0	0.00%	0	0.00%
Miscellaneous	54,000	29,682	27,000	54.97%	29,112	1.96%
Use of Available Cash	1,000,000	0	0	0.00%	0	0.00%
Antenna Lease	70,040	9,036	9,036	12.90%	7,304	23.72%
TOTAL MISCELLANEOUS	\$1,164,040	\$38,718	\$36,036	3.33%	\$36,416	6.32%
Transfers-In	\$1,130,214	\$0	\$0	0.00%	\$0	0.00%
TOTAL TRANSFERS	\$1,130,214	\$0	\$0	0.00%	\$0	0.00%
TOTAL GENERAL FUND REVENUES	\$21,537,087	\$1,737,058	\$1,490,995	8.07%	\$1,576,800	10.16%

MONTHLY FINANCIAL REPORT - NOVEMBER 2013

	FY 2014 BUDGET	THROUGH 11/30/2013	THROUGH 11/30/2012	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
% OF CURRENT TAX ROLL COLLECTE	99.0%	12.09%	10.54%	1.55%	14.74%
RESIDENTIAL BLDG PERMITS	118	21	15	6	40.00%
COMMERCIAL BLDG PERMITS	6	1	2	(1)	100.00%
CITATIONS ISSUED	11,750	1,806	1,343	463	34.48%

GENERAL FUND EXPENSES

	FY 2014 BUDGET	EXPENDED THROUGH 11/30/2013	YEAR-TO-DATE PROJECTED EXPENDITURES	% OF BUDGET EXPENDED	BUDGET REMAINING
City Council	\$204,006	\$41,533	\$45,001	20.36%	\$162,473
City Manager	569,764	86,498	94,961	15.18%	483,266
City Secretary	211,725	29,412	35,288	13.89%	182,313
Finance	401,583	67,514	72,931	16.81%	334,069
Legal	130,460	11,650	21,743	8.93%	118,810
Engineering	510,915	65,966	85,153	12.91%	444,949
Economic Development	296,799	38,890	49,467	13.10%	257,909
Building Inspection	281,672	51,738	52,845	18.37%	229,934
Community Development	337,675	33,788	56,279	10.01%	303,887
Fire	4,259,224	777,239	779,871	18.25%	3,481,985
Police	4,172,062	568,087	695,344	13.62%	3,603,975
Parks	1,285,084	133,624	214,181	10.40%	1,151,460
Recreation	357,816	32,639	59,636	9.12%	325,177
Street Maintenance	3,840,966	111,859	140,161	2.91%	3,729,107
Library	674,061	100,732	112,344	14.94%	573,329
Communications	139,447	18,943	23,241	13.58%	120,504
Colleyville Center	312,513	44,984	52,086	14.39%	267,529
Human Resources	270,466	36,040	45,078	13.33%	234,426
Municipal Court	389,410	61,100	64,902	15.69%	328,310
Fleet Maintenance	226,290	34,199	37,715	15.11%	192,091
Building Services	362,845	84,072	85,474	23.17%	278,773
Information Services	1,065,205	123,255	177,534	11.57%	941,950
Non Departmental	859,068	142,941	146,589	16.64%	716,127
Capital Equipment Reserve	242,000	-	-	0.00%	242,000
Compensation Adjustment	132,911	-	-	0.00%	132,911
TOTAL EXPENSES	\$21,533,967	\$2,696,704	\$3,147,820	12.52%	\$18,837,263

MONTHLY FINANCIAL REPORT - NOVEMBER 2013

UTILITY FUND

REVENUE SOURCE	FY 2014 BUDGET	RECEIVED AS OF 11/30/2013	PROJECTED AS OF 11/30/2013	PERCENT OF FY14 BUDGET RECEIVED	RECEIVED AS OF 11/30/2012	PERCENT CHANGE OVER PRIOR YEAR
Water Sales	\$9,820,661	\$1,788,765	\$2,421,652	18.21%	\$1,971,808	-9.28%
Sewer Sales	3,053,229	580,761	1,017,743	19.02%	483,836	20.03%
Sewer Installation	7,000	2,000	1,167	28.57%	1,600	25.00%
Water Installation	21,000	4,680	3,500	22.29%	3,090	51.46%
Sewer Tie-on Charges	5,000	-	-	0.00%	0	0.00%
Engineering Charges	5,000	28,293	5,000	565.86%	0	100.00%
Penalties	190,112	48,357	31,685	25.44%	41,827	15.61%
Miscellaneous	13,000	2,810	2,167	21.62%	3,581	-21.52%
TOTAL OPERATING INCOME	\$13,115,002	\$2,455,666	\$3,482,914	18.72%	\$2,505,742	-2.00%
Interest Income	\$20,300	\$0	\$0	0.00%	\$0	0.00%
TOTAL NON-OPERATING INCOME	\$20,300	\$0	\$0	0.00%	\$0	0.00%
TOTAL INCOME	\$13,135,302	\$2,455,666	\$3,482,914	18.70%	\$2,505,742	-2.00%

	THROUGH 11/30/2013	THROUGH 11/30/2012	TOTAL INCREASE (DECREASE)	PERCENT INCREASE (DECREASE)
GALLONS OF WATER SOLD	403,877,100	507,584,500	(103,707,400)	-20.43%
NUMBER OF WATER CUSTOMERS	9,403	9,312	91	0.98%

UTILITY FUND EXPENSES

	FY 2014 BUDGET	EXPENDED THROUGH 11/30/2013	YEAR-TO-DATE PROJECTED EXPENSES	% OF BUDGET EXPENDED	BUDGET REMAINING
Billing	\$386,616	\$35,129	\$35,718	9.09%	\$351,487
Operations	9,515,310	1,036,174	1,142,943	10.89%	8,479,136
Utility Support	1,060,731	143,949	148,394	13.57%	916,782
Non-Departmental	292,868	52,444	53,406	17.91%	240,424
Debt Service	819,137	4,464	4,464	0.54%	814,673
Compensation Adjustment	20,411	0	0	0.00%	20,411
Interfund loan repayment	44,286	0	0	0.00%	44,286
Transfer to General Fund	1,037,213	0	0	0.00%	1,037,213
TOTAL EXPENSES	\$13,176,572	\$1,272,160	\$1,384,924	9.65%	\$11,904,412



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-4

Agenda Date 12/17/2013

Type Pre Council

Department City Secretary

Title

Discussion of the December 17, 2013, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

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

Agenda Number 1

Agenda Date 12/17/2013

Type Executive Session

Department City Secretary

Title

Section 551.071 - Legal - Consultation with attorney on legal issues raised by public hearing or action items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Moxie Pest Services - Dallas, LLC v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding solicitor ordinance

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

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

Attachments



City of Colleyville City Council Agenda Briefing

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

Agenda Number 2

Agenda Date 12/17/2013

Type Oath of Office

Department City Secretary

Title

City Secretary Amy Shelley will administer the Oath of Office to Jack Stacy, Mayor for a Day

RESOLUTION R-13-3697

**A RESOLUTION APPROVING CITY COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF DECEMBER 17, 2013**

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 the following actions of the City Council are hereby adopted and approved:

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 4

Agenda Date 12/17/2013

Type Announcements, Proclamations and Presentations

Department City Secretary

Title

Proclamation in recognition of Jack Stacy, Mayor for a Day - Mayor David Kelly

Proclamation declaring December 20, 2013, "Thank a Teacher Day" at Colleyville Elementary School - Colleyville Elementary School Principal Shelia Shimmick - Mayor for a Day Jack Stacy

In recognition of Colleyville's featured business - Michael's Keys, 4003 Colleyville Boulevard - John Lemmon, Shop Manager - Mayor David Kelly and Economic Development Director Marty Wieder

Recognition of employees' years of service

Recognition of employee achievements

Attachments

1. Proclamation in recognition of Jack Stacy, Mayor for a Day
2. Employee Years of Service - First Quarter Fiscal Year 2014
3. Employee Achievements - First Quarter Fiscal Year 2014

Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: Jack Stacy submitted the winning essay in the 2013 City of Colleyville "Mayor for a Day" contest; and

WHEREAS, Jack Stacy is 11 years old and attends fifth grade at Colleyville Elementary School; and

WHEREAS, it is important for youth to learn about and understand the role of local government; and

WHEREAS, Jack's winning essay included research and careful consideration of the environment, provided ideas to foster responsibility among young students, and suggestions for making the community healthier; and

WHEREAS, Jack Stacy's essay exemplifies outstanding citizenry and a desire to contribute to his community.

NOW, THEREFORE, I, DAVID KELLY, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council and citizens of Colleyville, do hereby proclaim

JACK STACY

as Mayor for a Day in the City of Colleyville, and encourage citizens to recognize the abilities and desires of today's youth to become leaders in their community.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, Texas, affixed this 17th day of December 2013.





Mayor



**City of Colleyville Employee Recognition
Fiscal Year 2014 – First Quarter
Years of Service – October to December**

1 YEAR

NICOLE CASIGLIO
Finance/Municipal Court

DALE CROWN
Public Works

MARIE EDGINGTON
Library

LISA ESCOBEDO
Parks and Recreation

BERTHA HERNANDEZ
Finance/Municipal Court

ROBERT HINTON
Police

DEVIN SLICK
Information Systems Management

CHRISSY SZAREK
Finance/Municipal Court

5 YEARS

CHARLES HARPER
Fire

JUSTIN PEÑA
Parks and Recreation

**City of Colleyville Employee Recognition
Fiscal Year 2014 – First Quarter
Years of Service – October to December**

10 YEARS

DAMASO JORDAN
Public Works

20 YEARS

SCOTT WRISLEY
Fire

25 YEARS

ROBERT MCKEOWN
Fire

City of Colleyville
Fiscal Year 2014 – First Quarter
Recognition of Employee Achievements

North Texas Police Chiefs Association

Secretary
MIKE HOLDER
Police

North Texas Commission

Board of Directors
MARTY WIEDER
Economic Development

International Council of Shopping Centers Public/Private Alliance
Program

Texas Division Co-Chair
MARTY WIEDER
Economic Development

The University of Texas at Arlington School of Urban and Public Affairs

2013 Recognized Alum
MARTY WIEDER
Economic Development

The University of Texas at Arlington Master of Public Administration
Steering Committee

Committee Member
MARTY WIEDER
Economic Development

City of Colleyville
Fiscal Year 2014 – First Quarter
Recognition of Employee Achievements

Microsoft
Microsoft Certified Solutions Associate (MCSA)
DEVIN SLICK
Information Systems Management

North Texas Branch of the Texas Public Works Association
\$1,500 Practitioner Scholarship
JAMES HUBBARD
Public Works

National Recreation and Park Association
Certified Playground Safety Inspector
CHRIS HAWORTH
Parks and Recreation

University of North Texas
Master's Degree in Library Science
MARIE EDGINGTON
Library

RESOLUTION R-13-3698

A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF DECEMBER 17, 2013

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 December 3, 2013
 - b. Approval to extend the approved bank depository proposal with Wells Fargo Bank, N.A. for the period of April 1, 2014 through March 31, 2015
 - c. Approval of a three year Municipal and County Government Enterprise License Agreement (ELA), between the City of Colleyville and the Environmental Systems Research Institute, Inc. (ESRI), in an amount not to exceed \$88,650, and authorize the city manager to execute the agreement

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS
ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Minutes - Draft

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

Tuesday, December 3, 2013

City Council Chambers

Mayor and City Councilmembers participated in the Holiday Tree Lighting held in front of City Hall at 5:30 p.m.

Mayor David Kelly called the Pre Council meeting of the Colleyville City Council to order on December 3, 2013, at 6:00 p.m.

ROLL CALL: Mayor David Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart.

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Parks and Recreation and Library Director Mary Rodne, Human Resources Director Michelle Reyes, Colleyville Center Manager Leslie Hill, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Development Engineer Dan Hartman, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Planning and Development Coordinator Mary Elliott, Communications and Marketing Director Mona Gandy, Parks Superintendent Tim Hightshoe, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley.

PC-1 Discussion regarding the 2014 citizen survey final instrument

City Manager Jennifer Fadden presented this item and briefed City Council.

Mayor Pro Tem Taylor questioned staff regarding questions for traffic infrastructure. City Manager Jennifer Fadden stated page 1 of the survey includes questions related to transportation. She added it is a little more specific than the questions previously asked about transportation in the 2010 and 2012 surveys.

Mayor Pro Tem Taylor stated he would like questions that allow for specific guidance.

Councilmember Mogged stated he liked the fact that the survey can be specific to a neighborhood. He added he would like questions that allow for citizens to give feedback about items such as sidewalks and/or trails.

Councilmember Wollin questioned staff regarding if citizens indicate which neighborhood they live in when they fill out the survey. City Manager Jennifer

Fadden replied we have asked for a geographic breakdown using the recycling days.

Mayor Pro Tem Taylor stated having concerns for citizens with specific requests within their neighborhood, and their expectation of the City fulfilling those requests, given the limited resources available.

Councilmember Mogged stated it is good to know of the troubled areas or issues, however, we may not have a solution for those issues.

Mayor Kelly stated it is good to be made aware of those situations.

City Manager Jennifer Fadden stated to address those situations, it helps to prioritize the needs.

Councilmember Wollin stated being in favor of leaving the neighborhood traffic question open, rather than specific. Mayor Pro Tem Taylor stated most times people will allow their own solutions for such.

Mayor Kelly stated this survey is for the community overall.

Mayor Pro Tem Taylor stated the question numbered 13b could be specific to a neighborhood since the question asks about "your neighborhood." City Manager Jennifer Fadden stated the neighborhood could be specific in all of question number 13.

Councilmember Short questioned staff regarding if there are questions about how to pay for those additional wants. City Manager Jennifer Fadden stated nothing in the context of "are you willing to pay more?" has been asked within the 2010 and 2012 surveys.

Councilmember Short stated there are options for their top three priorities. Mayor Pro Tem Taylor stated not knowing that people are aware of the money needed for such requests.

Councilmember Hart stated section 3 addresses this issue and citizens do not want their taxes to increase.

Councilmember Short stated people have varying opinions on their needs.

Mayor Pro Tem Taylor stated the City is very transparent, yet citizens state they do not know what is happening within the City.

Mayor Pro Tem Taylor stated another survey could be done for more specific items of interest, if there is a need for such.

Mayor Kelly stated the needs far outweigh the resources available. He stated he believes people understand that.

Councilmember Wollin stated there is no room for open-ended questions for items that may not be included in the survey. Councilmember Mogged stated it appears open ended questions are more at the end of the question sections.

Councilmember Short questioned staff regarding if the online version will allow for additional comments. City Manager Jennifer Fadden replied it is likely that it will allow for more comments since there is more room.

PC-2 Discussion of City Council replacement laptops

Information Systems Manager Chris Pena presented this item and briefed City Council.

Councilmember Mogged stated the annotation ability is very important in preparing for the agendas. He questioned staff regarding if there will be the ability to access annotation, like with a touch screen and stylus. He stated he cannot do note taking on the computer he currently has.

Mayor Kelly questioned staff regarding if applications are available for writing on the screen itself. Manager Pena stated there are applications available for such annotation and note taking, and training will be available for those applications, as needed.

Councilmember Hall questioned staff regarding a stylus. Manager Pena stated it is a device used to touch the computer screen, and it is used for writing.

Mayor Kelly stated he sometimes prints several pages of the packet, of which he has an interest or questions, and will mark on those pages.

Mayor Pro Tem Taylor stated the touch screens are far more efficient than paper copies. Councilmember Mogged concurred and stated the iPad would suffice.

Mayor Pro Tem Taylor stated the training needs to be specific to how City Council will use Adobe versus what features Adobe offers.

Mayor Pro Tem Taylor stated each Councilmember should have their own folder on the cloud to store all City Council related items.

Councilmember Hall stated whatever is chosen, there has to be enough memory so that it works and does not stall.

Councilmember Hall stated he will not print paper copies at home.

Mayor Pro Tem Taylor stated it should not be an issue as long as Wi-Fi is available.

Mayor Pro Tem Taylor stated he would like to have the ability to see the high resolutions of all PDF documents and maps.

Mayor Kelly stated a repository, such as a drop-box, can be used for all documents.

Mayor Kelly questioned staff regarding if the public can request to inspect your computer. City Attorney Matthew Boyle replied the public can request to see every document on your computer, and then it would be upon staff to provide those documents that are available for public documents.

Mayor Pro Tem Taylor questioned staff regarding if the devices were only used for City Council documents, how many GB would be used? Manager Pena stated no more than 16 GB. Mayor Kelly stated he would hate to go to the expense of getting too much memory, especially if it is not used.

Mayor Pro Tem Taylor stated he does not want to change devices out each year.

Councilmember Hart questioned staff regarding the consumer devices versus the business devices. Manager Pena explained the difference between the consumer and business devices, specifically related to the iPad and the Windows platform.

Mayor Pro Tem Taylor questioned staff regarding the Windows platform; will there be software that will not work? Manager Pena replied no, he does not believe so.

Councilmember Hart questioned staff regarding the screen size. Manager Pena replied they are all comparable in size.

Councilmember Hart questioned staff regarding if the keyboard is backlit. Manager Pena replied some are backlit and others are not. He stated the iPad has accessories available. He stated the Surface Pro 2 is backlit.

Mayor Pro Tem Taylor questioned staff regarding if the Surface Pro 2 has the ability to pinch and zoom with the touch screen. Manager Pena replied yes. Mayor Kelly stated with the Surface, the screen can be split so you can work on multiple pages.

Manager Pena stated the option to bring your own device will still be an option.

Councilmember Hart stated the current devices are heavy.

Mayor Pro Tem Taylor stated the options to zoom are now available.

Councilmember Mogged questioned staff regarding if the next steps would be to let Manager Pena know what is needed. Mayor Kelly concurred.

Councilmember Wollin stated she files her packets and notes for each meeting, and she wants it easy and accessible.

Mayor Pro Tem Taylor stated he would like the other committees to be paperless as well.

Mayor Kelly questioned staff regarding how the Planning and Zoning Commission and the Zoning Board of Adjustment receive its packets. City Secretary Amy Shelley replied the Planning and Zoning Commission receives an email copy, as well has a hand delivered paper copy; and the Zoning Board of Adjustment receives an email copy, however, they request a paper copy at the meeting.

Mayor Kelly stated the device could be ready and waiting for them at the meeting, if the City provides the device for the meeting.

Mayor Pro Tem Taylor stated the Planning and Zoning Commission, especially, needs a device to view their packets. He stated committee members could also bring their own device.

Councilmember Mogged stated the other committees would also need the annotation software. He stated it could be added to their training.

City Manager Jennifer Fadden stated if the policy is that we are a paperless City, then the application for a board, commission, or a committee could give people notice up front that they will need to bring their own device to a meeting.

Mayor Kelly stated, right now, having a device for the meeting, is the ultimate need.

Mayor Pro Tem Taylor questioned staff regarding why the monitors in the Council Chambers are not touch screen. Manager Pena explained the reasoning for using the monitors versus the touch screens.

Mayor Pro Tem Taylor stated the members could log on and access their folder on the cloud and save their information to that folder.

Mayor Kelly stated the device could be at the dais ready to be used for the meeting since the packet is already emailed to them. He stated staff will have to get the devices ready for the meetings.

Councilmember Mogged suggested having a meeting with some of the other committee members to see if they are good with this.

Mayor Kelly stated City Council should be done first, and then we can implement what will be done with the other committees.

Mayor Pro Tem Taylor stated the process should be streamlined and paper copies should not be printed. He added, each member, City Council included, should have their own repository. He added other City Councils are doing this quite effectively.

Manager Pena stated he will look at touch screens for the dais. He questioned City Council regarding which device they would prefer. Councilmembers replied with the Windows Pro. Councilmember Mogged stated he would like to visit with Manager Pena.

PC-3 Discussion of the distribution of agenda packets for public meetings

Mayor Kelly stated staff will work toward being digital on everything, with the ability to annotate. He stated there may be special instances when larger copies will need to be printed, such as maps.

PC-4 Discussion of the December 3, 2013, City Council regular agenda items

Mayor Kelly stated after the Consent item, he will go to item 8a. He added after agenda item 6a, he will then move to 7c.

Councilmember Hall questioned Mayor Kelly regarding if item 5a will need to be removed from the table. Mayor Kelly replied no, it is a continued item.

Mayor Kelly adjourned the Pre Council meeting at 7:23 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Kelly at 7:54 p.m.

ROLL CALL: Mayor David Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart.

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Captain Robert Hinton, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Planning and Development Coordinator Mary Elliott, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley.

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 public hearing or action items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Moxie Pest Services - Dallas, LLC v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding solicitor ordinance

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information that the City has received from business prospects that 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

Mayor Kelly explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. The meeting was recessed at 7:23 p.m. and reconvened at 7:24 p.m.

INVOCATION: Pastor Kerry Reynolds, Colleyville Covenant Church

PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle

2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-13-3693

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 Kelly announced the Holly Colley Holiday event to be held on Friday, December 6, 2013 at Colleyville Center from 4:30 – 8:30 p.m.

Councilmember Mogged announced the Lions Club annual Breakfast with Santa event to be held on Saturday, December 7, 2013 at Colleyville Center from 7:00 – 11:00 a.m.

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-13-3694

- 4a** Approval of the minutes of the regular City Council meeting of November 19, 2013
- 4b** Approval of the minutes of the Joint City Council and Colleyville Economic Development Corporation Board worksession of November 12, 2013
- 4c** Approval of the minutes of the Joint City Council and Colleyville Sidewalks Committee worksession of November 12, 2013
- 4d** Approval of an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the funding of the intersection improvement at Jackson Road and Cheek-Sparger Road, and authorize the city manager to execute the agreement
- 4e** Approval of a Funding Agreement with the State of Texas, the City of Colleyville, and the North Central Texas Council of Governments, for the Pleasant Run Pathway Project that will be constructed in conjunction with the Pleasant Run Road Improvement Project, and authorize the city manager to execute the agreement
- 4f** Approval of an amendment to the 2012 Sidewalk Construction Program
- 4g** Approval of a Depository Pledge Agreement with Wells Fargo Bank, National Association and The Bank of New York Mellon Trust Company, National Association, and authorize the city manager to execute the agreement
- 4h** Approval to nominate Mayor David Kelly to serve on the North Central Texas Council of Governments (NCTCOG) Emergency Preparedness Planning Council (EPPC)

Mayor Kelly read Resolution R-13-3694 in its entirety.

Mayor Kelly opened the public hearing at 8:01 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:01 p.m.

Mayor Kelly questioned staff regarding item 4d, what is the timing on this project. City Engineer Jeremy Hutt replied the construction is scheduled to begin January 6, 2014, with an approximate five-month construction timeframe.

Councilmember Wollin moved to approve Resolution R-13-3694. Councilmember Short seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Councilmember Wollin thanked Mayor Kelly for his service on the North Central Texas Council of Governments (NCTCOG) Emergency Preparedness Planning Council (EPPC).

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

5a Ordinance O-13-1887

Consideration of a request for a zoning change from PUD-C-Planned Unit Development Commercial to PUD-R-Planned Unit Development Residential, on 1.82 acres on Lot 1, Block 1, of the San Bar Square Addition, located at 105 Cheek-Sparger Road, Case ZC13-008

Mayor Kelly read the caption of Ordinance O-13-1887.

Community Development Director Ron Ruthven presented this item and briefed City Council.

Mayor Kelly opened the public hearing at 8:29 p.m.

Steve Isbell, applicant, presented this item and briefed City Council.

Claudia Bevill, 119 Cheek-Sparger Road, spoke in opposition to this request with concerns for density, open space, and drainage.

The following persons did not wish to speak, but registered their opposition to this request: Daniel Morrison, 123 Felps Court; and James Bevill, 119 Cheek-Sparger Road.

There were no others wishing to speak and Mayor Kelly closed the public hearing at 8:40 p.m.

Mayor Pro Tem Taylor stated having concerns for the right-of-way to be considered as part of the open space percentage, and stated not being comfortable with the proposed density.

Councilmember Wollin stated being conflicted with the density, open space, and right-of-way usage of this proposed development.

Mayor Kelly questioned staff regarding if the current zoning requires a landscape buffer. Director Ruthven replied it is required to have a landscaped buffer planted with evergreen shrubs that will grow to be six feet within two years.

Mayor Kelly questioned staff regarding if the subject property is required to have open space. Director Ruthven replied it is required to have 20 percent open space.

Mayor Kelly questioned staff regarding if a two-story building, with windows all around, could be constructed. Director Ruthven replied yes.

Mayor Kelly questioned staff regarding if a building could be constructed adjacent to the residents. Director Ruthven replied yes, however, there would be a 25 foot setback.

Mayor Kelly questioned staff regarding if the ditch area would be required to be maintained. Director Ruthven replied it would be required to be clear and free of debris.

Mayor Kelly questioned staff regarding if the property were to be straight zoned for residential, would there be any tree buffer or open space requirements? Director Ruthven replied no.

Mayor Kelly questioned staff regarding if the homes could be two-story, given the previous question. Director Ruthven replied the homes could be 3 ½ stories in height.

Mayor Kelly questioned staff regarding the side yard setbacks with a straight zoned residential property. Director Ruthven stated with an R20-Single Family Residential zoning district, the side yard setback would be 10 feet.

Mayor Kelly questioned staff regarding the bar ditch area with a straight zoned residential property, would it have to be maintained? Director Ruthven replied it would depend if the property is replatted; there would be potential that the bar ditch area would have to be maintained.

Mayor Kelly stated the proposed development gives an opportunity to make the best use of this property.

Mayor Kelly questioned Mr. Isbell regarding the average lot size. Mr. Isbell replied 7,400 square feet.

Mayor Kelly stated he would prefer seven lots versus eight; however, the lots have been made larger so that they do not seem so dense.

Councilmember Mogged stated having concerns for the density of this development.

Mayor Kelly questioned Mr. Isbell regarding the density of the development. Mr. Isbell stated originally they had proposed nine lots and have since reduced it to eight lots. He stated he has worked with the neighbors in this area to make it a better development, to meet their wants and desires.

Mayor Kelly questioned staff regarding the options for this request; City Council can approve as requested with amendments, deny as requested, or approve with a lower density. City Attorney Matthew Boyle stated all options are available.

Mark Howe, applicant, came forward and stated if this project is approved, with slight modifications, they are willing to listen to those requests; however, if the desire is to approve with a lesser density, then he stated he would not want to move forward.

Mayor Kelly questioned staff regarding if an approval is made with a lesser density, does it matter if the property is currently under contract. City Attorney Matthew Boyle replied the decisions made by City Council would be binding on the subject property, regardless of any contractual status.

Mayor Pro Tem Taylor stated the property owner would not want this to move forward and be rezoned given these circumstances. Mr. Howe concurred.

Councilmember Hart moved to deny Ordinance O-13-1887. Councilmember Wollin seconded the motion. Mayor Pro Tem requested an amendment to the motion being denied without prejudice. Both agreed on the amendment.

The motion to deny without prejudice carried by the following vote:

Aye: 6 – Mayor Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, and Tom Hart

Nay: 1 – Councilmember Jody Short

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

6a Ordinance O-13-1897

Consideration of a request for approval of a zoning change from R40-Single Family Residential to R20-Single Family Residential on 2.5 acres of Lot B1A, A1B, B3, and B2, Block 4, of the W. C. Newton Subdivision, located at 708 W. L.D. Lockett Road, Case ZC13-015

Mayor Kelly read the caption of Ordinance O-13-1897.

There was no additional information provided by staff nor the applicant for this second reading.

Mayor Kelly opened the public hearing at 9:00 p.m.

The following person did not wish to speak, but registered his support to this request: Eddy Ray Parker, Jr. for Eddy Ray Parker, Sr., 411 Pebble Way #147, Arlington, Texas, 76006.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 9:01 p.m.

Mayor Pro Tem Taylor moved to approve Ordinance O-13-1897. Councilmember Hart seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 – Mayor Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

**7. ORDINANCE(S):
FIRST READING AND PUBLIC HEARING**

7a Ordinance O-13-1898

Consideration of a request for a Special Use Permit for a carport on Lot 14, Block 7, of the Oak Crest Hill Addition, located at 313 Oak Crest Hill Drive, Case ZC13-016

Mayor Kelly read the caption of Ordinance O-13-1898.

Planning and Development Coordinator Mary Elliott presented this item and briefed City Council.

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

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 9:12 p.m.

Mayor Kelly questioned staff regarding the carport shown on the exhibit. Coordinator Elliott replied this is only an example of a carport the homeowner wishes to construct.

Leslie Norman, homeowner, presented this item and briefed City Council.

Mayor Kelly questioned Ms. Norman regarding if the carport will be painted to match the existing home. Ms. Norman replied no, it will remain a natural cedar wood.

Mayor Pro Tem Taylor questioned Ms. Norman regarding if she will be putting brick on the columns. Ms. Norman replied she would not mind putting brick around it; however, it will be difficult to match the bricks since the home was constructed in the 60's.

Mayor Kelly questioned Ms. Norman regarding if the carport will be attached to the home, on one side. Ms. Norman replied yes.

Mayor Pro Tem Taylor questioned Ms. Norman regarding the size of the carport. Ms. Norman stated she provided a visual representation of what she is proposing, however, it is not the exact carport she would like to construct.

Mayor Kelly questioned staff regarding the Planning and Zoning Commission recommendation. Coordinator Elliott replied no changes were requested to be made by the Planning and Zoning Commission and there were no neighbors in opposition to this request.

Mayor Kelly questioned staff regarding if an actual pavilion was to be constructed, in the 20 by 20 space, would it have to be bricked? Director Ruthven stated a carport is used to store vehicles, and carport provisions are made for those that extend beyond the front setback of the home, however, in this case, the structure will be entirely behind the home and not visible by road traffic.

This is the first reading of this item; therefore, City Council did not take any action on this item during this meeting.

7b Ordinance O-13-1899

Consideration of a request for a zoning change from AG-Agricultural to PUD-R-Planned Unit Development Residential on 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue; and a request for approval of an amendment to the PUD-R-Planned Unit Development Residential zoning and development requirements on 108.5 acres out of the Elizabeth Cox Survey, John H. Havens Survey, and the Jesse Doss Survey, located in the 4900 block of Heritage Avenue, Case ZC13-017

Community Development Director Ron Ruthven presented this item and briefed City Council.

Mayor Kelly opened the public hearing at 9:27 p.m.

Curtis Young, Sage Group, and Brett Pedigo, Terra Manna, presented this item and briefed City Council.

Mayor Kelly questioned Mr. Pedigo regarding fencing along the street side of the greenbelt area. Mr. Pedigo replied it will be fenced along the property line.

Sharon Baron, 3402 Cambridge Court, spoke in opposition to this request with concerns for flooding and drainage.

James Nichols, 3300 Cambridge Court, spoke in opposition to this request with concerns for flooding and drainage.

Gary Malone, 4605 and 4609 Winewood Court, spoke in support of this request, and stated he would like the sidewalk waiver to remain in place.

The following person did not wish to speak, but registered his opposition to this request: Doug Baron, 3402 Cambridge Court.

There were no others wishing to speak and Mayor Kelly closed the public hearing at 9:45 p.m.

Councilmember Hall questioned Mr. Young regarding if this will be a gated community. Mr. Young replied yes.

Councilmember Hall questioned Mr. Young regarding if the far left, north entrance will be gated. Mr. Young stated that portion will connect with Phase I, and it will have a connection with a permanent gate, only for fire access to Prestwick Park.

Councilmember Hall questioned Mr. Young regarding if the streets will be maintained by the homeowner associations, in both phases. Mr. Young replied yes.

Mayor Kelly questioned staff regarding the original zoning request, and was there a certain amount of commercial on the southwest corner. Director Ruthven replied there was a commercial component, with an understanding that it would have to be incorporated into the PUD ordinance, if the City incorporated the property.

Discussion occurred regarding the commercial acreage and the property incorporated from Euless, at the southwest corner of Heritage Avenue and Cheek-Sparger Road.

Mayor Kelly questioned staff regarding the flood area. Director Ruthven stated homes have to be constructed two feet above the base flood elevation, however, it would have to be approved by the federal government.

Mayor Kelly questioned staff regarding if those would be approvals outside of the City's approval. Director Ruthven concurred.

City Engineer Jeremy Hutt stated any development would have to comply with the flood prevention ordinance. He stated if they chose to build, as proposed, a letter of map revision would have to be approved by the Federal Emergency Management Agency (FEMA). He further explained the difference between a floodway and a floodplain.

Councilmember Short questioned staff regarding if some of the proposed lots are being proposed to be developed out of the floodway. Engineer Hutt replied he does not believe there is any proposed fill within the floodway. He stated yes, in the floodplain.

Councilmember Mogged questioned staff regarding traffic along Cheek-Sparger Road and Heritage Avenue. Engineer Hutt stated it is one of the highest traffic areas along Cheek-Sparger Road.

Councilmember Mogged questioned staff regarding the traffic flow if the commercial business fronts Heritage Avenue versus Cheek-Sparger Road. Engineer Hutt replied they will use the intersection versus driveway access.

Councilmember Mogged questioned staff regarding the residential portion of the proposed development, would using Cheek-Sparger Road pose any issues? Engineer Hutt replied Cheek-Sparger Road will be conducive to this development, given there are no access conflicts.

Councilmember Hall questioned staff regarding any road improvements along Cheek-Sparger Road. Engineer Hutt stated they have had discussions with the City of Bedford and there are some plans in the works.

Discussion occurred between Mayor Pro Tem Taylor and Engineer Hutt regarding the delineations on the exhibit for the floodway and the floodplain. Engineer Hutt further explained the process in which the development can or cannot occur within the floodway and floodplain.

Mayor Pro Tem Taylor questioned staff regarding the fencing along the floodplain. Engineer Hutt replied the pictures are of fences built in the floodplain, and the fences are designed to breakaway in the event of flooding.

Mayor Pro Tem Taylor questioned Mr. Young regarding the proposed fencing in the development; is there going to be an eight foot masonry wall along Heritage

Avenue? Mr. Young replied yes, and further explained the fencing and walls within the development.

Mayor Kelly stated there may be a City-Developer Agreement put in place to help with the improvements of the bridge.

Mayor Kelly stated he would suggest putting funds in escrow for the proposed trail along Heritage Avenue, especially since the roadway is not improved.

Mayor Pro Tem Taylor questioned Mr. Young regarding the plans for the remaining greenbelt. Mr. Young replied a large part is within the floodway and he further explained the adjacent land along the Euless side of Heritage Avenue.

Mayor Pro Tem Taylor stated it would appear some participation could be received from Euless regarding improvements. Director Ruthven stated there is a proposed gas well site along the Euless side, which may be the only development along the southern portion. Mayor Kelly concurred with opportunities with other entities and regional partners.

Councilmember Hart stated the sidewalk monies from the waived portion could be used along the Heritage Avenue portion to finish the gap.

Mayor Kelly questioned staff regarding the width of the sidewalk within the development. Director Ruthven stated it is required to be four foot in width.

This is the first reading of this item; therefore, City Council did not take any action on this item during this meeting.

Mayor Kelly recessed the meeting at 10:19 p.m.

Mayor Kelly resumed the meeting at 10:27 p.m.

7c Ordinance O-13-1900

Consideration of a request for an amendment to the Special Use Permit for a Package Store development requirements for Lot 2, Block 1, of the Glade Points Addition, located at 4200 Glade Road, Case ZC13-018

Mayor Kelly read the caption of Ordinance O-13-1900.

Community Development Director Ron Ruthven presented this item and briefed City Council.

Mayor Kelly opened the public hearing at 9:05 p.m.

Charlie Hall, 5606 Amador Trail, and 4200 Glade Road, presented this item and briefed City Council.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 9:06 p.m.

Mayor Kelly questioned staff regarding monument signs. Director Ruthven explained the difference between monument signs and landmark signs.

Councilmember Hart questioned staff regarding if this will be the only sign on the subject property. Director Ruthven stated the applicant has a wall sign on the building and he could place a monument sign closer to the access road, however, the purpose of a pole sign is so that the business can be seen from the freeway.

Councilmember Short questioned staff regarding if this will restrict the sign to only the three foot by six foot size. Director Ruthven stated it will be restricted to the size shown, three foot by six foot.

City Manager Jennifer Fadden questioned City Council for clarification regarding the placement and size of the proposed sign. She added that the ordinance speaks to the size of the pole sign, not to the placement of such.

Councilmember Wollin stated she would like the addition to the proposed ordinance to reflect the placement of the proposed sign, so that it reflects the same as the exhibit shown. Mr. Hall concurred.

This is the first reading of this item; therefore, City Council did not take any action on this item during this meeting.

7d Ordinance O-13-1901

Approval of amendments to Chapter 13 - Impact Fees of the Land Development Code

Mayor Kelly read the caption of Ordinance O-13-1901.

Community Development Director Ron Ruthven presented this item and briefed City Council.

Mayor Kelly opened the public hearing at 10:32 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 10:32 p.m.

This is the first reading of this item; therefore, City Council did not take any action on this item during this meeting.

7e Ordinance O-13-1902

Approval of amendments to the Code of Ordinances Chapter 70, Article II, Section 70-28, Relating to Home Solicitation, Distribution, and Miscellaneous Sales

Mayor Kelly read the caption of Ordinance O-13-1902.

Mayor Kelly opened the public hearing at 10:33 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 10:33 p.m.

This is the first reading of this item; therefore, City Council did not take any action on this item during this meeting.

8. RESOLUTION(S): READING AND PUBLIC HEARING**8a Resolution R-13-3695**

Authorizing the issuance of Colleyville Economic Development Corporation (CEDC) Refunding Sales Tax Subordinate Lien Revenue Bonds, Series 2013

Mayor Kelly read Resolution R-13-3695 in its entirety.

Assistant City Manager/Chief Financial Officer Terry Leake introduced Mr. Jim Sabonis, First Southwest, to present this item and brief City Council.

Mayor Kelly questioned Mr. Sabonis regarding the original date of these bonds. Mr. Sabonis replied they were issued in 2005. Assistant City Manager/Chief Financial Officer Terry Leake added, an issuance was done in 1997, then again in 2000; therefore, the 2005 refunding was for the outstanding bonds from those two original bond issues.

Mayor Kelly opened the public hearing at 8:24 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:24 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-13-3695. Councilmember Mogged seconded the motion.

The motion to approve carried by the following vote:

Aye: 7 - Mayor Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

9. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

Debbie Kelly, 905 Inwood Lane, spoke regarding the terms holiday and Christmas and what they mean to her.

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR DECEMBER 3, 2013 - Reading and Public Hearing - Resolution R-13-3696

This resolution was not needed.

11. ADJOURNMENT

There being no further business before the City Council, Councilmember Mogged moved to adjourn, and Mayor Kelly seconded the motion.

The motion carried by the following vote:

Aye: 7 - Mayor Kelly, Mayor Pro Tem Mike Taylor and Councilmembers Carol Wollin, Chuck Mogged, Stan Hall, Jody Short, and Tom Hart

Mayor Kelly adjourned the City Council meeting at 10:34 p.m.

APPROVED BY A VOTE OF__ AYES, __ NAYS, AND __ ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

Minutes taken and prepared by:



*Amy Shelley, TRMC
City Secretary*



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 12/17/2013

Number Resolution R-13-3698

Type Resolution

Department Finance

Title

Approval to extend the approved bank depository proposal with Wells Fargo Bank, N.A. for the period of April 1, 2014 through March 31, 2015

Explanation

Reading and Public Hearing

In January 2010, bank depository proposals were sent to all banks that had branches within the city limits of Colleyville. The proposal included banking services and investment clearance services to be performed by the depository bank for the period of April 1, 2010 through March 31, 2014 for both the City and Colleyville Economic Development Corporation. Proposals were received from Bank of America, JPMorgan Chase Bank, Northstar Bank of Texas, and Wells Fargo Bank, N.A. From the attached recap of proposals received, Wells Fargo Bank, N.A. had the lowest cost for total banking and safekeeping fees. On February 16, 2010, Council approved attached Resolution R-10-3204 approving the proposal for bank depository services with Wells Fargo Bank, N.A.

Section 105.017 of the Local Government Code provides that *"A municipality may approve, execute, and deliver any depository services contract whose term does not exceed five years. The depository services contract may only contain terms and conditions approved by the governing body of the municipality."* Staff is seeking approval to extend the approved bank depository proposal for an additional term of one year for the period of April 1, 2014 through March 31, 2015 in order to minimize disruption during the City's ongoing transition to new financial software. The City Attorney has reviewed Section 105 of the Local Government Code and the attached proposal submitted by Wells Fargo Bank, N.A., and states that the contract could be extended for a fifth year.

Per the attached letter, Wells Fargo Bank, N.A. has agreed to extend the current pricing for the period April 1, 2014 through March 31, 2015.

Financial Impact

Funding is available in the banking services line item of the Finance and Utility Billing budgets.

Recommendation

Approve

Attachments

1. Bank Depository Cost Proposal Recap - February 2010
2. Resolution R-10-3204
3. Wells Fargo Bid Proposal for City of Colleyville
4. Wells Fargo Contract Extension Letter

BANK DEPOSITORY PROPOSAL COST RECAP - FEBRUARY 2010

DESCRIPTION OF SERVICE	MONTHLY VOLUME	BANK OF AMERICA		JP MORGAN CHASE BANK		NORTHSTAR		WELLS FARGO	
ACCOUNT SERVICE CHARGES:		PER ITEM	MONTHLY CHARGE	PER ITEM	MONTHLY CHARGE	PER ITEM	MONTHLY CHARGE	PER ITEM	MONTHLY CHARGE
ACCOUNT MAINTENANCE	4	\$5.00	\$20.00	\$3.00	\$12.00	\$17.00	\$68.00	\$10.00	\$40.00
ACCOUNT ANALYSIS	4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
FDIC ASSESSMENT (PER THOUSAND)	\$250,000	\$0.1086	\$27.15	\$26.71	\$26.71	\$0.0000	\$0.00	\$0.1280	\$32.00
DEBITS POSTED	52	\$0.0800	\$4.16	\$0.1000	\$5.20	\$0.1600	\$8.32	\$0.0534	\$2.78
CREDITS POSTED	25	\$0.08	\$2.00	\$0.25	\$6.25	\$0.40	\$10.00	\$0.10	\$2.50
PAYEE VALID NON-ACCT HOLDER CHECK CASHING	6	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DEPOSITED CHECKS (INCLUDING ENCODING):									
LOCAL	3,515	\$0.03	\$105.45	\$0.03	\$105.45	\$0.09	\$316.35	\$0.04	\$140.60
REGIONAL	2,006	\$0.03	\$60.18	\$0.05	\$100.30	\$0.09	\$180.54	\$0.04	\$80.24
TRANSIT	2,355	\$0.03	\$70.65	\$0.05	\$117.75	\$0.09	\$211.95	\$0.04	\$94.20
CASH VAULT BASE FEE	22	\$0.00	\$0.00	\$0.75	\$16.50	\$0.00	\$0.00	\$0.00	\$0.00
CASH DEPOSITED	67,717	\$0.0004	\$27.09	\$0.0100	\$33.86	\$0.0000	\$0.00	\$0.0000	\$0.00
COIN DEPOSITED	300	\$0.04	\$12.00	\$7.50	\$7.50	\$0.00	\$0.00	\$0.00	\$0.00
RETURNED ITEMS:									
CHARGEBACK	6	\$1.00	\$6.00	\$1.00	\$6.00	\$5.00	\$30.00	\$5.00	\$30.00
REDEPOSITED	13	\$1.00	\$13.00	\$1.00	\$13.00	\$2.00	\$26.00	\$0.00	\$0.00
CHECKS PAID	637	\$0.03	\$19.11	\$0.10	\$63.70	\$0.16	\$101.92	\$0.05	\$31.85
ELECTRONIC CREDITS POSTED	107	\$0.08	\$8.56	\$0.20	\$21.40	\$0.40	\$42.80	\$0.05	\$5.35
ELECTRONIC DEBITS POSTED	29	\$0.0800	\$2.32	\$0.2000	\$5.80	\$0.1600	\$4.64	\$0.0534	\$1.55
ACH RETURN ITEM - FAX NOTIFICATION	6	\$0.00	\$0.00	\$1.50	\$9.00	\$3.00	\$18.00	\$0.00	\$0.00
INTERNET ACH ONE DAY ITEM	883	\$0.04	\$35.32	\$0.07	\$61.81	\$0.10	\$88.30	\$0.05	\$44.15
INTERNET ACH TWO DAY ITEM	612	\$0.04	\$24.48	\$0.07	\$42.84	\$0.10	\$61.20	\$0.05	\$30.60
INTERNET ACH BASE FEE	2	\$10.00	\$20.00	\$15.00	\$30.00	\$35.00	\$70.00	\$0.00	\$0.00
INTERNET ACH BATCH RELEASE FEE	7	\$4.00	\$28.00	\$0.00	\$0.00	\$10.00	\$70.00	\$5.00	\$35.00
INCOMING DOMESTIC WIRE	7	\$4.00	\$28.00	\$5.00	\$35.00	\$7.00	\$49.00	\$5.00	\$35.00
OUTGOING DOMESTIC WIRE	3	\$4.00	\$12.00	\$6.00	\$18.00	\$10.00	\$30.00	\$5.00	\$15.00
INTRABANK TRANSFERS	5	\$0.00	\$0.00	\$1.00	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00
STOP PAYMENTS	2	\$4.00	\$8.00	\$10.00	\$20.00	\$29.50	\$59.00	\$5.00	\$10.00
ACH FRAUD BLOCK/FILTERS (BASE FEE)	1	\$10.00	\$10.00	\$12.50	\$12.50	\$50.00	\$50.00	\$5.00	\$5.00
2 PART DEPOSIT SLIPS (ANNUAL)	500	\$0.00	\$26.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CASHIER'S CHECKS (ANNUAL)	2	free 1st year \$7.50	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CD ROM FOR ARCHIVED STATEMENTS AND CHECKS (4 ACCOUNTS) BASE FEE	1	\$10.00	\$10.00	\$15.00	\$15.00	\$50.00	\$50.00	\$10.00	\$10.00
CD IMAGE PER ITEM	637	\$0.01	\$6.37	\$0.04	\$25.48	\$0.00	\$0.00	\$0.01	\$6.37
ON-LINE IMAGE VIEW< 90 DAYS - PER ITEM	1	\$0.00	\$0.00	\$3.00	\$3.00	\$0.00	\$0.00	\$0.01	\$0.01
CD IMAGE PER ITEM	642	\$0.01	\$6.42	\$0.04	\$25.68	\$0.00	\$0.00	\$0.01	\$6.42
POSITIVE PAY PER ITEM	637	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.04	\$25.48
POSITIVE PAY PER ITEM - ELECTRONIC UPLOAD	641	\$0.03	\$19.23	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
POSITIVE PAY PER ITEM - MANUAL UPLOAD	92	\$0.03	\$2.76	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
POSITIVE PAY BASE FEE PER ACCOUNT	2	\$10.00	\$20.00	\$20.00	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00
POSITIVE PAY EXECPTION ITEM - IMAGE	1	\$0.00	\$0.00	\$0.35	\$0.35	\$0.00	\$0.00	\$0.10	\$0.10
POSITIVE PAY EXECPTION CHECKS RETURNED	1	\$0.00	\$0.00	\$10.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00
PAYEE VALIDATION PER ITEM	641	\$0.03	\$19.23	\$0.02	\$12.82	\$0.00	\$0.00	\$0.02	\$12.82
POSITIVE PAY EXCEPTION BASIC	4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
OTHER ACCOUNT SERVICE CHARGES:									
CD ROM MAINTENANCE		\$0.00	\$0.00	\$15.00	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00
INFORMATION SERVICES: ACCT MAINT FEE		\$0.00	\$0.00	\$40.00	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00
INFORMATION SERVICES: TRANSACTIONS LOADED		\$0.00	\$0.00	\$7.83	\$7.83	\$0.00	\$0.00	\$0.00	\$0.00
CP WEB CURRENT DAY ACCOUNT	1	\$10.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CP WEB CURRENT DAY PER ITEM	5	\$0.05	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CP WEB PRIOR DAY ACCOUNT	1	\$10.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CP WEB PRIOR DAY PER ITEM	5	\$0.05	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CP WEB IMAGE PER INQUIRY	5	\$0.05	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CASHPRO ONLINE SUBSCRIPTION PER ID	1	\$10.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SWEEP MAINTENANCE		\$0.00	\$0.00	\$50.00	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00
ONLINE ACCESS BASE FEE		\$0.00	\$0.00	\$40.00	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00
SAFEKEEPING CHARGES:									
ACCOUNT MAINTENANCE	1	\$15.00	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.00	\$10.00
ADMINISTRATIVE FEE		\$0.00	\$0.00	\$25.00	\$25.00	\$0.00	\$0.00	\$0.00	\$0.00
SAFEKEEPING OF SECURITIES	20	\$1.00	\$20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.00	\$0.00
REDEMPTIONS	3	\$1.00	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PURCHASES	3	\$1.00	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
INTEREST INCOME POSTED	3	\$1.00	\$3.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
OTHER SAFEKEEPING CHARGES:				\$0.00		\$0.00		\$0.00	
PAR FEES - \$20M HELD (FEES PER \$1,000)	FIRST \$1M	\$0.01	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	NEXT \$4M	\$0.00	\$12.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	NEXT \$5M	\$0.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	NEXT \$10M	\$0.00	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL BASE MONTHLY FEES			<u>\$780.48</u>		<u>\$1,085.73</u>		<u>\$1,546.02</u>		<u>\$707.02</u>
ANNUAL COST OF SERVICES			<u>\$9,365.72</u>	*	<u>\$11,943.01</u>		<u>\$18,552.24</u>		<u>\$8,484.18</u>

RESOLUTION R-10-3204

**A RESOLUTION APPROVING COUNCIL ACTION
UNDER CONSENT ITEMS AT THE REGULAR CITY
COUNCIL MEETING OF FEBRUARY 16, 2010**

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

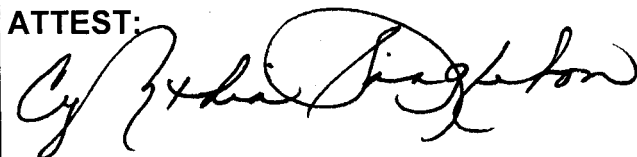
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT the agenda decisions approved by Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of February 2, 2010
 - b. Approval of a bid for bank depository services with Wells Fargo

AND IT IS SO RESOLVED.

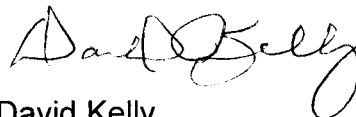
APPROVED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS
ON THIS THE 16th DAY OF February 2010.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

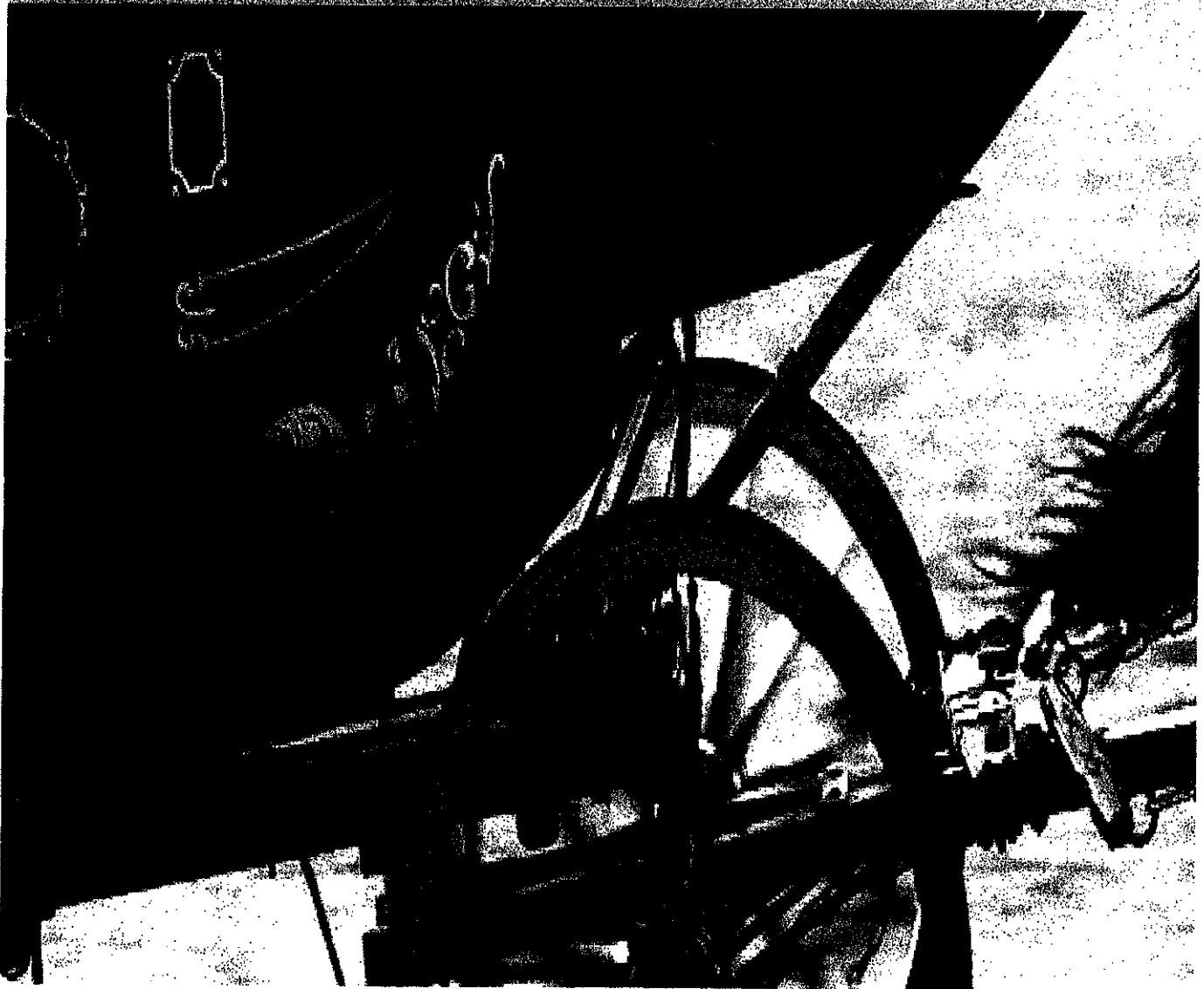
CITY OF COLLEYVILLE



David Kelly
Mayor

WELLS
FARGO

***Wells Fargo Bid Proposal
for
City of Colleyville***



Wells Fargo Bid Proposal

City of Colleyville

- Section One -- Depository Bid - References and Contact Information**
- Section Two -- Wells Fargo Financial Information**
 - Wells Fargo Today**
 - Quarterly Earnings Report**
- Section Three -- Treasury Management Information**
 - Commercial Electronic Office - CEO**
 - Self Administration and Event Messaging Service**
 - Basic Banking**
 - Automated Clearing House(ACH)Origination Service**
 - ACH Fraud Filter Service**
 - Account Reconciliation Services-ARP and Reporting**
 - Image Positive Pay**
 - Treasury Information Reporting**
 - Previous and Intraday Reports**
 - Account Analysis -- Sample Client Statement**
 - Wire Transfer Services**
 - Zero Balance Account Service - ZBA**
 - Stagecoach Deposit**
 - Desktop Deposit**
 - WellsImage CD**
 - Stops-Images-Search**
 - Statements and Notices**
 - Return Item Services**
 - Wells Fargo Sweep Repurchase Agreement**
 - Wells Fargo Membership Banking Program**
- Section Four -- Investment Information**
- Section Five -- Additional Product Information**

The Wells Fargo logo, consisting of the words "WELLS" and "FARGO" stacked vertically in a white serif font inside a black square.

Wells Fargo Bank, N.A.
Business Banking
MAC T5576-022
101 South Locust
Denton, TX 76201

January 25, 2010

City of Colleyville
Attn Ms. Terry Leake, Assistant City Manager
100 Main Street - City Hall
Colleyville, Texas 76034

Dear Terry and the Selection Committee,

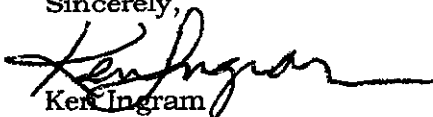
Wells Fargo appreciates the opportunity to be your current depository bank and serve the city. It is our hope that if you have any additional banking needs, you will think of Wells Fargo. Per your request, I am providing additional information for our bid on the depository services. Wells Fargo has a long history of providing quality products and customer service to many cities, universities, counties and local school districts. I look forward to working with you for the next four years and beyond. Please review our information and call me with any questions.

To compete with money market mutual funds such as Texpool and Logic, Wells Fargo Bank offers to pay an adjusting rate on deposits of \$100,000 or more. The rate is an adjusting rate equal to the Texpool rate quoted each Monday. The January 25th rate was 0.17%. The accounts are public fund savings accounts with limited transactions. Also, we can open as many different accounts as needed to keep your fund separated per your requirements.

As you have experienced for many years, our banking products are excellent and the **Internet system is considered the #1 in the United States. Wells Fargo is one of the highest rated bank by Moody's and S&P in the United States.** I do suggest that you inquire about the other banking services and purchase card services. My staff and I make a special commitment to provide the best quality products and services in banking to you.

If you have any questions, please direct them to me. Feel free to telephone me at my office, 940-381-7365, Toll-Free 866-648-0891, or my cell at 817-403-0202.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Ingram".

Ken Ingram
Senior Vice President
Government and Educational Services



Wells Fargo Bank, N.A.
Business Banking
MAC T5576-022
101 South Locust
Denton, TX 76201

Wells Fargo Bank Contacts

Bank Contact

Ken Ingram, Senior Vice President, Public Funds Manager

41 years of banking experience

Work: 940.381.7365

Toll Free: 866.648.0891

Cell: 817.403.0202

Fax: 940.381.2828

Kenneth.Lingram@wellsfargo.com

Backup

Sue Dougherty, Government and Educational Specialist

30 Years of banking experience

Work: 940.384.6355

Toll Free: 866.648.0891

Fax: 940.381.2828

Treasury Management Specialist

Regina Burns, Treasury Management Officer

30+ years of banking experience

Work: 972.599.5385

Fax: 972.599.5363

Investment Specialist

Susan Ward, Assistant Vice President

Work: 214.740.1586

Fax: 214.740.9990

Nearest Store Manager/Contact

Brian Smith

5520 Colleyville Blvd

Colleyville, TX

Phone: 817-581-3361

briansmith2@wellsfargo.com

REQUEST FOR PROPOSAL

Sealed proposal responses will be received at the Finance Department, First Floor, City Hall, 100 Main, Colleyville, TX 76034. Proposal responses received after the opening time and date will be returned to the sender, unopened. All responses will be publicly opened and read aloud at the opening time and date.

The return envelope should be marked:

**Proposal for Bank Depository Agreement
Opens 11 AM CST, Monday, February 1, 2010
Attn: Terry Leake, Assistant City Manager**

In submitting the attached proposal, including terms, conditions, instructions to proposers and specifications, the vendor agrees that acceptance of any or all proposed items by the City of Colleyville, Texas within a reasonable period of time constitutes a contract.

Proposal Title: Bank Depository Agreement
Opening Time/ Date: 11 AM CST, Monday, February 1, 2010

Bank's Name **Wells Fargo**

Bank's Address **101 S. LOCUST STREET
MAC T5576-022
DENTON, TEXAS 76201**

Telephone Number **940.381.7365 OFFICE
817.403.0202 CELL**

FAX Number **940.381.2828**

E-mail address **KENNETH.L.INGRAM@WELLSFARGO.COM**

Authorized Signature 

Printed Name **KEN INGRAM**

Title **SENIOR VICE PRESIDENT**

All proposal responses are required to be signed by an authorized representative of the proposing entity. Proposal responses received unsigned will not be considered.

BANK DEPOSITORY RFP BANK OFFICIALS INITIALS 

TERMS AND CONDITIONS

1. **DEFAULT** In case of default after proposal acceptance, the City of Colleyville, Texas ("City") may exercise any and all rights it may have in compliance with the law.
2. **PRICES HELD FIRM** The City reserves the right to require that submitted proposals remain in force for a forty five (45) day period after opening or until award is made; whichever occurs first.
3. **RESOURCE CONTACT** All information and/or questions pertaining to this proposal shall be directed to the City of Colleyville Assistant City Manager, Terry Leake; it is the responsibility of the proposal to seek clarification of any uncertain terms.
4. **NEGOTIATION** Any attempt to negotiate or to give information on the contents of this proposal with the City or its representatives prior to award shall be grounds for disqualification.
5. **TAX EXEMPT** The City of Colleyville is exempt from all sales tax and excise taxes. Tax exemption certificates are available upon request.
6. **FORMS PROVIDED** All proposals must be submitted on the forms provided to insure uniformity and comparability of responses. Proposals may be rejected if they show any omissions, alterations in wording, conditional clauses, or irregularities of any kind.
7. **PRICE FIXING** In submitting a proposal response to this request, the proposer thereby certifies that the proposer has not participated in nor been party to any collusion, price fixing or any other agreements with any other agreements with any company, firm or person concerning pricing on the enclosed proposal.
8. **GRATUITIES** The City may, by written notice to the successful, cancel this contract without liability to successful proposer if it is determined by City that gratuities in the form of entertainment, gifts, or otherwise, were offered or given by the successful proposer, or any agent or representative of the successful proposer, to any officer or employee of the City with a view toward securing or amending, or the making of any determinations with respect to the performing of such contract.
9. **FORCE MAJEURE** Neither party shall be required to perform any term, condition or covenant in this contract so long as such performances is delayed or prevented by force majeure, which shall mean acts of God, strikes, lockouts, material or labor restrictions by any governmental authority, civil riots, floods, and any other cause not reasonably within the control of the party required to perform and which by the

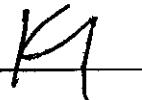


exercise of due diligence said party is unable, wholly or in part, to prevent or overcome.

10. **APPLICABLE LAW** This agreement shall be governed by the Uniform Commercial Code. Wherever the term "Uniform Commercial Code" is used, it shall be construed as meaning the Uniform Commercial Code as adopted in the State of Texas as effective and in force on the date of this agreement.
11. **TAXES, UNEMPLOYMENT BENEFITS, ETC.** The successful proposer hereby accepts exclusive liability for, and agrees to indemnify the City against liability for, the payment of any and all contributions or taxes for unemployment insurance, old age pensions or annuities or other purposes now or hereafter imposed by the Government of the United States, which are in whole or in part measured by and/or based upon the wages, salaries, or other remuneration paid to persons employed by the successful proposer on work in connection with this order.
12. **ANTI-DISCRIMINATION** The successful proposer, in performing the work required hereunder, shall comply with the provisions of Executive Order Number 1146 and shall not discriminate against any employee or applicant for employment because of religion, race, color, sex, age or national origin.
13. **FAIR LABOR STANDARDS ACT** The successful proposer warrants that the materials covered by this order have been produced in compliance with the requirements of the Fair Labor Standards Act of 1938, as amended.
14. **OPENING PLACE, TIME AND DATE** The City will conduct a public proposal opening at the location, time and date as specified on the first page of the request. Proposers are encouraged to attend. A tabulation of the proposal responses received at the time and date of the opening, will be made available to all proposers at a later date.
15. **LIENS** The successful proposer agrees to and shall indemnify and save harmless the City against any and all liens and encumbrances for all labor, goods and services which may be provided under the request, by seller or seller's vendor(s) and if the City requests, a proper release of all liens or satisfactory evidence of freedom from liens shall be delivered to the City.
16. **WITHDRAWAL** The City reserves the right to withdraw the request for any reason prior to the opening time and date without proposer claims.
17. **EXTENSION DISCREPANCIES** Any difference between the unit price, correctly extended, and the total price shall be resolved in favor of the unit price except when the proposer clearly indicates that the total price is based on consideration of being awarded the entire lot.

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18. **FAX/E-MAIL** The City will not accept a proposal response or alterations to a proposal response via a facsimile machine and/or e-mail. The FAX machine and/or e-mail are available for information inquiries only. No proposal responses received via the FAX machine and/or e-mail will be considered.
19. **ALTERING PROPOSALS** Proposals, cannot be altered or amended after submission deadline. Any interlineation, alteration, or erasure made before opening time and date, must be initialed by the signer of the proposal, guaranteeing authenticity.
20. **CHANGE ORDERS** No oral statement of any persons shall modify or otherwise change, or affect the terms, conditions, or specifications stated in the resulting contract. All change orders to the contract will be made in writing by the Assistant City Manager.
21. **REJECT PROPOSALS** The City reserves the right to reject any or all proposals or parts of proposals and to waive informalities in the proposal process.



INSTRUCTIONS TO THE PROPOSERS

1. The proposal award shall be based on, but not necessarily limited to, the following factors:
 - a. Price
 - b. Special needs and requirements of the City of Colleyville
 - c. Proposer's past performance record with the City of Colleyville
 - d. City of Colleyville's evaluation of the proposer's ability to perform
 - e. Financial stability of the proposer
 - f. Rates paid on interest bearing accounts
 - g. Safekeeping agreements accepted
 - h. Ability to provide securities clearance/ safekeeping custody
 - j. Loan/Line of Credit/Lease for capital equipment acquisition

It is the desire of the City to enter into an agreement that will maximize the City's interest and services provided, yet will be viewed as a good agreement on behalf of the bank.

2. The City of Colleyville may make such investigations as it deems necessary to determine the ability of the proposer to provide satisfactory performance in accordance with specifications, and the proposer shall furnish to the City all such information and data for this purpose as the City may request.
3. If a proposer declines to submit a proposal, proposer is requested to submit a letter stating that they are declining to submit a proposal.
4. The City of Colleyville provides for a grievance procedure for proposer relating to specifications, terms, conditions and instructions. Proposers with question relating to the above matters are to contact Terry Leake, Assistant City Manager, (817) 503-1115 or the City Manager in the event the matter cannot be resolved by the two parties. If such matters have not been brought to the attention of the City staff prior to five days before the opening date, the City considers the proposal request to be acceptable to all proposers in all respects.
5. Award will be made to a single proposer.
6. Any exceptions to the proposal are to be clearly indicated on the page entitled, "Exceptions to Proposal". Any major changes or deletions that alter the intent of the RFP may be grounds for the City to disregard and reject the proposal response.
7. The City has designated Terry Leake, Assistant City Manager, (817) 503-1115, e-mail: leaket@ci.colleyville.tx.us, as the contact person for questions pertaining to

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the RFP.

8. Upon award, the successful proposer will designate in writing an individual to be the official contact person for all correspondence and the bank shall be responsible for training and communicating the terms of this agreement to bank employees.
9. The City shall reserve the right to require a review meeting at least once every six months to evaluate the working relationship between the City and the bank. The object of the meeting shall be to address any problems and to discuss the procedures involved in protecting the City's funds and pledged collateral.
11. The final appointment of a depository bank shall be made by the City of Colleyville City Council by resolution. The resolution will adopt the successful proposers completed RFP as the official contract form. The successful proposer shall be required to enter into a contract which incorporates all of the obligatory points in the completed RFP and the contract must be adopted by the Board of Directors of the bank.

SCOPE AND INTENT: The City is seeking applications from eligible financial institutions to be the banking service depository. This includes the basic services of receiving deposits, paying items, wiring funds out, receiving funds wired in, stop payments, and other normal business banking activities. The City will invest all idle funds and this agreement does not include the provision for any investment services to be provided but is soliciting as a part of the proposal securities clearance and safekeeping of City investments.

The philosophy incorporated into this request for proposal (RFP) is to solicit comparable market changes for services provided and to pay for all services provided by the bank. The City also places a great deal of importance on the ability to perform electronic cash management and interest paid on daily deposits above any minimum requirements.

REQUIREMENTS:

The contract period shall be for the period beginning April 1, 2010 and ending March 31, 2014 or thereafter until the successor depository shall have been duly selected and qualified according to state laws. At the outset, the City wishes to communicate the primary objectives of the depository agreement, an important component of the overall treasury and debt management program of the City:

To seek a bank that is both capable of providing banking services and will be attentive to the City's money matters.

To maximize the total dollars earned by the City on account balances in order to be prudent and effective custodians of the taxpayer's financial



resources.

To maintain a good working relationship with the depository banks; and

To adequately compensate the depository bank for services provided and to allow a reasonable profit to be earned, subject to competitive forces in the market place.

The request for proposal is intended to serve as the proposal form for the depository agreement. There are several blanks to fill in and questions to be answered. All points outlined and materials requested should be incorporated into the proposer's reply to be considered for evaluation. Attachments will be appropriate in order to answer some of the enclosed questions.

CALENDAR OF EVENTS

Monday, January 11, 2010 and Monday, January 18, 2010 - Advertise Proposal in Fort Worth Star-Telegram Newspaper

Friday, January 15, 2010 – Pre-proposal conference 1:30 p.m. CST, Second floor Training Room, City Hall, 100 Main Street

Monday, February 1, 2010 - Open Proposals, 11:00 a.m. CST, City Council Chambers, City Hall, 100 Main Street

Tuesday, February 16, 2010 - Review recommendation with the City Council and award contract.

Thursday, April 1, 2010 - New bank depository contract period begins

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SECTION I

ACCOUNT ACTIVITIES

The City intends to establish the following banks accounts:

<u>Account Name</u>	<u>Type</u>
Consolidated Operating Account	Money Market Checking (SuperNow)
Payroll Account	Money Market Checking (SuperNow)
Colleyville Economic Development Corporation Account	Money Market Checking (SuperNow)
Sweep Account	Balance of Consolidated Operating Account Swept daily into an overnight re-purchase agreement

Money market checking accounts are those allowed by law that pays an interest rate on all amounts above \$2,500 with an unlimited number of transactions. The term SuperNow will be used in the RFP and shall refer to both types of Money Market accounts.

The Consolidated Operating Account (COA) will constitute almost all of the City's banking business with the exception of the payroll account. The average balance will be approximately \$200,000 with a maximum of \$1,000,000.

The Payroll account is a high activity clearing account which will usually carry a maximum balance of \$275,000 on the day of payroll, but will have an average monthly balance of less than \$25,000.

The Colleyville Economic Development (CEDC) Account is a low activity clearing account which will carry a high balance of \$250,000 in the date of check issuance for construction draws, but will usually maintain an average balance of less than \$25,000.

The Sweep Account is the ending daily balance of Consolidated Operating Account which swept daily into an overnight re-purchase agreement. The securities which are the subject of the repurchase agreement must be direct obligations of or guaranteed by the United States, its agencies or instrumentalities, which have a current market value greater than the principal amount of the transactions. The securities must be held at a third party bank and a copy of the tri-party repurchase agreement must be submitted with the proposal.

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State interest rate basis for sweep account earnings:

Currently, but is a variable rate account. Now at 0.05% to 0.10%. Sweep Options are Repurchase Agreement or US Government Money Market Funds. For Excess funds, Wells Fargo suggests a Special Priced MMA that we price weekly to track Texpool. It is not a sweep account.

State monthly fees for sweep accounts

\$0.00 if minimum balanced maintained or \$25.00 per month

The City reserves the right to open or close any number or type of accounts throughout the period if necessary, although no changes are anticipated.

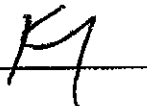
Bank statements shall be rendered within seven working days after the close of the calendar month. The cutoff cycle for all City accounts must be the calendar month. The statement shall include deposits made on the last day of the period. Describe the availability of interim on-line statements.

The following table lists the mailing dates for statements and optional reports.

Service Option	Business Days After Cutoff: Mailed
Bank statement, CheXstor [®] service, no ARP	3 days
Full ARP statement and CheXstor service	
Month-end cutoff	6 days
Non-month-end cutoff	4 days
Partial ARP statement and CheXstor service	
Month-end cutoff	2 days
Non-month-end cutoff	1 day
Positive Pay, Full or Partial ARP, account statement and CheXstor service	
Month-end cutoff	6 days
Non-month-end cutoff	4 days
CD-ROM with paid check images	11 days

BANK DEPOSITORY RFP

BANK OFFICIALS INITIALS



The CheXstor check truncation service is standard with all of our ARP service options.

The following table lists the mailing dates and online availability of statements and optional reports.

Service Option	Business Days Available Online After Cutoff
Bank statement, CheXstor service, no ARP	1 day
Full ARP statement and CheXstor service	
Month-end cutoff	4 days
Non-month-end cutoff	4 days
Partial ARP statement and CheXstor service	
Month-end cutoff	1 day
Non-month-end cutoff	1 day
Positive Pay, Full or Partial ARP, account statement and CheXstor service	
Month-end cutoff	4 days
Non-month-end cutoff	4 days
CD-ROM with paid check images	Not applicable
Image File Import	
Posted Items	Available at 7:00 a.m. CT - 2 days after posting.

**The CheXstor check truncation service is standard with all of our ARP service options.*

The City intends to pay for all account services provided by the bank as set forth in Section II. The method expected to be used for the payment of these services shall be the direct payment method. The City shall require account analyses each month, which clearly show volume counts, fees charged, and total price for servicing the account. The account analysis shall also show average ledger balances, average uncollected funds, average collected balances, interest rates and the amount of interest paid or credited the account. Proposers are to submit a sample of the monthly account analyses statement that will be provided to the City.

The City shall receive same day credit for all funds deposited by 3 p.m. and drawn on a bank located in Dallas, Tarrant, Denton or Collin County and next day credit for all other funds. The funds shall be investable for any investment transaction that can be executed. If not invested, the funds shall earn interest at whatever rate is being paid for SuperNow accounts.

Proposers are to provide a brief explanation of the bank's policy and methodology used in the setting of rates paid on SuperNow accounts by answering the following questions. Please indicate below the rates paid at the close of the quarter on SuperNow accounts in 2009. Specifically indicate if the rates are applied to ledger balances or collected balances. Indicate if the rates are based on a market rate such as T-bill discount or yield rate.

DATE	INTEREST RATE PAID ON SUPER NOW ACCOUNT
------	---

March 31, 2009	<u>0.10%</u>
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June 30, 2009	<u>0.10%</u>
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September 30, 2009	<u>0.10%</u>
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December 31, 2009	<u>0.10%</u>
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Rates are based upon ledger balances / collected balances. (Circle one)

*Basis for rates: Local Competition for standard bank rates. Wells Fargo does offer a special priced bank MMA. It has limited monthly transactions. Wells Fargo uses Texpool to establish the rate.

POSITIVE PAY

The City will download a file in NACHA format from its payment records and will upload the files to the bank in the following timeframe by bank account type (General Disbursement – 4:00 p.m. on the date of issuance / Payroll – the night prior to the date of issuance). The City will enter it manually or by online reporting module.

Scrubbed exceptions shall be provided online by 10 a.m. the following morning.

The City will review and make decisions on all items by 2 p.m. the same day.

The bank will follow the City's instructions in returning items.

The bank must provide an online decision history / confirmation.

SECTION II

COST OF BANKING SERVICES

BANK DEPOSITORY RFP

BANK OFFICIALS INITIALS

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DESCRIPTION OF SERVICE	MONTHLY VOLUME	COST PER UNIT
ACCOUNT MAINTENANCE	4	\$10.0000
ACCOUNT ANALYSIS	4	\$0.0000
FDIC ASSESSMENT (PER THOUSAND)	\$250,000	\$0.1280
DEBITS POSTED	52	\$0.0534
CREDITS POSTED	25	\$0.1000
PAYEE VALID NON-ACCT HOLDER CHECK CASHING	6	\$0.0000
DEPOSITED CHECKS (INCLUDING ENCODING):		
LOCAL	3,515	\$0.0400
REGIONAL	2,006	\$0.0400
TRANSIT	2,355	\$0.0400
CASH VAULT BASE FEE		
CASH DEPOSITED	67,717	\$0.0000
COIN DEPOSITED	300	\$0.0000
RETURNED ITEMS:		
CHARGEBACK	6	\$5.0000
REDEPOSITED	13	\$0.0000
CHECKS PAID	637	\$0.0500
ELECTRONIC CREDITS POSTED	107	\$0.0500
ELECTRONIC DEBITS POSTED	29	\$0.0534
ACH RETURN ITEM - FAX NOTIFICATION	6	\$0.0000
INTERNET ACH ONE DAY ITEM	883	\$0.0500
INTERNET ACH TWO DAY ITEM	612	\$0.0500
INTERNET ACH BASE FEE	2	\$0.0000
INTERNET ACH BATCH RELEASE FEE	7	\$5.0000
INCOMING DOMESTIC WIRE	7	\$5.0000
OUTGOING DOMESTIC WIRE	3	\$5.0000
INTRABANK TRANSFERS	5	\$0.0000
STOP PAYMENTS	2	\$5.0000
ACH FRAUD BLOCK/FILTERS (BASE FEE)	1	\$5.0000
2 PART DEPOSIT SLIPS (ANNUAL)	500	<u>0</u>
CASHIER'S CHECKS (ANNUAL)	2	<u>0</u>
CD ROM FOR ARCHIVED STATEMENTS AND CHECKS (4 ACCOUNTS) BASE FEE	1	\$10.0000
CD IMAGE PER ITEM	637	\$0.0100
ON-LINE IMAGE VIEW< 90 DAYS - PER ITEM	1	\$0.0100
CD IMAGE PER ITEM	642	\$0.0100
POSITIVE PAY PER ITEM	637	\$0.0400
POSITIVE PAY PER ITEM - ELECTRONIC UPLOAD	641	\$0.0000
POSITIVE PAY PER ITEM - MANUAL UPLOAD	92	\$0.0000
POSITIVE PAY BASE FEE PER ACCOUNT	2	\$0.0000
POSITIVE PAY EXECPTION ITEM - IMAGE	1	\$0.1000
POSITIVE PAY EXECPTION CHECKS RETURNED	1	\$0.0000
PAYEE VALIDATION PER ITEM	641	\$0.0200
POSITIVE PAY EXCEPTION BASIC	4	\$0.0000

BANK DEPOSITORY RFP BANK OFFICIALS INITIALS

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The City will also require on-line access with the bank using the City's network computer system. This service must provide information on checks cleared on the City's account, status of deposits and available funds, capability for making intra-account transfers and wire transfers. Additionally, it must have automated clearing house functions (ACH), that the City may utilize for direct deposit of employee paychecks and utility bill payments.

Monthly cost for service _____ ~~1~~ One account
 _____ ~~1~~ Each additional account
 _____ ~~1~~ Set-up charge
 _____ ~~1~~ System Training/Manual

See attached fee schedule.

<u>Service Offered</u>	<u>Associated Fee</u>
<u>Smart Decision</u>	<u>see attached fee schedule</u>
<u>Returned Item Services</u>	<u>see attached fee schedule</u>
<u>Wire Transfer Detail report</u>	<u>see attached fee schedule</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

BANK OFFICIALS INITIALS

SECTION IV COLLATERAL REQUIREMENTS

Securities Pledged: As security for the deposits of the City, the Bank shall pledge to the City securities equal to the largest total balances the City maintains in the bank, less the amount of coverage provided by the Federal Deposit Insurance Corporation (FDIC). The maximum levels needing to be collateralized are estimated to be \$2,000,000 for the General Operating, Payroll, and CEDC accounts. The securities comprising the pledge shall be valued at par or market, whichever is lower. The securities so pledged, the amounts thereon and the time for pledging same shall satisfy the requirements of Article 2560 Tex. Rev. Civ. Stat. Ann. as amended by the Public Funds Collateral Act.

Reporting Requirements: The bank shall provide the City a report of securities pledged at the end of each month or at any time requested by the City Manager or Assistant City Manager. This report is to reflect the following information at the end of each month:

Total pledged securities itemized by:

Name
Type/Description
Par Value
Market Value at Month End
Maturity Date
Moody's and/or Standard & Poor's Rating (without credit enhancement)

Safekeeping: The securities pledged shall be held in safekeeping under the name of the bank and pledged to the City of Colleyville. Safekeeping must be done by a separate and different bank other than the depository bank or any affiliate of the depository bank. The safekeeping receipt shall clearly state the security is pledged to the City of Colleyville and the **original** copy of the safekeeping receipt shall be filed with the Assistant City Manager of the City of Colleyville.

Collateral Securities for Certificates of Deposit and Demand Accounts

Below is the section of the City of Colleyville's Investment Policy stating:
The City will accept as collateral for its Certificates of Deposit and demand accounts the following securities:

- A. FDIC coverage
- B. U.S. Treasury bills, notes and bonds
- C. United States Agency and instrumentalities bills or notes

D. GNMA mortgage backed fully modified pass through securities

E. Texas state, city, county or school bonds with a remaining maturity of seven years or less and a rating of "A" or better by Moody's, Fitch ICBA, and Standard and Poor's (without credit enhancement).

F. Surety Bond

Collateral shall be "marked to market" monthly by the Assistant City Manager. The following percentages constitute the minimum market value for collateral instruments that are pledged for the City's Certificates of Deposit and demand deposits.

Form of Collateral Pledged Collateral	Ratio
1. U.S. Treasury bills, notes, and bonds	
a. maturing within 1 year	102%
b. maturing in 1-5 years	105%
c. maturing in more than 5 years	110%
2. Actively traded U.S. Government Agency securities	
a. maturing in less than 1 year	103%
b. maturing in 1-5 years	107%
c. maturing in more than 5 years	115%
3. GNMA mortgage pass through securities	115%
4. Entities in the State of Texas bonds	
General Obligation Bonds	
a. maturing in less than 1 year	102%
b. maturing in 1-5 years	105%
c. maturing in more than 5 years	107%
Revenue Bonds	
a. maturing in less than 1 year	105%
b. maturing in 1-5 years	110%
c. maturing in more than 5 years	115%

Collateral shall be audited annually by the City's independent auditor and may be audited by the City at anytime during normal business hours of the safekeeping bank.

Wells Fargo will collateralize deposits in excess of \$250,000 at 102% with Aaa rated securities that meet the recommended guidelines of the Texas Public Funds Investment. Currently, the city's collateral is 100% since 2002. Wells Fargo will increase to 102% on April 1, 2010.

BANK DEPOSITORY RFP

BANK OFFICIALS INITIALS



Fees to be charged:

The City shall reimburse the depository bank for safekeeping charges at the rate as proposed below. Specify the safekeeping charges that will apply:

See Institutional Investment Costs – Special section

Required Information:

An explanation of how the City's claim to book entry securities can be perfected is required with a proposal response. **City Account and ownership is already established with Wells Fargo.**

Safekeeping Agreement Submittal: A copy of the safekeeping agreement and the name of the third party safekeeping bank to be used must be included with the proposal response. The safekeeping agreement shall clearly state that the safekeeping bank is instructed to release the collateralized securities to the City if the City has determined that the depository bank has failed to pay on any accounts, has been closed by a regulatory authority, is in default of this agreement, or if the instructions for release have been formally requested by the City Council by ordinance or resolution. The safekeeping agreement shall have signatories from the safekeeping bank, the depository bank, and the City of Colleyville and must be formally adopted by the governing entities of the depository bank and the safekeeping bank. Both the depository and safekeeping banks must furnish proof of adoption by the governing entities.

Collateral substitutions: Any substitutions of the securities or reductions in the total amount pledged shall be made only by and with proper written authorization approved by the City Manager or the Assistant City Manager of the City of Colleyville. All securities to be pledged are subject to approval by the City. Any state or local bonds pledged shall have a rating of "A" or better before credit enhancement by Moody's Investor Services or Standard and Poor's.

Maximum Amount Offered: Proposers must state the maximum amount, if any, of pledged securities which the bank is willing or able to commit for collateralized SuperNow accounts throughout the contract period above the \$100,000 FDIC insurance limit.

COLLATERAL TO BE OFFERED Unlimited, as needed. Prior Notice of additional deposit over establish limit is recommended--

Wire Services: The third-party safekeeping bank must be a subscriber to the Federal Security Wire System.

SECTION V OVERDRAFTS DEFINED

The City does not intend to have a net overdraft position throughout the course of the contract. An overdraft shall be defined as a negative demand balance in the City accounts collectively, not by individual account. This includes daylight overdrafts.

Should an overdraft occur in the aggregate, the following stipulations shall apply:

1. The maximum number of days the overdraft shall be allowed is One.
2. The maximum amount of the net overdraft to be allowed shall be \$1,000,000.
3. The interest rate shall be Bank's Uncollected Funds Rate, Currently Prime + 3.00% per annum computed on an actual day basis. In the event a check or checks shall be presented for payment on any account or accounts maintained by the City, where there shall be insufficient funds for the purpose of paying checks, the depository bank shall pay such check or checks and agrees to promptly notify the Assistant City Manager of the City, by telephone or other means, of the existence of the overdraft situation, and to provide the Assistant City Manager a period of one business day to respond to such overdraft.

Short-Term Loans: The bank agrees to loan funds to the City on a short-term basis, if needed, for operational purposes and for capital expenditures only. Specify the terms and conditions by which the bank shall loan funds to the City on a short-term basis:

Bank has Public Finance Group that specializes in Government financing.

1. The maximum number of days for the loan is 90 days to 30 Years.
2. The maximum amount of the loan shall be Subject to Senior Finance Approval.
3. The interest rate shall be ** % per annum computed on an actual day basis. **Subject to current rates of tax exempt, bank qualified loans/bonds.

SECTION VI OTHER CONDITIONS

The successful proposer shall notify the City in writing within ten (10) days of any changes in Federal or State regulations or laws that would thereafter affect the depository agreement. The bank shall also notify the City of any services that become available to the City throughout the contract period.

In the event it would be ruled illegal under the provisions of any Federal Statute or regulation for the bank to pay interest in the manner outlined in this RFP, the City expressly reserves the right and privilege to cancel the contract and to re-proposal the depository services.

The bank's records relating to the City's accounts shall be open to review by either City staff members or City appointed independent auditors during normal business hours.

BANK DEPOSITORY RFP BANK OFFICIALS INITIALS K

The proposing bank shall submit a copy of the last annual financial statements along with the last two quarterly FDIC call reports.

The term of the contract shall be the period beginning April 1, 2010 and ending March 31, 2014 or thereafter until a successor depository has been selected. This contract shall be automatically extended up to 90 days if the City is actively proceeding with re-proposing procedures but, for whatever reason, cannot finalize the proposing or selection process by the end of the contract period.

This contract is governed by the laws of the State of Texas. Venue shall be exclusively in Tarrant County, Texas.

Shall the bank fail, close, or be forced into reorganization during the term of this contract, the City reserves the right to cancel the contract and re-proposal for the City's depository services.

SECTION VII ADDITIONAL BANKING SERVICES - SECURITIES CLEARANCE / SAFEKEEPING CUSTODY

These optional services may be awarded in conjunction with the depository contract.

The Depository may act as transfer agent for some or all security transactions undertaken by the City and will safekeep securities purchased.

All transfers made shall be executed delivery versus payment, (i.e. payment shall not be made until the security is received). The Depository must have the capability of executing on behalf of the City: 1) Physical; 2) Depository Trust Company (DTC); and 3) Federal book entry security purchases and sales through the Federal Reserve or physical delivery to the Depository's correspondent bank. The City strongly desires that security purchase and sale instructions be transmitted to the Depository on-line and the City has the ability to review the status of security transactions on-line. Controls for securities clearance will be established by mutual agreement.

Please enclose a proposed security clearance and custody agreement with your proposal. City of Colleyville has an establish account with Wells Fargo Institutional Brokerage/Investments. No additional work required by city.

The purchase and sale of all securities will be in accordance with the City's Investment Policy. All physical delivery securities will be held by the Depository's Trust Department. All securities will be perfected in the name of the City. A safekeeping receipt issued to the City shall evidence all book entry securities owned by the City. Safekeeping confirmation of all City security transactions will be issued and mailed to the City within two business days of settlement. A monthly report listing all City securities held in safekeeping will be provided to the city within seven (7) business days of the end of each month.

The City will send written instructions to the securities clearance department for each transaction. Most of these instructions will be sent by facsimile, e-mail or on-line to assure the timeliness of the operation.

The City expects the Depository bank's Trust/Custody Department to give prompt notification of any settlement problems, including securities delivered where the instructions do not match or where instructions have not been given to the Depository.

SECTION VIII COST OF SECURITIES CLEARANCE/SAFEKEEPING CUSTODY SERVICES ****SEE FEE SCHEDULE IN SECTION IV.**

The services required by the City include but are not limited to the following:

	<u>FEE CHARGED PER UNIT</u>	<u>ESTIMATED VOLUME*</u>	<u>DESCRIPTION OF SERVICE</u>
1.	<u>\$10.00</u>	1 Account	Account Maintenance
2.	<u> </u>	Administrative fee	Fee to administer account (includes security clearance average transactions per month -4; Average principal outstanding \$25,000,000 in Treasury bills, Treasury Notes, Agency Discount Notes, Agency Notes)
3.	<u> </u>	20 Securities Held	Safekeeping of Securities
4.	<u> </u>	3 Redemptions	Redemption of Matured Securities
5.	<u> </u>	3 Purchases(DTC Trades)	Purchase of Securities
6.	<u> </u>	3 Credits Posted	Posting of receipt of semi-annual interest income payments on securities held in safekeeping

SEE FEE SCHEDULE IN SECTION IV.

SECTION IX ABILITY TO PROVIDE LOAN/LINE OF CREDIT OR LEASE PURCHASE FINANCING FOR ACQUISITION OF CAPITAL EQUIPMENT

As a part of the proposal the City is seeking a loan/line of credit or lease purchase financing for a Pierce 95' Midmount platform fire truck with a value of \$981,238 with an annual repayment option over a ten-year period. The City will need the financing at the end of June 2010, to coincide with the delivery of the fire truck. The City is currently rated AAA by Standard and Poor's and the City's most recent financial statements and budget are available on the City's website www.colleyville.com under the public documents section. Colleyville will be bank qualified (qualified tax-exempt obligation) for the duration of the loan period.

Annual Interest Rate offered:

See Attached Information. Wells Fargo Contact is Byron Terwege

January 21, 2010

MUNICIPAL LEASE PURCHASE PROPOSAL

Ms. Terry Leake
Finance Director
City of Colleyville
100 Main Street
Colleyville, TX 76034

Dear Ms. Leake:

Wells Fargo Equipment Finance, Inc. is pleased to submit the following municipal lease purchase proposal for your consideration.

WELLS FARGO EQUIPMENT FINANCE, INC. PROPOSAL

Lessee:	City of Colleyville
Equipment:	1 – New Fire Truck
Equipment Cost:	\$981,238.00
Lease Term:	120 months (10 payments)
Frequency of Payment:	Annually
Payment Factor:	\$.012344
Payment Amount:	\$121,127.66
Advance Payment:	1 advance payment due at closing
Location/Delivery:	It is anticipated that this equipment will be accepted by <u>June 30, 2010</u> and will be located at the Lessee's facility in <u>Colleyville, TX.</u>
Guarantor(s):	None
Additional Collateral:	None
Additional Provisions:	As required by our Credit Department
Costs and Expenses:	Lessee will be responsible for all costs and expenses incurred by Wells Fargo Equipment Finance, Inc. in connection with documentation and filing fees necessary to close this transaction.
Depreciation:	Depreciation is available for the account of the Lessee.
End of Lease:	At the end of the Lease Purchase term, the Lessee will be required to purchase the equipment for \$1.00.
Net Lease:	This is a net lease transaction whereby insurance, maintenance and taxes are the Lessee's responsibility. Manufacturer's guarantees and warranty will be passed on to the Lessee.

Insurance Requirements: Wells Fargo Equipment Finance, Inc. requires personal property damage insurance equal to the equipment cost and to be named as loss payee. Also, Wells Fargo Equipment Finance, Inc. requires liability insurance of a combined single limit of \$1,000,000 with Wells Fargo Equipment Finance, Inc. named as an additional insured.

Invoicing: A single invoice for each account will be furnished on a monthly basis.

Court Meeting Minutes: Lessee shall provide Lessor with a duly executed copy, with original signatures, of the Court Meeting Minutes authorizing this financing by unanimous approval.

Attorney's Opinion: Lessee shall provide Lessor with an attorney's opinion that financing of the equipment conforms with applicable State of Texas laws and that all documentation required is satisfactory to Lessor.

Authority: Muni pricing is only available if there is an underlying bond authorized by a local governmental body or a political subdivision thereof. Our lease has to be to the bonding authority and they will be warranting the tax exempt status of the interest income earned under the lease.

Proposal Only: This is a proposal only and does not represent a commitment to lease. This proposal is subject to the approval of the credit committee of Wells Fargo Equipment Finance, Inc. and expires, if not otherwise withdrawn, **February 28, 2010.**

This proposal is based on cost of funds represented by Wells Fargo Cost of Funds. In the event that rate changes prior to funding, the payment factor may be adjusted to reflect this change.

Credit Information: For our credit committee, we will ask for you to provide copies of financial statements. In addition, we will need a complete equipment list indicating equipment descriptions, prices, and vendors. We may request additional information as necessary.

Documentation: Upon receipt of Lessee's request to lease, and upon its acceptance of same, Lessor will prepare all necessary documentation. A **\$450.00** documentation fee will be collected at closing.

Wells Fargo Equipment Finance, Inc. hopes it can acquire this important equipment on your behalf. I thank you for your consideration and interest in Wells Fargo Equipment Finance, Inc. If you have any questions, please feel free to contact me at any time at **972-539-7343**. If you would like us to proceed with our credit review and are in agreement with the terms of this proposal, please indicate by signing the duplicate copy of this letter in the space provided below and return directly to the undersigned.

Sincerely,

Byron Terwege
Territory Manager

Please proceed with obtaining credit approval in accordance with the terms stated above.

City of Colleyville

By: _____ Its: _____

SECTION X ADDITIONAL QUESTIONS (PLEASE ADD ADDITIONAL LINES, IF NEEDED)

How are deposit changes communicated?

For organizations that routinely make large deposits, it is not uncommon to have discrepancies between the total that appears on the deposit ticket and the actual total of the checks and cash that are deposited. In general, Wells Fargo does not identify and adjust all discrepancies. Specifically, we reserve the right to write off all check adjustments under \$60 and all cash vault adjustments under \$10. Sue Dougherty will credit City with small differences. If problems occur on a regular basis, bank will work with city to correct.

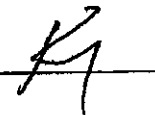
When an adjustment is necessary, we make separate debit/credit entries for adjustments. We also provide you with adjustment advices, including relevant backup documents, by mail. In cases where adjustments to cash vault deposits exceed \$50 we also contact you by telephone to notify you of the difference.

For cash vault adjustments, your adjustment notice includes deposit date, declared amount, verified currency total by denomination, and location number (if applicable). For branch deposit adjustments, your adjustment notice includes the amount and reason for the adjustment. For deposits to a subaccount, the location code is also provided.

In addition to the advices that we mail to you, deposit adjustments are identified on bank statements, in reports made available through our Internet based Commercial Electronic Office® (CEO®) Treasury Information Reporting system, on deposit reconciliation reports, and on detailed transaction file transmissions. Optionally, cash vault reporting is also available by e-mail.

What is the notification process and time frame for NSF or "Refer to Maker" checks? How long does it take for the physical check to be returned to the City? Are these checks run twice through the maker's account?

Next Day, an e-mail can be delivered. Images are available to print and review.



How are stop payments originated? How long is the stop payment valid for?

Stops-Images-Search Service

Through Stops-Images-Search (SIS), an optional application in the CEO portal, you can perform inquiries for check transactions but also for all other debits and credits. You can search for debits, credits, checks, stop payments, or all posted items, and then print your search results—all from a single Web page. You can view details for each transaction, whether paper or electronic. The SIS application identifies transactions that qualify for stop payments or image requests and allows you to quickly search for posted items, initiate stop payments, renew or release stops, and view online images of checks, electronic deposits, or paper deposits that have posted to your accounts.

Items are available one business day after they post to your account and are searchable in 180-day increments. You conduct searches by date, dollar amount, or check/customer reference numbers; then zoom in, rotate, print, or download check or deposit slip images to your local hard drive. You can even create, view, and print reports, such as all stop activity, regardless of where or how the stop was processed.

Stop payments remain in effect for six months. After this period, you may take advantage of our Stop Renewal service. Stop Renewal gives you the ability to extend stop payments for up to six years (in 12-month increments), specify a pre-determined dollar threshold for automatic stop payment renewal, and limit the number of times a stop payment will be automatically renewed.

The City desires separate bank statements for each account? Is this available?

Yes.

What is the approval process for pending ACH transmissions?

Wells Fargo's fraud-fighting tools can help you with audit control and Sarbanes-Oxley compliance. You can select from 1) Dual Approver of User Profiles, which requires one user to add or change a user profile and a second user to approve it; 2) Dual Approval of Payments, which requires one user to create transactions and a second user to authorize them; and 3) Template Dual Control, which requires one user to add/delete/change a database entry and a second user to approve it. Single control can also be elected as an Internet ACH option.

Who will the City's relationship manager be?

Ken Ingram, Senior Vice President and Sue Dougherty, Banking Officer

BANK DEPOSITORY RFP

BANK OFFICIALS INITIALS

K

XI EXCEPTIONS TO PROPOSAL

Wells Fargo offers a zero cost for existing bank services with a \$1,000,000 average collected balance in the operating account.

To compete with money market mutual funds such as Texpool and Logic, Wells Fargo Bank offers to pay an adjusting rate on deposits of \$100,000 or more. The rate is an adjusting rate equal to the Texpool rate quoted each Monday. The January 25th rate was 0.17%. The accounts are public fund savings accounts with limited transactions.

Wells Fargo will provide collateral at 102% with Aaa rate securities that meet the Texas Public Fund Guidelines. Under current existing depository agreement, only 100% is required, we will increase to 102% effective with the new depository agreement.

XII ADDITIONAL SERVICE DESIRED

Would there be a possibility of adding an Automated Teller Machine at our Justice Center Facility located at 5201 Riverwalk Dr., Colleyville, TX? Yes No

What are the associated fees to be paid by the City?

Bank ATM sites are not profitable unless they have a certain volume of transactions. Wells Fargo will be happy to discuss the expected volumes and discuss the costs or shared costs to establish an ATM location. If it is not suitable for both parties, Wells Fargo can provide a list of private vendors that provide low volume ATM for groups.

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Wells Fargo Bank, N.A.
Business Banking
MAC T5576-022
101 South Locust
Denton, TX 76201

Wells Fargo Depository References

University of North Texas
Carolyn Whitlock, Finance Manager
PO Box 310500
Denton, Texas 76203
Telephone: 940.565.4040
whitlock@fis.admin.unt.edu

50+ year relationship

Denton County
Cindy Brown, County Treasurer
401 West Hickory, Suite 309
Denton, Texas, 76201
Telephone: 940.349.3150
cindy.brown@dentoncounty.com

25+ year relationship

Since the City of Colleyville has been a customer of the bank since 1991, we feel you are one of our best references that we could provide. Ken Ingram has been your relationship manager since 1996 and will continue to support the city in the same capacity. Ken looks forward to working with you for many years in the future.



Timothy Pinon
Vice President
Government and Education Services

MAC T5303-02J
1445 Ross Avenue, 2nd Floor
Dallas, TX 75202

December 13, 2013

To: Ms. Terry Leake
Re: Contract Extension

Dear Ms. Leake,

As discussed, Wells Fargo is pleased to extend the current pricing, agreed to when the City of Colleyville accepted our proposal in 2010. This will extend the pricing for the period April 1st, 2014 through March 31st, 2015. We understand that by law, the City will need to go back out for bid at the end of this one year extension. We value our relationship with the City, and we look forward to the opportunity to partner with you for another year, and beyond, to provide best in class banking services to help the City manage its financial resources. Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, reading "Tim Pinon".

Tim Pinon



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5c

Agenda Date 12/17/2013

Number Resolution R-13-3698

Type Resolution

Department Information Services

Title

Approval of a three year Municipal and County Government Enterprise License Agreement (ELA), between the City of Colleyville and the Environmental Systems Research Institute, Inc. (ESRI), in an amount not to exceed \$88,650, and authorize the city manager to execute the agreement

Explanation

Reading and Public Hearing

This item is a three year license agreement between Environmental Systems Research Institute, Inc. (ESRI) and the City of Colleyville in the amount of \$75,000 to be paid annually in the amount of \$25,000. The additional cost of \$13,650 is an annual training package of \$6,000, discounted to \$4,550, allowing the City to gain a 25 percent discount on the next three years of ESRI training to employees. The total amount of the contract over a three year period is \$88,650 with a total annual payment due of \$29,550, as referenced in the attached proposed contract.

The City of Colleyville uses ESRI software to collect, organize, manage, analyze, communicate, and distribute geographical information, and has been a licensee of ESRI software since 1997. The City's current annual license agreement cost is \$13,178, and is only available to select staff members; the new agreement will allow for all staff members to utilize it.

ESRI is the sole source provider of all U.S. domestic small Municipal and County Enterprise License Agreements (ELA), as referenced in the attached sole source letter. The city attorney has reviewed the attached sole source letter and proposed contract. Based on the letter and the provisions of Chapter 252 of the Local Government Code, this purchase is exempt from the competitive bidding requirements of state law as a sole source acquisition.

Financial Impact

Funding is available in the miscellaneous contractual services line item of the Information Systems Management GIS Program budget.

Recommendation

Approve

Attachments

1. ESRI/COLLEYVILLE three year Enterprise License Agreement
2. Sole Source Letter



December 6, 2013

Lauren LeCren
City of Colleyville
100 Main St
Colleyville, TX 76034

Dear Lauren,

The Esri Small Municipal and County Government Enterprise License Agreement (ELA) is a three-year agreement that will grant your organization access to Esri® term license software on an unlimited basis including maintenance on all software offered through the ELA for the term of the agreement. The ELA will be effective on the date executed and will require a firm, three-year commitment.

Based on Esri's work with several organizations similar to yours, we know there is significant potential to apply geographic information system (GIS) technology in many operational and technical areas within your organization. For this reason, we believe that your organization will greatly benefit from an enterprise license agreement.

An ELA will provide your organization with numerous benefits including:

- A lower cost per unit for licensed software
- Substantially reduced administrative and procurement expenses
- Maintenance on all Esri software deployed under this agreement
- Complete flexibility to deploy software products when and where needed

The following business terms and conditions will apply:

- All current departments, employees, and in-house contractors of the organization will be eligible to use the software and services included in the ELA.
- If your organization wishes to acquire and/or maintain any Esri software during the term of the agreement that is not included in the ELA, it may do so separately at the Esri pricing that is generally available for your organization for software and maintenance.
- The organization will establish a single point of contact for orders and deliveries and will be responsible for redistribution to eligible users.
- The organization will establish a Tier 1 support center to field calls from internal users of Esri software. The organization may designate individuals as specified in the ELA who may directly contact Esri for Tier 2 technical support.
- The organization will provide an annual report of installed Esri software to Esri.

- Esri software and updates that the organization is licensed to use will be automatically available for downloading.
- The organization will act as an Esri reference site and will permit Esri to publicize its use of Esri software and services.
- The fee and benefits offered in this ELA proposal are contingent upon your acceptance of Esri's Small Municipal and County Government ELA terms and conditions.
- Licenses are valid for the term of the ELA.

This program offer is valid for 90 days. To complete the agreement within this time frame, please contact me within the next seven days to work through any questions or concerns you may have. To expedite your acceptance of this ELA offer:

1. Sign and return the signature page of the ELA with a Purchase Order or issue a Purchase Order that references this ELA Quotation and includes the following statement on the face of the Purchase Order: **"THIS PURCHASE ORDER IS GOVERNED BY THE TERMS AND CONDITIONS OF THE ESRI SMALL MUNICIPAL AND COUNTY GOVERNMENT ELA, AND ADDITIONAL TERMS AND CONDITIONS IN THIS PURCHASE ORDER WILL NOT APPLY."** Have it signed by an authorized representative of the organization.
2. On the first page of the ELA, identify the central point of contact/agreement administrator. The agreement administrator is the party that will be the contact for management of the software, administration issues, and general operations. Information should include name, title (if applicable), address, phone number, and e-mail address.
3. In the purchase order, identify the "Ship to" and "Bill to" information for your organization.
4. Send the purchase order and agreement to the address, email or fax noted below:

Esri
Attn: Customer Service SG-ELA
380 New York Street
Redlands, CA 92373-8100

e-mail: service@esri.com
fax documents to: 909-307-3083

I appreciate the opportunity to present you with this proposal, and I believe it will bring great benefits to your organization.

Thank you very much for your consideration.

Best Regards,

Corey Baker



ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.
380 New York Street
Redlands, CA 92373-8100
Phone: 909-793-2853 Fax: 909-307-3049
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

***To expedite your order, please attach a copy of
this quotation to your purchase order.***
Quote is valid from: 12/06/2013 To: 03/06/2014

Quotation # 20438924

Date: December 6, 2013

Customer # 212891 Contract #

City of Colleyville
Engineering Dept
100 Main St
Colleyville, TX 76034

ATTENTION: Lauren LeCren
PHONE: (817) 577-7587
FAX: (817) 577-7564

Material	Qty	Description	Unit Price	Total
110035	1	Populations of 0 to 25,000 Small Government Term Enterprise License Agreement - Year 1	25,000.00	25,000.00
110035	1	Populations of 0 to 25,000 Small Government Term Enterprise License Agreement - Year 2	25,000.00	25,000.00
110035	1	Populations of 0 to 25,000 Small Government Term Enterprise License Agreement - Year 3	25,000.00	25,000.00
116998	1	Small Enterprise License Agreement Training Package Add-On at ESRI Site 30 Days Prepaid ILT / ILV, Over 3 Year Term, Per Student Seat, 10 Days per Annum Instructor Led Training - Year 1	4,550.00	4,550.00
116998	1	Small Enterprise License Agreement Training Package Add-On at ESRI Site 30 Days Prepaid ILT / ILV, Over 3 Year Term, Per Student Seat, 10 Days per Annum Instructor Led Training - Year 2	4,550.00	4,550.00
116998	1	Small Enterprise License Agreement Training Package Add-On at ESRI Site 30 Days Prepaid ILT / ILV, Over 3 Year Term, Per Student Seat, 10 Days per Annum Instructor Led Training - Year 3	4,550.00	4,550.00
			Item Total:	88,650.00
			Subtotal:	88,650.00
			Sales Tax:	0.00
			Estimated Shipping & Handling(2 Day Delivery) :	0.00
			Contract Pricing Adjust:	0.00
			Total:	\$88,650.00

Payment to start the contract is only due for the line items that end in "Year 1".

* Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether Esri is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes. Esri may charge a fee to cover expenses related to any customer requirement to use a specific vendor management, procurement, or invoice program.

For questions contact: Corey Baker **Email:** cbaker@esri.com **Phone:** (909) 793-2853 x8869

Acceptance of this quotation is limited to the Esri License Agreement and the Quotation Terms and Conditions
This Quotation is made in confidence for your review. It may not be disclosed to third parties, except as required by law.

If sending remittance, please address to: Esri, File No. 54630, Los Angeles, Ca 90074-4630



SMALL MUNICIPAL AND COUNTY ENTERPRISE LICENSE AGREEMENT

Esri, 380 New York St., Redlands, CA 92373-8100 USA • TEL 909-793-2853 • FAX 909-793-5953

This Small Municipal and County Enterprise License Agreement ("ELA") is by and between the organization identified in the ELA Quotation ("Licensee") and **Environmental Systems Research Institute, Inc. ("Esri")**, with offices at 380 New York Street, Redlands, California 92373-8100. Unless otherwise agreed to by the parties, the Effective Date of this ELA is the date of the signature below or, if no date is provided with the signature, the date of Esri's receipt of Licensee's Order citing this ELA. This ELA grants Licensee certain rights to use specific Esri Products for a limited, fixed period beginning from the Effective Date and provides tailored maintenance subject to payment of fees and the terms of this ELA.

This ELA incorporates the ELA Quotation by reference and comprises (i) this signature page, (ii) the ELA Terms and Conditions, (iii) Exhibit 1—Scope of Use (E300), (iv) Exhibit 2—Training Addendum (E207SET), and (v) the ELA Quotation, which together constitute the sole and entire agreement of the parties as to the subject matter set forth herein. Should there be any conflict between the terms and conditions of the documents that comprise this ELA, the order of precedence for the documents shall be as follows: (i) this signature page, (ii) the ELA Terms and Conditions, (iii) Exhibit 1—Scope of Use (E300), (iv) Exhibit 2—Training Addendum (E207SET), and (v) the ELA Quotation. In the event Licensee orders training courses, the terms and conditions of the Training Addendum will take precedence over the provision of this ELA with respect to the training courses. Licensee agrees that additional terms and conditions in any Licensee Order or addendum will not apply, and the terms of this ELA will govern.

ENTERPRISE PRODUCTS SCHEDULE

Unlimited Quantities

Desktop Software and Extensions

ArcGIS for Desktop Advanced
ArcGIS for Desktop Standard
ArcGIS for Desktop Basic
ArcGIS for Desktop Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager, ArcGIS Data Reviewer

Server Software and Extensions

ArcGIS for Server Workgroup and Enterprise (Advanced, Standard, and Basic)
ArcGIS for Server Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst, ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS Workflow Manager, ArcGIS Image

Developer Tools

ArcGIS Engine
ArcGIS Engine Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Geodatabase Update, ArcGIS Network Analyst, ArcGIS Schematics
ArcGIS Runtime Standard
ArcGIS Runtime Standard Extensions: ArcGIS 3D Analyst, ArcGIS Spatial Analyst, ArcGIS Network Analyst

Limited Quantities

One (1) Annual Subscription to Esri Developer Network (EDN) Standard*
One (1) Esri CityEngine Advanced Single Use License
One (1) Esri CityEngine Advanced Concurrent Use License
One (1) ArcGIS Online Subscription* as provided in Other Benefits section

OTHER BENEFITS

One (1) ArcGIS Online Subscription with specified named users and credits as determined in the program description	Level 2
Number of Esri International User Conference Registrations provided annually	2
Number of Tier 1 Help Desk Individuals authorized to call Esri	2
Maximum number of sets of backup media, if requested**	2
Virtual Campus Annual User License allowance	5,000
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside of this Agreement (Discount does not apply to Small Enterprise Training Package.)	

*ELA Maintenance is not provided for these items.

**Additional sets of backup media may be purchased for a fee.

This ELA supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to such subject matter, which is the licensing of the Enterprise Products listed on the schedule above. Except as provided in Section 9.1 Future Updates, any modifications or amendments to this ELA must be in writing and signed by an authorized representative of each party.

Licensee may accept this ELA by signing and returning it to Attn.: Esri Customer Service, 380 New York Street, Redlands, CA 92373-8100; e-mailing it to service@esri.com or faxing it to 909-307-3083. **ADDITIONAL OR CONFLICTING TERMS IN LICENSEE'S ORDER WILL NOT APPLY, AND THE TERMS OF THIS ELA WILL GOVERN.**

ACCEPTED AND AGREED:

(Licensee)

By: _____
Signature

Printed Name: _____

Title: _____

Date: _____

Esri EIN Number: **95-2775732**

Licensee Contact Information

Contact Name: _____

Address: _____

City, State, ZIP: _____

Telephone: _____

Fax: _____

E-mail: _____

ELA Quotation Number: _____

Esri Contract Number: _____

ELA TERMS AND CONDITIONS

ARTICLE 1—DEFINITIONS

Definitions. The terms used are defined as follows:

- "Authorization Code(s)" means any key, authorization number, enablement code, login credential, activation code, token, account user name and password, or other mechanism required for use of a Product.
- "Commercial Application Service Provider Use" or "Commercial ASP Use" means generating revenue by providing access to Software through a website or Internet web application that enables third parties to access and use a Licensee-developed application that uses Software, for example, by charging a subscription, service, or any other form of transaction fee or by generating more than incidental advertising revenue.
- "Content" has the meaning provided in [Addendum 3](#).
- "Data" means any Esri or third-party digital dataset(s) including, but not limited to, geographic vector data, raster data reports, or associated tabular attributes licensed under this ELA, whether bundled with Software and Online Services or delivered independently.
- "Deploy," "Deployed," or "Deployment" means to redistribute and install or the redistribution and installation of the Enterprise Products (and related Authorization Codes) or its having been redistributed and installed by Licensee on Licensee's hardware.
- "Deployment License" means a license that allows Licensee to sublicense select Software and associated Authorization Codes to third parties.
- "Documentation" means all user reference documentation that is delivered with the Software or, if delivered via download, that is delivered from the Software setup or installation program.
- "ELA Fee" means the fee set forth in the ELA Quotation.
- "ELA Maintenance" means Tier 2 Support, updates, and patches provided by Esri to Licensee for the Enterprise Products.
- "ELA Quotation" means the Esri quote form provided to Licensee for the Small Municipal and County ELA containing the ELA Fee and annual payment schedule.
- "Enterprise Products" means the Products identified in the Enterprise Products Schedule on page 1 of this ELA.
- "Incident" means a communication via telephone, web form, or chat by Licensee regarding technical problems with Software, Data, or Documentation.
- "License Agreement" and "ELA" are used interchangeably and mean the ELA Terms and Conditions, including Exhibit 1—Scope of Use (E300), that apply to Enterprise Products provided to Licensee by Esri under this ELA.
- "Online Services" means any Internet-based geospatial system, including applications and associated APIs, but excluding Data or Content hosted by Esri or its licensors for storing, managing, publishing, and using maps, data, and other information.
- "Ordering Document(s)" means a sales quotation, purchase order, or other document identifying the Products that Licensee orders.
- "Product(s)" means Software, Data, Online Services, and Documentation licensed under the terms of this Agreement.
- "Samples" means sample code, sample applications, add-ons, or sample extensions of Products.
- "Service Credit(s)" means a unit of exchange that is allocated with an Online Services subscription in an amount specified in the Ordering Document. Each Service Credit entitles Licensee to consume a set amount of Online Services, the amount varying depending on the

Online Services being consumed. As Online Services are consumed, Service Credits are automatically debited from Licensee's account, up to the maximum number of Service Credits available. Additional Service Credits can be purchased as described in Exhibit 1 (also available at <http://www.esri.com/legal>).

- "Software" means the actual copy of all or any portion of Esri's proprietary software technology excluding Data accessed or downloaded from an authorized Esri website or delivered on any media, in any format, including backups, updates, service packs, patches, hot fixes, or permitted merged copies as identified in Exhibit 1.
- "Technical Support" means a process to attempt to resolve reported Incidents through error correction; patches; hot fixes; workarounds; replacement deliveries; or any other type of Software, Data, or Documentation corrections or modifications.
- "Term License(s)" means license(s) or access provided for use of a Product during a fixed or limited time period ("Term") or on a subscription or transaction basis concurrent with the term of this ELA.
- "Tier 1 Help Desk" means Licensee point of contact from which all Tier 1 Support will be given to Licensee.
- "Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk as the primary contact to Licensee in attempted resolution of reported Incidents.
- "Tier 2 Support" means the Technical Support provided by Esri to the Tier 1 Help Desk when the Incident cannot be resolved through Tier 1 Support.

ARTICLE 2—INTELLECTUAL PROPERTY RIGHTS AND RESERVATION OF OWNERSHIP

The Enterprise Products are licensed and not sold. Esri and its licensors own the Enterprise Products and all copies, which are protected by United States and applicable international laws, treaties, and conventions regarding intellectual property and proprietary rights including trade secrets. Licensee agrees to use reasonable means to protect the Enterprise Products from unauthorized use, reproduction, distribution, or publication. Esri and its third-party licensors reserve all rights not specifically granted in this ELA including the right to change and improve Online Services.

ARTICLE 3—GRANT OF LICENSE

Subject to the terms and conditions of this ELA, Esri grants to Licensee a personal, nonexclusive, nontransferable Term License solely to use, copy, and Deploy quantities of Enterprise Products as defined in the Enterprise Products Schedule for a term concurrent with this ELA (i) for which the applicable license fees have been paid; (ii) for Licensee's own internal use; (iii) in accordance with this ELA and the ELA configuration ordered; and (iv) for the applicable Term until terminated in accordance with Article 5. In addition to the Scope of Use in Article 4, Exhibit 1 applies to specific Products. Addendum 1, Addendum 2, Addendum 3, and Addendum 4 collectively comprise Exhibit 1—Scope of Use (E300) and are also available at <http://www.esri.com/legal>.

- a. *Software.* Terms of use for specific Software products are set forth in Addendum 1.
- b. *Data.* Data terms of use are set forth in Addendum 2.
- c. *Online Services.* Terms of use for Online Services are set forth in Addendum 3.
- d. *Limited Use Programs.* Terms of use for noncommercial, nonprofit, educational, or other limited-use programs are set forth in Addendum 4. Note: Addendum 4 does not apply to this ELA.

ARTICLE 4—SCOPE OF USE

4.1 Permitted Uses

- a. For Enterprise Products delivered, Licensee may
 - (1) Install and store selected Enterprise Products on electronic storage device(s);
 - (2) Make archival copies and routine computer backups;
 - (3) Install and use a newer version of Software concurrently with the version to be replaced during a reasonable transition period not to exceed six (6) months, provided that the Deployment of either version does not exceed Licensee's licensed quantity; thereafter, Licensee shall not use more Enterprise Products in the aggregate than Licensee's total licensed quantity;
 - (4) Move the Software in the licensed configuration to a replacement computer; and
 - (5) Distribute to third parties Software and any associated Authorization Codes required for use of a Deployment License.
- b. *Commercial Application Service Provider Use.* Provided that Licensee (i) is a governmental or not-for-profit organization that operates a website or offers an Internet service on a cost recovery basis and not for profit or (ii) acquires a Commercial ASP Use subscription license, Licensee may use the Software for Commercial ASP Use. However, Licensee may not provide third parties with direct access to Esri Software so that the third parties may use the Software directly, develop their own GIS applications, or create their own solutions in conjunction with the Software.
- c. Licensee may customize the Software using any (i) macro or scripting language, (ii) published application programming interface (API), or (iii) source or object code libraries, but only to the extent that such customization is described in the Documentation.
- d. Licensee may use, copy, or prepare derivative works of the Documentation supplied in digital format and thereafter reproduce, display, and redistribute the customized documentation only for Licensee's own internal use. Portions of Documentation supplied in digital format merged with other software and printed or digital documentation are subject to this ELA. Licensee shall include the following copyright attribution notice acknowledging the proprietary rights of Esri and its licensor(s): "Portions of this document include intellectual property of Esri and its licensor(s) and are used herein under license. Copyright © [Licensee will insert the actual copyright date(s) from the source materials] Esri and its licensor(s). All rights reserved."
- e. *Font Components.* While the Software is running, Licensee may use its fonts to display and print content. Licensee may only (i) embed fonts in content as permitted by the embedding restrictions in the fonts and (ii) temporarily download them to a printer or other output device to print content.
- f. *Consultant or Contractor Access.* Licensee may provide access to and use of Enterprise Products to any consultant or contractor of Licensee, provided consultants' and contractors' access to and use of Enterprise Products is for the sole benefit of Licensee while (i) working on-site at Licensee's facilities, (ii) remotely accessing or using Enterprise Products from Licensee's on-site computers or machines, or (iii) remotely accessing or using Enterprise Products from a third party's computers or machines under contract to Licensee. Licensee shall be responsible for compliance by consultants or contractors with the terms and conditions of this ELA. Licensee shall require

consultants and contractors to discontinue access to and use of Enterprise Products upon completion of work for Licensee. Access to or use of Enterprise Products by consultants or contractors not exclusively for Licensee's benefit is prohibited.

4.2 Uses Not Permitted

Except to the extent that applicable law prohibits or overrides these restrictions, or as provided herein, Licensee shall not

- a. Sell, rent, lease, sublicense, lend, assign, or time-share Enterprise Products;
- b. Use for Commercial ASP Use or service bureau purposes;
- c. Use Enterprise Products for a site or service and operate the site or service for profit or generate revenue through direct or indirect methods (e.g., advertising or charging for access to the site or service);
- d. Redistribute the Enterprise Products to third parties, in whole or in part, including, but not limited to, extensions, components, or DLLs;
- e. Redistribute Authorization Codes;
- f. Reverse engineer, decompile, or disassemble Enterprise Products;
- g. Make any attempt to circumvent the technological measure(s) that controls access to or use of Enterprise Products;
- h. Store, cache, use, upload, redistribute, or sublicense Content or otherwise use Enterprise Products in violation of Esri's or a third party's rights, including intellectual property rights, privacy rights, nondiscrimination laws, or any other applicable law or government regulation;
- i. Remove or obscure any Esri or its licensors' patent, copyright, trademark, or proprietary rights notices and/or legends contained in or affixed to any Enterprise Product, Product output, metadata file, or online and/or hard-copy attribution page of any Data or Documentation delivered hereunder;
- j. Unbundle or independently use individual or component parts of the Enterprise Products;
- k. Incorporate any portion of the Enterprise Products into a product or service that competes with the Enterprise Products; or
- l. Use, incorporate, modify, distribute, provide access to, or combine any computer code provided with the Enterprise Products in a manner that would subject such code or any part of the Enterprise Products to open source license terms, which includes any license terms that require computer code to be (i) disclosed in source code form to third parties, (ii) licensed to third parties for the purpose of making derivative works, or (iii) redistributable to third parties at no charge.

ARTICLE 5—TERM AND TERMINATION AND EXPIRATION

5.1 Term. The Term of this ELA shall be three (3) years from the Effective Date, unless this ELA is terminated earlier as provided herein. The term of all licenses and the authorized period of use for all Enterprise Products Deployed shall be concurrent with the term of this ELA. No indefinite term or perpetual license grants are provided with this ELA.

5.2 Termination for Lack of Funds. Either party may terminate this ELA for Lack of Funds. Lack of Funds is the inability of Licensee to secure appropriation of funds through the legislative or governing body's approval process for annual payments due.

5.3 Termination for a Material Breach. Either party may terminate this ELA for a material breach by the other party. The

breaching party shall be given a period of ten (10) days from date of written notice to cure any material breach.

5.4 No Use upon Expiration or Termination. Upon expiration or termination of this ELA, the right to use all Enterprise Products Deployed shall terminate. Licensee shall (i) cease access and use of affected Product(s); (ii) clear any client-side data cache derived from Online Services; and (iii) uninstall, remove, and destroy all copies of affected Product(s) in Licensee's possession or control, including any modifications or merged portions thereof, in any form, and execute and deliver evidence of such actions to Esri. ELA Maintenance, Virtual Campus access, and User Conference Registrations shall also terminate.

ARTICLE 6—LIMITED WARRANTIES AND DISCLAIMERS

6.1 Limited Warranties. Except as otherwise provided in this Article 6, Esri warrants, for a period of ninety (90) days from the date Esri issues the Authorization Code enabling use of Software and Online Services, that (i) the unmodified Software and Online Services will substantially conform to the published Documentation under normal use and service and (ii) the media upon which the Software is provided will be free from defects in materials and workmanship.

6.2 Special Disclaimer. CONTENT, DATA, SAMPLES, PATCHES, UPDATES, ONLINE SERVICES PROVIDED ON A NO-FEE BASIS, AND HOT FIXES ARE PROVIDED "AS IS" WITHOUT WARRANTY OF ANY KIND.

6.3 Internet Disclaimer. THE PARTIES EXPRESSLY ACKNOWLEDGE AND AGREE THAT THE INTERNET IS A NETWORK OF PRIVATE AND PUBLIC NETWORKS, AND THAT (i) THE INTERNET IS NOT A SECURE INFRASTRUCTURE, (ii) THE PARTIES HAVE NO CONTROL OVER THE INTERNET, AND (iii) NONE OF THE PARTIES SHALL BE LIABLE FOR DAMAGES UNDER ANY THEORY OF LAW RELATED TO THE PERFORMANCE OR DISCONTINUANCE OF OPERATION OF ANY PORTION OF THE INTERNET OR POSSIBLE REGULATION OF THE INTERNET THAT MIGHT RESTRICT OR PROHIBIT THE OPERATION OF ONLINE SERVICES.

6.4 General Disclaimer. EXCEPT FOR THE ABOVE EXPRESS LIMITED WARRANTIES, ESRI DISCLAIMS ALL OTHER WARRANTIES OR CONDITIONS OF ANY KIND, WHETHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OR CONDITIONS OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, NONINTERFERENCE, SYSTEM INTEGRATION, AND NONINFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS. ESRI DOES NOT WARRANT THAT ENTERPRISE PRODUCTS WILL MEET LICENSEE'S NEEDS; THAT LICENSEE'S OPERATION OF THE SAME WILL BE UNINTERRUPTED, ERROR FREE, FAULT-TOLERANT, OR FAIL-SAFE; OR THAT ALL NONCONFORMITIES CAN OR WILL BE CORRECTED. ENTERPRISE PRODUCTS ARE NOT DESIGNED, MANUFACTURED, OR INTENDED FOR USE IN ENVIRONMENTS OR APPLICATIONS THAT MAY LEAD TO DEATH, PERSONAL INJURY, OR PHYSICAL PROPERTY/ENVIRONMENTAL DAMAGE. ANY SUCH USE SHALL BE AT LICENSEE'S OWN RISK AND COST.

6.5 Exclusive Remedy. Licensee's exclusive remedy and Esri's entire liability for breach of the limited warranties set forth in this Article 6 shall be limited, at Esri's sole discretion, to (i) replacement of any defective media; (ii) repair, correction, or a workaround for the Software or Online Services subject to the Esri Maintenance Program as applicable; or (iii) return of the license fees paid by Licensee for the Software or Online Services that do not meet Esri's limited warranty, provided that Licensee uninstalls,

removes, and destroys all copies of the Software or Documentation, ceases using Online Services, and executes and delivers evidence of such actions to Esri.

ARTICLE 7—LIMITATION OF LIABILITY

7.1 Disclaimer of Certain Types of Liability. ESRI AND ITS LICENSORS SHALL NOT BE LIABLE TO LICENSEE FOR COSTS OF PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES; LOST PROFITS, LOST SALES, OR BUSINESS EXPENDITURES; INVESTMENTS; BUSINESS COMMITMENTS; LOSS OF ANY GOODWILL; OR ANY INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES ARISING OUT OF OR RELATED TO THIS ELA OR USE OF ENTERPRISE PRODUCTS, HOWEVER CAUSED ON ANY THEORY OF LIABILITY, WHETHER OR NOT ESRI OR ITS LICENSORS HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. THESE LIMITATIONS SHALL APPLY NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY.

7.2 General Limitation of Liability. EXCEPT AS PROVIDED IN ARTICLE 8—INFRINGEMENT INDEMNITY, THE TOTAL CUMULATIVE LIABILITY OF ESRI HEREUNDER, FROM ALL CAUSES OF ACTION OF ANY KIND, INCLUDING, BUT NOT LIMITED TO, CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, BREACH OF WARRANTY, MISREPRESENTATION, OR OTHERWISE, SHALL NOT EXCEED THE AMOUNTS PAID BY LICENSEE FOR ENTERPRISE PRODUCTS THAT GIVE RISE TO THE CAUSE OF ACTION.

7.3 Applicability of Disclaimers and Limitations. The parties agree that Esri has set its fees and entered into this ELA in reliance upon the disclaimers and limitations set forth herein, that the same reflect an allocation of risk between the parties, and that the same form an essential basis of the bargain between the parties. THESE LIMITATIONS SHALL APPLY NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY.

THE FOREGOING WARRANTIES, LIMITATIONS, AND EXCLUSIONS MAY NOT BE VALID IN SOME JURISDICTIONS AND APPLY ONLY TO THE EXTENT PERMITTED BY APPLICABLE LAW IN LICENSEE'S JURISDICTION. LICENSEE MAY HAVE ADDITIONAL RIGHTS UNDER LAW THAT MAY NOT BE WAIVED OR DISCLAIMED. ESRI DOES NOT SEEK TO LIMIT LICENSEE'S WARRANTY OR REMEDIES TO ANY EXTENT NOT PERMITTED BY LAW.

ARTICLE 8—INFRINGEMENT INDEMNITY

8.1 Esri shall defend, indemnify, and hold Licensee harmless from and against any loss, liability, cost, or expense, including reasonable attorneys' fees that Licensee incurs as a result of any claims, actions, or demands by a third party alleging that Licensee's licensed use of the Software or Online Services infringes a US patent, copyright, or trademark provided

- a. Licensee promptly notifies Esri in writing of the claim;
- b. Licensee provides documents describing the allegations of infringement;
- c. Esri has sole control of the defense of any action and negotiation related to the defense or settlement of any claim; and
- d. Licensee reasonably cooperates in the defense of the claim at Esri's request and expense.

8.2 If the Software or Online Services are found to infringe a US patent, copyright, or trademark, Esri, at its own expense, may

either (i) obtain rights for Licensee to continue using the Software or Online Services or (ii) modify the allegedly infringing elements of the Software or Online Services while maintaining substantially similar functionality. If neither alternative is commercially reasonable, the license shall terminate, and Licensee shall cease accessing infringing Online Services and shall uninstall and return to Esri any infringing item(s). Esri's entire liability shall then be to indemnify Licensee pursuant to Section 8.1 and to refund a portion of the ELA fees paid by Licensee in the current fee payment period. The refund will be calculated for the time remaining for the fee payment period, starting from the notice date of infringement to the end of the fee payment period.

8.3 Esri shall have no obligation to defend Licensee or to pay any resultant costs, damages, or attorneys' fees for any claims or demands alleging direct or contributory infringement to the extent arising out of (i) the combination or integration of Software or Online Services with a product, process, or system not supplied by Esri or specified by Esri in its Documentation; (ii) material alteration of Software or Online Services by anyone other than Esri or its subcontractors; or (iii) use of Software or Online Services after modifications are provided by Esri for avoiding infringement or use after a return is ordered by Esri under Section 8.2.

THE FOREGOING STATES THE ENTIRE OBLIGATION OF ESRI WITH RESPECT TO INFRINGEMENT OR ALLEGATION OF INFRINGEMENT OF INTELLECTUAL PROPERTY RIGHTS OF ANY THIRD PARTY.

ARTICLE 9—GENERAL PROVISIONS

9.1 Future Updates. Esri reserves the right to update the Small Municipal and County Enterprise Products program suite. Licensee may continue to use all Enterprise Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Enterprise Products are incorporated into the standard program, they will be offered to Licensee via written notice for incorporation into the Enterprise Products Schedule at no additional charge. New or updated Enterprise Products may require additional or revised terms and conditions. The terms and conditions subject to revision are limited to Article 1—Definitions, Article 4—Scope of Use, and Exhibit 1—Scope of Use (E300) or any term as required by law. Esri may provide notice of the additional terms or revisions to Licensee in writing or by posting them on Esri's website at <http://www.esri.com/legal>. The additional terms or revisions shall be incorporated into this ELA upon use of the updated or new Enterprise Products. Should Licensee reject the additional terms or revisions, then Licensee shall not install or use the revised, updated, or new Enterprise Products.

9.2 Export Control Regulations. Licensee expressly acknowledges and agrees that Licensee shall not export, reexport, import, transfer, or release Enterprise Products, in whole or in part, to (i) any US embargoed country; (ii) any person on the US Treasury Department's list of Specially Designated Nationals; (iii) any person or entity on the US Commerce Department's Denied Persons List, Entity List, or Unverified List; or (iv) any person or entity or into any country where such export, reexport, or import violates any US, local, or other applicable import/export control laws or regulations including, but not limited to, the terms of any import/export license or license exemption and any amendments and supplemental additions to those import/export laws as they may occur from time to time.

9.3 Taxes and Fees. License fees quoted to Licensee are exclusive of any and all taxes or fees, including, but not limited to, sales tax, use tax, value-added tax (VAT), customs, duties, or tariffs. Sales or use taxes for the fees quoted are as required by

law. The tax amount may change depending on the time elapsed between this quote and date of the invoice. Esri will include applicable sales or use taxes on Licensee's invoice unless Licensee provides proof with its order that its organization or use of the product is tax exempt.

9.4 No Implied Waivers. The failure of either party to enforce any provision of this ELA shall not be deemed a waiver of the provisions or of the right of such party thereafter to enforce that or any other provision.

9.5 Severability. The parties agree that if any provision of this ELA is held to be unenforceable for any reason, such provision shall be reformed only to the extent necessary to make the intent of the language enforceable.

9.6 Successors and Assigns. Licensee shall not assign, sublicense, or transfer Licensee's rights or delegate its obligations under this ELA without Esri's prior written consent, and any attempt to do so without consent shall be void. This ELA shall be binding on the respective successors and assigns of the parties to this ELA.

9.7 Survival of Terms. The provisions of Articles 2, 5, 6, 7, 8, and 9 of this ELA shall survive the expiration or termination of this ELA.

9.8 Equitable Relief. The parties agree that any breach of this ELA may cause irreparable damage and that, in the event of such breach, in addition to any and all remedies at law, Esri shall have the right to seek an injunction, specific performance, or other equitable relief in any court of competent jurisdiction.

9.9 Governing Law. This ELA shall be governed by and construed in accordance with the laws of the state in which Licensee is located without reference to conflict of laws principles, except that US federal law shall govern in matters of intellectual property.

9.10 Patents. Licensee may not seek, and may not permit any other user to seek, a patent or similar right worldwide that is based on or incorporates any Esri technology or services. This express prohibition on patenting shall not apply to Licensee's software and technology except to the extent that Esri technology or services, or any portion thereof, are part of any claim or preferred embodiment in a patent or similar application.

9.11 Entire Agreement. This ELA, including its incorporated documents, constitutes the sole and entire agreement of the parties as to the subject matter set forth herein and supersedes any previous license agreements, understandings, and arrangements between the parties relating to such subject matter. Additional or conflicting terms set forth in any purchase orders, invoices, or other standard form documents exchanged during the ordering process, other than product descriptions, quantities, pricing, and delivery instructions, are void and of no effect. Any modification(s) or amendment(s) to this ELA must be in writing and signed by each party.

ARTICLE 10—ELA MAINTENANCE

ELA Maintenance for Enterprise Products provided under this ELA is included with the ELA Fee. ELA Maintenance includes standard maintenance benefits specified in the most current applicable Esri US Software Maintenance Program document (found at <http://www.esri.com/legal>) as modified by this Article 10—ELA Maintenance. ELA Maintenance does not include Technical Support for Online Services.

a. Tier 1 Support Provided by Licensee

- (1) Licensee shall provide Tier 1 Support through the Tier 1 Help Desk to all Licensee's authorized users.
- (2) The Tier 1 Help Desk will use analysts fully trained in the Software they are supporting.
- (3) At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
- (4) Tier 1 Support analysts will be the initial points of contact for all questions and Incidents. Tier 1 Support analysts shall obtain a full description of each reported Incident and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Incident. The analyst may also use any other information and databases that may be developed to satisfactorily resolve Incidents.
- (5) If the Tier 1 Help Desk cannot resolve the Incident, an authorized Tier 1 Help Desk individual may contact Esri Tier 2 Support. The Tier 1 Help Desk shall provide support in such a way as to minimize repeat calls and make solutions to problems available to Licensee.
- (6) Tier 1 Help Desk individuals identified by Licensee are the only individuals (callers) authorized to contact Esri directly for Tier 2 Support. Licensee may revise named individuals by written notice.

b. Tier 2 Support Provided by Esri

- (1) Esri shall log the calls received from Tier 1 Help Desk individuals.
- (2) Esri shall review all information collected by and received from Tier 1 Help Desk individuals including preliminary documented troubleshooting provided by Tier 1 Help Desk when Tier 2 Support is required.
- (3) Esri may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.
- (4) Esri shall attempt to resolve the Incidents submitted by Tier 1 Help Desk by assisting the Tier 1 Help Desk individuals.
- (5) When the Incident is resolved, Esri shall communicate the information to the Tier 1 Help Desk individuals, and the Tier 1 Help Desk shall disseminate the resolution to the user.

Esri may, at Esri's sole discretion, make patches, hot fixes, or updates available for downloading from Esri's website.

- c. No Software other than the defined Enterprise Products will be provided maintenance under this ELA. Licensee may acquire maintenance for other Software (non-Enterprise Products) outside this ELA.

ARTICLE 11—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

11.1 Orders, Delivery, and Deployment

- a. Licensee shall issue an Order upon execution of this ELA and annually thereafter in accordance with the ELA Quotation. Payment shall be due and payable within thirty (30) days of the anniversary date of the Effective Date, with the initial

payment due within thirty (30) days of execution of this ELA. Esri's Federal ID Number is 95-2775-732.

- b. Upon receipt of the initial Order from Licensee, Esri shall authorize download of the Enterprise Products to Licensee for its Deployment activities. If requested, Esri will ship backup media to the ship-to address identified on the Order, FOB Destination, with shipping charges prepaid. For those entities that avoid sales tax by downloading deliverables, request for delivery or receipt of tangible media may cause license fees to be subject to taxes. Licensee acknowledges that should such taxes become due, Esri has a right to invoice and Licensee agrees to pay any such sales or use tax associated with its receipt of tangible media.
- c. Esri shall provide Authorization Codes to activate the nondestructive copy protection program that enables the Enterprise Products to operate.
- d. Licensee shall Deploy, install, configure, and track the Deployment status of the Enterprise Products.

11.2 Order Requirements

- a. All orders pertaining to this ELA shall be processed through Licensee's centralized point of contact.
- b. The following information shall be included in each Order (or Ordering Document):

- (1) Licensee name; Esri customer number, if known; and bill-to and ship-to addresses
- (2) Order number
- (3) Applicable annual payment due
- (4) On the face page of Order (or Ordering Document), a reference to this ELA and the following statement: "THIS ORDER IS GOVERNED BY THE TERMS AND CONDITIONS OF THE ESRI SMALL MUNICIPAL AND COUNTY ELA, AND ADDITIONAL TERMS AND CONDITIONS IN THE ORDER WILL NOT APPLY."

ARTICLE 12—ENDORSEMENT AND PUBLICITY

This ELA shall not be construed or interpreted as an exclusive dealings agreement or an endorsement of Esri by Licensee. Licensee agrees that upon execution of this ELA, Esri may publicize the existence of this ELA.

ARTICLE 13—ADMINISTRATIVE REQUIREMENTS

13.1 OEM Licenses. Certain Esri partners are authorized to either embed limited portions of Esri technology or bundle Esri products or services with their application or service under Esri's OEM or Solution OEM programs. Partner pricing and product bundling are independent of this ELA, and each partner markets under its own business model and pricing. Licensee shall not be entitled to or seek any discount from the OEM partner or Esri, directly or indirectly, as a result of or based on the availability of such Software, Data, or Online Services as Enterprise Products under this ELA. Licensee shall not be entitled to or seek to decouple Esri's technology or products/services from the partner's bundle or solution. In addition, such Software, Data, Online Services, or any component thereof included in the OEM software program or product will be licensed through the license agreement provided by the OEM partner and not through this ELA.

13.2 Product Obsolescence. During the term of this ELA, some Enterprise Product items may become obsolete, may no longer be commercially offered, or may no longer be available for unlimited quantity Deployment. Licensee may continue to use such Enterprise Products that have been Deployed for the term of this ELA, but updates for such obsolete Enterprise Products may not be available. Esri's Product Life Cycle Support

Policy, available at <http://help.arcgis.com/en/shared/Product-life-cycle/ProductLifeCycle.pdf>, defines the support phases and overall support plans. ELA Maintenance shall be subject to the individual Product Life Cycle Support Status, which can be found at <http://resources.arcgis.com/content/product-life-cycles>.

13.3 Renewal. Upon expiration of this ELA, the parties will evaluate Licensee's requirements. Any follow-on ELA will be offered in accordance with license terms and condition and pricing then in effect and based on Licensee's then current population count.

13.4 Annual Report of Deployments. At each anniversary date and ninety (90) days prior to the expiration date of this ELA, Licensee shall provide a written report to Esri detailing all Deployments made. The report will be subject to audit by an authorized representative of Esri.

ARTICLE 14—OPTIONAL ITEMS

If training courses identified in the ELA Quotation are acquired, they will be subject to the terms found in Exhibit 2—Training Addendum. In the event Licensee orders training courses, the terms and conditions of the Training Addendum will take precedence over the provision of this ELA with respect to the training courses.



**EXHIBIT 1
SCOPE OF USE
(E300 08/22/2012)**

Esri, 380 New York St., Redlands, CA 92373-8100 USA • TEL 909-793-2853 • FAX 909-793-5953

**ADDENDUM 1
SOFTWARE TERMS OF USE
(E300-1)**

This Software Terms of Use Addendum ("Addendum 1") sets forth the terms of Licensee's use of Software and includes the Licensee's existing master license agreement, if any, or the License Agreement found at <http://www.esri.com/legal/licensing/software-license.html> (as applicable, the "License Agreement"), which is incorporated by reference. This Addendum 1 takes precedence over conflicting terms of the License Agreement.

SECTION 1—DEFINITIONS

Software may be offered under the following license types as set forth in the applicable sales quotation, purchase order, or other document identifying the Products that Licensee orders:

1. "Concurrent Use License" means a license to install and use the Software, Data, and Documentation on computer(s) on a network, but the number of simultaneous users may not exceed the number of licenses acquired, including the right to run passive failover instances of Concurrent Use License software in a separate operating system environment for temporary failover support.
2. "Deployment Server License" means a license that, in addition to providing Staging Server License rights, authorizes Licensee to install and use the Software or Data to provide services to multiple users on the same or other computer(s).
3. "Development Server License" means a license that authorizes Licensee to install and use the Software on a single computer to design and build applications that interface with or utilize server Software as described in the Documentation.
4. "Single Use License" means a license that allows Licensee to permit a single authorized end user to install and use the Software, Data, and Documentation on a single computer for use by that end user on the computer on which the Software is installed. Licensee may permit the single authorized end user to install a second copy for end user's exclusive use on a second computer as long as only one (1) copy of Product is in use at any time. No other end user may use Product under the same license at the same time for any other purpose.
5. "Staging Server License" means a license that, in addition to providing Development Server License rights, enables Licensee to use and install the Software for the following purposes: user acceptance testing, performance testing, load testing of other third-party software, staging new commercial data updates, and training activities.
6. "Term License" means a license or access provided for use of a Product for a limited time period ("Term") or on a subscription or transaction basis.

SECTION 2—TERMS OF USE FOR SPECIFIC SOFTWARE

Unless otherwise noted in the applicable Ordering Document, extensions to Software follow the same scope of use as that granted for the corresponding Software. Specific Software is subject to the terms of use set forth in the notes referenced below:

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Notes

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ADDENDUM 2
DATA TERMS OF USE
(E300-2)

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Notes

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ADDENDUM 3
ONLINE SERVICES ADDENDUM
(E300-3)

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4.2 Removal of Licensee's Content. Licensee will provide information and/or other materials related to Licensee content as reasonably requested by Esri to verify Licensee's compliance with this License Agreement. Esri may remove or delete any portions of Licensee's Content if there is reason to believe that uploading it to, or using it with, Online Services violates this License Agreement. If reasonable under these circumstances, Esri will notify Licensee before Licensee's Content is removed. Esri will respond to any Digital Millennium Copyright Act take-down notices in accordance with Esri's Copyright Policy, available at http://www.esri.com/legal/licensing/dmca_policy.html.

4.3 Sharing Licensee's Content. Online Services and ArcGIS Website include publishing capabilities that allow Licensee to make Licensee's Content available to third parties ("Sharing Tools"). Licensee hereby grants to any third parties with whom Licensee elects to share Licensee's Content using such Sharing Tools the right and license to use, store, cache, copy, reproduce, (re)distribute, and (re)transmit Licensee's Content with Online Services subject to any terms of use and access restrictions that Licensee provides with Licensee's Content. ESRI IS NOT RESPONSIBLE FOR ANY LOSS, DELETION, MODIFICATION, OR DISCLOSURE OF LICENSEE'S CONTENT RESULTING FROM LICENSEE'S NAMED USERS' MISUSE OF SUCH SHARING TOOLS OR ANY OTHER SERVICE COMPONENTS. LICENSEE'S USE OF SUCH SHARING TOOLS IS AT LICENSEE'S SOLE RISK.

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ARTICLE 5—LIMITS ON USE OF ONLINE SERVICES; SERVICE CREDITS

Esri may establish limits on the resources available to Licensee with Online Services. These limits may be controlled through Service Credits. Service Credits are used to measure the consumption of ArcGIS Online services made available through Licensee's account. The maximum Service Credits provided with Licensee's ArcGIS Online account will be addressed in the applicable Ordering Document. Esri will notify Licensee's account administrator when Licensee's Service consumption reaches approximately seventy-five percent (75%) of the Service Credits allocated to Licensee through Licensee's subscription. The overage limits for a particular Service and options to address overages will be provided in the Service description and specified in the Ordering Document. Esri reserves the right to suspend Licensee's account until Licensee pays all outstanding overage fees in accordance with this License Agreement.

ARTICLE 6—ONLINE CONTENT; THIRD-PARTY CONTENT AND WEBSITES

6.1 Online Content. ArcGIS Online Data is included as a component of Online Services and is licensed under the terms of the License Agreement.

6.2 Third-Party Content and Websites. Online Services and ArcGIS Website may reference or link to third-party websites or enable Licensee to access, view, use, and download third-party Content. This Agreement does not address Licensee's use of third-party Content, and Licensee may be required to agree to different or additional terms in order to use third-party Content. Esri does not control these websites and is not responsible for their operation, content, or availability; Licensee's use of any third-party websites and third-party Content is *as is*, without warranty, and at Licensee's sole risk. The presence of any links or references in Online Services to third-party websites and resources does not imply an endorsement, affiliation, or sponsorship of any kind.

ARTICLE 7—LICENSEE'S WARRANTIES

Licensee warrants that Licensee's Content or use of Online Services with a product, process, or system not supplied by Esri or specified by Esri in its Documentation will not (i) infringe or misappropriate any third-party intellectual property rights or proprietary rights, (ii) violate any third party's privacy rights or any applicable law, or (iii) contain or transmit to a third party any Malicious Code. Except as prohibited by applicable law, Licensee agrees to defend, indemnify, and hold harmless Esri from and against any claim, action, liability, or demand arising out of a breach of the foregoing warranties.

SECTION 2—TERMS OF USE FOR SPECIFIC ONLINE SERVICES

Specific Online Services are subject to the terms of use set forth in the notes referenced below:

▪ ArcGIS Online (1; 2; 3; Addendum 2, Note 1; Addendum 2, Note 6) ▪ Business Analyst Online (4; Addendum 2, Note 1; Addendum 2, Note 4) ▪ Business Analyst Online Mobile (4; Addendum 2, Note 1; Addendum 2, Note 4) ▪ Esri Business Analyst Online API for Adobe Flex, Microsoft Silverlight, SOAP, and REST (6; Addendum 2, Note 1; Addendum 2, Note 4) ▪ Community Analyst (4; Addendum 2, Note 1; Addendum 2, Note 4)	▪ Esri Community Analyst API for Adobe Flex, Microsoft Silverlight, SOAP, and REST (6; Addendum 2, Note 1; Addendum 2, Note 4) ▪ Esri Location Analytics API for Adobe Flex, Microsoft Silverlight, SOAP, and REST (6; Addendum 2, Note 1; Addendum 2, Note 4) ▪ Redistricting Online (3; Addendum 2, Note 1) ▪ MapStudio (5; Addendum 2, Note 9)
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Notes

1. In addition to the common terms of use of Online Services:

- a. Licensee may use Licensee's ArcGIS Online account to build a Value-Added Application(s).
- b. Licensee may provide access to Licensee's Value-Added Application(s) to third parties, subject to the following terms:
 - i. Licensee may allow anonymous user access to Licensee's Value-Added Application(s).
 - ii. Licensee shall not add third parties as Named Users to Licensee's ArcGIS Online account for the purpose of allowing third parties to access Licensee's Value-Added Application(s). This restriction does not apply to third parties included within the definition of Named Users.
 - iii. Licensee shall not provide a third party with access to ArcGIS Online Services enabled through Licensee's ArcGIS Online account other than through Licensee's Value-Added Application(s). This restriction does not apply to third parties included within the definition of Named Users.
 - iv. Licensee is responsible for any fees accrued through the use of Licensee's ArcGIS Online account by third parties accessing Licensee's Value-Added Application(s). This includes Service Credits required to support third-party Online Services usage and any additional subscription fees for Online Services as required.
 - v. Licensee is solely responsible for providing technical support for Licensee's Value-Added Application(s).
 - vi. Licensee will restrict third-party use of Online Services as required by the terms of this Agreement.
- c. For ArcGIS Online ELA and Organization Plan accounts: Licensee is also permitted to
 - i. Charge an additional fee to third parties to access Licensee's Value-Added Application(s), subject to the terms of this License Agreement; or
 - ii. Transfer Licensee's Value-Added Application(s) to a third party's ArcGIS Online account, subject to the following:
 - (1) Licensee may charge third parties a fee for Licensee's Value-Added Application(s).
 - (2) Licensee is not obligated to provide technical support for the third party's general use of its ArcGIS Online account not related to Licensee's Value-Added Application(s).
 - (3) Licensee is not responsible for any fees accrued through the third party's use of Licensee's Value-Added Application(s) that have been transferred to or implemented on the third party's ArcGIS Online account.
- d. For Personal Plans, Education and Not-for-Profit use of ArcGIS Online accounts: Licensee is not permitted to charge an additional fee to third parties to access Licensee's Value-Added Application(s) or generate more than incidental advertising revenue as a consequence of the deployment or use of the Value-Added Application(s). Charging a fee to access Licensee's Value-Added Application(s) or generating more than incidental advertising revenue requires an ArcGIS Online ELA or Organization Plan account.

2. Licensee is not permitted to be the licensee of an ArcGIS Online account for or on behalf of a third party.
3. Terms of Use for ArcGIS Online Services: The following ArcGIS Online Services are not subject to ArcGIS Online fee-based Service Credit consumption usage. There is no fee (unless otherwise noted) to use these services up to the predefined maximum usage limits shown below. Use of these services beyond the predefined usage limits requires an additional fee. These services may be used only in conjunction with ArcGIS Software or an ArcGIS Online account.
 - a. *Map Services, Imagery Services, and Geometry Services:* Licensee may put these services to any use consistent with these terms of use, subject to an aggregate limit of fifty million (50,000,000) transactions during any twelve (12)-month period. "Transaction" is defined in the Documentation at the ArcGIS Online Content resource center at <http://help.arcgis.com/en/arcgisonline/content/>.
 - b. *ArcGIS Online Standard Task Services (available at <http://tasks.arcgisonline.com>):* Licensee may put these services to any use consistent with these terms of use, subject to the following:
 - *Standard Geocoding Services:* Licensee may use these services for search capabilities only, and results may not be stored for later use. Whenever results are stored for later use, a subscription is required.
 - *Standard Routing Services:* Licensee is subject to a limit of five thousand (5,000) routing requests (as defined in the Documentation) during any twelve (12)-month period.
 - c. *ArcGIS Online Subscription Task Services (available at <http://premiumtasks.arcgisonline.com>):* Upon Licensee's payment to Esri of the applicable fee(s), Licensee may put these services to any use consistent with these terms of use. Licensee may store results for later use.
 - d. *ArcGIS Online Sample Services:* Licensee may use these services for internal evaluation and development purposes only. All licenses for ArcGIS Online Services are subject to these terms of use and any additional restrictions or requirements identified in the Documentation.

The following ArcGIS Online Service is subject to fee-based ArcGIS Online Service Credit consumption usage:

- a. *ArcGIS Online World Geocoding Service (available at <http://geocode.arcgis.com>):* Licensee may use this service for search capabilities at no cost, but results may not be stored for later use. Upon Licensee's payment for an ArcGIS Online subscription or Service Credits, Licensee may batch geocode and store results for later use.
4. Licensee may not display or post any combination of more than one hundred (100) Esri Business Analyst Online or Community Analyst Reports and maps on Licensee's external websites.
5. Licensee may create, publicly display, and distribute maps in hard copy and static electronic format for news-reporting purposes.
6. Licensee may develop software or web applications that use Business Analyst Online API, Community Analyst API, or Location Analytics API to access, query, create, display, and redistribute Reports and resultant static, electronic maps to end user(s) of Licensee's software or web applications. If Licensee has an anonymous user subscription, Licensee may provide access to Licensee's Value-Added Application(s) to anonymous end users, limited to the number of Reports Licensee has paid for. End user(s) of Licensee's software or web applications may use Reports and maps for internal purposes only and not for further redistribution. "Report(s)" means any formatted output created by the Business Analyst Online API, Community Analyst API, or Location Analytics API Products, which includes PDF, CSV, Excel, HTML, and XML formats. Licensee shall not redistribute any Data in vector formats. Licensee and Licensee's end users are prohibited from using Reports or other output generated by Business Analyst Online API, Community Analyst API, or Location Analytics API as a substitute for Business Analyst Online API, Community Analyst API, or Location Analytics API, including, but not limited to, (i) combining and including such output in one or more files or databases and (ii) making such output available through a multiuser computer application. For clarity, end users may save Reports locally for their own internal use. For publicly facing applications developed with Business Analyst Online API (Canadian Edition), Reports and Data may be produced or exported in static formats only (e.g., JPEG, PDF); Licensee must ensure that Licensee's application does not allow Canadian Edition Reports to be exported as CSV, XML, HTML, or XLS files or in any other format that readily enables extraction or manipulation of the file's contents. Licensee is solely responsible for providing technical support for Licensee's Value-Added Application(s).

ADDENDUM 4
LIMITED USE PROGRAMS
(E300-4)

This Limited Use Programs Addendum ("Addendum 4") applies to any Licensee that has been qualified by Esri or its authorized distributor to participate in any of the programs described herein. This Addendum 4 includes the Licensee's existing master license agreement, if any, or the License Agreement found at <http://www.esri.com/legal/licensing/software-license.html> (as applicable, the "License Agreement"), which is incorporated by reference. This Addendum 4 takes precedence over conflicting terms of the License Agreement. Esri reserves the right to update the terms from time to time.

▪ Educational Programs (1) ▪ Grant Programs (2)	▪ Home Use Program (3) ▪ Other Esri Limited Use Programs (4)
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Notes

1. *Educational Programs:* Licensee agrees to use Products solely for educational purposes during the educational use Term. Licensee shall not use Products for any administrative use unless Licensee has acquired an administrative use Term License. Licensee shall not use Products for commercial or for-profit purposes.
2. *Grant Programs:* Licensee may use Products only for Noncommercial purposes as specified in the Esri grant document. Licensee shall not use Products for commercial or for-profit purposes.
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 - a. All ArcGIS for Home Use Program Products are provided as Term Licenses and are identified on Esri's Home Use Program website found at <http://www.esri.com/arcgis-for-home/> or Licensee's authorized distributor's website.
 - b. Esri grants to Licensee a personal, nonexclusive, nontransferable, Single Use License solely to use the Products provided under the ArcGIS for Home Use Program as set forth in the applicable Ordering Documents (i) for which the applicable license fees have been paid, (ii) for Licensee's own Noncommercial internal use, (iii) in accordance with this License Agreement and the configuration ordered by Licensee or as authorized by Esri or its authorized distributor, and (iv) for a period of twelve (12) months unless terminated earlier in accordance with the License Agreement. "**Noncommercial**" means use in a personal or individual capacity that (i) is not compensated in any fashion; (ii) is not intended to produce any works for commercial use or compensation; (iii) is not intended to provide a commercial service; and (iv) is neither conducted nor funded by any person or entity engaged in the commercial use, application, or exploitation of works similar to the licensed Products.
 - c. **Installation Support.** Installation Support for a period of ninety (90) days is included with ArcGIS for Home Use. As discussed further on the Esri or authorized distributor's website, Esri provides technical support in response to specific inquiries. Installation Support will apply only to unmodified Software. Software is provided only for standard hardware platforms and operating systems supported by Esri as described in the Software Documentation. Esri is not responsible for making or arranging for updates to interfaces for nonstandard devices or custom applications.

Esri Installation Support will be provided in compliance with the Esri ArcGIS for Home Use Installation Support document on the Esri website at <http://www.esri.com/legal/pdfs/home-use-installation-support.pdf>. Esri supports users solely with the installation of Esri Software. Esri's Support website is at <http://support.esri.com/en/support>. Support provided by an authorized distributor will be in accordance with the distributor's technical support program terms and conditions.
4. *Other Esri Limited Use Programs:* If Licensee acquires Products under any limited use program not listed above, Licensee's use of the Products may be subject to the terms set forth in the applicable launching page or enrollment form or as described on Esri's website in addition to the nonconflicting terms of this Addendum 4. All such program terms are incorporated herein by reference.



EXHIBIT 2 TRAINING ADDENDUM (E207SET 3/11)

Esri, 380 New York St., Redlands, CA 92373-8100 USA • TEL 909-793-2853 • FAX 909-793-5953

ARTICLE 1—TRAINING DESCRIPTION

Esri offers instructor-led training related to the use of its proprietary GIS software. Esri will provide to Licensee a fixed number of training days to use for Instructor-Led Training, as defined in this Small Enterprise Training Package, if purchased. Instructor-Led Training events occur at an Esri Learning Center or via the web in a cloud environment. The Esri software training course(s) to be conducted, location, schedule dates, and registration requirements are set forth in the *Esri Training* catalog located on Esri's Training website (<http://training.esri.com>). All courses are conducted in substantial conformity with course descriptions outlined on the Esri Training website. Esri reserves the right to modify course content when necessary due to software technical capabilities or limitations.

ARTICLE 2—ESRI'S RESPONSIBILITIES

- Esri will provide an instructor qualified to conduct the course(s) as well as all necessary training materials sufficient for the number of registered participants (hereinafter "Student(s)") on the scheduled dates. Esri will provide each Student with a course manual where applicable.
- Esri will confirm Learning Center training class scheduled dates approximately ten (10) business days prior to the class start date.

ARTICLE 3—LICENSEE'S RESPONSIBILITIES

- Licensee must ensure the protection of Esri's copyrights. Licensee shall neither copy or distribute nor permit a third party to copy or distribute any of Esri's training material(s) unless otherwise required by law.
- Licensee must not resell seat(s) to an Esri training class unless explicitly authorized in writing by Esri.
- Licensee must confirm that all registered Students meet the minimum prerequisites for the applicable class set forth on Esri's Training website.
- Licensee must ensure that all Students have received confirmation from Esri to participate in an Esri training event. Unregistered Students are not permitted to view or participate in a Virtual Classroom training event. Esri reserves the right to disconnect any Student who permits access to unregistered Students.
- Licensee must submit registrations with a confirmed payment commitment at least seven (7) business days before the class start date. If Licensee submits a registration without a confirmed payment, Esri will not confirm the seat reservation. The reservation will be added to the waiting list pending payment confirmation and subject to availability.
- US government export control laws and regulations prohibit US persons from engaging in transactions with certain denied persons found on various US Government Denied Persons lists (e.g., US Department of the Treasury's Specially Designated Nationals List, US Commerce Department's Denied Persons/Entity List, etc.). To meet these export requirements, Licensee must submit to Esri Customer Service a list of the names of Students that are to attend any training class. Any Student that is found on any of the various US Government Denied Persons lists will not be permitted to attend training.
- Licensee is responsible for all Student travel arrangements. Esri assumes no responsibility for losses from nonrefundable travel arrangements resulting from denial of a Student's

participation due to US government export regulation requirements, course scheduling changes, or cancellations.

- Licensee must provide written notice to Esri's Customer Service at service@esri.com of any cancellation, rescheduling, or Student substitution requirements and receive confirmation of these change(s) prior to the class start date.
- Licensee is responsible to ensure that it adheres to the course, facility, and equipment requirements for Esri training as found at <http://training.esri.com/gateway/index.cfm?fa=trainingOptions.gateway>.
- Students may not use audio and/or video recording equipment within the classroom without prior written approval from Esri. **Esri reserves the right to record a classroom training event for future rebroadcast.**

ARTICLE 4—CANCELLATION AND RESCHEDULING POLICY

- When a Student's place in class is filled by another person from the same organization, a Student substitution is allowed at no cost provided Esri's Customer Service department is notified three (3) business days in advance of the class start date. Should a Student substitution occur without three (3) business days' notification, an additional nonrefundable transfer and data processing fee may be assessed.
- A Student may transfer from one (1) scheduled Esri Learning Center class to another one (1) time at no additional charge provided Esri's Customer Service department is notified three (3) business days in advance of the class start date. Subsequent transfers or transfers that occur without three (3) business days' notification may incur a transfer fee.
- Students may cancel their enrollment in a class provided Esri's Customer Service department is notified three (3) business days in advance. If three (3) business days' notification is not provided, Students may be charged the full Student Seat fee.

If Esri is unable to conduct the training on the scheduled date, Esri will notify Licensee at least three (3) business days before the scheduled date.

If cancellation of a training event is necessary due to Force Majeure, the affected party is released in full from the three (3)-business-day notification. The affected party will either reschedule the training or cancel the order without that affected party incurring any liability.

ARTICLE 5—UNIQUE TERMS FOR THE SMALL ENTERPRISE TRAINING PACKAGE

- To order training, Licensee must include training in the Purchase Order for the ELA or provide a Purchase Order as required and specified within the ELA that matches the Esri quotation.
- Where Licensee submits additional Purchase Orders to purchase training days for additional year(s), any unused training days will automatically roll over.
- A Purchase Order is required annually for each three (3)-year term. Failure to submit annual Purchase Orders will result in the forfeit of unused training days.
- Licensee must assign an individual within its organization to the role of Training Administrator to serve as liaison between Licensee's organization and Esri as well as internally manage and authorize allocated training days.

- The training days are available for a period of twelve (12) months, commencing on the purchase Effective Date, and ending when all training days are consumed, whichever is sooner.
- Esri will invoice for outstanding training expenses where applicable.
- Training days are not transferable and not refundable for any other Esri products or services.

ARTICLE 6—RESERVATION OF OWNERSHIP AND GRANT OF LICENSE

Except as specifically granted in this Agreement, Esri and/or its licensors own and retain all right, title, and interest in software, data, documentation, and training materials.

ARTICLE 7—WARRANTY

7.1 Esri will provide training in a manner consistent with the technical and professional standards of the industry.

7.2 Disclaimer of Warranties. WITH THE EXCEPTION OF THE LIMITED WARRANTY SET FORTH IN THIS ARTICLE, ESRI DISCLAIMS, AND THIS AGREEMENT EXPRESSLY EXCLUDES, ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, ORAL OR WRITTEN, INCLUDING, WITHOUT LIMITATION, ANY AND ALL WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, NONINTERFERENCE, AND NONINFRINGEMENT, AS WELL AS ANY WARRANTIES THAT THE TRAINING IS ERROR FREE.

ARTICLE 8—LIMITATION OF LIABILITY AND EXCLUSIVE REMEDY

EXCEPT FOR INDEMNITY ASSOCIATED WITH CLIENT SITE TRAINING, IN NO EVENT SHALL ESRI BE LIABLE TO LICENSEE FOR COSTS OF PROCUREMENT OF SUBSTITUTE GOODS OR TRAINING; LOST PROFITS; LOST SALES; BUSINESS EXPENDITURES; INVESTMENTS; BUSINESS COMMITMENTS; LOSS OF ANY GOODWILL; OR ANY INDIRECT, SPECIAL, EXEMPLARY, CONSEQUENTIAL, OR INCIDENTAL DAMAGES ARISING OUT OF, OR RELATED TO, THIS AGREEMENT, HOWEVER CAUSED OR UNDER ANY THEORY OF LIABILITY, EVEN IF ESRI HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. ESRI'S TOTAL CUMULATIVE LIABILITY HEREUNDER, FROM ALL CAUSES OF ACTION OF ANY KIND, SHALL IN NO EVENT EXCEED THE AMOUNT ACTUALLY PAID BY LICENSEE FOR THE PORTION OF THE TRAINING UNDER THIS AGREEMENT. THESE LIMITATIONS SHALL APPLY NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY.

ARTICLE 9—UCC INAPPLICABILITY

Training provided under this Agreement will not be governed by the Uniform Commercial Code (UCC) and will not be deemed "goods" within the definition of the UCC.



SOLE SOURCE LETTER

Environmental Systems Research Institute, Inc. (Esri)

380 New York Street

Redlands, CA 92373

Telephone: 909-793-2853, Ext. 1-1990

Email: jricks@esri.com

DATE: September 10, 2013

TO: To Whom It May Concern

FROM: Jackie Ricks, Esri Contracts and Legal Services

RE: Esri Sole Source Justification for Small Municipal and County Enterprise License Agreement

This letter confirms Esri, as owner and manufacturer, is the sole source provider of all U.S. domestic Small Municipal and County Enterprise License Agreements (ELA). The Small Municipal and County ELA is a bundled package of term limited software licenses and maintenance that includes the right to copy.

Esri is the only source that can grant a right to copy and deploy Enterprise Software within your organization (Enterprise). Also, domestically Esri is the only source of maintenance (updates and technical support) for all Esri® software.

If you have further questions, please feel free to call our Contracts and Legal Services Department at 909-793-2853, extension 1990.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Ricks", is written over the printed name and title.

Jackie Ricks
Contract Coordinator



Contracts & Legal Services Dept.
380 New York Street
Redlands, CA 92373
Voice 909.793.2853 Ext. 1-1990
Fax 909.307.3020



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 12/17/2013

Number Ordinance O-13-1898

Type Ordinance

Department Community Development

Title

Consideration of a request for a Special Use Permit for a carport on Lot 14, Block 7, of the Oak Crest Hill Addition, located at 313 Oak Crest Hill Drive, Case ZC13-016

Explanation

Second Reading and Public Hearing

There were no speakers regarding this request at the December 3, 2013 City Council meeting.

First Reading and Public Hearing

Leslie Norman, applicant and property owner, submitted a request for a Special Use Permit (SUP) for a carport on Lot 14, Block 7, of the Oak Crest Hill Addition, located at 313 Oak Crest Hill Drive, Case ZC13-016. The proposed carport will be located at the rear of the property behind a privacy fence and will not be visible from the street.

Carport Dimensions. The applicant is proposing an attached, 400 square foot, wooden structure with a shingle roof with a minimum roof pitch of 2:12. The roof pitch will meet the minimum roof pitch requirement. The height of the proposed carport will be 11 feet at the highest point. The dimensions of the proposed carport will be 20 feet by 20 feet.

Waiver Request. Section 3.27 of the Land Development Code sets development standards for carports. The proposed carport does not comply with the following standard: *"The construction of the posts shall be brick, stone or decorative metal between 12 inches and 48 inches in width."* The proposed carport does not comply with the regulation since the posts are proposed to be constructed of wood.

Existing Conditions. The property is zoned R20-Single Family Residential and is currently developed for single family use. The applicant states that the carport is necessary to protect daily drive vehicles from hail, sun, and oak tree debris. Since the proposed carport will be attached, it will need to comply with the setback for the R20 Single Family Residential district as follows:

Side Yard Setback: 10 feet

Rear Yard Setback: 25 feet

Adjacent Zoning and Development. All surrounding properties are zoned R-20 Single Family Residential and are currently developed for single family residential uses.

Public Notification. Staff notified 16 property owners within 200 feet as well as all Homeowners Associations within 500 feet of the subject property regarding this request. Notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has received no written correspondence regarding this request.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the November 11, 2013 meeting by a vote of 6-0.

Summary. The Land Development Code requires that carports be considered on a case by case basis, and must be approved by a Special Use Permit. The proposed carport will not be visible from the street, and the applicant will be matching the color of the wood and composition shingles to the primary structure. In addition, staff has not received any written correspondence from the public notification. Given these circumstances, staff recommends approval of the proposed carport.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. General

a. No more than one carport shall be permitted and the carport shall remain as shown on Exhibit "B."

b. The carport shall have dimensions of 20 feet by 20 feet (400 square feet).

c. The carport shall not exceed 11 feet in height, and will have a pitched roof of at least 2:12.

d. The masonry column requirement is hereby waived and the support posts shall be treated wooden posts.

e. The roofing material will be shingles to match the color scheme of the primary structure.

f. In the event that the carport permitted under this ordinance is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of

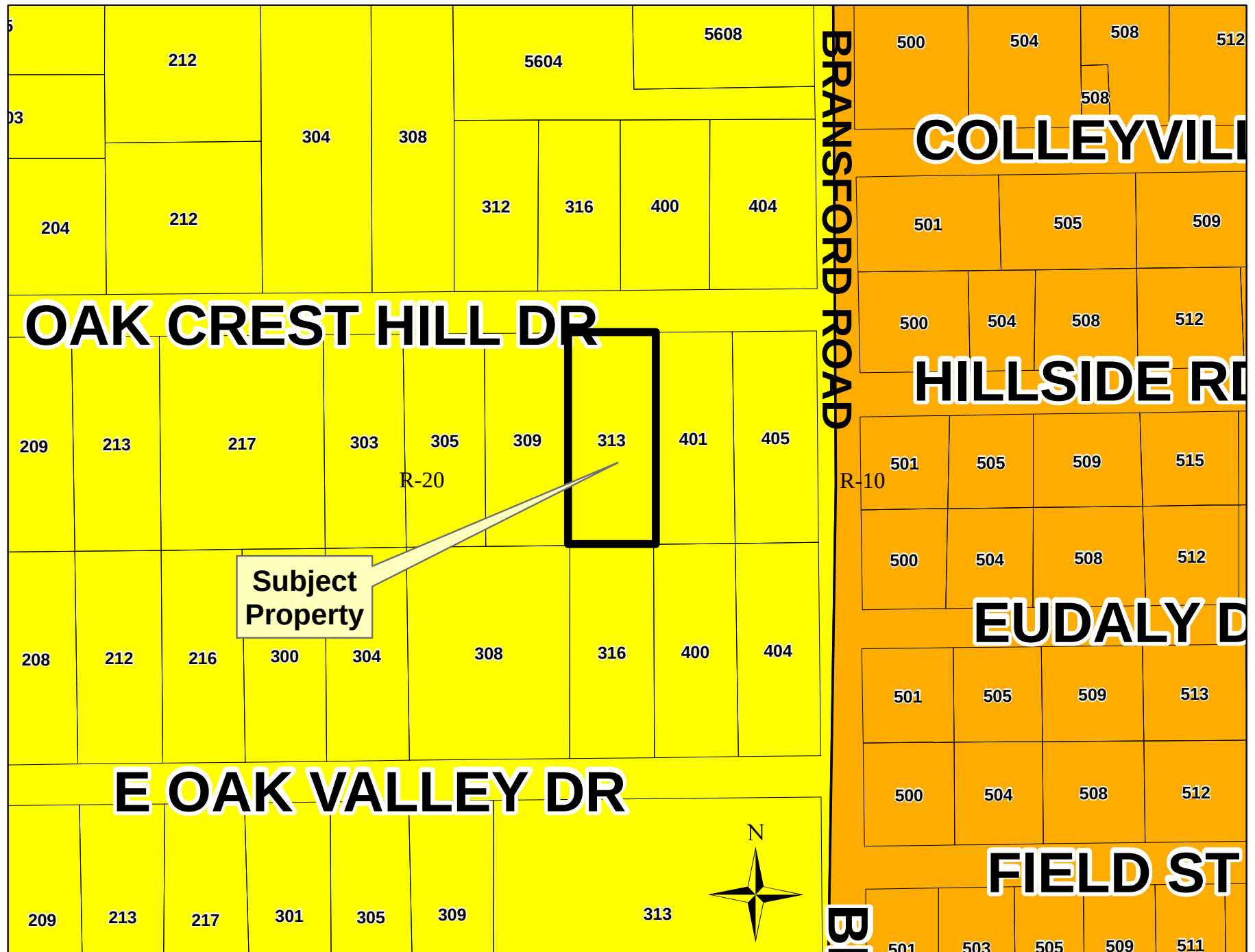
destruction, this Special Use Permit shall become null and void.

g. The carport shall meet all regulations of the Land Development Code, except where amended herein.

Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Statement of Planning Objectives
6. Land Development Code Carport Standards
7. Carport Plot Plan
8. Carport Elevation
9. Site Pictures
10. 313 Oak Crest Hill Drive
11. Ordinance O-13-1898

Location and Zoning Map



An aerial photograph of a residential neighborhood with property boundaries overlaid. The street grid includes Bransford Road running vertically on the right, Oak Crest Hill Drive running horizontally across the middle, Oak Valley Drive running horizontally at the bottom, Hillside Road running horizontally above Oak Crest Hill Drive, Eudaly Drive running horizontally below Oak Valley Drive, and Field Street running horizontally at the very bottom. A yellow callout box labeled "Subject Property" points to lot 313, which is outlined in black. Other lots are numbered throughout the map, such as 209, 212, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999

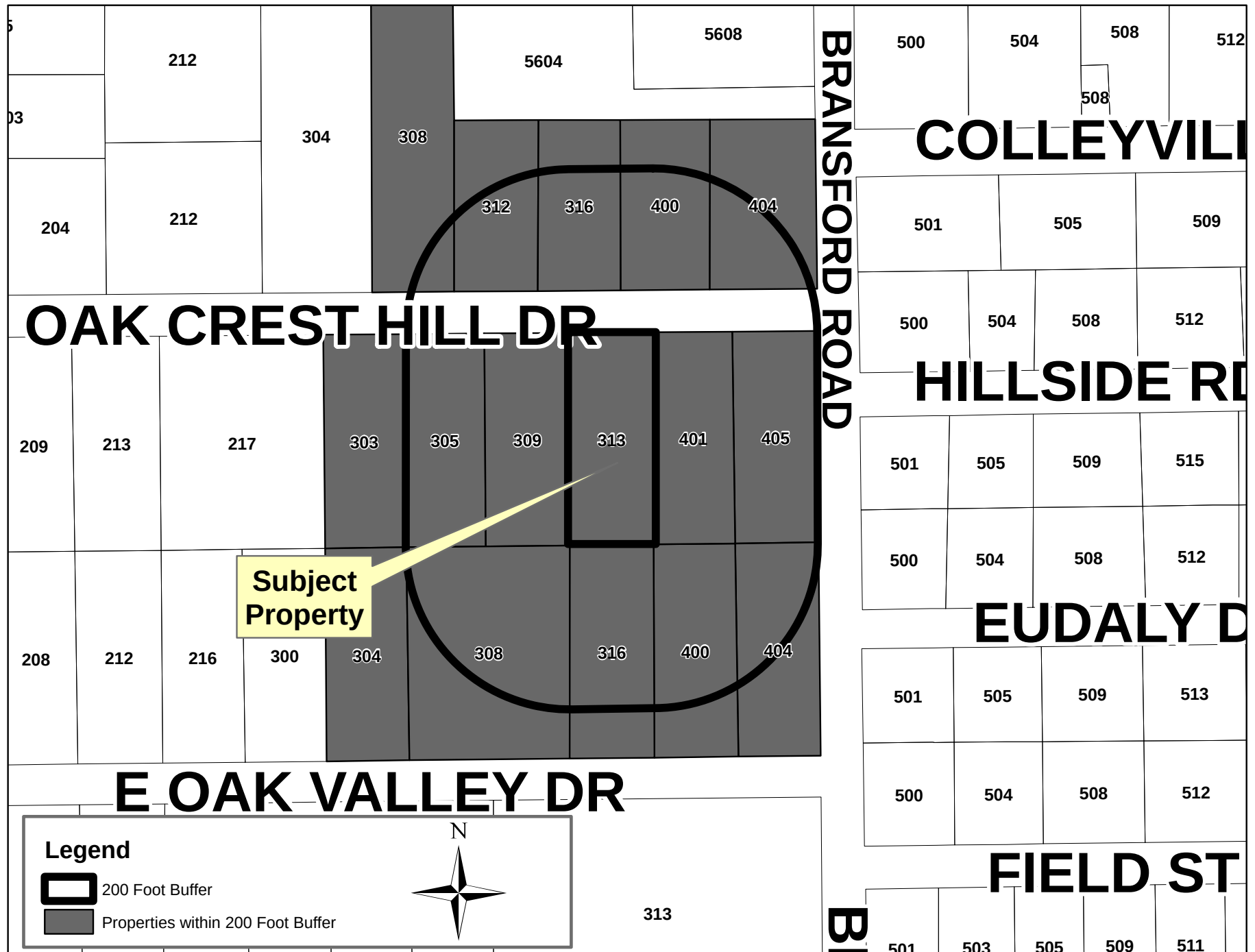
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NOTIFICATION LIST

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Francis, Cheryl Ann	308 Oak Crest Hill Dr	Colleyville	Texas	76034	308 Oak Crest Hill Dr
Woodland Investment Trust 3	4400 State Highway 360	Grapevine	Texas	76051	303 Oak Crest Hill Dr
Valle, Sergio	404 Oak Crest Hill Dr	Colleyville	Texas	76034	404 Oak Crest Hill Dr
Barnes, William D Etux Debra	400 Oak Crest Hill Dr	Colleyville	Texas	76034	400 Oak Crest Hill Dr
Burtin, Violet Marie	312 Oak Crest Hill Dr	Colleyville	Texas	76034	312 Oak Crest Hill Dr
Wright, Trenton & Sarah	316 Oak Crest Hill Dr	Colleyville	Texas	76034	316 Oak Crest Hill Dr
Grace, Michael P Etux Donna	305 Oak Crest Hill Dr	Colleyville	Texas	76034	305 Oak Crest Hill Dr
Presnall, Roger	405 Oak Crest Hill Dr	Colleyville	Texas	76034	405 Oak Crest Hill Dr
Gauer, James G Etux Frances	309 Oak Crest Hill Dr	Colleyville	Texas	76034	309 Oak Crest Hill Dr
Escarsega, Estevan & Anna M	304 Oak Valley Dr	Colleyville	Texas	76034	304 Oak Valley Dr
Mooney, Antionetta T	404 Oak Valley Dr	Colleyville	Texas	76034	404 Oak Valley Dr
Rushing, Gregory Dan	400 Oak Valley Dr	Colleyville	Texas	76034	400 Oak Valley Dr
Westerman, Thomas E Etux Berth	308 Oak Valley Dr	Colleyville	Texas	76034	308 Oak Valley Dr
Martin, Jerry Wayne	316 Oak Valley Dr	Colleyville	Texas	76034	316 Oak Valley Dr
Thompson, Donna V	401 Oak Crest Hill Dr	Colleyville	Texas	76034	401 Oak Crest Hill Dr
Keller ISD	350 Keller Parkway	Keller	Texas	76248	Courtesy Notice
Hurst Euless Bedford ISD	1501 Central Drive	Bedford	Texas	76022	Courtesy Notice
City of Grapevine	P. O. Box 95140	Grapevine	Texas	76099	Courtesy Notice
Lr Norman Limited Liability Co, Applicant	313 Oak Crest Hill Dr	Colleyville	Texas	76034	Applicant

Public hearing notices were mailed
by Taci Wrisley Friday, November 1, 2013

Buffer Map



Statement of Planning Objectives

I would like to build a structure to protect my daily drive vehicles from hail, sun, and the debris my oak tree creates. My driveway runs along side my house and around the back of my home next to my back door. I come and go thru my back door , do not park in front but behind my privacy fence. The structure I propose would not be seen from the street or by my neighbors. It would not be higher than my existing roof. Thank you for considering my request.

Land Development Code Carport Regulations

C. Residential Carport Regulations – Carports located in zoning districts which permit single family residential dwellings shall comply with the regulations contained in this section.

1. *Approval by Special Use Permit Only:* In accordance with the Special Use Permit procedures contained in this Chapter of these zoning regulations, no carport shall be built in the City of Colleyville without approval by the City Council for a Special Use Permit to construct a carport in a zoning district that permits single family residential dwellings.
2. *Carport Standards:* A carport shall comply with the following regulations, unless the City Council in approving a Special Use Permit for a carport has imposed other requirements necessary in the particular case to protect the public interests.
 - a. *Size:* A carport shall not exceed 480 square feet in area. The longest dimension on a carport shall not exceed 24 feet.
 - b. *Height:* A carport shall not exceed a maximum height of 15 feet. The height shall be measured from the finished grade to the highest point of the roof.
 - c. *Setbacks:*
 - i. A carport located within ten (10) feet of the principal building shall comply with the front, side and rear yard setbacks of the zoning district. The distance shall be measured between the two closest points of the carport and principal building.
 - ii. A carport located 10 feet or more from a principal building may extend into a required side yard, provided all of the following conditions are satisfied:
 - (1) every part of such carport is unenclosed except for necessary structural supports;
 - (2) no part of the carport is less than five (5) feet from a side or rear lot line, and
 - (3) the carport is located completely within the rear yard area as defined in these zoning regulations.
 - d. *Maximum Number Per Lot:* one
 - e. *Paving and Street Access:*

The parking area of a carport shall be paved not less than nine feet (9') by eighteen feet (18') and provide access to a public street right-of-way. Said access shall be a minimum of nine feet (9') in width and paved. All paved surfaces shall be either concrete, asphalt or pave-stone.
 - f. *Design Criteria:*
 - i. *Roof* - Carports shall have a pitched roof of at least 2:12. Flat roofs shall be prohibited.
 - ii. *Posts* - Posts shall be constructed of brick, stone or decorative metal, such as metal lattice. For purpose of this requirement, decorative metal shall consist of twenty-five (25) percent opaque surfaces. The dimension of each post as viewed from each primary elevation shall not be less than twelve inches (12") or more than forty-eight inches (48"). Any carport with two or more elevations that exceed the 48-inch criteria shall be considered an accessory building and be regulated as such. Wooden posts shall be prohibited.
 - g. *Adequacy of Plans and Specifications:*

The applicant requesting a Special Use Permit to construct a carport shall submit plans and specifications of the proposed carport for review. Said plans and specifications shall contain sufficient information to allow the City Council to determine that the proposed carport complies with these regulations and the City Council may require additional information when necessary to clarify the applicant's request. At a minimum, the drawings shall contain a plot plan, elevation views and a description of the construction materials.

SCALE 1" = 50

BUILDER'S COPY

313 OAK CREST HILL DRIVE

60' R.O.W ~ 29' CONCRETE PAVING

1/2" I.P. FND.

N89°39'00"W 100.00

1/2" I.P. FND.

3/8" I.P. FND.

N88°39'00"W 100.00
(BEARING CONTROL LINE)

(ON/LINE @0.4)

30' B.L.

PROPOSED carport

LOT 13, BLOCK 7
OAK CREST HILLS
VOL. 388-29, PG. 416
P.R.T.C.T.

LOT 15, BLOCK 7
OAK CREST HILLS
VOL. 388-29, PG. 415
P.R.T.C.T.

NOTE: ALL FENCES ARE
WOOD EXCEPT AS SHOWN.

FRAME BLDG.
NOT ON
CONCRETE

LOT 14
BLOCK 7

25,699.52 S.F.

FENCE POST
X X
BEARS
N73°10'33"W
2

POWER POLE 25,899.52 S.F.

5' DE
5' DE

S89°39'00"E 100.00

1 1/2" I.P. FND.
BEARS
N63°43'53"W
1.2

LOT 20, BLOCK 7
OAK CREST HILLS
VOL. 388-29, PG. 415
P.R.T.C.T.

LOT 19, BLOCK 7
OAK CREST HILLS
VOL. 388-29, PG. 415
P.R.T.C.T.

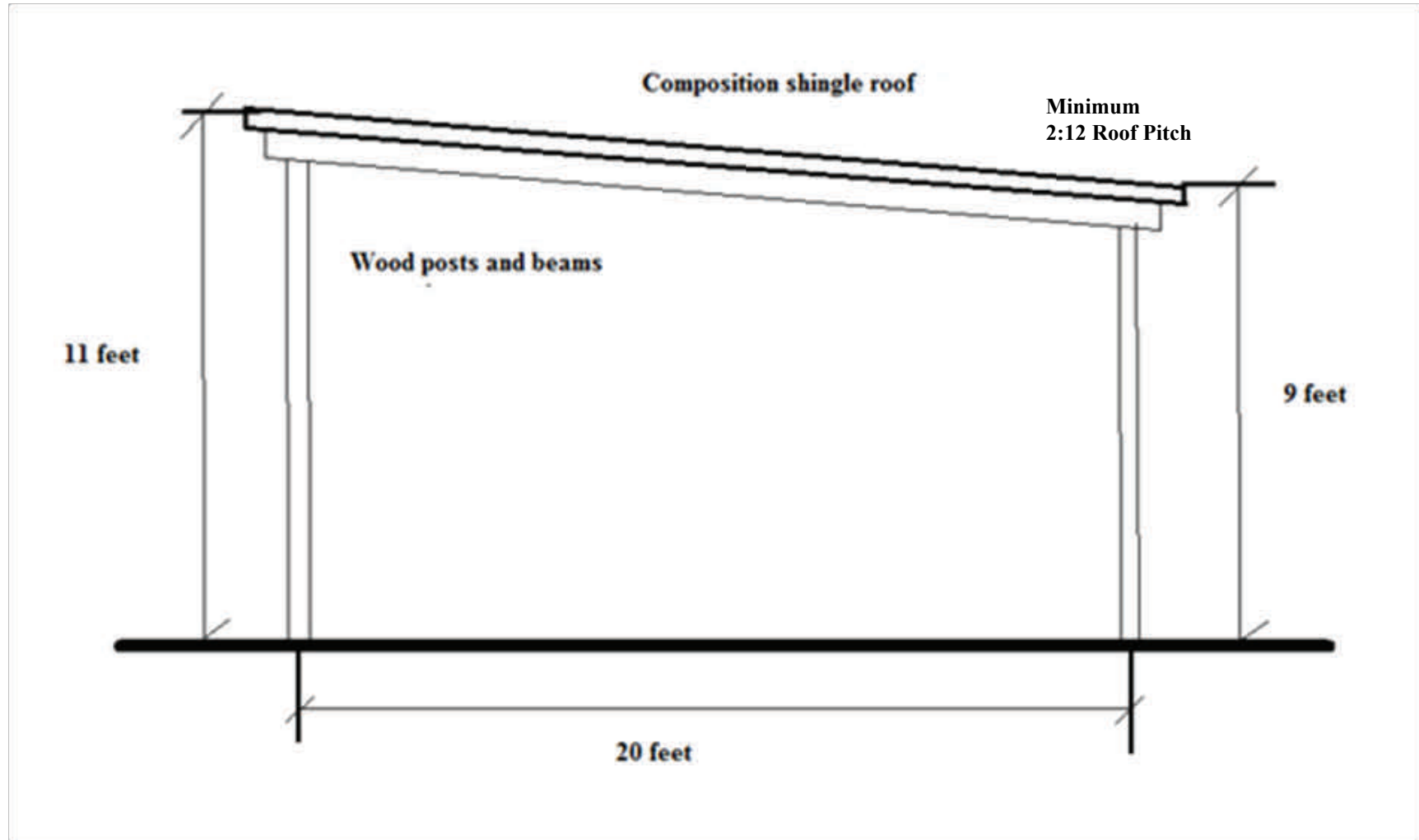
LOT 18, BLOCK 7
OAK CREST HILLS
VOL. 388--29, PG. 415
P.R.T.C.T.

I, Charles B. Hooks, Jr. RPLS, hereby certify that this survey was made on the ground under my supervision and correctly shown the boundary line, dimensions and area of the land indicated thereon, the location of all improvements, the location of all alleys, streets right-of-way, easements and other matters of record which affect the property, the undersigned further certifies that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or right-of ways except as shown

According to Fems Map Panel # 48439 CO 125 H Zone X, Dated 8-2-95
The above lot does NOT lie within the 100 year flood plain, at this time.

PLAT OF

Carport Elevation



Site Pictures



BACK door

SINGLE SLANT 2 CAR "CARPORT"
NOT SEEN FROM STREET
20' WIDE X 20' LONG



9'

313 Oak Crest Hill Drive



ORDINANCE O-13-1898

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 14, BLOCK 7, OF THE OAK CREST HILL ADDITION LOCATED AT 313 OAK CREST HILL DRIVE, BY AUTHORIZING A SPECIAL USE PERMIT FOR A CARPORT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for Special Use Permit for a carport under Case No. ZC13-016; 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 enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the 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 Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and state law with reference to changes to zoning classifications under the Zoning Ordinance

Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. 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 the carport on Lot 14, Block 7, of the Oak Crest Hill Addition, as depicted on the Location and Zoning Map, attached as Exhibit "A" and as shown on Exhibit "B".
- Sec. 3. 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. 4. THAT the above described tract of land shall be subject to the following conditions:

1. General

- a. No more than one carport shall be permitted and the carport shall remain as shown on Exhibit "B."
- b. The carport shall have dimensions of 20 feet by 20 feet (400 square feet).
- c. The carport shall not exceed 11 feet in height, and will have a pitched roof of at least 2:12.
- d. The carport will be attached, meaning within ten (10) feet of the principal building. Since the accessory structure will be attached it will need to meet the side and rear yard

setbacks for the R20-Single Family Residential zoning district as follows: Side Yard Setback = 10 feet, and the Rear Yard Setback = 25 feet.

- e. The masonry column requirement is hereby waived and the support posts shall be treated wooden posts.
- f. The roofing material will be shingles to match the color scheme of the primary structure.
- g. In the event that the carport permitted under this ordinance is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, this Special Use Permit shall become null and void.
- h. The carport shall meet all regulations of the Land Development Code, except where amended herein.

Sec. 5. 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. 6. 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. 7. 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. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of December 2013.

The second reading and public hearing being conducted on the 17th day of December 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

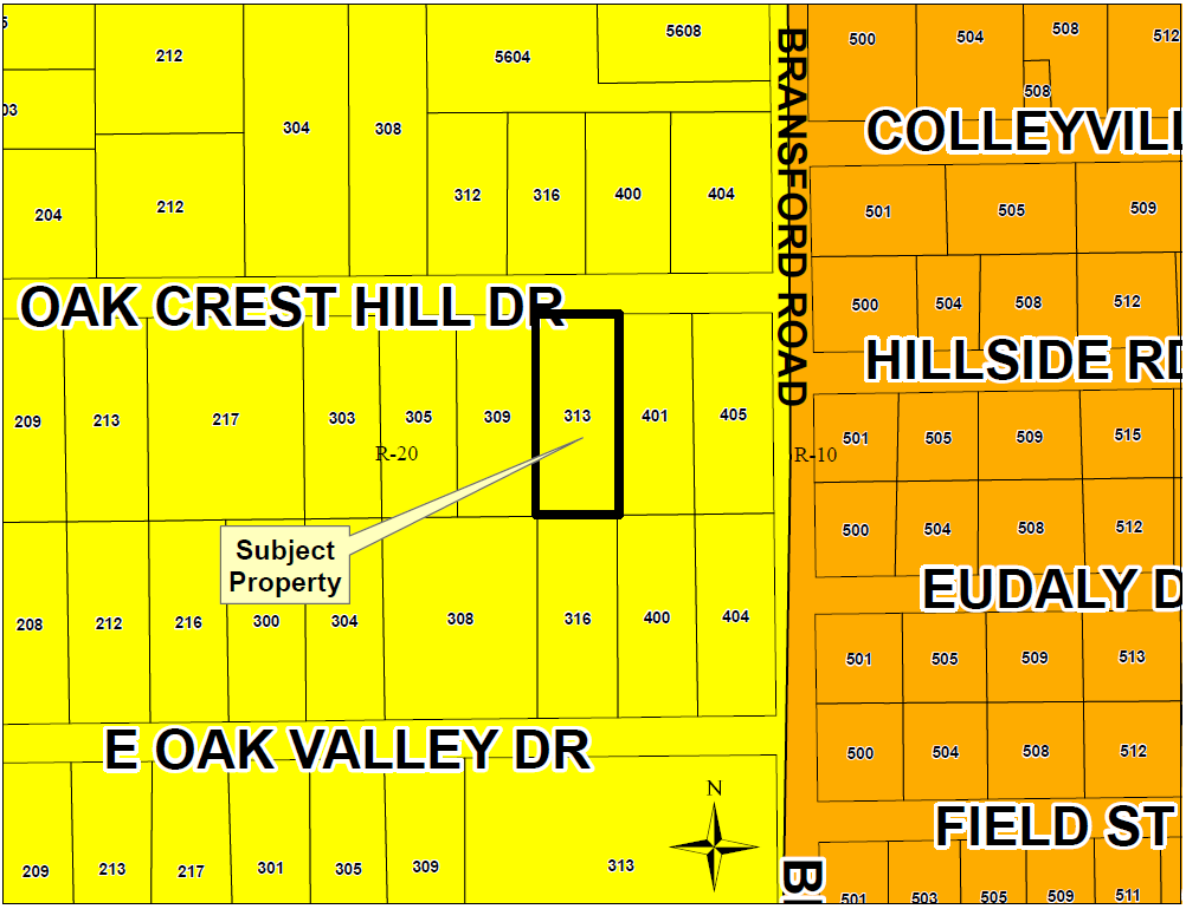


Exhibit "B" – Carport Description

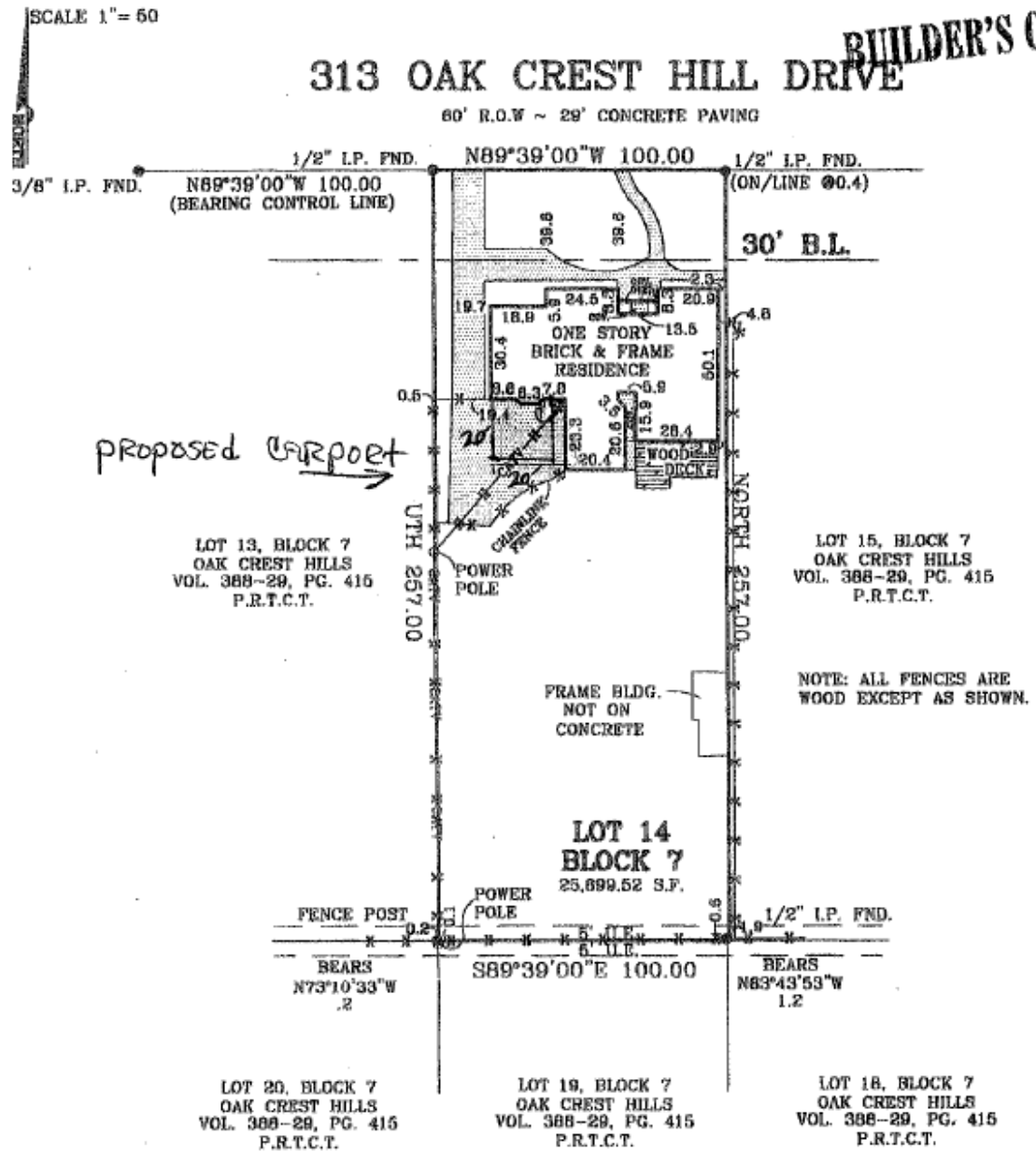


EXHIBIT "B" (CONTINUED)

Elevation

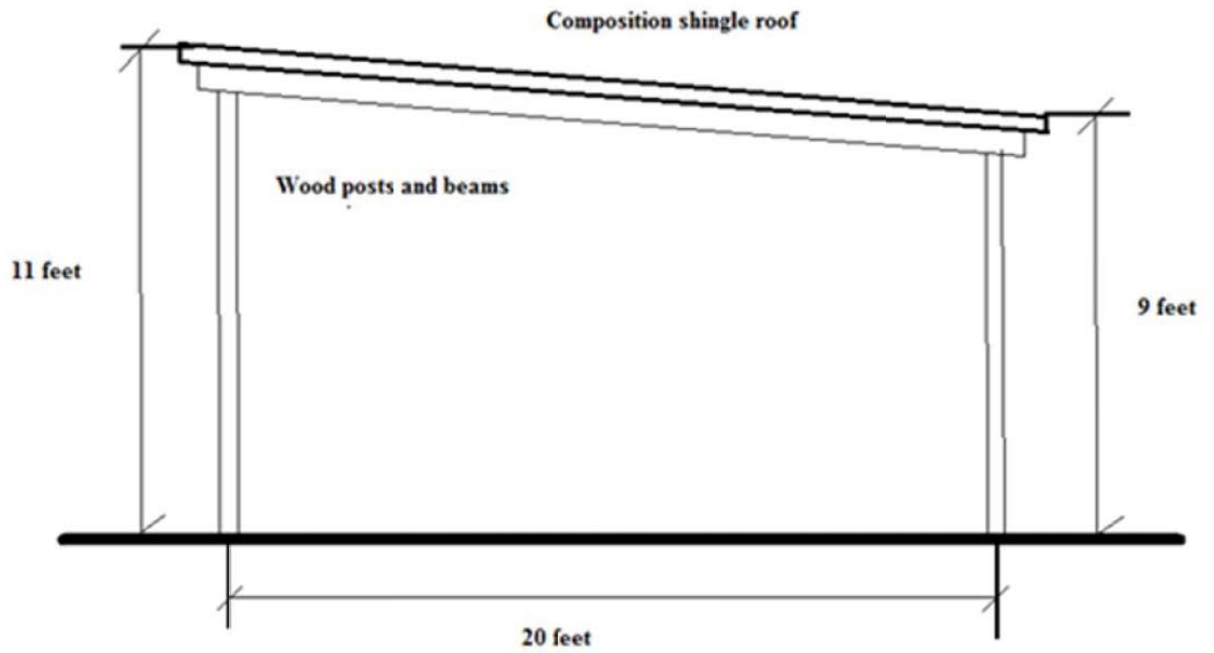


Exhibit “B” Continued

Statement of Planning Objectives

I would like to build a structure to protect my daily drive vehicles from hail, sun, and the debris my oak tree creates. My driveway runs along side my house and around the back of my home next to my back door. I come and go thru my back door , do not park in front but behind my privacy fence. The structure I propose would not be seen from the street or by my neighbors. It would not be higher than my existing roof. Thank you for considering my request.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6b

Agenda Date 12/17/2013

Number Ordinance O-13-1899

Type Ordinance

Department Community Development

Title

Consideration of a request for a zoning change from AG-Agricultural to PUD-R-Planned Unit Development Residential on 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue; and a request for approval of an amendment to the PUD-R-Planned Unit Development Residential zoning and development requirements on 108.5 acres out of the Elizabeth Cox Survey, John H. Havens Survey, and the Jesse Doss Survey, located in the 4900 block of Heritage Avenue, Case ZC13-017

Explanation

Second Reading and Public Hearing

There were two people who spoke in opposition, and one person who spoke in support of this request at the December 3, 2013 City Council meeting.

There was one person who did not wish to speak, but did register his opposition to this request at the December 3, 2013 City Council meeting.

Regarding the following condition in Section 5(2)c of Ordinance O-13-1866:

"The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map shall be constructed by the developer along the west side of Heritage Avenue prior to the acceptance of public improvements. Trail 24 must connect to all other trails noted on the 2005 Colleyville Pathways Plan. The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map shall be constructed by the developer along the west side of Heritage Avenue prior to the acceptance of public improvements. Trail 24 must connect to all other trails noted on the 2005 Colleyville Pathways Plan."

Given that Heritage Avenue may not be improved when the trail is constructed adjacent to the road, staff will require that the applicant conduct a vertical alignment study of the roadway showing the roadway in its improved state, with four lanes, such that the required trail is built to accommodate the future improvements to Heritage Avenue.

First Reading and Public Hearing

Paul Spain has submitted a request to amend PUD-R Ordinance O-07-1645 and Ordinance O-13-1866, which amended Ordinance O-07-1645 (both ordinances are

attached). The PUD-R-Planned Unit Development Residential zoning authorized by the above mentioned ordinances includes 108.5 acres located on the west side of Heritage Avenue between Glade Road and Cheek-Sparger Road, and is known as Creekside at Colleyville.

Zoning History and Requirements. Ordinance O-07-1645 was approved by the City Council on November 27, 2007. The ordinance allows for commercial development of the southwest corner of Glade Road and Heritage Avenue and 269 single family detached units on the remaining portion of the subject property.

Section 4(2)a of Ordinance O-07-1645 requires the submission of a detailed site plan prior to platting. On March 5, 2013, the City Council approved Ordinance O-13-1866, which included a detailed site plan for phase one of the development, satisfying the Section 4(2)a requirement. Ordinance O-13-1866 also included several amendments to Ordinance O-07-1645. Amendments authorized under Ordinance O-13-1866 include:

- Reducing the maximum building height from 40 feet to 35 feet
- Requiring Trail 24 on the Colleyville Pathways Plan to be constructed along Heritage Avenue.
- Allowing the streets in the development to be private
- Addition of a requirement that the developer improve Heritage Avenue where it is adjacent to the development
- Requirement that phase two of the development must submit a detailed site plan for final approval similar to phase one

Phase one will include 41 single family residential lots. The final plat for phase one was approved by the City Council on November 19, 2013.

Applicant's Request. The purpose of the request by the applicant is to approve the detailed development plan for phase two and to incorporate the property that has been included in a boundary adjustment from the City of Euless into the PUD-R development.

The phase two development plan includes over 96 acres of land encompassing 228 residential lots, one commercial lot, and 18 open space lots. The commercial lot includes 1.9 acres at the northwest corner of Cheek-Sparger Road and Heritage Avenue.

Much of the proposed commercial lot is currently zoned AG-Agricultural. The portion of the property zoned AG was incorporated into the City of Colleyville via a boundary adjustment with the City of Euless, approved by the City of Colleyville on March 20,

2012 under Ordinance O-12-1828 (attached). The Land Development Code requires that any property newly incorporated or annexed into the City shall automatically be zoned AG-Agricultural. Therefore, the applicant is formally requesting that this property be incorporated into the PUD as part of their request. This amounts to the total development acreage of approximately 110 acres.

Section 4(3)b of Ordinance O-07-1645 states that all commercial properties shall allow only uses permitted in the following zoning districts that are: (1) either State of Texas sales tax generating businesses, or (2) professional offices: CN-Neighborhood Commercial zoning district, the CC1-Village Retail zoning district, and the CC2-Shopping Center zoning district.

Existing Conditions. The entire PUD boundary remains undeveloped. Tree protection for phase one has been installed and, as stated above, the final plat for phase one was approved on November 19, 2013.

Statement of Planning Objectives. The applicant has submitted a Statement of Planning Objectives for phase two, which contains a detailed description of the proposed development. With the exception of the items mentioned in this briefing, the development conditions for phase two remain consistent with the development conditions set forth in Ordinance O-07-1645. As such, consistent with Ordinance O-13-1866, the Statement of Planning Objectives has not been attached to proposed Ordinance O-13-1899.

Lot Dimensions and Setbacks. The development conditions listed in the Statement of Planning Objectives mirror the development conditions found in Ordinance O-07-1645. These conditions are as follows:

Planning Area "A"

- Minimum Lot Size: 9,000 square feet
- Minimum Lot Width: 70 feet
- Minimum Lot Depth: 120 feet
- Front Building Line: 20 feet; or 15 feet for a front swing garage
- Side Building Line: 5 feet
- Rear Building Line: 30 feet
- Maximum Height: 40 feet

- Maximum Lot Coverage: 65%

Planning Area "B"

- Average Lot Size: 5,500 square feet
- Minimum Lot Size: 5,000 square Feet
- Minimum Lot Width: 50 feet
- Minimum Lot Depth: 105 feet
- Front Building Line: 20 feet; or 15 feet for a front swing garage
- Side Building Line: 0, 1, or 9 feet with a 10 foot minimum between buildings
- Rear Building Line: 10 feet
- Maximum Height: 40 feet
- Maximum Lot Coverage: 65%

The applicant lists a maximum building height of 40 feet in the Statement of Planning Objectives, which mirrors the original requirements of Ordinance O-07-1645, stated above. However, this requirement was amended under Ordinance O-13-1866, Section 5(2)b, to reduce the maximum building height to 35 feet, consistent with the standard requirement found in the Land Development Code.

The applicant proposes no modifications to the original development requirements of Ordinance O-07-1645, with the exception of the 35 foot building height amended by Ordinance O-13-1866.

Open Space. The PUD-R regulations require a minimum 20 percent of the development be reserved for open space for use by the residents of the development. There are no specific open space minimums listed in Ordinances O-07-1645 and O-13-1366. Therefore, the minimum of 20% is required per the provisions of the Land Development Code.

Sidewalks and Trails. Internal sidewalks, a minimum of four feet in width, will be built in front of all residential lots within the development. Ordinance O-13-1866 requires that Trail 24 be located along the west side of Heritage Avenue, adjacent to the development.

According to the Supplemental Sidewalk Map, a minimum five foot sidewalk will be required along Cheek-Sparger Road and Glade Road adjacent to the development.

According to the Supplemental Sidewalk System Map and the Colleyville Pathways Plan, additional trails are required to connect to the required trail along Heritage Avenue from the west. These trails are noted as Trails 25 and 26 on the Colleyville Pathways Plan, and must be constructed by the developer prior to the final acceptance of public improvements.

Screening and Fencing. Per the existing requirements in Ordinance O-07-1645, an eight (8) foot masonry wall shall be built between any commercial and residential lots and an eight (8) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road, and Cheek-Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. Perimeter fencing along Heritage Avenue shall only be required immediately adjacent to lots, and not required along where floodplain, or open space is adjacent to Heritage Avenue. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal and/or masonry. All lots backing to the common open space shall be open style fencing of decorative metal and/or masonry. Where lots back to existing residential lots, the existing fence shall be kept, maintained or improved in coordination with each owner. Where open space lots border adjacent properties, either the existing fence will be maintained, or improved, or a decorative metal fence will be installed, all in cooperation with the adjacent property owner.

Traffic Generation and Access. The developer is required to provide a Traffic Impact Analysis (TIA), since the development is projected to generate in excess of 1,000 vehicle trips per day. The Institute of Transportation Engineers publication Trip Generation provides estimates of expected traffic generation based on land use. Data has been collected in the United States and Canada since the 1960's, primarily in suburban locations. Single-family residences are expected to generate 9.57 trips per day, on average. Based on this average, a 269 lot development would add approximately 2,574 vehicle trips per day to the surrounding roadways.

Two traffic impact analyses (TIAs) were submitted as part of the original submittal for this development in 2007. The first TIA was commissioned by the applicant and performed by Carter-Burgess. The second was commissioned by the City and performed by Freese and Nichols. The proposed development conforms to the recommendations of both studies, which are attached.

The entry road on Glade Road in phase one will be developed as an emergency access easement.

Improvements to Heritage Avenue. Heritage Avenue is shown as a Major Collector (Four Lane) on the Master Thoroughfare Plan. Section 5(2)e of Ordinance O-13-1866 states: *"The developer shall improve Heritage Avenue where it is adjacent to the development to the current standards of the Land Development Code and the Master Thoroughfare Plan at the time of development of the adjacent property. There shall be no option to escrow said construction costs as a perimeter street fee for future*

roadway improvements."

Given the total cost of all infrastructure, including the cost of a new bridge over Little Bear Creek, staff proposes to repeal this section and replace it with the following language:

"The developer shall enter into a City/Developer Agreement with the City of Colleyville for required public improvements to Heritage Avenue, as well as any other pertinent public infrastructure improvements, in conjunction with this development. Said agreement shall be approved and executed prior to the filing of the final plat for phase two of the development."

This language will provide the City and the developer more flexibility in providing perimeter roadway improvements that are above and beyond the roughly proportional costs that the developer is required to pay. The above language is included in the proposed ordinance.

Tree Preservation. As required by Chapter 5-Tree Preservation of the Land Development Code, approval of a tree survey and mitigation plan will be required upon approval of the final plat for the property.

Infrastructure. Water and sanitary sewer services are available along adjacent rights-of-way. The developer is responsible for the extension of water and sewer service lines to the individual lots.

Drainage and Storm Runoff. The developer has submitted a preliminary drainage analysis of the site, which is to be reviewed by the Engineering Division of the Public Works Department. Conditions associated with drainage and storm water runoff shall be set and enforced at time of platting.

Development Schedule. As stated above, the final plat for phase one was approved by the City Council on November 19, 2013. Phase two will be developed upon the successful completion of the zoning and platting process and the subsequent approval of the final plat and engineering plans. Phase two may be broken into smaller individual phases. Construction of homes is anticipated to start immediately, upon completion of the subdivision's infrastructure.

Future Land Use Plan. The Future Land Use Plan designates the northern and southern end caps of the property as commercial use. The remainder of the subject tract is proposed single family residential. The proposed commercial acreage of the rezoning request is smaller in area than what is depicted on the Future Land Use Plan. However, the Future Land Use Plan does not set a specific acreage, and therefore the proposed development plan is suitable to the intent of the Future Land Use Plan.

Residential Density. The Master Plan suggests a maximum residential density of 1.8

dwelling units per acre, in most situations. The 2004 Colleyville Master Plan states that densities higher than 1.8 units per acre would be acceptable in those areas deemed consistent with sound land use planning principles. The proposed development would be situated between existing residential and commercial uses. The proposed development of 269 approved residential units on the 110 acre property will produce a residential density of 2.4 dwelling units per acre, based upon the density calculation method prescribed by the Master Plan, and will produce a residential density of 6.0 dwelling units per acre, based upon the density calculation method prescribed by the Land Development Code. The proposed residential density is comparable to other approved small lot PUD-R developments within the City of Colleyville. The Small Lot Development Comparison, attached to this briefing, provides a comprehensive listing of approved developments since 1996 with residential densities that exceed 1.8 dwelling units per acre.

Surrounding Development Trends. Properties to the west are zoned PUD-R-Planned Unit Development Residential, R20-Single Family Residential, R30-Single Family Residential, RE-Single Family Estate Residential and RD-Two Family Residential district and developed as single family homes. Properties to the north are zoned PUD-R-Planned Unit Development Residential and CC1-Village Retail zoning district. Properties to the south are located in the City of Bedford and used for retail and residential purposes. To the east, within the City of Euless, is the existing Heritage Town Crossing commercial development and the Glade Parks mixed-use development, where a multi-family development was recently constructed.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the November 11, 2013 meeting by a vote of 6-0, subject to the following conditions:

- (1) A sidewalk waiver is hereby granted for Lot 7, Block 2, shown as open space.
- (2) The commercial property located at the southwest corner of Heritage Avenue and Cheek-Sparger Road shall be 1.9 acres in size.
- (3) Prior to the issuance of a building permit for the 1.9 acres of commercial property noted above, the developer shall submit a detailed site plan which shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with Ordinance O-07-1645 and any subsequent amendments, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s) shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

These provisions have been added to proposed Ordinance O-13-1899 and are reflected on the Phase Two Development Plan, labeled as Exhibit C in Ordinance O-13-1899.

Public Notification. Staff mailed notices to 78 adjacent property owners within 200 feet, as well as all Homeowners Associations within 500 feet, of the subject property regarding this request. All school districts within the City were notified as required by state law, and notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. At the November 11, 2013 Planning and Zoning Commission meeting there was one speaker in support of the request, and one speaker had questions for the developer. The speaker cards are attached to this agenda briefing.

Summary. The phase two development plan is consistent with the requirements of Ordinances O-07-1645 and O-13-1866 and the Land Development Code. This request will also incorporate the land recently acquired from the City of Euless through a boundary adjustment into the development.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

a. Exhibit "C" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a and Ordinance O-13-1866 Section 5(1)b. A full size copy of the site plan shall be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan shall be kept in the plat file for this development. The phase two final plat shall be consistent with Exhibit "C".

2. GENERAL AMENDMENTS

a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.

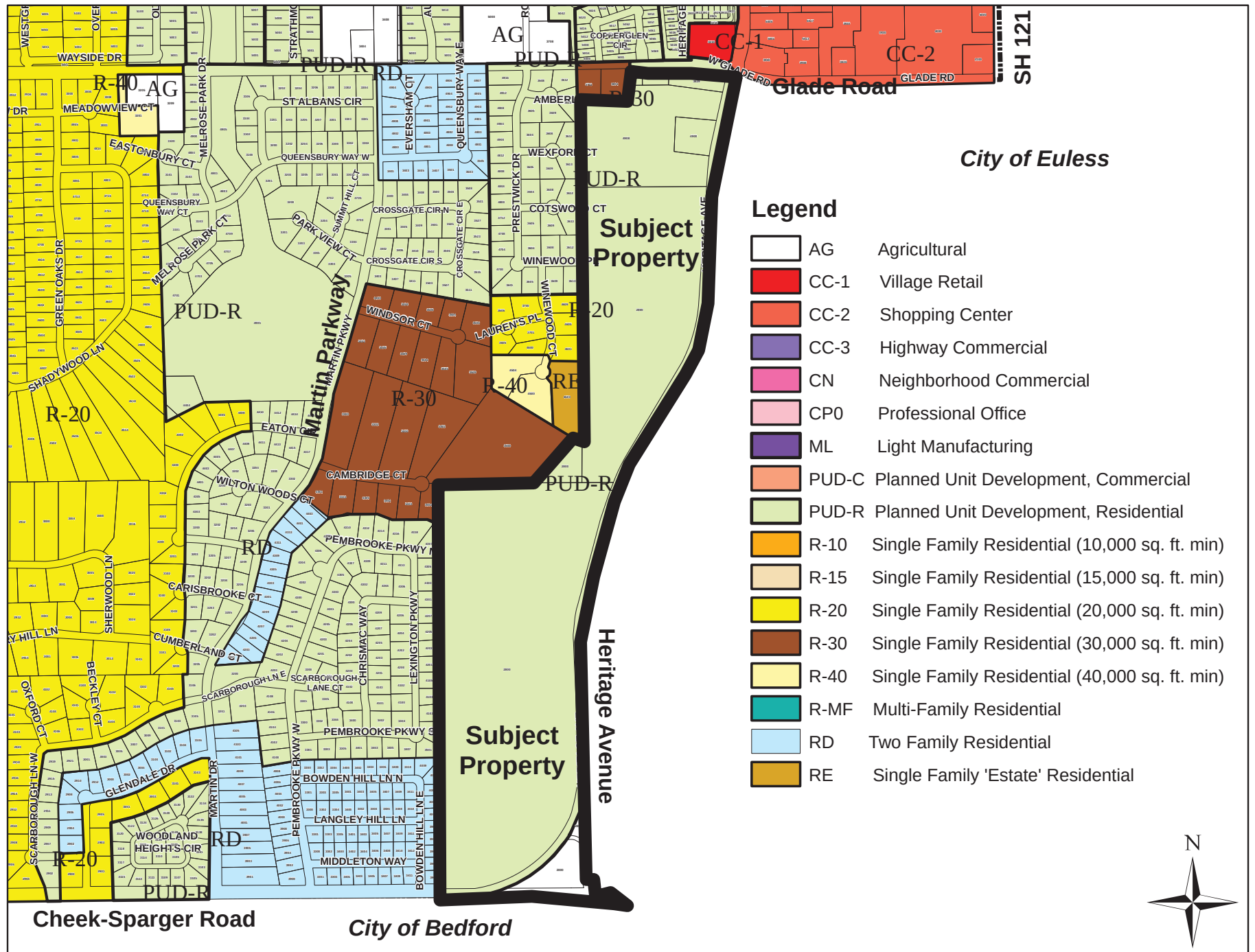
b. The developer shall enter into a City/Developer Agreement with the City of Colleyville for required improvements to Heritage Avenue, as well as any other pertinent public infrastructure improvements, in conjunction with this development. Said agreement shall be approved and executed prior to the filing of the final plat for phase two of the development.

Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Speaker Cards from the Dec. 3, 2013 Public Hearing
6. Phase Two Development Plan

7. Statement of Planning Objectives
8. Approved Phase One Development Plan
9. Original 2007 Conceptual Site Plan
10. Ordinance O-07-1645
11. Ordinance O-13-1866
12. Boundary Adjustment - Ordinance O-12-1828
13. Small Lot Development Comparison Chart - 1996 to 2013
14. Preliminary Traffic Impact Analysis - Carter & Burgess
15. Traffic Impact Analysis - Freese and Nichols
16. Ordinance O-13-1899

Location and Zoning Map



Aerial



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
3798 Glade Investment Ltd	PO Box 1901	Colleyville	Texas	76034	5064 Copperglen Cir
Akers, Thomas R & Diane Akers	4003 Bowden Hill Ln E	Colleyville	Texas	76034	4003 Bowden Hill Ln E
Alexander, Scott Etux Becky	3411 Langley Hill Ln	Colleyville	Texas	76034	3411 Langley Hill Ln
Amerson, Albert E III Etux Sta	4206 Lexington Pkwy	Colleyville	Texas	76034	4206 Lexington Pkwy
Andrews, Lance Etux Mary	4001 Bowden Hill Ln E	Colleyville	Texas	76034	4001 Bowden Hill Ln E
Arms, John W	3609 Amberley Ct	Colleyville	Texas	76034	3609 Amberley Ct
Barnard, William H Etux Colene	3613 Wexford Ct	Colleyville	Texas	76034	3613 Wexford Ct
Barngrover, Carl A Etux	4205 Lexington Pkwy	Colleyville	Texas	76034	4205 Lexington Pkwy
Baron, Doug Etux Sharon K	3402 Cambridge Ct	Colleyville	Texas	76034	3402 Cambridge Ct
Barr, Terry Etux Theresa	3612 Cotswold Ct	Colleyville	Texas	76034	3612 Cotswold Ct
Bostick, James D Etux Kristina	3909 Bowden Hill Ln E	Colleyville	Texas	76034	3909 Bowden Hill Ln E
Bradford, Richard H & Lavonne	3209 Walker Pl	Colleyville	Texas	76051	5005 Copperglen Cir
Carlisle, Vinece Etvir Thomas	4306 Chrismac Way	Colleyville	Texas	76034	4306 Chrismac Way
Chiles, Stephen Etux L Gregory	4202 Lexington Pkwy	Colleyville	Texas	76034	4202 Lexington Pkwy
Clegg, Francis L Etux Doris M	3403 Cambridge Ct	Colleyville	Texas	76034	3403 Cambridge Ct
Cohen, Andrew R Etux Miriam A	3503 Pembroke Pkwy S	Colleyville	Texas	76034	3503 Pembroke Pkwy S
Colleyville Assoc Heritage Oak	545 E John Carpenter Fwy #1500	Irving	Texas	75062	5030 Heritage Oaks Dr
Copperglen Hoa Inc	PO Box 1901	Colleyville	Texas	76034	5001 Copperglen Cir
Crump, Edward J Etux Kay M	3404 Pembroke Pkwy S	Colleyville	Texas	76034	3404 Pembroke Pkwy S
Dana, Farid	3501 Pembroke Pkwy S	Colleyville	Texas	76034	3501 Pembroke Pkwy S
Danner, Delyle Je Etux Rebecca	4005 Bowden Hill Ln E	Colleyville	Texas	76034	4005 Bowden Hill Ln E
Ducic, Kimberly A	5065 Copperglen Cir	Colleyville	Texas	76034	5065 Copperglen Cir
Eldridge, Dean	4102 Lexington Pkwy	Colleyville	Texas	76034	4102 Lexington Pkwy
Frost, Howard M Etux Rena	5009 Copperglen Cir	Colleyville	Texas	76034	5009 Copperglen Cir
Gauntt, Janice A	4105 Lexington Pkwy	Colleyville	Texas	76034	4105 Lexington Pkwy
Gavalak, K A Etux Gladys M	4203 Lexington Pkwy	Colleyville	Texas	76034	4203 Lexington Pkwy
Godbey, Neil A	9249 Dickson Rd	Fort Worth	Texas	76179	3612 Wexford Ct
Greenway Glade Partners Lp	2808 Fairmount St Ste 100	Dallas	Texas	75201	3900 Glade Rd
Harrington, R G & D Smith Exec	4000 Heritage Ave	Colleyville	Texas	76034	2800 Heritage Ave
Hartnett, Stephen P Est	1301 Municipal Way Ste 250	Grapevine	Texas	76051	4500 Winewood Ct
Head, Rodney Etux Gina M	3613 Winewood Pl	Colleyville	Texas	76034	3613 Winewood Pl
Hohertz, Michael Etux Marie	3411 Bowden Hill Ln N	Colleyville	Texas	76034	3411 Bowden Hill Ln N
Huber, Emery C Etux Anastasia	3501 Cambridge Ct	Colleyville	Texas	76034	3501 Cambridge Ct
Jackson, Paul K Etux Kristine	4204 Lexington Pkwy	Colleyville	Texas	76034	4204 Lexington Pkwy
Judkins, Stephen Etux Marie R	4305 Lexington Pkwy	Colleyville	Texas	76034	4305 Lexington Pkwy
Kenzie, Natalie A Etvir John W	4207 Lexington Pkwy	Colleyville	Texas	76034	4207 Lexington Pkwy
Lappo, Cynthia L	3903 Bowden Hill Ln E	Colleyville	Texas	76034	3903 Bowden Hill Ln E
Lenamon, Pamela Ann	4318 Pembroke Pkwy N	Colleyville	Texas	76034	4318 Pembroke Pkwy N
Li, Haochuan Etux Mei Han	4313 Pembroke Pkwy N	Colleyville	Texas	76034	4313 Pembroke Pkwy N
Lincoln, Kathleen K	4101 Lexington Pkwy	Colleyville	Texas	76034	4101 Lexington Pkwy
Malone, Susan Fran	4605 Winewood Ct	Colleyville	Texas	76034	4609 Winewood Ct
Malone, Susan Gentry	4605 Winewood Ct	Colleyville	Texas	76034	4605 Winewood Ct
McCluney, C & Amos McCluney	4200 Lexington Pkwy	Colleyville	Texas	76034	4200 Lexington Pkwy
McKinney, James E Etux Deanna	4303 Lexington Pkwy	Colleyville	Texas	76034	4303 Lexington Pkwy
Miller, Debra	5028 Heritage Oaks Dr	Colleyville	Texas	76034	5028 Heritage Oaks Dr
Miller, Michael B Etux Shannon	3609 Wexford Ct	Colleyville	Texas	76034	3609 Wexford Ct
Otto, Clement W Etux Mary P	3412 Middleton Way	Colleyville	Texas	76034	3412 Middleton Way
Pitts, Wallace J Etux Shari G	3612 Amberley Ct	Colleyville	Texas	76034	3612 Amberley Ct
Raley Railroad Llc	3500 Cambridge Ct	Colleyville	Texas	76034	3500 Cambridge Ct
Ramsey, Robert Ray	4100 Lexington Pkwy	Colleyville	Texas	76034	4100 Lexington Pkwy
Rkpkem Llc	2030 Glade Rd Ste 204	Grapevine	Texas	76051	3809 Glade Rd
Routen, Rodney C Etux Patricia	3609 Cotswold Ct	Colleyville	Texas	76034	3609 Cotswold Ct
Saint Mary's Romanian Orth Ch	3801 Glade Rd	Colleyville	Texas	76034	3801 Glade Rd
Scheu, Dennis J Etux Cathy	3608 Winewood Pl	Colleyville	Texas	76034	3608 Winewood Pl
Schide, James Etux Sharon	PO Box 697	Colleyville	Texas	76034	4201 Lexington Pkwy
Scott, Larry P & Laurie A Llc	1915 Yorkshire Ct	Lincoln	Nebraska	68506	3830 Glade Rd
Shuttle Consulting Limited	3612 Winewood Pl	Colleyville	Texas	76034	3612 Winewood Pl
Silverman, Donald Etux Joy	PO Box 610735	Dallas	Texas	75261	3411 Middleton Way
Sohn, Taesik Etux Kyu Nam Sohn	3608 Amberley Ct	Colleyville	Texas	76034	3608 Amberley Ct
Stovall, Scott Etux Christi P	3905 Bowden Hill Ln E	Colleyville	Texas	76034	3905 Bowden Hill Ln E
Stumpf, John Etux Denise	3609 Winewood Pl	Colleyville	Texas	76034	3609 Winewood Pl
Sublett, Chas L Etux Delores C	3608 Wexford Ct	Colleyville	Texas	76034	3608 Wexford Ct
Taylor, Jana Akers	3608 Cotswold Ct	Colleyville	Texas	76034	3608 Cotswold Ct
Taylor, Mary Etvir Kenneth Ray	4307 Lexington Pkwy	Colleyville	Texas	76034	4307 Lexington Pkwy

Notification List

Terra Manna Creekside Llc	395 State Hwy 114 Ste 300	Southlake	Texas	76092	3805 GLADE RD
Theiss, Edward Etux Patricia	4103 Lexington Pkwy	Colleyville	Texas	76034	4103 Lexington Pkwy
Torbatian, Ebrahim Etux J	1305 Chesapeake Dr	Plano	Texas	75093	4301 Lexington Pkwy
Tran, Tam Thi	3613 Amberley Ct	Colleyville	Texas	76034	3613 Amberley Ct
Vaughan, Robert & Jane R	315 Oak Shadow Cir	Bedford	Texas	76021	4007 Bowden Hill Ln E
Von Storch, Kenneth Etux Debra	5005 Overhill Dr	Colleyville	Texas	76034	4009 Bowden Hill Ln E
Votaw, Robert B & Inkyung Song	5032 Heritage Oaks Dr	Colleyville	Texas	76034	5032 Heritage Oaks Dr
Watson, Richard A & Stephanie	3410 Bowden Hill Ln N	Colleyville	Texas	76034	3410 Bowden Hill Ln N
Witt, Robert A Etux Laurie E	4601 Winewood Ct	Colleyville	Texas	76034	4601 Winewood Ct
Woehrle, Sandra	3907 Bowden Hill Ln E	Colleyville	Texas	76034	3907 Bowden Hill Ln E
Wood, Jerry W Est & Maurine	5520 Davis Blvd	North Richland Hills	Texas	76180	3613 Cotswold Ct
Wright, David R Etux Selda	3407 Pembroke Pkwy S	Colleyville	Texas	76034	3407 Pembroke Pkwy S
Yu, Chiao-Chin Mark Etux Yuen	3901 Bowden Hill Ln E	Colleyville	Texas	76034	3901 Bowden Hill Ln E
Ziegler, David C Etux Blanche	3410 Langley Hill Ln	Colleyville	Texas	76034	3410 Langley Hill Ln
WOODLAND HILLS HOA	4100 OXFORD COURT	COLLEYVILLE	Texas	76034	Courtesy Notice
CITY OF BEDFORD	2000 FOREST RIDGE	BEDFORD	Texas	76021	Courtesy Notice
CITY OF EULESS	201 N. ECTOR DRIVE	EULESS	Texas	76039	Courtesy Notice
Keller ISD	350 Keller Parkway	Keller	Texas	76248	Courtesy Notice
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
City of Grapevine	P. O. Box 95140	Grapevine	Texas	76099	Courtesy Notice
Hurst Euless Bedford ISD	1501 Central Drive	Bedford	Texas	76022	Courtesy Notice
PRESTWICK PARK HOA	4912 PRESTWICK DRIVE	COLLEYVILLE	Texas	76034	Courtesy Notice
Terra-Manna, LLC	395 W. State Hwy. 114	Southlake	Texas	76092	Applicant

Public hearing notices were mailed
Fri. Nov. 1, 2013 by Taci Wrisley

Buffer Map



Speaker Cards from the Dec. 3, 2013 Public Hearing

Date: <u>11-11-13</u>	SPEAKER CARD
☒ I will speak In Support of this item.	
☐ I will speak In Opposition to this item.	
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition	
Agenda Item Number: <u>5C</u>	
Name: <u>Gary L. Malone</u> <i>Gary Malone</i>	
Address: <u>4605 - 4609 W. 1st</u>	
City: <u>Colleyville</u>	State: <u>Tx</u> Zip Code: <u>76034</u>
Telephone Number: <u>817-247-6613</u>	Representing: _____ (organization/self)
I understand I am limited to speaking for five minutes.	
For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.	
Signed: _____	
This information is a Public Record.	

Date: <u>Nov 11, 2013</u>	SPEAKER CARD
☐ I will speak In Support of this item.	
☐ I will speak In Opposition to this item.	
☐ I do not wish to speak, but please record my: ☐ support ☐ opposition	
Agenda Item Number: <u>5C</u>	
Name: <u>Blanche Ziegler</u>	
Address: <u>3410 Langley Hill Ln</u>	
City: <u>Colleyville</u>	State: <u>Tx</u> Zip Code: <u>76034</u>
Telephone Number: <u>817-571-0059</u>	Representing: <u>self</u> (organization/self)
I understand I am limited to speaking for five minutes.	
For business not listed on the agenda as a Public Hearing, Planning and Zoning Commission will not respond in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code.	
Signed: <u>Blanche Ziegler</u>	
This information is a Public Record.	

Speaker Cards from the Dec. 3, 2013 Public Hearing

SPEAKER CARD

Date: Dec 3, 2013

Agenda Item Number: 7b

For example: 5a (this can be found on the far left side of the agenda copy)

 I will speak **In Support** of this item. ☒ I will speak **In Opposition** to this item.

 I do not wish to speak, but please record my: support opposition

Name: Sharon Baron

Address: 3402 Cambridge Ct City: Collegeville

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Sharon Baron

This information is a Public Record

Speaker Cards from the Dec. 3, 2013 Public Hearing



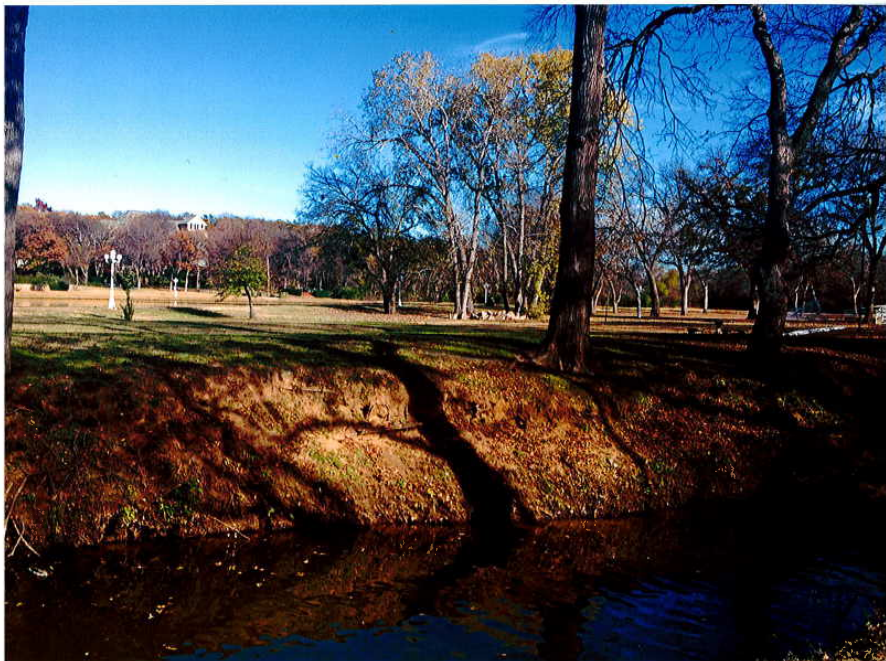
Speaker Cards from the Dec. 3, 2013 Public Hearing



Speaker Cards from the Dec. 3, 2013 Public Hearing



Speaker Cards from the Dec. 3, 2013 Public Hearing



Speaker Cards from the Dec. 3, 2013 Public Hearing

SPEAKER CARD

Date: 12-3-13

Agenda Item Number: _____

For example: 5a (this can be found on the far left side of the agenda copy)

_____ I will speak **In Support** of this item. 7B I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: _____ support _____ opposition

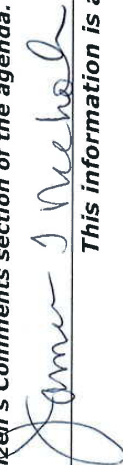
Name: JAMES NICHOLS

Address: 3300 Cambridge Ct

City: Colleyville

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: _____



This information is a Public Record

Speaker Cards from the Dec. 3, 2013 Public Hearing

SPEAKER CARD

Date: 12-3-2013

Agenda Item Number: 7B

For example: 5a (this can be found on the far left side of the agenda copy)

_____ I will speak **In Support** of this item. ☒ I will speak **In Opposition** to this item.

_____ I do not wish to speak, but please record my: _____ support _____ opposition

Name: Doug Baron

Address: 3422 Cambridge Ct

City: Collegeville TX

I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.

Signed: Doug Baron

This information is a Public Record

Speaker Cards from the Dec. 3, 2013 Public Hearing

SPEAKER CARD

Date: 12-3-13

7B

Agenda Item Number: 7B

For example: 5a (this can be found on the far left side of the agenda copy)

☒ I will speak **In Support** of this item. ☐ I will speak **In Opposition** to this item.

☐ I do not wish to speak, but please record my: ☐ **support** ☐ **opposition**

Name: Greg L. Malone

Address: 4605-4609 Woodward St City: Collegeville

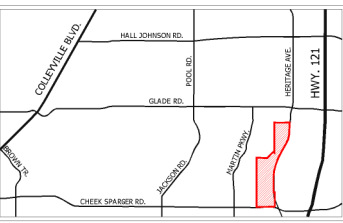
I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.



Signed: _____

This information is a Public Record

Phase Two Development Plan



Fence/Wall Type Locations



Legend

- 4' Concrete Sidewalk
- 5' Concrete Trail
- 10' Concrete Trail
- Flood Plain
- Open Space
- 70' Lots
- 50' Lots
- Commercial
- R.O.W. Dedication

FOR LEGAL DESCRIPTION OF PROPERTY, SEE ATTACHED FILE

Owner:
Harrington Family
7000 Cherry Bark Lane
North Richland Hills, TX 76182

Applicant:
Terra / Manna, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:

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

Site Data Summary Chart

Single Family Residential Lots	228
Commercial Lots	1
Common Areas	17
COMMERCIAL	
Commercial Sites	1.90 ac.
RESIDENTIAL	
Residential Lots	43.50 ac.
Open Space	30.51 ac.
R.O.W.	13.19 ac.
R.O.W. Dedication (on Heritage)	7.24 ac.
Total Residential	94.44 ac.
GROSS AREA	96.36 AC

Residential Lot Summary

Residential Lots	228
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,311 s.f.
Common Areas	17

L.U.D. / Zoning

Existing Zoning:	PUD-R
Proposed Zoning:	PUD-R

- Notes:**
- Planning Area A - Front Setbacks are 20', or 15' with a swing garage
 - Planning Area A - Rear Setbacks are 30' Typical
 - Planning Area A - Side Setbacks are 5'
 - Planning Area B - Front Setbacks are 20', or 15' with a swing garage
 - Planning Area B - Rear Setbacks are 10' Typical
 - Planning Area B -Side Setbacks can be a center-load 5' sideyard, 9'/1' or 10'/0'. (10' total, minimum between structures)
 - There will be no outside storage onsite
 - Open space lots & landscape easements will be maintained by the Homeowners Association (HOA).

Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC13-017

Zoning Case #ZC13-017

20 NOV 13

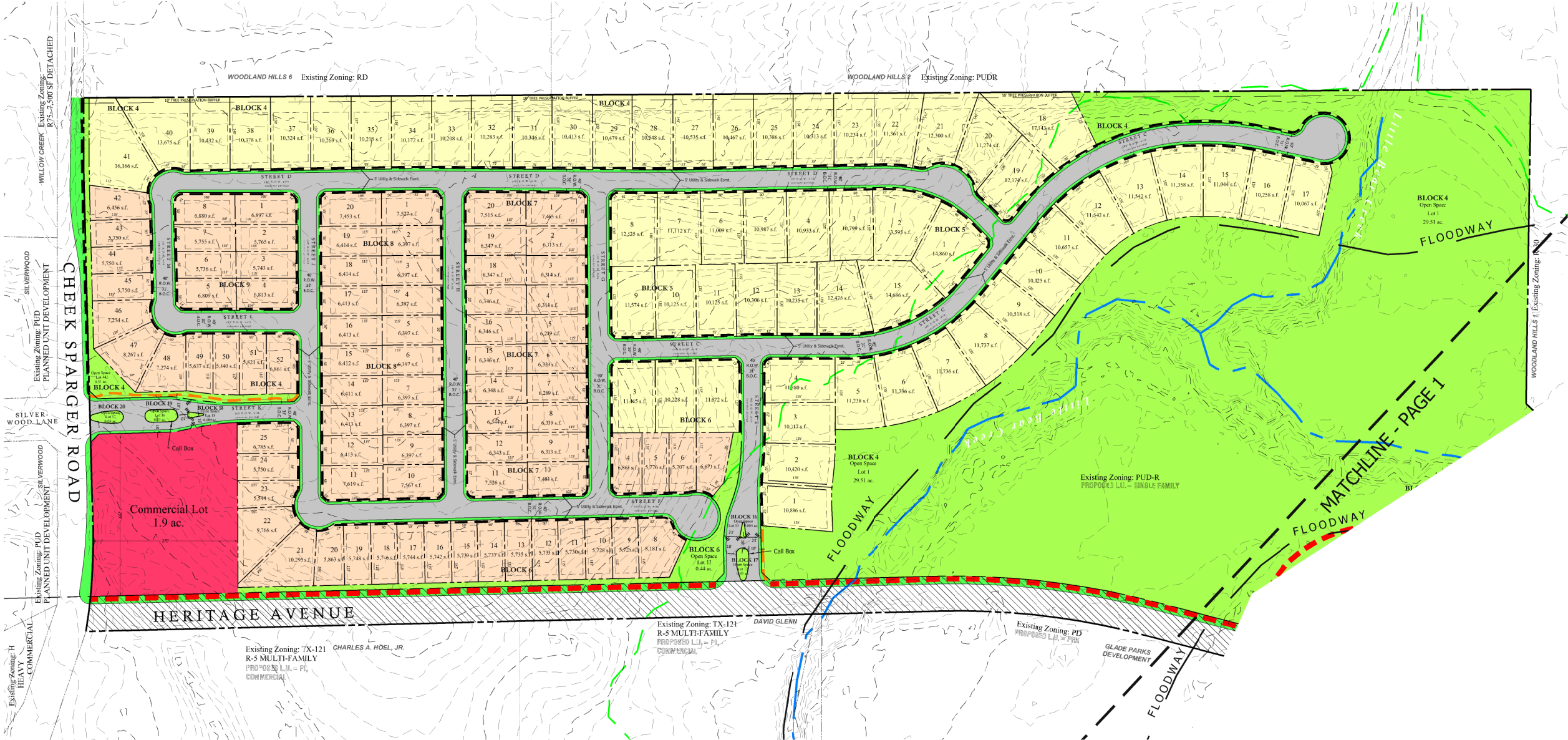
1" = 100'

0 100' 200' 400'

Phase 2 Development Plan

Creekside at Colleyville

Phase Two Development Plan



Legend

- 4' Concrete Sidewalk
5' Concrete Trail
10' Concrete Trail
Flood Plain

- ## Open Space

- 70' Lots

- 50' Lots

- Commercial

- ### R.O.W. Dedication

Site Data Summary Chart	
Single Family Residential Lots	228
Commercial Lots	1
Common Areas	17

COMMERCIAL	
Commercial Sites	1.90 ac.

RESIDENTIAL	
Residential Lots	43.50 ac.
Open Space	30.51 ac.
R.O.W.	13.19 ac.
R.O.W. Dedication (on Heritage)	7.24 ac.
Total Residential	94.44 ac.
GROSS AREA	96.36 AC

Residential Lot Summary

Residential Lots	228
Minimum Building Lot Area	5,000 s.f.
Average Building Lot Area	8,311 s.f.
Common Areas	17

L.U.D. / Zoning

Existing Zoning:	PUD-R
Proposed Zoning:	PUD-R

Notes:

- Planning Area A - Front Setbacks are 20', or 15' with a swing garage
- Planning Area A - Rear Setbacks are 30' Typical
- Planning Area A - Side Setbacks are 5'
- Planning Area B - Front Setbacks are 20', or 15' with a swing garage
- Planning Area B - Rear Setbacks are 10' Typical
- Planning Area B -Side Setbacks can be a center-load 5' sideyard, 9'1" or 10'0". (10' total, minimum between structures)
- There will be no outside storage onsite
- Open space lots & landscape easements will be maintained by the Homeowners Association (HOA).

Applicant:

Terra / Manna, L.L.C.
395 W. State Hwy. 114, Suite 300
Southlake, TX 76092
Contact: Paul Spain

Planner:

SAGE GROUP, INC.
Master Planning
Urban Design
Architecture
Landscape Architecture

1130 N. Carroll Ave., Ste. 200
Southlake, Texas 76092
TEL. 817-424-2626

20 NOV 13

$$1'' = 100'$$

0 100' 200' 400'

Phase 2 Development Plan

Creekside at Colleyville

Statement of Planning Objectives

Proposed PUD-R Amendment to a portion (Phase 2) of

Creekside at Colleyville

Colleyville, Texas – ZC13-017 Amend PUDR

November 20, 2013

Statement of Planning Objectives

This zoning amendment request concerns the remaining 96.36 acre portion (Phase 2) of the existing *Creekside at Colleyville* PUD-R, a proposed development along the west side of Heritage Avenue, from Glade Rd. south to Cheek-Sparger Rd. in Colleyville. This request is entirely consistent with the requirements contained within the existing PUD-R, and is intended to act as the “Detailed Site Plan” submission, as required by that ordinance. The Development Plan submitted herein is intended to generally represent the intended layout of streets, lots, commercial parcels and open space; allowing for some variation during Platting to accommodate final lot dimensions, detailed engineering design, and exact allocations for right-of-way, easements and other needs. No additional lots are being requested, nor are any changes to the Residential Lot Requirements, Setbacks and/or the other Development Standards contained within.

This phase will be developed by Terra/ Manna, LLC under the Planned Unit Development (PUD) regulations for residential development in the City of Colleyville. The property is currently occupied by open space and agricultural areas.

Except within Phase 1 (development of which is forthcoming), the surrounding area within Colleyville is fully developed. To the west is the existing Prestwick Park and Woodland Hills neighborhoods. To the east, in the City of Euless, is the existing “Heritage Town Crossing,” in the form of a Target store, additional future commercial development and the ongoing development of multi-family and single-family residential. To the south, in the City of Bedford, are fully developed single-family residential neighborhoods.

The subject tract is shown on the Future Land Use Plan as “Single Family Residential,” with “Retail” at the corner of Cheek-Sparger and Heritage. The Site Plan submitted with this request is consistent with the Commercial/Single Family mix shown on the existing zoning concept plan.

Naturally, the property is divided by tributaries to and the main channel of Little Bear Creek, which runs generally from the west to the east through the center of the site. The entire site generally drains towards Little Bear Creek. We believe the drainage outfall is sufficient to accommodate all drainage from this development without any negative effect on downstream properties. A full drainage study will be prepared prior to construction.

Quality and compatibility with the adjacent residential, as well as the rest of Colleyville is essential, and we have designed this proposal with those goals in mind.

The residences planned for this portion of *Creekside at Colleyville* will be very upscale, with selling prices estimated to range between \$450,000 to over \$700,000. The

Statement of Planning Objectives

development will have as its focal point, and feature, a central drainage and open space corridor through the center of the site. As in most of our projects, the focus on the open spaces, the carefully thought-out classic and timeless improvements, and quality features included in their development convey a sense of quality and exclusivity and help to make the neighborhood a desired place to live, and will add to the image of Colleyville as a high quality community and environment. The main project entries, from Heritage Avenue, will lead the visitor directly toward this open space feature. The southern entry, from Cheek-Sparger Road, is positioned to be directly across from Silverwood Lane, an entry to a residential neighborhood on the south side of Cheek-Sparger Road, in Bedford.

The entry roads are all planned to be gated, with enough room to accommodate visitors as well as residents. We propose to build the normal Colleyville street section of 31' (back of curb to back of curb), in a 40' wide Private Street Lot with 5' utility and sidewalk easements on the adjacent lots. The Commercial site at the corner of Heritage Avenue and Cheek-Sparger Road will gain access from those streets.

Phase 1 of this development included a 10' concrete trail along the Heritage Road frontage. Phase 2 will connect to and continue that trail south along the Heritage Avenue frontage, and make a connection to the west, along the north side of the Little Bear Creek open space corridor, in compliance with the *Supplemental Sidewalk Map and Colleyville Pathways Plan*. Internal sidewalks shall be built in front of all Residential Lots within the development, as well as other supplemental sidewalks as shown on the Phase 2 Development Plan.

There will be a requirement of street trees for every residential lot to be installed by the home builders (one in each 50' Lot, two in each 70' Lot), adjacent to the street rights of way, as well as trees in each rear yard (one in each 50' Lot, two in each 70' Lot). To encourage pedestrian activity in the neighborhood, sidewalks will be built along the front of each lot, as well as other open space trails and sidewalks shown on the Development Plan. All facilities with the Open Space areas will be owned and maintained by either the *Creekside at Colleyville* Homeowners Association (for the residential portion) or the *Creekside at Colleyville* Property Owners Association (for the Commercial Owners).

The scale and orientation of the development has been designed to have an inviting visual flow with the existing neighborhoods and surrounding uses. The design criteria of the homes will create high quality designed homes in keeping with both the immediate neighborhood and Colleyville as a whole.

Development Schedule

This portion of *Creekside at Colleyville* may be developed in multiple phases, with initial development commencing upon the successful completion of the zoning and platting and the subsequent approval of the final plat and engineering plans. Construction of homes is anticipated to start immediately upon completion of the subdivision's infrastructure.

Statement of Planning Objectives

Economic Development Information

This phase of *Creekside at Colleyville* will have a total of two hundred twenty eight (228) homes, each with an average estimated value upon completion of approximately \$450,000 to over \$700,000, resulting in an overall tax base of \$125,400,000, based on a \$550,000 estimated average. At the current tax rate of 2.694677%, the total taxes generated from the residential in this development are projected to be \$3,279,000, with \$467,000 generated directly for the City. In addition, the 1.9 acre Commercial parcel should add to that total, and perhaps also contribute sales taxes.

Development Standards

- Permitted Land Uses:**
- 1) Commercial: Uses permitted in the following zoning districts that are; 1) either State of Texas sales tax generating businesses, or 2) professional offices: CN-Neighborhood Commercial zoning district, the CC-1-Village Retail zoning district and the CC2- Shopping Center zoning district.
 - 2) Single Family Residences, Detached

Residential Lot Requirements and Setbacks:

Residential lot requirements and setbacks shall comply with the following minimum provisions. Planning Area “A” refers to lots adjacent to the far western property line.

Planning Area “A”

- | | |
|----------------------------|--|
| a. Minimum Lot Size | 9,000 square feet |
| b. Minimum Lot Width | 70 feet |
| c. Minimum Lot Depth | 120 feet |
| d. Front Building Line | 20 feet; or 15 feet for a front swing garage |
| e. Side Building Line | 5 feet |
| f. Rear Building Line | 30 feet |
| g. Maximum Building Height | 40 feet |
| h. Maximum Lot Coverage | 65% |

Planning Area “B”

- | | |
|----------------------------|--|
| a. Average Lot Size | 5,500 square feet |
| b. Minimum Lot Size | 5,000 square feet |
| c. Minimum Lot Width | 50 feet |
| d. Minimum Lot Depth | 105 feet |
| e. Front Building Line | 20 feet; or 15 feet for a front swing garage |
| f. Side Building Line | 5 feet, or 0/10 or 1/9 feet with a 10 foot minimum between buildings |
| g. Rear Building Line | 10 feet |
| h. Maximum Building Height | 40 feet |
| i. Maximum Lot Coverage | 65% |

Statement of Planning Objectives

Open Space and Landscape Buffer

- a. A 10 foot wide landscape buffer shall be designated along the entire western property line. No structures may be constructed within the landscape buffer. The landscape buffer shall be incorporated in the rear yards of lots within Planning Area “A” that adjoin that property line. Such landscape buffer is not an open space lot. Chapter 5 of the Land Development Code applies to this landscape buffer in particular and the development as a whole. In addition, the Section 5.9 Tree Replacement Requirements shall apply to any replacement tree greater than three (3) inches in diameter which is substantially damaged or which dies within two (2) years of final inspection.
- b. Open Space Lots shall be maintained by the Homeowners Association.
- c. The following amenities are permitted in the open space lots: picnic tables, benches, playground equipment, concrete and crushed granite walking paths, a gazebo, an arbor, other garden type built environments including a fireplace, fountains, lights and a dock and pier. These amenities shall be owned and maintained by the Homeowners Association.

Fencing:

Wood fencing between lots is permitted. All front elevation fences, from the front of the house to the side property line, shall be open style fencing of decorative metal, and/or masonry. All lots backing to the Common Open Space shall be open style fencing of decorative metal, and/or Masonry. Where lots back to existing residential lots, the existing fence shall be kept, maintained or improved in coordination with each owner. Where open space lots border adjacent properties, either the existing fence will be maintained or improved, or a decorative metal fence will be installed, all in cooperation with the adjacent property owner. There shall be an 8' Masonry Wall installed along the rear lot lines of all residential lots backing to Heritage Avenue and Cheek-Sparger Road, and where lots back to the Commercial sites. All other fencing shall be as shown on the Phase 2 Development Plan.

Streetscape Standards:

Minimum of two (2) three to four-inch (3-4”) caliper trees per front and rear yards of the 70' lots and one (1) three to four inch (3-4”) caliper tree per front and rear yards of the 50' lots. Fully landscaped and sprinklered front and rear yard within sixty days of completing a house.

Front Yard Maintenance:

The Front Yards of all residential lots shall be maintained by the *Creskide at Colleyville* Homeowners Association in a consistent, high quality manner. Dues shall be collected from all Homeowners to pay for this maintenance.

Statement of Planning Objectives

Street Design Standards:

Private Street ROW: Forty feet (40')
Travel Lane Width: Thirty-one foot (31'), back of curb to back of curb
Turning Radii: Twenty feet (20')

Open Space Standards:

The Common Open Space shall be either left natural (where disturbance and irrigation may harm existing trees) or fully landscaped and irrigated with a combination of trees and shrubbery pursuant to an approved landscape plan. The Common Open Space shall be owned and operated by either the Homeowners Assoc. or the Property Owners Assoc., which shall have a mandatory membership of all property owners and shall collect dues in amounts satisfactory to maintain the Common Open Space. The Associations shall have fine and lien rights as permitted by law to enforce compliance with the rules of the association.

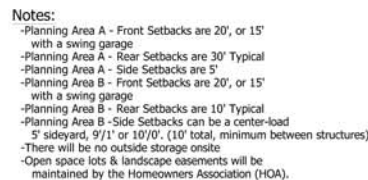
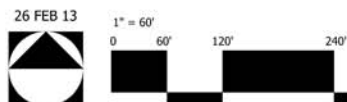
Signage:

Monument and/or wall signs identifying the subdivision shall be built at each entry.

Phase 1 Development Plan

Zoning Case #ZC12-031

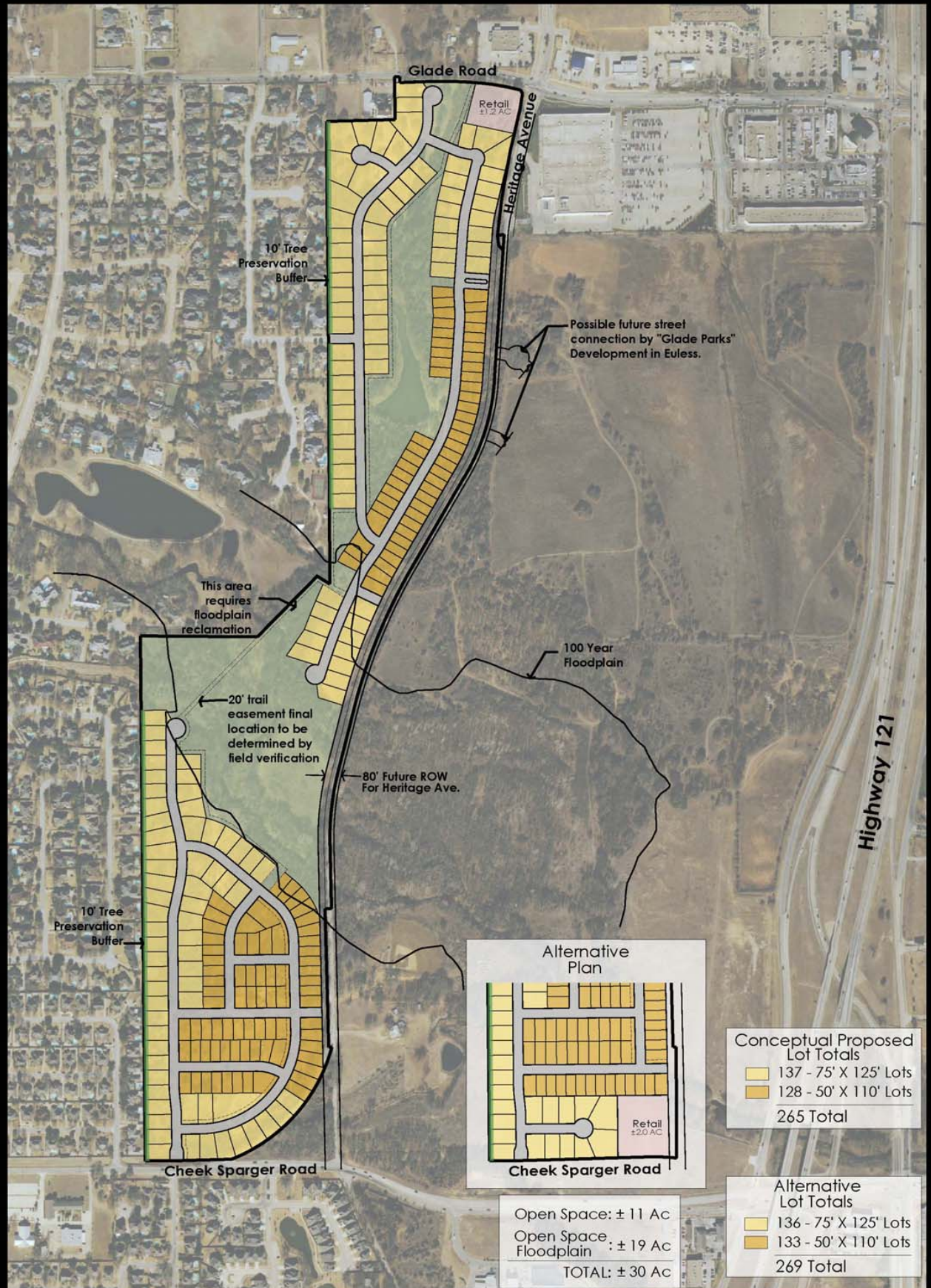
Colleyville, Tarrant County, Texas



Zoning Exhibit for
Zoning Change Request
For PUD-R Amendment
Case # ZC12-031

Zoning Case #ZC12-031

Original 2007 Conceptual Site Plan



Color Exhibit

Creekside at Colleyville

Colleyville, Texas

November 09, 2007

Drawing name: D:\P\00\000000\Glade\000000\11_07_07\0110707_AltAlternative_8_revised.dwg

Plot scale: 1"=50'



NOTE: this plan is diagrammatic only and is intended to show potential configurations. The plan is only conceptual and is not based upon a detailed survey of existing site conditions such as property lines, subsurface conditions, limits of trees, topography, utilities, easements, etc. January 15, 2007

CarterBurgess

ORDINANCE O-07-1645

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 108.5 ACRES OUT OF THE ELIZABETH COX SURVEY, ABSTRACT 352, THE JOHN H. HAVENS SURVEY, ABSTRACT 685, THE JESSE DOSS SURVEY, ABSTRACT 441, AND THE S.C.H. WITTEN SURVEY, ABSTRACT 1734, FROM THE AG-AGRICULTURAL ZONING DISTRICT TO PUDR-PLANNED UNIT DEVELOPMENT RESIDENTIAL ZONING DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for a rezoning under Case No. Z-07-008; 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 enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the 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 Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after

holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance by reference as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning on 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 from the AG-Agricultural zoning district to PUDR-Planned Unit Development Residential zoning district, as depicted on Exhibit "A" labeled Location and Zoning Map and as described on Exhibit "B" labeled Legal Description.
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUDR is for a single-family residential development of detached dwelling units, constructed at a gross maximum density of 2.4 dwelling units per acre. There shall be no more than 269 single-family residential lots.
- b. Commercial lots shall be permitted along the frontage of Heritage Avenue.
- c. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where specifically amended by this Ordinance.

2. CONCEPTUAL PLAN, SITE PLAN, AND PLATTING

- a. The development shall be generally consistent with this Ordinance and the Conceptual Site Plan, labeled as Exhibit "C", which shall not be

considered a plat. The developer shall submit and receive approval from the City for any amendment to the Site Plan in accordance with the phasing of the development of any portion of this PUDR. A detailed Site Plan submission shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with this Ordinance, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s) shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

- b. The developer shall submit and receive approval from the City, a Preliminary and Final Plat in accordance with the requirements of the Land Development Code prior to development of this PUDR.

3. PERMITTED USES

- a. Single-family residences, detached.
- b. All commercial properties shall allow only uses permitted in the following zoning districts that are; (1) either State of Texas sales tax generating businesses, or (2) professional offices: CN-Neighborhood Commercial zoning district, the CC1-Village Retail zoning district and the CC2-Shopping Center zoning district.

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Residential lot requirements and setbacks shall comply with the following provisions. Planning Area "A" refers to lots adjacent to western property line.

Planning Area "A"

- | | |
|----------------------------|--|
| a. Minimum Lot Size | 9,000 square feet |
| b. Minimum Lot Width | 70 feet |
| c. Minimum Lot Depth | 120 feet |
| d. Front Building Line | 20 feet; or 15 feet for a front swing garage |
| e. Side Building Line | 5 feet |
| f. Rear Building Line | 30 feet |
| g. Maximum Building Height | 40 feet |
| h. Maximum Lot Coverage | 65% |

Planning Area "B"

a. Average Lot Size	5,500 square feet
b. Minimum Lot Size	5,000 square feet
c. Minimum Lot Width	50 feet
d. Minimum Lot Depth	105 feet
e. Front Building Line	20 feet; or 15 feet for a front swing garage
f. Side Building Line	0, 1 or 9 feet with a 10 foot minimum between buildings
g. Rear Building Line	10 feet
h. Maximum Building Height	40 feet
i. Maximum Lot Coverage	65%

5. OPEN SPACE AND LANDSCAPE BUFFER

- a. A 10 foot wide landscape buffer shall be designated along the entire western property line. No structures may be constructed within the landscape buffer. The landscape buffer shall be incorporated in the rear lots of Planning Area "A". Such landscape buffer shall is not an open space lot. Chapter 5 of the Land Development Code applies to this landscape buffer in particular and the development as a whole. In addition, the Section 5.9 Tree Replacement Requirements shall apply to any replacement tree greater than three (3) inches in diameter which is substantially damaged or which dies within two (2) years of final inspection.
- b. Open space lots shall be maintained by the Homeowners Association.
- c. The following amenities are permitted in the open space lots: picnic tables, benches, playground equipment, concrete and crushed granite walking paths, a gazebo, an arbor, other garden type built elements including a fireplace, fountains, lights and a dock and pier. These amenities shall be owned and maintained by a homeowners association.

6. PRIVATE SIDEWALKS AND STREETS

- a. A ten (10) foot wide concrete trail approximately 1.2 miles long shall be constructed on-site along with all other public improvements as part of this development between Glade Road and Cheek Sparger Road and prior to the time of Final Plat. The City Manager or his designee may approve a reduced trail width of eight (8) feet if necessary based upon topographic, landscape, or other issues. Such trail shall be included as part of any Site Plan submittal, and shall be consistent with the City's then existing Master Trail Plan.

7. SCREENING

- a. An eight (8) foot masonry wall shall be built between any commercial and residential lots.
- b. An eight (8) foot masonry wall shall be built along the perimeter of the subdivision along Heritage Avenue, Glade Road and Cheek Sparger Road. The design for such wall shall be stamped and sealed by a licensed engineer. The standards and detail for such wall shall be included as part of the detailed Site Plan.
- c. Perimeter fencing along Heritage Avenue shall only be required immediately adjacent to lots, and not be required along where floodplain or open space is adjacent to Heritage Avenue.

8. OTHER

- a. Ingress and Egress from Winewood Place shall be restricted to access by emergency vehicles only.
- b. The number of lots allowed with frontage on a cul-de-sac street shall adhere to the requirements of the Land Development Code.
- c. The portion of the development located south of Little Bear Creek shall have a minimum of two (2) points of public vehicular ingress and egress from Cheek Sparger Road and/or Heritage Avenue.
- d. There shall be no direct access onto Glade Road from this development.
- e. There shall be no single family uses allowed adjacent to Heritage Avenue where there are, as of the passage of this ordinance, existing commercial uses directly across Heritage Avenue within the City of Eules.
- f. Retaining walls that are adjacent to residential lots shall be constructed with a stone facade.

Sec. 5. 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 specifically amended herein.

Sec. 6. 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. 7. 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. 8. 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. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16th day of October 2007.

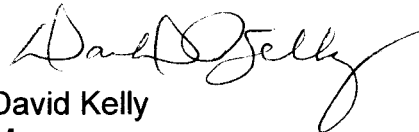
The second reading and public hearing being conducted on the 6th day of November 2007.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" Location and Zoning Map

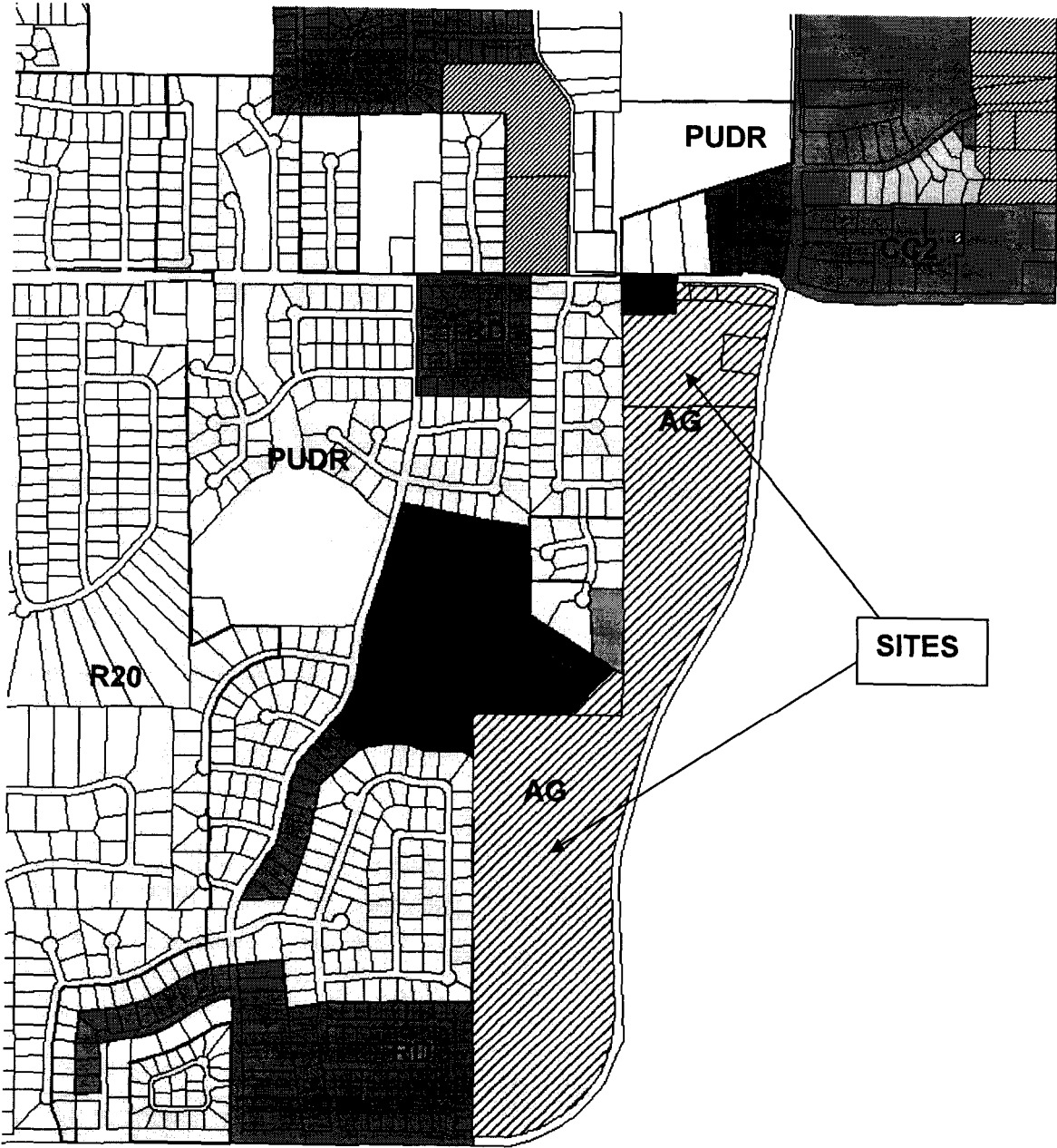


Exhibit "B" Legal Description

**CREEKSIDE AT COLLEYVILLE (PUD-R)
108.5 ACRE ZONING TRACT**

BEING A 108.5 ACRE TRACT OF LAND SITUATED IN THE ELIZABETH COX SURVEY, ABSTRACT NO. 352, THE JOHN H. HAVENS SURVEY, ABSTRACT NO. 685, THE JESSE DOSS SURVEY, ABSTRACT NO. 441 AND THE S.C.H. WITTEN SURVEY, ABSTRACT NO. 1734, CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS. SAID 108.5 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT NEAR THE INTERSECTION OF THE CENTERLINE OF GLADE ROAD AND THE INTERSECTION OF;

THENCE S 09°46'23" W, OVER AND ACROSS SAID GLADE ROAD AND HERITAGE AVENUE, A DISTANCE OF 99.73 FEET TO A POINT FOR CORNER IN THE EAST RIGHT-OF-WAY (R.O.W.) LINE OF SAID HERITAGE AVENUE;

THENCE ALONG THE EAST LINE OF SAID HERITAGE AVENUE THE FOLLOWING COURSES AND DISTANCES;

S 12°21'40" W, A DISTANCE OF 447.71 FEET TO A POINT FOR CORNER;

S 05°25'11" W, A DISTANCE OF 195.30 FEET TO A POINT FOR CORNER;

S 04°21'00" W, A DISTANCE OF 720.00 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 27°31'41", A RADIUS OF 1121.05 FEET, AN ARC LENGTH OF 538.62 FEET, A CHORD BEARING OF S 17°31'00" W, AND A CHORD LENGTH OF 533.45 FEET TO A POINT FOR CORNER;

S 30°41'03" W, A DISTANCE OF 515.89 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 15°51'46", A RADIUS OF 2840.34 FEET, AN ARC LENGTH OF 786.37 FEET, A CHORD BEARING OF S 22°45'00" W, AND A CHORD LENGTH OF 783.86 FEET TO A POINT FOR CORNER;

S 14°48'57" W, A DISTANCE OF 308.22 FEET TO A POINT FOR CORNER;

ALONG A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 16°05'15", A RADIUS OF 1407.20 FEET, AN ARC LENGTH OF 395.12 FEET, A CHORD BEARING OF S 06°46'30" W, AND A CHORD LENGTH OF 393.82 FEET TO A POINT FOR CORNER;

S 00°46'00" E, A DISTANCE OF 772.57 FEET TO A POINT FOR CORNER;

RECEIVED

FEB 06 2007

Per

ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 70°04'32", A RADIUS OF 843.50 FEET, AN ARC LENGTH OF 1031.64 FEET, A CHORD BEARING OF S 33°59'27" W, AND A CHORD LENGTH OF 968.53 FEET TO A POINT FOR CORNER AT THE INTERSECTION OF THE NORTH R.O.W. LINE OF CHEEK SPARGER ROAD;

THENCE S 89°18'56" W, ALONG THE NORTH R.O.W. LINE OF SAID CHEEK SPARGER ROAD, A DISTANCE OF 437.70 FEET TO A POINT FOR THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED AS PACEL 1 IN DEED TO SPARGER FAMILY LIMITED PARTNERSHIP RECORDED IN VOLUME 16472, PAGE 390 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS (D.R.T.C.T.);

THENCE N 00°01'23" W, ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 2658.46 FEET TO A POINT FOR THE NORTHWEST CORNER OF SAID PARCEL 1;

THENCE S 89°02'53" E, ALONG THE NORTH LINE OF SAID TRACT 1, A DISTANCE OF 549.10 FEET TO A POINT FOR CORNER;

THENCE LEAVING THE NORTH LINE OF SAID PARCEL 1 THE FOLLOWING COURSES AND DISTANCES;

N 44°32'16" E, A DISTANCE OF 504.74 FEET TO A POINT FOR CORNER;

S 58°08'37" E, A DISTANCE OF 82.37 FEET TO A POINT FOR CORNER IN THE WEST LINE OF A CALLED 136.34 ACRE TRACT OF LAND DESCRIBED IN DEED TO SPARGER FAMILY LIMITED PARTNERSHIP PARTNERSHIP RECORDED IN VOLUME 16472, PAGE 390 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS (D.R.T.C.T.);

THENCE N 00°39'20" E, ALONG SAID WEST LINE, A DISTANCE OF 541.65 FEET TO A POINT FOR CORNER;

THENCE N 00°15'08" E, A DISTANCE OF 443.19 FEET TO A POINT FOR CORNER;

THENCE N 00°28'33" W, A DISTANCE OF 1306.92 FEET TO A POINT FOR CORNER;

THENCE S 89°50'41" E, A DISTANCE OF 344.46 FEET TO A POINT FOR CORNER;

THENCE N 00°09'51" W, A DISTANCE OF 225.22 FEET TO A POINT FOR CORNER;

THENCE N 88°42'20" E, A DISTANCE OF 22.07 FEET TO A POINT FOR CORNER;

THENCE S 00°27'31" E, A DISTANCE OF 28.94 FEET TO A POINT FOR CORNER;

THENCE N 89°23'34" E, A DISTANCE OF 195.12 FEET TO A POINT FOR CORNER;

THENCE ALONG A CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 13°35'47", A RADIUS OF 1587.18 FEET, AN ARC LENGTH OF 376.64 FEET, A CHORD BEARING OF S 84°20'11" E, AND A CHORD LENGTH OF 375.76 FEET TO A POINT FOR CORNER;

THENCE S 76°13'22" E, A DISTANCE OF 105.52 FEET TO THE POINT OF BEGINNING, AND CONTAINING 108.5 ACRES OF LAND, MORE OR LESS.

I:\SLO\02421300\ORA\Craigslist\Collegiate\ColCol02.doc, 11/9/2007 10:10 AM, Maritz, John



ORDINANCE O-13-1866

AN ORDINANCE AMENDING ORDINANCE O-07-1645 CONDITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-07-1645 on November 27, 2007, to establish the zoning of 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, The John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 under case Z07-0008; and

WHEREAS, the applicant has requested an amendment to Ordinance O-07-1645 to further amend the commercial zoning requirements at the southwest corner of Glade Road and Heritage Avenue; to amend the trail location requirements within the development; and to submit a detailed site plan for 14.75 acres of the development per the requirements of Section 4(2)a under Ordinance O-07-1645, under Case ZC12-031; 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 enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the 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 Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and state law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-07-1645 conditions.
- Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending the zoning and development requirements on 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 as depicted on the attached Exhibit "A".
- Sec. 4. 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. 5. THAT the above described tract of land shall be subject to the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

- a. Exhibit "B" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a. A full size copy of the site plan shall be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan shall be kept in the plat file for this development. The phase one final plat shall be consistent with Exhibit "B".
- b. The remainder of the subject property within this PUD shall be required to submit a detailed site plan per Section 4(2)a of Ordinance O-07-1645 prior to the submission of a final plat.

2. GENERAL AMENDMENTS

- a. Sections 4(8) "d" and "e" of Ordinance O-07-1645 are hereby deleted.
- b. The maximum building height in this development shall not exceed 35 feet.
- c. The ten (10) foot wide concrete trail shown as Trail 24 on the 2005 City of Colleyville Pathways Plan map shall be constructed by the developer along the west side of Heritage Avenue prior to the acceptance of public improvements. Trail 24 must connect to all other trails noted on the 2005 Colleyville Pathways Plan.
- d. This development may be developed as a gated community with private streets in accordance with Chapter 10-Private Streets and Gate Entrances of the Land Development Code.
- e. The developer shall improve Heritage Avenue where it is adjacent to the development to the current standards of the Land Development Code and the Master Thoroughfare Plan at the time of development of the adjacent property. There shall be no option to escrow said construction costs as a perimeter street fee for future roadway improvements.

- Sec. 6. 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. 7. 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. 8. 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. 9. THAT all provisions of Ordinance O-07-1645 and the Land Development Code shall remain in full force and effect, except where amended herein.
- Sec. 10. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 19th day of February 2013.

The second reading and public hearing being conducted on the 5th day of March 2013.

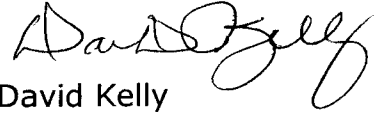
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 5th day of March 2013.

ATTEST:



Amy Shelley
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" -Location and Zoning Map

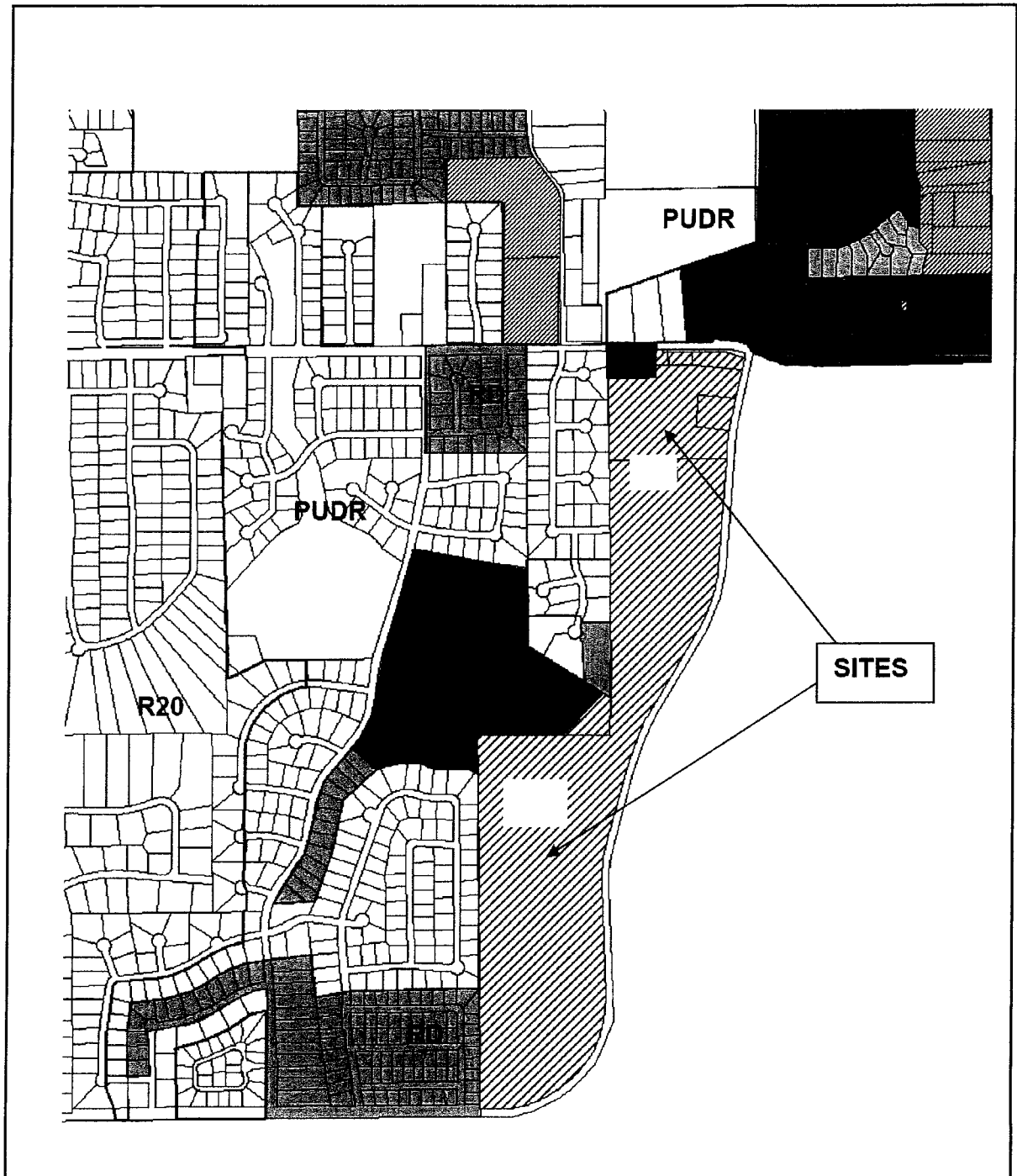
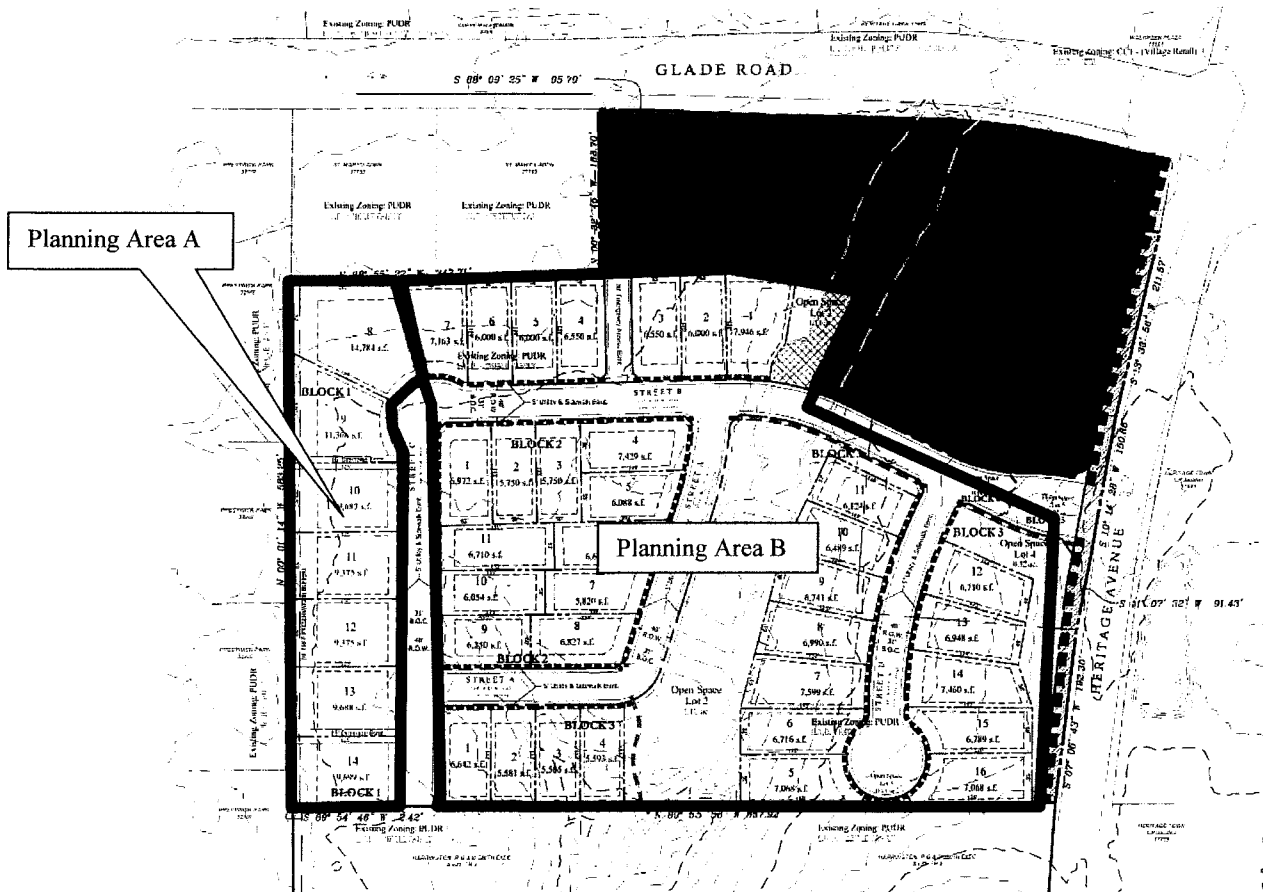


Exhibit "B" Detailed Site Plan



Boundary Adjustment - Ordinance O-12-1828

CITY OF COLLEYVILLE ORDINANCE NO. O-12-1828
CITY OF EULESS ORDINANCE NO. 1945
JOINT ORDINANCE AND BOUNDARY ADJUSTMENT AGREEMENT

STATE OF TEXAS §
§
COUNTY OF TARRANT §

WHEREAS, the City of Colleyville, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, the City of Euless, Texas is a home rule municipality located within Tarrant County; and

WHEREAS, pursuant to the authority granted in Section 43.031 of the Texas Local Government Code, as amended, adjacent municipalities may make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

WHEREAS, Colleyville and Euless are adjacent; and

WHEREAS, "Tract A", as described and depicted in **Exhibit A**, which is attached hereto and incorporated herein by reference, is uninhabited and is less than 1,000 feet in width; and

WHEREAS, Colleyville and Euless desire to identify mutually agreeable corporate boundaries between the two communities; and

WHEREAS, Colleyville and Euless, in the true spirit of governmental cooperation, intend this Joint Ordinance and Boundary Adjustment Agreement to reflect sound growth management principles and interregional planning.

NOW THEREFORE, BE IT ORDAINED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE AND THE CITY COUNCIL OF THE CITY OF EULESS:

SECTION 1.

The findings set forth above are incorporated into the body of this ordinance and agreement as if fully set forth herein.

SECTION 2.

Pursuant to Section 43.031 of the Texas Local Government Code, Tract A, as described and depicted in **Exhibit A**, shall be released from the corporate boundaries of Euless and simultaneously incorporated into the corporate boundaries of Colleyville.

SECTION 3.

The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this ordinance and agreement. The parties agree that exclusive venue shall lie in Tarrant County, Texas for any dispute arising out of this ordinance and agreement. Before a suit is filed by either party based on or pertaining to this ordinance and agreement, the parties agree that they will submit the dispute for mediation, pursuant to the procedure described in Section 154.023 of the Texas Civil Practice and Remedies Code, as amended.

SECTION 4.

The effective date of this ordinance and agreement shall be the last day this ordinance and agreement is approved by a party hereto as indicated on the signature blocks below.

SECTION 5.

Either party may file a certified copy of this ordinance and agreement in the real property records of Tarrant County, Texas.

SECTION 6.

It is expressly understood and agreed that, in the execution of this ordinance and agreement, no party waives, nor shall be deemed hereby to have waived, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By approving this ordinance and agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this ordinance and agreement shall not create any rights in parties not signatories hereto.

SECTION 7.

This ordinance shall be cumulative of all provisions of ordinances of the cities of Colleyville, Texas, and Euless, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 8.

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

SECTION 9.

Should this ordinance and agreement for any reason be ineffective as to any part of the area hereby incorporated into the City of Colleyville, such ineffectiveness of this ordinance and agreement as to any such part or parts of any such area shall not affect the effectiveness of this ordinance and agreement as to the remainder of such area. The Colleyville City Council hereby declares it to be its purpose to include as part of the City of Colleyville every part of the area described in Exhibit A of this ordinance and agreement, regardless of whether any part of such described area is hereby not effectively annexed into the City. Provided, further, that if there is included within the general description of territory set out in Exhibit A of this ordinance and agreement to be hereby annexed into the City of Colleyville any lands or area which are presently part of and included within the limits of the City of Colleyville, or which are presently part of and included within the limits of any other city other than the City of Euless, or which are not within the City of Colleyville's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 10.

The City of Euless and the City of Colleyville do hereby covenant and agree to protect, preserve and defend the herein described boundary adjustments.

SECTION 11.

This Joint Ordinance and Boundary Adjustment Agreement, upon adoption by both cities, shall be executed in duplicate originals by the Mayor of each City.

APPROVED by the City Council of The City of Colleyville, Texas, at its meeting held on the 20th day of March 2012.

CITY OF COLLEYVILLE, TEXAS

By: David Kelly
David Kelly, Mayor

ATTEST:

By:

Cynthia Singleton, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Matthew C.G. Boyle
Matthew C.G. Boyle, City Attorney

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the 28 day of February 2012, by a vote of 5 ayes, 0 nays and 0 abstentions.

CITY OF EULESS

By: Mary Lib Saleh
Mary Lib Saleh, Mayor

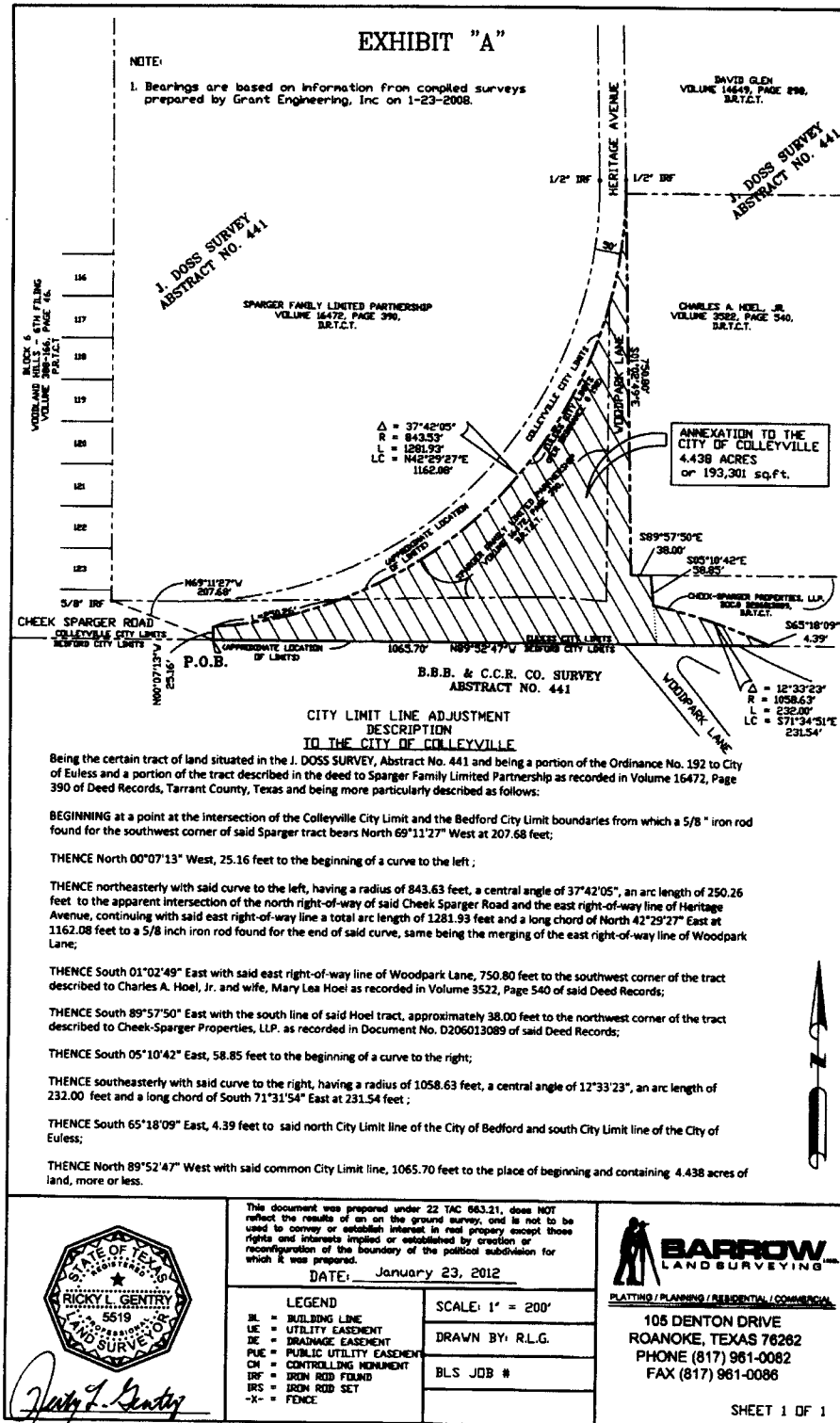
ATTEST:

By: Kim Sutter
Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

By: Wayne K. Olson
Wayne K. Olson, City Attorney

EXHIBIT A "TRACT A"



Small Lot Development Comparison Chart - 1996 to 2013

Subdivision Name	Total Lots	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Minimum Lot Size (square feet)	Average Lot Size (square feet)	Maximum Lot Coverage	Master Plan Density - Dwelling Units Per Acre *	Land Development Code Density - Dwelling Units Per Acre **	Total Acres	Open Space	Approval Date	Ordinance
Spring Garden	45	36	70	2,520	2,700	90%	8	16.1	5.4	31.3%	12.17.96	O-96-1052
Villas of Caldwell Creek	43	59	115	6,594	7,408	50%	3.7	5.9	11.6	18.3%	4.1.97	O-97-1062
Bridges at Riverwalk	32	56	106	6,001	6,479	50%	3	6.7	10.0	24.0%	12.21.99	O-99-1192
Riverwalk at Colleyville	53	60	115	6,331	7,666	50%	3.2	5.7	20.0	20.0%	4.4.00	O-00-1210
Rosewood Villas	53	59	110	6,482	6,899	60%	3.6	6.3	14.8	21.4%	8.8.01	O-01-1286
Emerald Park	72	60	120	7,200	7,508	50%	3.5	5.8	20.2	19.6%	10.1.02	O-02-1366
Tiffany Park	25	60	100	7,200	7,580	50%	3.5	5.7	7.2	20.0%	10.21.03	O-04-1487
Tuscany	35	60	110	6,600	7,878	50%	3.9	5.5	8.8	6.6%	2.17.04	O-04-1442
Cambridge Place	38	50	58	4,500	5,300	60%	4.2	8.2	9.0	22.0%	7.6.04	O-04-1467
Heritage Oaks	103	30/40	90	2,700/3,600	3,600	90% and 75%	4.6	12.1	22.9	25.0%	03.21.06	O-09-1715
Villas at Oak Pointe	74	30/56	90/95/115	2,700/6,440	5,000	90% and 58%	3.7	8.7	13.6	22.0%	08.02.06	O-06-1584
Copperglen	22	55	105	5,924	6,650	65%	3.9	6.6	5.6	20.0%	10.17.06	O-06-1595
Villas of Colleyville	67	59	115	6,655	8,936	60%	3.4	4.9	19.8	21.0%	08.21.07	O-07-1627
Enclave at Arbor Estates	16	65	120	8,700	9,350	50%	2.9	4.7	5.6	19.3%	09.18.07	O-07-1634
Somerset Manor	77	50/60	100/110	5,000/6,600	6,000	50%	4	7.3	18.2	20.3%	05.05.08	O-08-1672
Ivy Glen	10	55	110	5,890	8,200	65%	3.4	5.3	3.0	20.0%	03.05.13	O-13-1864
The Preservation	36	60	140	8,500	9,170	50%	3	4.7	12.0	23.0%	05.14.13	O-13-1867
Heron Pond	49	60	120	7,000	7,800	65%	3.2	5.6	15.4	22.0%	11.19.13	O-13-1894
Average	47	57	107	6,350	6,896	57%	3.8	7.0	12.4	20.9%		
Creekside at Colleyville	269	50	105	5,000	7,257	65%	2.4	6.0	108.5	20.0%	11.27.07	O-07-1645

* Master Plan Density is calculated by dividing the total units in the development by the total acreage of the development

** Land Development Code Density is calculated by dividing the total units in the development by the total development acreage minus open space and right-of-way acreage



Preliminary Traffic Impact Analysis - Carter & Burgess



TECHNICAL MEMO

DATE: January 22, 2007

TO: Mr. Chris Fuller
Development Coordinator with the City of Colleyville

FROM: Jason Knesek, P.E.

SUBJECT: Preliminary Traffic Impact Analysis - Creekside at Colleyville

Mr. Fuller:

Carter & Burgess, Inc. was hired by the Landstat, L.P. to perform a preliminary traffic impact analysis for the proposed Creekside at Colleyville in Colleyville, Texas as part of the requirements for a zoning change submittal. The analysis will estimate the projected traffic that will be generated by the development on the roadways adjacent to the development. This technical memorandum summarizes the findings of the analysis.

Development

The proposed Creekside at Colleyville is located on the west side of the existing Heritage Avenue between Glade Road and Cheek Sparger Road in the City of Colleyville, Texas. Heritage Avenue acts as the boundary between the City of Colleyville on the west and the City of Euless on the east. The proposed Creekside at Colleyville is divided into a northern section and southern section by the 100 year floodplain.

The primary access point for the northern section of the proposed Creekside at Colleyville is Glade Road with a secondary point of access through the adjacent residential development to the west. The northern section of the development is proposed to consist of 115 single family housing units, 31 townhouse units, and 1.2 acres of retail development. The southern portion of the proposed Creekside at Colleyville is accessed via two points on Cheek Sparger Road. The southern section of the development is proposed to consist of 115 single family housing units, 50 townhouse units, and 1.6 acres of retail development.

RECEIVED

FEB 06 2007

Per

Preliminary Traffic Impact Analysis - Carter & Burgess

Traffic Analysis

Trip generation rates for the 24-hour weekday, Weekday AM Peak, Weekday PM Peak, Saturday Peak hour, and Sunday Peak hour were obtained from the *ITE Trip Generation (7th edition)* manual for the types proposed in the Creekside at Colleyville. Based on engineering judgment, it is projected that 75% of the traffic generated by the proposed development will originate in or be destined for areas to the east of the proposed development while 25% of the traffic will originate in or be destined for areas to the west of the proposed development. Based on the size of the proposed development, the trip generation rates, and the projected trip distribution, **Table 1** summarizes the projected traffic that will be generated by the proposed Creekside at Colleyville on the roadways adjacent to the development. **Figure 1** depicts the projected traffic movements generated by the development at the Glade Road and Cheek Sparger Road access points.

Table 1. *Traffic Generated by the Proposed Creekside at Colleyville.*

Location	Time Period				
	Weekday 24-Hour	Weekday AM Peak	Weekday PM Peak	Saturday Peak	Sunday Peak
EB Glade - West of Development	244	8	28	27	21
WB Glade - West of Development	244	21	20	23	20
EB Cheek Sparger - West of Development	286	10	32	31	24
WB Cheek Sparger - West of Development	286	23	23	28	23

Preliminary Traffic Impact Analysis - Carter & Burgess

Conclusions

The traffic analysis indicates the following:

- The proposed Creekside at Colleyville is projected to generate less than 500 bi-directional vehicles during a typical weekday on the portions of Glade Road located west of the development.
- The proposed Creekside at Colleyville is projected to generate less than 50 bi-directional vehicles during the peak hours of operation on the portions of Glade Road located west of the development.
- The traffic generated by Creekside at Colleyville is not projected to warrant a traffic signal installation, a right-turn acceleration lane, nor a right-turn deceleration lane at the Glade Road access point.
- Dependent on the existing traffic volume on Glade Road, a left-turn deceleration lane may be warranted at the Glade Road access point.
- The proposed Creekside at Colleyville is projected to generate less than 600 bi-directional vehicles during a typical weekday on the portions of Cheek Sparger Road located west of the development. The proposed Creekside at Colleyville is projected to generate less than 60 bi-directional vehicles during the peak hours of operation on the portions of Cheek Sparger Road located west of the development.
- The traffic generated by Creekside at Colleyville is not projected to warrant a right-turn acceleration lane at the Cheek Sparger Road access point.
- Dependent on the existing traffic volume on Cheek Sparger Road, a traffic signal installation or a left-turn deceleration lane may be warranted at the Cheek Sparger Road access point.
- Based on the minimum requirements for auxiliary lanes established by TxDOT, the traffic projected by Creekside at Colleyville appears to warrant a right-turn deceleration lane at the Cheek Sparger access point.

Preliminary Traffic Impact Analysis - Carter & Burgess

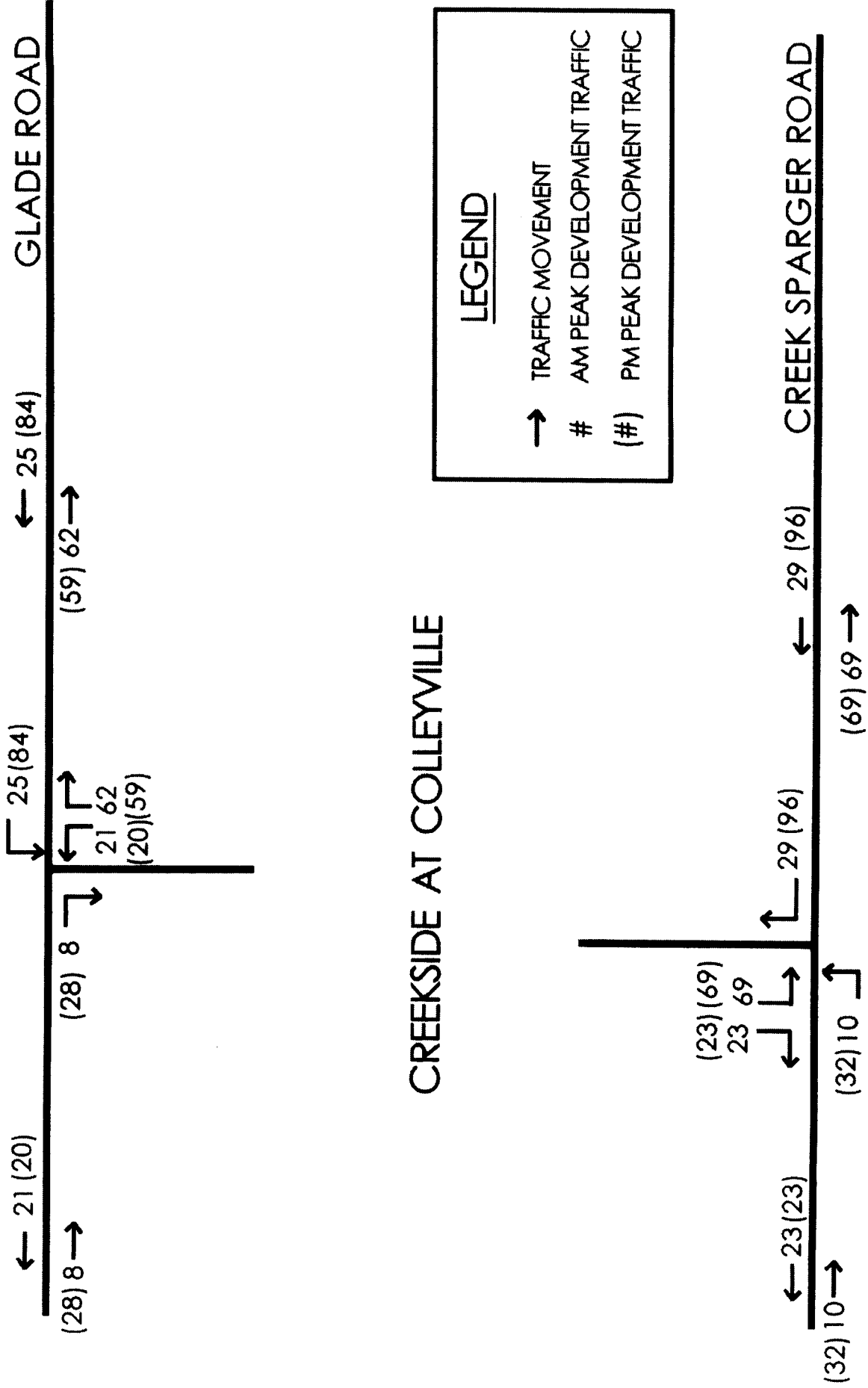
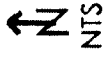


FIGURE 1
PROJECTED TRAFFIC MOVEMENTS
GENERATED BY CREEK SIDE AT COLLEYVILLE

Traffic Impact Analysis - Freese and Nichols



MEMORANDUM

TO: Steven Chutchian, P.E.
FROM: Chris Bosco, P.E.
SUBJECT: LOS Analysis – Heritage Avenue Intersections
DATE: October 25, 2007



The purpose of this memorandum is to document the additional intersection analysis for the intersections of Glade Road at Heritage Avenue and Cheek Sparger Road at Heritage Avenue. The following analysis is included in this memorandum.

- Level of Service (LOS) analysis of the intersection of Glade Road and Heritage Avenue.
- Level of Service (LOS) analysis of the intersection of Cheek Sparger Road and Heritage Avenue.
- Evaluation of the proposed Creekside north driveway location on Glade Road.

The background traffic used in this analysis was collected on May 2, 2007 for the Heritage Avenue traffic impact analysis dated June 5, 2007.

Intersection of Glade Road and Heritage Avenue

The existing intersection of Glade Road and Heritage Avenue is currently signalized. The intersection is also under construction; however the analysis of the Glade Road intersection is based on the completed intersection geometry and does not consider the current lane configuration during the construction of Glade Road. Refer to **Figure 1** for the proposed intersection lane configuration.

Traffic Impact Analysis - Freese and Nichols

Page 3 of 5

Table 2: Intersection of Glade Road and Heritage (Peak AM)
Background Traffic + Development Traffic

Intersection Analysis per Movement										
	EBL	EBT/R	WBL	WBT	WBR	NBL	NBT/R	SBL	SBT	SBR
Traffic Volume (vph)	315	467	84	250	426	48	271	205	10	84
Delay (s)	14.5	19.2	11.5	20.9	2.6	10	6.2	10.6	10.1	4.8
LOS	B	B	B	C	A	A	A	B	B	A
Intersection Measures of Effectiveness										
Ave. Delay (s)	11.9									
LOS	B									

Table 3: Intersection of Glade Road and Heritage (Peak PM)
Background Traffic Only (Existing Traffic)

Intersection Analysis per Movement										
	EBL	EBT/R	WBL	WBT	WBR	NBL	NBT/R	SBL	SBT	SBR
Traffic Volume (vph)	71	448	2	856	251	4	13	115	0	94
Delay (s)	9.8	14.2	9.5	22.5	2.6	10.5	13.7	10.5	10.5	4.1
LOS	A	B	A	C	A	B	B	B	B	A
Intersection Measures of Effectiveness										
Ave. Delay (s)	15.6									
LOS	B									

Table 4: Intersection of Glade Road and Heritage (Peak PM)
Background Traffic + Development Traffic

Intersection Analysis per Movement										
	EBL	EBT/R	WBL	WBT	WBR	NBL	NBT/R	SBL	SBT	SBR
Traffic Volume (vph)	73	467	254	856	251	41	154	115	15	97
Delay (s)	10.6	20.3	17.7	21.5	2.6	10.7	5.6	10.8	10.7	4.5
LOS	B	C	B	C	A	B	A	B	B	A
Intersection Measures of Effectiveness										
Ave. Delay (s)	15.9									
LOS	B									

Traffic Impact Analysis - Freese and Nichols

Page 4 of 5

Intersection of Heritage Avenue and Cheek Sparger Road

The intersection of Heritage Avenue and Cheek Sparger Road is currently a two way stop controlled intersection. The analysis of the post development condition was based on a two way stop controlled intersection with left turn lanes as recommended in the Heritage traffic impact analysis report. Based on the analysis of the intersection with the proposed development traffic the intersection will not operate at an acceptable level of service as a two way stop controlled intersection. The developer should conduct a traffic signal warrant study and contribute to the cost of a new traffic signal at the intersection of Heritage Avenue and Cheek Sparger Road. Refer to **Table 5** for the results of the analysis.

Table 5: Intersection of Heritage Avenue and Cheek Sparger Road
Stop Sign LOS Analysis

Stop Control Intersection Analysis				
	EB	WB	NB	SB
Peak AM Background Traffic				
Delay (s)	---	---	20.9	8.5
LOS	---	---	C	A
Peak AM Background Traffic + Development Traffic				
Delay (s)	---	---	34.3	234.4
LOS	---	---	D	F
Peak PM Background Traffic				
Delay (s)	---	---	10.9	19.7
LOS	---	---	B	C
Peak PM Background Traffic + Development Traffic				
Delay (s)	---	---	57.4	433.6
LOS	---	---	F	F

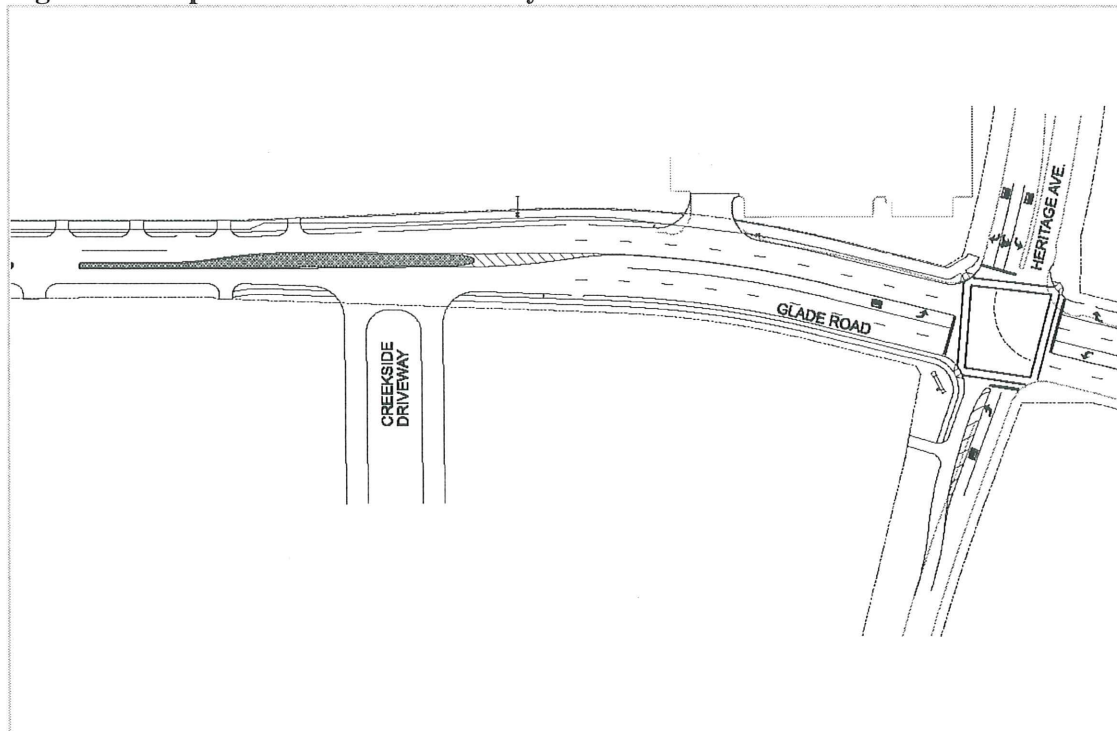
Glade Road Access Management

The proposed driveway location on Glade Road for the Creekside north development is located approximately 450 feet west of the Heritage intersection with Glade Road. This access point is located within the proposed median location for Glade Road. Left turn access should not be permitted at this location because of the proximity to the median opening to the west and the left turn storage lane to the east. Access to Glade Road should be limited to a right-in / right-out configuration and shall include a raised island to prevent left turn movements. Refer to **Figure 2** for the proposed Creekside north driveway location on Glade Road.

Traffic Impact Analysis - Freese and Nichols

Page 5 of 5

Figure 2: Proposed Creekside driveway location



Conclusions

Based on the analysis presented in this memorandum the following conclusions were identified:

- The intersection of Glade Road and Heritage Avenue operates at an acceptable level of service with the additional traffic generated by the Creekside development.
- The intersection of Cheek Sparger Road and Heritage Avenue will not operate at an acceptable level of service as a two way stop controlled intersection. The developer should conduct a traffic signal warrant study and contribute to the cost of a new traffic signal at the intersection of Heritage Avenue and Cheek Sparger Road.
- Left turn access should not be permitted at Glade Road. Access to Glade Road should be limited to a right-in / right-out configuration and shall include a raised island to prevent left turn movements.

ORDINANCE O-13-1899

AN ORDINANCE AMENDING ORDINANCE O-07-1645 AND ORDINANCE O-13-1866 CONDITIONS AND AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING ON 4.4 ACRES LOCATED IN THE JESSE DOSS SURVEY AT THE NORTHWEST CORNER OF CHEEK-SPARGER ROAD AND HERITAGE AVENUE FROM THE AG-AGRICULTURAL DISTRICT TO THE PUD-R-PLANNED UNIT DEVELOPMENT RESIDENTIAL DISTRICT; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-07-1645 on November 27, 2007, to establish the zoning of 108.5 acres out of the Elizabeth Cox Survey, Abstract 352, the John H. Havens Survey, Abstract 685, the Jesse Doss Survey, Abstract 441, and the S.C.H. Witten Survey, Abstract 1734 under case Z-07-008; and

WHEREAS, the City Council approved Ordinance O-13-1866 on March 5, 2013, amending Ordinance O-07-1645 conditions and approving a detailed site plan for phase one of the development under case ZC12-031; and

WHEREAS, the applicant has requested an amendment to Ordinance O-07-1645 and Ordinance O-13-1866 and requests to rezone 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and Heritage Avenue, acquired from the City of Euless in a boundary adjustment approved under Ordinance O-12-1828, so as to incorporate the property into the PUD authorized by Ordinance O-07-1645 under Case Z-07-008 and approve a detailed site plan for phase two of the development; 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 enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the 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 Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-07-1645 and Ordinance O-13-1866.
- Sec. 3. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by changing the zoning of 4.4 acres located in the Jesse Doss Survey at the northwest corner of Cheek-Sparger Road and

Heritage Avenue from the AG-Agricultural District to the PUD-R-Planned Unit Development Residential District, as depicted in the attached Exhibit "A" and described in Exhibit "B".

- Sec. 4. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 5. THAT the above described tract of land shall be subject to the following conditions:

1. DETAILED SITE PLAN REQUIREMENT

- a. Exhibit "C" shall be deemed to satisfy the site plan requirements of Ordinance O-07-1645 Section 4(2)a and Ordinance O-13-1866 Section 5(1)b. A full size copy of the site plan shall be kept on file in the Community Development Department until the final plat is approved, at which time a copy of the detailed site plan shall be kept in the plat file for this development. The phase two final plat shall be consistent with Exhibit "C".

2. GENERAL AMENDMENTS

- a. Section 5(2)e of Ordinance O-13-1866 is hereby deleted.
- b. The developer may enter into a City/Developer Agreement with the City of Colleyville for any required public improvements, in conjunction with this development. Said agreement, if submitted, shall be approved and executed prior to the filing of the final plat for phase two of the development.
- c. A sidewalk waiver is hereby granted for the frontage along Lot 7, Block 2, shown as open space on Exhibit C.
- d. Prior to the issuance of a building permit for the 1.9 acre commercial tract shown at the southwest corner of the development on Exhibit C, the developer shall submit a detailed site plan which shall, at a minimum, meet the requirements of Section 3.23 J.K.6. of the Land Development Code, be consistent with Ordinance O-07-1645 and any subsequent amendments, and may also be required to show additional conditions provided in Section 3.23 M.b. of the Land Development Code. Further, such detailed site plan(s)

shall be considered as a legislative approval, subject to the sole discretion of the City Council upon the recommendation of the Planning and Zoning Commission.

- Sec. 6. 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. 7. 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. 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 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. 10. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.
- Sec. 11. THAT Ordinance O-07-1645 and Ordinance O-13-1866 shall remain in full force and effect, except where amended by this ordinance.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of December 2013.

The second reading and public hearing being conducted on the 17th day of December 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A" –Location and Zoning Map

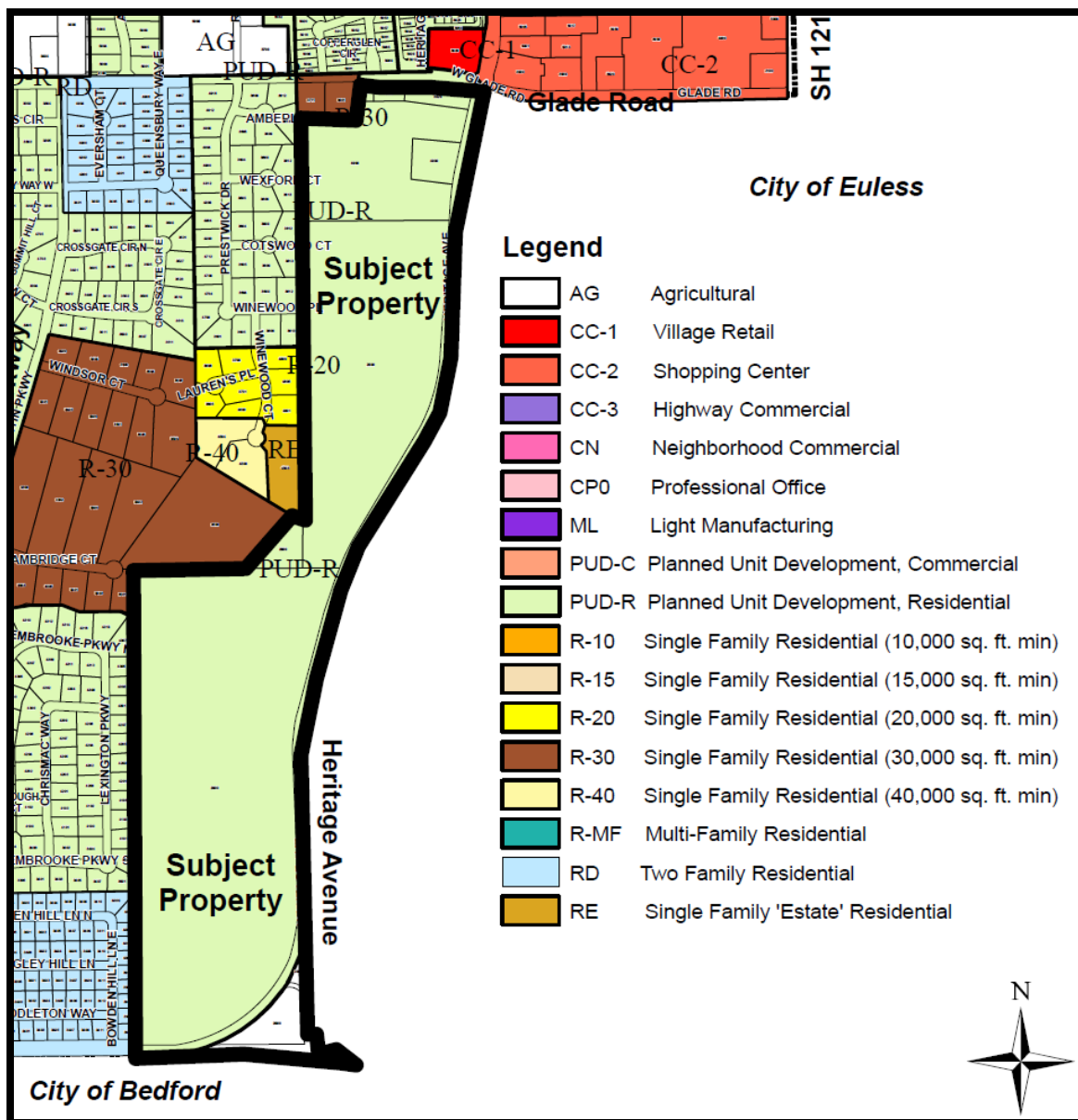


Exhibit "B" – Legal Description of Property Zoned from AG-Agricultural to PUD-R-Planned Unit Development Residential

Being the certain tract of land situated in the J. DOSS SURVEY, Abstract No. 441 and being a portion of the Ordinance No. 192 to City of Euless and a portion of the tract described in the deed to Sparger Family limited Partnership as recorded in Volume 16472, Page 390 of Deed Records, Tarrant County, Texas and being more particularly described as follows:

BEGINNING at a point at the intersection of the Colleyville City Limit and the Bedford City Limit boundaries from which a 5/8" iron rod found for the southwest corner of said Sparger tract bears North 69°11'27" West at 207.68 feet;

THENCE North 00°07'13" West, 25.16 feet to the beginning of a curve to the left;

THENCE northeasterly with said curve to the left, having a radius of 843.63 feet, a central angle of 37°42'05", an arc length of 250.26 feet to the apparent intersection of the north right-of-way of said Cheek Sparger Road and the east right-of-way line of Heritage Avenue, continuing with said east right-of-way line a total arc length of 1281.93 feet and a long chord of North 42°29'27" East at 1162.08 feet to a 5/8 inch iron rod found for the end of said curve, same being the merging of the east right-of-way line of Woodpark Lane;

THENCE South 01°02'49" East with said east right-of-way line of Woodpark Lane, 750.80 feet to the southwest corner of the tract described to Charles A. Hoel, Jr. and wife, Mary lea Hoel as recorded in Volume 3522, Page 540 of said Deed Records;

THENCE South 89°57'50" East with the south line of said Hoel tract, approximately 38.00 feet to the northwest corner of the tract described to Cheek-Sparger Properties, LLP., as recorded in Document No. 0206013089 of said Deed Records;

THENCE South 05°10'42" East, 58.85 feet to the beginning of a curve to the right;

THENCE southeasterly with said curve to the right, having a radius of 1058.63 feet, a central angle of 12°33'23", an arc length of 232.00 feet and a long chord of South 71°31'54" East at 231.54 feet;

THENCE South 65°18'09" East, 4.39 feet to said north City limit line of the City of Bedford and south City Limit line of the City of Colleyville;

THENCE North 89°52'47" West with said common City Limit line, 1065.70 feet to the place of beginning and containing 4.438 acres of land, more or less.

Exhibit "C" Detailed Site Plan – Page 1



Exhibit "C" Detailed Site Plan – Page 2





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6c

Agenda Date 12/17/2013

Number Ordinance O-13-1900

Type Ordinance

Department Community Development

Title

Consideration of a request for an amendment to the Special Use Permit for a Package Store development requirements for Lot 2, Block 1, of the Glade Points Addition, located at 4200 Glade Road, Case ZC13-018

Explanation

Second Reading and Public Hearing

There were no speakers regarding this request at the December 3, 2013 City Council meeting.

As mentioned by staff at the December 3, 2013 City Council meeting, Ordinance O-13-1900 has been corrected to show the proposed sign dimension as three (3) feet x six (6) feet rather than three (3) feet x nine (9) feet. Additionally, as requested by the City Council at the December 3, 2013 meeting, the sign exhibit attached to the briefing has been attached to Ordinance O-13-1900 as Exhibit "A" with the requirement that the placement of the proposed sign on the existing freeway pole sign match the proposed sign placement on Exhibit "A".

First Reading and Public Hearing

Charlie Hall has submitted a request to amend the Special Use Permit (SUP) ordinance approving the package store located at 4200 Glade Road, named *Hall's Wine and Spirits*.

The applicant is requesting the amendment in order to place a sign advertising the package store on the existing freeway pole sign located on the subject property. Section 4(1)i(2) of SUP Ordinance O-10-1762 (attached), which approved the package store, states: "there shall be no package store advertising allowed on the existing freeway pole sign". The applicant requests to delete this provision.

Existing Zoning and Development Conditions. The subject property is zoned CC2-Highway Commercial district. Ordinance O-10-1762 was approved by the City Council on August 17, 2010.

Applicant's Request. Per the attached exhibit, the applicant proposes to place a three foot by nine foot sign titled "*Hall's Wine and Spirits*" on the existing freeway pole sign. A building permit was issued for the electronic gas price sign shown on the existing pole sign exhibit on September 27, 2013. The applicant also intended to add

the package store sign to the pole sign at the same time this permit was issued. However, staff informed the applicant that Ordinance O-10-1762 restricted any package store advertising on the pole sign, and the applicant, instead, placed a sign titled "*Hall's*" on the sign, pending the outcome of the current request. The pole sign is currently in compliance with the Land Development Code.

The original restriction prohibiting any package store advertising on the pole sign was recommended by staff, and placed in the original draft SUP ordinance approved by the Planning and Zoning Commission and the City Council. Staff originally recommended this restriction in order to maintain consistency with other package store signs, as the package store on the subject property is the only package store of the approved six stores in the City that has a pole sign on the property. All of the other stores contain monument signs.

Staff recommends that the advertising space for the package store on the pole sign not be allowed to exceed 27 square feet on each side. This provision is included in the proposed ordinance.

Public Notification. Staff notified four property owners within 500 feet of the subject property regarding this request. All school districts within the City were notified, as required by state law, and notice was published in the *Fort Worth Star-Telegram* as required by state law and the Land Development Code. Staff has not received any correspondence regarding this request.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the November 25, 2013 meeting by a vote of 6-0.

Summary. The applicant is requesting to remove the pole sign advertising restriction for the existing package store. As stated above, staff originally recommended this restriction in order to maintain consistency with other package store signs, as the package store on the subject property is the only package store of the approved six stores in the City that has a pole sign on the property. Given that there is no monument sign on the subject property, staff concurs with the applicant's request to advertise the package store on the existing pole sign, provided the advertising space does not exceed 27 square feet on each side.

Financial Impact

There is no financial impact to the City.

Recommendation

Approval with the following conditions:

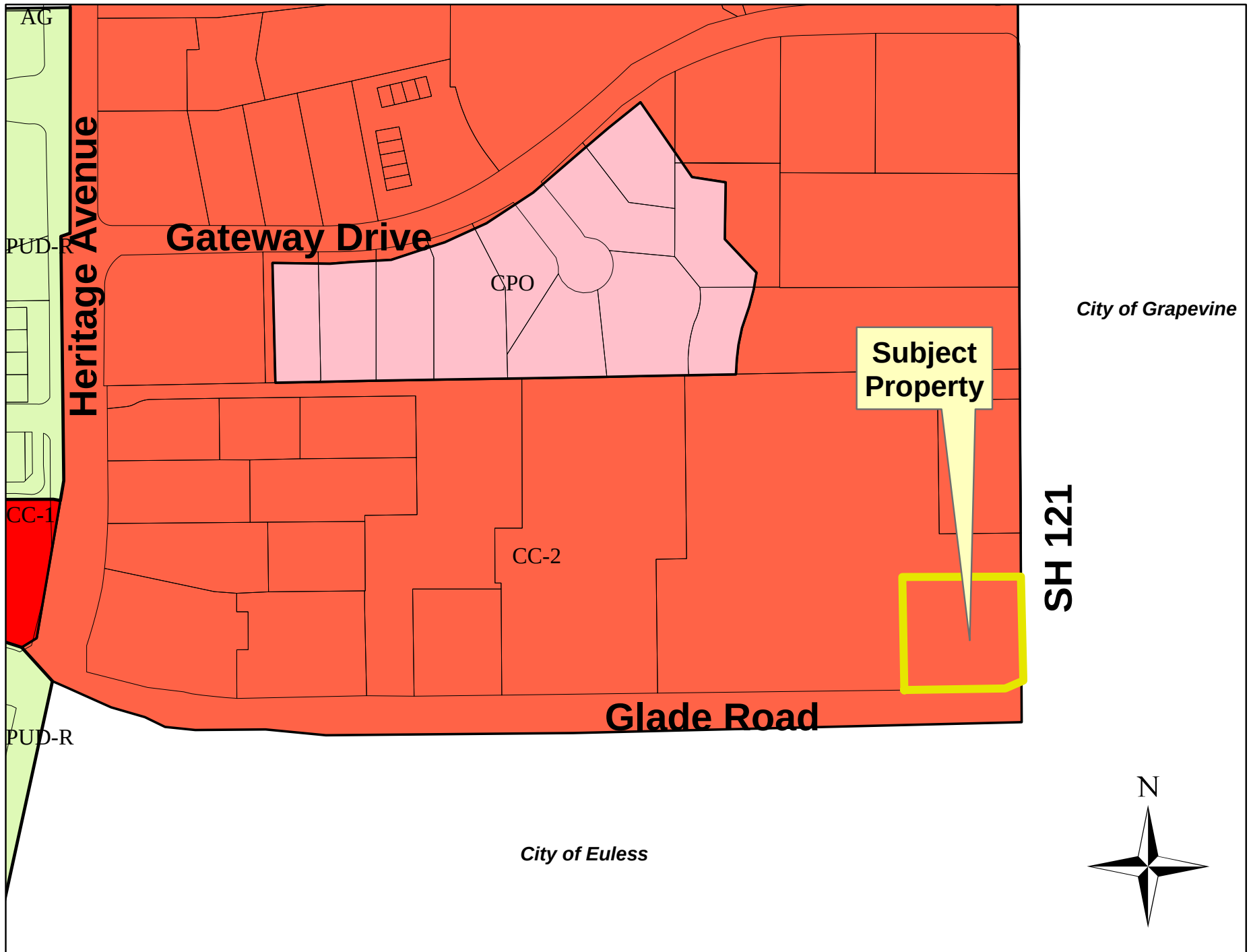
(1) Section 4(1)i(2) is hereby amended to read as follows: the package store authorized by Ordinance O-10-1762 may advertise on the existing freeway pole sign

on the subject property provided the total sign area advertising the package store shall not exceed 18 square feet on each side of the sign. Placement of the sign advertising the package store shall be consistent with Exhibit "A".

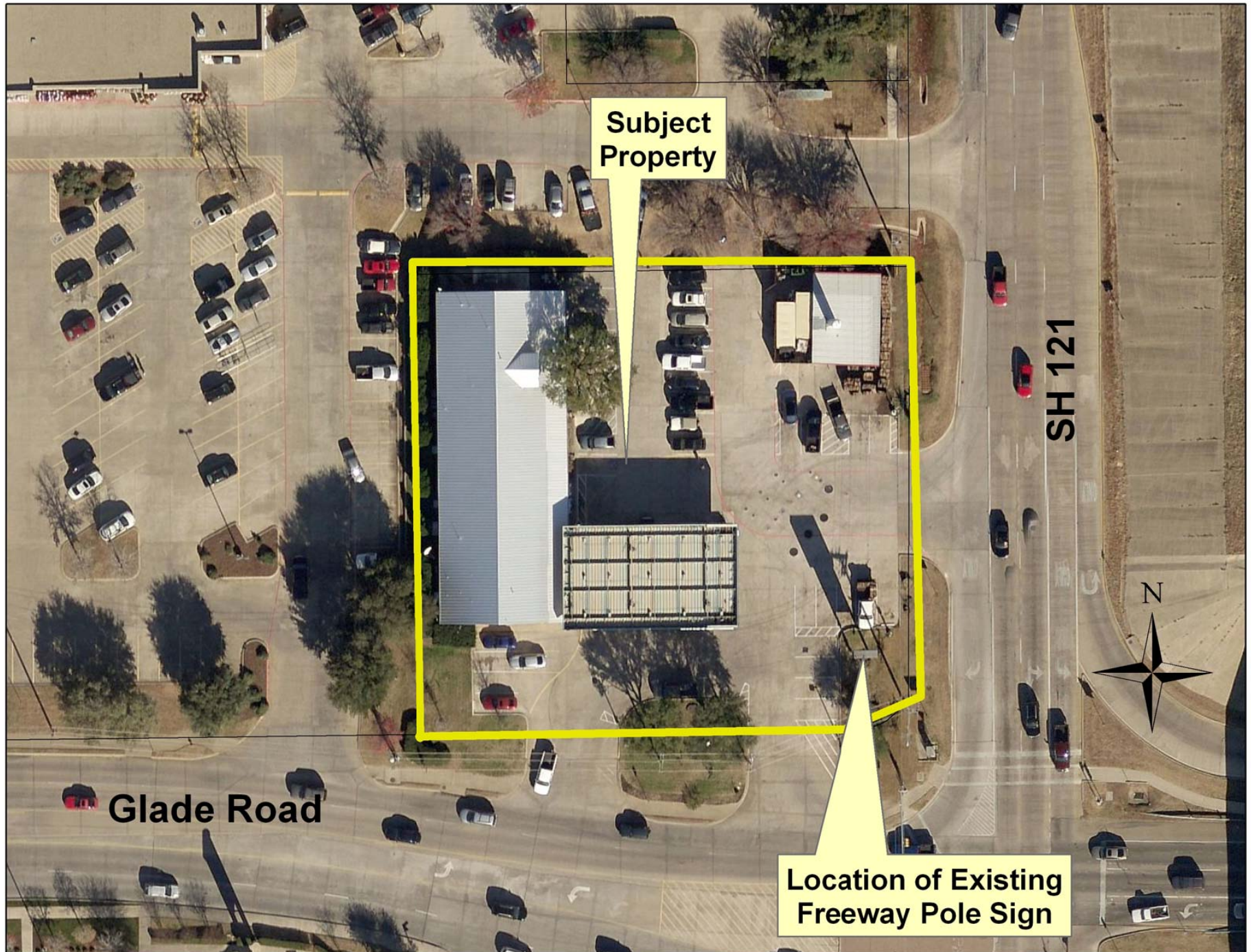
Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Sign Exhibits
6. Ordinance O-10-1762
7. Ordinance O-13-1900

Location and Zoning Map



Aerial

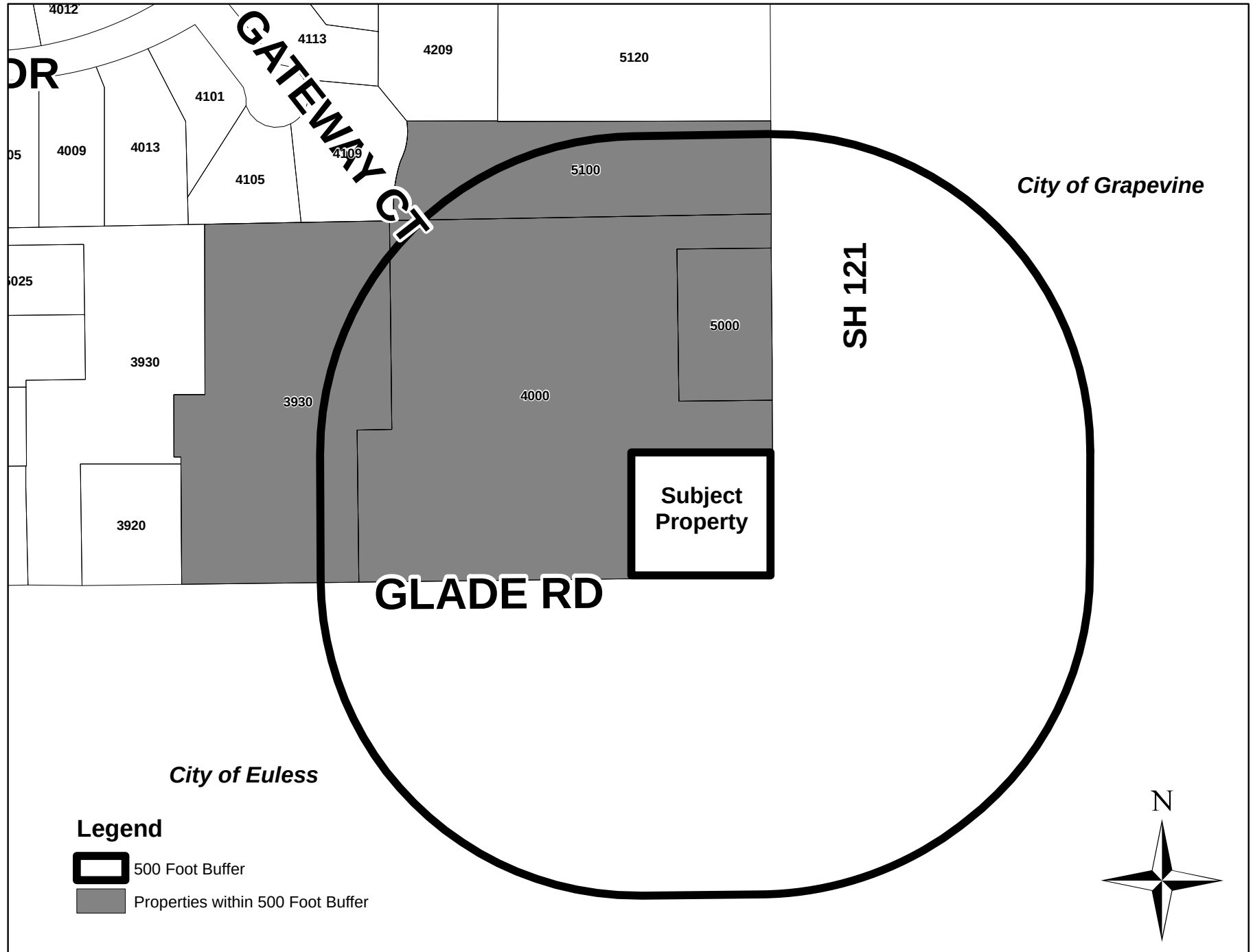


Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Abs Tx Investor Lp	250 E Parkcenter Blvd	Boise	Idaho	83726	4000 Glade Rd
G Points Sc Ltd,	101 1St St Ste 476	Los Altos	California	94022	3930 Glade Rd
Scc Colleyville Partners Ltd	301 Congress Ave Ste 1550	Austin	Texas	78701	5000 State Hwy 121
Bradford Commercial Properties	3209 Walker Pl	Grapevine	Texas	76051	5100 State Hwy 121
Keller ISD	350 Keller Parkway	Keller	Texas	76248	Courtesy Notice
Grapevine-Colleyville ISD	3051 Ira E. Woods Avenue	Grapevine	Texas	76051	Courtesy Notice
Hurst Euless Bedford ISD	1501 Central Drive	Bedford	Texas	76022	Courtesy Notice
Hall, Charlie W Etux Helen F	4200 Glade Rd	Colleyville Tx	Texas	76034	Applicant

Public hearing notices were mailed
Fri., Nov. 15, 2013 by Taci Wrisley

Buffer Map



Existing Sign Exhibit



Proposed Sign Exhibit



ORDINANCE O-10-1762

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 2, BLOCK 1, OF THE GLADE POINTS ADDITION LOCATED AT 4200 GLADE ROAD BY AUTHORIZING A SPECIAL USE PERMIT FOR A PACKAGE STORE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville has received an application for rezoning under Case No. ZC10-011; 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 enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration to, among other things, the character of the 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 Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and State Law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending the official zoning map by authorizing a Special Use Permit for a package store on Lot 2, Block 1, of the Glade Points Addition located at 4200 Glade Road, as depicted on Exhibit "A".
- Sec. 3. 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. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. This Special Use Permit shall only apply to the use of a package store as described in Exhibit "B" and depicted in Exhibit "C".
- b. The package store authorized by this Special Use Permit shall not exceed 7,240 square feet in size and shall be located completely within the existing building.
- c. All required parking including the number, location and dimensions of parking shall meet the minimum requirements of the Land Development Code.
- d. It is recommend that the applicant provide a shared parking agreement with the adjacent property owner to the north and west, and as part of any shared parking agreement, there be a 24 foot wide driveway connection paved from the subject property to the parking and fire lane on the adjacent property to the north in order to provide an additional means of access to and from off-site parking during peak sales periods.
- e. A minimum six (6) foot high wrought iron fence shall be installed around the existing propane tank enclosure prior to the issuance of the certificate of occupancy.

- f. Firewood sales shall be confined to an area on the northern portion of the property as shown on Exhibit "C". The sales area shall not exceed 360 square feet and shall not extend any further than 10 feet south of the north property line.
- g. Prior to the issuance of the certificate of occupancy, all dumpsters shall be located behind the front building line as depicted in Exhibit "C" and shall be screened with a minimum six foot wood or masonry fence as required by the Land Development Code.
- h. Prior to the issuance of the certificate of occupancy, landscaping shall be installed and maintained meeting the minimum requirements of Chapter 4-Landscaping and Buffering in the Land Development Code.
- i. All signs advertising the package store shall meet the following conditions: (1) all signage, at a minimum, shall meet the minimum requirements of Chapter 7-Sign Regulations in the Land Development Code; (2) there shall be no package store advertising allowed on the existing freeway pole sign; (3) Section 108.52 of the Texas Alcoholic Beverage Code is hereby adopted by reference of which all requirements pertaining to signage shall apply to this Special Use Permit; (4) Upon abandonment of the business authorized by this Special Use Permit, all signage advertising the package store shall be removed in its entirety at the expense of the business and/or property owner within thirty (30) days of abandonment, (5) the business name shown on the sign(s) shall read "Hall's Wine & Spirits".
- j. The package store authorized by this Special Use Permit shall be required to comply with all provisions of the attached Exhibit "D".
- k. This Special Use Permit shall automatically expire upon the abandonment of the business, change in the use, a change in ownership or upon the expiration or termination of the certificate of occupancy.
- l. All requirements of the Land Development Code shall be met, except where amended herein.

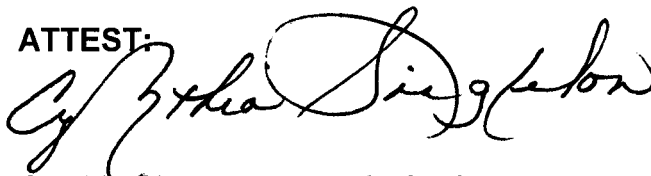
Sec. 5. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.

- Sec. 6. 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. 7. 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. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.

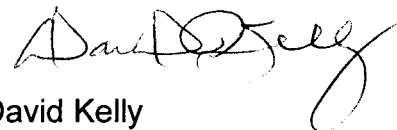
AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of August 2010.

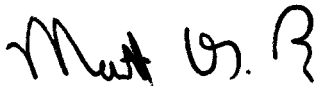
The second reading and public hearing being conducted on the 17th day of August 2010.

ATTEST:

Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "B" – Statement of Planning Objectives

Proposal from Halls Grocery

**Hours of operation 10:00am to 9:00pm M-S
Closed on Sunday also on major holidays
Credit card gasoline 9:00pm-10:00am**

**Doing Business as:
Halls Grocery
4200 Glade Road
Colleyville Texas
Presently selling gas,beer,wine produce,deli
and propane**

**Proposing doing business as:
Selling gas,beer,wine,liquor,deli and
propane**

**Halls is also proposing obtaining a Liquor
license**

**Economic impact projection
Our proposed economic impact is 4.1
million per year
Our current parking is 33 spaces**

**RECEIVED
MAY 14 2007
Per**

Exhibit "C" – Site Plan

Site Plan

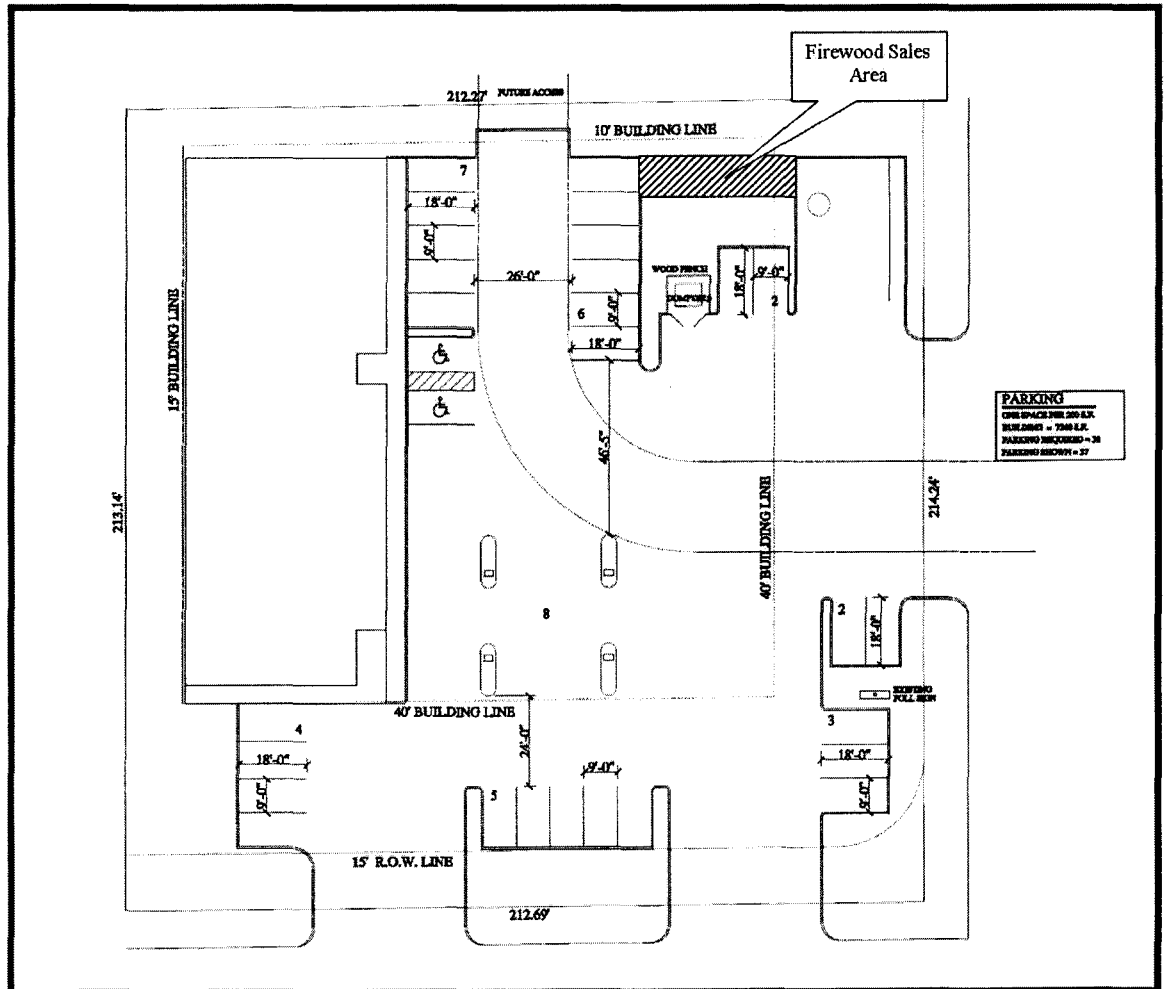


Exhibit "D"

CRIME PREVENTION RECOMMENDATIONS FOR CONVENIENCE STORES AND PACKAGE STORES

Purpose

The purpose of these recommendations are to protect the health, safety, and welfare of the citizens of the City of Colleyville by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that may occur in a convenience store or package store in the City. To this end, these recommendations address best practices in crime prevention through environmental design including height markers, visibility into and around the business, alarm systems, physical security, drop safes, surveillance camera systems, and minimum staffing requirements.

Definitions

Unless otherwise expressly stated, the following terms shall, for the purposes of these recommendations, have the meanings indicated in this section:

"Convenience Store" means an establishment designed, intended, adapted or used primarily to provide for consumer shopping of a brief duration, characterized by a limited product mix (generally emphasizing prepared and snack foods, beverages, tobacco products or gasoline/motor vehicle fuel), close-in parking, and limited retail space.

"Drop Safe" means a cash management device in which money can be deposited without the depositor having access to the contents.

"Employee" means any person listed on the payroll of a convenience store or package store as an employee, whether part-time, full-time, permanent, or temporary. The term does not include a person providing only janitorial or security services to the store.

"Height Marker" means a measuring strip that is attached on or near the door frame of doors used for ingress and egress to the store to aid in identifying the height of a person suspected of committing a crime.

"Package Store" means a retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.

“Manager” means the person designated as the supervisor or person in charge of the operations of the store.

“Owner” means the person or persons who hold title to, leases or has a possessory interest in property for the purpose of operating a convenience/package store.

Height markers

A convenience/package store shall have height markers posted at all public exits to aid in obtaining a physical description on any suspicious person or suspect in a criminal offense.

Visibility

- A) A convenience/package store shall maintain an unobstructed line of sight allowing a clear view of and from the cash register and sales transaction area through all windows and public access doors. Such windows and doors must be clear of all items that would obstruct a clear view including, but not limited to, tinting, signage, advertisements, shelving, and merchandise. Such unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.
- B) Landscaping shall be maintained in a manner that allows an unobstructed view of all windows and doors in an attempt to prevent blind spots or places of concealment.

Alarm system

- A) A convenience/package store shall have a silent panic or holdup alarm system for which a permit has been issued by the City. This system shall, at a minimum, include a panic button located within reach of the cash register and out of view of the customer. Such panic button will generate an alarm signal indicating a holdup or other life-threatening emergency requiring a police department response.
- B) A convenience/package store shall have posted at all public exits and entrances signs or decals indicating that a security alarm system is in use.

Entrances and Exits

- A) All doorways shall be secured with a deadbolt lock. Deadbolt locks within 40 inches of a breakable surface must be a double cylinder lock.

- B) Service or delivery entrances shall be equipped with an exterior, high resolution digital video camera or a “peep hole”, which enables employees to visually observe the area immediately outside the door.

Drop safe

- A) A convenience/package store shall have a drop safe on the premises to keep the amount of cash available to employees to a minimum. A drop safe must be bolted to the floor and may have a time-delay mechanism to allow small amounts of change to be removed.
- B) A convenience/package store shall have a written cash accountability policy mandating the maximum amounts of cash that can be kept in cash registers.
- C) A convenience/package store shall have posted, at or near the point(s) of sale, decals or signs indicating that employees cannot open the safe and that employees have minimum cash on hand.

Surveillance camera system

- A) A convenience/package store shall have a minimum of two, color digital high-resolution surveillance cameras. One camera must have an overall view of the counter/register area and the other camera a view of the main entrance/exit area and both shall display the correct date and time of the recording.
- B) The entrance/exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face.
- C) The cameras shall be operated at all times including hours when the store is not open for business.
- D) The owner or manager shall provide the police department, upon request, digital color images in connection with any criminal investigation.
- E) The owner or manager shall maintain a library of the recorded digital images for not less than 30 days.
- F) A convenience/package store shall have posted, at or near the point(s) of sale, signs or decals indicating that surveillance cameras are in use.

Minimum Staffing

- A) A convenience/package store will maintain a minimum staffing of at least two (2) employees on-site at all times when the business is open.

ORDINANCE O-13-1900

AN ORDINANCE AMENDING ORDINANCE O-10-1762 CONDITIONS; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council approved Ordinance O-10-1762 on August 17, 2010, authorizing a package store on Lot 2, Block 1 of the Glade Points Addition under zoning case ZC10-011; and

WHEREAS, the applicant has requested an amendment to Ordinance O-10-1762; 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 enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, to the character of the 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 Planning and Zoning Commission of the City of Colleyville and the City of Colleyville City Council, in compliance with the Charter of the City of Colleyville, and state law with reference to changes to zoning classifications under the Zoning Ordinance Regulations and Zoning Map, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Colleyville is of the opinion that said change in zoning should be made.

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

- Sec. 1. THAT all the foregoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.
- Sec. 2. THAT the Comprehensive Zoning Ordinance of the City of Colleyville, Texas, be, and the same is hereby amended by amending Ordinance O-10-1762.
- Sec. 3. THAT the Official Zoning Map of the City of Colleyville be amended to incorporate the zoning change approved herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

1. GENERAL

- a. The following amendments to Ordinance O-10-1762 are hereby authorized:
 - (1) Section 4(1)i(2) is hereby amended to read as follows: the package store authorized by Ordinance O-10-1762 may advertise on the existing freeway pole sign on the subject property provided the total sign area advertising the package store shall not exceed 18 square feet on each side of the sign. Placement of the sign advertising the package store shall be consistent with Exhibit "A".

- Sec. 5. 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. 6. 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. 7. 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. 8. 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. 9. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare, and requires that this ordinance shall take effect immediately from and after its passage.
- Sec. 10. THAT Ordinance O-10-1762 shall remain in full force and effect, except where amended by this ordinance.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of December 2013.

The second reading and public hearing being conducted on the 17th day of December 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas,
on this the _____ day of _____ 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"





City of Colleyville City Council Agenda Briefing

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

Agenda Number 6d

Agenda Date 12/17/2013

Number Ordinance O-13-1901

Type Ordinance

Department Community Development

Title

Approval of amendments to Chapter 13 - Impact Fees of the Land Development Code

Explanation

Second Reading and Public Hearing

There were no speakers regarding this request at the December 3, 2013 City Council meeting.

First Reading and Public Hearing

The City of Colleyville collects Roadway Impact Fees as a function of issuing building permits for new development. The purpose of imposing impact fees is to help make new development pay its share of additional public facilities that are required by the demands generated by the new development. Impact fees are regulated by Chapter 13-Impact Fees in the Land Development Code.

Staff proposes amending Chapter 13 as it relates to impact fee rebates/refunds. Section 13-173 contains the refund and rebate guidelines as follows:

"A. Time Limit Prior to Refund – Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.

B. Pro-Rated Refund – If a refund is due, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

C. Determination of Excess Fees Upon Completion of Improvements – Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the City shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

D. Request of Refund Fees - Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:

- 1. Existing service is available and service is denied; or*
- 2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or*
- 3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.*

E. Proportional Refund Due to Downsizing Meter – The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the SUE differential of the two meter sizes and the per-SUE fee at the time of the original fee payment, less an administrative charge of \$50.

F. Procedure for Petitioning of Refund – Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.

G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.

H. Rebate of Roadway Impact Fees for Sales Tax Businesses – The City may rebate sixty-five percent (65%) of the roadway impact fees collected for a new commercial or

industrial structure upon request of the property owner within one year after a certificate of occupancy has been issued, and provided that more than fifty percent (50%) of the gross floor area of the structure for which the certificate of occupancy has been issued will be utilized by a commercial or industrial business that generates city sales tax revenues."

Most of the above guidelines involve instances where refunds or rebates are eligible due to no construction occurring, failure of the City to expend the impact fee funds within a 10 year period or over-payment of an impact fee by the developer. However, Section "H" above allows for a 65 percent refund of the roadway impact fees for a sales tax generating business if requested within a year of the issuance of the Certificate of Occupancy. Staff proposes repealing Section "H" above.

Section 13-173(H) was added to the City's impact fee regulations on October 3, 1995 by Ordinance O-95-1004 as part of the City's first comprehensive impact fee update. This provision was added in 1995 in order to help promote economic development by encouraging sales tax generating businesses to locate in Colleyville. The original provision in 1995 included a 100 percent refund of roadway impact fees. This was amended from 100 percent to 75 percent on April 1, 2000 by Ordinance O-00-1213 as part of the required five year impact fee update, and was further amended from 75 percent to 65 percent on August 2, 2006 by Ordinance O-06-1581 as part of the required five year impact fee update. It should be noted that this rebate is not required by any State statutes or provisions.

Past Rebates. On July 10, 2013, the City issued a rebate in the amount of \$9,818.90 to the general contractor for the *Fossil Creek Spirits* business located at 8070 Precinct Line Road. The rebate was issued at the request of the contractor, who paid the original roadway impact fee in the amount of \$15,106.00. To date, this refund is the only refund that has been issued under the provisions of Section "H" above.

Summary. Staff recommends repealing Section 13-173(H) from the Land Development Code. The reason for repealing this section is that staff believes that any rebate/refund of roadway impact fees should not be automatic. Rather, rebates should be reviewed on an individual basis as part of an economic development incentive agreement. This is the only amendment proposed for this item.

Financial Impact

The fiscal impact of this item will be to ensure that all roadway impact fees collected by the City will not be eligible for automatic rebates based on whether or not the business generates sales tax revenue.

Recommendation

Approve

Attachments

1. Chapter 13 - Roadway Impact Fees
2. Proposed Amendments to Chapter 13
3. Ordinance O-13-1901

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

Chapter 13 Impact Fees

Rev. 08/21/2012

Section 13 – 100 Purpose of this Chapter

The purpose of this Chapter is to establish regulations for the collection of impact fees to pay for the costs for new development.

Section 13 – 105 Authorization for Adoption of this Chapter

The regulations contained in this Chapter are adopted under the authorization of *Chapter 395 – Local Government Code* and *Article VI of the Charter of the City of Colleyville*.

Section 13 – 110 Waivers and Appeals

An applicant requesting a waiver of a requirement contained in this Chapter may seek relief from the City Council by using the procedure described in Section 190 of this Chapter this Land Development Code.

Section 13 – 115 Definitions

The definitions unique to this Chapter are found in *Chapter 2 – Definitions* of this Land Development Code.

Section 13 – 120 Master Plan and Capital Improvements Plan Adopted

- A. Master Plan – The City of Colleyville, Texas Master Plan, approved by Ordinance O-04-1483 on October 19, 2004, be and the same is hereby adopted and designated as the Master Plan for the City of Colleyville for impact fees.
- B. Land Use Assumptions – The land use assumptions used in the development of the impact fees are contained in the document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, prepared by Kimley-Horn and Associates, are adopted for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees and referenced in Exhibit - 13.A – Table of Land Use Assumptions.
- C. Water and Wastewater Capital Improvements Plans – The document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, prepared by Kimley-Horn and Associates, is adopted as the Water and Wastewater Capital Improvements Plan for the City of Colleyville for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees.
- D. Roadway Capital Improvements Plan – The document titled Water, Wastewater, and Roadway Impact Fee Update, dated May 2012, and prepared by Kimley-Horn and Associates is adopted as the Roadway Capital Improvements Plan for the City of Colleyville for the purpose of compliance with Chapter 395 of the Texas Local Government Code regarding impact fees.

Section 13 – 125 Applicability of Impact Fees

- A. This Chapter shall be uniformly applicable to new development which occurs within the water, wastewater and roadway service areas.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

- B. No new development shall be exempt from the assessment of impact fees as defined in this Chapter.

Section 13 – 130 Impact Fees as Conditions of Development Approval

No final plat for new development shall be approved within the service area without assessment of impact fees pursuant to this Chapter, and no water and wastewater tap shall be issued and no building permit shall be issued unless the applicant has paid the impact fees imposed by and calculated as provided herein.

Section 13 – 135 Establishment of Service Areas

- A. The water, wastewater and roadway service areas are established as shown on the Service Area Map, attached as Exhibit -13-B – Service Area Map. The service areas shall be established consistent with any facility service area established in the CIP for each utility.
- B. The boundaries of the water, wastewater and roadway service areas may be amended from time to time, and new service areas may be delineated, pursuant to the procedures in Chapter 395 of the Texas Local Government Code.

Section 13 – 140 Service Units

- A. Service units are established in accordance with generally accepted engineering and planning standards.
- B. For water and wastewater impact fees, service units shall be calculated in accordance with the attached Exhibit -13-C – Table of Water and Wastewater Service Unit Equivalencies, as determined by the size of the water meter(s) for the development, or alternatively, as approved the City Engineer as a result of an engineering report prepared by a qualified professional engineer licensed to perform such professional engineering services in the State of Texas, which demonstrates that the number of service unit equivalents (SUE's) for the new development will be different than those indicated by the size of the water meter.
- C. If the Director of Public Services determines that the water pressure in the City's transmission main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the Director may adjust the number of (SUE's) based on a smaller or larger sized meter which more accurately reflects the flow rate and the system pressure conditions.
- D. If a fire demand meter (tap) is purchased for a property, the meter size utilized to calculate the number of (SUE's) shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of (SUE's).
1. The meter types used to calculate the number of (SUE's) shall be either simple or compound meters.
 2. If the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the then-owner of the property shall be assessed the then current fee for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.
 3. To avoid the use of fire flow volumes for domestic usage, the owner of any property for which a fire demand meter is purchased shall be required to execute a restrictive covenant on a form approved by the City Attorney, which covenant shall acknowledge the right of the City to assess such fees to subsequent owners of the property. Said covenant shall be executed prior to the purchase of the fire demand meter and shall be filed in the deed records of the County.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

4. No fees shall be collected for the purchase of taps which shall be utilized to provide only fire protection capacity.
- E. Upon wastewater tap purchase for lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the State of Texas, shall be reviewed by the Engineer and shall be presented to Council, which shall designate the appropriate number of service units.
- F. For roadways, service units shall be calculated in accordance with Exhibit - 13.D – Table of Vehicle-Mile Equivalencies.
- G. The City Council may revise the service unit equivalency tables according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

Section 13 – 145 Maximum Assessable Impact Fees Per Service Unit

- A. Calculation Method – The maximum assessable impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area.
- B. Utility or Ad Valorem Tax Credits – The maximum assessable impact fee is determined by applying a credit back to the development community based on the utility revenues or ad valorem taxes that are allocated for paying a portion for future capital improvements. The maximum assessable water impact is 72.9 percent of the Pre-Credit Recoverable Costs. The maximum assessable wastewater impact fee is 76.1 percent of the Pre-Credit Recoverable Costs. The maximum roadway impact fee is 93.5 percent for Service Area One and 95.1 percent for Service Area Two of the Pre-Credit Recoverable Costs.
- C. Maximum Assessable Water and Wastewater Impact Fees – The maximum assessable impact fees per service unit for water and wastewater facilities after applying the utility or ad valorem tax credits is contained in Exhibit -13-E – Table of Maximum Assessable Water and Wastewater Impact Fees.
- D. Maximum Assessable Roadway Impact Fees – The maximum assessable impact fees per service unit for roadway facilities after applying the utility or ad valorem tax credits is contained in Exhibit -13-F – Table of Maximum Assessable Roadway Impact Fees.

Section 13 – 150 Assessment of Impact Fees

- A. The assessment of an impact fee for any new development shall be made in accordance with the provisions of this Section.
- B. Assessment of the impact fee for any new development shall be made on occurrence of the following events:
 1. For new development which is submitted for approval pursuant to the City's subdivision regulations after June 20, 1987, or for which replatting results in an increase in the number of service units after such date, assessment shall be at the time of final subdivision plat approval, and shall be the amount of the impact fee per service unit, as provided in the Schedule of Impact Fees to be Collected that is in effect at the time of subdivision plat approval.
 2. For new development which has received final plat approval prior to June 20, 1987, and for which no replatting is necessary prior to the issuance of a building permit, assessment shall be upon the issuance of a building permit, and shall be the amount of the impact fee per service unit set forth in the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

3. For new development which occurs or is proposed to occur without platting, assessment shall be upon the issuance of a building permit or water or sewer tap purchase (whichever occurs first), and shall be the amount of the impact fee per service unit set forth in the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application.
 4. For water and wastewater facilities, fees shall not be assessed to a development for which taps previously were purchased and which development does not result in an increase in the number of living unit equivalents as determined by the service unit equivalency table. If the exchange of said taps will result in an increase in the number of (SUE's), impact fees for the increase in the number of (SUE's) shall be assessed in accordance with the Schedule of Impact Fees to be Collected that is in effect at the time of subdivision plat approval.
 5. Because fire protection is of critical concern to the community as a whole, water demand related solely to fire protection is not subject to assessment or collection of a water or wastewater impact fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City's meter-reading and billing systems, the current owner of the property shall be assessed the impact fees currently in effect at the time such conversion is established by the City for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.
- C. Following assessment of the impact fee above, no additional impact fees or increases thereof shall be assessed against that development unless the number of service units increases.
- D. Following the lapse or expiration of approval for a plat, a new assessment must be performed at the time a new application for such development is filed.

Section 13 – 155 Schedule of Actual Impact Fees Collected

- A. Water Impact Fee Schedule – The actual water impact fee collection rate which is to be paid by each new development shall be 40.8% of the maximum allowed. This rate is incorporated into Exhibit 13-G – Schedule of Actual Water and Wastewater Impact Fees to be Collected, which shall become effective on August 22, 2012.
- B. Residential Irrigation Meter Exemption – The payment of the water impact fee shall not be required by an existing residential customer for the installation of a meter to serve a separate lawn irrigation system provided all of the following requirements are met:
1. The lawn irrigation meter does not exceed the $\frac{3}{4}$ " x $\frac{5}{8}$ " standard basic meter size,
 2. The lawn irrigation shall be located on the same property as the residential meter,
 3. the residential property must be owner-occupied and be in possession of a valid certificate of occupancy, and
 4. The lawn irrigation meter only serves the lawn irrigation system.
 5. The upgrade of a $\frac{3}{4}$ " x $\frac{5}{8}$ " lawn irrigation meter to a 1" meter shall require payment of a water impact fee based on the difference between the base meter size and the water impact fee for a 1" meter applicable at the time of upgrade.
 6. No exemption or pro-rata credit shall apply for any meter size exceeding 1" for a lawn irrigation meter.
- C. Wastewater Impact Fee Schedule – The actual wastewater impact fee collection rate which is to be paid by each new development shall be 25.5% of the maximum allowed by this Chapter. This rate is incorporated into Exhibit 13-G – Schedule of Actual Water and Wastewater Impact Fees to be Collected, which shall become effective on August 22, 2012.
- D. Roadway Impact Fee Schedule – The actual impact fees per service unit equivalent for roadway facilities is shown in Exhibit 13-H – Schedule of Actual Roadway Impact Fees to be Collected, which incorporates the following collection rate percentages.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

1. Service Area 1: The actual Roadway Impact Fee collection rate shall be 51.8% of the maximum assessable impact fee allowed for all uses, except retail and office uses, which shall include a 65% credit of the actual fee collected, which shall become effective on August 22, 2012.
2. Service Area 2: The actual Roadway Impact Fee collection rate shall be 50.0% of the maximum allowed by this Chapter for all uses, except retail and office uses, which shall include a credit of 65% of the actual fee collected, which shall become effective on August 22, 2012.
3. For land uses not specifically listed, refer to Trip Generation, published by the Institute of Transportation Engineers.

Section 13 – 160 Payment and Collection of Impact Fees

- A. Tap or Building Permit – No water or wastewater tap or building permit shall be issued until all impact fees have been paid to the City, except as provided otherwise by contract.
- B. Payment with Building Permit – Water, wastewater and roadway impact fees shall be paid at the time of the issuance of a building permit, unless a provision in this Chapter provides for another time for collection of impact fee.
- C. Conversion from Existing Private Facilities – For new development converting to the City water utility from a water well or to the City wastewater utility from a septic tank or individual waste disposal system, the City may allow the fee-payer to pay impact fees in the form of a monthly assessment in the same manner as monthly assessments for related tap fees, if such an extended payment program for tap fees is currently in effect.
- D. Contract Specifying Time and Method of Payment – The City may, at its sole discretion, enter into a contract with the owner of a tract of land for which the plat has been recorded to establish a different time and method of payment of impact fees than those provided in this Section.
- E. Notification Due to Increased Service Units – Whenever a property owner proposes to increase the number of service units for a development previously assessed, the additional impact fees to be collected on such service units shall be determined in accordance with the Schedule of Impact Fees to be Collected that is in effect at the time of building permit application.
- F. Roadway Impact Fees for Exempt Non-Residential Uses – For roadway impact fees, in circumstances where non-residential uses may be exempt from payment of fees based upon prospective generation of sales tax revenues, such fees may be paid as provided in Section 13-173, subject to rebate pursuant to this Chapter, upon demonstration that more than 50% of the floor area of the structure for which a building permit is issued will be utilized by a business generating city sales tax revenues.

Section 13 – 163 Offsets and Credits Against Impact Fees

- A. System Related Facilities – The City shall offset the reasonable value of any system-related facilities, pursuant to rules established in this Section, which have been dedicated to and have been received by the City, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement, subject to administrative guidelines established by the City.
- B. Credit for Impact, Pro-Rata, Acreage of Lot Fees – The City shall credit impact, pro rata, acreage or lot fees which have been paid pursuant to the subdivision regulations contained in this Land Development Code prior to the effective date of this amendatory ordinance against the amount of an impact due for that category of capital improvement, subject to administrative guidelines established by the City.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

- C. Limitations for Offsets and Credits – All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Chapter and additional standards promulgated by the City, which may be adopted as administrative guidelines.
1. No offset or credit shall be given for the dedication or construction of site-related facilities, except where credit is provided in this Chapter, or for any capital improvement which is not identified within the applicable capital improvements plan, unless the City agrees that such improvement supplies capacity to new developments other than the development paying the impact fee and provisions for offsets are incorporated into an agreement for capital improvements.
 2. Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by the City as a condition of development approval shall be credited against roadway impact fees otherwise due from the development.
 3. The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for the category of facility within the service area for which the impact fee is imposed.
 4. An offset or credit created pursuant to prior impact fee ordinances shall expire no later than ten (10) years after the effective date of this amendatory ordinance, unless a different expiration date has been agreed to by the City by contract or certificate. Offsets or credits created after the effective date of this amendatory ordinance shall expire within ten (10) years from the date the offset or credit was created, unless otherwise prescribed by contract.
 5. In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Chapter or for any value exceeding the total impact fees due for the development for that category of capital improvement, unless otherwise agreed to by the City.
 6. Offsets or credits created after the effective date of this amendatory ordinance for a development which has received final plat approval prior to the effective date hereof shall be discounted to take into account the number of service units in the development which will utilize the facility for which the offset or credit was given.
- D. Application for Offset or Credit – An applicant for new development must apply for an offset or credit against impact fees due for the development either at or before the time of plat recordation, unless the City agrees to a different time. The applicant shall file a petition for offsets or credits with the City on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The City must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which value and the date of the determination shall be associated with the plat for the new development.
- E. Manner of Offset or Credit Application – The available offset or credit associated with the plat shall be applied against an impact fee in the following manner:
1. Such offset or credit shall be prorated proportionally among all service units, or for roadway facilities, among all units of trip generation, as calculated from the applicable service unit equivalency table, and shall remain applicable to such service units, to be applied at time of filing and acceptance of an application for a building permit, against impact fees due.
 2. If the total number of service units used by the City in the original offset or credit calculation described in subsection (1) is eventually exceeded by the number of total service units realized by the actual development, the City may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess service units.
 3. At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the City.

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

Section 13 – 165 Establishment of Accounts and Records

- A. The City shall establish separate interest-bearing accounts, in a bank authorized to receive deposits of City funds, for each major category of capital facility for which an impact fee is imposed pursuant to this Chapter.
- B. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in the Capital Improvements Plan.
- C. The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in the CIP. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Chapter; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.
- D. The City shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of uses specified in the capital improvements program as system-related capital projects. The City Finance Department shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provisions of this Chapter, and such other information as may be necessary for the proper implementation of this Chapter.

Section 13 – 168 Use of Proceeds of Impact Fee Accounts

- A. Permitted Uses of Fees – The impact fees collected pursuant to this Chapter may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such capital improvements or facilities expansions.
- B. Prohibited Uses of Fees – Impact fees collected pursuant to this Chapter shall not be used to pay for any of the following expenses:
 - 1. Construction, acquisition or expansion of capital improvements or assets other than those identified in the associated capital improvements plans;
 - 2. Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;
 - 3. Upgrading, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
 - 4. Upgrading, expanding or replacing existing capital improvements to provide better service to existing development; provided however, that impact fees may be used to pay the costs of upgrading, expanding or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development: or
 - 5. Administrative and operating costs of the City.

Section 13 – 170 Appeals

- A. The property owner or applicant for new development may appeal the following decisions to the City Manager or designee:
 - 1. The applicability of an impact fee to the development;

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2. The value of the impact fee due;
 3. The availability or the value of an offset or credit;
 4. The application of an offset or credit against an impact fee due,
 5. The amount of the refund due, if any; or
 6. The alternative determination by the City Engineer concerning the size of the water meter which is to be converted to service units.
- B. The burden of proof shall be on the appellant to demonstrate that the value of the fee or the value of the offset or credit was not calculated according to the applicable impact fee schedule or the ordinance provisions and guidelines established for determining offsets and credits.
- C. The appellant may appeal the decision of the City Manager to the City Council. A notice of appeal to the Council must be filed by the applicant with the City Secretary within thirty (30) days following the City Manager's decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the original determination of the impact fee due, the development application or tap purchase or building permit issuance may be processed while the appeal is pending.

Section 13 – 173 Refunds

- A. Time Limit Prior to Refund – Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.
- B. Pro-Rated Refund – If a refund is due, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- C. Determination of Excess Fees Upon Completion of Improvements – Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the City shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- D. Request of Refund Fees - Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:
1. Existing service is available and service is denied; or
 2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

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3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.
- E. Proportional Refund Due to Downsizing Meter – The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the SUE differential of the two meter sizes and the per-SUE fee at the time of the original fee payment, less an administrative charge of \$50.
- F. Procedure for Petitioning of Refund – Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.
- G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.
- H. Rebate of Roadway Impact Fees for Sales Tax Businesses – The City may rebate sixty-five percent (65%) of the roadway impact fees collected for a new commercial or industrial structure upon request of the property owner within one year after a certificate of occupancy has been issued, and provided that more than fifty percent (50%) of the gross floor area of the structure for which the certificate of occupancy has been issued will be utilized by a commercial or industrial business that generates city sales tax revenues.

Section 13 – 175 Updates to Plan and Revision of Fees

The City shall review the land use assumptions and capital improvements plan for water, wastewater and roadway facilities at least every five years, the first five year period which shall commence from the date of adoption of the capital improvements plan referenced herein. The City Council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in Chapter 395 of the Texas Local Government Code, or any successor statute, either update the fees or make a determination that no update is necessary.

Section 13 – 178 Functions of Advisory Committee

- A. The functions of the Advisory Committee are those set forth in Chapter 395 of the Texas Local Government Code, or any successor statute, and shall include the following:
 1. Advise and assist the City in adopting land use assumptions;
 2. Review the capital improvements plan regarding water, wastewater and roadway capital improvements and file written comments thereon;
 3. Monitor and evaluate implementation of the capital improvements program;
 4. Advise the City of the need to update or revise the land use assumptions, capital improvements program and impact fees; and
 5. File a semiannual report evaluating the progress of the City in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.
- B. The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

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- C. The City Council shall adopt procedural rules for the committee to follow in carrying out its duties.

Section 13 – 180 Agreement for Capital Improvements

- A. The City Council may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the City prior to fee collection. The agreement shall be on a form approved by the City, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to City standards, and any other terms and conditions the City deems necessary. The Engineer shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee before submitting the proposed agreement to the Council for approval.
- B. The City and such owner either may agree that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development, or they may agree that the City shall reimburse the owner for such costs from impact fees paid from other new developments which will use such capital improvements or facility expansions.

Section 13 – 183 Use of Other Financing Mechanisms

- A. The City may finance water, wastewater and roadway capital improvements or facilities expansions designated in the capital improvements plan through the issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.
- B. Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge or assessment which is lawfully imposed on and due against the property.

Section 13 – 188 Impact Fees as Additional and Supplemental Regulation

- A. Impact fees established by this Chapter are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or the sale of water or wastewater taps. Such fees are intended to be consistent with and to further the policies of City's Comprehensive Plan, capital improvements plan, zoning ordinance, subdivision regulations and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.
- B. This Chapter shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

Section 13 – 190 Relief Procedures

- A. Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60) days of the request. If the

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Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

- B. The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, upon finding that a strict application of such requirement would, when regarded as a whole, result in confiscation of the property.

Section 13.29 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1218	06/20/00	Established 35% collection rate on church, office and retail uses
O-00-1261	12/19/00	Expanded roadway impact fee schedule
O-02-1367	10/01/02	Revised impact fee schedules per S.B 243
O-04-1453	04/16/04	Residential irrigation meter exemption
O-06-1581	08/02/06	Comprehensive revision and adoption of new fee schedules
O-09-1711	03/03/09	Impact Fee Update – Roadway Capital Improvements Plan
O-12-1846	08/21/12	Five year update and adoption of new fee schedules

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Exhibit – 13-A Table of Land Use Assumptions

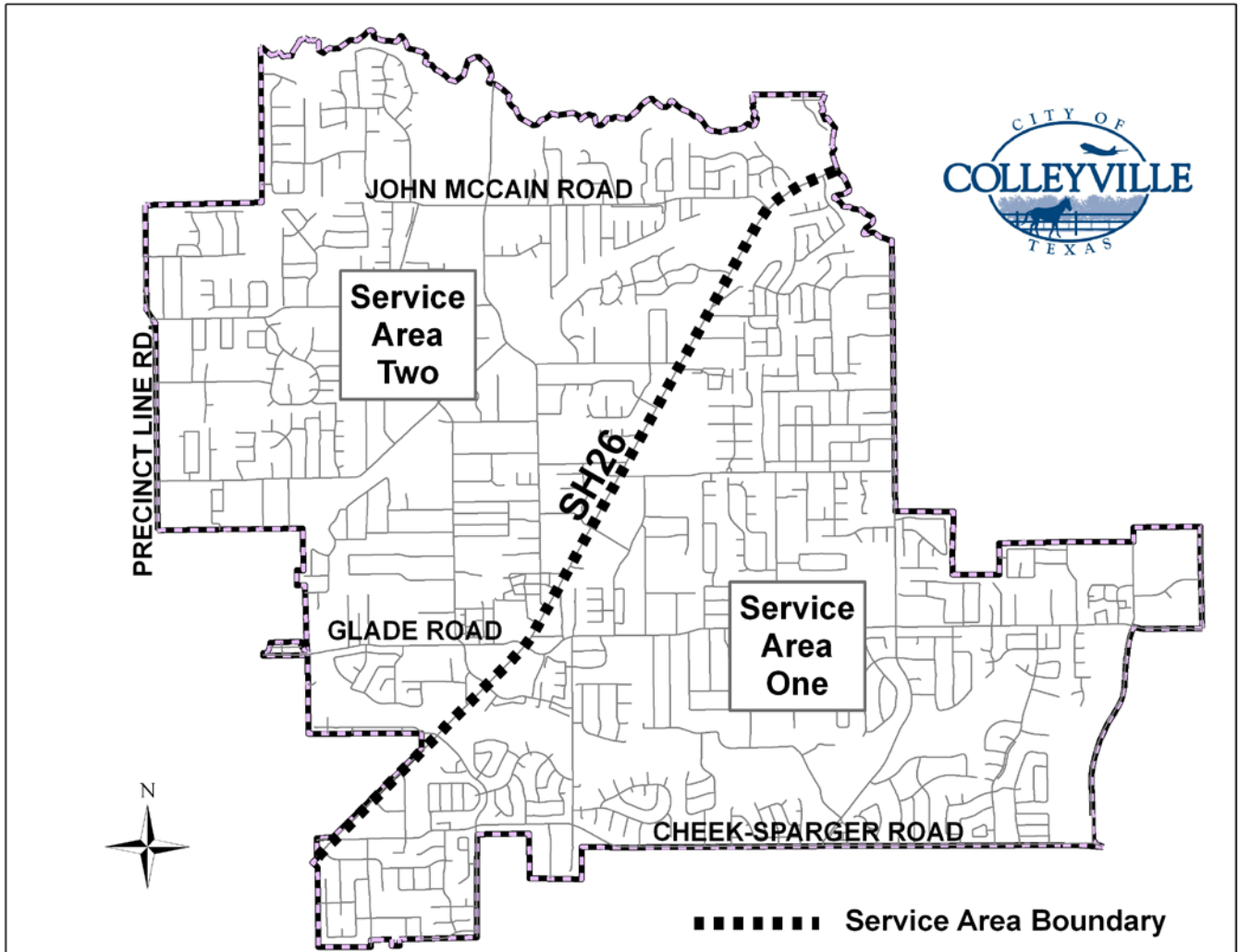
Population and Non-Residential Facilities by Service Area

Service Area	Year	Population	Dwelling Units	Square Feet			
				Basic	Service	Retail	Total
1	2012	14,315	4,836	30,417	2,288,308	1,004,025	3,322,750
	2022	15,795	5,336	33,936	2,514,622	1,344,891	3,893,449
	Build Out	15,795	5,336	33,936	2,514,622	1,344,891	3,893,449
2	2012	10,102	3,413	41,805	1,091,014	267,142	1,399,961
	2022	11,583	3,913	46,642	1,348,009	400,483	1,795,134
	Build Out	11,583	3,913	46,642	1,348,009	400,483	1,795,134
Total 2012		24,417	8,249	72,222	3,379,322	1,271,167	4,722,711
Total 2022		27,378	9,249	80,578	3,862,631	1,745,374	5,688,583
Total Build Out		27,378	9,249	80,578	3,862,631	1,745,374	5,688,583

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Exhibit – 13-B Service Area Map



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Exhibit 13 – C Table of Water and Wastewater Service Unit Equivalencies		
Meter Size*	Maximum Continuous Operating Capacity (GPM)	Service Unit Equivalent
5/8" x 3/4" PD	10	1
3/4" PD	15	1.5
1" PD	25	2.5
1 1/2" PD	50	5
2" PD	80	8
2" Compound	80	8
2" Turbine	100	10
3" Compound	160	16
3" Turbine	240	24
4" Compound	250	25
4" Turbine	420	42
6" Compound	500	50
6" Turbine	920	92
8" Compound	800	80
8" Turbine	1,600	160
10" Turbine	2,500	250

*PD = Positive Displacement Meter (Typical residential meter)

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Exhibit 13-D - Table of Vehicle Mile Equivalencies

Land Use Category	ITE Land Use Code	Development Unit	Vehicle-Mile Per Dev Unit
PORT AND TERMINAL			
Truck Terminal	030	Acre	26.20
INDUSTRIAL			
General Light Industrial	110	1,000 SF GFA	3.88
General Heavy Industrial	120	1,000 SF GFA	2.72
Industrial Park	130	1,000 SF GFA	3.44
Warehousing	150	1,000 SF GFA	1.28
Mini-Warehouse	151	1,000 SF GFA	1.04
RESIDENTIAL			
Single-Family Detached Housing	210	Dwelling Unit	4.04
Apartment/Multi-family	220	Dwelling Unit	2.48
Residential Condominium/Townhome	230	Dwelling Unit	2.08
Mobile Home Park / Manufactured Housing	240	Dwelling Unit	2.36
Senior Adult Housing-Detached	251	Dwelling Unit	1.08
Senior Adult Housing-Attached	252	Dwelling Unit	0.64
Assisted Living	254	Beds	0.88
LODGING			
Hotel	310	Room	1.90
Motel / Other Lodging Facilities	320	Room	1.51
RECREATIONAL			
Golf Driving Range	432	Tee	4.03
Golf Course	430	Acre	0.97
Recreational Community Center	495	1,000 SF GFA	4.67
Ice Skating Rink	465	1,000 SF GFA	7.60
Miniature Golf Course	431	Hole	1.06
Multiplex Movie Theater	445	Screens	43.92
Racquet / Tennis Club	491	Court	10.79
INSTITUTIONAL			
Church	560	1,000 SF GFA	1.16
Day Care Center	565	1,000 SF GFA	14.66
Primary/Middle School (1-8)	522	Students	0.34
High School	530	Students	0.27
Junior / Community College	540	Students	0.25
University / College	550	Students	0.44

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Exhibit 13-D - Table of Vehicle Mile Equivalencies - Continued

Land Use Category	ITE Land Use Code	Development Unit	Veh-Mi Per Dev-Unit
MEDICAL			
Clinic	630	1,000 SF GFA	19.58
Hospital	610	Beds	4.95
Nursing Home	620	Beds	0.83
Animal Hospital/Veterinary Clinic	640	1,000 SF GFA	12.47
OFFICE			
Corporate Headquarters Building	714	1,000 SF GFA	5.60
General Office Building	710	1,000 SF GFA	5.96
Medical-Dental Office Building	720	1,000 SF GFA	13.84
Single Tenant Office Building	715	1,000 SF GFA	6.92
Office Park	750	1,000 SF GFA	5.92
COMMERCIAL			
Automobile Related			
Automobile Care Center	942	1,000 SF Occ. GLA	6.54
Automobile Parts Sales	843	1,000 SF GFA	10.98
Gasoline/Service Station	944	Vehicle Fueling Position	4.82
Gasoline/Service Station w/ Conv Market	945	Vehicle Fueling Position	3.53
Gasoline/Service Station w/ Conv Market and Car Wash	946	Vehicle Fueling Position	3.68
New Car Sales	841	1,000 SF GFA	6.67
Quick Lubrication Vehicle Shop	941	Servicing Positions	10.01
Self-Service Car Wash	947	Stall	1.99
Tire Store	848	1,000 SF GFA	9.63
Dining			
Fast Food Restaurant with Drive-Thru Window	934	1,000 SF GFA	40.61
Fast Food Restaurant without Drive-Thru Window	933	1,000 SF GFA	31.39
High Turnover (Sit-Down) Restaurant	932	1,000 SF GFA	15.26
Quality Restaurant	931	1,000 SF GFA	10.06
Coffee/Donut Shop with Drive-Thru Window	937	1,000 SF GFA	30.91
Other Retail			
Free-Standing Discount Store	815	1,000 SF GFA	11.27
Nursery (Garden Center)	817	1,000 SF GFA	8.57
Home Improvement Superstore	862	1,000 SF GFA	3.96
Pharmacy/Drugstore w/o Drive-Thru Window	880	1,000 SF GFA	12.75
Pharmacy/Drugstore w/ Drive-Thru Window	881	1,000 SF GFA	17.00
Shopping Center	820	1,000 SF GLA	7.93
Supermarket	850	1,000 SF GFA	21.64
Toy/Children's Superstore	864	1,000 SF GFA	11.24
Department Store	875	1,000 SF GFA	4.03
Video Rental Store	896	1,000 SF GFA	21.90
SERVICES			
Walk-In Bank	911	1,000 SF GFA	12.38
Drive-In Bank	912	Drive-in Lanes	24.70
Hair Salon	918	1,000 SF GLA	1.73

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Exhibit 13 – E Table of Maximum Assessable Water and Wastewater Impact Fees			
Meter Size*	Service Unit Equivalent	Maximum Assessable Water Impact Fee	Maximum Assessable Wastewater Impact Fee
5/8" x 3/4" PD	1	\$6,100	\$2,521
3/4" PD	1.5	\$9,150	\$3,782
1" PD	2.5	\$15,250	\$6,303
1 1/2" PD	5	\$30,500	\$12,605
2" PD	8	\$48,800	\$20,168
2" Compound	8	\$48,800	\$20,168
2" Turbine	10	\$61,000	\$25,210
3" Compound	16	\$97,600	\$40,336
3" Turbine	24	\$146,400	\$60,504
4" Compound	25	\$152,500	\$63,025
4" Turbine	42	\$256,200	\$105,882
6" Compound	50	\$305,000	\$126,050
6" Turbine	92	\$561,200	\$231,932
8" Compound	80	\$488,000	\$201,680
8" Turbine	160	\$976,000	\$403,360
10" Turbine	250	\$1,525,000	\$630,250

*PD = Positive Displacement Meter (Typical residential meter)

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Exhibit 13-F
Table of Maximum Assessable Roadway Impact Fees

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Maximum Impact Fee Per Development Unit	
			Service Area 1	Service Area 2
PORT AND TERMINAL				
Truck Terminal	Acre	26.20	\$61,832	\$64,085
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	3.88	\$9,157	\$9,490
General Heavy Industrial	1,000 SF GFA	2.72	\$6,419	\$6,653
Industrial Park	1,000 SF GFA	3.44	\$8,118	\$8,414
Warehousing	1,000 SF GFA	1.28	\$3,021	\$3,131
Mini-Warehouse	1,000 SF GFA	1.04	\$2,454	\$2,544
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	4.04	\$9,534	\$9,882
Apartment/Multi-family	Dwelling Unit	2.48	\$5,853	\$6,066
Residential Condominium/Townhome	Dwelling Unit	2.08	\$4,909	\$5,088
Mobile Home Park / Manufactured Housing	Dwelling Unit	2.36	\$5,570	\$5,773
Senior Adult Housing-Detached	Dwelling Unit	1.08	\$2,549	\$2,642
Senior Adult Housing-Attached	Dwelling Unit	0.64	\$1,510	\$1,565
Assisted Living	Beds	0.88	\$2,077	\$2,152
LODGING				
Hotel	Room	1.90	\$4,484	\$4,647
Motel / Other Lodging Facilities	Room	1.51	\$3,564	\$3,693
RECREATIONAL				
Golf Driving Range	Tee	4.03	\$9,511	\$9,857
Golf Course	Acre	0.97	\$2,289	\$2,373
Recreational Community Center	1,000 SF GFA	4.67	\$11,021	\$11,423
Ice Skating Rink	1,000 SF GFA	7.60	\$17,936	\$18,590
Miniature Golf Course	Hole	1.06	\$2,502	\$2,593
Multiplex Movie Theater	Screens	43.92	\$103,651	\$107,428
Racquet / Tennis Club	Court	10.79	\$25,464	\$26,392
INSTITUTIONAL				
Church	1,000 SF GFA	1.16	\$2,738	\$2,837
Day Care Center	1,000 SF GFA	14.66	\$34,598	\$35,858
Primary/Middle School (1-8)	Students	0.34	\$802	\$832
High School	Students	0.27	\$637	\$660
Junior / Community College	Students	0.25	\$590	\$612
University / College	Students	0.44	\$1,038	\$1,076
MEDICAL				
Clinic	1,000 SF GFA	19.58	\$46,209	\$47,893
Hospital	Beds	4.95	\$11,682	\$12,108
Nursing Home	Beds	0.83	\$1,959	\$2,030
Animal Hospital/Veterinary Clinic	1,000 SF GFA	12.47	\$29,429	\$30,502

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Exhibit 13-F

Table of Maximum Assessable Roadway Impact Fees – Continued

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Maximum Impact Fee Per Development Unit	
			Service Area 1	Service Area 2
OFFICE				
Corporate Headquarters Building	1,000 SF GFA	5.60	\$13,216	\$13,698
General Office Building	1,000 SF GFA	5.96	\$14,066	\$14,578
Medical-Dental Office Building	1,000 SF GFA	13.84	\$32,662	\$33,853
Single Tenant Office Building	1,000 SF GFA	6.92	\$16,331	\$16,926
Office Park	1,000 SF GFA	5.92	\$13,971	\$14,480
COMMERCIAL				
Automobile Related				
Automobile Care Center	1,000 SF Occ. GLA	6.54	\$15,434	\$15,997
Automobile Parts Sales	1,000 SF GFA	10.98	\$25,913	\$26,857
Gasoline/Service Station	Vehicle Fueling Position	4.82	\$11,375	\$11,790
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.53	\$8,331	\$8,634
Gasoline/Service Station w/ Conv Market and Car Wash	Vehicle Fueling Position	3.68	\$8,685	\$9,001
New Car Sales	1,000 SF GFA	6.67	\$15,741	\$16,315
Quick Lubrication Vehicle Shop	Servicing Positions	10.01	\$23,624	\$24,484
Self-Service Car Wash	Stall	1.99	\$4,696	\$4,868
Tire Store	1,000 SF GFA	9.63	\$22,727	\$23,555
Dining				
Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	40.61	\$95,840	\$99,332
Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	31.39	\$74,080	\$76,780
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	15.26	\$36,014	\$37,326
Quality Restaurant	1,000 SF GFA	10.06	\$23,742	\$24,607
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	30.91	\$72,948	\$75,606
Other Retail				
Free-Standing Discount Store	1,000 SF GFA	11.27	\$26,597	\$27,566
Nursery (Garden Center)	1,000 SF GFA	8.57	\$20,225	\$20,962
Home Improvement Superstore	1,000 SF GFA	3.96	\$9,346	\$9,686
Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	12.75	\$30,090	\$31,187
Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	17.00	\$40,120	\$41,582
Shopping Center	1,000 SF GLA	7.93	\$18,715	\$19,397
Supermarket	1,000 SF GFA	21.64	\$51,070	\$52,931
Toy/Children's Superstore	1,000 SF GFA	11.24	\$26,526	\$27,493
Department Store	1,000 SF GFA	4.03	\$9,511	\$9,857
Video Rental Store	1,000 SF GFA	21.90	\$51,684	\$53,567
SERVICES				
Walk-In Bank	1,000 SF GFA	12.38	\$29,217	\$30,281
Drive-In Bank	Drive-in Lanes	24.70	\$58,292	\$60,416
Hair Salon	1,000 SF GLA	1.73	\$4,083	\$4,232

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Exhibit 13 – G			
Schedule of Actual Water and Wastewater Impact Fees to be Collected			
Meter Size*	Service Unit Equivalent	Water Impact Fee (40.8% of Max)	Wastewater Impact Fee (25.5% of Max)
5/8" x 3/4" PD	1	\$2,491	\$643
3/4" PD	1.5	\$3,736	\$965
1" PD	2.5	\$6,227	\$1,608
1 1/2" PD	5	\$12,455	\$3,215
2" PD	8	\$19,928	\$5,144
2" Compound	8	\$19,928	\$5,144
2" Turbine	10	\$24,910	\$6,430
3" Compound	16	\$39,856	\$10,288
3" Turbine	24	\$59,784	\$15,432
4" Compound	25	\$62,275	\$16,075
4" Turbine	42	\$104,622	\$27,006
6" Compound	50	\$124,550	\$32,150
6" Turbine	92	\$229,172	\$59,156
8" Compound	80	\$199,280	\$51,440
8" Turbine	160	\$398,560	\$102,880
10" Turbine	250	\$622,750	\$160,750

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Exhibit 13 – H Schedule of Actual Roadway Impact Fees to be Collected

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Impact Fee Per Development Unit	
			Service Area 1 (51.8% of MAX)	Service Area 2 (50.0% of MAX)
PORT AND TERMINAL				
Truck Terminal	Acre	26.20	\$14,181	\$14,181
INDUSTRIAL				
General Light Industrial	1,000 SF GFA	3.88	\$2,122	\$2,122
General Heavy Industrial	1,000 SF GFA	2.72	\$1,472	\$1,472
Industrial Park	1,000 SF GFA	3.44	\$1,862	\$1,862
Warehousing	1,000 SF GFA	1.28	\$1,277	\$1,277
Mini-Warehouse	1,000 SF GFA	1.04	\$563	\$563
RESIDENTIAL				
Single-Family Detached Housing	Dwelling Unit	4.04	\$4,941	\$4,941
Apartment/Multi-family	Dwelling Unit	2.48	\$3,033	\$3,033
Residential Condominium/Townhome	Dwelling Unit	2.08	\$2,544	\$2,544
Mobile Home Park / Manufactured Housing	Dwelling Unit	2.36	\$2,886	\$2,886
Senior Adult Housing-Detached	Dwelling Unit	1.08	\$1,321	\$1,321
Senior Adult Housing-Attached	Dwelling Unit	0.64	\$783	\$783
Assisted Living	Beds	0.88	\$1,076	\$1,076
LODGING				
Hotel	Room	1.90	\$1,028	\$1,028
Motel / Other Lodging Facilities	Room	1.51	\$817	\$817
RECREATIONAL				
Golf Driving Range	Tee	4.03	\$2,176	\$2,176
Golf Course	Acre	0.97	\$520	\$520
Recreational Community Center	1,000 SF GFA	4.67	\$2,852	\$2,852
Ice Skating Rink	1,000 SF GFA	7.60	\$4,108	\$4,108
Miniature Golf Course	Hole	1.06	\$574	\$574
Multiplex Movie Theater	Screens	43.92	\$23,734	\$23,734
Racquet / Tennis Club	Court	10.79	\$5,829	\$5,829
INSTITUTIONAL				
Church	1,000 SF GFA	1.16	\$752	\$752
Day Care Center	1,000 SF GFA	14.66	\$14,982	\$14,982
Primary/Middle School (1-8)	Students	0.34	\$173	\$173
High School	Students	0.27	\$157	\$157
Junior / Community College	Students	0.25	\$135	\$135
University / College	Students	0.44	\$238	\$238
MEDICAL				
Clinic	1,000 SF GFA	19.58	\$10,581	\$10,581
Hospital	Beds	4.95	\$2,658	\$2,658
Nursing Home	Beds	0.83	\$449	\$449
Animal Hospital/Veterinary Clinic	1,000 SF GFA	12.47	\$7,357	\$7,357

(Continued on next page)

Chapter 13 - Roadway Impact Fees

Colleyville, Texas, Land Development Code

Exhibit 13 – H Schedule of Actual Roadway Impact Fees to be Collected - Continued

Land Use Description	Development Unit	Veh-Mi Per Dev-Unit	Impact Fee Per Development Unit	
			Service Area 1 (51.8% of MAX)	Service Area 2 (50.0% of MAX)
OFFICE				
Corporate Headquarters Building	1,000 SF GFA	5.60	\$1,061	\$1,061
General Office Building	1,000 SF GFA	5.96	\$779	\$779
Medical-Dental Office Building	1,000 SF GFA	13.84	\$2,819	\$2,819
Single Tenant Office Building	1,000 SF GFA	6.92	\$1,311	\$1,311
Office Park	1,000 SF GFA	5.92	\$1,137	\$1,137
COMMERCIAL				
Automobile Related				
Automobile Care Center	1,000 SF Occ. GLA	6.54	\$3,529	\$3,529
Automobile Parts Sales	1,000 SF GFA	10.98	\$5,932	\$5,932
Gasoline/Service Station	Vehicle Fueling Position	4.82	\$2,609	\$2,609
Gasoline/Service Station w/ Conv Market	Vehicle Fueling Position	3.53	\$1,911	\$1,911
Gasoline/Service Station w/ Conv Market and Car Wash	Vehicle Fueling Position	3.68	\$1,905	\$1,905
New Car Sales	1,000 SF GFA	6.67	\$3,675	\$3,675
Quick Lubrication Vehicle Shop	Servicing Positions	10.01	\$5,418	\$5,418
Self-Service Car Wash	Stall	1.99	\$1,077	\$1,077
Tire Store	1,000 SF GFA	9.63	\$6,300	\$6,300
Dining				
Fast Food Restaurant with Drive-Thru Window	1,000 SF GFA	40.61	\$7,858	\$7,858
Fast Food Restaurant without Drive-Thru Window	1,000 SF GFA	31.39	\$5,931	\$5,931
High Turnover (Sit-Down) Restaurant	1,000 SF GFA	15.26	\$2,825	\$2,825
Quality Restaurant	1,000 SF GFA	10.06	\$1,904	\$1,904
Coffee/Donut Shop with Drive-Thru Window	1,000 SF GFA	30.91	\$7,514	\$7,514
Other Retail				
Free-Standing Discount Store	1,000 SF GFA	11.27	\$2,158	\$2,158
Nursery (Garden Center)	1,000 SF GFA	8.57	\$1,620	\$1,620
Home Improvement Superstore	1,000 SF GFA	3.96	\$1,044	\$1,044
Pharmacy/Drugstore w/o Drive-Thru Window	1,000 SF GFA	12.75	\$3,099	\$3,099
Pharmacy/Drugstore w/ Drive-Thru Window	1,000 SF GFA	17.00	\$2,677	\$2,677
Shopping Center	1,000 SF GLA	7.93	\$1,508	\$1,508
Supermarket	1,000 SF GFA	21.64	\$4,073	\$4,073
Toy/Children's Superstore	1,000 SF GFA	11.24	\$2,127	\$2,127
Department Store	1,000 SF GFA	4.03	\$980	\$980
Video Rental Store	1,000 SF GFA	21.90	\$4,141	\$4,141
SERVICES				
Walk-In Bank	1,000 SF GFA	12.38	\$6,386	\$6,386
Drive-In Bank	Drive-in Lanes	24.70	\$6,004	\$6,004
Hair Salon	1,000 SF GLA	1.73	\$421	\$421

Proposed Amendments to Chapter 13

Colleyville, Texas, Land Development Code

Section 13 – 173 Refunds

- A. Time Limit Prior to Refund – Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.
- B. Pro-Rated Refund – If a refund is due, the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- C. Determination of Excess Fees Upon Completion of Improvements – Upon completion of all the capital improvements or facilities expansions identified in the capital improvements plan upon which the fee was based, the City shall recalculate the maximum impact fee per service unit using the actual costs for the improvements or expansions. If the maximum impact fee per service unit based on actual cost is less than the impact fee per service unit paid, the City shall refund the difference, if such difference exceeds the impact fee paid by more than ten percent (10%). The refund to the record owner or governmental entity shall be calculated by multiplying such difference by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.
- D. Request of Refund Fees - Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:
1. Existing service is available and service is denied; or
 2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or
 3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.
- E. Proportional Refund Due to Downsizing Meter – The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the SUE differential of the two meter sizes and the per-SUE fee at the time of the original fee payment, less an administrative charge of \$50.
- F. Procedure for Petitioning of Refund – Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.
- G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.

~~H. Rebate of Roadway Impact Fees for Sales Tax Businesses – The City may rebate sixty-five percent (65%) of the roadway impact fees collected for a new commercial or industrial structure upon request of the property owner within one year after a certificate of occupancy has been issued, and provided that more than fifty percent (50%) of the gross floor area of the structure for which the certificate of occupancy has been issued will be utilized by a commercial or industrial business that generates city sales tax revenues.~~

Section 13.29 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1218	06/20/00	Established 35% collection rate on church, office and retail uses
O-00-1261	12/19/00	Expanded roadway impact fee schedule
O-02-1367	10/01/02	Revised impact fee schedules per S.B 243
O-04-1453	04/16/04	Residential irrigation meter exemption
O-06-1581	08/02/06	Comprehensive revision and adoption of new fee schedules
O-09-1711	03/03/09	Impact Fee Update – Roadway Capital Improvements Plan
O-12-1846	08/21/12	Five year update and adoption of new fee schedules
O-13-19010	12/17/13	Rebate for sales tax generating businesses repealed

ORDINANCE O-13-1901

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 13-IMPACT FEES 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 Council desires to amend Chapter 13-Impact Fees by repealing the rebate provisions for sales tax generating businesses; 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 13-Impact Fees, Section 13-173 and 13.29* of the Land Development Code, are 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.

Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of December 2013.

The second reading and public hearing being conducted on the 17th day of December 2013.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney

Exhibit "A"

Section 13 – 173 Refunds

- A. Time Limit Prior to Refund – Any impact fee or portion thereof collected pursuant to this Chapter which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Article 1.03, Title 79, Revised Statutes (Article 5069-1.03, Vernon's Texas Civil Statutes), or any successor statute.
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 3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.
- E. Proportional Refund Due to Downsizing Meter – The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased unused water meter is replaced with a smaller meter, based on the SUE differential of the two meter sizes and the per-SUE fee at the time of the original fee payment, less an administrative charge of \$50.
- F. Procedure for Petitioning of Refund – Petition for refunds shall be submitted to the Director of Public Services on a form provided by the City for such purpose. Within one month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the Director shall notify the Finance Director and request that a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Manager and Council, as set forth in this Land Development Code.
- G. Rebate of Roadway Impact Fees for Expired Permit – The City shall rebate the roadway impact fees to the owner on which a building permit has been issued, for which such permit has expired without construction.

Exhibit A

Colleyville, Texas, Land Development Code

Section 13.29 Amendments to This Chapter

Reserved for listing of amendments to this Chapter.

Ord. Number	Date	Subject
O-00-1218	06/20/00	Established 35% collection rate on church, office and retail uses
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O-12-1846	08/21/12	Five year update and adoption of new fee schedules
O-13-1901	12/17/13	Rebate for sales tax generating businesses repealed



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6e

Agenda Date 12/17/2013

Number Ordinance O-13-1902

Type Ordinance

Department Police

Title

Approval of amendments to the Code of Ordinances Chapter 70, Article II, Section 70-28, Relating to Home Solicitation, Distribution, and Miscellaneous Sales

Explanation

Second Reading and Public Hearing

There were no speakers regarding this request at the December 3, 2013 City Council meeting.

First Reading and Public Hearing

The regulations provided by this ordinance are necessary to promote the City's legitimate and compelling interests and are provided without reference to the content of any message; and are an integral component of the City's safety plan. Additionally, crime prevention and code enforcement efforts would be less effective without the provisions of this ordinance.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Ordinance O-13-1902

ORDINANCE O-13-1902

AN ORDINANCE OF THE CITY OF COLLEYVILLE AMENDING THE CODE OF ORDINANCES CHAPTER 70, ARTICLE II, SECTION 70-28, RELATING TO HOME SOLICITATION, DISTRIBUTION, AND MISCELLANEOUS SALES; PROVIDING FOR A PENALTY BY FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500); PROVIDING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the City of Colleyville currently regulates commercial home solicitation and commercial home distribution on private property in a manner to promote good order and protect citizens and non-citizens, while at the same time maintaining a person's First Amendment right to communicate through that medium; and

WHEREAS, the City Council finds that the regulations provided by this ordinance are necessary to promote the City's legitimate and compelling interests and are provided without reference to the content of any message; and

WHEREAS, the City Council finds that the City has a legitimate and compelling interest in protecting the privacy of its residents in a most important place, the homestead; and

WHEREAS, the City Council determines that preserving the sanctity of the home, including the right to be free from unwanted and unwelcome intrusion, is a compelling governmental interest; and

WHEREAS, the City Council finds that the City has a legitimate and compelling interest in preventing undue annoyance of its residents; and

WHEREAS, the City Council finds that the City has a legitimate and compelling interest in protecting its residents from crime; and

WHEREAS, the City Council finds door-to-door activities pose an inherent risk of crime; and

WHEREAS, the City Council finds that curfew regulations limiting the hours and days when a person may solicit, peddle, or distribute on private property are necessary to prevent undue annoyance of its residents and to protect the sanctity of citizens' homes; and

WHEREAS, the City Council finds that posting "no-solicitation" or similar signs alone is inadequate to protect its citizens from undue annoyance; and

WHEREAS, the City Council finds that curfew regulations limiting the hours and days when a person may solicit, peddle, or distribute on private property are necessary to prevent crime to property and persons and to protect the health and safety of persons engaged in solicitation or distribution; and

WHEREAS, the City Council finds the regulations of this ordinance do not prevent door-to-door activity and that ample alternative channels of communication exist beyond the curfew requirements, including, but not limited to door-to-door solicitation between the hours of 9:00 a.m. and 4:30 p.m. on non-holidays Monday through Saturday, solicitation via telephone and other electronic communication, public solicitation outside of the privacy of citizens' doorsteps, and solicitation via direct mail, television, radio, and internet; and

WHEREAS, the City Council finds that early evening hours is when calls for crime-related assistance are consistently higher and the curfew provisions are necessary to assist with crime prevention by enabling the City's police officers to respond to other crime-related calls in the evening and night; and

WHEREAS, the City Council finds that an unanticipated visit by a stranger on citizens' doorsteps is capable of causing fear and suspicion, resulting in a call for service, and that these calls for service can be better handled by the Police Department during the hours between 9:00 a.m. and 4:30 p.m.; and

WHEREAS, the City Council finds the regulations provided in this ordinance allow the Police Department to focus its operations on crime-related activity, as opposed to calls for service in response to door-to-door solicitation, during the evening, night, and early

morning hours when calls for service naturally increase; and

WHEREAS, the City Council finds the regulations provided in this ordinance are an integral component of the City's safety plan and that crime prevention efforts would be less effective without the provisions of this ordinance; and

WHEREAS, the City Council finds that regulations requiring persons who engage in door-to-door contact with its citizens to obtain a permit are necessary to prevent crime to property and persons; and

WHEREAS, the City Council is authorized to adopt ordinances to protect the health, safety, and welfare of its citizens; and

WHEREAS, the City Council has determined that it is a necessity to regulate activities as provided for herein to safeguard the public; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act; and

WHEREAS, the purposes of this Ordinance are to promote the public health, safety, and general welfare of the citizens of the City of Colleyville.

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

Sec. 1. THAT all of the above premises are found to be true and correct and are hereby incorporated into the body of this ordinance as if copied in their entirety herein.

Sec. 2. THAT Chapter 70 of the Code of Ordinances is hereby amended in its entirety and replaced with the attached Exhibit "A".

Sec. 3. THAT any person, firm, or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall

upon final conviction thereof be fined in the amount not to exceed five hundred dollars (\$500.00). Each and every day any such violation shall continue shall constitute a separate violation hereunder.

Sec. 4. THAT if any section, sentence, clause, or phrase of this ordinance be declared unconstitutional for any reason, it shall not affect the constitutionality and the validity of any other section, sentence, clause, or phrase, and the City Council declares that it would have passed all other sections, sentences, clauses, or phrases of this ordinance notwithstanding the unconstitutionality or invalidity of any paragraph, section, sentence, clause or phrase hereof.

Sec. 5. THAT all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Colleyville, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding of not guilty or nolo contendere, or dismissal.

Sec. 6. THAT the effective date of this ordinance shall be immediate upon its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 3rd day of December 2013.

The first reading and public hearing being conducted on the 17th day of December 2013.

ATTEST:

Amy Shelley, TRMC
City Secretary

APPROVED:

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C.G. Boyle
City Attorney

Exhibit "A"

PEDDLERS, SOLICITORS, AND MISCELLANEOUS SALES

I. SOLICITATION GENERALLY

The purpose of this ordinance is to secure the general health, safety, and welfare for the residents of the City of Colleyville by:

Prohibiting door-to-door solicitation at residences during the times when such activity is most intrusive and disruptive to citizens' privacy;

Regulating the locations in which solicitation activity may occur to promote safety and minimize congestion;

Regulating the manner in which any solicitation activity may occur to promote good order, and protect citizens from aggressive and intimidating practices; and

Requiring solicitors to obtain permits from the City to aid in crime detection and deter deceptive practices and fraud.

II. DEFINITIONS

A. The following words and phrases, when used in this ordinance, shall have the meanings ascribed to them by this section:

1. *Charitable purpose* shall mean philanthropic, religious, or other nonprofit objectives, including the benefit of poor, needy, sick, refugee, or handicapped persons; the benefit of any church or religious society, sect, group, or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social, or civic organization, or the benefit of any educational institution. "Charitable purpose" shall not be construed to include any direct benefit to the individual making the home solicitation, to include the benefit of any political group, or political organization, which is subject to financial disclosure under state or federal law.
2. *Commercial home solicitation or soliciting* means the solicitation at a residence through the attempt or act of asking, bartering, or communicating in any manner for the purpose of selling or offering to sell goods, services, or

realty for a for-profit purpose, which includes promoting, advertising, receiving or obtaining money, gifts or items of value for said individual or group of individuals, or for-profit organization, club, company, corporation.

3. *Commercial home distribution or distribute* means the door-to-door distribution of advertisements or handbills (other than through the United States mail).
4. *Dusk* means thirty (30) minutes after sunset.
5. *Handbill* means and includes any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original, or copies of any matter or literature.
6. *Handbill distributor* means and includes any person engaging or engaged in the business for hire or gain of distributing handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.
7. *Handbill sponsor* means and includes any person, firm, or corporation who utilizes handbills as a medium of advertising or spreading a message.
8. *Itinerant operations* shall mean and refer to the conduct of business operations at one or more locations or properties throughout the day, provided that the mobile vendor does not remain or linger at any particular property or location for longer than thirty (30) minutes.
9. *Itinerant vendor* shall mean any person who sets up and operates a temporary business on privately owned property, whether improved or unimproved, in the City, soliciting, selling, or taking orders for, or offering to sell or take orders for any goods or services.

10. *Mobile frozen dairy food vendors* shall mean any person who operates a vehicle on the streets of the City for the purposes of soliciting sales of frozen dairy food, either made or produced at the time of the sale, or prepackaged and wrapped in a covering.
11. *Mobile ice cream truck* is a mobile food unit that operates from a motor vehicle and sells only prepackaged, single-portion, ice cream or frozen confections.
12. *Peddler* shall mean any person traveling by foot, wagon, vehicle, or any other type of conveyance from street to street carrying, conveying, or transporting goods, wares, or merchandise and offering or exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells, or offers for sale, such products from a wagon, handcart, pushcart, motor vehicle, conveyance, or from his person, while on the public right-of-way of the City of Colleyville. A peddler also includes any street vendor, itinerant vendor, or transient vendor.
13. *Public right-of-way* for the purposes of this ordinance shall mean a legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied, or intended to be occupied, by a street, utility service, water main, sanitary or storm sewer main, or other similar use. Right-of-way also includes the travel portion of the roadway and all traffic medians.
14. *Residential street* means a thoroughfare or public driveway, other than an alley, not on the City's Master Thoroughfare Plan, which has been dedicated or deeded to the public for general use and affords a principal means of vehicular or other access to property abutting thereon.
15. *Temporary business* means one that continues for forty-five (45) days or less; and, exists whether solicitation is from a stand, vehicle, or freestanding. Any business that exists more than forty-five (45) days shall be deemed to be a permanent occupancy and is required to obtain a

certificate of occupancy from the Community Development Department.

16. *Transient vendor* shall mean vendors who sell items for a limited time and have no permanent place of business at that location. Examples of places where transient vendor sales may take place are at fairs, bazaars, flea markets, art or craft shows, or concerts.

III. COMMERCIAL HOME SOLICITATION AND COMMERCIAL HOME DISTRIBUTION

A. COMMERCIAL HOME SOLICITATION AND COMMERCIAL HOME DISTRIBUTION ON PRIVATE PROPERTY

1. It shall be unlawful for any person to conduct commercial home solicitation or commercial home distribution upon residential property within the City without first obtaining a written permit as prescribed by this ordinance.
2. It shall be unlawful to approach any part of a residence other than the front door.
3. It shall be unlawful for any person(s), handbill distributors, or commercial home solicitors to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast, any handbill upon any residential property except:
 - a. By handing or transmitting such handbill directly to the owner or occupant then present in or upon such private premises; or
 - b. By placing or depositing the same in a manner to secure and prevent such handbill from being blown or drifting about such premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.
4. It shall be unlawful for any person to distribute or cause to be distributed, deposited, placed, thrown, scattered, or cast any handbill upon any residential property or to go upon any residential premises for the purpose of commercial home solicitation; or commercial home

distribution; and ring the doorbell, knock upon the door or create any sound for the purpose of attracting the attention of the occupants of the residence if:

- a. Requested by anyone thereon not to do so; or
 - b. If there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign, not less than three (3) inches by four (4) inches in size bearing the words "no trespassing," "no peddlers," "no advertisements," "no solicitation," "no handbills," or any similar notice indicating in any manner that the occupants of such premises do not desire to have any such handbills left upon their premises. The letters on such signs shall be not less than two-thirds (2/3) of an inch in height.
5. It shall be unlawful for any person to employ, use, or otherwise put into service, a child who is fifteen (15) years of age or less to engage in a commercial home solicitation or commercial home distribution, unless the child is soliciting or distributing within 1,000 feet of the child's home, or the child is actively supervised by an adult at least eighteen (18) years of age who is within one hundred (100) feet of the child, or who has written consent from a parent or legal guardian for a charitable purpose.
 6. No person shall leave any unsolicited pamphlet, unsolicited brochure, unsolicited flyer, unsolicited package, or unsolicited printed advertisement at a residence at a place further than five (5) feet from the front door of the residence.
 7. It shall be unlawful for any person to solicit, peddle, or distribute on a residential property that is listed on the "do-not-solicit list" as defined by this chapter.

B. DISPLAY OF IDENTIFICATION

1. The person(s) in charge of conducting commercial home solicitation or commercial home distribution shall ensure that all commercial home solicitors, or commercial home distributors involved, possess on their person photo

identification, such as a valid driver license, or other valid governmental identification that correctly identifies whom the solicitor/distributor is and for whom the solicitor/distributor is working.

2. It shall be unlawful for any commercial home solicitor(s) or commercial home distributor(s) to fail or refuse to show or display such identification upon the request of any person.
3. It shall be unlawful for any commercial home solicitors or commercial home distributors to engage in commercial home solicitation or commercial home distribution without having a copy of the permit in their possession, except that where the person who will be peddling or soliciting is fifteen (15) years of age or less.
 - a. Such person shall be supervised by a person who is over the age of eighteen (18) years of age and who shall obtain a license on behalf of the person to be supervised.
4. The permit holder must ensure that the permit is properly displayed while conducting peddling, commercial home solicitation, or commercial home distribution activities.
 - a. Properly displayed shall mean attached or hung so that the permit is clearly visible to the public and law enforcement officials.
5. It shall be unlawful for any person to conduct themselves as a commercial home distributor without wearing an orange traffic safety vest.

C. SOLICITATION IN SELECTED PUBLIC RIGHT-OF-WAY

1. It shall be unlawful for any person to solicit or to distribute handbills on, in, upon, or around any public right-of-way, with or without a permit.
2. Employees of the City of Colleyville are hereby exempt from the provisions of subsection 1 above, provided approval is first obtained from the city manager or their designee.

D. SOLICITATION FOR PURPOSES NOT SET OUT IN THE APPLICATION

1. It shall be unlawful for any commercial home solicitor to solicit for a purpose other than that set out in the application upon which the permit was issued.

IV. SOLICITATION PROHIBITED – HOURS

A. It shall be unlawful to solicit, peddle, or distribute on residential property prior to 9:00 a.m. or after 4:30 p.m. of any day Monday through Saturday, or any time on Sunday or any other federally designated holiday.

1. This section shall not apply to a visit to the premises as a result of a request or invitation made by the occupant, invitation of the owner of the property, or a person residing on the premises.
2. This subsection shall not apply to a visit if there is placed on such premises in a conspicuous place upon or near the main entrance to the residence, a weatherproof sign, not less than three inches by four inches in size bearing the words "solicitors welcome," "peddlers welcome," or any similar notice indicating in any manner that the occupants of such premises desire to have their home available for commercial home solicitation and commercial home distribution beyond the prohibited hours.
3. This subsection shall not apply to a visit to a residence that is listed on the "Solicitor's Welcome" list as defined by this Chapter.

B. It shall be unlawful to solicit, peddle, or distribute on residential property on any day where the Department of Homeland Security has issued a formal alert regarding a specific or credible terrorist threat resulting in an imminent or elevated threat level, the chief of police may suspend any commercial home solicitation or commercial home distribution activities until such time that the threat level is rescinded. This section shall not apply to a visit to the premises as a result of a request or

invitation made by the occupant, invitation of the owner of the property or a person residing on the premises.

V. DO-NOT-SOLICIT LIST

- A. The city manager shall develop and maintain a list of residences where commercial home solicitation is prohibited and such list shall be referred to as the “do-not-solicit list.”
- B. Any property owner or occupant may elect to add or remove his or her residence to or from the do-not-solicit list through the procedures developed by the city manager.
- C. The city manager shall make the do-not-call list available on the City’s website and to any person upon request.
- D. The chief of police shall provide a copy of the do-not-solicit list to each person issued a permit under this ordinance.

VI. SOLICITORS WELCOME LIST

- A. The city manager shall develop and maintain a list of residences where solicitation is welcome without regard to the time of day or day of the week and shall be referred to as the “solicitors welcome list.”
- B. Any property owner or occupant may elect to add or remove his or her residence to or from the solicitors welcome list through the procedures developed by the city manager.
- C. The city manager shall make the solicitors welcome list available on the City’s website and to any person upon request.
- D. The chief of police shall provide a copy of the solicitors welcome list to each person issued a permit under this ordinance.

VII. ITINERANT VENDORS

A. REQUIREMENTS

- 1. It shall be unlawful to operate a mobile ice cream truck, or any other itinerant street vendor vehicle in the City, and no person who owns or controls a mobile ice cream truck

or itinerant street vendor vehicle shall permit it to be so operated at any time, unless the driver of said vehicle shall have first obtained, and shall then have in force, an itinerant street vendor permit, issued under the provisions of this ordinance.

2. All permits shall be for specific time periods, dates, and locations.
3. Mobile frozen dairy food vendors, mobile ice cream trucks, or other itinerant vendor vehicles are permitted to vend in an area for a short period of time and move to multiple other locations, providing they do not remain at a location for more than thirty (30) minutes, without specific approval, as contained in the permit.
4. Sound equipment must be limited to music or human speech and can only be used between 11:00 a.m. and dusk each day.
5. Sound may not be broadcast within one hundred (100) yards of schools, hospitals, churches, courthouses, funeral homes, or cemeteries and shall meet all noise nuisance provisions contained in the Colleyville Code of Ordinances. Music must be played at a reasonably low volume while the unit is stopped for vending. If the unit is stopped for vending for more than ten (10) minutes, then music shall be turned off.
6. A sign or decal that is visible at all times with the business address and telephone number of the business permit holder printed on the side of the vehicle in letters of not less than two (2) inches in height.
7. Vehicles must be in good condition and have a current safety inspection sticker from the Texas Department of Motor Vehicles.
8. All itinerant vendors shall comply with all provisions of the Colleyville Code of Ordinances and Colleyville Land Development Code. Any itinerant vendor seeking to locate at a stationary point for more than thirty (30) minutes

must also obtain a temporary use permit from the Community Development Department.

B. SAFETY EQUIPMENT FOR MOBILE ICE CREAM TRUCKS OR OTHER VEHICLES VENDING FOOD PRODUCTS TO CHILDREN

1. Signs stating "WATCH FOR CHILDREN" or "SLOW CHILDREN CROSSING" must be posted on the front, back, and both sides of the vehicle in at least four (4) inch letters of contrasting colors in distinctive lettering, which is visible at three hundred (300) feet to the front and rear in normal sunlight, upon a straight, level roadway, or highway. Swing arms stating "Stop for Children" may be used as an option on the side of the vehicle in lieu of the signage with four (4) inch lettering.
2. A serving window capable of being closed when not in use must be provided and located on the curbside only.
3. The vehicle must be provided with left and right outside rear view mirrors, as well as two (2) additional outside wide-angle mirrors on the front and back of the vehicle to enable the driver, in his normal seated position, to see around the entire vehicle and see the area in front of the vehicle obscured by the hood. Rear mirrors shall not be required if the vehicle is equipped with a no ride bumper.
4. All vehicles must have operable four-way, yellow, flashing hazard lights to warn approaching drivers of children.
5. A rear bumper cover or a no ride bumper must be installed to prevent children from standing or jumping on the rear of the vehicle.
6. A trash receptacle to dispose of all litter that is generated from products sold from the mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor vehicle.

VIII. APPLICATION FOR PERMIT

A. COMMERCIAL HOME SOLICITATION

1. A person or organization seeking a permit for the purpose of conducting home solicitation shall file an application with the Police Department. The application shall contain the following information:
 - a. The full and legally recognized names and any associated aliases, logos, nicknames, and abbreviated names of the entity or person applying for a permit to solicit;
 - b. Whether the person applying is an individual, partnership, corporation, or association, and:
 - i. The business or residence address and telephone number of the applicant;
 - ii. If a partnership, the names of all partners, the principal business address, and telephone number of each partner;
 - iii. If a corporation, the person applying shall state whether it is organized under the laws of this state, another state, or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of such corporation, and, if a foreign corporation, the place of incorporation;
 - iv. If an association, the application shall show the association's principal business address and telephone number, if any, and shall show names and principal business or residence addresses, and telephone numbers of all members of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the name and principal business or residence addresses, and telephone numbers of the officers and directors, or trustees of the association;

- v. If the association is a part of a multi-state organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.
- c. The names, mailing address, and telephone number of all individuals who will be in direct charge or control of the solicitation;
- d. The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion, and the specific location(s);
- e. A description of the methods and means by which the solicitation is to be accomplished;
- f. The type of merchandise to be sold or offered for sale or the nature of the services to be furnished;
- g. Whether such applicant, upon any such order so obtained, will demand, accept, or receive payment, or deposit of money in advance of final delivery;
- h. A permit will not be issued if there is an affirmative statement as to whether the applicant has ever been:
 - i. Convicted of, or pleaded nolo contendere, to a misdemeanor involving fraud, theft, embezzlement, burglary, fraudulent conversion, or misappropriation of property within the preceding ten (10) years, or convicted of, or pleaded nolo contendere, to any felony;
 - ii. Found liable in a civil or administrative action in which the complaint, or petition alleged fraud, theft, embezzlement, fraudulent conversion, misappropriation of property, or the use of untrue or misleading representations in an attempt to sell or dispose of property, or to obtain money or a thing of value from another;

- iii. Found liable under any law regarding the use of unfair, unlawful, or deceptive business practices; or
 - iv. Subject to an injunction or restrictive court order relating to business activity as the result of an action brought by a federal, state, or local public agency, including an action affecting a vocational license.
 - i. The names of any cities where the applicant has worked in the previous three hundred and sixty-five (365) days;
 - j. Two full-face photographs of each applicant, two (2) inches square;
 - k. A copy of a valid state tax sales certificate, if applicable;
 - l. An authorization to conduct a criminal background check on the applicant;
 - m. Any other information, which the City deems necessary for the administration of this ordinance.
2. The application must be signed by the applicant and accompanied by a non-refundable application fee of \$15.00 and a permit fee of \$50.00, if approved. Such application shall also show satisfactory written proof of the individual's authority to represent the company.
 3. Information provided by applicant will be subject to verification by the Police Department.
 4. Failure to provide a complete and thorough application or falsification of any part of the application shall be grounds for the denial or revocation of a permit.
 5. After review of the permit application and within ten (10) business days of the receipt of the application, the chief of police, or his designee, shall either issue a permit, as provided in this ordinance, or notify the person applying that the application does not comply with the requirements

of this ordinance, specifying why the application is incomplete, or otherwise does not comply.

6. If the applicant is fifteen (15) years of age or less, a copy of the parental consent form required by Section 51.0145 of the Texas Labor Code and the name, address, and telephone number of all persons who will be responsible for supervising the activities of the applicant must be provided.
7. A permit granted under this article shall be valid only until the termination of the solicitation period specified in the permit or for one hundred eighty (180) days, whichever is less, but may be renewed once for one hundred eighty (180) days, if made within the initial one hundred eighty (180) day period of the original permit. Each application for renewal must verify permit information as correct, and provide copies of sales tax returns for the prior permit period.
 - a. A permit renewal application shall be \$25.00, if submitted within one hundred eighty (180) days of the original application.

B. COMMERCIAL HOME DISTRIBUTION

1. No person shall engage in a commercial home distribution without having a valid, current permit issued under the provisions of this ordinance by the chief of police. The application shall contain the following:
 - a. The name, date of birth and mailing address of the person(s) applying;
 - b. The name, mailing address and phone number of the handbill sponsor and company organizing the distribution of same;
 - c. The time period and locations within which commercial home distributions will be made, including the proposed beginning date, the projected date of conclusion, and an estimate of how often the applicant will distribute during the permit period;

- d. A description of the methods and means by which the commercial home distributions will be accomplished;
- e. A description of the goods or services to be sold or offered through the distribution;
- f. If the applicant is fifteen (15) years of age or less, a copy of the parental consent form required by Section 51.0145 of the Texas Labor Code and the name, address, and telephone number of all persons who will be responsible for supervising the activities of the applicant must be provided;
- g. A permit will not be issued if there is an affirmative statement as to whether the applicant has ever been:
 - i. Convicted of, or pleaded nolo contendere, to a misdemeanor involving fraud, theft, embezzlement, burglary, fraudulent conversion, or misappropriation of property within the preceding ten (10) years, or convicted of, or pleaded nolo contendere, to any felony;
 - ii. Found liable in a civil or administrative action in which the complaint or petition alleged fraud, theft, embezzlement, fraudulent conversion, misappropriation of property, or the use of untrue or misleading representations in an attempt to sell or dispose of property, or to obtain money or a thing of value from another;
 - iii. Found liable under any law regarding the use of unfair, unlawful, or deceptive business practices; or
 - iv. Subject to an injunction or restrictive court order relating to business activity as the result of an action brought by a federal, state, or local public agency, including an action affecting a vocational license.

2. It shall be unlawful for any person to file an application for a commercial home distribution permit that contains any false statement of fact.
3. The names of any cities where the applicant has worked in the previous three hundred and sixty-five (365) days.
4. The application for the permit must be signed by the applicant and accompanied by a non-refundable application fee of \$15.00 and a permit fee of \$50.00, if approved. Such application shall also show satisfactory written proof of the individual's authority to represent the company.
5. It shall be unlawful for any person to engage in a commercial home distribution without carrying the permit required by this ordinance, on his or her person, while so engaged, or to display a permit issued in the name of another person.
6. After review of the permit application and within ten (10) business days of the receipt of the application, the chief of police or his designee shall either issue a permit, as provided in this ordinance, or notify the person applying that the application does not comply with the requirements of this ordinance, specifying why the application is incomplete or otherwise does not comply.
7. A permit granted under this article shall be valid only until the termination of the solicitation period specified in the permit or for one hundred eighty (180) days, whichever is less, but may be renewed once for one hundred eighty (180) days, if made within the initial one hundred eighty (180) day period of the original permit. Each application for renewal must verify permit information as correct and provide copies of sales tax returns for the prior permit period.
 - a. A permit renewal application shall be \$25.00, if submitted within one hundred eighty (180) days of the original application.

C. GROUP REGISTRATION (applies to Commercial Home Distribution permits only)

1. A person may apply for a group registration applicable to two (2) or more persons who desire to engage in commercial home distributions.
2. The registration application shall contain all of the information required herein for each person who will be engaging in commercial home distributions under the group registration.
3. The application must be signed by a person responsible for the group application and shall be accompanied by a non-refundable application fee of \$15.00 and an additional permit fee of \$15.00 for each person to be included under the group application.
4. Provided that, if the applicant registers ten (10) or more persons under a group application, the additional permit fee shall be \$10.00 per person. The applicant for group registration shall provide each person distributing under the applicant's registration an identification badge to be worn and displayed while the person is engaging in a commercial home distribution.

D. ITINERANT VENDORS

1. Every driver or person desiring a permit to conduct sales activity in the City as a mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor shall make a written application therefore to the chief of police. The application shall be made on a form approved by the chief of police, accompanied by a non-refundable \$15.00 application fee and a \$50.00 permit fee if approved, and state the following:
 - a. Name, business address, and telephone number of applicant;
 - b. Name, address, and telephone number of the person, firm, or corporation the applicant is representing; the agent or service of process of a corporation, and/or

name and address of any owner of a business not incorporated, and the assumed name of said business filed in the index in the county of its home office, for any business;

- c. Attached to the application shall be a certified original copy of the sales tax permit issued by the comptroller of the state;
- d. Statement of the kind, type, and character of solicitation and/or the goods that applicant will offer for sale, and state whether the purchaser of such wares or goods shall be required to make any deposit or advance payment of purchase price before delivery, and a complete and full statement of the delivery date;
- e. The period of time the applicant requests to sell or solicit in the City;
- f. Location or area of the City where sales activity will be conducted;
- g. List of all convictions of all felonies and misdemeanors and violations of this article of applicant and representatives, stating the offense, city and state, the court of conviction, and the punishment imposed;
- h. Name and phone number of three (3) character witnesses for applicant who can be contacted within forty-eight (48) hours;
- i. If sales are to be conducted from one (1) or more stationary locations, the applicant shall submit written consent of the property owner, or its authorized agent consenting to applicant's use of such private property for sales activity indicated in the permit application;
- j. Names of each employee, agent, or representative for whom the applicant will sell, offer, exhibit, or solicit orders for the sale of goods, wares, or merchandise for, or on behalf of, the applicant;

- k. The name of all cities in which the applicant has conducted sales activity in the last three hundred sixty-five (365) days.
- 2. No itinerant street vendor permit of any kind shall be granted unless:
 - a. The applicant is at least eighteen (18) years of age, has a valid state issued driver license;
 - b. The applicant has no active suspension on his or her driving privileges in any state;
 - c. No permit shall be issued if the applicant has been convicted of, or pleaded nolo contendere to, any felony.
- 3. Before a permit is issued by the chief of police, or his designee, the applicant will be required to furnish a policy of liability insurance, in the amount of \$250,000 per incident. This policy must include a provision that the City will be notified within thirty (30) days if this policy of insurance is to be cancelled for any reason.
 - a. Cancellation of an insurance policy for a mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor shall be an automatic revocation of the permit issued to that mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor.
 - b. Cancellation of an insurance policy for any company that operates any mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor shall be an automatic revocation of all City permits issued to all mobile ice cream trucks, mobile frozen dairy food vendors, or other itinerant street vendors operated by that company.
- 4. Vehicles must be in good condition and have a current safety inspection sticker from the Texas Department of Motor Vehicles.

5. Any itinerant vendor handling or selling non-prepackaged food must also possess a current Tarrant County Public Health Department Food Handler Card. Proof of an annual health department inspection shall be provided at the time of permit application. The inspection shall be performed by a registered sanitarian licensed in the State of Texas and employed with a county or city health department in the State of Texas.
6. When the application is approved, the mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor's permit shall be issued in card form. The photograph of the driver shall be attached to the card.
 - a. Each driver will be given a mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor permit number, which will be on such permit. This card shall be posted in a prominent place in the mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor vehicle, and shall be shown to any customer, police officer, or code enforcement officer upon request.
 - b. A copy of the permit shall be posted in the mobile ice cream truck, mobile frozen dairy food vendor, or other itinerant street vendor vehicle at all times.
7. A permit granted under this article shall be valid for one year – from between January 1 and December 31, regardless of the date of application. Each application for renewal must verify permit information as correct, and provide copies of sales tax returns for the prior permit period.

IX. EXEMPTION FROM PERMIT FEES

- A. The permit fees shall not be required of charitable solicitations, ordinary commercial travelers who sell or exhibit for sale goods, wares, or merchandise to persons selling and dealing in the same within the City, or individuals who file a statement with the Police Department indicating their indigent status.

X. INVESTIGATION OF THE APPLICANT

- A. In addition to all permit fees, each applicant for any type of permit in this ordinance shall pay a non-refundable fee of \$15.00 to cover the cost of conducting a criminal background check on the applicant(s).
- B. It shall be the duty of the chief of police, or his designee, to investigate each applicant for a permit under this ordinance, before issuance of such a permit based on a review of the applicant's background.

XI. ISSUANCE, DENIAL, REVOCATION

- A. The chief of police, or his designee, shall issue the applicant a commercial home solicitation, commercial home distribution, or itinerant vendor permit if the chief of police, or his designee determines that the application has been fully and accurately completed, the permit application fee has been paid, and that the applicant has satisfied each requirement of this ordinance. If not, the chief of police, or his designee, may deny the permit.
- B. A commercial home solicitation, commercial home distribution, or itinerant vendor permit may be revoked if the chief of police so determines that reasonable cause exists to believe that:
 - 1. A statement of fact contained in the application was false or materially misleading;
 - 2. The permit holder has failed to comply with any of the provisions of this ordinance;
 - 3. Any of the conditions of this ordinance is, or has become applicable, to the permit holder; or
 - 4. The permit holder has engaged in a commercial home solicitation or commercial home distribution that involves the use of false, misleading, fraudulent, or deceptive acts.
- C. The chief of police, or his designee, shall provide notice of the revocation by certified mail, personal service, or courier-receipted commercial delivery sent to the address provided on the permit holder's application.

- D. The permit holder may appeal the denial or revocation of a permit to the chief of police by filing a written notice of appeal with the chief of police within ten (10) business days of delivery of notice of the denial or revocation. The chief of police shall render a decision on the appeal within five (5) business days of the date of the receipt of the appeal. The decision of the chief of police shall be final. A revocation shall remain in effect for a period of one (1) year, during which time the permit holder may not be issued another commercial home solicitation, commercial home distribution, or itinerant vendor permit.

XII. EXEMPTIONS TO PERMITTING REQUIREMENTS

- A. The following shall be exempt from the permitting requirements of this ordinance:
1. Religious organizations exclusively for the distribution of literature and other items for the purpose of proselytizing, provided that no fees are charged, and no donations are solicited;
 2. Anonymous political speech;
 3. Charitable purpose;
 4. The provisions of this ordinance shall not apply to sales made under authority and by order of law, nor to persons, or their authorized representatives, who have previously established with the owners or occupants of such private residences or property a regular business, trade, service, or other contractual relationship;
 5. Any operation, which is exempted by state or federal statute from this ordinance, is exempt only to the extent of such applicable exemption;
 6. Any person claiming to be legally exempt from the provisions of this ordinance, including the payment of the permit, or investigation fee, shall make such a claim in writing to the chief of police, citing the applicable statute or authority, and providing proof of its applicability.

XIII. MISCELLANEOUS OCCASIONAL SALES OF NONFOOD ITEMS IN RESIDENTIAL ZONES

Occasional sales, whether classified as garage sales, yard sales, or any other display for sale of any other item not classified in this article in a noncommercial zoned district, such as personal items; trucks, automobiles, or tractors registered to a person residing on the premises; used household items or furniture; or any other item not grown, harvested, manufactured, processed, created, gathered, or otherwise produced on the premises, shall be permitted for not more than ten days per year, per premises. No signs shall be erected on property other than the location where the products are sold, or services are conducted.

XIV. SALES ON PUBLIC RIGHT-OF-WAY PROHIBITED

No person may display products for sale or conduct the sale of products anywhere within the public right-of-way. (Ord. No. 0-95-1014, § 3, 1-2-96)

XV. TENTS AND TEMPORARY STRUCTURES

The erection of a tent or other temporary structure as a shelter for outdoor display and sales of food products shall meet the following requirements:

- (1) No tent or other temporary structure shall be erected within 20 feet of any property line, building, or other tent.
- (2) No tent or other temporary structure shall be erected in any fire lane, dedicated access road, right-of-way, or dedicated easement.
- (3) All tents and their appurtenances shall be securely roped, braced, and anchored to withstand the elements of weather against collapse.
- (4) All sections or parts of all tents shall be of flame-retardant material. This shall include all floor coverings, bunting, decorations, side wall coverings, and other effects.
- (5) Smoking shall not be permitted, and no smoking signs shall be posted at all entrance doors and where deemed necessary by the fire marshal.
- (6) No fireworks, open flame, nor any device emitting flame, or fire, or creating a glow, shall be permitted, or used.

- (7) Balloons or other similar devices that are filled with toxic, explosive, or flammable gases shall not be permitted in, or adjacent to, any tent or other temporary structure.
- (8) All exits shall be in accordance with, and comply with, the International Fire Code, as adopted by the City Council.
- (9) All exit signs shall be in accordance with, and comply with, the International Fire Code, as adopted by the City Council.
- (10) Exit illumination shall be in accordance with, and comply with, the International Fire Code, as adopted by the City Council.
- (11) All weeds, grass, vegetation, or other flammable materials shall be removed and not located within 30 feet of any tent, temporary structure, or their appurtenances.
- (12) Fire extinguishers shall be installed in accordance with, and comply with, the International Fire Code, as adopted by the City Council.

XVI. OUTDOOR DISPLAY AND SALES OF HOMEGROWN PRODUCE IN RESIDENTIAL DISTRICTS

The display and sale to the general public of fruits, vegetables, and other homegrown produce from private residences in noncommercial zoned districts may be conducted during the normal growing and harvesting season under the following restrictions:

- (1) A temporary sign advertising the products sold may be erected on the premises, in accordance with the sign code.
- (2) Homegrown or home-produced food products may consist of, but are not limited to, peaches, pears, apples, nuts, berries, eggs, tomatoes, beans, peas, grapes, or products processed on the premises from food items such as jams, jellies, preserves, candies, pies, juices, or any other edible food product.
- (3) Where fruits, vegetables, and other food items are to be displayed and sold for more than nine months per year, a special use permit shall be required in every zoning district.

XVII. PENALTIES

- A. Any person violating any provision of this ordinance or failing to observe any provisions of this ordinance shall have their permit revoked immediately and will not be entitled to reapply for a period of one (1) year from the date of the revocation. In the event of such forfeiture of permit, no part of such permit fee as may have been so paid shall be refunded to such person, and;
- B. Any person, firm, or corporation violating any of the terms or provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not to exceed \$500.00 for each offense, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.
 - 1. In case of any willful violation of any of the terms and provisions of this ordinance, the City, in addition to imposing the penalties above provided, may institute any appropriate action or proceeding in any court having proper jurisdiction, to restrain, correct or abate such violations; and the definition of any violation of the terms of this ordinance as a misdemeanor, shall not preclude the City from invoking the civil remedies given it by the laws of the state, but same shall be cumulative and subject to prosecution as hereinabove prescribed for such violations.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7a

Agenda Date 12/17/2013

Number Resolution R-13-3699

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Architectural Review Commission

Explanation

Reading and Public Hearing

The City Council established the Architectural Review Commission to engage the Colleyville community in the City's economic development efforts. The Commission serves in an advisory role to the City Council and provides recommendations on matching grant applications, recommendations related to issues such as the quality and effectiveness of Colleyville's Commercial Design Standards, and the possibility of an Overlay District within the core of the Colleyville Boulevard corridor.

There are three positions on the Architectural Review Commission whose terms expire December 2013. The positions were advertised and the incumbents were notified that their term was expiring and asked to submit an Application for Appointment, if they wished to be considered for reappointment.

The following Commission member's terms expire December 2013:

- Jeffrey Ground
- Kevin Procaccino
- Gerald Ward

The applicants are listed below and the applications are attached:

- Andy Garcia
- John Hines
- Jeffrey Ground
- Gerald Ward

This resolution provides for City Council to consider appointments to the Architectural Review Commission.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Architectural Review Commission roster
2. Architectural Review Commission applications for appointment
3. Resolution R-13-3699

Architectural Review Commission

Alan Greer

2304 Mulberry Court
Colleyville, TX 76034
W: (214) 217-2220
H: (817) 684-1144
adg@freese.com
TERM: Dec 2012 - Dec 2014

Christina Keilson

1113 Garry Lynne Drive
Colleyville, TX 76034
H: (214) 679-7109
keilson.christina@gmail.com
TERM: Dec 2012 - Dec 2014

Kevin Procaccino

6409 Meade Drive
Colleyville, TX 76034
W: (817) 975-3402
H: (817) 442-8572
Kevin@kenandom.com
TERM: Dec 2011 - Dec 2013

Curtis W. Young

8003 Jefferson Circle
Colleyville, TX 76034
W: (817) 424-2626
H: (817) 498-2011
cyoung@sage-dfw.com
TERM: Dec 2012 - Dec 2014

Jeffrey Ground

4108 Dundee Court
Colleyville, TX 76034
W: (817) 320-5330
H: (817) 354-5640
jsg@jsgroundengineering.com
TERM: Dec 2011 - Dec 2013

Jim Makens

1312 Somerset Court
Colleyville, TX 76034
W: (214) 957-8284
jm@makens.com
TERM: Dec 2012 - Dec 2014

Gerald Ward

4301 Briar Ridge Drive
Colleyville, TX 76034
W: (817) 281-5600
H: (817) 656-7939
wardarchitecture@sbcglobal.net
TERM: Dec 2011 - Dec 2013



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Architectural Review Commission

3. Parks and Recreation Advisory Board

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Andy J. Garcia

Address: 2741 Mesquite Lane, Grapevine, TX 76051

Home phone: 817.703.1652

Work phone:

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: andy.garcia.tx@gmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

- Retired from IBM Corp after 25 years of service in all areas of business including international work in the UK, Australia, Canada, Mexico and South America.
- Involved in training in the corporate environment as well as in the arts.
- Currently volunteer lead docent at the Meadows Museum - SMU Dallas.
- Currently volunteer work with AARP as Income Tax Advisor.
- Interested in Literature, Architecture and Parks and Recreation in general.
- Fluent in Spanish, Portuguese and some French and Italian.

☒ Check if additional materials are attached. Other information (City/civic service, interests):

Although not a resident of the City of Colleyville, I live at the northeast boundary of the city and feel very linked to Colleyville since most of my activities and those of my family take place in the city. I would appreciate the opportunity to contribute to the growth and improvement of the quality of life in our city. Thanks for the consideration!

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Andy J. Garcia*

Date: 11/25/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Application for Appointment For City Council Appointed Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130 and on the City's website at: <http://www.colleyville.com/files/Financial%20Disclosure%20form.pdf>.

Board, Commission, or Committee: (only those with current openings)

Please use the drop down menu to select your preference of (up to three) board(s), commission(s), or committee(s), for which you would like to be considered.

1. Colleyville Sidewalks Committee

2. Architectural Review Commission

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Jeffrey S. Ground, PE, CFM, LEED AP

Address: 4108 Dundee Ct. Colleyville, TX 76034

Home Phone: 817-354-5640

Work Phone: 817-320-5330

☒ I understand attendance and active support is required for each appointee.

☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.

E-mail Address: jg@aggienetwork.com

Fax: 817-354-5640

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Current Sidewalk Committee Chair. Also, I am a licensed professional civil engineer, certified floodplain manager and a LEED accredited professional. I have 20 years of experience working for municipalities in North Texas as a consulting engineer. Primary projects have involved infrastructure reconstruction and redevelopment of existing infrastructure. In addition to the municipal projects completed, I have also provided real estate management for 8 commercial properties in Dallas and understanding the balance between a property owner/developer/municipality. I have also served the city as a member of the Architectural Review Commission since 2011.

City service and experience, civic organizations, interest: ☐ Additional materials attached.

Current Sidewalk Committee Chair and member of the Architectural Review Commission since 2011. Prior experience includes Past President for the North Central Texas Branch American Public Works Association (APWA), Dallas Branch American Society of Civil Engineers (ASCE), and Fort Worth/Tarrant County A&M Club. Other Boards I have served on include Dallas Branch Texas Society of Professional Engineers (TSPE), Fort Worth Branch ASCE, State level APWA, TSPE, and ASCE.

Signature: _____



Date: November 14, 2013

**Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.**

Please return completed application to:

**City Secretary, 100 Main Street, Colleyville, TX 76034, Office: 817.503.1130 Fax: 817.503.1139
ashelley@colleyville.com**



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Architectural Review Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Traffic Safety Advisory Committee

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. John Hines

Address: 4806 Cranbrook Drive East, Colleyville TX 76034

Home phone: 817-571-2775

Work phone: 817-239-8688

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: husker.1power@yahoo.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I've been in the Mechanical/Electrical Design/Build Construction field for 38 years. From Proj. Mgr. Trainee to a Partner in two mechanical contracting firms my experience in hospital, office building (retail & commercial), data centers, natural gas compressor stations, univ. & high school construction are some areas of my expertise. Through the years I have appreciated the building conceptual knowledge I have gained. I have numerous relationships with various local architects and engineers. I have served on various construction boards. I have a BS in Construction Management from the Univ of Nebraska (1975). I've held a State of Texas AC/Refrigeration Licence (TACLA1109C) since 1984.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

My wife and I have lived in HEB/Colleyville since 1978. Our four children all graduated from Texas Universities and live in the DFW area. My wife says our Colleyville home is where she will raise her grandchildren (when they visit)!

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *John Hines*

Date: 11/26/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Architectural Review Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Gerald Arthur Ward

Address: 4301 Briar Ridge Drive

Home phone: 817-656-7939

Work phone: 817-281-5600

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: wardarchitecture@sbcglobal.net

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Masters of Architecture 1983 Texas A&M University

Member of ARC for three years

owner of Ward Architecture PLLC

over 30 years practicing architect

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Gerald A Ward*

Date: 11/25/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

RESOLUTION R-13-3699

**A RESOLUTION APPOINTING MEMBERS TO THE
ARCHITECTURAL REVIEW COMMISSION**

WHEREAS, three (3) positions on the Architectural Review Commission have terms expiring December 2013.

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

Sec. 1. THAT the Colleyville City Council hereby appoints the following persons to the Architectural Review Commission with a term expiring December 2015:

•
•
•

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7b

Agenda Date 12/17/2013

Number Resolution R-13-3700

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Colleyville Center Advisory Committee

Explanation

Reading and Public Hearing

The terms of eight (8) members, five (5) at-large and three (3) organization representatives (Colleyville Rotary Club, Colleyville Woman's Club, and Arts Council Northeast) of the Colleyville Center Advisory Committee expire December 2013. The positions were advertised and incumbents and organizations, represented on the Committee, were asked to submit an Application for Appointment, if they wished to be considered for reappointment.

The following committee member's terms expire December 2013:

- | | |
|-------------------|--------------------------|
| • Steve Burak | At-large |
| • Deena Dendy | At-large |
| • Kirsten Isensee | At-large |
| • Mark Johnson | At-large |
| • Fred Mills | At-large |
| • Jon Bullock | Colleyville Rotary Club |
| • Darla Dennison | Colleyville Woman's Club |
| • Connie Nichols | Arts Council Northeast |

There are five (5) applicants, four (4) at-large and one (1) organization representative, whose names are listed below, for City Council consideration:

- | | |
|---------------------------|--------------------------|
| • Leti (Elizabeth) Carson | At-large |
| • Mark Johnson | At-large |
| • Sue Anne Martinez | At-large |
| • Fred Mills | At-large |
| • Darla Dennison | Colleyville Woman's Club |

Mrs. Lee Koch, President, Arts Council Northeast, has advised the Arts Council Northeast, wishes to appoint Earlene Garvey, Community Volunteer, to serve as the Arts Council Northeast representative to the Colleyville Center Advisory Committee.

Mr. Jon Bullock, Colleyville Rotary Club, Foundation Chair, and current Colleyville Rotary Club representative to the Colleyville Center Advisory Committee, has advised the Colleyville Rotary Club wishes to appoint Mike Bolton, President, to serve as the Colleyville Rotary Club representative to the Colleyville Center Advisory Committee.

An Application for Appointment has not been received for either one of the nominations.

As there are more vacancies than applicants received for the at-large positions, City Council will determine the need for re-advertising and advise staff accordingly.

This resolution provides for City Council to consider appointments to the Colleyville Center Advisory Committee.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Colleyville Center Advisory Committee roster
2. Colleyville Center Advisory Committee Applications for Appointment
3. Resolution R-13-3700

Colleyville Center Advisory Committee

At-Large

Steve Burak

6119 Waller Lane
Colleyville, TX 76034
W: (817) 657-2471
H: (817) 416-6375
steve@steveburak.com
TERM: Dec 2011 - Dec 2013

At-large

Deena Dendy

4906 Cranbrook Drive East
Colleyville, TX 76034
H: (817) 545-2176
dedendy@tx.rr.com
TERM: Dec 2011 - Dec 2013

At-large

Mark Johnson

4804 Mill Brook Drive
Colleyville, TX 76034
H: (817) 354-4098
markjohnson49@mac.com
TERM: Dec 2011 - Dec 2013

At-large

Fred Mills

5400 Linden Court
Colleyville, TX 76034
W: (817) 320-6862
H: (817) 545-6862
saxmills@verizon.net
TERM: Dec. 2011 – Dec 2013

Arts Council NE

Connie Nichols

1312 Ashford Court
Colleyville, TX 76034
H: (817) 577-0754
connienichols47@gmail.com
TERM: Feb 2011 - Dec 2013

Colleyville Lions Club

Tom Westerman

308 Oak Valley
Colleyville, TX 76034
W: (817) 300-0881
H: (817) 485-0911
Twesterman1@att.net
TERM: Dec 2012- Dec 2014

Colleyville Rotary Club

Jon Bullock

5808 Bettinger
Colleyville, TX 76034
W: (817) 721-6061
H: (817) 428-6061
jrbullock75@gmail.com
TERM: Dec 2011 - Dec 2013

At-large

Michael Cunningham

6504 Bordeaux Park
Colleyville, TX 76034
W: (817) 584-1862
H: (817) 788-1163
milecu@gmail.com
TERM: Dec 2012 - Dec 2014

At-large

Kirsten Isensee

3203 Wilton Woods Court
Colleyville, TX 76034
W: (214) 669-2581
H: (817) 864-9052
tiki100@sbcglobal.net
TERM: Dec 2011 - Dec 2013

At-large

Louis C. Miller

7802 Tillman Hill Court
Colleyville, TX 76034
W: (817) 994-6180
H: (817) 577-8546
millerlouis@sbcglobal.net
TERM: Dec 2012 - Dec 2014

At-large

Paul Vigiletti

604 Summertree Court
Colleyville, TX 76034
W: (817) 689-4475
H: (817) 485-7417
paubervig@tx.rr.com
TERM: Dec 2012 - Dec 2014

Colleyville Garden Club

Julie George

5908 Quality Hill Road
Colleyville, TX 76034
W: (214) 202-4671
H: (817) 577-2627
juliefgeorge@sbcglobal.net
TERM: Dec. 2012 – Dec. 2014

National Charity League

Irma Villalobos

5108 Apple Valley Drive
Colleyville, TX 76034
W: (817) 846-0499
H: (817) 605-6192
irmavillalobos@me.com
TERM: Dec 2012 - Dec 2014

Colleyville Woman's Club

Darla Dennison

100 Franklin Court
Colleyville, TX 76034
H: (817) 770-8805
TERM: Dec 2011 - Dec 2013



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Click here for drop down menu (menu wasn't working)

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu ① Parks & Recreation Advisory Board
3. Click here for drop down menu ② Colville Center Advisory Committee
③ Colville Library Board

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Leti Carson (Elizabeth)

Address: 4504 Jim Mitchell Trail West

Home phone: 817 540 1250

Work phone:

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: leticarson@hotmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Resident for 15 years. Grown children. Willing participant. Want to be involved & have the time. I enjoy reading & walking the various area trails. And I'm curious what will happen at the Colleyville Center.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: Elizabeth Carson

Date: 11/12/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Application for Appointment For City Council Appointed Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

Please use the drop down menu to select your preference of (up to three) board(s), commission(s), or committee(s), for which you would like to be considered.

1. Colleyville Center Advisory Committee

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☐ Mr. Mark Johnson

Address: 4804 Mill Brook Drive, Colleyville, TX

Home Phone: _____ Work Phone: 817-909-0778

☒ I understand attendance and active support is required for each appointee.

☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.

E-mail Address: markjohnson49@mac.com Fax: 817-788-1399

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I currently serve on the Colleyville Center Board and hold the position of Chair. My experience has been very positive and rewarding. After a long corporate career, I founded consulting firm, ERISA Benefits Consulting, Inc.

City service and experience, civic organizations, interest: ☐ Additional materials attached.

I served on the Historic Preservation Committee. Attended both the Citizens Fire Academy and the Citizens Police Academy. I served a term as president of the CFA Alumni Association.

Signature: _____

Date: 10/21/13

**Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.**

**Please return completed application to:
City Secretary, 100 Main Street, Colleyville, TX 76034, Office: 817.503.1130 Fax: 817.503.1139
ashelley@colleyville.com**



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Colleyville Center Advisory Committee

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Sue Anne Martinez

Address: 1816 Maplewood Trail, Colleyville, Texas 76034

Home phone: 817.525.5342

Work phone: 972.586.1938

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: sueanne.martinez@aviall.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Market Liaison, Good Shepherd Women's Group, Colleyville, Texas, 76034

Board Member & Committee Member, Hispanic Women's Network of Texas, Fort Worth, Texas, 2000 - Present

Board Member & Committee Member, Gill Children's Services, Fort Worth, Texas, 2003 - 2012

Board Member & Committee Member, Communities in School, Tarrant County, Texas, 2003 - 2006

Committee Member, All Saints Catholic School, Fort Worth, Texas, 2000 - 2012

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Graduate, Leadership Development Course, Fort Worth Hispanic Chamber of Commerce, 2002

Graduate, Power Pipeline, Foundation for Women's Resources, Austin, Texas, 1999

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Sue Anne Martinez*

Date: 11/21/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Application for Appointment For City Council Appointed Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

Please use the drop down menu to select your preference of (up to three) board(s), commission(s), or committee(s), for which you would like to be considered.

1. Colleyville Center Advisory Committee

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Fred Mills

Address: 5400 Linden Ct. Colleyville, TX 76034

Home Phone: 817-545-6862

Work Phone: _____

☒ I understand attendance and active support is required for each appointee.

☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.

E-mail Address: saxmills@verizon.net

Fax: _____

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am currently serving on the Colleyville Center Advisory Committee, and have had multiple terms. I enjoy working with other Advisory Committee members and the Center Staff. Increasing usage of the Center continues to be my top priority.

Experience includes 36 years of operations management and sales for Verizon. BBA & MBA

City service and experience, civic organizations, interest: ☐ Additional materials attached.

Served as co-chairman of the Colleyville Commuter Rail Committee
Supporter of Performing Arts and active jazz musician.

Signature: Fred C. Mills

Date: 10/02/2013

**Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.**

**Please return completed application to:
City Secretary, 100 Main Street, Colleyville, TX 76034, Office: 817.503.1130 Fax: 817.503.1139
ashelley@colleyville.com**

Application for Appointment For City Council Appointed Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130 and on the City's website at: <http://www.colleyville.com/files/Financial%20Disclosure%20form.pdf>.

Board, Commission, or Committee: (only those with current openings)

Please use the drop down menu to select your preference of (up to three) board(s), commission(s), or committee(s), for which you would like to be considered.

1. Click here for drop down menu Colleyville Center For CWC

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Darla Dennison

Address: 100 Franklin Ct. Colleyville

Home Phone: 817-770-8805

Work Phone: _____

☒ I understand attendance and active support is required for each appointee.

☐ By providing an e-mail address, I consent to the release of my e-mail address by the City.

E-mail Address: _____ Fax: 817-770-8805

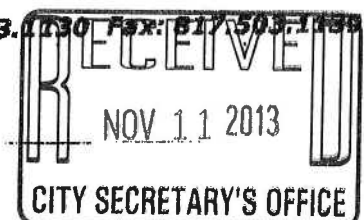
Knowledge, experience, or education applicable to Board, Commission, or Committee function:

City service and experience, civic organizations, interest: ☐ Additional materials attached.
I served on the Celebrate Colleyville Committee for 3 years. I have co-chaired the Grace Gala, American Heart Gala, American Heart Walk, Summer Santa, CWC Fashion Show 3 years and chair of their Big Board auction for the last 4 years, Chaired CWC Home Tour, VP Fundraising for CWC and have been a member of and chaired numerous committees for CWC. I am also a member of SOS, Colleyville Chamber and The Arts League for which I served as Logistics Chair for last year's Shining Stars Event and chair of their Live Auction this year.

Signature: Darla Dennison Date: 11-10-13

Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.

Please return completed application to:
City Secretary, 100 Main Street, Colleyville, TX 76034, Office: 817.503.1130 Fax: 817.503.1133
ashelley@colleyville.com



RESOLUTION R-13-3700

**A RESOLUTION APPOINTING MEMBERS TO THE COLLEYVILLE
CENTER ADVISORY COMMITTEE**

WHEREAS, the Colleyville Center Advisory Committee has eight (8) positions whose terms expire December 2013; and

WHEREAS, five (5) positions are at-large and three (3) positions represent the Arts Council Northeast, Colleyville Rotary Club, and the Colleyville Woman's Club.

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

Sec. 1. THAT the following persons are hereby appointed to the Colleyville Center Advisory Committee with a term expiring December 2015:

At-Large
At-Large
At-Large
At-Large
At-Large
Arts Council Northeast
Colleyville Rotary Club
Colleyville Woman's Club

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____
ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

**CITY OF
COLLEYVILLE**

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7c

Agenda Date 12/17/2013

Number Resolution R-13-3701

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Colleyville Events Steering Committee

Explanation

Reading and Public Hearing

The Colleyville Events Steering Committee membership was reduced from 15 members to seven members effective December 2012, with the approval of Resolution R-12-3483, attached to this agenda briefing.

Per Resolution R-12-3483, four members are to be appointed in even numbered years, with a term to begin December 2012, and will serve through December 2014. The remaining three committee member terms expire December 2013. The positions were advertised and the incumbents were notified their term was expiring and asked to submit an Application for Appointment, if they wished to be considered for reappointment.

The following Committee member's terms expire December 2013:

- Kirsten Isensee
- Linda Salisbury
- (1) vacant position

The applicants are listed below and the applications are attached.

- Nancy Andrews
- Mary Lou Dove
- David Hays
- Sandra McIntosh
- Ryan Milakovich
- Hillary Schwanbeck

This resolution provides for City Council to consider appointments to the Colleyville Events Steering Committee.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Colleyville Events Steering Committee roster
2. Colleyville Events Steering Committee applications for appointment
3. Resolution R-12-3483
4. Resolution R-13-3701

Colleyville Events Steering Committee

CHAIR

Amy Redfearn

7300 Chanel Court
Colleyville, TX 76034

W: (972) 896-3796

H: (817) 577-1009

amyredfearn@verizon.net

TERM: Dec 2012 - Dec 2014

VICE-CHAIR

Patti Tanaka

4108 Cheshire Drive
Colleyville, TX 76034

H: (682) 552-5080

ptanaka86@yahoo.com

TERM: Dec 2012 - Dec 2014

Kirsten Isensee

3203 Wilton Woods Court
Colleyville, TX 76034

W: (214) 669-2581

H: (817) 864-9052

tiki100@sbcglobal.net

TERM: Apr 2012 - Dec 2013

Manjiri Joshi

1109 Riverwalk Court
Colleyville, TX 76034

H: (682) 325-4172

Mjoshi13@hotmail.com

TERM: Dec 2012 - Dec 2014

Walt Mills

404 Vintage Court
Colleyville, TX 76034

H: (817) 271-0353

walt@waltmills.com

TERM: Dec 2012 - Dec 14

Linda Salisbury

528 Haverhill Lane
Colleyville, TX 76034

W: (817) 848-4992

H: (817) 701-6986

evadbury@aol.com

TERM: Apr 2012- Dec 2013

VACANT

TERM: Jun 2013 - Dec 2013



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Colleyville Events Steering Committee

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Nancy Andrews

Address: 508 Colleyville Terrace

Home phone: 817-281-5559

Work phone: 817-917-1940

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: nancya@sbcglobal.net

Fax: 817-281-9882

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I served on the Historical Preservation committee several years ago. It was a very rewarding experience. I have lived in Colleyville since we built our house 21 years ago and have seen the numerous changes that have taken place in our lovely city. I am an avid reader and frequent visitor to our library so I would enjoy being on the Library board. My family and I try to attend most of the events sponsored by the city so I could also volunteer on that committee. I think that it is so important to support our community. I have been a Spanish interpreter at JPS hospital and am now a local Realtor. I hope that you will give me the opportunity to serve on any of these committees. Thank you!

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Nancy Andrews*

Date: 11/22/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Events Steering Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Library Board

3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Mary Lou Dove

Address: 800 Colleyville Terrace

Home phone: 817.498.4949

Work phone: c 817.713.2284

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: mldove1@tx.rr.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Chaired Colleyville Elementary School Fall Festival 2010 & 2011; created Mad Science Lab @ CES 2010 chaired theme 2012; Proposed theme and executed CES 5th grade graduation 2013; Girl Scout Troop decorated christmas tree for HolleyColley 2012, decorated floats for Grapevine parade 2010, 2011. I am leading the decorations committee for Colleyville Middle School Cotillion 2014. I have worked as a photographers rep organizing photo shoots for JC Penney's and Horchow mail order catalogues.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Mary Lou Dove*

Date: 10/18/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Parks and Recreation Advisory Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee
3. Traffic Safety Advisory Committee

Name: ☐ Ms. ☐ Mrs. ☒ Mr. David M. Hays

Address: 6508 Connie Lane

Home phone: 817-300-1871

Work phone: 817-300-1871

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: david.hays@fnti.com

Fax: na

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Practicing Texas Attorney-Real Estate and Title Insurance Law; 3 Years as head coach for CGSA; Committee Member Legislative Committee, Texas Land Title Association.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

I have an interest in city government in general and would like to potentially serve on addition city boards, committees, etc. and possibly elected positions in the future.

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: David M. Hays, Esq.

Date: 9/26/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Colleyville Events Steering Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Parks and Recreation Advisory Board

3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Sandra McIntosh

Address: 500 Eudaly Drive, Colleyville, Texas 76034

Home phone: 469-432-1903

Work phone: Same

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: Mcintoshmail2012@gmail.com

Fax: 817-788-9196

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Worked for the City of Richardson for almost 20 years; first as Manager of the Richardson Civic Center and then as the Director of Special Events. I have initiated and started several events including the Wildflower! Arts & Music Festival, A Taste of Richardson, Wildflower! Nights, the Great Fountain Plaza Festival; Take Steps Walk for the Crohn's & Colitis Foundation in both Dallas and Ft. Worth; the Bag Ladies fundraising luncheon and the Over the Edge Corporate Sponsorship event for Special Olympics Texas. I was also involved with the long term planning of the Eisemann Performing Arts Center, Galatyn Park (which consists of a combination of retail, hotel, residential, and is the new home of the Wildflower Arts & Music Festival, as well as a permanent amphitheatre specific for the festival. www.wildflowerfestival.com

☒ **Check if additional materials are attached. Other information (City/civic service, interests):**

Resume attached

☒ **I understand attendance and active support is required for each appointee.**

☒ **I understand I will be required to comply with the Texas Open Meetings Act training.**

Signature: Sandra McIntosh

Date: 11/19/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Sandra Risk McIntosh

500 Eudaly Drive • Colleyville, Texas 76034 • mcintoshmail2012@gmail.com • 469-432-1903 cell

SUMMARY OF QUALIFICATIONS

*Team leader with 25+ years Special Event Management, Marketing & Public Relations,
Community Development and Sponsorship & Fundraising*

STRENGTHS

- Program & Event Building
- Team Management & Motivation
- Community Development
- Contract Negotiations
- Long-term Planning
- Media & Public Relations
- Public Speaking & Presentations
- Graphic Design

CAREER HIGHLIGHTS

- Created and developed the Wildflower! Arts & Music Festival, a highly successful signature event for the City of Richardson.
- Created and developed sponsorship programs for the festival, ultimately resulting in sponsorships totaling over \$1,000,000 cash & in-kind.
- Secured the first large, seven-figure individual gift for Special Olympics Texas (SOTX).
- Keynote speaker for the Texas, Florida & Oklahoma Special Events Association annual conventions; Seminar leader for the International Festivals & Events Association.
- Produced inaugural fundraising walks for the Crohns' & Colitis Foundation of America (CCFA) for both Dallas and Ft. Worth.
- Professional of the Year & President; Texas Festivals & Events Association (TFEA).

RELEVANT EXPERIENCE

Event Management

- Planned, organized and managed major public events, concerts, galas, conventions, trade-shows and related activities such as pre- and post- hospitality events, Meet & Greets, banquets, awards ceremonies, seminars, training workshops, galas and meetings.
- Planned and oversaw logistics, site/venue development, food & beverage service, safety issues, ticketing, entertainment & programming, vendors, budgets, purchasing and inventory control.
- Delivered measurable improvements in revenue, attendance, cost control, and residual benefits.
- Negotiated property agreements, contractor services, and entertainment contracts.
- Managed convention facilities; organized trade shows, scheduled meetings, seminars, coordinated catering, décor, audio/visual, room setup and maintenance.
- Scheduled entertainment, managed travel, transportation and itineraries.
- Prepared, implemented and administered multiple event and program budgets.

Sponsorship, Fundraising, & Management

- Managed the cultivation, solicitation and retention of sponsors and donors working with contributions from \$250 to \$50,000.
- Created innovative sponsorship proposals, levels, benefits and follow-up materials.
- Resolved political and sensitive issues with sponsors, boards and government entities.
- Developed leads through research, networking, community involvement and cold calling.

Management and Administration

- Managed day-to-day operations for a department with an annual budget of over \$1,000,000 and a full-time staff of eight.
- Conducted monthly fiscal analysis, set goals, and led management-level meetings to plan revenue-generating strategies.
- Worked effectively with all departments of the City and outside Agencies.
- Oversaw volunteer operations, led teams and committees and reported to City Council and Steering Committee/Board.
- Created and managed annual budgets, forecasted revenues, prepared goals and objectives.
- Ensured maintenance of effective internal controls for the protection of organization assets.

EMPLOYMENT

MCINTOSH DESIGN *May 2013 to Present* **Owner/Principal**
Marketing & Special Event Consultation/Graphic Design

THE ART INSTITUTE OF FT. WORTH *Nov. 2012 – April 2013* **Asst. Director of Admissions**
Promote College to Businesses, the Community and to Build Student Admissions

SPECIAL OLYMPICS OF TEXAS (SOTX) *November 2008 – July 2010* **Development Director**
Sponsorship & Fundraising Events Director for Dallas Area

CROHN'S & COLITIS ASSOCIATION (CCFA) *November 2007 – November 2008* **Walk Manager**
Inaugural Fundraising Walks Manager for both Dallas & Ft. Worth

KAOS BY DESIGN *March 2004 – November 2007* **Owner**
Self-Employed Graphic Designer, Sales and Marketing Consultant

THE CITY OF RICHARDSON

Creative Director *1986 to February 2004* **Director of Marketing & Special Events** *(1999 to 2004)*
Special Events Manager *(1993 to 1999)* **Civic Center Manager** *(1986 to 1993)*

COMPUTER SKILLS Mac & PC Platforms • Illustrator, Photoshop, CorelDraw, Adobe Design Suite • Word, Excel, PowerPoint • Outlook Calendar, Lotus Notes • CARS & Raiser's Edge Databases

COMMUNITY Mission Arlington Volunteer; Texas Re-Entry Program, Genesis Women's Shelter, Network of Community Ministries, Colleyville Women's Club, Compass Church, Grapevine High PTSA/Tennis Mom

EDUCATION

Texas Tech University - Lubbock, TX

Bachelor of Arts in Advertising/Marketing



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Sidewalks Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee

3. Library Board

Name: ☐ Ms. ☐ Mrs. ☒ Mr. RYAN MILAKOVICH

Address: 604 Colts Neck Ct., Colleyville 76034

Home phone: 469-939-6931

Work phone: 817-335-1121

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: RyanMilakovich@msn.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

With regard to the sidewalk committee, I'm a Civil Engineer with 13 years of experience working on public sector projects, almost all of which have contained pedestrian sidewalk aspects. I'm an avid walker and have been known to walk several miles in a day. As a member of any committee I would work hard to reach consensus and make sure that Colleyville continues to be a great place to live and work.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: [Signature]

Date: 11/13/2013

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Parks and Recreation Advisory Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee
3. Colleyville Sidewalks Committee

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Hillary E. Schwanbeck

Address: 5816 Quality Hill, Colleyville, TX 76034

Home phone: 832-656-4977

Work phone: 817-552-7302

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: hillary.schwanbeck@gmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Bachelor of Business Administration with a focus in Management from Texas A&M University; 6 years as a consultative human resources professional, which involved communications and people relations, project management, and policies and procedure creation and implementation. Currently, active member and volunteer of Gateway Church and Associate Director, Human Resources for The King's University. College resume includes hundreds of hours of voluntary community service with Alpha Phi Omega.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

I am very interested in getting involved and contributing to the city of Colleyville. My husband and I were attracted to Colleyville's unique charm and awesome small town feel and community. We bought our first home here in 2011 and plan to stay through retirement age. We are actively working to revive our neighborhood's HOA to continue building community.

☐ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Hillary Schwanbeck*

Date: 11/14/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

RESOLUTION R-12-3483

A RESOLUTION REPLACING RESOLUTION R-10-3259 CHANGING THE STRUCTURE AND MEMBERSHIP OF THE COLLEYVILLE EVENTS STEERING COMMITTEE

- WHEREAS,** Resolution R-10-3259 established a fifteen (15) member Colleyville Events Steering Committee to develop the structure, venue(s), budget and planning efforts of City sponsored special events; and
- WHEREAS,** the City Council desires to achieve the maximum benefit for the community with the continuance of special events; and
- WHEREAS,** the City Council would like to continue to involve citizens in the development of the structure, venue(s), budget and long-range planning efforts of such events; and
- WHEREAS,** to facilitate the planning and coordinating of City of Colleyville special events, it is the desire of the City Council to change the structure and membership of the Colleyville Events Steering Committee; and
- WHEREAS,** the City Council desires to reduce the Colleyville Events Steering Committee membership of (15) members to seven (7) members and have two-year terms.

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

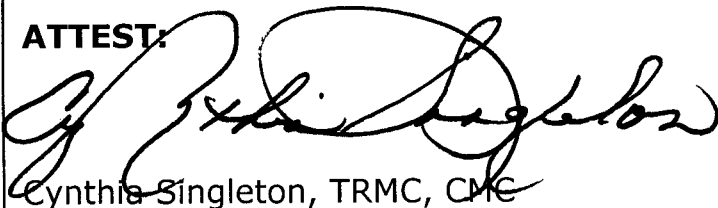
- Sec. 1. THAT the seven (7) member Colleyville Events Steering Committee is hereby established for the purpose of planning and coordinating special events.
- Sec. 2. THAT the Colleyville Events Steering Committee will meet as needed to review and make recommendations to the City Council on the schedule, structure, venue (s), budget and long-range planning of events.
- Sec. 3. THAT the Colleyville Events Steering Committee will annually elect a Chairman and Vice-Chairman from their membership.
- Sec. 4. THAT three members will be appointed each odd-numbered year and four members will be appointed each even-numbered year.

- Sec. 5. THAT the three members whose terms will begin in odd-numbered years will be appointed at this time and serve a 21 month term through December 2013. In subsequent years, the three members appointed in odd-numbered years would serve two full-year terms. The four members to be appointed even numbered years would begin their term in December 2012, and serve through December 2014.
- Sec. 6. THAT the eight members whose terms end in December 2012 would continue to serve through the remainder of the term.

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0
ABSTENTIONS ON THIS THE 11th DAY OF APRIL 2012.

ATTEST:



Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

RESOLUTION R-13-3701

**A RESOLUTION APPOINTING MEMBERS TO THE
COLLEYVILLE EVENTS STEERING COMMITTEE**

WHEREAS, the Colleyville Events Steering Committee has three (3) positions whose terms expire December 2013.

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

Sec. 1. THAT the following persons are hereby appointed to the Colleyville Events Steering Committee to serve a term expiring December 2015:

•
•
•

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____
ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7d

Agenda Date 12/17/2013

Number Resolution R-13-3702

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Colleyville Sidewalks Committee

Explanation

Reading and Public Hearing

There are three (3) positions on the Colleyville Sidewalks Committee, whose terms expire December 2013. The positions were advertised and the incumbents were notified their term was expiring and asked to submit an Application for Appointment, if they wished to be considered for reappointment.

The following Committee member terms expire December 2013:

- Jennifer Bosley
- Jeffrey Ground
- (1) vacant position

The applicants are listed below and the applications are attached:

- Jeffrey Ground
- Ryan Milakovich
- Ajit Purandare
- Hillary Schwanbeck
- Stephen Symonds

This resolution provides for City Council to consider appointments to the Colleyville Sidewalks Committee.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Colleyville Sidewalks Committee roster
2. Colleyville Sidewalks Committee applications for appointment
3. Resolution R-13-3702

Colleyville Sidewalks Committee

Jennifer Bosley

305 W. Mill Valley Drive

Colleyville, TX 76034

W: (972) 453-6748

H: (972) 849-4910

jenniferbosley@yahoo.com

TERM: Feb 2012 - Dec 2013

Luann Edwards

220 West Glade Road

Colleyville, TX 76034

W: (972) 720-2276

H: (817) 498-0156

luann13@airmail.net

TERM: Dec 2012 - Dec 2014

Jeffrey Ground

4108 Dundee Court

Colleyville, TX 76034

W: (817) 320-5330

H: (817) 354-5640

jsg@jsggroundengineering.com

TERM: Feb 2012 - Dec 2013

Kathryn Howlett

6101 Highland Hills Lane

Colleyville, TX 76034

W: (817) 975-8805

H: (817) 251-1671

kathrynhowlett@icloud.com

TERM: Dec 2012 - Dec 2014

Joy Lee

7109 Waldon Court

Colleyville, TX 76034

W: (817) 907-9293

H: (817) 421-2613

joyfultonlee@gmail.com

TERM: Dec 2012 - Dec 2014

Ida Munson

6909 Westmont Drive

Colleyville, TX 76034

W: (720) 891-5334

Idamunson@yahoo.com

TERM: Dec 2012 - Dec 2014

VACANT

TERM: Apr 2013 - Dec 2013

Application for Appointment For City Council Appointed Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130 and on the City's website at: <http://www.colleyville.com/files/Financial%20Disclosure%20form.pdf>.

Board, Commission, or Committee: (only those with current openings)

Please use the drop down menu to select your preference of (up to three) board(s), commission(s), or committee(s), for which you would like to be considered.

1. Colleyville Sidewalks Committee

2. Architectural Review Commission

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Jeffrey S. Ground, PE, CFM, LEED AP

Address: 4108 Dundee Ct. Colleyville, TX 76034

Home Phone: 817-354-5640

Work Phone: 817-320-5330

☒ I understand attendance and active support is required for each appointee.

☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.

E-mail Address: jg@aggienetwork.com

Fax: 817-354-5640

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Current Sidewalk Committee Chair. Also, I am a licensed professional civil engineer, certified floodplain manager and a LEED accredited professional. I have 20 years of experience working for municipalities in North Texas as a consulting engineer. Primary projects have involved infrastructure reconstruction and redevelopment of existing infrastructure. In addition to the municipal projects completed, I have also provided real estate management for 8 commercial properties in Dallas and understanding the balance between a property owner/developer/municipality. I have also served the city as a member of the Architectural Review Commission since 2011.

City service and experience, civic organizations, interest: ☐ Additional materials attached.

Current Sidewalk Committee Chair and member of the Architectural Review Commission since 2011. Prior experience includes Past President for the North Central Texas Branch American Public Works Association (APWA), Dallas Branch American Society of Civil Engineers (ASCE), and Fort Worth/Tarrant County A&M Club. Other Boards I have served on include Dallas Branch Texas Society of Professional Engineers (TSPE), Fort Worth Branch ASCE, State level APWA, TSPE, and ASCE.

Signature: _____



Date: November 14, 2013

**Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.**

Please return completed application to:

**City Secretary, 100 Main Street, Colleyville, TX 76034, Office: 817.503.1130 Fax: 817.503.1139
ashelley@colleyville.com**



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Colleyville Sidewalks Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee

3. Library Board

Name: ☐ Ms. ☐ Mrs. ☒ Mr. **RYAN MILAKOVICH**

Address: 604 Colts Neck Ct., Colleyville 76034

Home phone: 469-939-6931

Work phone: 817-335-1121

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: **RyanMilakovich@msn.com**

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

With regard to the sidewalk committee, I'm a Civil Engineer with 13 years of experience working on public sector projects, almost all of which have contained pedestrian sidewalk aspects. I'm an avid walker and have been known to walk several miles in a day. As a member of any committee I would work hard to reach consensus and make sure that Colleyville continues to be a great place to live and work.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: 

Date: **11/13/2013**

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Colleyville Sidewalks Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Parks and Recreation Advisory Board

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Ajit Purandare

Address: 1109 Riverwalk Court

Home phone: 6823254172

Work phone: 2023617674

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: apurandoc@aol.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

1. Currently on Board of Riverwalk HOA
2. BS, Civil Engineering, United States Military Academy
3. MBA-University of Texas @ Austin

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☐ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Ajit Purandare*

Date: 11/10/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

AJIT V. PURANDARE

ajit.purandare@utexas.edu

1109 Riverwalk Court, Colleyville, TX, 76034 • Mobile : 202-361-7674

Education

1991-1995	UNITED STATES MILITARY ACADEMY	WEST POINT, NY
	Bachelor of Science in Civil Engineering, Minor Environmental Engineering	
Spring 2007	HARVARD BUSINESS SCHOOL	BOSTON, MA
	Completed Executive Education Business Strategy Course, Getting Global Strategy Right	
2010-2012	UNIVERSITY OF TEXAS	AUSTIN, TX
	Master of Business Administration, McCombs School of Business	

Language Fluent in Marathi (language spoken in western India), proficient in Hindi, conversant in French

Certifications/Qualifications LEAD Certified (Leaders & Executives Advocating Diversity), Six Sigma Black Belt (GE)

Experience

2008-present	ELBIT SYSTEMS OF AMERICA	HAIFA, ISRAEL/FORT WORTH, TX
---------------------	---------------------------------	-------------------------------------

Business Development Manager, Army Programs

- Won Mortar Fire Control System program worth \$274M – designated as a 2010 U.S. Army Top Ten Invention
- Developed Army Strategy to grow business in a \$100 million business unit, during a time of financial austerity, through improvements in data analytics and business intelligence
- Co-branded Bradley Mortar Variant (BAE) along with ESA products during 2 successive Army tradeshow

2002-2008	HSBC NORTH AMERICA	WASHINGTON, DC
------------------	---------------------------	-----------------------

Political Action Committee Director

- Managed HSBC's PAC with over \$2.3M of receipts per election cycle
- Administered guidance to the VP of Government Relations on PAC donations to state and federal legislators
- Ensured 100% compliance by tracking state and federal campaign finance (FEC) legislation and regulations

Assistant Vice President, Senior Projects & Planning Consultant, Government Relations

- Provided oversight and control of a \$13M Government Relations' yearly budget
- Initiated and developed formal HSBC relationships with the Congressional Indian Caucus and the United States India Business Exchange Council, in order to advocate policies and legislation beneficial to HSBC North America
- Restructured the Licensing Department by analyzing operations and advising on ways to improve efficiencies

Business Development Manager, Global Resourcing

HYDERABAD, INDIA/CHICAGO, IL

- Developed and managed expense forecasting tools and roll-out, reducing costs by \$100M over five years
- Managed the integration of operations, creation of training materials, and hiring of personnel over three cities in India (Hyderabad, Bangalore, Visakhapatnam) for HSBC NA, in support of five financial services processes that spanned three Business Units and five Corporate Functions
- Graduated from the corporate-sponsored General Management Training Program. One of nine people company-wide chosen to participate in the rotational program

2000-2002	GENERAL ELECTRIC COMPANY	TOLUCA, MEXICO/SOMERSWORTH, NH
------------------	---------------------------------	---------------------------------------

GE Industrial Systems Division, primarily focused on the GE Meters Business

- Developed a core iron outsourcing plan that resulted in over \$600,000 in savings
- Managed the Light Load Stability project for GE with a Mexican foreign corporation, resulting in \$1M worth of incremental contribution margin with American Utilities
- Designed and implemented a business operating system to analyze the impact of scrap and defect costs in all three product lines manufactured by the business, resulting in \$300,000 in annual savings

1995-2000	UNITED STATES ARMY	FORT STEWART, GA
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Battalion Personnel Officer - Captain

- Maintained accuracy and timeliness of financial transactions, evaluation reports, unit status reports, and legal actions for 756 soldiers

Mortar Platoon Leader - First Lieutenant

- Trained and led a 36-soldier mechanized mortar platoon and deployed to Kuwait for Operation Desert Fox
- Awarded the Armed Forces Expeditionary Medal for the successful development and implementation of an integrated training exercise with the Navy, Air Force, Marines, and the Kuwaiti Army

Company Executive Officer - First Lieutenant

- Supervised and planned all logistic and administrative functions as second-in-command of a 108-soldier mechanized infantry company

Mechanized Infantry Platoon Leader - Second Lieutenant

- Trained 32-soldier mechanized Bradley platoon for potential worldwide combat operations

Specialty Training - Ranger School, Airborne School, Air Assault School, Mountain Warfare School, Mortar Leader Course and Bradley Leader Course



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Parks and Recreation Advisory Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee
3. Colleyville Sidewalks Committee

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Hillary E. Schwanbeck

Address: 5816 Quality Hill, Colleyville, TX 76034

Home phone: 832-656-4977

Work phone: 817-552-7302

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: hillary.schwanbeck@gmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Bachelor of Business Administration with a focus in Management from Texas A&M University; 6 years as a consultative human resources professional, which involved communications and people relations, project management, and policies and procedure creation and implementation. Currently, active member and volunteer of Gateway Church and Associate Director, Human Resources for The King's University. College resume includes hundreds of hours of voluntary community service with Alpha Phi Omega.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

I am very interested in getting involved and contributing to the city of Colleyville. My husband and I were attracted to Colleyville's unique charm and awesome small town feel and community. We bought our first home here in 2011 and plan to stay through retirement age. We are actively working to revive our neighborhood's HOA to continue building community.

☐ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Hillary Schwanbeck*

Date: 11/14/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

**APPLICATION FOR APPOINTMENT
FOR CITY COUNCIL APPOINTED BOARDS, COMMISSIONS AND COMMITTEES**

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available on the City's website at <http://www.colleyville.com/files/Financial%20Disclosure%20form.pdf> or by contacting the City Secretary at 817.503.1130.

Board, Commission or Committee: (only those with current openings)

1. Sidewalk Committees

If you are willing to be considered for a board, commission or committee other than your first choice, please list below.

2. _____

3. _____

Name: Ms. Mrs. Mr Stephen M Symonds

Address: 4513 Dartmoore Lane

Home Telephone: 214-850-6993 Work Telephone: N/A

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: Steve Symonds@verizon.net Fax: _____

Knowledge, experience or education applicable to Board, Commission or Committee function:

Very Knowledgeable in construction, walking Areas,
& Retired

Other information: (City service and experience, civic organizations, interest in serving):

____ Check if additional materials are attached.

Do you understand that attendance and active support is required for each appointee? yes

Signature: _____

Date: 11-26-12

Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.

Please return completed application to:
City Secretary, 100 Main Street, Colleyville, Texas 76034, Office: 817.503.1130 Fax: 817.503.1139
csinaleton@colleyville.com

RESOLUTION R-13-3702

**A RESOLUTION APPOINTING MEMBERS TO THE
COLLEYVILLE SIDEWALKS COMMITTEE**

WHEREAS, the Colleyville Sidewalks Committee has three (3) positions whose terms expire December 2013.

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

Sec. 1. THAT the following persons are hereby appointed to the Colleyville Sidewalks Committee to serve a term expiring December 2015:

•
•
•

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7e

Agenda Date 12/17/2013

Number Resolution R-13-3703

Type Resolution

Department City Secretary

Title

Consideration of an appointment to the Historical Preservation Committee

Explanation

Reading and Public Hearing

The Historical Preservation Committee has ten (10) members; five (5) members with terms expiring September 2015 and five (5) members with terms expiring September 2014. Due to a vacancy earlier this year, with a term expiring September 2015, staff advertised this open position for the December appointments. However, to remain consistent with the membership term expirations in September, staff recommends this position's term to expire in September 2015.

The applicants are listed below and the applications are attached:

- Nancy Andrews
- Sue Anne Martinez
- Gerald Ward

This resolution provides for City Council to appoint a member to the Historical Preservation Committee.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Historical Preservation Committee roster
2. Historical Preservation Committee applications for appointment
3. Resolution R-13-3703

Historical Preservation Committee

Lloyd Bohnstengel

4801 Jim Mitchell Trail E
Colleyville, TX 76034
H: (806) 296-9524
lloyd391@gmail.com
TERM: Sep 2013 – Sep 2015

Nancy Coplen

4803 Queensbury Way E.
Colleyville, TX 76034
H: (817) 300-8351
coplen2@gmail.com
TERM: Sep 2012 - Sep 2014

Joe Deupree

5101 Montclair Drive
Colleyville, TX 76034
W: (865) 604-7111
H: (817) 283-7002
j.deupree@tx.rr.com
TERM: Sep 2013 - Sep 2015

Marilyn Keith

1112 Riverwalk Court
Colleyville, TX 76034
H: (817) 605-9515
mnkeith@tx.rr.com
TERM: Sep 2012 - Sep 2014

Timothy Mark Kelso

504 Bandit Trail
Colleyville, TX 76034
W: (817) 995-6200
H: (817) 369-4549
timkelso@verizon.net
TERM: Sep 2013 - Sep 2015

Louis C. Miller

7802 Tillman Hill Court
Colleyville, TX 76034
W: (817) 994-6180
H: (817) 577-8546
millerlouis@sbcglobalnet
TERM: Dec 2012 - Sept 2014

Walt Mills

404 Vintage Court
Colleyville, TX 76034
W: (817) 271-0353
H: (817) 271-0353
walt@PhotosByWalt.com
TERM: Sep 2012 - Sep 2014

Cynthia Phillips

4204 York Drive
Colleyville, TX 76034
W: (817) 996-4746
H: (817) 571-5622
Cynthia.p.phillips@gmail.com
TERM: Sep 2012 - Sep 2014

Gigi Walker

2620 Meandering Court
Colleyville, TX 76034
W: (214) 761-2449
H: (903) 821-3418
gigi_gerig@neimanmarcus.com
TERM: Sep 2013 - Sept 2015

Vacant

Term: Sep 2013- Sept 2015



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee
3. Colleyville Events Steering Committee

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Nancy Andrews

Address: 508 Colleyville Terrace

Home phone: 817-281-5559

Work phone: 817-917-1940

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: nancya@sbcglobal.net

Fax: 817-281-9882

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I served on the Historical Preservation committee several years ago. It was a very rewarding experience. I have lived in Colleyville since we built our house 21 years ago and have seen the numerous changes that have taken place in our lovely city. I am an avid reader and frequent visitor to our library so I would enjoy being on the Library board. My family and I try to attend most of the events sponsored by the city so I could also volunteer on that committee. I think that it is so important to support our community. I have been a Spanish interpreter at JPS hospital and am now a local Realtor. I hope that you will give me the opportunity to serve on any of these committees. Thank you!

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Nancy Andrews*

Date: 11/22/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Colleyville Center Advisory Committee

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Sue Anne Martinez

Address: 1816 Maplewood Trail, Colleyville, Texas 76034

Home phone: 817.525.5342

Work phone: 972.586.1938

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: sueanne.martinez@aviall.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Market Liaison, Good Shepherd Women's Group, Colleyville, Texas, 76034

Board Member & Committee Member, Hispanic Women's Network of Texas, Fort Worth, Texas, 2000 - Present

Board Member & Committee Member, Gill Children's Services, Fort Worth, Texas, 2003 - 2012

Board Member & Committee Member, Communities in School, Tarrant County, Texas, 2003 - 2006

Committee Member, All Saints Catholic School, Fort Worth, Texas, 2000 - 2012

☐ Check if additional materials are attached. Other information (City/civic service, interests):

Graduate, Leadership Development Course, Fort Worth Hispanic Chamber of Commerce, 2002

Graduate, Power Pipeline, Foundation for Women's Resources, Austin, Texas, 1999

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Sue Anne Martinez*

Date: 11/21/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Architectural Review Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Gerald Arthur Ward

Address: 4301 Briar Ridge Drive

Home phone: 817-656-7939

Work phone: 817-281-5600

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: wardarchitecture@sbcglobal.net

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Masters of Architecture 1983 Texas A&M University

Member of ARC for three years

owner of Ward Architecture PLLC

over 30 years practicing architect

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Gerald A Ward*

Date: 11/25/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

RESOLUTION R-13-3703

**A RESOLUTION APPOINTING A MEMBER TO THE
HISTORICAL PRESERVATION COMMITTEE**

WHEREAS, the Historical Preservation Committee has one (1) position whose term expires September 2015.

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

Sec. 1. THAT the following person is hereby appointed to the Historical Preservation Committee to serve a term expiring September 2015:

•

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7f
Type Resolution
Department City Secretary

Agenda Date 12/17/2013

Number Resolution R-13-3704

Title

Consideration of appointments to the Library Board, Alternate 1 and Alternate 2, and filling the position of Library Board, Place 6

Explanation

Reading and Public Hearing

The Library Board has seven (7) place positions, two (2) alternate positions, and two (2) ex-officio positions. The Alternate 2 position has been vacant since the resignation of member Amy Dowell in February 2013, with a term expiring September 2015. City Council was unable to make an appointment to this position at the September 17, 2013 meeting, due to more vacancies than applicants; therefore, staff re-advertised this position to be filled during the December appointments.

In October 2013, Place 6 Library Board member Pam Jones resigned the position. Per the Library Board Bylaws, *"In the event of a vacancy on the Colleyville Library Board, Alternate 1 shall fill the unexpired term and Alternate 2 shall be appointed to serve as Alternate 1. In the event of more than one vacancy on the Board, Alternate 1 and Alternate 2 shall fill the unexpired terms. Applications shall be accepted through the City Secretary's office for the Alternate position(s) and filled by City Council appointment for the length of the unexpired term"*.

As the resignation occurred during the time applications for appointment to the Library Board were being accepted, the attached proposed resolution, will allow for Mr. Vernon Noronha, Alternate 1, to be appointed to Place 6 with a term expiring September 2014. To remain consistent with the membership term expirations in September, staff recommends the Alternate 1 and Alternate 2 positions to be appointed with terms expiring September 2015.

The applicants are listed below and the applications are attached:

- Nancy Andrews
- Leti (Elizabeth) Carson
- Mary Lou Dove
- Andy Garcia
- Sue Anne Martinez
- Ryan Milakovich
- Vernon Noronha

This resolution provides for City Council to fill the Place 6 vacancy and appoint members to the Library Board.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Library Board roster
2. Library Board Applications for Appointments
3. Resolution R-13-3704

Library Board

PLACE 1

Kay Newton

6002 Meadowhill
Colleyville, TX 76034

H: (817) 421-0139

gksafig@aol.com

TERM: Sep 2013 - Sep 2015

PLACE 2

Victoria Kennedy-Ziegler

5105 Camelot Drive
Colleyville, TX 76034

W: (972) 571-3719

H: (817) 540-1191

drvkenedy@tx.rr.com

TERM: Sep 2012 - Sep 2014

PLACE 3

Thad Bolline

3013 Sherwood Lane
Colleyville, TX 76034

W: (817) 961-5118

H: (817) 685-8864

public.bollini@gmail.com

TERM: Sep 2013 - Sep 2015

PLACE 4

Jerome Davis

1704 Avalon
Colleyville, TX 76034

H: (817) 571-2153

Davisjermoe15@yahoo.com

TERM: Sep 2012 - Sep 2014

PLACE 5

Billie Tuttle

202 Madison Square
Colleyville, TX 76034

W: (817) 991-1170

H: (817) 581-4188

tuttlebob@sbcglobal.net

TERM: Sep 2013 - Sep 2015

PLACE 6

Vacant

TERM: Sep 2012 - Sep 2014

PLACE 7

Charna Logan-Gray

3300 Pembroke Parkway South
Colleyville, TX 76034

W: (817) 996--9217

H: (817) 318-8229

cvquilter@verizon.net

TERM: Sep 2012 - Sep 2014

ALTERNATE 1**Vernon Noronha**

200 Old Grove Road
Colleyville, TX 76034

W: (214) 840-4255

H: (817) 576-2050

Vernon.noronha@gmail.com

TERM: Sep 2013 - Sep 2015

ALTERNATE 2**Vacant**

TERM: Sep 2013 - Sep 2015

EX-OFFICIO**Friends of the Colleyville Public Library****Kay Newton**

6002 Meadowhill
Colleyville, TX 76034

H: (817) 421-0139

gksafig@aol.com

TERM: Sep 2012 - Sep 2014

EX-OFFICIO**Colleyville Public Library Foundation****Cecilia Monacelli**

2504 Meandering Court
Colleyville, TX 76034

H: (817) 571-6210

cecilia@monacelli.net

TERM: Sep 2012 - Sep 2014



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Colleyville Events Steering Committee

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Nancy Andrews

Address: 508 Colleyville Terrace

Home phone: 817-281-5559

Work phone: 817-917-1940

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: nancya@sbcglobal.net

Fax: 817-281-9882

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I served on the Historical Preservation committee several years ago. It was a very rewarding experience. I have lived in Colleyville since we built our house 21 years ago and have seen the numerous changes that have taken place in our lovely city. I am an avid reader and frequent visitor to our library so I would enjoy being on the Library board. My family and I try to attend most of the events sponsored by the city so I could also volunteer on that committee. I think that it is so important to support our community. I have been a Spanish interpreter at JPS hospital and am now a local Realtor. I hope that you will give me the opportunity to serve on any of these committees. Thank you!

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Nancy Andrews*

Date: 11/22/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Click here for drop down menu (menu wasn't working)

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu ① Parks & Recreation Advisory Board
3. Click here for drop down menu ② Colville Center Advisory Committee
③ Colville Library Board

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Leti Carson (Elizabeth)

Address: 4504 Jim Mitchell Trail West

Home phone: 817 540 1250

Work phone:

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: leticarson@hotmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Resident for 15 years. Grown children. Willing participant. Want to be involved & have the time. I enjoy reading & walking the various area trails. And I'm curious what will happen at the Colleyville Center.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: Elizabeth Carson

Date: 11/12/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Events Steering Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Library Board

3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Mary Lou Dove

Address: 800 Colleyville Terrace

Home phone: 817.498.4949

Work phone: c 817.713.2284

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: mldove1@tx.rr.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Chaired Colleyville Elementary School Fall Festival 2010 & 2011; created Mad Science Lab @ CES 2010 chaired theme 2012; Proposed theme and executed CES 5th grade graduation 2013; Girl Scout Troop decorated christmas tree for HolleyColley 2012, decorated floats for Grapevine parade 2010, 2011. I am leading the decorations committee for Colleyville Middle School Cotillion 2014. I have worked as a photographers rep organizing photo shoots for JC Penney's and Horchow mail order catalogues.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Mary Lou Dove*

Date: 10/18/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Architectural Review Commission

3. Parks and Recreation Advisory Board

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Andy J. Garcia

Address: 2741 Mesquite Lane, Grapevine, TX 76051

Home phone: 817.703.1652

Work phone:

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: andy.garcia.tx@gmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

- Retired from IBM Corp after 25 years of service in all areas of business including international work in the UK, Australia, Canada, Mexico and South America.
- Involved in training in the corporate environment as well as in the arts.
- Currently volunteer lead docent at the Meadows Museum - SMU Dallas.
- Currently volunteer work with AARP as Income Tax Advisor.
- Interested in Literature, Architecture and Parks and Recreation in general.
- Fluent in Spanish, Portuguese and some French and Italian.

☒ Check if additional materials are attached. Other information (City/civic service, interests):

Although not a resident of the City of Colleyville, I live at the northeast boundary of the city and feel very linked to Colleyville since most of my activities and those of my family take place in the city. I would appreciate the opportunity to contribute to the growth and improvement of the quality of life in our city. Thanks for the consideration!

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Andy J. Garcia*

Date: 11/25/13

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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Historical Preservation Committee

3. Colleyville Center Advisory Committee

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Sue Anne Martinez

Address: 1816 Maplewood Trail, Colleyville, Texas 76034

Home phone: 817.525.5342

Work phone: 972.586.1938

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: sueanne.martinez@aviall.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Market Liaison, Good Shepherd Women's Group, Colleyville, Texas, 76034

Board Member & Committee Member, Hispanic Women's Network of Texas, Fort Worth, Texas, 2000 - Present

Board Member & Committee Member, Gill Children's Services, Fort Worth, Texas, 2003 - 2012

Board Member & Committee Member, Communities in School, Tarrant County, Texas, 2003 - 2006

Committee Member, All Saints Catholic School, Fort Worth, Texas, 2000 - 2012

☐ **Check if additional materials are attached. Other information (City/civic service, interests):**

Graduate, Leadership Development Course, Fort Worth Hispanic Chamber of Commerce, 2002

Graduate, Power Pipeline, Foundation for Women's Resources, Austin, Texas, 1999

☒ **I understand attendance and active support is required for each appointee.**

☒ **I understand I will be required to comply with the Texas Open Meetings Act training.**

Signature: *Sue Anne Martinez*

Date: 11/21/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Sidewalks Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee

3. Library Board

Name: ☐ Ms. ☐ Mrs. ☒ Mr. RYAN MILAKOVICH

Address: 604 Colts Neck Ct., Colleyville 76034

Home phone: 469-939-6931

Work phone: 817-335-1121

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: RyanMilakovich@msn.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

With regard to the sidewalk committee, I'm a Civil Engineer with 13 years of experience working on public sector projects, almost all of which have contained pedestrian sidewalk aspects. I'm an avid walker and have been known to walk several miles in a day. As a member of any committee I would work hard to reach consensus and make sure that Colleyville continues to be a great place to live and work.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: [Signature]

Date: 11/13/2013

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Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



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Board, Commission, or Committee: (only those with current openings)

1. Traffic Safety Advisory Committee ☐

If you are willing to be considered for another board, commission, or committee, please list below.

2. Library Board ☐

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Vernon Noronha

Address: 200 Old Grove Road, Colleyville TX 76034

Home phone: 817 576 2050

Work phone: 214 840 4255

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: vernon.noronha@gmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am currently serving as an alternate member of the Library Board. I would like this to become full status so I can make a full contribution to meetings.

In addition, I am interested in serving on the Traffic Safety Advisory Committee, helping to ensure safe but smooth and efficient travel for drivers, cyclists and pedestrians in Colleyville.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

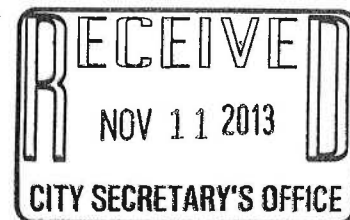
Signature: *V. Noronha*

Date: 11/11/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



RESOLUTION R-13-3704

**A RESOLUTION APPOINTING MEMBERS TO THE LIBRARY BOARD,
ALTERNATE 1 AND ALTERNATE 2, AND FILLING THE POSITION OF
LIBRARY BOARD, PLACE 6**

WHEREAS, a member of the Library Board, whose term expired September 2014 resigned; and

WHEREAS, in accordance with the Library Board Bylaws, which state: "*In the event of a vacancy on the Colleyville Library Board, Alternate 1 shall fill the unexpired term and Alternate 2 shall be appointed to serve as Alternate 1. In the event of more than one vacancy on the Board, Alternate 1 and Alternate 2 shall fill the unexpired terms. Applications shall be accepted through the City Secretary's office for the Alternate position(s) and filled by City Council appointment for the length of the unexpired term*".

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

Sec. 1. THAT Vernon Noronha is appointed to the Library Board, Place 6, filling the unexpired term to September 2014.

Sec. 2. THAT the following persons are hereby appointed to the Library Board to serve a term expiring September 2015:

- Alternate 1
- Alternate 2

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7g

Agenda Date 12/17/2013

Number Resolution R-13-3705

Type Resolution

Department City Secretary

Title

Consideration of appointments to the Parks and Recreation Advisory Board

Explanation

Reading and Public Hearing

There are four (4) positions on the Parks and Recreation Advisory Board, whose terms expire December 2013. The positions were advertised and the incumbents were notified their term was expiring and asked to submit an Application for Appointment, if they wished to be considered for reappointment.

The following board member's terms expire December 2013:

- Kenneth Llewellyn, Place 2
- Thomas Parker, Place 4
- Kathryn Wheat, Place 6
- Vacant, Place 8

The applicants are listed below and the applications are attached:

- Leti (Elizabeth) Carson
- Andy Garcia
- David Hays
- Sandra McIntosh
- Ajit Purandare
- Hillary Schwanbeck

This resolution provides for City Council to consider appointments to the Parks and Recreation Advisory Board.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Parks and Recreation Advisory Board roster

2. Parks and Recreation Advisory Board applications for appointment
3. Resolution R-13-3705

Parks and Recreation Advisory Board

PLACE 1 - CHAIR

Suzanne Hughes

901 Hardage Lane
Colleyville, TX 76034

H: (817) 329-0076

suzanne-hughes@tx.rr.com

TERM: Dec 2012 - Dec 2014

PLACE 2 - VICE CHAIR

Kenneth Llewellyn

7905 Jefferson Circle
Colleyville, TX 76034

W: (817) 410-4775

H: (817) 988-6525

ken.llewellyn@employeebenefitresources.com

TERM: Dec 2011 - Dec 2013

PLACE 3

Charles Bethards

1602 Royal Lane
Colleyville, TX 76034

W: (817) 281-7136

H: (817) 581-7005

bethards@sbcglobal.net

TERM: Dec 2012 - Dec 2014

PLACE 4

Thomas Parker

1201 Somerset Boulevard
Colleyville, TX 76034

W: (214) 789-7267

H: (817) 428-7207

trparker@sbcglobal.net

TERM: Dec 2011 - Dec 2013

PLACE 5

Carel Tornes

6712 Hillier Court
Colleyville, TX 76034

H: (817) 788-5611

careltornes@gmail.com

TERM: Dec 2012 - Dec 2014

PLACE 6

Kathryn Wheat

206 Colden Court
Colleyville, TX 76034

W: (415) 218-4930

H: (682) 214-1786

kwheat@gmail.com

TERM: Dec 2011 - Dec 2013

PLACE 7

Michelle McGarry

4912 Prestwick Drive
Colleyville, TX 76034

H: (214) 449-8155

mlamontagne15@hotmail.com

TERM: Dec 2012 - Dec 2014

PLACE 8

VACANT

TERM: Dec 2011- Dec 2013



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Click here for drop down menu (menu wasn't working)

If you are willing to be considered for another board, commission, or committee, please list below.

2. Click here for drop down menu ① Parks & Recreation Advisory Board
3. Click here for drop down menu ② Colville Center Advisory Committee
③ Colville Library Board

Name: ☒ Ms. ☐ Mrs. ☐ Mr. Leti Carson (Elizabeth)

Address: 4504 Jim Mitchell Trail West

Home phone: 817 540 1250

Work phone:

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: leticarson@hotmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Resident for 15 years. Grown children. Willing participant. Want to be involved & have the time. I enjoy reading & walking the various area trails. And I'm curious what will happen at the Colleyville Center.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: Elizabeth Carson

Date: 11/12/13

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Board, Commission, or Committee: (only those with current openings)

1. Library Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Architectural Review Commission

3. Parks and Recreation Advisory Board

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Andy J. Garcia

Address: 2741 Mesquite Lane, Grapevine, TX 76051

Home phone: 817.703.1652

Work phone:

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: andy.garcia.tx@gmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

- Retired from IBM Corp after 25 years of service in all areas of business including international work in the UK, Australia, Canada, Mexico and South America.
- Involved in training in the corporate environment as well as in the arts.
- Currently volunteer lead docent at the Meadows Museum - SMU Dallas.
- Currently volunteer work with AARP as Income Tax Advisor.
- Interested in Literature, Architecture and Parks and Recreation in general.
- Fluent in Spanish, Portuguese and some French and Italian.

☒ Check if additional materials are attached. Other information (City/civic service, interests):

Although not a resident of the City of Colleyville, I live at the northeast boundary of the city and feel very linked to Colleyville since most of my activities and those of my family take place in the city. I would appreciate the opportunity to contribute to the growth and improvement of the quality of life in our city. Thanks for the consideration!

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Signature: *Andy J. Garcia*

Date: 11/25/13

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Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

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Board, Commission, or Committee: (only those with current openings)

1. Parks and Recreation Advisory Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee
3. Traffic Safety Advisory Committee

Name: ☐ Ms. ☐ Mrs. ☒ Mr. David M. Hays

Address: 6508 Connie Lane

Home phone: 817-300-1871

Work phone: 817-300-1871

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: david.hays@fnti.com

Fax: na

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Practicing Texas Attorney-Real Estate and Title Insurance Law; 3 Years as head coach for CGSA; Committee Member Legislative Committee, Texas Land Title Association.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

I have an interest in city government in general and would like to potentially serve on addition city boards, committees, etc. and possibly elected positions in the future.

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: David M. Hays, Esq.

Date: 9/26/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Events Steering Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Parks and Recreation Advisory Board

3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Sandra McIntosh

Address: 500 Eudaly Drive, Colleyville, Texas 76034

Home phone: 469-432-1903

Work phone: Same

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: Mcintoshmail2012@gmail.com

Fax: 817-788-9196

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Worked for the City of Richardson for almost 20 years; first as Manager of the Richardson Civic Center and then as the Director of Special Events. I have initiated and started several events including the Wildflower! Arts & Music Festival, A Taste of Richardson, Wildflower! Nights, the Great Fountain Plaza Festival; Take Steps Walk for the Crohn's & Colitis Foundation in both Dallas and Ft. Worth; the Bag Ladies fundraising luncheon and the Over the Edge Corporate Sponsorship event for Special Olympics Texas. I was also involved with the long term planning of the Eisemann Performing Arts Center, Galatyn Park (which consists of a combination of retail, hotel, residential, and is the new home of the Wildflower Arts & Music Festival, as well as a permanent amphitheatre specific for the festival. www.wildflowerfestival.com

☒ **Check if additional materials are attached. Other information (City/civic service, interests):**

Resume attached

☒ **I understand attendance and active support is required for each appointee.**

☒ **I understand I will be required to comply with the Texas Open Meetings Act training.**

Signature: Sandra McIntosh

Date: 11/19/13

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Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

Sandra Risk McIntosh

500 Eudaly Drive • Colleyville, Texas 76034 • mcintoshmail2012@gmail.com • 469-432-1903 cell

SUMMARY OF QUALIFICATIONS

*Team leader with 25+ years Special Event Management, Marketing & Public Relations,
Community Development and Sponsorship & Fundraising*

STRENGTHS

- Program & Event Building
- Team Management & Motivation
- Community Development
- Contract Negotiations
- Long-term Planning
- Media & Public Relations
- Public Speaking & Presentations
- Graphic Design

CAREER HIGHLIGHTS

- Created and developed the Wildflower! Arts & Music Festival, a highly successful signature event for the City of Richardson.
- Created and developed sponsorship programs for the festival, ultimately resulting in sponsorships totaling over \$1,000,000 cash & in-kind.
- Secured the first large, seven-figure individual gift for Special Olympics Texas (SOTX).
- Keynote speaker for the Texas, Florida & Oklahoma Special Events Association annual conventions; Seminar leader for the International Festivals & Events Association.
- Produced inaugural fundraising walks for the Crohns' & Colitis Foundation of America (CCFA) for both Dallas and Ft. Worth.
- Professional of the Year & President; Texas Festivals & Events Association (TFEA).

RELEVANT EXPERIENCE

Event Management

- Planned, organized and managed major public events, concerts, galas, conventions, trade-shows and related activities such as pre- and post- hospitality events, Meet & Greets, banquets, awards ceremonies, seminars, training workshops, galas and meetings.
- Planned and oversaw logistics, site/venue development, food & beverage service, safety issues, ticketing, entertainment & programming, vendors, budgets, purchasing and inventory control.
- Delivered measurable improvements in revenue, attendance, cost control, and residual benefits.
- Negotiated property agreements, contractor services, and entertainment contracts.
- Managed convention facilities; organized trade shows, scheduled meetings, seminars, coordinated catering, décor, audio/visual, room setup and maintenance.
- Scheduled entertainment, managed travel, transportation and itineraries.
- Prepared, implemented and administered multiple event and program budgets.

Sponsorship, Fundraising, & Management

- Managed the cultivation, solicitation and retention of sponsors and donors working with contributions from \$250 to \$50,000.
- Created innovative sponsorship proposals, levels, benefits and follow-up materials.
- Resolved political and sensitive issues with sponsors, boards and government entities.
- Developed leads through research, networking, community involvement and cold calling.

Management and Administration

- Managed day-to-day operations for a department with an annual budget of over \$1,000,000 and a full-time staff of eight.
- Conducted monthly fiscal analysis, set goals, and led management-level meetings to plan revenue-generating strategies.
- Worked effectively with all departments of the City and outside Agencies.
- Oversaw volunteer operations, led teams and committees and reported to City Council and Steering Committee/Board.
- Created and managed annual budgets, forecasted revenues, prepared goals and objectives.
- Ensured maintenance of effective internal controls for the protection of organization assets.

EMPLOYMENT

MCINTOSH DESIGN *May 2013 to Present* **Owner/Principal**
Marketing & Special Event Consultation/Graphic Design

THE ART INSTITUTE OF FT. WORTH *Nov. 2012 – April 2013* **Asst. Director of Admissions**
Promote College to Businesses, the Community and to Build Student Admissions

SPECIAL OLYMPICS OF TEXAS (SOTX) *November 2008 – July 2010* **Development Director**
Sponsorship & Fundraising Events Director for Dallas Area

CROHN'S & COLITIS ASSOCIATION (CCFA) *November 2007 – November 2008* **Walk Manager**
Inaugural Fundraising Walks Manager for both Dallas & Ft. Worth

KAOS BY DESIGN *March 2004 – November 2007* **Owner**
Self-Employed Graphic Designer, Sales and Marketing Consultant

THE CITY OF RICHARDSON

Creative Director *1986 to February 2004* **Director of Marketing & Special Events** *(1999 to 2004)*
Special Events Manager *(1993 to 1999)* **Civic Center Manager** *(1986 to 1993)*

COMPUTER SKILLS Mac & PC Platforms • Illustrator, Photoshop, CorelDraw, Adobe Design Suite • Word, Excel, PowerPoint • Outlook Calendar, Lotus Notes • CARS & Raiser's Edge Databases

COMMUNITY Mission Arlington Volunteer; Texas Re-Entry Program, Genesis Women's Shelter, Network of Community Ministries, Colleyville Women's Club, Compass Church, Grapevine High PTSA/Tennis Mom

EDUCATION

Texas Tech University - Lubbock, TX

Bachelor of Arts in Advertising/Marketing



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Colleyville Sidewalks Committee

If you are willing to be considered for another board, commission, or committee, please list below.

2. Parks and Recreation Advisory Board

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Ajit Purandare

Address: 1109 Riverwalk Court

Home phone: 6823254172

Work phone: 2023617674

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: apurandoc@aol.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

1. Currently on Board of Riverwalk HOA
2. BS, Civil Engineering, United States Military Academy
3. MBA-University of Texas @ Austin

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☐ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *Ajit Purandare*

Date: 11/10/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

AJIT V. PURANDARE

ajit.purandare@utexas.edu

1109 Riverwalk Court, Colleyville, TX, 76034 • Mobile : 202-361-7674

Education

1991-1995	UNITED STATES MILITARY ACADEMY	WEST POINT, NY
	Bachelor of Science in Civil Engineering, Minor Environmental Engineering	
Spring 2007	HARVARD BUSINESS SCHOOL	BOSTON, MA
	Completed Executive Education Business Strategy Course, Getting Global Strategy Right	
2010-2012	UNIVERSITY OF TEXAS	AUSTIN, TX
	Master of Business Administration, McCombs School of Business	

Language Fluent in Marathi (language spoken in western India), proficient in Hindi, conversant in French

Certifications/Qualifications LEAD Certified (Leaders & Executives Advocating Diversity), Six Sigma Black Belt (GE)

Experience

2008-present	ELBIT SYSTEMS OF AMERICA	HAIFA, ISRAEL/FORT WORTH, TX
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Business Development Manager, Army Programs

- Won Mortar Fire Control System program worth \$274M – designated as a 2010 U.S. Army Top Ten Invention
- Developed Army Strategy to grow business in a \$100 million business unit, during a time of financial austerity, through improvements in data analytics and business intelligence
- Co-branded Bradley Mortar Variant (BAE) along with ESA products during 2 successive Army tradeshow

2002-2008	HSBC NORTH AMERICA	WASHINGTON, DC
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Political Action Committee Director

- Managed HSBC's PAC with over \$2.3M of receipts per election cycle
- Administered guidance to the VP of Government Relations on PAC donations to state and federal legislators
- Ensured 100% compliance by tracking state and federal campaign finance (FEC) legislation and regulations

Assistant Vice President, Senior Projects & Planning Consultant, Government Relations

- Provided oversight and control of a \$13M Government Relations' yearly budget
- Initiated and developed formal HSBC relationships with the Congressional Indian Caucus and the United States India Business Exchange Council, in order to advocate policies and legislation beneficial to HSBC North America
- Restructured the Licensing Department by analyzing operations and advising on ways to improve efficiencies

Business Development Manager, Global Resourcing

HYDERABAD, INDIA/CHICAGO, IL

- Developed and managed expense forecasting tools and roll-out, reducing costs by \$100M over five years
- Managed the integration of operations, creation of training materials, and hiring of personnel over three cities in India (Hyderabad, Bangalore, Visakhapatnam) for HSBC NA, in support of five financial services processes that spanned three Business Units and five Corporate Functions
- Graduated from the corporate-sponsored General Management Training Program. One of nine people company-wide chosen to participate in the rotational program

2000-2002	GENERAL ELECTRIC COMPANY	TOLUCA, MEXICO/SOMERSWORTH, NH
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GE Industrial Systems Division, primarily focused on the GE Meters Business

- Developed a core iron outsourcing plan that resulted in over \$600,000 in savings
- Managed the Light Load Stability project for GE with a Mexican foreign corporation, resulting in \$1M worth of incremental contribution margin with American Utilities
- Designed and implemented a business operating system to analyze the impact of scrap and defect costs in all three product lines manufactured by the business, resulting in \$300,000 in annual savings

1995-2000	UNITED STATES ARMY	FORT STEWART, GA
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Battalion Personnel Officer - Captain

- Maintained accuracy and timeliness of financial transactions, evaluation reports, unit status reports, and legal actions for 756 soldiers

Mortar Platoon Leader - First Lieutenant

- Trained and led a 36-soldier mechanized mortar platoon and deployed to Kuwait for Operation Desert Fox
- Awarded the Armed Forces Expeditionary Medal for the successful development and implementation of an integrated training exercise with the Navy, Air Force, Marines, and the Kuwaiti Army

Company Executive Officer - First Lieutenant

- Supervised and planned all logistic and administrative functions as second-in-command of a 108-soldier mechanized infantry company

Mechanized Infantry Platoon Leader - Second Lieutenant

- Trained 32-soldier mechanized Bradley platoon for potential worldwide combat operations

Specialty Training - Ranger School, Airborne School, Air Assault School, Mountain Warfare School, Mortar Leader Course and Bradley Leader Course



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Parks and Recreation Advisory Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee
3. Colleyville Sidewalks Committee

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Hillary E. Schwanbeck

Address: 5816 Quality Hill, Colleyville, TX 76034

Home phone: 832-656-4977

Work phone: 817-552-7302

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: hillary.schwanbeck@gmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Bachelor of Business Administration with a focus in Management from Texas A&M University; 6 years as a consultative human resources professional, which involved communications and people relations, project management, and policies and procedure creation and implementation. Currently, active member and volunteer of Gateway Church and Associate Director, Human Resources for The King's University. College resume includes hundreds of hours of voluntary community service with Alpha Phi Omega.

☐ **Check if additional materials are attached. Other information (City/civic service, interests):**

I am very interested in getting involved and contributing to the city of Colleyville. My husband and I were attracted to Colleyville's unique charm and awesome small town feel and community. We bought our first home here in 2011 and plan to stay through retirement age. We are actively working to revive our neighborhood's HOA to continue building community.

☐ **I understand attendance and active support is required for each appointee.**

☒ **I understand I will be required to comply with the Texas Open Meetings Act training.**

Signature: *Hillary Schwanbeck*

Date: 11/14/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034

RESOLUTION R-13-3705

**A RESOLUTION APPOINTING MEMBERS TO THE PARKS AND
RECREATION ADVISORY BOARD**

WHEREAS, four (4) positions on the Parks and Recreation Advisory Board have terms expiring December 2013.

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

Sec. 1. THAT the following persons are hereby appointed to the Parks and Recreation Advisory Board for a term expiring December 2015:

- Place 2
- Place 4
- Place 6
- Place 8

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS
ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 7h
Type Resolution
Department City Secretary

Agenda Date 12/17/2013

Number Resolution R-13-3706

Title

Consideration of appointments to the Traffic Safety Advisory Committee

Explanation

Reading and Public Hearing

There are three (3) positions, on the Traffic Safety Advisory Committee, whose terms expire December 2013. There is (1) vacant position whose term expires December 2014. The positions were advertised and the incumbents were notified their term was expiring and asked to submit an Application for Appointment, if they wished to be considered for reappointment.

The following Committee member's terms expire December 2013:

- Sean Bryan
- Janet Suedmeier
- Vacant (2013 term expiration)
- Vacant (2014 term expiration)

The applicants are listed below and the applications are attached:

- Sean Bryan
- David Hays
- John Hines
- Vernon Noronha
- Janet Suedmeier

This resolution provides for City Council to consider appointments to the Traffic Safety Advisory Committee.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Traffic Safety Advisory Committee roster

2. Traffic Safety Committee applications for appointment
3. Resolution R-13-3706

Traffic Safety Advisory Committee

Sean Bryan

7506 John McCain Road
Colleyville, TX 76034

W: (817) 878-3579

H: (817) 485-6479

brysk@tx.rr.com

TERM: Dec 2011 - Dec 2013

VACANT

TERM: Dec 2011 - Dec 2013

VACANT

TERM: Dec 2012 - Dec 2014

Chuck McGuire

313 Chapelwood Drive
Colleyville, TX 76034

W: (817) 733-7636

H: (817) 281-5060

chuckmcguire@att.net

TERM: Dec 2012 - Dec 2014

Janet Suedmeier

2301 Mulberry Court
Colleyville, TX 76034

H: (817) 600-3532

newweirdodor@msn.com

TERM: Dec 2011 - Dec 2013

Application for Appointment For City Council Appointed Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130 and on the City's website at: <http://www.colleyville.com/files/Financial%20Disclosure%20form.pdf>.

Board, Commission, or Committee: (only those with current openings)

Please use the drop down menu to select your preference of (up to three) board(s), commission(s), or committee(s), for which you would like to be considered.

1. Traffic Safety Advisory Committee
2. Click here for drop down menu
3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Sean Bryan

Address: 7506 John McCain Road, Colleyville, TX 76034

Home Phone: 817-485-6479 Work Phone: 817-886-5079

- ☒ I understand attendance and active support is required for each appointee.
- ☒ By providing an e-mail address, I consent to the release of my e-mail address by the City.

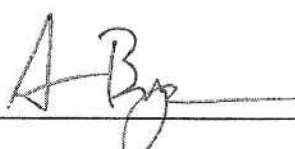
E-mail Address: brysk@tx.rr.com Fax: 817-886-5060

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am an attorney at Akin Gump Strauss Hauer & Feld LLP in Fort Worth.

City service and experience, civic organizations, interest: ☐ Additional materials attached.

I have served on the Traffic Safety Advisory Committee since 2010, and currently serve as chair. I also served on the city's Street Capital Improvement Plan committee.

Signature:  Date: 10/2/13

**Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.**

Please return completed application to:
City Secretary, 100 Main Street, Colleyville, TX 76034, Office: 817.503.1130 Fax: 817.503.1139
ashelley@colleyville.com



Application for Appointment for City Council Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

1. Parks and Recreation Advisory Board

If you are willing to be considered for another board, commission, or committee, please list below.

2. Colleyville Events Steering Committee
3. Traffic Safety Advisory Committee

Name: ☐ Ms. ☐ Mrs. ☒ Mr. David M. Hays

Address: 6508 Connie Lane

Home phone: 817-300-1871

Work phone: 817-300-1871

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: david.hays@fnti.com

Fax: na

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Practicing Texas Attorney-Real Estate and Title Insurance Law; 3 Years as head coach for CGSA; Committee Member Legislative Committee, Texas Land Title Association.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

I have an interest in city government in general and would like to potentially serve on addition city boards, committees, etc. and possibly elected positions in the future.

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: David M. Hays, Esq.

Date: 9/26/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Architectural Review Commission

If you are willing to be considered for another board, commission, or committee, please list below.

2. Traffic Safety Advisory Committee

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. John Hines

Address: 4806 Cranbrook Drive East, Colleyville TX 76034

Home phone: 817-571-2775

Work phone: 817-239-8688

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: husker.1power@yahoo.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I've been in the Mechanical/Electrical Design/Build Construction field for 38 years. From Proj. Mgr. Trainee to a Partner in two mechanical contracting firms my experience in hospital, office building (retail & commercial), data centers, natural gas compressor stations, univ. & high school construction are some areas of my expertise. Through the years I have appreciated the building conceptual knowledge I have gained. I have numerous relationships with various local architects and engineers. I have served on various construction boards. I have a BS in Construction Management from the Univ of Nebraska (1975). I've held a State of Texas AC/Refrigeration Licence (TACLA1109C) since 1984.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

My wife and I have lived in HEB/Colleyville since 1978. Our four children all graduated from Texas Universities and live in the DFW area. My wife says our Colleyville home is where she will raise her grandchildren (when they visit)!

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

Signature: *John Hines*

Date: 11/26/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com **Fax:** 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment for City Council Boards, Commissions, and Committees

Planning and Zoning Commission and Zoning Board of Adjustment applicants are required to file Financial Disclosure and Business Conflict of Interest forms two (2) business days after the application deadline. These forms are available by contacting the City Secretary at 817.503.1130, and on the City's website at: www.colleyville.com/files/Financial%20Disclosure%20form.pdf

Board, Commission, or Committee: (only those with current openings)

1. Traffic Safety Advisory Committee ☐

If you are willing to be considered for another board, commission, or committee, please list below.

2. Library Board ☐

3. Click here for drop down menu

Name: ☐ Ms. ☐ Mrs. ☒ Mr. Vernon Noronha

Address: 200 Old Grove Road, Colleyville TX 76034

Home phone: 817 576 2050

Work phone: 214 840 4255

By providing an e-mail address, you are consenting to the release of your e-mail address by the City.

E-mail Address: vernon.noronha@gmail.com

Fax:

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

I am currently serving as an alternate member of the Library Board. I would like this to become full status so I can make a full contribution to meetings.

In addition, I am interested in serving on the Traffic Safety Advisory Committee, helping to ensure safe but smooth and efficient travel for drivers, cyclists and pedestrians in Colleyville.

☐ Check if additional materials are attached. Other information (City/civic service, interests):

☒ I understand attendance and active support is required for each appointee.

☒ I understand I will be required to comply with the Texas Open Meetings Act training.

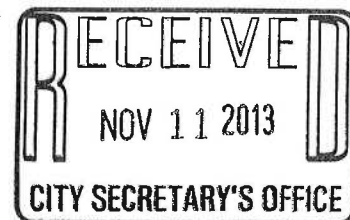
Signature: *V. Noronha*

Date: 11/11/13

Once positions are appointed, you must reapply for future openings. All information provided is public pursuant to the Texas Public Information Act. If additional information is required, please call 817.503.1130. Please return completed application to the Office of the City Secretary:

Email: cloven@colleyville.com or ashelley@colleyville.com Fax: 817.503.1139

Mail: City Secretary, 100 Main Street, Colleyville, TX 76034



Application for Appointment For City Council Appointed Boards, Commissions, and Committees

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Board, Commission, or Committee: (only those with current openings)

Please use the drop down menu to select your preference of (up to three) board(s), commission(s), or committee(s), for which you would like to be considered.

1. Traffic Safety Advisory Committee

2. Click here for drop down menu

3. Click here for drop down menu

Name: ☐ Ms. ☒ Mrs. ☐ Mr. Janet Suedmeier

Address: 2301 Mulberry Court

Home Phone: 817 600 3532

Work Phone: _____

☒ **I understand attendance and active support is required for each appointee.**

☐ **By providing an e-mail address, I consent to the release of my e-mail address by the City.**

E-mail Address: newweirdodor@msn.com

Fax: _____

Knowledge, experience, or education applicable to Board, Commission, or Committee function:

Member of current board. I am able to continue meeting as directed.

City service and experience, civic organizations, interest:

☐ Additional materials attached.

See former application

Signature: Janet Suedmeier Date: 10/16/2013

**Once positions have been filled, you must reapply for future openings.
All information provided is public pursuant to the Texas Public Information Act.**

**Please return completed application to:
City Secretary, 100 Main Street, Colleyville, TX 76034, Office: 817.503.1130 Fax: 817.503.1139
ashelley@colleyville.com**

RESOLUTION R-13-3706

**A RESOLUTION APPOINTING MEMBERS TO THE TRAFFIC SAFETY
ADVISORY COMMITTEE**

WHEREAS, the Traffic Safety Advisory Committee has three (3) positions whose term expires December 2013, and one (1) position whose term expires December 2014.

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

Sec. 1. THAT the following persons are hereby appointed to the Traffic Safety Advisory Committee for a term expiring December 2015:

-
-
-

Sec. 2. THAT the following person is hereby appointed to the Traffic Safety Advisory Committee for a term expiring December 2014:

-

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor



City of Colleyville City Council Agenda Briefing

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

Agenda Number 9

Agenda Date 12/17/2013

Type Report

Department City Secretary

Title

Planning and Zoning Commission Meeting Minutes - October 28, 2013

Planning and Zoning Commission Meeting Minutes - November 11, 2013

Attachments

1. Planning and Zoning Commission Meeting Minutes - October 28, 2013
2. Planning and Zoning Commission Meeting Minutes - November 11, 2013



City of Colleyville Planning and Zoning Commission Minutes

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

Monday, October 28, 2013

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on October 28, 2013 at 7:10 p.m.

Roll Call

Present: Commissioners Larry Knox, Carel Tornos, David Wheelwright, Jim Gotcher, Don Davis, David Phelps and Jeff Byerly

Staff Present: Ron Ruthven, Taci Wrisley, Dale Crown, Dan Hartman, Rob McKeown, and Matt Butler (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Phelps made a motion to approve the minutes as amended. Commissioner Davis seconded.

The motion to approve the minutes as amended carried by the following vote:

Aye: 7 – Knox, Tornos, Wheelwright, Gotcher, Davis, Phelps, and Byerly

2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA AS A PUBLIC HEARING ITEM

There were no citizen comments/presentations regarding items not on the agenda as a public hearing item.

3. SWEARING IN OF NEWLY APPOINTED MEMBER

Taci Wrisley swore in newly appointed member Don Davis, Place 6

4. REGULAR AGENDA ITEMS

- 4a** Consideration of a waiver request to the sidewalk requirements on Lot 7, Block 1, of the Redus Addition located at 4509 Bowman Drive, Case GC13-019

Ron Ruthven presented the case and briefed the Commission.

Chairman Byerly questioned staff regarding whether there was enough room between the trees and the edge of the pavement to build a sidewalk and not harm any trees. Ron Ruthven replied the trunks of the trees would not be disturbed; however, their root systems would be jeopardized.

Commissioner Tornes questioned staff regarding the species of trees located in the proposed sidewalk location. Ron Ruthven replied he is not sure.

Nick Smith, the applicant and the builder, came forward and briefed the Commission.

Commissioner Davis made a motion to deny Case GC13-019 with the option to escrow. Commissioner Tornes seconded.

The motion to deny Case GC13-019 with the option to escrow carried by the following vote:

Aye: 7 – Knox, Tornes, Wheelwright, Gotcher, Davis, Phelps, and Byerly

- 4b** Approval of a final plat for 13.63 acres out of the Elizabeth Cox Survey, John H. Havens Survey and the Jesse Doss Survey located in the 4900 block of Heritage Avenue, Case PC13-010

Ron Ruthven presented the case and briefed the Commission.

Commissioner Tornes questioned staff regarding whether there were any homes in the flood plain. Ron Ruthven replied no.

Clayton Redinger, the project engineer, came forward to address any questions or comments.

Commissioner Wheelwright made a motion to approve Case PC13-010. Commissioner Gotcher seconded.

The motion to approve Case PC13-010 carried by the following vote:

Aye: 7 – Knox, Tornes, Wheelwright, Gotcher, Davis, Phelps, and Byerly

- 4c** Approval of a final plat for 11.875 acres on Abstract 65 of the H.L. Allen Survey and Abstract 798 of the J. Harrell Survey, located at 6816 Murphy Road, Case PC13-023

Ron Ruthven presented the case and briefed the Commission.

Commissioner Tornes questioned staff regarding the location of the proposed eight (8) foot trail. Ron Ruthven explained the proposed trail would run along the North side of Murphy Road and connect to Riverpath in the Whittier Height Subdivision or just North of Riverpath. Commissioner Tornes further questioned regarding whether any of the trail was constructed today. Ron Ruthven replied yes, however, it does stop just short of the proposed new phase.

Joe Papagolis, the developer, came forward and briefed the Commission.

Commissioner Knox made a motion to approve Case PC13-023. Commissioner Tornes seconded.

The motion to approve Case PC13-023 carried by the following vote:

Aye: 7 – Knox, Tornes, Wheelwright, Gotcher, Davis, Phelps, and Byerly

5. PUBLIC HEARING AGENDA ITEMS

- 5a** Request for a zoning change from R-40 Single Family Residential to R-20 Single Family Residential on 2.547 acres of Lot B1A, A1B, B3 and B2 Block 4, of the W. C. Newton Subdivision, located at 708 W. L. D. Lockett Road, Case ZC13-015

Ron Ruthven presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding whether the existing parcels could be developed based on their current zoning of R-40-Single Family Residential. Ron Ruthven replied no because they would not be able to meet the setback requirements for this zoning.

Commissioner Tornes questioned staff regarding whether the properties to the North and the East were currently zoned R-20-Single Family Residential. Ron Ruthven replied correct.

The public hearing was opened at 7:35 p.m.

Peter Slover, the applicant and developer, and Bryan Holland, also a developer, came forward and briefed the Commission. Commissioner Wheelwright questioned Mr. Slover and Mr. Holland

regarding their knowledge of the drainage issues surrounding this property and how they would handle the issues. Mr. Holland replied they are aware of the drainage issues. Mr. Holland further explained that in conjunction with their other development to the East; they would address all drainage issues related to this property by constructing an underground drainage system.

Commissioner Tornes questioned Mr. Holland regarding whether they had met with city staff to review their drainage system proposal and is city staff okay with their proposal? Mr. Holland replied yes they met with city staff last week and because this only a zoning case they are only in the design phase of their plan. He further explained that city staff were on board with their plan.

Commissioner Phelps questioned Mr. Holland regarding whether they had considered developing the property as two (2) lots versus four (4) lots. Mr. Holland replied no. He further explained that he felt the development would look less appealing.

Commissioner Davis stated he did not believe that Commissioner Phelps was asking the question with the view of a homeowner, but as the City, overall. He further explained the proposed plan would not meet the Master Plan of the City because they were not proposing estate size lots or 'grand entrances'.

Discussion continued between the Commission and Mr. Holland regarding their proposal not meeting the Master Plan.

Commissioner Wheelwright questioned Mr. Holland regarding their previously heard case on Country Way and what was the outcome of that case? Mr. Holland replied after the Planning and Zoning Commission denied their case, they appealed to the City Council and were approved.

Commissioner Wheelwright questioned Mr. Holland regarding whether this development would be a continuation of their Country Way development. Mr. Holland replied no.

Commissioner Tornes questioned Mr. Holland regarding whether it was too soon to discuss their entry way. Mr. Holland replied they had anticipated doing some type of brick wall with the required five (5) sidewalks in front. He further explained they were not anticipating doing a water feature.

There being no one else wishing to speak, the public hearing was

closed at 7:47 p.m.

Commissioner Phelps stated he was in between on this case. He further explained this development matched the surrounding zoning but he understood why the development was being questioned.

Chairman Byerly stated the proposed development was not what the citizens of Colleyville are looking for – they want the rural look and feel.

Commissioner Tornes stated that because the surrounding zoning on the North side of L. D. Lockett Road was all R-20-Single Family Residential, R-40-Single Family Residential seemed out of place.

Commissioner Wheelwright echoed Chairman Byerly's thoughts and did not feel he could support the case.

Commissioner Wheelwright made a motion to deny Case ZC13-015. Commissioner Gotcher seconded.

The motion to deny Case ZC13-015 carried with the following vote:

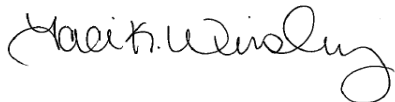
Aye: 6 – Knox, Wheelwright, Gotcher, Davis, Phelps, and Byerly

Nay: 1 - Tornes

6. ADJOURNMENT

The meeting adjourned at 7:52 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on November 11, 2013 by a vote of 6-0.



City of Colleyville Planning and Zoning Commission Minutes

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

Monday, November 11, 2013

City Council Chambers

CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by Chairman Byerly on November 11, 2013 at 7:00 p.m.

Roll Call

Present: Commissioners Larry Knox, Carel Tornes, David Wheelwright, Don Davis, David Phelps and Jeff Byerly

Absent: Commissioner Jim Gotcher

Staff Present: Ron Ruthven, Mary Elliott, Marty Wieder, Dan Hartman, Rob McKeown, and Matt Butler (City Attorney)

1. APPROVAL OF MINUTES

Commissioner Davis made a motion to approve the minutes as amended. Commissioner Wheelwright seconded.

The motion to approve the minutes as amended carried by the following vote:

Aye: 6 – Knox, Tornes, Wheelwright, Davis, Phelps, and Byerly

2. APPOINTMENT TO THE PARKLAND DEDICATION COMMITTEE

Chairman Byerly made a motion to appoint Commissioner Tornes and Commissioner Wheelwright to the Parkland Dedication Committee. Commissioner Davis seconded.

The motion to appoint Commissioner Tornes and Commissioner Wheelwright carried by the following vote:

Aye: 6 – Knox, Tornes, Wheelwright, Davis, Phelps, and Byerly

3. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

There were no citizen comments/presentations regarding items not on the agenda as a public hearing item.

4. REGULAR AGENDA ITEMS

- 4a** Consideration of a waiver request to the sidewalk requirements on Lot 16, Block 3, of the Fairway Addition located at 6809 Curtis Road, Case GC13-020

Mary Elliott presented the case and briefed the Commission.

The applicant was not present for questions from the Commission.

Commissioner Tornos questioned staff regarding whether there have been any waivers granted for other new homes on Curtis Road. Ron Ruthven replied there have been no other sidewalk waiver requests on Curtis Road.

Chairman Byerly questioned staff regarding how many new homes were proposed in the new subdivisions to the North of Curtis Road. Ron Ruthven replied 177 new lots in the Reserve at Colleyville and 60 new lots in Somerset Manor. Commissioner Byerly added that children from these new homes would most likely attend Liberty Elementary to the South of Curtis Road. Ron Ruthven replied correct.

Chairman Byerly made a motion to deny Case GC13-020.

Commissioner Davis asked Commissioner Byerly if he would allow for a friendly amendment to allow the applicant to escrow the sidewalk. Commissioner Byerly replied no, he would rather the sidewalk be built.

Commissioner Wheelwright questioned staff regarding where the proposed trail along Murphy Road would end. Ron Ruthven replied he believed the trail would extend from where it ends now, on the North side of Murphy Road between Herbert Road and Curtis Road, and extend to the property line of the proposed Somerset Manor subdivision. He further added in the future the trail could possibly extend to Precinct Line Road.

Commissioner Knox seconded the motion to deny Case GC13-020.

Commissioner Phelps stated he supported the motion. He further added the option to escrow is usually given when there are environmental hardships and he did not feel that this was the case regarding this property.

The motion to deny Case GC13-020 carried by the following vote:

Aye: 6 – Knox, Tornes, Wheelwright, Davis, Phelps, and Byerly

5. PUBLIC HEARING AGENDA ITEMS

- 5a** Request for a Special Use Permit for a carport on Lot 14, Block 7, of the Oak Crest Hill Addition located at 313 Oak Crest Hill Drive, Case ZC13-016

Mary Elliott presented the case and briefed the Commission.

Commissioner Wheelwright questioned staff regarding whether the proposed carport met all of the requirements, minus the decorative brick, stone, or metal columns. Ron Ruthven replied correct.

Commissioner Tornes questioned staff regarding whether there is a fenced gate in the front; and would the proposed structure be visible from the street? Mary Elliott replied there is a privacy fence and you would probably not be able to see the proposed carport from the street.

The public hearing was opened at 7:12 p.m.

Leslie Norman, the property owner and applicant, came forward and briefed the Commission.

There being no one else wishing to speak, the public hearing was closed at 7:13 p.m.

Commissioner Wheelwright made a motion to approve Case ZC13-016 with the condition that the recommended conditions and the masonry column requirements be waived. Commissioner Tornes seconded.

The motion to approve Case ZC13-016 with the condition that the recommended conditions and the masonry column requirements be waived carried by the following vote:

Aye: 6 – Knox, Tornes, Wheelwright, Davis, Phelps, and Byerly

- 5b** Request for a replat on 7.99 acres located on Lots 3 and 4, Block 1 and Lots 1-6, Block 2, of the Southgate Addition and 10.44 acres in the Allen Christian Survey and in the L.L. McLain Survey located between 3916 Wayne Drive and 3707 Bedford Court, Case PC13-017

Ron Ruthven presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding whether the construction of the round-about at Cheek-Sparger Road and Bedford Court was being coordinated with this development. Ron Ruthven replied a traffic impact analysis was approved along with the zoning case and was subsequently amended to address concerns brought up during the rezoning of the property.

Commissioner Tornes questioned staff regarding whether the primary entrance for the facility was off of Bedford Court. Ron Ruthven replied correct. He further added there will be a second point of entry off of Wayne Drive as well.

The public hearing was opened at 7:18 p.m.

Randy Johnson, the applicant, came forward and briefed the Commission.

Commissioner Tornes questioned Mr. Johnson regarding when he anticipated the round-about at Cheek-Sparger Road and Bedford Court to be completed. Mr. Johnson replied within the first half of 2014.

There being no one else wishing to speak, the public hearing was closed at 7:21 p.m.

Commissioner Phelps made a motion to approve Case PC13-017. Commissioner Davis seconded.

The motion to approve Case PC13-017 carried by the following vote:

Aye: 6 – Knox, Tornes, Wheelwright, Davis, Phelps, and Byerly

- 5c** Consideration for a zoning change from AG-Agricultural to PUD-R-Planned Unit Development Residential on 4.4 acres located in the Jesse Doss Survey at the Northwest corner of Cheek-Sparger Road and Heritage Avenue; and approval of an amendment to the PUD-R-Planned Unit Development Residential zoning and development requirements on 108.5 acres out of the Elizabeth Cox Survey, John H. Havens Survey and the Jesse Doss Survey located in the 4900 block of Heritage Avenue, Case ZC13-017

Ron Ruthven presented the case and briefed the Commission.

Commissioner Phelps questioned staff regarding the location of the language that stated to remove the requirement of construction for two lanes on Heritage Avenue and proceed through a separate instrument. Ron Ruthven replied the language is under Section 5.2b of the proposed ordinance.

Chairman Byerly questioned staff regarding whether the property that was acquired from the City of Euless the commercial area of the PUD-R. Ron Ruthven replied correct.

Commissioner Tornes questioned staff regarding the difference in the exhibits presented to the Commission. Ron Ruthven explained the difference was due to the acquisition of land to square off the northwest corner of Heritage Avenue and Cheek-Sparger Road. He further explained one (1) of the exhibits was from 2007 and is slightly different.

Discussion continued between Commissioner Tornes and Ron Ruthven regarding the Southeast corner of the property.

The public hearing was opened at 7:30 p.m.

Curtis Young, on behalf of the applicant, came forward and briefed the Commission.

Bret Pedigo, the applicant, came forward and briefed the Commission.

Commissioner Tornes questioned Mr. Pedigo regarding whether he was requesting for there to be no sidewalks required along the open space titled Lot 7, Block 2. Mr. Pedigo replied yes.

Commissioner Wheelwright questioned Mr. Pedigo regarding the building materials that would be used for the adjacent property and the open space titled Lot 7, Block 2. Mr. Pedigo replied there is an existing barbed wire fence that would remain in place.

Discussion continued between Commissioner Wheelwright, Mr. Pedigo, and Mr. Young regarding potential fence materials.

Commissioner Phelps questioned Mr. Young regarding where the entrance for the commercial lot would be located. Mr. Young replied the commercial lot would gain access from the subdivision entrance and there would be a recessed gate for the residents to access the subdivision. Mr. Young further added they could also have access from Heritage Avenue but the building would still front on Cheek-

Sparger Road.

Commissioner Phelps questioned Mr. Young regarding the types of commercial uses they were anticipating. Mr. Young replied inline, offices and/or services.

Discussion continued between Commissioner Phelps and Mr. Young regarding uses and parking.

Commissioner Wheelwright questioned Mr. Young regarding the sidewalk along the open space Lot 7, Block 2 and he did not think the conceptual plan indicated a sidewalk in that specific location. Mr. Young replied correct, they just wanted to ask that a sidewalk not be required in that location to allow privacy for the neighbors to the West.

Blanche Ziegler, 3410 Langley Hill Lane, came forward with her questions and concerns.

Gary Malone, 4605 & 4609 Winewood Court, came forward to speak in support of this development.

There being no one else wishing to speak, the public hearing was closed at 7:55 p.m.

Mr. Pedigo came forward to address comments and concerns.

Commissioner Wheelwright questioned staff regarding whether a fast food restaurant would be able to locate on the property zoned for commercial as it is today. Ron Ruthven replied the original zoning case states that any sales tax generating business or professional offices are allowed. He further stated any uses allowed in CC-1 Village Retail, CC-2 Shopping Center, or CN - Neighborhood Commercial were also allowed.

Commissioner Wheelwright questioned Marty Wieder, the economic development director regarding his knowledge of any commercial businesses interested in this location. Marty Wieder replied he anticipates inline retail/service type businesses. He further stated that he has not been approached by anyone looking to locate any type of quick serve food.

Commissioner Tornos questioned staff regarding whether a convenience store would be allowed in this location. Ron Ruthven replied a standalone convenience store would be allowed in this

location. He further explained that gasoline sales or any type of alcoholic beverage sales would be required to be approved through a Special Use Permit by the Planning and Zoning Commission and the City Council.

Commissioner Phelps questioned staff regarding the allowance of uses from three (3) different zoning classifications. Ron Ruthven replied past zoning cases were mainly directed at the commercial property on the northern end of the property; and the intent was to allow for a wide range of uses provided they are sales tax generating. He further explained because the newly acquired land was not part of the original zoning case there has not been much discussion on this section of the property.

Commissioner Phelps questioned staff regarding whether it was possible to include language to require a Special Use Permit for any of the uses allowed by the ordinance. Ron Ruthven replied he did not recommend requiring a Special Use Permit for a use that is already codified in the Land Development Code. He further explained he would suggest that in lieu of this scenario, the Planning and Zoning Commission recommend to the City Council that a detailed site plan be required prior to any type of development on the commercial site.

Chairman Byerly questioned staff regarding the whether the increase in the commercial area was addressed in the ordinance or does it need to be changed? Ron Ruthven replied he recommends making the changes as part of a motion.

Chairman Byerly questioned staff regarding whether there was a requirement for a sidewalk along the open space titled Lot 7, Block 2; Does a waiver need to be granted to address the applicant's request? Ron Ruthven replied there would be a sidewalk required along both sides of the street and he prefers language be added to the ordinance to grant the waiver.

Chairman Byerly questioned Mr. Pedigo and Mr. Young regarding whether they were asking for the commercial area to be 1.8 acres or 3.72 acres. Mr. Young replied the size they were requesting for the commercial area is actually 1.91 acres.

Chairman Byerly questioned Mr. Pedigo regarding the depth of the commercial lot on the original versus the depth of the proposed commercial lot. Mr. Pedigo replied the original is about 500 feet and approximately double from what they are proposing.

Discussion continued between the Commission, Mr. Young, and Mr. Pedigo regarding the commercial lot and which street the businesses should front.

Chairman Byerly questioned staff regarding whether staff was okay with what the applicant was proposing with regards to the commercial lot size. Ron Ruthven replied staff is recommending the larger lot size for the commercial lot.

Discussion continued between staff and the Commission regarding staff's preference on the commercial lot size.

Commissioner Tornes stated from his prospective the applicant's submittal with the commercial lot fronting Cheek-Sparger Road was more marketable. Marty Wieder agreed with Commissioner Tornes' statement but from staff's perspective they would have like to see more room for development along Cheek-Sparger Road.

Chairman Byerly questioned staff regarding the entrance of this development lining up with the entrance to the development to the South, in Bedford. Ron Ruthven replied from a transportation planning point of view the furthest you can get from an intersection is most preferred.

Discussion continued between staff, the Commission, and the applicants regarding the possibilities for the entrance location.

Commissioner Davis questioned Mr. Young regarding whether they had considered moving their main entrance to Heritage Avenue versus having it on Cheek-Sparger Road. Mr. Young replied they feel it is important to have an entrance on Cheek-Sparger Road.

Commissioner Phelps stated he would be concerned with moving the entrance further west due to the roadway being on a hill and there being blind spots.

Discussion continued between the Commission and the applicants regarding lining up intersections.

Commissioner Byerly questioned Marty Wieder regarding whether staff felt the lot depth was deluxe. Marty Wieder replied yes, and they had mentioned this to the applicants.

Commissioner Knox made a motion to approve Case ZC13-017 with the following conditions: 1) approve with the conditions

in the proposed ordinance 2) a sidewalk waiver be granted on Lot 7, Block 2 shown as open space and 3) reduce the commercial lot on the Southeast side of the property to 1.91 acres. Commissioner Davis seconded.

Commissioner Phelps stated he would like to add a condition to require a detailed site plan prior to any commercial development.

Commissioner Knox and Commissioner Davis accepted the amendment.

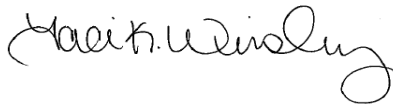
The motion to approve Case ZC13-017 with the following conditions: 1) approve with the conditions in the proposed ordinance 2) a sidewalk waiver be granted on Lot 7, Block 2 shown as open space 3) reduce the commercial lot on the Southeast side of the property to 1.91 acres and 4) prior to any development on the commercial lot, a detailed site plan must be approved carried with the following vote:

Aye: 6 – Knox, Tornes, Wheelwright, Davis, Phelps, and Byerly

6. ADJOURNMENT

The meeting was adjourned at 8:23 p.m.

The minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on November 25, 2013 by a vote of 6-0.

RESOLUTION R-13-3707

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR
CITY COUNCIL MEETING OF
DECEMBER 17, 2013**

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 the agenda decisions approved by City Council action under Business this date and not otherwise adopted by Ordinance and/or separate Resolution as follows are hereby adopted:

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 17TH DAY OF DECEMBER 2013.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor