



City of Colleyville City Council Agenda

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

Tuesday, July 1, 2014

Council Chambers

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

CALL TO ORDER

PC-1 Presentation by Oncor

PC-2 Discussion of proposed animal control ordinance

PC-3 Discussion of health insurance bid results and recommendations

PC-4 Discussion of the City Council Rules of Procedure

PC-5 Discussion of the July 1, 2014, 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 - Keith Pardew v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Gregory Ahren v. City of Colleyville

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 Lee Johnson, Bear Valley 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-14-3762**

- 3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**

**Announcements of civic and charitable events
Presentation of calendar events and updates
Announcements of awards and recognition**

Presentation of a Utility Terrain Vehicle (UTV) from the Citizens Fire Academy Alumni Association (CFAAA) to the Colleyville Fire Department - CFAAA President Bo Bottger and Fire Chief Brian Riley

Proclamation in recognition of Parks and Recreation Month - Mary Rodne, Library and Recreation Director and James Hubbard, Parks Maintenance Manager

- 4. CONSENT: READING AND PUBLIC HEARING - Resolution R-14-3763**

4a Approval of the minutes of the regular City Council meeting of June 17, 2014

4b Approval of the minutes of the City Council worksession of June 24, 2014

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

5a Ordinance O-14-1918

Approval of the Fiscal Year 2015 (FY 2015) Colleyville Crime Control and Prevention District budget

5b Ordinance O-14-1919

Approval to amend Part II, Chapter 2 - Administration, Article II-Finance, Division 1, Sec. 2-26 (j) of the Colleyville, Texas, Code of Ordinances, which sets fees and charges for City Services, specifically Colleyville Center rental rates

**6. ORDINANCE(S):
FIRST READING AND PUBLIC HEARING****6a Ordinance O-14-1920**

Consideration of a request for an amendment to the Special Use Permit provisions authorizing alcoholic beverage sales for off-premises consumption on Lot 7A, Block 2, Village Park Addition, located at 4801 Colleyville Boulevard and authorizing alcoholic beverage sales for on-premises consumption on Lots 1R1, 4, 5A, 6A, 7A, and 9R, Block 2, Village Park Addition, located at 4701, 4709, 4717, 4725, 4801, and 4843 Colleyville Boulevard, Case ZC14-014

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

Colleyville Library Board Meeting Minutes - April 14, 2014

9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR JULY 1, 2014 - Reading and Public Hearing - Resolution R-14-3764**10. ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, June 27, 2014 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 07/01/2014

Type Pre Council

Department City Manager

Title

Presentation by Oncor

Explanation

Don Perfect, Area Manager with Oncor Electric Delivery, will provide a presentation regarding how overhead and underground utility locations and relocations are determined and designed.

As a point of reference, the City of Colleyville Land Development Code, Section 14-175 requires the following as it relates to utility locations:

B. Underground Utilities – All distribution lines, cables, etc. for utilities other than those listed above shall be installed below ground within the subdivision. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the subdivision being served. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the Director of Public Works.

Attachments

1. Oncor Presentation

City of Colleyville

Don Perfect, Area Manager

WE DELIVER.



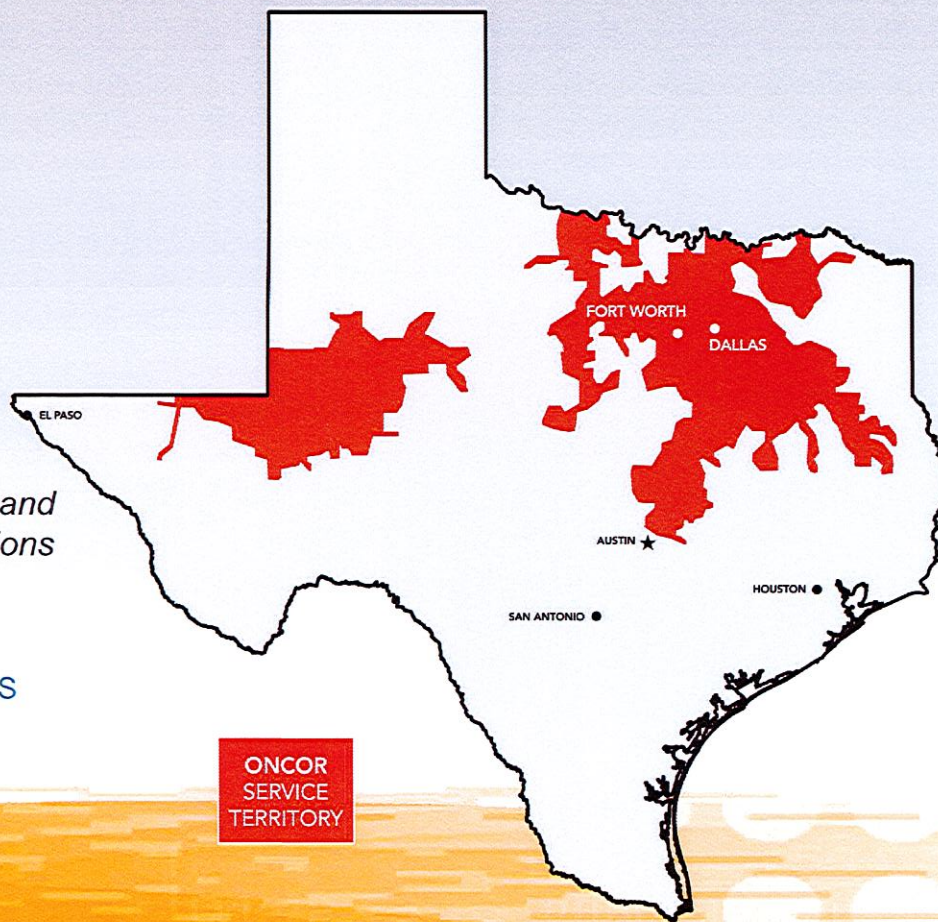
SUPPORTING TEXAS

119,000
MILES OF LINES

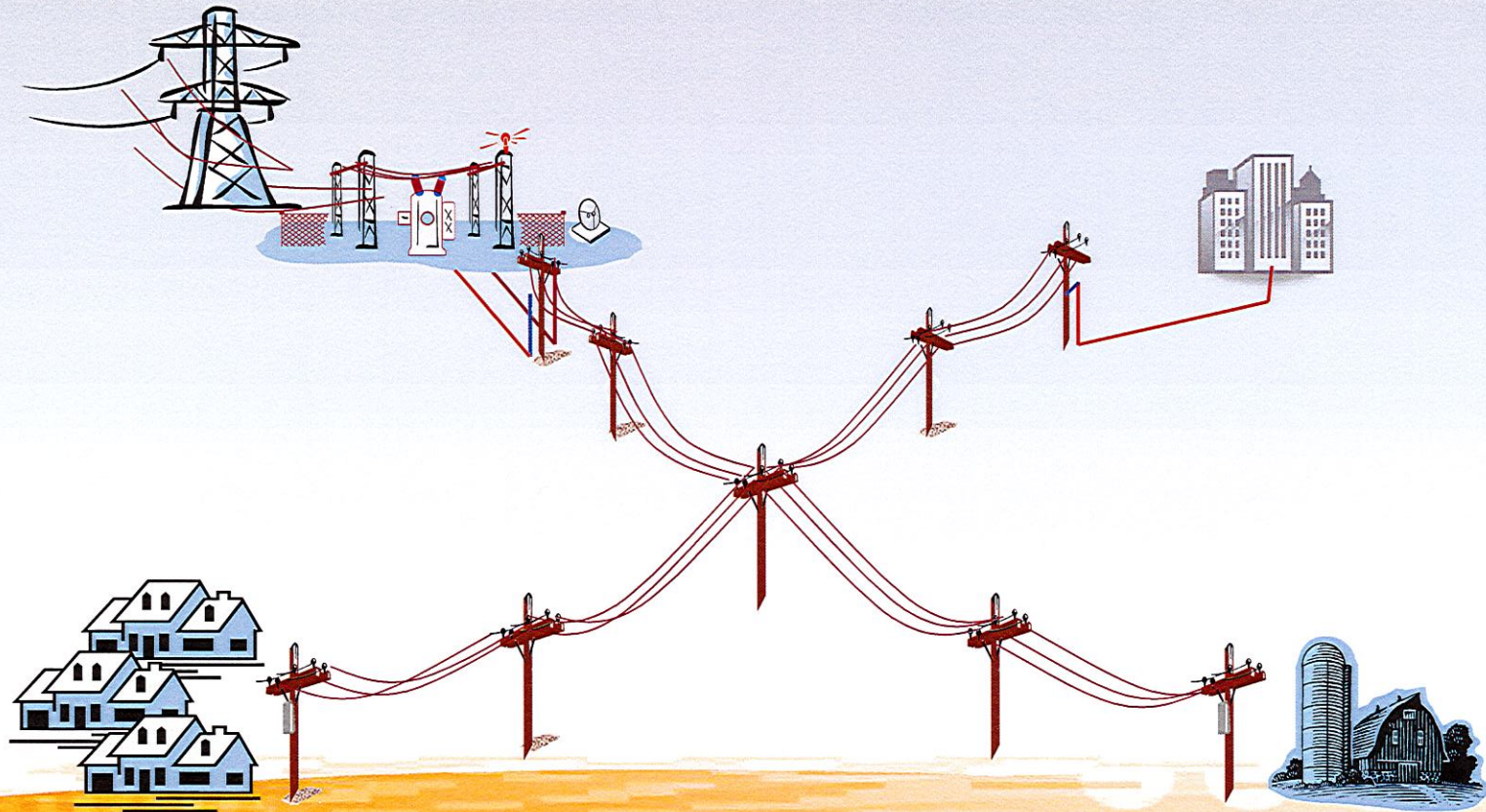
3.2 MILLION
ADVANCED METERS

*Eliminated need to drive
45 million miles saving
3.75 million gallons of fuel and
36,500 tons of CO2 emissions*

3500+
EMPLOYEES ACROSS TEXAS

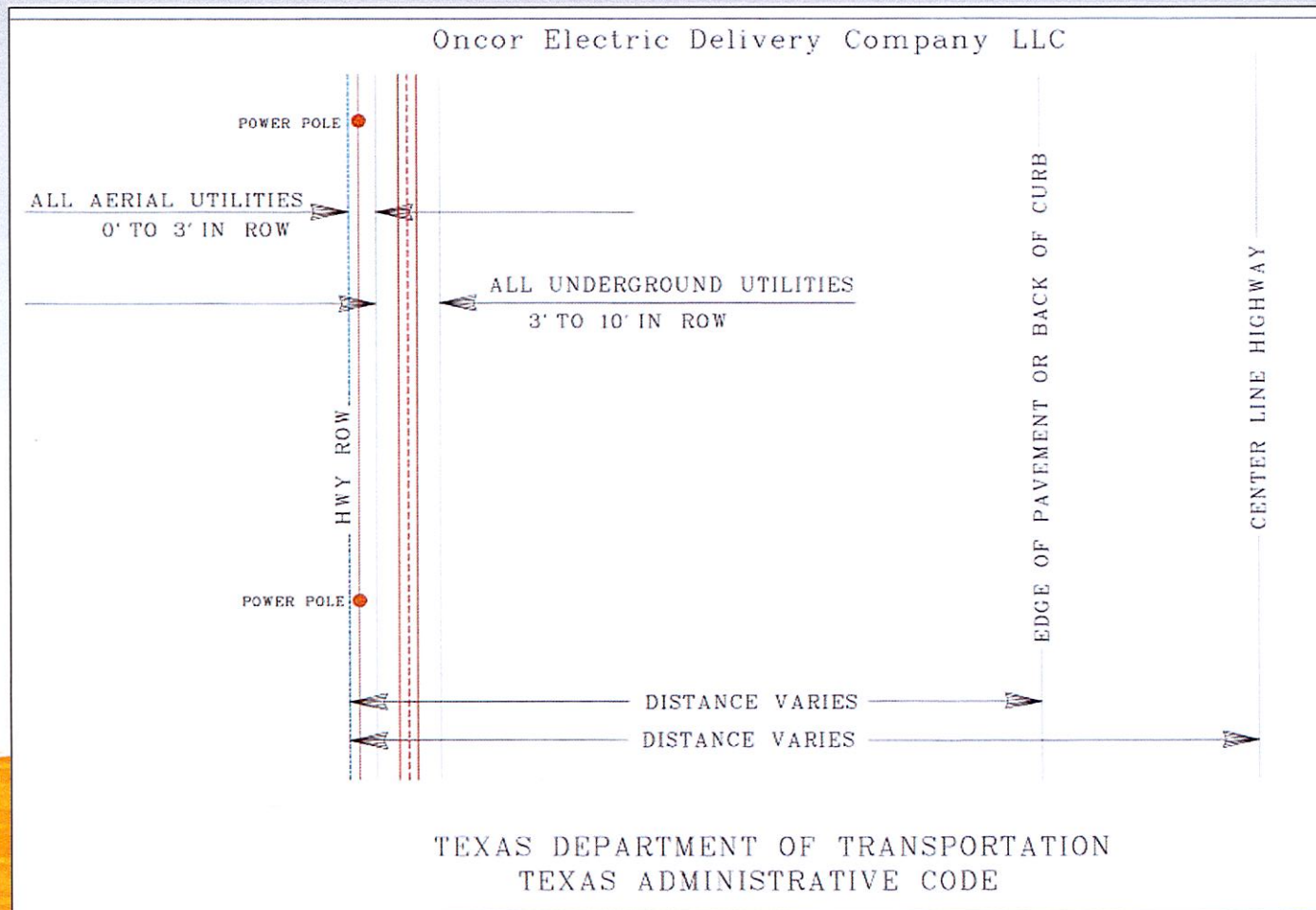


Electric Grid



ONCOR.

TxDOT Requirements



Three Phase Overhead Transformer Bank



ONCOR.

Three Phase Underground Transformer & Switchgear



Dunkin Donuts / TxDOT Turn Lane



ONCOR.

Open-Wire Secondary



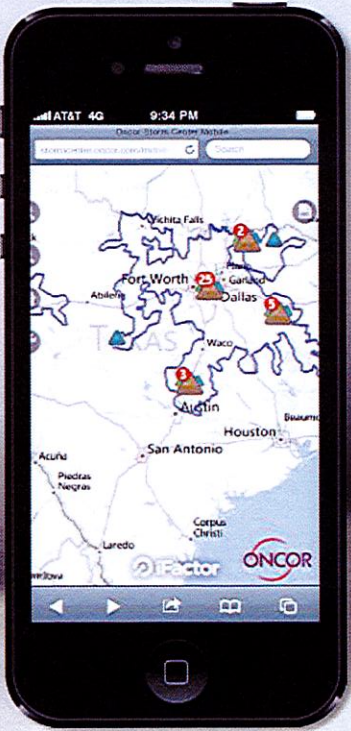
ONCOR.

ON-LINE STREET LIGHT OUTAGE REPORTING



ONCOR. ONCOR.

REAL-TIME OUTAGE MAP



ONCOR. ONCOR.

TEXT ONCOR

The Text Oncor Program is a 24/7 notification service that enables customers to use texting on a mobile phone for:

- Reporting power outages
- Receiving outage ticket confirmation, status updates and closure messages
- Receiving service request ticket confirmation and closure messages

Registering for this service is as simple as texting 'reg' to 6627 (ONCOR). Customers must have their ESID or telephone number associated with their account and their zip code to complete registration.



JOIN THE CONVERSATION



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facebook.com/oncor



youtube.com/oncor



flickr.com/oncor



linkedin.com/oncor



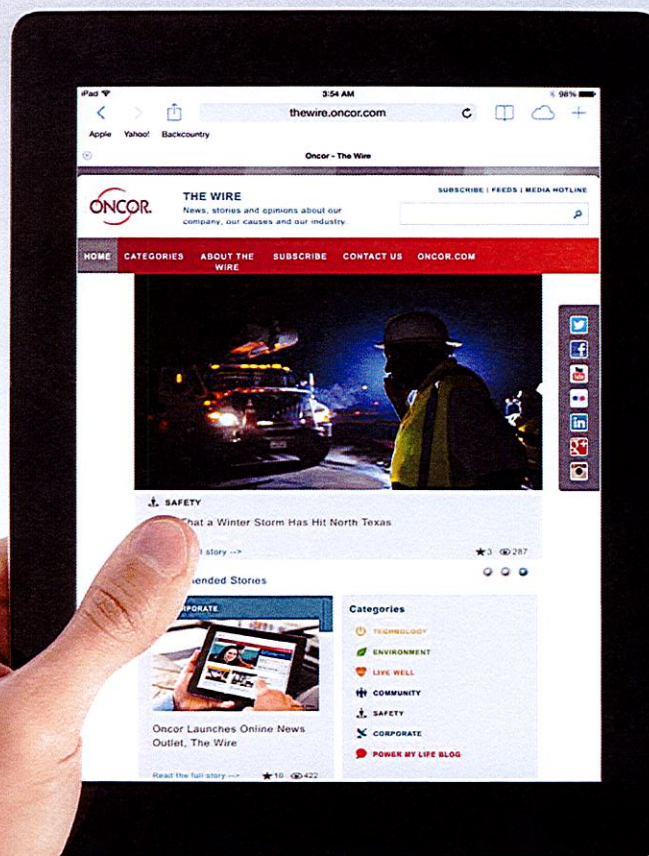
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ONCOR. ONCOR.



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-2

Agenda Date 07/01/2014

Type Pre Council

Department Police

Title

Discussion of proposed animal control ordinance

Explanation

The purpose of this item is to consider amending the current Colleyville Code of Ordinances O-10-1787 pertaining to animals, fowl, insects, and reptiles with related fee schedule to provide clear guidelines for issues related to the keeping of animals, fowl, insects, and reptiles including prohibitions regarding certain practices.

In October 2012, the cities of Colleyville, Keller and Southlake entered into an agreement (attached) to consolidate animal control services. The City of Keller was designated as the provider of Animal Control Services for the three cities to include the construction of an Animal Adoption Center.

Throughout the process of consolidating animal control services, the chiefs of police from Colleyville, Keller, and Southlake, and other stakeholders, agreed, in principle, that it would be prudent and wise to create a "base" regional ordinance to address relevant animal control issues that are applicable to each city. Over a 12 month period, several ordinances were reviewed. Many revisions were made and the result is a modern animal control ordinance that provides clear language related to issues involving the keeping of animals, fowl, insects, and reptiles and related prohibitions of such.

The current City of Colleyville Animal Control Ordinance (attached Ordinance O-10-1787) was last reviewed and updated in 2010 prior to the animal control consolidation. Revising the current Animal Control Ordinance O-10-1787 will establish clear guidelines relating to the care, control, and maintenance of animals. The current language in Ordinance O-10-1787 is outdated and does not reflect current operations. The revised ordinance will provide Colleyville citizens with a modern set of regulations and guidelines based on best practices. Establishing a single animal ordinance for the three partner municipalities will also allow for consistent enforcement of the ordinances and alleviate confusion for the animal control officers and residents alike.

The following highlights the substantive changes that the new ordinance proposes:

Proposed Changes to the Fee Schedule:

Change to Section 14-20 from \$3.00 registration fee to no charge is proposed to further encourage owners to register their pets, thus making it easier to identify and

then return those animals that are lost. Metal tags will continue to be issued and local veterinarians will be educated to encourage pet registration to their clients. The current registration process has not proven to encourage registration and the annual revenue collected for animal registration is approximately \$500.00. There were no municipal court cases related to failing to register a pet in 2013 or 2014 to date and impounds and those related fees are a greater deterrent to not registering animals. In conjunction with the no charge for registration, impound fees are proposed to increase above the current amount charged after the second offense.

The impound fees are proposed to remain at \$30.00 for the first impound and \$50.00 for the second impound but are proposed increase on the third, fourth, and fifth impound:

- Third impound: from \$70 to \$75
- Fourth impound: from \$90 to \$150
- Fifth impound: from \$110 to \$150

Finally, it is proposed to remove the \$20 fee for animal removal in City issued trap but keep the \$20 removal fee for animals in private traps. Attached is a complete comparison between current and proposed fees.

Proposed Changes to Dangerous Animals Language:

- Proposed definition of dangerous animal: makes an unprovoked attack on a person or animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own;
- Requiring a person be at least 17 years of age to control a dangerous dog;
- Requiring a dangerous dog sign to be placed on all sides of fencing facing the public (signs to be provided by the Animal Control Officer).
- Requiring a dangerous dog to wear an orange collar with a red tag.

Proposed Changes to Disturbance and Nuisance Language:

Allowing a stray to remain at a residence will encourage that animal to be a nuisance. Therefore, it is proposed to include language in the new ordinance that makes it a violation to allow a stray animal to remain on premises or to encourage a stray by feeding them. However, it does not restrict a person from adopting the animal.

Proposed Clarification for Authority for Animal Control Officers to Carry a Tranquilizer Gun:

The current ordinance does not address the authority for an animal control officer to carry a tranquilizer gun, however, both Keller and Southlake currently allow this in their ordinances. The animal control officers are currently carrying this equipment for safety reasons. The officers receive specific training and oversight conducted by the Commander of the Keller Police Department. Language has been added to the proposed ordinance providing for such.

Proposed Changes to Fowl Regulations:

- Allowing the keeping of roosters on properties R-20 zoning or larger only;
- Only allowing female chickens on properties under R-20 zoning;
- No more than 12 chickens may be kept in R-20 zoning and 12 chickens for each additional one-quarter acre;
- Chickens must be in secured pen, coop, or enclosed yard. Pen or coop must be at least five feet from property line.

Domestic Animal Limitations:

Keller has enacted a limit of four total pets of any combination of dogs and cats. Southlake has enacted a limit of six total. As a comparison, Grapevine, Euless, and Hurst allow four total dogs or cats, or combination of both. North Richland Hills allows three dogs only, four cats only, or a total of five if in combination.

The current Colleyville Ordinance O-10-1787 does not currently limit the total number of dogs and or cats an individual may own. The City of Colleyville is not required to enact limiting language in this section. Staff is seeking direction from the City Council on whether to include a specific number or leave it unaddressed as it is in our current ordinance. Under the current practice, issues surrounding the number of animals residing at a residence would be dealt with through being deemed a nuisance or through noise regulations.

Staff recommends repealing the current Ordinance O-10-1787 and replacing it with the attached proposed ordinance.

Attachments

1. Animal Ordinance Presentation
2. Ordinance O-10-1787
3. Animal Control Fees Comparison
4. Combined Animal Control and Shelter Interlocal Agreement
5. Proposed Animal Control Ordinance



PROPOSAL TO AMEND ORDINANCE O-10-1787 - THE CURRENT ANIMAL CONTROL ORDINANCE

Pre Council Meeting
July 1, 2014

Why amend?

- In October, 2012, the cities of Colleyville, Keller, and Southlake entered into an agreement to consolidate animal control services.



- The City of Keller was designated as the provider of Animal Control Services for the three cities, to include the construction of an Animal Adoption Center.



Why amend?

- Through the process of consolidating animal control services, the stakeholders agreed that creating a consistent regional animal control ordinance would be beneficial.
- Ordinance O-10-1787, the City of Colleyville Animal Control Ordinance, was last reviewed and updated in 2010, prior to the animal control consolidation.



Why amend?

- Revising the current animal control ordinance will establish clear guidelines relating to the care, control, and maintenance of animals.
- The current language in the Animal Control Ordinance O-10-1787 is outdated and does not reflect current operations related to animal control matters.
- The proposed revised ordinance will provide the residents of Colleyville with a modern set of regulations and guidelines based on current best practices.

Proposed Changes



- **Change of the Fee Schedule:**

- Change to Section 14-20 from \$3.00 registration fee to No Charge.
- All partner cities support this change in an effort to further encourage owners to register their pets, thus making it easier to identify and then return those animals that are lost. This will be off-set by increased penalties assessed for owners who do not license their pets and have them impounded.
- The impound fees will be the same on the first (\$30) and second impound (\$50) but will increase on the third, fourth, and fifth impound.
 - Third going from \$70 to \$75
 - Fourth going from \$90 to \$150
 - Fifth going from \$110 to \$150
- Removing the \$20 fee for animal removal in a City issued trap but increasing the removal fee for animals in private traps to \$30.

Proposed Changes



- **Adding certain requirement and language to cover dangerous animals not just dogs as in our current ordinance.**
 - Requiring a person be at least 17 years of age to control a dangerous dog.
 - Requiring a dangerous dog sign to be placed on all sides of fencing facing the public.
 - Requiring a dangerous dog to wear an orange collar with a red tag.

Proposed Changes



- **Clarify Authority for animal control officers to carry a tranquilizer gun.**
 - The existing ordinance does not address
 - Helps to ensure the safety of the employees and animals
 - The animal control officers are currently carrying this equipment
 - Oversight and training provided by Keller Police Department

Proposed Changes



- **The cities have differed on the total number of dogs and cats allowed to be housed by one individual owner.**
- **Keller has enacted a limit of 4 total and Southlake has enacted a limit of 6 total.**
 - The Colleyville Ordinance does not currently limit the total number of dogs and cats an individual may own.
 - The City of Colleyville is not required to enact limiting language in this section.
 - Staff is seeking direction from the City Council on whether to include an appropriate number or leave our current language as is.



Summary

- Other changes are to clean up (modernize) language and terms and ensure we are consistent with current operations.
- Staff recommendation is to repeal the current City of Colleyville Ordinance O-10-1787 and replace it with the proposed version.

Questions?

ORDINANCE O-10-1787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS AMENDING THE CITY OF COLLEYVILLE CODE OF ORDINANCES, CHAPTER 14 ANIMALS, REPEALING IN ITS ENTIRETY ORDINANCE O-06-1582 AND PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF \$500.00 FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville is authorized to adopt ordinances to protect the health, safety, and welfare of its citizens; and

WHEREAS, the City of Colleyville has determined that it is a necessity to regulate activities as provided for herein to safeguard the public; and

WHEREAS, the City of Colleyville 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 Meeting 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 and to ensure the humane treatment of animals by regulating the care and control of animals within the City.

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 Chapter 14 Animals of the City of Colleyville Code of Ordinances is hereby amended in its entirety and replaced by the following:

"Chapter 14 Animals"

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal warden means any peace officer or police officer of the City, or any person appointed by the city manager to enforce this chapter, together with any deputy thereof.

At large means a dog that is not confined inside the owner's house or to the premises of

the owner by a suitable fence of such sufficiency to prevent the dog from escaping there from, or secured on such premises by a leash of sufficient strength to prevent the dog from escaping from the premises and so arranged that the dog will remain upon the premises when the leash is stretched to full length in any direction. Provided, however, that a dog shall not be considered "at large" when held and controlled by some person, or restrained by means of a leash or chain of proper strength and length to control the actions of the dog, or while confined within a vehicle.

City pound means and includes such area or portion of the city designated for the purpose of holding or restraining animals, and such other areas within or without the city, including veterinary hospitals, the Humane Society, or the pounds of other municipalities, as from time to time may be designated by the city manager.

Dog means a domesticated animal that is a member of the canine family.

Dangerous dog means a dog that:

- (1) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or
- (2) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

Dangerous wild animal as used in this chapter shall mean and include any mammal, amphibian, reptile, or fowl, which is not naturally tame or gentle, but is of a wild nature or disposition and which because of its size, vicious nature, or other characteristics, would constitute a danger to human life or property. Wild animals shall include, but shall not be limited to lion, tiger, ocelot, cougar, panther, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, wolf, coyote, fox, jackal, baboon, chimpanzee, orangutan, gorilla, alligator, crocodile, elephant, rhinoceros, non-descended skunks and all forms of poisonous reptiles and other animals or any hybrid of an animal listed in this subdivision.

Horse means any member of the species *Equus Caballus*.

Horse-drawn carriage means a chauffeured non-motorized vehicle drawn by a horse and used to transport persons for hire that typically operates in designated areas or on approved routes.

Secure enclosure means a fenced area or a structure that is:

- (1) locked;
- (2) capable of preventing the entry of the general public, including children;
- (3) capable of preventing the escape or release of a dog;
- (4) clearly marked as containing a dangerous dog; and
- (5) in conformance with the requirements for enclosures established by the animal warden.

Owner means any person who owns or has custody or control of the animal or animals.

Serious bodily injury means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Sec. 14-2. Running at large prohibited - Livestock.

It shall be unlawful for any person to allow or permit any cow, calf, steer, bull, bullock, heifer, or any sheep, goat, hog, horse, mule, jack or jennet owned or controlled by such person to run at large, or to be herded, in or upon any street or alley or in or upon any unenclosed vacant lot or common within the corporate limits of the city, or to stake out any of the abovementioned animals upon any unenclosed lot or any street or alley in the city limits.

Sec. 14-3. Running at large prohibited - Dogs and cats.

(a) *Prohibition.* No owner of any dog or cat shall permit such dog or cat to run at large within the corporate limits of the city.

(b) *Confinement of certain dogs and female dogs in heat.* No dog of fierce, dangerous, or vicious propensities, nor a female dog or cat in heat, shall be allowed upon any street, avenue, highway, alley, sidewalk, parkway, park or other public place in the city, whether or not such dog or cat is under control by means of a leash, chain or otherwise. Provided, however, that this subsection shall not apply to such dogs or cats when confined within a vehicle.

Sec. 14-4. Running at large prohibited - Fowl.

It shall be unlawful for any person to permit, suffer or allow any chickens, ducks, turkeys, geese or other fowl owned, kept or possessed by such person or under his control to run at large within the city.

Sec. 14-5. Running at large prohibited - Reptiles.

It shall be unlawful for any person to permit, suffer or allow any reptiles owned, kept or possessed by such person or under his control to run or be at large within the city.

Sec. 14-6. Disposition of animals running at large.

Any person is hereby authorized to take up any animal that may be found running at large in the corporate limits of the city. Any such animal picked up shall be surrendered to the animal warden upon demand.

Sec. 14-7. Impoundment - Disposition of unclaimed animals.

(a) Any impounded animal, other than a dog or cat, which is not redeemed within five days of capture and impoundment may be sold to the highest bidder at a public or private sale conducted at such time and place as may be designated by the city manager.

(b) Any impounded wild animal, unless there is reason to believe it has an owner, may be immediately destroyed in a humane manner. If not redeemed within three days of its capture and impoundment, any impounded wild animal and any impounded dog or cat may be destroyed in a humane manner.

Sec. 14-8. Impoundment - Fees.

Prior to any sale, the owner of any animal impounded may redeem such animal by paying the expense of taking up and keeping such animal together with the cost of advertising and fines, if any, plus an impounding fee of \$30.00.

Sec. 14-9. Impoundment - Owner's right of redemption.

After the sale of any impounded animal, such animal may be redeemed by paying to the purchaser double the amount bid by him for such animal, and his reasonable expenses for keeping the animal; provided, that the owner so redeems the animal within 30 days after the date of sale; otherwise, the animal shall become the absolute property of the purchaser.

Sec. 14-10. Vaccination of impounded animals.

All animals released to an owner from the pound shall be immediately vaccinated against rabies in accordance with the provisions of this chapter or the owner thereof shall present a veterinarian's certificate showing a current vaccination. In order for the owner of an animal not vaccinated and registered in accordance with the provisions of this chapter to obtain the release of the animal, such owner must sign a statement giving the name of the owner and the address where such animal shall be immediately confined, and stating that he will have the animal vaccinated in accordance with the provisions of this chapter. Such vaccination certificate shall be presented to the animal warden within ten days of release. Failure to have such animal immediately vaccinated and a certificate presented shall be grounds for immediate return of the animal to the

city pound and such animal may then be destroyed immediately or otherwise disposed of, and the failure to immediately comply shall constitute a misdemeanor. Refusal to show a certificate of vaccination shall constitute prima facie evidence of such failure to comply.

Sec. 14-11. Rabies - Quarantine.

If an animal has bitten or otherwise attacked a person, has rabies or symptoms thereof, or is suspected by the animal warden of having rabies, or has been exposed to rabies, upon demand of the animal warden or his deputies, it shall be impounded in the city pound or confined in a veterinary hospital at the owner's expense, for observation for a period of 14 days, or, upon the written consent of the person bitten or otherwise attacked or the person having custody of such person, such animal shall be immediately and securely confined with a good quality chain by the owner of such animal for a period of 14 days in a place where no person will be bitten by such animal. During such confinement, the animal shall be subject to examination by the animal warden or his deputies at any time. If the owner or the person having custody of such animal fails to deliver the animal to the animal warden upon demand, the animal shall be deemed a nuisance and subject to all remedies, both public and private, for the abatement of nuisances.

Sec. 14-12. Rabies - Veterinarians required to report cases to animal warden.

It shall be the duty of all practicing veterinarians to report to the animal warden all cases of rabies with which they come in contact or to which their attention has been directed. This report shall be made immediately upon diagnosis or suspicion of such cases of rabies.

Sec. 14-13. Nuisance by animal feces.

It is hereby declared to be unlawful for any owner, keeper or walker of any dog or cat to permit his dog or cat to discharge such animal's feces upon any public or private property within the city, other than the property of the owner of such dog or cat, if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's feces from the public or private property. Additionally, no feces shall be allowed to accumulate on the property of the owners of such dog or cat such that it creates a nuisance to adjacent properties.

Sec. 14-14. Animal nuisances generally.

(a) *Noise disturbance.* No person shall willfully or knowingly harbor or keep on his premises or elsewhere any animal or fowl of any kind that makes or creates an unreasonable disturbance of the neighbors or the occupants of adjacent premises or people living in the vicinity thereof, or suffer or permit such animal to make or create disturbing noises by howling, barking, bawling, crowing or otherwise. A person shall be deemed to have willfully and knowingly violated the terms of this section if such person shall have been notified by the neighbors or the animal warden or any police officer of

such disturbance and shall have refused for a period of 24 hours to correct such disturbance and prevent its recurrence.

(b) *Odor nuisance.* It shall be unlawful for any person to maintain any animal or fowl in such a manner that residents of adjacent or nearby property are subjected to obnoxious odors.

(c) *Trespass, attack, property damage.* It shall be unlawful for any person to maintain any animal in any area which constitutes a nuisance by reason of repeated trespasses on public property, attacks on other animals, or damage to public or private property.

(d) *Conduct declared misdemeanor; enjoinder of nuisance.* In addition to the foregoing conduct constituting a misdemeanor, such conduct shall also be deemed a nuisance and may be enjoined in district court.

Sec. 14-15. Cruelty to animals and disposition.

(a) Chapter 821, Subchapter A, Texas Health and Safety Code (as it is now enacted, or as hereinafter amended) as it pertains to the treatment and disposition of cruelly treated animals is hereby incorporated into this section. A person commits an offense under this section if that person violates any requirements or standards provided therein.

(b) The court shall order the animal returned to the owner, upon payment of impoundment fees and spay or neuter fees at the court's discretion, if the court does not find that the animal's owner has cruelly treated the animal.

(c) Nothing in this section shall prevent a person from being prosecuted for cruelty to animals as provided by applicable sections of the Texas Penal Code.

(d) This section is not to be construed to prevent city employees from killing animals when entitled to do so by statutes of the state or any ordinance of the city then in effect.

Sec. 14-16. Interference with animal warden, agents.

It shall be unlawful for any person to interfere with the animal warden or his agents in the lawful discharge of duties.

Sec. 14-17. Dangerous dogs.

(a) *Requirements for owners of dangerous dogs.*

(1) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

- (i) register the dangerous dog with the animal control authority for the area in which the dog is kept;
 - (ii) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;
 - (iii) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000.00 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal warden for the area in which the dog is kept; and
 - (iv) comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.
- (2) The owner of a dangerous dog who does not comply with subsection (1) shall deliver the dog to the animal warden not later than the 30th day after the owner learns that the dog is a dangerous dog.
- (3) If the municipal court finds, after notice and hearing provided by subsection (d), that the owner of a dangerous dog has failed to comply with subsection (1) or (2), the court shall order the animal warden to seize the dog and shall issue a warrant authorizing the seizure. The warden shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions.
- (4) The owner shall pay any cost or fee assessed by the municipality or county related to the seizure, acceptance, impoundment, or destruction of the dog.
- (5) The court shall order the animal warden authority to humanely destroy the dog if the owner has not complied with subsection (1) before the 11th day after the date on which the dog is seized or delivered to the animal warden. The court shall order the animal warden to return the dog to the owner if the owner complies with subsection (1) before the 11th day after the date on which the dog is seized or delivered to the authority.
- (6) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.
- (7) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:
- (i) the owner knows of an attack described subsection (g).

(ii) the owner received notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog under;

(iii) the owner is informed by the animal warden that the dog is a dangerous dog under this section.

(b) *Determination that dog is dangerous.*

(1) If a person reports an incident described by subsection (g), the animal warden may investigate the incident. If the animal warden determines the dog is a dangerous dog, it shall notify the owner of that fact.

(2) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal warden to the municipal court.

(c) *Reporting of incident.*

(1) A person may report an incident described by subsection (g) to the animal warden. The animal warden may order the owner of the dog to deliver the dog to the animal warden not later than the fifth day after the date on which the owner receives notice from the animal. The animal warden may provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

(2) If the owner fails to deliver the dog as required by subsection (1), the court shall order the animal warden to seize the dog and shall issue a warrant authorizing the seizure. The warden shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall pay any cost incurred in seizing the dog.

(3) The court shall determine, after notice and hearing as provided in subsection (d), whether the dog is a dangerous dog.

(4) The court, after determining that the dog is a dangerous dog, may order the warden to continue to impound the dangerous dog in secure and humane conditions until the court orders disposition of the dog under subsection (b) and the dog is returned to the owner or destroyed. The court may require the owner to comply with additional restrictions that the court finds reasonable and proper.

(5) The owner shall pay a cost or fee assessed under subsection (b)(4).

(d) *Hearing.*

(1) The court, on receiving a request for a dangerous dog hearing shall set a time for a hearing to determine whether the dog is a dangerous dog or whether the owner of the dog has complied with subsection (b). The hearing must be held not later than the 30th day after the date on which the request is received by the municipal court.

(2) The court shall give written notice of the time and place of the hearing to:

- A. the owner of the dog or the person from whom the dog was seized, and
- B. the person who made the complaint.

(3) The owner or other person from whom the dog was seized must open the evidence and present competent evidence that the dog is not a dangerous dog under the ordinance.

(4) Any interested party, including the city attorney, is entitled to present evidence at this hearing.

(e) *Registration.*

(1) An animal warden for the area in which the dog is kept shall annually register a dangerous dog if the owner presents proof of:

- A. liability insurance or financial responsibility, as required by subsection (b);
- B. current rabies vaccination of the dangerous dog; and
- C. the secure enclosure in which the dangerous dog will be kept; and
- D. pays an annual registration fee of \$50.00.

(2) The animal warden shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(3) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control authority for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee of \$25.00, the animal warden shall issue a new registration tag to be placed on the dangerous dog's collar.

(4) An owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people.

(f) *Attack by dangerous dog*

(1) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person or domesticated animal outside the dog's enclosure and causes bodily injury to the other person or domesticated animal.

(2) An offense under this section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor.

(3) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in section 14-8, subsection (c).

(4) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000.00. A city attorney may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county or municipality.

(g) *Violations.*

(1) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with subsection (b).

(2) Except as provided by subsection (3), an offense under this section is a Class C misdemeanor.

(3) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

(h) *Defense.*

(1) It is an affirmative defense to prosecution under subsection (g) or subsection (h) that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in connection with that position.

(2) It is an affirmative defense to prosecution under subsection (g) or (h) that the

person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

(3) It is an affirmative defense to prosecution under subsections (g) and (h) that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code.

Sec. 14-18. Dogs that are a danger.

(a) *[Seizure.]* Seizure of a dog causing death of or serious bodily injury to a person and/or domesticated animal.

(1) A justice court, county court, or municipal court shall order the animal control authority to seize a dog and shall issue a warrant authorizing the seizure:

A. on the sworn complaint of any person, including the county attorney, the city attorney, or a peace officer, that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person or domesticated animal; and

B. on a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint.

(2) The animal control authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

(b) *Hearing.*

(1) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person or domesticated animal by attacking, biting, or mauling the same. The hearing must be held not later than the 10th day after the date on which the warrant is issued.

(2) The court shall give written notice of the time and place of the hearing to:

A. the owner of the dog or the person from whom the dog was seized; and

B. the person who made the complaint.

(3) Any interested party, including the county attorney or city attorney, is entitled to present evidence at the hearing.

(4) The court shall order the dog destroyed if the court finds that the dog caused the death of a person or domesticated animal by attacking, biting, or mauling the same. If that finding is not made, the court shall order the dog released to:

- A. its owner;
- B. the person from whom the dog was seized; or
- C. any other person authorized to take possession of the dog.

(5) The court may order the dog destroyed if the court finds that the dog caused serious bodily injury to a person or domesticated animal by attacking, biting, or mauling the same. If that finding is not made, the court shall order the dog released to:

- A. its owner;
- B. the person from whom the dog was seized; or
- C. any other person authorized to take possession of the dog.

(6) The court may not order the dog destroyed if the court finds that the dog caused the serious bodily injury to a person or domesticated animal by attacking, biting, or mauling the person or domesticated animal and:

A. the dog was being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and:

(i) the enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog; and

(ii) the injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;

B. the dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age and was trespassing in the enclosure when the attack, bite, or mauling occurred;

C. the attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;

D. the dog was defending a person from an assault or person's property from damage or theft by the injured person; or

E. the injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering; or

F. the domesticated animal was within the enclosure when the attack, bite, or mauling occurred.

(c) *Destruction of dog.* The destruction of a dog under this subchapter must be performed by:

(1) a licensed veterinarian;

(2) personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or

(3) personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.

(d) *Provocation or location of attack irrelevant.* Except as provided by subsection (b)(5), this subchapter applies to any dog that causes a person's death or serious bodily injury by attacking, biting, or mauling the person, regardless of whether the dog was provoked and regardless of where the incident resulting in the person's death or serious bodily injury occurred.

Sec. 14-19. Vaccination of dogs, cats, and household pets generally.

(a) All dogs, cats and other household pets three months of age or over within the city shall be immunized against rabies and be given a booster one year after the initial vaccination. Following the first two vaccinations, dogs, cats and other household pets can be vaccinated at either one-year or three-year intervals, depending on the type of rabies vaccine used.

(b) The metal tag provided for in subsection (a) of this section shall be securely fastened in some manner to the dog at any time the animal is not confined to the owner's property, and it shall be unlawful for any person to remove such metal tag from the dog.

(c) It shall be unlawful for any person within the city to own, keep, possess, harbor or allow to remain upon the premises under his control any animal without having such animal immunized against rabies as required by this section.

(d) It shall be unlawful for an animal establishment to sell, trade or give away any dog or cat, over three months of age, unless the dog or cat has been licensed and vaccinated as required by this chapter.

(e) The city shall comply with all sterilization laws as set forth in V.T.C.A., Health and Safety Code Ch. 828, as amended. A copy of the statute may be obtained from the animal warden.

(f) This section shall not apply to fish, birds, ungulates or any of the following animals: hamsters, guinea pigs, rabbits, rats, mice, gerbils, or any animal other than a dog or cat, which in the opinion of the licensed veterinarian would be endangered by a rabies vaccination.

Sec. 14-20. Registration of dogs and cats.

(a) No owner or harbinger of any dog or cat shall allow or permit such dog or cat within the city unless there is affixed thereto a valid current city registration tag displayed in accordance with subsection (c) of this section. A city registration tag shall be and remain current for one year from the date of issuance.

Upon request, the city shall issue dog and cat registration tags to members of the public and shall collect upon such issuance a fee of \$3.00 for each dog or cat. Prior to the issuance of the dog or cat registration tag, the owner or harbinger of the dog or cat shall present to the Animal Control Officer, deputy collector, or their duly appointed representative, a metal tag or certificate of vaccination demonstrating that a vaccination under section 14-18 has been administered to the dog or cat within the preceding six months.

(b) The annual city registration tag will be color coded to correspond to the year of registration. This tag shall be securely attached to a collar around the neck or to a harness around the neck or body of the dog or cat vaccinated. It shall be unlawful to remove this tag while valid without the owner's permission.

(c) For the purpose of facilitating the collection of annual registration fees and for the convenience of the general public, a duly licensed veterinarian may, upon request, be appointed a deputy collector. The duties of the deputy collector shall be to issue annual city registration tags under the provisions of this section. There shall be no compensation whatsoever by the city for this service. The deputy collector so appointed by the City shall be issued registration forms together with corresponding tags by the Animal Control Officer, which the deputy collector shall issue to residents of the city whose dogs or cats meet the requirements of this section. The deputy collector shall turn over to the City the monies so collected and report the licenses issued.

(d) The appointment of a deputy collector may be terminated by the city or by the

resignation of the deputy collector himself. Upon termination, such deputy collector shall turn over to the Animal Control Officer any unused registration tags not theretofore sold and issued. When the Animal Control Officer is satisfied that a proper accounting has been made, a letter shall be issued to the deputy collector advising him that he has complied with all the obligations assumed by virtue of his appointment.

Sec. 14-21. Livestock on property of others.

It shall be unlawful for any person to ride or allow any type of livestock upon the property of another within the city, except with the express consent of the owner or person in charge of such property obtained prior thereto.

Sec. 14-22. Animals, fowl and reptiles prohibited from municipal buildings without permit.

It shall be unlawful for any person to allow any animal, fowl, or reptile under such person's care and control to enter any municipal facility without permission from the city. This section shall not apply to support dogs used by handicapped persons.

Sec. 14-23. Animals and fowl prohibited in establishments selling food; exception.

It shall be unlawful for any person to allow any live animal or fowl to enter or remain inside any establishment in the city where food is sold, excepting support dogs.

Sec. 14-24. Destruction of certain animals.

Any animal impounded or found at large within the city may be destroyed by municipal employees upon determination that such animal has been injured or is sick and in such a state that its recovery is seriously in doubt or that such animal is sick and endangers the health of other animals or persons, or if such animal is suspected of having rabies, or manifesting a disposition to bite or attack when found at large.

Sec. 14-25. Sale of animals - Generally.

(a) It shall be unlawful for any person to sell, deliver, or promise to sell or deliver any animal in a public place or public right-of-way.

(a) For use in this section, *public place* means any property open or devoted to public use.

(b) It shall be unlawful to sell or deliver an animal with an illness known or should be known to the current owner, including, but not limited to, heartworm, rabies, and intestinal parasites.

(c) All merchants of animals shall otherwise maintain compliance under Chapter 70 of this Code.

Sec. 14-26. Keeping of dangerous wild animals in the city.

(a) Definitions.

Director means the director of the city's animal control office.

Owner means any person owning or having care, custody, possession or control of an animal.

Person means an individual or group of individuals acting in concert, a firm, partnership, association, corporation or other legal entity.

Regulated animal means a "dangerous wild animal" as that term is defined in Section 822.101 of the Texas Health and Safety Code as amended.

(b) Offense. A person commits an offense if he owns a regulated animal for any purpose in the city without holding a valid regulated animal permit issued for the animal under this ordinance.

(c) Permits and other requirements.

(1) The annual fees for a regulated animal permit are \$50.00 per animal not to exceed a total of \$500.00 per owner per year regardless of the number of animals owned by the person.

(2) A regulated animal permit is nontransferable and the permit fee is nonrefundable.

(3) A regulated animal permit is valid for one year from the date of issuance.

(4) An applicant for a regulated animal permit shall file an application with the director on a form provided for that purpose. The application must include:

A. The name, address, and telephone number of the applicant.

B. A complete identification of each regulated animal kept in the city, including species, sex, age (if known), and any distinguishing marks or coloration that would aid in the identification of the animal.

C. The exact location where each regulated animal is to be kept; and

D. Any other information the director determines necessary to the enforcement and administration of this section.

- (5) An application for a regulated animal permit must be accompanied by:
 - A. The applicable regulated animal permit fee set forth in subsection (1);
 - B. Proof, in a form acceptable to the director, that the applicant has the liability insurance required in subsection (6); and
 - C. If the applicant holds license issued by the United States Secretary of Agriculture under the Animal Welfare Act (7 U.S.C. § 2131, et seq.) as amended, a clear and legible photocopy of the license.
- (6) An owner of a regulated animal shall maintain liability insurance acceptable to the city, in an amount of not less than \$100,000.00 for each occurrence, which provides coverage for any damage to or destruction of property, and for any death or bodily injury to a person, caused by the regulated animal.
- (7) An owner of a regulated animal shall, at all reasonable times, allow the director or a designated licensed veterinarian to enter the premises where the animal is kept and to inspect the animal, the animal's enclosure, and the owner's records relating to the animal to ensure compliance with this section.
- (8) An owner of a regulated animal may not permanently relocate the animal to another location in the city unless the owner first notifies the director in writing of the exact location to which the animal will be relocated.
- (9) Within ten days after the death, sale, or other disposition of a regular animal, the owner of the animal shall notify the director in writing of that event.
- (10) An owner of a regulated animal shall immediately notify the director of any attack on a human by the animal and of any escape by the animal.
- (11) An owner of a regulated animal that escapes is liable for all costs incurred in apprehending and confining the animal. The city, the director, and any law enforcement agency and their employees and agents are not liable to an owner of a regulated animal for damages arising in connection with the escape of the animal, including any liability for damage, injury, or death caused by the animal during or after its escape, or for injury to or death of the animal resulting from the apprehension or confinement of the animal after its escape.
- (12) The director shall establish caging requirements and standards for the keeping and confinement of a regulated animal to ensure that the animal is kept and confined in a manner that:

- A. Protects and enhances the public's health and safety.
- B. Prevents escape by the animal; and
- C. Provides a safe, healthy, and humane environment for the animal.

The caging standards established by the director shall, at a minimum; meet those established by the Texas Board of Health pursuant to the requirements of Section 822.111 of the Texas Health and Safety Code.

(13) An owner of a regulated animal shall keep and confine the animal in accordance with the caging requirements and standards established by the director.

(14) For each regulated animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. § 2131, et seq.), as amended, and with regulations adopted under that Act relating to:

- A. Facilities and operations;
- B. Animal health and husbandry; and
- C. Veterinary care.

(15) The director shall deny issuance of a regulated animal permit if the applicant:

- A. Makes a false statement of material fact on an application for a regulated animal permit;
- B. Is not in compliance with this chapter;
- C. Is not in compliance with any conditions of the permit or any rules established by the director relating to the regulated animal;
- D. Has had a regulated animal permit revoked by the director within the preceding 12 months; or
- E. Intentionally or knowingly impeded a lawful inspection by the director or the director's authorized representative.

(16) The director shall revoke a regulated animal permit if the director determines that the permit holder has:

- A. Made a false statement of material fact on an application for a regulated animal permit;
- B. Violated a provision of this chapter;
- C. Violated a condition of the permit or a rule established by the director relating to the regulated animal; or
- D. Intentionally or knowingly impeded a lawful inspection by the director or the director's authorized representative.

(d) *Violations, criminal and civil penalties.*

- (1) A person who violates a provision of this chapter or who fails to perform an act required by him by this chapter commits an offense.
- (2) A person violating a provision of this chapter commits a separate offense for each animal for which a violation is committed.
- (3) A person violating a provision of this chapter commits a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.
- (4) A culpable mental state is not required for the commission of an offense under this chapter.
- (5) Unless specifically provided otherwise in this chapter, an offense under this chapter is punishable by a fine not to exceed \$500.00.
- (6) Prosecution for an offense under subsection (1) does not prevent the use of civil enforcement remedies or procedure applicable to the person charged with or the conduct involved in the offense.
- (7) In addition to imposing a criminal penalty, the city may, in accordance with Section 54.012(5) of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty pursuant to Section 54.017 of the Texas Local Government Code not to exceed \$1,000.00 for each day or portion of a day during which said violation is committed, continued, or permitted.

(e) *Additional enforcement provisions.*

(1) In addition to imposing a monetary penalty against a person convicted of an offense under this chapter, a court may do one or more of the following:

- A. Order the impoundment of any animal owned by the person, forfeit the person's ownership of the animal, and award the animal to the city.
- B. Suspend the person's right to own an animal in the city for a period of time as specified by the court.
- C. Impose any other conditions or restrictions that would reasonably abate the violation for which the person was convicted.

(2) The city attorney or any resident of the city may sue an owner of a dangerous wild animal to enjoin a violation of this chapter or to enforce this chapter.

(f) *Defense to prosecution.* It is an affirmative defense to prosecution under subsection (d)(1) that the person is exempt from the applicability of Subchapter E, Chapter 822 of the Texas Health and Safety Code as set forth in Section 822.102(a) of the Texas health and Safety Code.

Sec. 14-27. Commercial horse-drawn carriages.

(a) The city shall maintain the exclusive authority to grant a permit to one or more entities or companies to provide horse-drawn carriage service within certain defined locations in the city and pursuant to the terms and conditions of said permit. The conditions for granting a horse-drawn carriage permit are as follows:

(1) The chief of police, hereafter referred to as chief, shall be responsible for the issuance of any horse-drawn carriage permit and implement and enforce this section and may, by written order, establish such rules or regulations, not inconsistent with this section, as the chief determines are necessary to discharge any duty under this section.

(2) In order to obtain a horse-drawn carriage permit, a person must submit a request in writing to the chief. The applicant must be the person who will own, control, or operate the proposed horse-drawn carriage service. The written request shall contain the following:

- A. the name, address, and verified signature of the applicant;
- B. a description of the proposed service, including routes, rates or fares to be charged and schedules, where applicable;

C. documentary evidence from an insurance company indicating a willingness to provide liability insurance if required by the chief;

D. such additional information as the applicant desires to include to aid in the determination of whether the requested horse-drawn carriage service should be granted; and

E. such additional information as the chief considers necessary to assist or promote the implementation or enforcement of this chapter or the protection of the public safety.

(3) The annual fee for a horse-drawn carriage permit shall be \$250.00.

(4) The chief may deny any permit request for a horse-drawn carriage service that does not conform to the provisions of this section and, additionally, may deny a permit request that, if approved, would be deemed to create a threat to public health and safety.

(5) Upon denial of a horse-drawn carriage permit request, or revocation of an existing horse-drawn carriage permit, the applicant, or owner of the horse-drawn carriage service may appeal the denial, or revocation, to the city manager for reconsideration.

(b) No "walk-up" fares shall be charged to individuals who ride in a horse-drawn carriage.

(c) The following are the requirements for horses used in the service of a horse-drawn carriage:

(1) A horse must be appropriately shod to work on paved streets;

(2) A horse must not have any open wound, oozing sore, cut below skin level, or bleeding wound;

(3) A horse must not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;

(4) A horse must be offered not less than five gallons of drinking water at least every two hours;

(5) A horse must have at least a ten-minute rest period after every 50 minutes worked;

- (6) A horse must not work longer than eight hours in a 24-hour period with a minimum of 12 hours rest;
 - (7) A horse must have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;
 - (8) A horse must be properly cleaned with no offensive odors or caked dirt or mud;
 - (9) A horse must wear a special sanitary device for containing animal excrement;
 - (10) A horse must not work when the outside temperature exceeds 99 degrees Fahrenheit, is at or below 30 degrees Fahrenheit, or the thermal heat index exceeds 150 [degrees], as measured by the National Weather Service at Dallas/Fort Worth International Airport; and
 - (11) A horse must have been examined within the previous six months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the chief upon request.
- (d) The chief or any police officer may require the holder or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the chief.
- (e) A person commits an offense if he harasses or startles, or attempts to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a non-motorized passenger transport service.
- (f) The trailer used to transport the horse and carriage shall not be parked on any city right-of-way such that the flow of vehicular traffic is impeded, or it poses a threat to public safety.
- (g) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way.
- (h) The driver of a horse-drawn carriage shall adhere to the following rules of conduct:
- (1) Act in a reasonable, prudent, and courteous manner;

- (2) Maintain a sanitary and well-groomed appearance;
 - (3) Not consume an alcoholic beverage, drug, or other substance that could adversely affect the driver's ability to operate a horse-drawn carriage;
 - (4) Not permit a person other than another employee of the horse-drawn carriage to operate a vehicle under the driver's control;
 - (5) Not permit a person on the back of a horse when under the driver's control;
 - (6) Not leave a horse untethered and unattended except when confined to a stable or other enclosure;
 - (7) Not permit a horse to drop excrement from its diaper at any time; and
 - (8) Clean any excrement dropped from a horse.
- (i) A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment for each horse-drawn carriage:
- (1) Head lights;
 - (2) Tail lights;
 - (3) Flashing lights;
 - (4) A braking system;
 - (5) Rubber on all wheels;
 - (6) A "slow moving vehicle" sign attached to the rear of the vehicle;
 - (7) A copy of this chapter of the Code;
 - (8) Any other equipment required to comply with all applicable federal and state laws; and
 - (9) Any other special equipment that the chief determines to be necessary for the service to be operated.
- (j) A holder or driver of a horse-drawn carriage shall, at all times, keep each carriage clean and free of refuse and in safe operating condition.

(k) A horse-drawn carriage must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of a vehicle and all springs, axles and supporting structures of each vehicle must be intact.

(l) Officers of the police department shall assist in the enforcement of this section. A police officer upon observing a violation of this section shall take necessary enforcement action to insure effective regulation of a horse-drawn carriage.

(m) Any appeal to the provisions of this section shall be considered and acted upon only by the City Council, unless stated otherwise.

(n) A person commits an offense if he violates or attempts to violate a provision of this chapter applicable to the person. A separate offense is committed each day during which an offense occurs. An offense committed under this chapter is punishable by a fine of not more than \$500.00.

(o) Prosecution for an offense under subsection (n) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

Sec. 14-28. Animal Protection

(a) Animals in motor vehicles:

(1) No person shall leave any animal in any standing or parked vehicle in such a way to endanger the animal's health, safety or welfare.

(2) An animal services officer or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety or welfare is or will be endangered if the owner of the vehicle cannot be located after reasonable attempts.

(3) The animal shall be taken to the shelter or to a veterinarian if the animal is in distress. A written notice bearing the name of the officer removing the animal, a telephone number where he can be contacted, and the location where the animal may be claimed by the owner shall be attached to the vehicle.

(4) Any person violating this section shall bear the full cost and expense incurred by the city in the care, medical treatment, impoundment cost and disposal of said animal, including removal from and damage done to the vehicle.

(b) Removal of animal in immediate danger: Any animal observed at any location by a police officer or animal services officer or other officer designated by the city manager that is deemed to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

Sec. 3. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed \$500.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Sec. 4. 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.

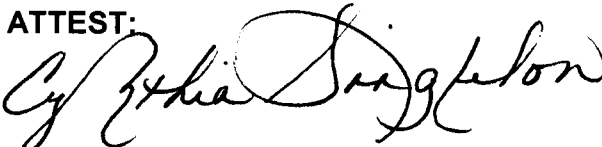
Sec. 5. THAT the effective date of this ordinance shall be immediate upon its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 7th day of December 2010.

The second reading and public hearing being conducted on the 14th day of December 2010.

ATTEST:



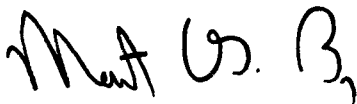
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

CURRENT FEE SCHEDULE		PROPOSED FEE SCHEDULE	
Pet registration fee.	\$3.00	Pet registration fee.	\$0
Daily care of impounded animals, per day.	\$5.00	Daily care of impounded animals, per day.	\$10
Each additional impounded animal, same owner, per day.	\$2.50	Each additional impounded animal, same owner, per day.	\$10
Removal and disposal of live unwanted pets.	\$2.50	Removal and disposal of live unwanted pets.	\$30.00
Animal impound fee. (first impounding)	\$30.00	Animal impound fee. (first impounding)	\$30.00
Animal impound fee. (second impounding)	\$50.00	Animal impound fee. (second impounding)	\$50.00
Animal impound fee. (third impounding)	\$70.00	Animal impound fee. (third impounding)	\$75.00
Animal impound fee. (fourth impounding)	\$90.00	Animal impound fee. (fourth impounding)	\$150.00
Animal impound fee. (fifth and greater impounding)	\$110.00	Animal impound fee. (fifth and greater impounding)	\$150.00
Removal of individually trapped animals. (City Trap)	\$20.00	Removal of individually trapped animals. (City Trap)	\$0
Removal of individually trapped animals. (Private Trap)	\$20.00	Removal of individually trapped animals. (Private Trap)	\$30.00

**INTERLOCAL AGREEMENT
FOR COMBINED ANIMAL CONTROL AND
ANIMAL SHELTER SERVICES FOR THE CITIES OF
KELLER, SOUTHLAKE AND COLLEYVILLE**

THE STATE OF TEXAS)(

COUNTY OF TARRANT)(

THIS ("AGREEMENT"), is made and entered into by the CITY OF KELLER, TEXAS, a Home Rule municipal corporation, ("KELLER"), the CITY OF SOUTHLAKE, TEXAS a Home Rule municipal corporation, ("SOUTHLAKE"), and the CITY OF COLLEYVILLE, TEXAS a Home Rule municipal corporation, ("COLLEYVILLE") each acting by and through its duly appointed and authorized city managers:

W I T N E S S E T H:

WHEREAS, KELLER, SOUTHLAKE, and COLLEYVILLE desire to enter into this Agreement to combine Animal Control and Animal Shelter Services to deliver these key public safety services at the highest level possible for both communities in accordance with the terms and conditions set forth herein; and

WHEREAS, KELLER has the facilities and personnel available to perform these services for the three cities; and

WHEREAS, all payments for Animal Control and Animal Shelter Services to be made hereunder shall be made from current revenues available to the paying party; and

WHEREAS, KELLER, SOUTHLAKE and COLLEYVILLE have concluded that this Agreement fairly compensates the performing party for the Animal Control and Animal Services being provided hereunder; and

WHEREAS, the respective City Councils of KELLER, SOUTHLAKE and COLLEYVILLE believe that this Agreement is in the best interests of KELLER, SOUTHLAKE and COLLEYVILLE; and

WHEREAS, this Agreement is authorized by and in conformance with Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act (the "Act"); and

WHEREAS, the City Councils, as the governing bodies of KELLER, SOUTHLAKE and COLLEYVILLE wish to approve this Agreement.

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND CONSIDERATION PROVIDED FOR HEREIN, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY CONFIRMED, KELLER, SOUTHLAKE AND COLLEYVILLE HEREBY AGREE TO THE FOLLOWING:

- Section 1. **Recitals.** All matters stated above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.
- Section 2. **Term.** This Agreement shall be for an initial term of ten (10) years commencing on October 1, 2012, and ending September 30, 2022, (the "Initial Term") and may be extended thereafter by mutual consent of the parties hereto and for two successive five (5) year terms. (The renewal terms shall be referred to as the "First Renewal Term" and "Second Renewal Term", respectively)
- Section 3. **Scope of Services to be provided by KELLER.** KELLER hereby agrees to perform the following:
- a. On October 1, 2012, KELLER, SOUTHLAKE and COLLEYVILLE will merge Animal Control and Animal Shelter Services at the KELLER Police Department and KELLER shall provide all such Animal Control and Animal Shelter Services for SOUTHLAKE and COLLEYVILLE. The Animal Control and shelter personnel will be KELLER employees and will be under the supervision and control of the KELLER Chief of Police or the Chief of Police's authorized designee. The Animal Control Services and Animal Shelter will be identified as the KELLER/SOUTHLAKE/COLLEYVILLE Regional Animal Control and Regional Animal Shelter until such time another suitable name is selected by the parties. KELLER shall at all times maintain sufficient staff to perform the Animal Control and Shelter Services it provides under this agreement. Animal Control and Shelter Services shall mean all the functions that are customary and reasonable and shall include at a minimum the following:
1. The enforcement of State Animal Laws and City Ordinances of the respective cities relating to domestic animals;
 2. Answer calls from KELLER, SOUTHLAKE, and COLLEYVILLE citizens regarding lost, stray, and vicious dogs and cats and respond to the complaints in a timely manner;
 3. Conduct bite and/or dangerous animal investigations and properly document the incidents as required by policy, ordinance or other applicable law, including designating an animal as dangerous where applicable;
 4. Respond to wildlife and domestic livestock problems that are causing an immediate danger or concern, including but not limited to pickup, handling and disposal of sick, injured and dead animals;
 5. Assist the public in trapping small wildlife that are causing a concern to the safety and welfare of the citizens;
 6. Respond to the seasonal feral pig problem that exists in Southlake, including but not limited to baiting and clearing the traps as needed;
 7. Provide an "on-call" Animal Control Officer during non-business hours that will respond to serious animal-related public safety or animal welfare concerns that cannot be handled by a police officer;
 8. Explain Animal Control Laws to the public when requested, including school or public appearances;

9. Collaborate with state and local agencies on rabies control and quarantine of animals suspected of having rabies;
 10. Operate an animal shelter for cats and dogs that are captured as strays, quarantined, vicious, or surrendered by citizens of Keller, Southlake and Colleyville in compliance with all applicable state and county regulations and laws, emphasizing modern adoption strategies; and
 11. Maintain documentary records of all activity relating to operating all Animal Control and Shelter Services described herein according to industry standard.
- b. KELLER shall make a conditional offer of employment to the Animal Control Officers currently employed by the cities of SOUTHLAKE and COLLEYVILLE on or before September 1, 2012, for employment with KELLER to become effective on the merger date of October 1, 2012, contingent upon the SOUTHLAKE and COLLEYVILLE employees passing a KELLER pre-employment drug screen. KELLER shall place the SOUTHLAKE and COLLEYVILLE Animal Control Officers on the KELLER pay scale at the amount closest to their current hourly base rate at SOUTHLAKE and COLLEYVILLE. In addition to the salaries referenced above, as long as this Agreement is in force, Keller shall also pay all Animal Control Officers an annual \$3,000 regional Animal Control Officer stipend, paid on a bi-weekly interval.
 - c. KELLER shall provide SOUTHLAKE and COLLEYVILLE monthly service reports detailing the number of service calls in their respective communities along with the tally of animals impounded and adopted, and any other statistical reports requested by SOUTHLAKE and COLLEYVILLE capable of being provided by the CRIMES records management program and Shelter Pro Animal Services Software.
 - d. KELLER shall provide all human resource services necessary for the recruitment, screening, employment, and training of all personnel required to provide Animal Control and Shelter services to SOUTHLAKE and COLLEYVILLE, including providing and administering all employee policies and procedures.
 - e. KELLER will form a standing committee consisting of one (1) SOUTHLAKE Department of Public Safety employee selected by the Director of the SOUTHLAKE Department of Public Safety, one (1) KELLER employee selected by the KELLER Chief of Police, and one (1) COLLEYVILLE employee selected by the COLLEYVILLE Chief of Police to address operational and policy decisions related to the operation of the Regional Animal Control Services and Shelter.
 - f. KELLER shall establish an enterprise fund designated to defray the costs of operating Animal Control and Shelter Services for each of the participating cities, deposit into such fund all cat and dog annual registration fees and associated shelter and adoption fees collected by or for each of the participating cities, and apply all such deposited funds to the designated purpose. KELLER shall provide an annual accounting report of the funds collected, the amounts deposited into

such enterprise fund, and the expenditures from such fund to SOUTHLAKE and COLLEYVILLE.

- g. KELLER agrees to perform all services under this agreement in a good and workmanlike manner, and in accordance with all applicable laws and regulations.

Section 4. **SOUTHLAKE Obligations.** SOUTHLAKE agrees to perform the following:

- a. Pay the sums described as SOUTHLAKE's obligations in Section 6, below.
- b. Cooperate with KELLER to have the SOUTHLAKE City Council adopt ordinances that are similar with KELLER and COLLEYVILLE so the Animal Control Officers will have a uniform set of laws to apply and enforce.
- c. Agree that all cat and dog annual registration fees and associated shelter and adoption fees shall be retained or paid to Keller for deposit in an enterprise fund that will be designated and applied to defray the costs of operating Animal Control and Shelter Services for each of the participating cities.
- d. Allow the SOUTHLAKE Animal Control Officer to bring to KELLER the small tools and equipment currently issued to the Officer by SOUTHLAKE, including the Officer's portable radio.
- e. Reimburse KELLER for any overtime related to the response to the seasonal feral pig problem in SOUTHLAKE, after KELLER provides SOUTHLAKE with the proper documentation;

Section 5. **COLLEYVILLE Obligations.** COLLEYVILLE agrees to perform the following:

- a. Pay the sums described as Colleyville's obligations in Section 6 below.
- b. Cooperate with KELLER to have the COLLEYVILLE City Council adopt ordinances that are similar with KELLER and SOUTHLAKE so the Animal Control Officers will have a uniform set of laws to apply and enforce.
- c. Agree that all cat and dog annual registration fees and associated shelter and adoption fees shall be retained or paid to KELLER for deposit in an enterprise fund that will be designated and applied to defray the costs of operating Animal Control and Shelter Services for each of the participating cities.
- d. Allow the COLLEYVILLE Animal Control Officer to bring to KELLER the small tools and equipment currently issued to the Officer by COLLEYVILLE, including the Officer's portable radio.

Section 6. **Payments for Services Performed.**

- a. SOUTHLAKE and COLLEYVILLE will each make an annual payment to KELLER for the operation of the Animal Control and Shelter Services, in accordance with KELLER'S Fiscal Year Police Department Operating budgeted amount for Animal Control and operation of the Animal Shelter.

- b. For the first year of this Agreement, SOUTHLAKE's payment will be Sixty-Six Thousand Five Hundred and Forty-Two Dollars (\$66,542) to KELLER for Fiscal Year 2012/13 beginning on October 1, 2012 and ending on September 30, 2013. (This payment represents a 26% cost share of all Animal Control Services and 15% cost share of the expenses to operate the Animal Shelter.)
- c. For the first year of this agreement, COLLEYVILLE's payment will be Sixty Thousand Two Hundred and Eighty-Eight Dollars (\$60,288) to KELLER for Fiscal Year 2012/13 beginning on October 1, 2012 and ending on September 30, 2013. (This payment represents a 24% cost share of all Animal Control Services and 10% cost share of the expenses to operate the Animal Shelter.)
- d. The parties agree that the payment amounts will be adjusted annually to include budgeted increases in operating costs, and capital costs as anticipated to be approved by the KELLER City Council during the annual budgeting process for the upcoming Fiscal Year beginning October 1.
- e. The payment amounts referenced above will be calculated by multiplying the budgeted amounts by a cost share factor or percentage to be calculated as provided herein. The Animal Control Expenses cost share factor for each participating city will be the number of calls for service recorded in the CRIMES CAD system for each respective city divided by the total number of calls for service recorded in the CRIMES CAD system for all the participating cities combined. The Animal Shelter cost share factor for each participating city will be the number of impounded cats and dogs for each respective city divided by the number of impounded cats and dogs for all the participating cities combined.
- f. For the initial three (3) years of this agreement the cost share factor for SOUTHLAKE will be fixed at 26% for Animal Control Expenses and 15% for Animal Shelter Expenses, and the cost share factor for COLLEYVILLE will be fixed at 24% for Animal Control Expenses and 10% for Animal Shelter Expenses. Adjustments to these percentages will be made every three years using an average from the preceding three years of data.
- g. All payments for Animal Control and Shelter Services shall be paid by SOUTHLAKE and COLLEYVILLE to KELLER in four (4) equal installments due on the 1st day of each calendar quarter beginning October 1, 2012 in advance of the services performed by KELLER for SOUTHLAKE and COLLEYVILLE for each subsequent calendar quarter of KELLER'S fiscal year and continuing thereafter throughout the term of the Agreement.
- h. The parties anticipate that KELLER will construct a new Animal Shelter/Adoption Center at the KELLER police facility at 330 Rufe Snow Drive. The project is scheduled to be completed on or about October of 2014. The facility is planned to be a 9,400 square foot facility. The parties agree that the additional construction cost to make it a regional facility to serve the cities of SOUTHLAKE and COLLEYVILLE, for purposes of this Agreement, is \$400,000. As part of the yearly operating budget for Animal Control and Shelter Services, Kellor will assess this additional construction cost, amortized over 20 years (i.e. \$20,000 each year), to SOUTHLAKE and COLLEYVILLE through a Capital Cost Payment, with Southlake paying 60% annually (\$11,000) and

Colleyville paying 40% annually (\$9,000). The payment of this capital cost will insure that the cities of SOUTHLAKE and COLLEYVILLE will always be guaranteed space for dog and cats for their respective cities throughout the term of this agreement.

- i. Should another city wish to participate in the Regional Animal Control and Shelter Services effort, KELLER, SOUTHLAKE, and COLLEYVILLE would have to agree to make the requesting city a member of the Regional Animal Control and Shelter Services and calculate the new cost share formulas and amend this Interlocal Agreement. In such event, the fees collected by or on behalf of KELLER, SOUTHLAKE, and COLLEYVILLE for animal control services shall continue to be deposited in the above-described enterprise fund and considered revenue which will be credited towards expenses of operating the Animal Shelter.
- j. KELLER shall notify SOUTHLAKE and COLLEYVILLE of the anticipated costs of the Animal Control and Shelter Services and general and administrative charges by May 30 of each fiscal year for budgeting and planning purposes. The final costs will be determined and communicated in writing when the KELLER City Council adopts the KELLER annual budget, but shall not exceed the estimate by more than 5%. The annual cost increase for SOUTHLAKE and COLLEYVILLE under this Agreement shall not exceed the percentage increase of the KELLER Police Department's annual operating budget.
- k. In the event the SOUTHLAKE and COLLEYVILLE City Councils fail or refuse to approve the annual payment amount set forth in this section by September 30, prior to any fiscal year during the term of this Agreement, the Agreement shall be deemed to be cancelled effective at the end of the then current fiscal year of KELLER.

Section 7. Cancellation.

- a. SOUTHLAKE and/or COLLEYVILLE shall have the right to terminate, based on the provisions of this Agreement, if KELLER breaches any of its terms or fails to perform any of the obligations it imposes, and then fails to cure the breach or failure within thirty (30) days following written notice from SOUTHLAKE and or COLLEYVILLE. If the Agreement is terminated under this paragraph, KELLER shall be entitled to retain money already received prorated to the period from the last payment until the date of breach, and shall refund the remainder to SOUTHLAKE and or COLLEYVILLE.
- b. After the initial twenty-four (24) months of this agreement, all parties shall have the right to terminate this Agreement by giving written notice to KELLER at least twenty-four (24) months prior to the beginning of the next Fiscal Year, i.e., October 1. All payments by SOUTHLAKE and or COLLEYVILLE to KELLER shall continue until the cancellation date or as mutually agreed to by both parties. Should either SOUTHLAKE or COLLEYVILLE choose to cancel this Agreement the remaining city can choose to continue the Agreement with KELLER with new cost sharing formulas developed at that time and mutually agreed upon.

Section 8. **Notices.** All notices required or provided for in this Agreement shall be sent to the following parties by certified mail – return receipt requested:

KELLER

Steve Polasek, Interim City Manager
City of Keller
P.O. Box 770
Keller, TX 76244

SOUTHLAKE

Shana Yelverton, City Manager
City of Southlake
1400 Main Street
Southlake, TX 76092

COLLEYVILLE

Jennifer Fadden, City Manager
City of Colleyville
100 Main Street
Colleyville, TX. 76034

Section 9. **Dispute Resolution.**

- a. All issues regarding the performance of Animal Control and Animal Shelter services shall first be brought directly to the attention of the KELLER Chief of Police or his authorized designee. Immediate performance complaints or concerns should be addressed by communicating the problem to the on-duty police supervisor.
- b. In order to ensure an effective relationship between the parties and to provide the best possible public services, the City Managers of KELLER, SOUTHLAKE and COLLEYVILLE shall first attempt to amicably resolve any questions arising under this Agreement.
- c. Any issues not resolved hereunder may be referred to the respective governing bodies for resolution and if necessary, the parties agree to the appointment of a mediator certified by the courts of Tarrant County to assist in resolving said dispute as a prerequisite to the filing of any lawsuit over such issues.

Section 10. **Venue.** This agreement is performable in Tarrant County, Texas, and venue for any legal dispute arising pursuant to this Agreement shall lie in Tarrant County, Texas. No litigation shall be commenced prior to the completion of mediation in accordance with Section 9.

Section 11. **Independent Contractor.** The parties mutually agree that KELLER is an independent contractor, and shall have exclusive control of performance hereunder, and that employees of KELLER in no way are to be considered employees of SOUTHLAKE or COLLEYVILLE. The employment rights of KELLER personnel assigned under this agreement will not be abridged.

Section 12. **Indemnity.**

- a. To the extent allowed by law, KELLER hereby agrees to indemnify and otherwise hold harmless SOUTHLAKE and COLLEYVILLE, its officers, agents and employees in both public and private capacity against all liability claims, suits, demands, losses, damages, attorney fees, including all expense of litigation

or settlement, or causes of action of any kind which may arise by reason of injury to or death of any person or for a loss of, damage to, or loss of the use of any property arising out of or in any way connected to KELLER's performance of services under this agreement, including any intentional or negligent acts or omissions of KELLER's officials, officers, agents or employees relating to or arising out of the performance of the services.

- b. KELLER, SOUTHLAKE AND COLLEYVILLE each agree to accept full responsibility for the actions of their own officers, agents and employees in the performance of Animal Control Services under this agreement, and each party hereby agrees to release and hold harmless and, to the extent allowed by law, indemnify the other parties, their officers, agents and employees, in both their public and private capacities, against all liability claims, suits, demands, losses, damages, attorney fees, including all expense of litigation or settlement, or causes of action of any kind which may arise by reason of injury to or death of any person or for a loss of, damage to, or loss of the use of any property arising out of or in any way connected to the intentional or negligent acts or omissions of that party, its officers, agents or employees, in the performance of Animal Control services, or in the performance or use of Animal Shelter services or facilities under this Agreement.

- Section 13. **No Waiver of Immunity.** It is expressly understood and agreed that, in the execution of this Agreement, KELLER, SOUTHLAKE and COLLEYVILLE do not waive, nor shall be deemed hereby to waive any immunity or defense that would otherwise be available to or against claims arising in the exercise of governmental functions relating hereto or otherwise.
- Section 14. **No Third-Party Beneficiaries.** By entering into this Agreement, KELLER, SOUTHLAKE and COLLEYVILLE do not create any obligations express or implied, other than those set forth herein, and this Agreement shall not create any rights in any parties not signatory hereto, except that the parties' officers, agents and employees are intended beneficiaries of Section 12 above.
- Section 15. **Jurisdiction.** By this agreement, SOUTHLAKE AND COLLEYVILLE grants full and complete authorization and jurisdiction to KELLER Animal Control Officers for the enforcement of all applicable state and municipal laws and ordinances involving domestic animal control within the participating cities' city limits, including the authority to issue citations and to make appearances in the participating cities' respective municipal courts of record.
- Section 16. **Natural Disasters and Casualty Losses.** KELLER will fully insure the Regional Animal Shelter and associated personal property against damage due to a natural or a man-made disaster, either through KELLER's private insurance carrier or through a program of self-insurance. In the event that the Regional Animal Shelter is damaged due to a natural or a manmade disaster and is rendered unusable, KELLER will promptly commence to repair or rebuild the Regional Animal Shelter or construct a similarly sized and equipped new facility, and, in the interim, shall have a contingency plan to continue to provide the services KELLER is to provide under this Agreement at another facility within Northeast Tarrant County, at no additional cost to the other participating cities.

FISCAL YEAR 2012/2013
COMBINED ANIMAL CONTROL AND ANIMAL SHELTER BUDGET
And GENERAL AND ADMINISTRATIVE CHARGES
FOR SERVICES TO THE CITY OF SOUTHLAKE.

OPERATING BUDGET FOR KELLER/SOUTHLAKE/COLLEYVILLE ANIMAL
CONTROL AND ANIMAL SHELTER FISCAL YEAR 2012/2013

Animal Control	\$225,434
Animal Shelter Expenses	\$ 20,547
Includes three (3) full-time employee equivalents (FTEs), and one (1) part-time equivalent; operations, building capital and maintenance costs.	

<u>Annual Service Level for Animal Control at 26% cost share</u>	\$ 58,613
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<u>Annual Service Level for Animal Shelter at 15% cost share</u>	\$ 3,082
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GENERAL AND ADMINISTRATIVE CHARGES (1)	\$ <u>4,847</u>
Includes services of Police Administration and Human Resources.	

TOTAL ANNUAL COST FOR FISCAL YEAR 2012/13	<u><u>\$ 66,542</u></u>
---	-------------------------

- (1) PERCENT (%) OF RESPECTIVE ANNUAL
OPERATING BUDGET USED:
- | | |
|-----------------------|------|
| Police Administration | 1 % |
| Human Resources | 0.4% |

FISCAL YEAR 2012/2013
COMBINED ANIMAL CONTROL AND ANIMAL SHELTER BUDGET
And GENERAL AND ADMINISTRATIVE CHARGES
FOR SERVICES TO THE CITY OF COLLEYVILLE.

OPERATING BUDGET FOR KELLER/SOUTHLAKE/COLLEYVILLE ANIMAL
CONTROL AND ANIMAL SHELTER FISCAL YEAR 2012/2013

Animal Control	\$225,434
Animal Shelter Expenses	\$ 20,547
Includes three (3) full-time employee equivalents (FTEs), and one (1) part-time equivalent; operations, building capital and maintenance costs.	

<u>Annual Service Level for Animal Control at 24% cost share</u>	\$ 54,104
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<u>Annual Service Level for Animal Shelter at 10% cost share</u>	\$ 2,055
--	----------

GENERAL AND ADMINISTRATIVE CHARGES (1)	<u>\$ 4,129</u>
--	-----------------

Includes services of Police Administration and
Human Resources

TOTAL ANNUAL COST FOR FISCAL YEAR 2012/13	<u><u>\$ 60,288</u></u>
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(1) PERCENT (%) OF RESPECTIVE ANNUAL
OPERATING BUDGET USED:

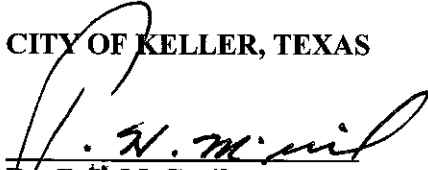
Police Administration	1 %
Human Resources	0.4%

Section 15. **Renewal and Amendment.** Annually, at the time the cost for Animal Control and Shelter services are re-calculated, this Agreement will be reviewed by all parties for needed clarification and or revisions. This Agreement may only be modified, changed or altered at any time, upon mutual agreement of parties, provided that any such modification, change and/or alteration be reduced to writing, and approved by the governing bodies of KELLER, SOUTHLAKE and COLLEYVILLE.

Section 16. This Agreement has been approved by the governing bodies of KELLER, SOUTHLAKE and COLLEYVILLE respectively. The execution of this Agreement has been authorized by an act of the governing bodies of KELLER, SOUTHLAKE and COLLEYVILLE at a duly called and posted meeting.

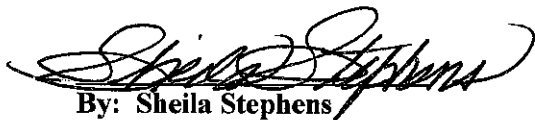
IN WITNESS WHEREOF, we have hereunto set our hands this the 5th day of September, 2012, in duplicate originals.

CITY OF KELLER, TEXAS


By: P. H. McGrail
Mayor


By: Steve Polasek
City Manager

ATTEST:

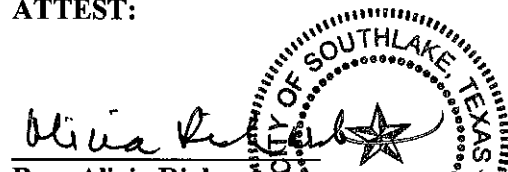

By: Sheila Stephens
City Secretary

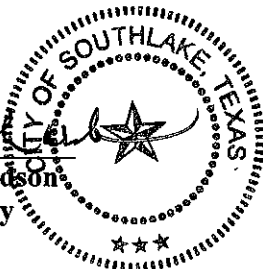
CITY OF SOUTHLAKE, TEXAS


By: John Terrell
Mayor


By: Shana Yolverton
City Manager

ATTEST:


By: Alicia Richardson
City Secretary



CITY OF COLLEYVILLE, TEXAS


By: David Kelly
Mayor

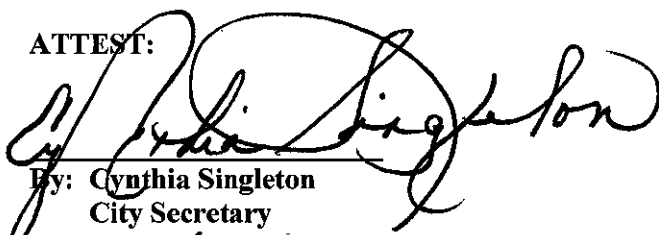
Colleyville City Council

AUG 07 2012

Approved


By: Jennifer Fadden
City Manager

ATTEST:


By: Cynthia Singleton
City Secretary

APPROVED AS TO FORM:


By: L. Stanton Lowry
City Attorney for Keller


By: Allen Taylor
City Attorney for Southlake


By: Matthew Boyle
City Attorney for Colleyville

ORDINANCE O-14-XXXX

AMENDING THE CITY OF COLLEYVILLE CODE OF ORDINANCES, CHAPTER 14-ANIMALS, REPEALING IN ITS ENTIRETY, ORDINANCE O-10-1787; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF \$500.00 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Colleyville is authorized to adopt ordinances to protect the health, safety, and welfare of its citizens; and

WHEREAS, the City of Colleyville has determined that it is a necessity to regulate activities as provided for herein to safeguard the public; and

WHEREAS, the City of Colleyville 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 and to ensure the humane treatment of animals by regulating the care and control of animals within the City.

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 Chapter 14-Animals of the City of Colleyville Code of Ordinances is hereby amended in its entirety and replaced by the following:

Chapter 14 - ANIMALS, FOWL, INSECTS, AND REPTILES

Sec. 14-1. - Definitions.

The following words and phrases, for the purpose of this chapter, shall have the following meanings:

Adequate fencing. A fence, which contains livestock, or any other animal upon the owner's or occupier's property, and prevents same from escaping.

Animal. Unless otherwise stated, includes any living creature including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl, and livestock, but specifically excluding human beings.

Animal control authority. Means a municipal or county animal control officer with authority over the area in which the animal is kept or the county sheriff in an area that does not have an animal control office.

Animal Control Officer. The person or persons designated by the chief of police to represent and act for the City in the impoundment of animals, controlling of stray animals, and as otherwise required in this chapter.

Animal shelter. Colleyville, Keller, Southlake Regional Animal Services and Adoption Center, 330 Rufe Snow Drive, Keller, Texas.

At large. An animal that is not confined to the premises of its owner; inside the house or other enclosure, by a containment device of sufficient strength and/or height to prevent an animal from escaping therefrom, or secured on said premises by a leash of sufficient strength to prevent the animal from escaping from said premises, and so arranged that the animal will remain upon said premises when the leash is stretched to full length in any direction. An animal shall not be considered "at large" when held and controlled by some person by means of a leash or chain of proper strength and length to control the action of the animal, or while confined within a vehicle.

Auction. Any place or facility where animals are bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

Cats. The word "cats" when used herein shall mean cats of all ages, both male and female.

Collar. Any neck restraint constructed of nylon, leather, or similar material, specifically designed to be used for an animal.

Custodian. A person or agency, which feeds, shelters, harbors, owns, has possession or control of, or has the responsibility to control an animal.

Dangerous Animal. (A) makes an unprovoked attack on a person or animal that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own; or (B) commits unprovoked acts in a place other than an enclosure in which the animal was

being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a person or animal.

Dogs. The word "dogs" when used herein shall mean dogs of all ages, both male and female.

Exotic animals. Any animal not normally considered domesticated including, but not limited to, nonvenomous snakes, nonvenomous lizards, or any other wild animal not capable of doing serious bodily harm to humans as determined by the City.

Fee ordinance. The Colleyville Code of Ordinances, Chapter 2-Administration, Article II – Finance, Section 2-16 – Fees and Charges, as published or amended by ordinance.

Fowl. Chickens, turkeys, pheasant, peacocks, quail, geese, ducks, or similar feathered animals, regardless of age, sex or breed.

His, He, Him: Masculine gender of wording used throughout this ordinance shall always be defined and interpreted to mean either sex.

Livestock. Horses, mules, donkeys, cattle, goats, sheep, Asian potbellied pigs, swine, ostriches, emus, and llamas, regardless of age, sex, or breed.

Local Rabies Control Authority (LRCA). The officer designated by the municipal or county governing body under the Texas Health and Safety Code, §826.017.

Nuisance. Whatever is dangerous to human life or health. Whatever renders the ground, the water, the air, or food, a hazard or injury to human life or health, or that is or threatens to become, detrimental to the public health, or contributes to urban blight or decay.

Owner. Any person who has care, custody, and control of any animal, harbors or keeps any animal in his possession, or who permits any animal to remain on, or about, his premises.

Pet shop. Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise, except a licensed kennel, that buys, sells, or boards any species of pets.

Possession. Actual care, custody, control, or management of a certain animal.

Premises. (A) A parcel of land (one (1) or more contiguous lots) owned, leased, or controlled by one (1) or more persons; or (B) A building or part of a building.

Prohibited animals or hazardous animal. Any animal not normally considered domesticated and capable of (or inclined to do) serious bodily harm to humans or other animals, or fowl as determined by the City. These animals include, but are not limited to, any venomous lizard, snake, boa constrictor, python, emperor scorpion, bat, raccoon, skunk, fox, bear, elephant, kangaroo, non-human primate, including monkey and chimpanzee, antelope, deer, wolf, or wolf-hybrid, lion, tiger, ocelot, bobcat or any other large cat, alligator, crocodile, feral swine, and their allies.

Properly fitted. With respect to a collar, a collar that measures the circumference of an animal's neck plus approximately one inch.

Restraint. A chain, rope, tether, leash, cable, or other device that attaches an animal to a stationary object or trolley system.

Secure enclosure. Means a fenced area or structure that is:

- (1) Locked;
- (2) Capable of preventing the entry of the general public, including children;
- (3) Capable of preventing the escape or release of the animal; and
- (4) Clearly marked as containing a dangerous animal.

Stray Animal. An animal, which is not on a leash, or enclosed in an adequately fenced yard, or secure enclosure.

Vaccination. An injection of any vaccine for rabies approved by the state veterinarian and administered or supervised by a licensed veterinarian.

Sec. 14-2. - Animals in residential areas; limitations.

- (a) The owner and any person having control over any animal or fowl shall keep the same confined within a building or adequate fencing at all times.
- (b) It shall be unlawful to permit any animal to:
 - (1) Roam, wander upon or remain upon any public property or street, while unattended by the owner or person having control; or
 - (2) Go upon or remain upon any private property without the consent of the owner of the property.
- (c) Any owner or person having control of any animal or fowl shall keep all hay, grain and feed used in connection with the maintenance thereof enclosed in such manner that the same is not accessible to rats, flies, mosquitoes or other rodents or insects.

Sec. 14-3. - Vaccination required before license issued.

- (a) All dogs and cats within the City, four (4) months of age or older, shall be licensed yearly; however, before the license shall be issued, the owner of the dog or cat must present to the Animal Shelter or at Colleyville Justice Center, a certificate from a licensed veterinarian showing that said dog or cat has been vaccinated within the preceding 12 months with a one-year serum, or within the preceding 36 months with a three-year serum. Such vaccination certificate shall reflect the name of the owner, his address, a description of the dog or cat, the date of the vaccination, the number of the vaccination tag, and the kind of vaccination used. The veterinarian shall provide the owner with a metal tag, on one (1) side of which is stamped the words "Vaccinated Against Rabies", the date of the vaccination, veterinarian, business name, and control number. This tag shall be securely attached to the collar or harness of the dog or cat at all times, and will aid in the identification of the animal.
- (b) To aid in identification of the pet owner and return of the animal in the event of impoundment, all dogs and cats must be licensed and registered with the City. Upon presentation of a certificate of vaccination and a completed application for a license to the Animal Shelter or at Colleyville Justice Center, an animal control officer will file the application and certificate for retention by the animal control officer and issue the owner of the dog or cat a metal City Tag to be

securely attached to the collar or harness of the dog or cat. The tag must be worn at all times. If the original current registration tag is lost or destroyed, the owner must obtain a duplicate by paying a fee. Registration shall be renewed annually. If there is a change in ownership, the new owner shall have the registration transferred to his name within ten (10) days. All fees for registration, duplicate tags, and registration transfer shall be the fees designated by the City of Colleyville fee ordinance.

- (c) It shall be unlawful for any person within the City to own, keep, possess, harbor, or allow to remain upon the premises under his control any dog or cat without having proof that such animal is immunized against rabies as required by this section.
- (d) This section shall not apply to fish, birds, ungulates, or any of the following list of animals: hamsters, guinea pigs, rabbits, rats, mice,

gerbils, or any animal other than a dog or cat, which in the opinion of the licensed veterinarian would be endangered by rabies vaccination.

Sec. 14-4. - Animals running at large.

Any person owning, possessing, or keeping an animal or animals within the City, whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow such animal or animals to be at large within the city limits of the City of Colleyville.

Sec. 14-5. - Impounding of animals.

The animal control officer shall take into custody any domestic animal found at large in the City, and shall impound the animal in the Animal Shelter. Such impounded animal shall be held for a period of three (3) days, and at the end of that time, if the animal has not been redeemed, and the proper fee paid as described herein, the animal may be adopted or disposed of in a humane and proper method. Every reasonable effort by the animal control officer, to include but not limited to, contacting the impounded animal owner by telephone, email, or any other available means of contact will be made.

Sec. 14-6. - Authority to kill, impound, or destroy animals.

The animal control officer shall have the authority to do the following:

- (a) Kill an animal, which poses an imminent danger to a person or property and a real or apparent necessity exists for the destruction of the animal.
- (b) Impound an animal, which is diseased and endangers the health and welfare of another animal or person.
- (c) Destroy an impounded animal if the animal control officer determines that recovery of the animal is doubtful due to injury or disease.

Sec. 14-7. - Impoundment fees; dog or cat.

- (a) The owner of an impounded animal shall pay a fee to redeem such animal from the City. The fee is designated within the fee ordinance.
- (b) Any person claiming a dog or cat that has not been vaccinated or fails to have proof of vaccination within the last year may be cited for failing to vaccinate under Section 14-3. Before the release of the dog or cat, the owner shall sign a promise in writing that the dog or cat will be vaccinated for rabies immediately upon release from the Animal Shelter. The animal control officer shall keep such statement on file until receiving proof of vaccination.

- (c) If an owner does not redeem an animal within the time-period set forth in Section 14-5, the animal shall be subject to adoption or other disposition. Any animal that is subject to adoption shall meet all the procedures set forth in Section 14-12, including payment of fees, vaccination, and alteration by spaying or neutering, as required.

Sec. 14-8. - Prohibited animals or hazardous animal.

- (a) No person or entity shall be allowed to keep, display, or exhibit any prohibited animal or hazardous animal within the City, or allow such activity to occur, except as provided by this section.
- (b) A temporary permit may be issued to temporarily house and display a prohibited animal or hazardous animal for educational purposes, provided the following conditions are met:
- (c) No person or entity shall be allowed to keep, display, or exhibit any prohibited animal or hazardous animal without first registering the animal with the animal control authority.

(1) Application

- a. Deadline. An application for that purpose must be submitted to the animal control authority no less than ten (10) working days prior to the intended time for the exhibit;
- b. Contents of application. The application form shall include the name, address, email address, and telephone number(s) of the applicant; the applicant's ownership interest in the animal and the educational display or program; the proposed location and duration of the educational display or program, and the name, address, and telephone number(s) of the owner or lessee of that location; a general description of the animal, including age, date-of birth if known, the classification of the animal, and a description of the confinement plan; and any information about the vicious or dangerous propensities of such animal, including any prior history of any incidents; and a description of the exhibit or program, including any confinement plan and housing arrangements for the animal.

- (2) Insurance. Applicant must have liability insurance and must provide proof of liability insurance coverage or financial responsibility in an amount of at least \$250,000, which amount

may be increased if needed to cover damages, injury, or death

resulting from the animal(s), to be in effect during the duration of the temporary permit.

- (3) Approval. Approval of the application for a temporary permit and its duration is within the sole discretion of the city manager or designee.
- (4) Terms of permit. The applicant must abide by all terms of the permit.
- (5) Revocation of permit. The permit may be revoked if it is determined that the applicant did not fully and truthfully disclose all required information, or if the applicant does not abide by the terms of the temporary permit, or if it is reasonably necessary to protect against an immediate threat or danger to the public health or safety.

Sec. 14-9. - Impoundment fees for livestock, fowl, or prohibited animals.

The animal control officer may use a collection and holding service franchised with the City of Keller or a Tarrant County Constable to collect and hold livestock, fowl, or prohibited animals found at large. The owner of any impounded livestock, fowl, or prohibited animal shall pay whatever fee as may be charged by the City of Colleyville fee ordinance and/or Tarrant County in order to redeem livestock, fowl, or prohibited animals, from the County.

Sec. 14-10. - Euthanasia.

If the lawful owner of an animal requests euthanasia, the owner must first sign the required forms before destruction.

Sec. 14-11. - Deadly force.

Deadly force may be used against any animal presenting an imminent risk of death or serious bodily injury. Usage of non-deadly force methods to control an animal, such as apprehension or tranquilizing, shall not be required if such methods would add to or prolong the risk of death or serious bodily injury to persons or animals.

Sec. 14-12. - Adoption.

A person who desires to adopt an animal from the Animal Shelter shall:

- (1) Pay an adoption and alteration fee as designated by the Colleyville, Keller, Southlake Regional Animal Services and

Adoption Shelter; and

- (2) Pay any license fee if required; and
- (3) Have the animal vaccinated for rabies, (when required) within five (5) days after adoption; and
- (4) Have the animal spayed or neutered within fourteen (14) days after adoption, providing the animal is of the proper age for such procedure; and
- (5) Any person desiring adoption shall also sign a promise in writing that the animal will be vaccinated and spayed or neutered within the time periods as outlined in Subsections (3) and (4).

The animal control officer shall make the final determination whether an animal is healthy enough for adoption. However, such a decision by the animal control officer to permit adoption of a particular animal shall not constitute a warranty, expressed or implied, of the health or age of the animal.

Sec. 14-13. - Report of rabies cases required; confinement of dog, cat, or other animal.

- (a) It shall be the duty of the owner, custodian or veterinarian to report to the Colleyville, Keller, Southlake Regional Animal Services all cases of rabies or suspected rabies which the owner, custodian or veterinarian knows or should know. Any animal that has or is suspected of having rabies, that has symptoms of rabies, has been exposed to rabies or some other facts suggest that rabies is a concern in regard to the animal shall be quarantined as required by law and direction of the designated LRCA for Colleyville, Keller, Southlake Regional Animal Services

Sec. 14-14. - Confinement required of a dog, cat or other animal that has bitten a person.

- (a) When an animal has bitten, scratched, or otherwise attacked a person, that person or anyone having knowledge of such incident, shall immediately notify the Colleyville, Keller, Southlake Regional Animal Services, and such animal shall be confined in the Animal Shelter or at a veterinary hospital for a period of not less than ten (10) nor more than thirty (30) days, as specified by Colleyville, Keller, Southlake Animal Services.
- (b) If, after the confinement period, the owner fails to pick up the animal, the owner may be informally given a courtesy notice by the

City by telephone or email and shall be formally notified by the City by either certified mail, personal delivery, or other method designed to provide notice to the owner as well as proof of such notice. The owner may be granted five (5) additional days to pick up the animal at a charge as indicated in the fee ordinance. Five days after the end of the confinement period, if the animal is not picked up by the owner, the Animal Control Officer may place the animal for adoption or other form of disposition of the animal, pursuant to the terms of this Chapter.

- (c) At the option of the Animal Control Officer, and if all conditions of state law, as currently exist, or as may be amended, and regulations are met, the Animal Control Officer may allow for home quarantine, so long as all conditions required by the Animal Control Officer are met. If all conditions are not met, the Animal Control Officer may require that the animal be brought to the animal shelter, or a veterinarian for the remainder of the quarantine period.

Sec. 14-15. - Quarantine fee.

The owner of any dog, cat or other animal held in quarantine for observation purposes shall be charged a quarantine fee as designated in the fee ordinance. This fee is in addition to any impoundment fee(s).

Sec. 14-16. - Dangerous dogs or animals; procedures and hearing.

- (a) *Report of attack.* The animal control officer may receive a report concerning a dog or animal, which has bitten or attacked a human or animal. A complainant, who wishes the matter be heard, must file with the Colleyville-Keller Municipal Court, a written sworn complaint that must contain the following known information:

- (1) Name, address, and telephone number of the complainant and any other witnesses;
- (2) Date, time, and location of incident(s);
- (3) A complete description of the dog or animal (breed, if known, as well as color and size);
- (4) Name, address, and telephone numbers of owners, if known, or the premises where the dog or animal is located;
- (5) A statement that the dog or animal has bitten or attacked a person or animal;
- (6) A statement that the dog or animal has exhibited vicious

propensities in its past conduct; and

(7) Any other facts and circumstances relating to the incident.

(b) *Procedure after complaint is filed:* After a sworn affidavit (complaint) is filed, Colleyville, Keller, Southlake Regional Animal Services shall investigate the complaint to determine if the dog or animal is dangerous.

(1) Animal Service Findings. Colleyville, Keller, Southlake Regional Animal Services (animal services) shall make a finding regarding whether or not the dog or animal is dangerous. If the dog or animal is found to be dangerous, animal services shall notify the owner of the determination, by personal service, or certified mail – return receipt request. The notification will advise the owner of the right to appeal and will require that the owner perform the following requirements within 30 calendar days from receipt of the notice:

- a. Register the dangerous dog or animal with Colleyville, Keller, Southlake Regional Animal Services;
- b. Restrain the dangerous dog or animal at all times on a leash, in the immediate control of an adult, who is at least seventeen (17) years of age, or in a secure enclosure;
- c. Obtain and provide proof to the Colleyville, Keller, Southlake Regional Animal Services of liability insurance coverage, or provide proof of such liability insurance or proof of current financial responsibility, in an amount of at least one hundred thousand dollars (\$100,000) to cover damages resulting from an attack by the dangerous dog or animal causing bodily injury or other damage to a person;
- d. Post on all fences that face public areas, signs that state in bold letter "DANGEROUS ANIMAL." All signs must be obtained from and approved by the Colleyville, Keller, Southlake Regional Animal Services;
- e. Require that the dangerous dog or animal wear an orange collar and red tag at all times. All collars and tags must be obtained from and approved by Colleyville, Keller, Southlake Regional Animal Services.

(2) Appeal of determination. The owner of a dangerous dog or

animal may appeal animal services determination to the Colleyville-Keller Municipal Court no later than the fifteenth (15th) calendar day after being notified of the animal services determination. The municipal court of respective jurisdiction shall conduct a hearing within fifteen (15) days, to determine if the dog or animal is dangerous. At such hearing, the municipal court may receive testimony concerning the incident under investigation, and/or consider the affidavits and/or complaints on file, to determine if the dog or animal is dangerous. If the dog or animal is found dangerous, the municipal court shall, for the protection of the public health, safety, and welfare of the community, mandate compliance with Subsection (b) (1) a., b., c., d., and e.; determine whether the dog or animal should be removed from the corporate city limits of Colleyville, Keller or Southlake, humanely destroyed by animal services, a veterinarian, or released to an animal rescue organization.

(3) Procedure when no appeal.

- a. If the owner of the dangerous dog or animal does not comply with Subsection (b) (1) a., b., or c. above, within thirty (30) calendar days of being notified the animal has been found dangerous, nor has appealed pursuant to Section (b) (2) above, the owner shall surrender the animal to the Colleyville, Keller, Southlake Regional Animal Services. If the owner does not surrender the animal, then the animal control officer shall obtain from the presiding municipal court, a warrant, authorizing the animal control officer to seize the animal. Thereafter, the animal control officer shall seize the animal, or order its seizure, and provide a secure and humane place for the impoundment of the animal.
- b. If the owner complies with subsection (b) (1) a., b., and c., above, before the eleventh (11th) day on which the dangerous dog or animal was seized or was surrendered to the animal control officer, the presiding municipal court shall order the return of the dangerous dog or animal.
- c. If the owner has not complied with subsection (b) (1) a., b., and c., above, before the eleventh (11th) day on which the dangerous dog or animal was seized or surrendered to the animal control officer, the presiding municipal court shall, for the protection of the public health, safety, and general welfare of the community, determine whether the

animal should be removed from the corporate City limits of the City, humanely destroyed by the animal control officer, a veterinarian, or released to an animal rescue organization.

- (c) The owner of an impounded dangerous dog or animal shall be held responsible for any cost or fee assessed by the City related to the seizure, impoundment, and destruction of the dangerous dog or animal.

Sec. 14-17. - Failure to release or remove dog or animal.

A person commits an offense if he knowingly possesses and fails to release to the animal control officer a dog or animal that has been charged by sworn affidavit as provided in Section 14-16 "Dangerous dogs or animals; procedures and hearing". A person commits an offense if the person knowingly possesses and fails to remove a dog or animal determined to be dangerous under Section 14-16 "Dangerous dogs or animals; procedures and hearing" from the corporate limits of the City.

Section 14-16 specifies notification process consisting of notifying the owner by personal service or certified mail – return receipt requested, or by order of the presiding municipal court.

Sec. 14-18. - Public nuisances.

No person shall willfully or knowingly keep or harbor on his premises or elsewhere any animal, livestock, or fowl of any kind that makes or creates an unreasonable disturbance to the neighbors or the occupants of adjacent premises or persons living in the vicinity thereof. Unreasonable disturbance includes, but is not limited to, animal making or creating prolonged noises by howling, barking, bawling, or otherwise. It shall create a presumption that a person has knowledge that the animal under their control is making or creating an unreasonable disturbance if such person shall have been notified by the animal control officer or any peace officer of such disturbance and:

- a. failed or refused to correct such disturbance; or
- b. prevent its recurrence.

- (1) It shall be unlawful for any owner of any animal to maintain yards, pens, stables, sheds, coops, or other enclosures in which any animal is confined in such a manner as to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes, or other noxious insects or rodents, or in any manner to endanger the public health, safety, or welfare, or to create a public nuisance.

- (2) Manure and droppings shall be removed from pens, stables, yards, coops, and other enclosures regularly and handled or disposed of in such a manner as to keep the premises free of any nuisance.
- (3) Mound storage of droppings of manure between such removals shall be permitted, only under such conditions as to protect against the breeding of flies, rodents, and to prevent the migration of fly larvae (maggots) into the surrounding soil.
- (4) The feeding of vegetables, meat scraps, or garbage to livestock shall be done only in impervious containers, or on an impervious platform.
- (5) Watering troughs or tanks shall be provided by the owner, which shall be equipped with adequate facilities for draining the overflow so as to prevent the breeding of flies, mosquitoes, or other insects.
- (6) No putrescible material shall be allowed to accumulate on the premises; and all such material used to feed which is unconsumed shall be removed and disposed of by sanitary means.
- (7) It shall be unlawful for any person to maintain any animal, which repeatedly trespasses on public property, attacks other animals, or causes damage to public or private property.
- (8) No person shall willfully or knowingly allow a stray animal to remain on his premises. Any person willfully or knowingly who feeds or waters stray animals, or in any way encourages a stray animal to remain on his property, shall be in violation of this ordinance. All provisions of this ordinance shall apply to that person.

Sec. 14-19. - Violations; enforcement.

The animal control officer shall have the authority to issue citations for any violation of this chapter:

- (1) It shall be unlawful for any person upon being issued a citation to give the animal control officer any personal identification information other than his true name and address.
- (2) It shall be unlawful to fail to appear in accordance with the terms of a citation issued by the animal control officer.

- (3) If the person being cited is not present, the animal control officer may send the citation to the alleged offender by certified or registered mail, return receipt requested, whereupon service shall be deemed complete.
- (4) It shall be unlawful for any person to interfere with the animal control officer in the performance of his duties.
- (5) The animal control officer shall have the right of ingress and egress on private property for the purpose of apprehending animals at large.

Sec. 14-20. - Authority to carry tranquilizer guns.

When acting in the course and scope of his employment, the animal control officer shall be, and is hereby authorized, to carry on his person, or in his City vehicle, loaded tranquilizer guns approved by the Keller Support Services Commander; who oversees animal control as designated by the City of Keller Chief of Police; and not in violation of any provision of the Texas Penal Code or any other applicable federal, state, or local law, as currently written, or as may be amended.

Sec. 14-21. - Confinement of animals by individuals.

If an animal is found upon the premises of another, the occupant of the premises may confine the animal only for so long as reasonably necessary to notify animal services and have the animal impounded. In attempting to confine the animal, the occupant shall not use any means or force that could constitute cruelty to an animal, or behave in a cruel manner, as defined by the Texas Penal Code, toward the animal.

Sec. 14-22. - Abandonment of animals.

It shall be unlawful for any person to abandon any animal within the corporate limits of the City.

Sec. 14-23. - Confinement of animals.

It shall be unlawful for any person to confine or allow to be confined, any animal, in a motor vehicle, or trailer, under such conditions, or for such a period of time, as may endanger the health or well-being of the animal due to heat, lack of food or water, or any other circumstance which causes suffering, disability, or death of the animal.

Sec. 14-24. - Reserved.

Sec. 14-25. - Poisoning of animals prohibited.

- (a) No person shall, in any place accessible to birds, dogs, cats or other animals, with the intent to kill or harm such animals, place any substance, which has in any manner been treated with any poisonous substance.
- (b) The above Subsection does not apply to the elimination of rodents, such as mice or rats, provided that a person is required to not allow the placement of harmful or poisonous substances in places where domestic animals might ingest the harmful or poisonous substance, even if the purpose of the substance is to eliminate rodents.

Sec. 14-26. - Fight upon exhibition.

No person shall maintain any place where fowl or any animals are suffered to fight upon exhibition, or for sport upon wager.

Sec. 14-27. - Unlawful restraint of a dog.

- (a) Prohibited Acts: An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:
 - (1) between the hours of 10 p.m. and 6 a.m.;
 - (2) within 500 feet of the premises of a school; or
 - (3) in the case of extreme weather conditions, including conditions in which: (A) the actual or effective outdoor temperatures is below 32 degrees Fahrenheit; or (B) a heat advisory has been issued for the jurisdiction by the National Weather Service.
- (b) Restraints: In this section, a restraint shall be presumed to unreasonably limit a dog's movement if the restraint:
 - (1) uses a collar that is a pinch-type, prong-type, or choke-type, or that is not properly fitted to the dog;
 - (2) is a length shorter than the greater of (A) five (5) times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or (B) ten (10) feet;
 - (3) is in an unsafe condition; or (4) causes injury to the dog.
- (c) Exceptions: Subsection (a) does not apply to:
 - (1) a dog restrained to a running line, pulley, or trolley system

and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;

- (2) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state or local authority or jurisdiction;
 - (3) a dog restrained for a reasonable period, not to exceed three hours in a 24 hour period and no longer than is necessary to allow the owner to complete the temporary task that requires the dog to be restrained, but those three (3) hours cannot be within the prohibited times of 10 p.m. to 6 a.m. set forth above; a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the state if the activity for which the license is issued is associated with the use or presence of a dog
- (d) Penalty:
 - (1) a person commits an offense if the person knowingly violates this section;
 - (2) a peace officer or animal control officer who has probable cause to believe that an owner is violating this section shall provide the owner with a written statement of that fact. The statement must be signed by the officer and plainly state the date on which and the time at which the statement is provided to the owner;
 - (3) a person commits an offense if the person is provided with a statement described in (d) (2) and fails to comply with this section within 24 hours of the time the owner is provided with a statement. A first time offense under this section is a Class C Misdemeanor. If a person has been previously convicted of this offense, the person shall be prosecuted under state law, providing for a more serious penalty;
 - (4) if a person fails to comply with this subchapter with respect to more than one dog, the person's conduct with respect to each dog constitutes a separate offense;
 - (5) a person may be prosecuted under this law or any other law or both.
- (e) This section does not prohibit a person from walking a dog with a hand-held leash.

- (f) This section does not authorize a person to allow a dog to run at large.

Sec. 14-28. - Food and shelter.

No person shall fail to provide any animal in his charge or custody with sustenance, drink, and protection from the elements, or cause any of these acts to be done.

Sec. 14-29. Fowl.

- (a) It shall be illegal to knowingly house any fowl within City limits, including, but not limited to roosters, ducks, turkeys, geese, pigeons, or guineas, unless the requirements of this ordinance are met. This prohibition does not apply to wild fowl in local parks or lakes or ponds. This section does not apply to indoor birds kept as pets, such as parakeets, canaries or parrots.
 - (1) Roosters are allowed on properties R-20 and larger in size.
 - (2) No more than twelve chickens may be kept in R-20 and twelve chickens may be kept for additional each one-quarter acre.
 - (3) This Section applies to properties less than R-20 in size:
 - a. Shall be allowed to be kept as a pet under the following conditions:
 - b. Only female chickens;
 - c. Chickens must be in a secure pen, coop, or enclosed yard, and pen, coop, or fence must be of secure construction and strength to keep the chickens from running at large. A pen or coop must be at least five feet (5') from any property line.
 - d. All provisions of Section 14-18 apply.
 - e. This section does not enlarge any of the uses allowed for single family zoning, including, but not limited to, any use of residential property for commercial farming purposes, which remains expressly forbidden.
- (b) No person shall butcher or display the carcass of an animal in an area that is in the view of the public. This prohibition does not apply to cooking fowl or meat on a grill, barbecue or other outdoor cooking apparatus.

Sec. 14-30. - Sale of baby fowl, ducks.

It shall be unlawful for any person to sell or offer for sale, lease, rent, or in any way transfer, barter, or give away baby fowl or ducklings as pets or novelties, whether dyed or not dyed, colored or otherwise artificially treated; provided, however, this section shall not be construed to prohibit the display or sale of natural chicks or ducklings in proper breeding facilities for hatcheries or stores engaged in the business of selling the same to be raised

for legitimate commercial purposes.

Sec. 14-31. - Guard dogs.

Every person having care, control, or custody of any dog, which has received guard dog training must register such dog with the Colleyville, Keller, Southlake Regional Animal Services. The owners of such dog must place an identification collar identifying the dog as a trained guard dog on said dog, and this collar must be worn at all times.

Sec. 14-32. - Disposition of nursing baby animals.

Any nursing baby animal impounded without the mother, or where the mother cannot or refuses to provide nutritious milk, may be immediately euthanized to prevent further suffering.

Sec. 14-33. - Bees.

It shall be unlawful to keep bees in such a manner as to deny the reasonable use and enjoyment of adjacent property, or endanger the personal health or welfare of the inhabitants of the City.

Sec. 14-34. - Disposal of dead animals.

It shall be the responsibility of the owners of livestock to properly dispose of all dead animals within a 24-hour period. It shall be the responsibility of the property owner to dispose of dead dogs, cats, etc., on his property or property owned by him within 12 hours. The animal control officer has the authority to pick up any dead animal found on public property and dispose of it and assist a citizen with the same, if requested. After 24 hours, the animal control officer may enter private property and remove any dead animal, which the property owner has failed to dispose of.

Sec. 14-35. - Fees for removal of dead animals.

There shall be a fee for the removal of a deceased animal from private property. The fee shall be determined as designated in the fee ordinance. These fees are to be paid by the person or persons owning the animal or having possession thereof.

Sec. 14-36. - Livestock.

It shall be unlawful for any person to keep on premises under the person's control any livestock without providing adequate fences or barriers that will prevent such livestock from leaving the property of the person having control of such animal.

Sec. 14-37. - Livestock at large; impoundment.

The animal control officer shall take into custody any livestock found at large in the City. The animal control officer shall have the discretion of impounding the livestock and transporting to a storage facility or containing the livestock at the location until the owner of the livestock can be located and recover the livestock. Discretion shall be based on such practical considerations as number of livestock, apprehension, containment, and hazards to the community.

Due to such considerations as number of livestock involved, size and difficulty of livestock handled, and transportation requirement, the animal control officer may use a livestock collection and holding service franchised with the City of Keller or a Tarrant County Constable to collect and hold livestock found at large. Disposition of the livestock will be determined by the Tarrant County Constable.

Sec. 14-38. - Reserved.**Sec. 14-39. - Places prohibited to livestock.**

It shall be unlawful for any person to ride or allow any type of livestock upon any public school grounds, college grounds, public park, property or municipal grounds within the City, except those designated as bridle paths or other designated riding or exhibiting areas for livestock, or with the effective consent of an employee with the power and authority to authorize such activity. On streets, horses shall be ridden as close as possible to the curb, and in no event shall horses be allowed on state highways. It shall be unlawful for any person to ride or allow any type of livestock upon the property of another within the City, except with the express consent of the owner or person in charge of such property obtained prior thereto.

Sec. 14-40. – Trapping of animals.

Traps can be checked out from the Colleyville, Keller, Southlake Regional Animal Services and Adoption Center when traps are available. Traps will only be emptied Monday through Saturday during the Center's operating hours. All trapped animals should be called into dispatch no later than 12 noon, the day the animal is trapped. No animals are to be confined in a trap for more than a 24-hour period. Any person who traps any animal in a City issued trap can request the on duty animal control officer empty the trap at no charge. Any person who traps any animal in a non-City issued trap can choose to have the trap emptied by the on duty animal service officer for a fee of \$30.00 payable only in form of a check, made payable to the Colleyville, Keller, Southlake Regional Animal Services. All traps that require the animal control officer to remove and transport the trap in order to safely remove the trapped animal can be picked up at the Colleyville, Keller, Southlake Regional Animal Services and Adoption Center during operating hours.

Sec. 14-41. - Penalty.

Any person who shall violate the provisions of this chapter shall, for each violation, be deemed guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00), and each violation shall be construed to constitute a separate offense.

Sec. 14-42. – Cruelty to Animals

It shall be unlawful for any person to intentionally, knowingly, or recklessly abuse, neglect, or otherwise mistreat an animal. Violations under this section will be investigated as violations of Texas Penal Code statutes 42.09, 42.091, or 42.092, as currently written or as may be amended.

- Sec. 3. THAT to the extent, any resolution or ordinance previously adopted by the City Council is inconsistent with this ordinance, it is hereby repealed.
- Sec. 4. THAT the meeting at which this ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- Sec. 5. THAT if any one or more sections or clauses of this ordinance is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance and the remaining provisions of the ordinance shall

be interpreted as if the offending section or clause never existed.

Sec. 6. THAT this ordinance shall become effective from and after its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the ____ day of _____ 2014.

The second reading and public hearing being conducted on the ____ day of _____ 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-3

Agenda Date 07/01/2014

Type Pre Council

Department Human Resources

Title

Discussion of health insurance bid results and recommendations

Explanation

This item provides an opportunity for City Council and staff discussion of the employee health insurance bid results and recommendations for fiscal year 2015 (FY 2015). Staff seeks the City Council's direction on final vendor selections and cost-sharing of premiums (subsidy levels) between the City and the employees.

Insurance Bid Process Overview

In May 2014, staff received the initial FY 2015 insurance renewals for the following lines of coverage:

- medical
- dental
- vision
- life/accidental death and dismemberment and long-term disability
- third party administration of the health reimbursement arrangement (HRA) and flexible spending account (FSA)

Additionally, the City advertised and instructed Holmes Murphy and Associates, Inc. (Holmes Murphy), the City's benefits broker, to explore the market for these lines of coverage, by seeking competitive bid proposals using the current plan design of each coverage (Attachment A). The bid opening took place on June 2, 2014.

The Employee Benefits/Wellness Committee (the "Committee") (Attachment B) met with the Assistant City Manager/Chief Financial Officer, the Human Resources Director and Holmes Murphy to review the insurance proposals received. The Committee's final recommendations are based on financial feasibility, customer satisfaction, the least disruption in service, benefit plan design, and administrative efficiencies.

Medical Insurance

The City's medical provider, Blue Cross and Blue Shield (BCBS), submitted a renewal of a 3.0% decrease in premium rates (an overall annual savings of approximately \$48,883, assuming all participants are at Tier I in the wellness program and receiving the full City subsidy) effective October 1, 2014 and an estimated 0.25% increase in premium rates (an overall annual increase of approximately \$2,961) effective January 1, 2015, due to an expected increase in fees required under the Patient Protection and Affordable Care Act (PPACA).

The renewal rate was based upon several factors. One factor was the existing plan design, which consists of a \$2,000 individual/\$4,000 family in-network deductible, 90% in-network coinsurance, \$25 office visit co-pay, and an out-of-pocket maximum of \$1,000 individual/\$2,000 family. Another factor affecting the renewal rate included available claims data for the period of October 2013 through April 2014, in addition to claims data for the period of October 2012 through September 2013. The City changed insurance carriers in FY 2013 from Aetna to BCBS and had only experienced seven months of medical claims at the time last fiscal year's renewal rate was due. Now that the City is in the second year with BCBS, another year of claims data is available and the claims are considered more mature which affects how premiums are assessed. During the most recent 12-month period (May 2013–April 2014) with BCBS, medical claims were favorable as the claims to premiums ratio (loss ratio) was approximately 73% (insurance carriers prefer to see 85% or less).

Holmes Murphy sought competitive bid proposals from National Tier 1 and Tier 2 companies. Tier levels are defined by the highest percentage of membership within the state. Proposals were received from BCBS, Aetna, and Texas Municipal League (TML) Intergovernmental Employee Benefits Pool (Attachment C). The feedback received from other carriers, such as United Healthcare and Cigna, who typically bid on the insurance each year, was they were unable to provide a competitive bid based on the City's existing rates.

The Committee viewed BCBS's bid more favorably than TML's bid which consisted of a 14.93% increase in premium rates (an increase of approximately \$243,069 annually, including fees under the PPACA), and significant changes in plan design affecting out-of-network provisions for coinsurance, out-of-pocket maximum, office and emergency room visit copayments, and inpatient hospital expenses, in addition to changes affecting in-network provisions for office and emergency room visit copayments which upon use, would increase a participant's financial exposure. The Committee also viewed BCBS's bid more favorably than Aetna's bid, which consisted of a 7.0% decrease in premium rates, if coupled with the dental plan (a savings of approximately \$113,971 annually, including fees under the PPACA). Though Aetna's savings were greater than BCBS, the Committee determined a prudent long-term approach outweighed a greater short-term savings. The City will have two years' experience with BCBS at the end of FY 2014. Changing carriers from BCBS to another carrier after only two years would affect the City's ability to seek competitive bids in the future. Should the FY 2016 renewal be unfavorable if the City was with a new carrier and elected to take the medical insurance through the bid process, the claims incurred under the new carrier would be considered "immature" to other carriers. The City would be considered new in the market, regardless of claims activity incurred under previous carriers. Also, a frequent change in carriers to only gain the best rate can cause the City to have an unstable or risky reputation in the marketplace and can limit the desire for reputable carriers to bid on the insurance in the future.

The Committee recommends remaining with BCBS for medical insurance coverage. Total annual premiums would be reduced from approximately \$1,628,222 to

\$1,582,301, an annual premium decrease of approximately \$45,921 (based on an average of 164 plan participants at the highest tier level).

Patient Protection and Affordable Care Act (PPACA)

On March 23, 2010, President Obama signed into law the PPACA, also known as healthcare reform. The PPACA is aimed at increasing the affordability and rate of health insurance coverage for Americans and reducing the overall costs of healthcare. It provides several mechanisms, including mandates, subsidies, and tax credits to employers and individuals to increase the health insurance coverage rate and affordability. PPACA fees became effective beginning January 1, 2014.

BCBS's estimated increase of 0.25% in PPACA rates is over and above the annual trend (healthcare inflation) and any changes due to claim activity. BCBS applies these fees at the beginning of the calendar year to the groups they insure, which are similar to Colleyville's size, whereas, other insurance carriers incorporate it into their premiums at the beginning of the fiscal year. It is comprised of a reinsurance fee, an annual provider fee, and a Patient-Centered Outcomes Research Institute (PCORI) fee. As the City is fully insured, the fees are included on the medical insurance bill and are payable through the insurance carrier. The fees are incorporated into the premiums and are not a stand-alone charge.

The reinsurance fee, which currently must be paid for the first three years of the exchange operation from calendar year 2014 through 2016, is announced annually by Health and Human Services (HHS), and is based on a national contribution rate. It is designed to fund the transitional reinsurance program, which helps stabilize premiums in the individual health insurance market for those with pre-existing conditions. For calendar year 2014, HHS established a rate of \$5.25 per month, or \$63 per year per member on the medical plan. For calendar year 2015, HHS established a rate of \$3.67 per month, or \$44 per year per member on the medical plan.

The annual provider fee is imposed on covered entities engaged in the business of providing health insurance and is allocated to health insurers who provide medical, dental, and vision coverage based on the respective market share of premium revenue in the previous year (e.g., the 2015 annual provider fee is based on the 2014 premium revenue). Each entity's fee is calculated as their market share, multiplied by the annual fee shown in the chart below:

Calendar Year	Applicable Fee
2014	\$ 8.0 Billion
2015	\$11.3 Billion
2016	\$11.3 Billion
2017	\$13.9 Billion
2018	\$14.3 Billion
2019+	Growth of fee indexed to rate of premium growth

The PPACA created the Patient-Centered Outcomes Research Institute (PCORI) to help patients, clinicians, payers, and the public make informed health decisions by advancing comparative effectiveness research. The Institute promotes the use of evidence-based medicine by disseminating comparative clinical effectiveness research findings. The fee is applicable to the medical plan and the health reimbursement arrangement administration. The Institute's research is funded, in part, through the PCORI fees, which are calculated by the average number of lives covered under the plan, then multiplied by the applicable rate for that tax year, as follows:

\$1 for plan years ending before October 1, 2013
\$2 for plan years ending on or after October 1, 2013, and before October 1, 2014
For plan years ending on or after October 1, 2014, the rate will increase for inflation

Wellness Program and Subsidy Levels

In FY 2011, a change to the City's health benefits strategy was the linking of future insurance premium subsidies to the wellness program, and employee and spouse health. In FY 2011, the City fully subsidized the cost for employee medical insurance and covered 75% of dependent medical premiums. For FY 2012 and FY 2013, the funding for employee and dependent medical insurance premiums consisted of a program that included three tiers of subsidy levels with a 7% differential between each tier. The chart below illustrates the FY 2012 and FY 2013 subsidy levels at each tier:

Subsidy Level	Tier III	Tier II	Tier I
Employee	86%	93%	100%
Dependent	61%	68%	75%

All employees began at a Tier III subsidy level and had the opportunity to earn their way to Tiers I and II through one of the two following methods. To reach Tier I, the first method for employees and spouses would be to achieve in-range health scores in four out of five risk factor categories, including waist circumference, blood pressure, glucose, LDL cholesterol, and HDL cholesterol; and completion of an online health risk assessment and tobacco affidavit. Acceptable health score ranges were established and are updated each year by the medical staff at Cooper Aerobics Center by utilizing scientifically-based metrics supported by the Center for Disease Control and the American Heart Association. The second method was to participate in a specified level of wellness activities. The tiers are determined in the fiscal year prior to the receipt of the subsidy. For example, each employee's and spouse's tier was determined at the end of June 2012 to determine the FY 2013 subsidy levels which were effective October 1, 2012.

For FY 2014, the program expanded from three tiers to four tiers. The addition of the fourth tier was to further encourage employees and their spouses to engage in healthy habits, to emphasize the City's philosophy of employing a healthy workforce, and to engage employees and spouses to become informed consumers of healthcare. Employees and spouses on the plan who declined to participate in the wellness

program were placed at a Tier IV subsidy level. Employees and spouses on the plan who participated in the wellness program could earn their way to Tiers I, II and III through the same methods mentioned above.

For the FY 2014 wellness program year effective October 1, 2013, 51 employees qualified for Tier I from their health screening scores taken in August 2012, and 29 employees did not complete the screening and were automatically placed in Tier IV. Out of the remaining 80 employees, 43 achieved Tier III by minimum participation and 10 worked their way to Tier II and 27 to Tier I by participating in various wellness activities held through June 30, 2013. The attached chart illustrates the results of the participants at each tier and compares them to the results of the participants from the FY 2012 and FY 2013 wellness program year (Attachment D).

For the FY 2015 wellness program year effective October 1, 2014, 79 employees qualified for Tier I from their health screening scores taken in August 2013, and 25 employees did not complete the screening and will automatically be Tier IV. The remaining 65 employees were eligible to work their way through the tiers by participating in various wellness activities through June 30, 2014. Currently, the final tier levels are being calculated and will be available in mid-July 2014.

The chart below illustrates the change to FY 2014 subsidy levels at each tier based on the 4.5% increase in FY 2014 premium rates covered by the City effective October 1, 2013:

Subsidy Level	Tier IV	Tier III	Tier II	Tier I
Employee	80.00%	86.60%	93.30%	100.00%
Dependent	55.00%	62.68%	69.37%	76.07%

Effective January 1, 2014, the introduction of the PPACA fees resulted in a 3.5% increase which was covered by employees as a flat amount based on coverage and resulted in an additional monthly cost to employees illustrated in the chart below:

Coverage	Monthly Additional Cost to Employee
Employee Only	\$15.27
Employee + Spouse	\$34.18
Employee + Child(ren)	\$27.47
Employee + Family	\$46.25

Since the fees are incorporated into the premiums and are not stand-alone charges, and for continuity in the subsidy percentages for mid-year premium rate changes, the Committee recommends utilizing the original subsidy tier cost-sharing percentages approved at the on-set of the wellness program for premiums effective in FY 2015 as illustrated in the chart below:

Subsidy Level	Tier IV	Tier III	Tier II	Tier I
Employee	80%	86%	93%	100%
Dependent	55%	61%	68%	75%

Beginning in FY 2015, changes to the wellness program design, which will affect subsidy percentages in FY 2016 include: decrease tiers from four to three; widen the subsidy spread between tiers; eliminate point-earning and rely on biometrics (outcomes-based). To continue employee and spouse encouragement and participation in the wellness program, which in large part is attributable to the City's favorable loss ratio over the last few years, program tiers are proposed to change from four tiers to three tiers which is considered more manageable and straight-forward to wellness program participants, and the percent spread between tiers are proposed to increase, with a greater cost-shift to employees for Tiers II and III. Under the PPACA regulations, wellness program subsidy levels may have a 30% maximum premium difference from lowest tier to highest tier, an increase from the original maximum premium spread of 20%. The chart below illustrates the recommended FY 2016 subsidy levels effective October 1, 2015 through September 30, 2016:

Subsidy Level	Tier III	Tier II	Tier I
Employee	70%	90%	100%
Dependent	45%	65%	75%

Determining the subsidy levels a year in advance allows wellness program participants to understand the expectations of the program and their cost-sharing responsibility, and to prepare their health and participation in the program accordingly.

Dental Insurance

The City's dental provider, also BCBS, submitted a renewal rate pass, or 0.00% change in premium rates as part of a rate guarantee through FY 2015, if coupled with the renewal of BCBS's medical insurance, effective October 1, 2014, and an estimated 2.0% increase in premium rates (an overall annual increase of approximately \$1,763) effective January 1, 2015 due to expected fees required under the PPACA.

Holmes Murphy sought competitive bid proposals from the top dental carriers in the state. Proposals were received from BCBS, Delta, Aetna, United Healthcare, and TML (Attachment E). There were no differences in plan design with Delta and Aetna, and negligible differences in orthodontia coinsurance and lifetime maximum with United Healthcare. Delta and United Healthcare submitted premium rate increases of 5.83% (an increase of approximately \$6,858 annually and inclusive of PPACA fees) and 3.15% (an increase of approximately \$3,698 annually and inclusive of PPACA fees) respectively. Aetna submitted a premium rate decrease of 5.25% (a savings of approximately \$6,172 annually and inclusive of PPACA fees), which was determined to be an outlier compared to all other bids received. TML only offered the dental plan if coupled with their medical plan.

The Committee recommends remaining with BCBS for dental insurance coverage. Total annual premiums would be increased from approximately \$117,542 to \$119,305 (based on an average of 159 plan participants), an annual premium increase of approximately \$1,763. The City currently covers 91% of premiums for the employee's coverage and the employee is responsible for 100% of dependent coverage. The City's portion of the annual premium rate increase would be approximately \$1,128.

Vision Insurance

The City's vision provider, Block Vision, is currently being acquired by Superior Vision. The provider submitted a 3% increase in premium rates effective October 1, 2014 due to expected fees required under the PPACA and a two-year rate guarantee. For example, employee only coverage will increase from \$4.60 per month to \$4.74 per month, a difference of \$0.14 per month, or \$1.68 annually.

Holmes Murphy sought competitive bid proposals from the top vision carriers. Proposals were received from Block Vision, Aetna, Avesis, United Healthcare and TML. (Attachment F).

All of the carriers offered premium rate increases except for Avesis who offered a rate decrease. Avesis' plan design contains slight differences compared to the current plan design. The Committee recommends remaining with Block Vision for vision insurance coverage. The vision insurance is a voluntary benefit paid by the employee, so there is no cost to the City.

Life/Accidental Death and Dismemberment (AD&D) and Long-Term Disability (LTD)

The City's life/AD&D and LTD provider, Dearborn, submitted a renewal rate pass, or 0.00% change in premium rates and a two-year rate guarantee through FY 2016. Dearborn requires the LTD coverage to be contingent upon the life/AD&D coverage.

Holmes Murphy sought competitive bid proposals from other carriers. A proposal was received from TML for life/AD&D coverage but not LTD coverage, at a 107.48% premium rate increase (Attachments G and H). The Committee recommends remaining with Dearborn for life/AD&D and LTD insurance coverage.

Third Party Administration of Health Reimbursement Arrangement and Flexible Spending Account

The health reimbursement arrangement (HRA) is a deductible sharing account between the City and employees, where employees pay the first portion and the City reimburses the remainder. Should the employee need to meet the individual deductible of \$2,000 (for example, through hospitalization), the employee would pay the first \$750 and be reimbursed by the City for the remaining \$1,250. Employees with family coverage would pay the first \$1,500 of the \$4,000 deductible, and be reimbursed by the City for the remaining \$2,500. The City is responsible for the full cost of its portion of the shared deductible, should employees incur eligible deductible expenses. For FY 2014, the City's budgeted expense for the HRA includes third party HRA plan administration

costs of \$8,665, and funding the HRA at 35%, or \$108,063.

Additionally, the insurance plan allows the use of a flexible spending account (FSA) which allows employees to set aside pre-tax dollars to pay for qualified health care and dependent care expenses. This reduces the amount of federal taxes paid by the employee and the City and increases an employee's take-home pay.

The City's third party administrator of the HRA and FSA, Total Administrative Services Corporation (TASC), submitted a renewal rate pass, or 0.00% change in rates for FY 2015 and an annual \$150 HRA renewal fee beginning in FY 2016. The HRA administration will be subject to the PCORI fees in FY 2015. Staff is estimating a \$3 per member fee for budgeting purposes (based on 161 participants) at an annual cost of \$483.

Holmes Murphy sought competitive bid proposals from top third party benefit administrators. Proposals were received from TASC, Discovery, Aetna and BCBS (Attachment I). BCBS declined to quote on the HRA portion of the bid and therefore was not a viable competitor for this line of administration. The differences in the services offered by Discovery and Aetna were negligible and TASC's fees are competitive. The Committee recommends remaining with TASC for third party administration of the HRA and FSA accounts.

Summary

Following extensive review and negotiations with responding carriers, staff concurs with the Employee Benefits/Wellness Committee recommendations for FY 2015 employee insurance coverage as follows:

- maintain the medical insurance with Blue Cross and Blue Shield (BCBS);
- maintain the dental insurance with Blue Cross and Blue Shield (BCBS);
- maintain the vision plan with Block Vision;
- maintain the life/AD&D and LTD insurance with Dearborn; and
- maintain the third party administration of the health reimbursement arrangement (HRA) and flexible spending account (FSA) with Total Administrative Services Corporation (TASC), as summarized below.

Medical	3.0% rate decrease effective October 1, 2014 PPACA fees estimated to be a 0.25% rate increase effective January 1, 2015
Dental	0.0% rate change effective October 1, 2014 PPACA fees estimated to be a 2.0% rate increase effective January 1, 2015
Vision	PPACA fees estimated to be a 3.0% rate increase effective October 1, 2014 with a two-year rate guarantee through FY 2016

Life/AD&D and LTD	0.0% rate change effective October 1, 2014 with two-year rate guarantee through FY 2016
HRA/FSA Administration	0.0% rate change effective October 1, 2014 PCORI fees for HRA administration estimated to be \$3 per member

Overall, the City's medical and dental plans appear to be sufficient and competitive when compared to surrounding cities (Attachment J).

Implementation would begin with open enrollment meetings in August 2014 and a coverage effective date of October 1, 2014. Based on Council direction, staff will bring this item forward for the City Council's final approval on the July 15, 2014 consent agenda.

Attachments

1. Health Insurance Bid Results and Recommendations Presentation
2. Attachment A - FY 2015 Insurance Bid List
3. Attachment B - FY 2015 Benefits Wellness Committee Members
4. Attachment C - FY 2015 Medical Insurance Proposals
5. Attachment D - FY 2012 - FY 2014 Employee Tier Level Comparison
6. Attachment E - FY 2015 Dental Insurance Proposals
7. Attachment F - FY 2015 Vision Insurance Proposals
8. Attachment G - FY 2015 Life-Accidental Death and Dismemberment Insurance Proposals
9. Attachment H - FY 2015 Long Term Disability Insurance Proposals
10. Attachment I - Health Reimbursement Arrangement and Flexible Spending Account Administration Proposals
11. Attachment J - 2014 Medical and Dental Benefits Survey

Health Insurance Bid Results and Recommendations

**Pre Council Meeting
July 1, 2014**

Overview



Type of Insurance Coverage	Insurance Carrier
Medical	Blue Cross Blue Shield
Dental	Blue Cross Blue Shield
Vision	Block
Life/Accidental Death and Dismemberment; Long Term Disability	Dearborn
Health Reimbursement Arrangement (HRA) and Flexible Spending Account (FSA) Administration	Total Administrative Services Corporation (TASC)

Medical Insurance



- 3.0% decrease to premiums effective October 1, 2014
 - Savings of approximately \$48,883
- 0.25% increase to premiums effective January 1, 2015 (PPACA fees)
 - Increase of approximately \$2,961
- Overall net savings of approximately \$45,922 (\$29,389 City portion)
- *Recommendation:* Maintain current carrier – Blue Cross Blue Shield

Tier Subsidy Recommendations



	FY 2015			FY 2016	
Subsidy Level	Employee	Dependent		Employee	Dependent
Tier I	100%	75%		100%	75%
Tier II	93%	68%		90%	65%
Tier III	86%	61%		70%	45%
Tier IV	80%	55%		N/A	N/A

Other Insurance



Dental Insurance

- 0.00% change to premiums effective October 1, 2014
- 2.00% increase to premiums effective January 1, 2015 (PPACA fees)
 - Increase of approximately \$1,763 (\$1,128 city portion)
- *Recommendation:* Maintain current carrier – Blue Cross Blue Shield

Vision Insurance (employee-paid)

- 3.00% increase to premiums effective October 1, 2015 (PPACA fees)
- Two-year rate guarantee through FY 2016
- *Recommendation:* Maintain current carrier – Block Vision

Other Insurance and Administration



Life / Accidental Death and Dismemberment and Long-Term Disability

- 0.00% change to premiums
- Two-year rate guarantee through FY 2016
- *Recommendation:* Maintain current carrier – Dearborn

Health Reimbursement Account (HRA) / Flexible Spending Account (FSA) Administration

- 0.00% change in premiums
- Estimated \$3 per member per year (PCORI fees)
 - Increase of approximately \$483
- *Recommendation:* Maintain current carrier – TASC

Summary of Recommendations



Type of Insurance Coverage	Insurance Carrier	Approximate Overall FY 2015 Financial Impact to City
Medical	Blue Cross Blue Shield	Savings of \$29,389
Dental	Blue Cross Blue Shield	Increase of \$1,128
Vision	Block Vision	No impact (fully paid by employees)
Life/Accidental Death and Dismemberment; Long Term Disability	Dearborn	No impact (no change in rates)
Health Reimbursement Arrangement (HRA) and Flexible Spending Account (FSA) Administration	Total Administrative Services Corporation	Increase of \$483

Questions

FY 2015 Colleyville RFP Bid List

Carrier	Coverage(s) Bid
Medical	
BCBStx	yes
Cigna	bid not received
Aetna	yes
UHC	declined to quote
TML	yes
Dental	
BCBStx	yes
Cigna	bid not received
Aetna	yes
UHC	yes
TML	yes
Guardian	missed deadline
Delta Dental	yes
Mutual	missed deadline
FSA / HRA	
Discovery	yes
TASC	yes
Empower	bid not received
Taxsavers	bid not received
TML	yes
Aetna	yes
Vision	
Eye Med	declined to quote
VSP (via Prime Vendors)	declined to quote
TML	yes
Block/Superior	yes
Guardian	missed deadline
UHC	yes
Avesis	yes
Aetna	yes
Life /LTD	
Dearborn (BCBS)	yes
Aetna	declined to quote
TML	yes
Mutual	missed deadline
Unum	declined to quote
Guardian	missed deadline

Attachment B

Benefits / Wellness Committee Members

Mike Almy, Parks Crew Leader

Mark Cantrell, Fire Battalion Chief

Lisa Escobedo, Recreation and City Events Manager

Theresa Fox, Utility Billing Supervisor

Marilyn Gilbert, Colleyville Center Office Assistant

Erica Gill, Adult Services Librarian

Adrienne Lothery, Strategic Services Manager

Gary Moore, Police Officer

Eddie Moran, Fire Captain

Jesse Perez, Human Resources Analyst

Dixie Smith, Public Works Administrative Support Specialist

Chuck Tinsman, Police Sergeant

Ken Tywater, Field Operations Manager

Taci Wrisley, Planning and Zoning Assistant

Attachment C: Medical - City of Colleyville Renewal/Proposals (effective 10/01/2014)

Overall Payment Provisions

Calendar Year Deductible
Individual
Family
Coinsurance (In/Out)
Out of Pocket Maximum (Ind/Family)*

*OOP Max includes the deductible

Lifetime Maximum

BCBS Current	
In Network	Out of Network
\$2,000	\$4,000
\$4,000	\$8,000
90%	70%
\$1,000/\$2,000	\$4,000/\$8,000

BCBS Renewal	
In Network	Out of Network
\$2,000	\$4,000
\$4,000	\$8,000
90%	70%
\$1,000/\$2,000	\$4,000/\$8,000

Aetna	
In Network	Out of Network
\$2,000	\$4,000
\$4,000	\$8,000
90%	70%
\$3,000/\$6,000*	\$8,000/\$16,000*

TML	
In Network	Out of Network
\$2,000	\$2,250
\$4,000	\$4,500
90%	60%
\$1,000/\$2,000	no max/no max

na	
----	--

na	
----	--

na	
----	--

na	
----	--

Copayments

Physician Office Visits
Specialist Office Visits
Urgent Care
Emergency Room - Facility
Emergency Room - Physician
Hospital Out-Patient/Exam Room

\$25	70% after deductible
\$30	70% after deductible
\$75	70% after deductible
90% after \$200	90% after \$200
90% after ded	70% after ded
\$200	\$200

\$25	70% after deductible
\$30	70% after deductible
\$75	70% after deductible
90% after \$200	90% after \$200
90% after ded	70% after ded
\$200	\$200

\$25	70% after deductible
\$30	70% after deductible
\$75	70% after deductible
90% after \$200	90% after \$200
na	na
90% after ded	90% after ded

\$25	60% after deductible
90% after ded	60% after deductible
90% after ded	60% after deductible
90% after \$100	90% after \$100
90% after ded	90% after ded
90% after ded	70% after ded

Inpatient Hospital Expenses

Inpatient Hospital Expenses
Pre-Admission Deductible

\$200	\$200
None	None

90% after ded	70% after ded
None	None

90% after ded	70% after ded
None	None

90% after ded	60% after ded
None	None

Prescription Drug Program

Retail Prescriptions
Deductible

\$100 individual/\$300 family	
\$20 Copay	70% of Allowable less copay
\$40 Copay	70% of Allowable less copay
\$70 Copay	70% of Allowable less copay

\$100 individual/\$300 family	
\$20 Copay	70% of Allowable less copay
\$40 Copay	70% of Allowable less copay
\$70 Copay	70% of Allowable less copay

\$100 individual/\$300 family	
\$20 Copay	\$20 Copay
\$40 Copay	\$40 Copay
\$70 Copay	\$70 Copay

\$0 Combined Retail and Mail	
\$10 Copay	\$10 Copay
\$38 Copay	\$38 Copay
\$60 Copay	\$60 Copay

Mail Order Prescriptions
Generic
Preferred Brand Name
Non Preferred Brand Name

\$20 per 30 day up to 90 day
\$40 per 30 day up to 90 day
\$70 per 30 day up to 90 day

\$20 per 30 day up to 90 day
\$40 per 30 day up to 90 day
\$70 per 30 day up to 90 day

\$40 for up to 90 day supply
\$80 for up to 90 day supply
\$140 for up to 90 day supply

\$25 for up to 90 day supply
\$95 for up to 90 day supply
\$150 for up to 90 day supply

Rates

Employee Only: 68
Employee & Spouse: 20
Employee & Child(ren): 26
Family: 50
Monthly Premium
Annual Premium
Rate Guarantee

\$436.34
\$976.60
\$785.02
\$1,321.43
\$135,685.14
\$1,628,221.68
1 Year

\$423.24
\$947.28
\$761.45
\$1,281.76
\$131,611.62
\$1,579,339.44
1 Year

\$405.80
\$908.24
\$730.07
\$1,228.93
\$126,187.52
\$1,514,250.24
1 Year

\$488.36
\$1,125.06
\$898.20
\$1,537.56
\$155,940.88
\$1,871,290.56
1 Year

% Over Current

-3.00%

Annual Difference Over Renewal

-7.00%

Annual Difference Over Current

-\$48,882.24

-\$65,089.20
-\$113,971.44

14.93%

\$291,951.12
\$243,068.88

HRA Reserves

Employee Only: 68
Employee & Spouse: 20
Employee & Child(ren): 26
Family: 50
Total:

HRA	Reserves
\$1,250	\$438
\$2,500	\$875
\$2,500	\$875
\$2,500	\$875
\$113,750	

HRA	Reserves
\$1,250	\$438
\$2,500	\$875
\$2,500	\$875
\$2,500	\$875
\$113,750	

HRA	Reserves
\$1,250	\$438
\$2,500	\$875
\$2,500	\$875
\$2,500	\$875
\$113,750	

HRA	Reserves
\$1,250	\$438
\$2,500	\$875
\$2,500	\$875
\$2,500	\$875
\$113,750	

ER Contribution Levels: EE 100%, Dep 75%

EE 100%
Dep 75%

Increase to Employer

-\$31,316.88

Increase to Employee

-\$17,565.36

-\$73,018.26

-\$40,953.18

\$161,077.50

\$81,991.38

ACA Health Insurance and Reinsure Fee Impact Effective 01/01/2015

Resulting increase to renewal

Revised Annual Premium

Revised Annual Difference over Current

Estimated 0.25% increase
\$2,961.26
\$1,582,300.70
-\$45,920.98

Included in Rate
\$0.00
NA
NA

Included in Rate
\$0.00
NA
NA

Revised Decrease to Employer

-\$29,389.43

Revised Decrease to Employee

-\$16,531.55

NA

NA

NA

NA

**Employee Tier Level Comparison
FY 2012 through FY 2014**

Tier Level	# of Employees		
	FY 2012	FY 2013	FY 2014
Employee Only - Tier 1	38	39	31
Employee Only - Tier 2	3	3	2
Employee Only - Tier 3	22	25	13
Employee Only - Tier 4	N/A	N/A	13
Employee - Tier 1/Spouse - Tier 1	6	6	8
Employee - Tier 1/Spouse - Tier 2	0	0	0
Employee - Tier 1/Spouse - Tier 3	1	1	0
Employee - Tier 1/Spouse - Tier 4	N/A	N/A	0
Employee - Tier 2/Spouse - Tier 1	1	1	2
Employee - Tier 2/Spouse - Tier 2	0	0	0
Employee - Tier 2/Spouse - Tier 3	2	2	0
Employee - Tier 2/Spouse - Tier 4	N/A	N/A	0
Employee - Tier 3/Spouse - Tier 1	2	0	0
Employee - Tier 3/Spouse - Tier 2	0	0	0
Employee - Tier 3/Spouse - Tier 3	3	4	4
Employee - Tier 3/Spouse - Tier 4	N/A	N/A	0
Employee - Tier 4/Spouse - Tier 1	N/A	N/A	0
Employee - Tier 4/Spouse - Tier 2	N/A	N/A	0
Employee - Tier 4/Spouse - Tier 3	N/A	N/A	0
Employee - Tier 4/Spouse - Tier 4	N/A	N/A	0
Employee - Tier 1/Child - Tier 1	14	12	12
Employee - Tier 2/Child - Tier 2	5	3	2
Employee - Tier 3/Child - Tier 3	10	9	6
Employee - Tier 4/Child - Tier 4	N/A	N/A	2
Employee - Tier 1/Family - Tier 1	28	26	23
Employee - Tier 1/Family - Tier 2	1	0	2
Employee - Tier 1/Family - Tier 3	4	3	1
Employee - Tier 1/Family - Tier 4	N/A	N/A	0
Employee - Tier 2/Family - Tier 1	9	7	4
Employee - Tier 2/Family - Tier 2	2	2	0
Employee - Tier 2/Family - Tier 3	2	3	2
Employee - Tier 2/Family - Tier 4	N/A	N/A	0
Employee - Tier 3/Family - Tier 1	2	0	4
Employee - Tier 3/Family - Tier 2	2	0	0
Employee - Tier 3/Family - Tier 3	4	9	3
Employee - Tier 3/Family - Tier 4	N/A	N/A	0
Employee - Tier 4/Family - Tier 1	N/A	N/A	0
Employee - Tier 4/Family - Tier 2	N/A	N/A	0
Employee - Tier 4/Family - Tier 3	N/A	N/A	0
Employee - Tier 4/Family - Tier 4	N/A	N/A	26
Total	161	155	160

Attachment E: Dental - City of Colleyville Renewal/Proposals (effective 10/01/2014)

Primary Benefits

Non Orthodontia Deductible

Individual

Period

Family Limit

Waived For

Coinsurance

Preventive

Basic

Major

Orthodontia

Claim Payment Basis

Annual Maximum

Special Feature

Orthodontia Lifetime Maximum

BCBS Current	
In Network	Out of Network
\$50 Type II & III	
Calendar Year	
3 Per Family	
Preventive	Preventive

100%	100%
80%	80%
50%	50%
50% for person/\$1,000 lifetime	

Fee Schedule	90% U&C
\$1,500	
No	
\$1,000 up to age 26	

BCBS Renewal	
In Network	Out of Network
\$50 Type II & III	
Calendar Year	
3 Per Family	
Preventive	Preventive

100%	100%
80%	80%
50%	50%
50% for person/\$1,000 lifetime	

Fee Schedule	90% U&C
\$1,500	
No	
\$1,000 up to age 26	

Delta	
In Network	Out of Network
\$50 Type II & III	
Calendar Year	
3 Per Family	
Preventive	Preventive

100%	100%
80%	80%
50%	50%
50% for person/\$1,000 lifetime	

Fee Schedule	90% U&C
\$1,500	
No	
\$1,000 up to age 26	

Aetna	
In Network	Out of Network
\$50 Type II & III	
Calendar Year	
3 Per Family	
Preventive	Preventive

100%	100%
80%	80%
50%	50%
50% for person/\$1,000 lifetime	

Fee Schedule	90% U&C
\$1,500	
No	
\$1,000 up to age 26	

UHC	
In Network	Out of Network
\$50 Type II & III	
Calendar Year	
3 Per Family	
Preventive	Preventive

100%	100%
80%	80%
50%	50%
100%/\$1500 lifetime	

\$1,500	
No	
\$1000 up to age 19	

TML	
In Network	Out of Network
\$50 Type II & III	
Calendar Year	
No family deductible	
Preventive	Preventive

100%	100%
80%	80%
50%	50%
100%/\$1500 lifetime	

\$2,000	
No	
\$3,000 up to age 19	

Rates

Employee Only: 67

Employee & Spouse: 27

Employee & Child(ren): 20

Family: 45

Monthly Premium

Annual Premium

Rate Guarantee

% Over Current

Annual Difference vs Current

Stand Alone or Contingent

\$31.60
\$64.73
\$62.49
\$104.01
\$9,795.16
\$117,541.92

\$31.60
\$64.73
\$62.49
\$104.01
\$9,795.16
\$117,541.92
1 Year

0.00%
\$0.00
Stand Alone

\$33.44
\$68.51
\$66.14
\$110.08
\$10,366.65
\$124,399.80
1 Year

5.83%
\$6,857.88
Stand Alone

\$29.94
\$61.33
\$59.21
\$98.55
\$9,280.84
\$111,370.08
1 Year

-5.25%
-\$6,171.84
Stand Alone

\$32.58
\$66.74
\$64.43
\$107.33
\$10,103.29
\$121,239.48
1 Year

3.15%
\$3,697.56
Stand Alone

\$32.26
\$66.22
\$69.62
\$99.04
\$9,798.56
\$117,582.72
1 Year

0.03%
\$40.80
Quote only valid with Medical

ACA Health Insurance and Reinsure Fee Impact Effective 01/01/2015

Resulting increase to renewal

Revised Annual Premium

Revised Annual Difference over Current

Estimated 2% increase
\$1,763.13
\$119,305.05
\$1,763.13

included in rate
\$0.00

included in rate
\$0.00

included in rate
\$0.00

included in rate
\$0.00

Revised Increase to Employer

Revised Increase to Employee

\$1,128.40
\$634.73

Attachment F: Vision - City of Colleyville Renewal/Proposals (effective 10/01/2014)

Primary Benefits

Copays	\$10
Exams	\$25
Materials	
Child Age Limit	25 (26 Full-Time Student)

Block Renewal	
	\$10
	\$25
	25 (26 Full-Time Student)

Aetna	
	\$10 (\$40 for contact lense exam)
	\$25
	Age 26

Avesis	
	\$10
	\$25
	Age 26

UHC	
	\$10
	\$10
	Age 26

TML	
	Up to \$85 maximum benefit
	na
	Age 26

Benefit Details

Eye Exams	In Network	Out of Network
Frequency	12 Months	
Benefit	\$10 Copay	Up to \$35 after copay

In Network	Out of Network
12 Months	
\$10 Copay	Up to \$35 after copay

In Network	Out of Network
12 Months	
\$10 Copay	Up to \$50 Reimburse

In Network	Out of Network
12 Months	
\$10 Copay	Up to \$50 Reimburse

In Network	Out of Network
12 Months	
\$10 Copay	\$46 max after Copay

In Network	Out of Network
12 Months	
Up to \$85 max benefit	Up to \$85 max benefit

Lenses	12 Months
Frequency	
Benefit	
Single Vision	Paid in Full after \$25 copay
Bifocal	\$25 max after Copay
Trifocal	Paid in Full after \$25 copay
Lenticular	\$40 max after Copay
	Paid in Full after \$25 copay
	\$45 max after Copay
	Paid in Full after \$25 copay
	\$80 max after Copay

12 Months	
Paid in Full after \$25 copay	\$25 max after Copay
Paid in Full after \$25 copay	\$40 max after Copay
Paid in Full after \$25 copay	\$45 max after Copay
Paid in Full after \$25 copay	\$80 max after Copay

12 Months	
Paid in full after \$25 Copay	\$10 reimburse
Paid in full after \$25 Copay	\$25 reimburse
Paid in full after \$25 Copay	\$55 reimburse
Paid in full after \$25 Copay	\$55 reimburse

12 Months	
Paid in full after \$25 Copay	\$40 allowance
Paid in full after \$25 Copay	\$60 allowance
Paid in full after \$25 Copay	\$80 allowance
Paid in full after \$25 Copay	\$80 allowance

12 Months	
Paid in full after \$10 Copay	\$40 allowance
Paid in full after \$10 Copay	\$60 allowance
Paid in full after \$10 Copay	\$80 allowance
Paid in full after \$10 Copay	\$80 allowance

12 Months	
	\$70 max benefit
	\$85 max benefit
	\$100 max benefit
	\$190 max benefit

Contact Lenses	12 Months
Frequency	
Benefit	
Medically Necessary	Paid in Full
	\$150 max after copay
	\$160 Max after copay
	\$80 max after copay

12 Months	
Paid in Full	\$150 max after copay
\$160 Max after copay	\$80 max after copay

12 Months	
Paid in full	\$200 max after copay
\$130 Allowance plus 15% off amount over allowance	
	\$90 reimburse

12 Months	
Paid in full	\$250 allowance
\$130 allowance	\$130 allowance

12 Months	
Paid in full	\$210 max
Up to 4 boxes	\$105 max

12 Months	
	\$175 max benefit
	\$175 max benefit

Elective	24 Months
Frames	
Frequency	
Benefit	Up to \$130 Retail Value
	Up to \$70 Retail Value

24 Months	
Up to \$130 Retail Value	Up to \$70 Retail Value

24 months	
\$130 Allowance plus 20% off amount over allowance	\$65 reimburse

24 months	
\$50 Wholesale allowance + 20% off retail	reimbursement up to \$45

24 Months	
Up to \$130	reimbursement up to \$45

12 months	
	\$85 max benefit

Rates

Employee Only	\$4.60
Employee & Spouse	\$8.35
Employee & Child(ren)	\$8.80
Employee & Family	\$13.40

\$4.74
\$8.60
\$9.06
\$13.80
2 Year

\$6.36
\$12.08
\$12.73
\$18.70
1 Year

\$4.37
\$8.05
\$8.50
\$13.10
1 Year

\$5.50
\$10.43
\$12.24
\$17.21
3 Year

\$9.00
\$27.00
\$27.00
\$27.00
1 year

Attachment G: Basic Term Life - City of Colleyville Renewal/Proposals (effective 10/01/2014)

Primary Benefits	Dearborn (BCBS)	Dearborn (BCBS) Renewal	TML
Life Benefit Amount			
Full Time Employees	\$15,000	\$15,000	\$15,000
AD&D			
Full Time Employees	\$15,000	\$15,000	\$15,000
Rates			
Basic Life, per \$1,000	\$0.120	\$0.120	\$0.270
AD&D, per \$1,000	\$0.027	\$0.027	\$0.035
Total Volume	\$2,479,500	\$2,479,500	\$2,479,500
Monthly Premium	\$364.49	\$364.49	\$756.25
Annual Premium	\$4,373.84	\$4,373.84	\$9,074.97
Rate Guarantee	1 Year	1 Year	1 Year
Eligible Lives	164	164	164
% Over Current		0.00%	107.48%
Annual Difference vs Renewal		\$0.00	\$4,701.13

Attachment H: Long Term Disability - City of Colleyville Renewal/Proposals (effective 10/01/2014)

Primary Benefits	Dearborn (BCBS)	Dearborn (BCBS) Renewal
Benefit Percentage	60%	60%
Benefit Maximum	\$5,000	\$5,000
Duration of Benefits	SSNRA	SSNRA
Elimination Period	90 Days	90 Days
Contract Definition	"And" Contract	"And" Contract
Definition of Disability	2 year Own Occupation, Any Occupation thereafter	2 year Own Occupation, Any Occupation thereafter
Return to Work	Zero day residual	Zero day residual
Integration Method	Direct Offset	Direct Offset
Pre-Existing Condition	3 Months Prior, 12 Months after exclusion	3 Months Prior, 12 Months after exclusion
Contributory Status	Non-contributory	Non-contributory
Minimum Participation	100%	100%
Rates		
Per \$100 of monthly covered payroll	\$0.305	\$0.305
Monthly covered payroll	\$725,267.00	\$725,267.00
Monthly Premium	\$2,212.06	\$2,212.06
Annual Premium	\$26,544.77	\$26,544.77
Rate Guarantee	2 Years	2 Years
Eligible Lives	164	164
Contingent on Life and AD&D		
% Over Current		0.00%
Annual Difference vs Renewal		\$0.00

Attachment I

FSA and HRA Administration - City of Colleyville Renewal/Proposals

Fees	EE Counts	TASC Current	TASC Bid Response	Discovery	Aetna	BCBS
Monthly Fees						
FSA	64	\$3.61	\$3.61	\$4.50	\$5.00	\$2.22
HRA	163	\$4.57	\$4.57	\$4.00	\$5.25	declined to quote
Combined Rate		na	na	\$7.50	na	na
FSA Monthly minimum		\$200.00	\$200.00	\$0.00	\$50.00	na
HRA Monthly Minimum		\$300.00	\$300.00	\$0.00	\$50.00	declined to quote
Additional Fees						
Initial Setup Fee						
HRA		\$500.00	na	na	\$750.00	declined to quote
FSA		\$300.00	na	na	\$150.00	\$125.00
Renewal						
HRA		na	\$150.00	na	\$425.00	declined to quote
FSA		\$300.00	\$300.00	na	\$150.00	\$125.00
Debit Card Fees		na	na	na	na	na
Estimated Monthly Costs						
Monthly FSA Fees		\$231.04	\$231.04	\$0.00	\$320.00	did not bid on both required elements of proposal
Monthly HRA Fees		\$744.91	\$744.91	\$432.00	\$855.75	
Monthly HRA/FSA Combo rate		\$0.00	\$0.00	\$480.00	\$0.00	
Total Monthly Fees		\$975.95	\$975.95	\$912.00	\$1,175.75	
Estimated Annual Costs						
Annual FSA/HRA fees		\$11,711.40	\$11,711.40	\$10,944.00	\$14,109.00	did not bid on both required elements of proposal
FSA SetUp/Renewal Fees		\$300.00	\$0.00	\$0.00	\$150.00	
HRA SetUP/Renewal Fees		\$0.00	\$300.00	\$0.00	\$750.00	
Debit Card Fees		\$0.00	\$0.00	\$0.00	na	
Total		\$12,011.40	\$12,011.40	\$10,944.00	\$15,009.00	

Attachment J: Medical and Dental Benefits Survey

MEDICAL			Colleyville		Average	Bedford	Euless		Grapevine			Hurst			Keller		NRH**		Southlake			
Provider																						
Name of Provider		BCBS				Cigna	Self-Funded (Aetna)		Self Funded (UHC)			GWH-Cigna			Aetna				UHC			
Type of Medical Plan																						
PPO, HMO, etc.		PPO				HDHP	Plan A - PPO	Plan B - PPO	Platinum	Gold	Silver	HAS	Consumer-Drive	PPO	HDHP	Buy-Up	HRA	Traditional	HDHP	EPO	PPO	
In-Network Benefits																						
Deductible - Individual		\$2,000			\$1,656	\$2,500	\$600	\$1,200	\$2,500	\$1,750	\$2,000	\$2,500	\$1,000	\$2,000	\$1,700	\$750	\$1,500	\$1,000	\$3,000	\$1,500	\$1,000	
Deductible - Family		\$4,000			\$3,486	\$5,000	\$1,800	\$3,600	\$5,000	\$3,500	\$4,000	\$5,000			\$3,400	\$1,500	\$3,000	\$2,000	\$6,000	\$3,000	\$2,000	
Max Out-of-Pocket - Individual		\$1,000			\$3,321	\$5,000	\$2,500	\$3,000	\$1,000	\$1,000	\$1,000	\$4,500	\$4,000	\$3,500	\$3,250	\$2,750			\$6,000	\$5,000	\$4,000	
Max Out-of-Pocket - Family		\$2,000			\$7,042	\$10,000	\$7,500	\$9,000	\$2,000	\$2,000	\$3,000	\$9,000			\$6,500	\$5,500			\$12,000	\$10,000	\$8,000	
Max Lifetime Benefit Amount		unlimited				Unlimited	Unlimited	Unlimited				Unlimited	Unlimited	Unlimited	Unlimited	Unlimited			Unlimited	Unlimited	Unlimited	
Physician Office Co-Pay		\$25 copay			\$25	0	\$25, > \$130 20%	\$40, > \$130 30%	80% after ded	80% after ded	25	20% after ded.	\$30 copay	\$30 copay	N/A	\$25 copay			20% after ded.	\$35	\$40	
Specialist Office Co-Pay		\$30 copay			\$25	0	\$25, > \$130 20%	\$40, > \$130 30%				20% after ded.	\$50 copay	\$50 copay	N/A	\$50 copay			20% after ded.	\$35	\$40	
HRA - Individual Coverage*		\$1,250			\$837				\$1,000	\$1,000	\$750				\$500				\$935			
HRA - Family Coverage*		\$2,500			\$1,487				\$2,000	\$2,000	\$1,500				\$1,000				\$935			
Prescriptions - Preferred List																						
Deductible - Individual		\$100				Part of HDHP deductible	n/a	n/a				20% after ded.			n/a	n/a						
Deductible - Family		\$300					n/a	n/a				20% after ded.			n/a	n/a						
Tier 1 - Generic		\$20			\$9	30% after deductible	\$8	\$8	\$4	\$4	\$4	20% after ded.	\$15	\$15	\$10 copay	\$10 copay			\$10	\$10	\$10	
Tier 2 - Formulary Brand Name		\$40			\$36	40% after deductible	\$35	\$35	20% with minimum of \$15	20% with minimum of \$15	20% with minimum of \$15	20% after ded.	\$40	\$40	\$35 copay	\$25 copay			\$35	\$35	\$35	
Tier 3 - Non-Formulary Brand Name		\$70			\$64	50% after deductible	\$50 or 50%, whichever greater	\$50 or 50%, whichever greater	30% with minimum of \$30	30% with minimum of \$30	30% with minimum of \$30	20% after ded.	\$70	\$70	\$60 copay	\$50 copay			\$60	\$60	\$60	
Premium Payment (%)	Tier 4 rate	Tier 1 rate																				
City Paid - Employee Premiums	80%				84%	0	70-75%	70-75%	100%	100%	96%				Salary banded premiums.		92%	77%	100%	100%	89.90%	
City Paid - Dependent Premiums	56.075%				62%	70%	70-75%	70-75%												63%	51%	65%
Monthly Premiums - City Paid (\$)																						
Employee Only	\$336.86	\$421.07	\$393	\$382.14	\$556.17	\$521.80	\$305.12	\$399.90	\$601.61	\$210.71	\$207.26	\$207.26					\$378	\$363	\$406.14	\$484.25	\$484.25	
Employee plus Children	\$525.53	\$677.04	\$688	\$641.46	\$963.07	\$897.76	\$485.70	\$612.84	\$937.33	\$210.71	\$207.26	\$207.26					\$1,078	\$1,067	\$721.14	\$799.25	\$799.25	
Employee plus Spouse	\$629.21	\$817.69	\$654	\$638.97	\$1,143.91	\$1,064.85	\$512.12	\$645.83	\$985.29	\$210.71	\$207.26	\$207.26					\$604	\$618	\$721.14	\$799.25	\$799.25	
Employee plus Family	\$815.80	\$1,070.85	\$924	\$965.29	\$1,415.18	\$1,315.49	\$733.31	\$919.75	\$1,396.98	\$210.71	\$207.26	\$207.26					\$1,455	\$1,455	\$831.14	\$909.25	\$909.25	
Monthly Premiums - Employee Paid (\$)																						
Employee Only	\$99.48	\$15.27	\$53	\$0.00	\$188.36	\$136.80	\$0.00	\$0.00	\$28.00	\$20/month+2.25%	\$20/month+.25%	\$20/month+2.25%					\$61	\$111	\$0.00	\$0.00	\$54.20	
Employee plus Child(ren)	\$259.48	\$107.97	\$177	\$89.88	\$360.08	\$262.12	\$33.00	\$67.00	\$133.00	\$20/month+3.75%	\$20/month+1.6%	\$20/month+3.75%					\$210	\$292	\$78.96	\$154.72	\$261.50	
Employee plus Spouse	\$347.40	\$158.91	\$243	\$140.58	\$436.42	\$317.82	\$37.00	\$74.00	\$148.00	\$20/month+3.00%	\$20/month+.5%	\$20/month+3.00%					\$242	\$408	\$184.55	\$280.63	\$401.49	
Employee plus Family	\$505.63	\$250.58	\$399	\$272.78	\$550.90	\$401.38	\$60.00	\$120.00	\$240.00	\$20/month+4.50%	\$20/month+1.1%	\$20/month+4.50%					\$276	\$441	\$496.94	\$674.25	\$851.48	
DENTAL																						
	Colleyville					Bedford	Euless		Grapevine			Hurst			Keller		NRH**		Southlake			
Provider																						
Name of Provider		BCBS				Cigna	Self-Funded (Aetna)					Cigna			Cigna		Aetna			UHC		
Type of Plan																						
		PPO				PPO and DMO	PPO					PPO			DHMO		PPO			DHMO	PPO	
Premium Payment (%)																						
City Paid - Employee Premiums		91%			100%	100%	70-75%	70-75%				100%			100%		100%			100%	100%	
City Paid - Dependent Premiums		0%			21%	59%	70-75%	70-75%				0			0		68%			0	0	
Monthly Premiums - City Paid (\$)																						
Employee Only		\$28.76			\$27	28.50	\$19.91	\$19.91	\$57.04			13.95			5	\$33.68	\$32		\$13.33	\$37.89		
Employee plus Children		\$28.76			\$36	EE+1 = \$37.10	\$37.83	\$37.83	\$60.03			13.95			25.67	\$63.65			\$13.33	\$37.89		
Employee plus Spouse		\$28.76			\$37	EE+2 = \$35.76	\$45.79	\$45.79	\$60.03			13.95			25.67	\$63.65			\$13.33	\$37.89		
Employee plus Family		\$28.76			\$46		\$57.76	\$57.76	\$74.12			13.95			25.67	\$63.65	\$82		\$13.33	\$37.89		
Monthly Premiums - Employee Paid (\$)																						
Employee Only		\$2.84			\$1	0	\$7.60	\$7.60	\$0			0			0	\$0.00	\$5		\$0.00	\$0.00		
Employee plus Children		\$33.73			\$24	EE+1 = \$10.00	\$14.44	\$14.44	\$15			12.56			42.86	\$29.96			\$9.32	\$46.42		
Employee plus Spouse		\$35.97			\$22	EE+2 = \$58.72	\$17.48	\$17.48	\$15			12.56			28.48	\$29.96			\$11.58	\$37.89		
Employee plus Family		\$75.25			\$37		\$22.02	\$22.02	\$20			25.81			71.34	\$29.96	\$20		\$19.18	\$90.49		

*In-network Medical deductible only
** Did not receive complete information

Colleyville's medical and dental plans are compared with the following surrounding cities: Bedford, Euless, Grapevine, Hurst, Keller, North Richland Hills, Southlake. As Colleyville is the only city that subsidizes medical premiums based on wellness program participation, the base rate (or tier 4) is used for this comparison. On average, Colleyville's competitiveness on employee paid premiums has decreased as a result of the tier 4 implementation in October 2013 but it should be noted that the tier 4 subsidy rate comprises 7% of the current employee population. Sixty-eight percent of the current employee population falls under the tier 1 rate for all levels of coverage and when comparing the tier 1 rate subsidy, Colleyville's competitiveness increases significantly as it relates to employee paid premiums. Colleyville's dental plan remains competitive at the employee only level with the surrounding cities, however Colleyville is one of two cities that do not contribute 100% towards the employee only premium.



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-4

Agenda Date 07/01/2014

Type Pre Council

Department City Secretary

Title

Discussion of the City Council Rules of Procedure

Explanation

Section 3.09 of the City Charter states City Council *"shall determine its own rules and order of business"*; therefore, this item provides an opportunity for City Council to review and discuss the Rules of Procedure and identify possible modifications.

Staff has reviewed the City Council Rules of Procedure, and does not recommend any changes at this time; however, based on City Council direction, an item will be placed on a future City Council regular agenda for consideration of any proposed changes.

Staff has included an excerpt of the City Charter, and the current City Council Rules of Procedure to this agenda briefing.

Attachments

1. City Charter Excerpt
2. Rules of Procedure

City Charter Excerpt

Section 3.09 Meetings and Rules of Procedure:

(A) Meetings of City Council. City Council meetings shall be held at the City Hall or such place within the City of Colleyville that the City Council shall direct. The City Council shall meet regularly at least twice (2) in every month at such times as a City Council may prescribe by rule. In the event of a lack of a quorum at a regularly scheduled meeting, the meeting shall be opened and the roll call taken, recorded and adjourned until the regular or called special meeting. Special meetings may be held on the call of the Mayor or four (4) members of the City Council at the place within the City of Colleyville designated in the public notice. All meetings shall be held and public notice thereof given as required by State law. (Amended May 7, 2005)

(B) Minutes and Rules. The City Council shall determine its own rules and order of business, and shall provide for keeping minutes of its proceedings and post copy on the City Bulletin Board until the next meeting. The minutes shall be a public record.

(C) Quorum and Voting. Four (4) voting members of the City Council shall constitute a quorum. Voting, except on procedural motions, shall be by roll call and the "ayes" and "nays" shall be recorded in the minutes. The Mayor and every City Council Person shall vote on all issues unless there is a declared and recorded statutory conflict of interest. If because of a statutory conflict of interest a member steps down and remains in the Chamber to return after the item is resolved, then a quorum will be considered in attendance even though only three (3) City Council Persons are left to vote. However, no action shall be approved with less than four (4) affirmative votes. If during the course of a meeting a quorum ceases to exist, the meeting shall be deemed adjourned and no further business shall be conducted. (Amended May 7, 2005)

**CITY OF COLLEYVILLE
CITY COUNCIL
RULES OF PROCEDURE**

SECTION I.

AUTHORITY

1.1 Section 3.09B of the Charter of the City of Colleyville provides that "the Council shall determine its own rules and order of business...". Further, Section 2.01 of the Charter provides that the City Council shall have the powers, functions, rights, privileges and immunities of every name and nature, that are now or hereafter, may be granted to a Home Rule City by the Constitution and State law, together with all implied powers necessary to carry into execution all such powers granted". In order to provide the framework for the execution of these powers and authority, the following set of rules shall be in effect upon their adoption by the City Council and until such times as they are amended or new rules adopted in the manner provided for by these rules.

SECTION II.

GENERAL RULES

2.1 Meetings to be Public. All meetings of the City Council shall be open to the public, with the exception of Executive Session.

2.2 City Council. For purposes of these rules, the collective membership of the Mayor and City Councilmembers shall be known as the City Council. Individually, each shall be referred to as Mayor, Mayor Pro Tem, or Councilmember.

2.3 Quorum. Four (4) voting members of the City Council shall constitute a quorum.

2.4 Minutes of Meetings. An account of all proceedings of the City Council shall be kept by the City Secretary and shall be entered in a book constituting the official record of the City Council. The Official City Council Minutes are action minutes and provide the action taken by the City Council and a summary of subjects discussed.

2.5 Questions to Contain One Subject. All questions submitted for a vote shall contain only one subject. If two or more points are involved, any Councilmember may require a division, if the question reasonably admits of a division. Division shall be required only on the affirmative vote of three (3) Councilmembers. If no division is so requested and approved, or the questions do not reasonably admit of a division, the question shall be submitted as originally framed.

2.6 City Manager. The City Manager shall attend all City Council meetings unless expressly excused. The City Manager may make recommendations to the City Council and take part in all discussions of the City Council, but shall have no vote.

2.7 City Attorney. The City Attorney shall attend all regular meetings of the City Council unless expressly excused and, shall upon request give an opinion, either written or oral, on questions of law during the meeting. The City Attorney shall act as the City Council's Parliamentarian. The City Attorney shall give an opinion, either written or oral, on questions of law to the City Manager or designated representative, during the course of daily affairs of the City. The City Attorney may make recommendations to the City Council and take part in all discussions of the City Council, but shall have no vote. The City Attorney shall confer and discuss with a Councilmember or the Mayor regarding a question of law pertaining to the affairs of the City. In such event, the City Attorney shall advise the City Manager of the question posed and information provided. The City Manager shall forward the information to the full City Council as soon as reasonably practical.

2.8 City Secretary. The City Secretary shall attend all meetings of the City Council unless expressly excused, and shall keep the official minutes and perform such other duties as may be requested by the City Council.

2.9 Employees. Any employee of the City, when requested by the City Manager, shall attend any meeting of the City Council and, if requested to do so by the City Manager, such employee may present information relating to matters before the City Council. The City Manager will determine the staff spokesperson for providing information, for a particular agenda item, at the City Council meeting.

2.10 Suspension of Rules. Any provisions of these rules not governed by State law, the City Charter, or City Code may be temporarily suspended by a majority vote of all Councilmembers present and eligible to vote.

2.11 Executive Session. All matters discussed in Executive Session, as authorized by the Texas Open Meetings Act, may be deemed confidential and by law, participants authorized to attend Executive Sessions are not required to make public disclosure concerning the matters discussed in Executive Session. It shall be the policy of the City Council, that the Mayor, individual Councilmembers, the City Manager, City Attorney, City Secretary and others who are authorized to attend Executive Sessions shall not make selective disclosure of confidential matters, where the disclosure of the information has not been released to the general public and/or where such disclosure provides an unfair advantage to the recipient or would be detrimental to the City and its citizens. For the opening and closing of an Executive Session, the Mayor shall do such at the location as noted

on the official agenda notice posted in compliance with the Texas Open Meetings Act. For purposes of regular agenda meeting postings, the opening and closing of an Executive Session shall be done in the Executive Conference Room of City Hall.

SECTION III.

TYPES OF MEETINGS

3.1 Regular Meetings. The City Council shall meet in the City Hall on the first and third Tuesday of each month at 5:30 p.m. unless otherwise officially established by the City Council. The City Council shall take a vote at 12:00 a.m. on whether or not to continue a meeting for additional time if further items are on the agenda and have not been considered. The call for and conduct of all meetings of the City Council, both regular and special as provided in Section 3.2 hereof, shall be in accordance with State law.

3.2 Special Meetings. Special meetings may be held on the call of the Mayor or four (4) members of the City Council at the place within the City of Colleyville designated in the public notice. In accordance with State law, the notice to the public of an emergency meeting must be posted at least two hours before the meeting is scheduled to begin. An emergency meeting exists only if immediate action is required of a governmental body because of an "imminent threat to public health and safety" or a "reasonably unforeseeable situation".

3.3 Recessed Meetings. Any meeting of the City Council may be recessed to a later time provided that no recess shall be for a longer period than until the next regularly scheduled City Council meeting.

3.4 Worksession Meetings. Worksession meetings may be called by the Mayor, any three (3) Councilmembers or the City Manager for the purpose of discussing in depth, investigating or exploring matters of interest to the City, without formal action being taken thereon by the City Council. The time, place, and purpose of such worksession meeting shall be stated in a notice complying with the Texas Open Meetings Act. Such worksession meetings may be held in any appropriate location outside the City Hall upon concurrence by any three (3) Councilmembers or as determined by the City Manager. Such worksession meetings may include, but shall not be limited to, meetings with neighboring governmental bodies or agencies, meetings with one of the City's appointed boards, commissions or committees, meeting with civic organizations or a meeting for Councilmembers to research, evaluate, explore, investigate or discuss any matter of interest or possible action affecting the City, subject to compliance with the provisions of the Texas Open Meetings Act.

The City Council may establish regular worksession meetings immediately prior to regular City Council meetings. In conjunction with the regularly scheduled City Council meeting, a Pre City Council worksession shall be held at 5:30 p.m. unless otherwise officially established by the City Council. The agenda for the Pre City Council meeting shall include, among other items: routine reports, information related to the regular agenda items and issues for which the City Manager seeks direction or clarification.

No official action shall be taken at any worksession meeting, unless a regular or special meeting is called as provided for in these Rules.

SECTION IV.

CONDUCT OF MEETINGS

4.1 Presiding Officer. The Mayor, if present, shall preside at all meetings of the City Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both Mayor and Mayor Pro Tem, the City Council shall elect a Councilmember to preside.

4.2 Call to Order. The meetings of the City Council shall be called to order by the Mayor, or in the Mayor's absence, by the Mayor Pro Tem. In the absence of both the Mayor and Mayor Pro Tem, the meeting shall be called to order by the City Secretary.

4.3 Preservation of Order. The Mayor shall preserve order and decorum, prevent clash of personalities or the impugning of Councilmembers' motives to occur and confine Councilmembers in debate to the question under discussion.

4.4 Points of Order. The Mayor shall determine all points of order, subject to the right of any Councilmember to appeal to the City Council. If any appeal is taken, the question shall be "Shall the decision of the Mayor be sustained?"

4.5 Questions to be Stated. The Mayor shall state all questions submitted for a vote and announce the result.

4.6 Substitution for Mayor. The Mayor may call the Mayor Pro Tem, or in the Mayor Pro Tem's absence, any other Councilmember to take the Mayor's place in the chair, such substitutions not to continue beyond adjournment.

4.7 Amendment to the Minutes. Amendments to the Minutes are made by a motion during the item to consider approval of the minutes. The Minutes are action minutes and provide the action taken by City Council and a summary of

subjects discussed. If a Councilmember desires that certain information be included in the minutes, the Councilmember shall state prior to the information, "For the record". If it is a lengthy statement, a written copy shall be provided to the City Secretary.

4.8 Written Correspondence. A citizen's request in the reading of a statement into the public record as part of a City Council agenda item is at the sole discretion of any member or all of the governing body. The City Council is not obligated to provide for a reading of correspondence into the public record on behalf of an absent individual as part of a City Council public hearing. The City Council, any or all Councilmembers, may elect to provide for a reading of the correspondence, make reference indicating the general position of the correspondence, or pass over the correspondence. The correspondence is provided to City Council and is included in the City Council agenda packet.

SECTION V.

AGENDA

5.1 Preparation of Agenda.

- A. The order of business of each meeting shall be as contained in the City Council agenda prepared by the City Manager. The agenda shall be a listing by topic of subjects to be considered by the City Council, and, in the case of regular meetings, shall be delivered to the City Council not less than 72 hours proceeding the Tuesday evening meeting to which it pertains.
- B. Any member of the City Council desiring to present a subject for City Council consideration shall advise in writing to the City Manager of the fact not later than 4:30 p.m. on Wednesday preceding regular City Council meetings. Subject matter will be accompanied by a summary regarding the purpose for the inclusion of this subject on the agenda.
- C. Items Omitted from Agenda. Any item not appearing on the agenda shall not be taken up for discussion as a matter of City Council business during a regular meeting unless it is of an emergency nature and comes to the City's attention too late to appear on the agenda. Such special, urgent or emergency issues shall be posted in compliance with the Texas Open Meetings Act and the City Charter and may be added as a supplemental item to the regular agenda.

The regular agenda items shall be considered in the following order:

1. Pre Council - 5:30 p.m. - Executive Conference Room
2. Executive Session - 5:30 p.m. - Executive Conference Room
3. Call to Order - 7:30 p.m. - Council Chambers
4. Invocation
5. Pledge of Allegiance
6. Resolution or Ordinance taking action on Executive Session items
7. Announcements, Proclamations and Presentations
8. Consent Items
9. Public Hearings
10. Citizen Comments/Presentations regarding items not on the agenda
11. Reports of Boards, Commissions, and Committees
12. Resolution approving City Council action not otherwise approved
13. Adjournment

D. The general order of a Public Hearing shall be:

- a. Staff presentation
 - b. Open Public Hearing
 - c. Applicant introductory presentation - five minutes
 - d. Citizen comments - five minutes each (Large groups supporting the same position may be asked to select a representative to speak for the group)
 - e. Applicant
 - f. Close Public Hearing
 - g. City Council discussion and vote
 - h. In the alternative, the item may be continued to a future meeting of the City Council.
1. If the City Council wishes to consider additional public testimony, the public hearing shall be reopened and the public hearing and item shall be continued to a date certain.
 2. If the Public Hearing is not reopened and continued to a date certain, the City Council may only conduct an additional public hearing upon publication of notice in accordance with Chapter 211 of the Local Government Code.

E. The City Manager shall provide the City Council with a written analysis of and recommendation of items to be acted on by the City Council at its meetings. These communications shall be generally referred to as agenda packets. The agenda packets for all regular meetings shall be delivered to the City Council by the Friday preceding the Tuesday regular meeting to which it pertains, unless an emergency condition makes it necessary to deliver the communication on a subsequent day.

- F. The City Secretary shall post notices of all City Council meetings in order to afford compliance with the Texas Open Meetings Act.

5.2 Consent Agenda. In preparing the agenda, the City Manager shall give consideration to the number and degree of complexity of items to be considered by the City Council for the purpose of conserving the City Council's time in meetings. Items which are anticipated to be routine and require little or no discussion by the City Council shall be listed under the agenda category styled "Consent Items". Prior to taking up the Consent Agenda, the Mayor shall determine if there are any items thereon which should be removed from the Consent Agenda for discussion. Any Councilmember may, upon request, remove any item from the Consent Agenda for discussion and separate action. Thereafter, all remaining Consent Agenda items may be acted upon by a single motion approving the Consent Agenda. Items removed from the Consent Agenda shall be considered on the ending Resolution, which is for action not otherwise approved.

5.3 Oral Presentations by City Manager. Matters requiring the City Council's attention or action which may have developed since the deadline for delivery of the agenda packets may, upon approval of the City Council, and after satisfying the requirements of the Texas Open Meetings Act, be presented orally by the City Manager, or designated staff.

5.4 Citizen Participation at Meetings.

- A. Presentations by citizens must be confined to the agenda item being considered and any questions will be directed to the Mayor. Citizens wishing to speak shall be allowed to speak, provided prior to the consideration of the item; said person completes and delivers to the City Secretary a Speaker's Card providing name, address and topic. A person who has not completed the Speaker's Card prior to discussion of the item on the agenda shall not be allowed to speak. Presentation by citizens shall be limited to a time period of not more than five (5) minutes with two (2) additional minutes to conclude, at the option of the Mayor or the consent of the City Council, for each speaker. Any time spent by the City Council will not be counted against the citizen's time allotment. No person shall speak more than the time limits provided herein on any subject. That privilege shall not be accorded unless there is an exception supported by a majority of those eligible to vote. The Mayor shall not be obligated to recognize a speaker for a second comment on a subject until all others have spoken and there is unused time available.
- B. Following a request by a Councilmember, the Mayor may request that the City Council suspend the rules to allow citizens to speak after the public hearing has been closed.

- C. To maintain decorum, the Mayor shall recognize persons who have completed Speaker's Cards indicating a desire to address the City Council.
- D. As a general rule, citizens may not participate in discussions of the City Council except when recognized by the Mayor and during citizen presentations, public hearings and as otherwise provided for in these Rules.
- E. Citizens may speak on items not on the agenda under the item "Citizen Comments/Presentations Regarding Items Not On The Agenda". The presentation time period is as listed herein Section 5.4 A.

SECTION VI.

DECORUM AND DEBATE

6.1 Decorum and Debate.

- A. These rules are intended to serve as a statement of intent as to how this City Council endeavors to conduct itself during City Council meetings. It is the intent of the City Council that all members shall act based on a consistent level of information, with the goal being to act fully informed on all matters. Accordingly, if and when a Councilmember obtains material relevant to a matter before the City Council which has not otherwise been disclosed to the City Council, such Councilmember shall promptly provide such material to the city manager for dissemination to the City Council. All such information will be disseminated and disclosed to the full City Council, prior to the case being presented.
- B. When a measure is presented for consideration to the City Council, the Mayor shall recognize the appropriate Councilmember to present the case, as needed. When two or more Councilmembers wish to speak, the presiding officer shall name the Councilmember who is to speak first. No member of the City Council shall interrupt another while speaking except to make a point of order or to make a point of personal privilege.
- C. The Mayor shall not be obligated to recognize any Councilmember for a second comment on the subject or amendment until every Councilmember wishing to speak has been allowed a first comment.
- D. Questions from speakers to the City Council with request for an immediate answer, except the applicants and persons representing applicants on platting or zoning cases, shall be prohibited. A Councilmember's questions

to speakers should be to specific individuals and the Mayor should explain to those individuals beforehand that they may come to the podium and answer if they choose to; but, they cannot offer additional unsolicited input or engage in question and answer sessions with Councilmembers.

- E. Any Councilmember desiring to speak shall be recognized by the Mayor, and shall confine remarks to the subject under discussion or to be discussed. No Councilmember shall be allowed to speak more than once on any one subject until every Councilmember wishing to speak shall have spoken.
- F. No Councilmember shall be permitted to indulge in personalities, use language personally offensive, impugn motives of Councilmembers, charge deliberate misrepresentation, or use language tending to hold a member of the City Council, the public or City staff up to contempt.
- G. The Mayor shall not permit unrecognized speaker's comments or allow a member of the audience to indulge in personalities, use language tending to hold the City Council, the public or City staff up to contempt.
- H. If a Councilmember is speaking or otherwise transgressing the rules of the City Council, the Mayor shall or any Councilmember may call him/her to order in which case he/she shall immediately be quiet unless permitted to explain. The City Council shall, if appealed to, decide the case without debate. If the decision is in favor of the Councilmember called to order, he/she shall be at liberty to proceed, but not otherwise, and if the case occurs, he/she shall be liable to censure or such punishment as the City Council deems proper, consistent with City Ordinances, Resolutions and Charter.
- I. Any individual of the public who shall disrupt the City Council proceedings or disregard the Mayor shall first be warned of such offense and be requested that they refrain from disrupting the proceedings and/or disregarding the instructions of the Mayor. Any individual of the public failing to honor the first warning of the Mayor for order, shall receive a second and final warning prior to expulsion and/or citation for disturbing a public meeting pursuant to State law. When the Mayor fails to maintain order and decorum, the Councilmembers may compel the Mayor to enforce this provision following due parliamentary procedure, which affirms such compulsion by a majority vote of the City Council.

SECTION VII.

PROCEDURES FOR CITY COUNCIL APPOINTMENTS

7.1 Procedures for City Council Appointments. The following procedures are for making appointments to boards, committees and commissions established by ordinance or resolution. Appointments to ad hoc committees and task forces established by resolution should not necessarily be bound by the same procedures, but may be done in a manner appropriate to the situation as deemed proper by the City Council. The City Council shall set the quorum for a committee. The City Council shall vote whether the committee selection will be handled by the rules of procedures or by slate.

- A. Announce the position(s) to be filled. In the announcement, define the duties of the position(s), define the term of the position and request that applications be formally submitted to the City Council by a specific deadline. This announcement should be made at least 30 days prior to the deadline for submission of applications and should be placed in the local newspaper, posted at City Hall, on the website and placed in the *City e-news* (if timely).

Upon review of the Applications for Appointment, City Council will determine if interviews shall be conducted. If Council desires, interviews will be conducted prior to a City Council meeting, which may be subject to the Texas Open Meetings Act or be conducted in Executive Session. If no applications are received or fewer applications than open positions are received, the City Council may fill positions from the floor or request the City Secretary to advertise the open position(s). In the event of a vacancy other than an expiring term, the City Council may fill the position by a majority vote of the City Council without advertising. The appointee shall serve the unexpired term.

- B. The candidates will be selected to fill the open positions no later than the second City Council meeting after the deadline for application submission, in the following manner:
 - a. If more than one position is to be filled, consider the appointment for each position individually in the order selected by the Mayor, as follows:
 - b. The Mayor shall open the floor for nominations and if there are no nominations, the Mayor will call on each Councilmember for a nomination.
 - c. Councilmembers or the Mayor may decline to make a nomination if previous nominations are acceptable.
 - d. After each Councilmember has had an opportunity to make a nomination or defer to make a nomination, the Mayor will take a

vote on the slate of nominees by asking each Councilmember to state the name of the nominee that the Councilmember votes to appoint to the position under consideration.

- e. Return to Step b and repeat the process for the next position to be filled until all positions are filled.

SECTION VIII.

MEMORIALS

8.1 Memorials. The following procedures are for honoring deceased current or former City elected officials, sitting board, commission or committee members and community volunteers.

- A. Recognition of the death of a current or former City elected official. When the City is notified of the death of a current or former elected official, flowers or a plant will be sent to the memorial service, or a donation to an organization specified by the family (in an amount not to exceed \$50.00), and a sympathy card will be sent to the family. A Memorial Proclamation, honoring the official, will be sent to the memorial service or to the family. The City Manager's Office will coordinate the donation of a book, in which the official's name is inscribed on a bookplate inside of the book, to the Colleyville Public Library, in an amount not to exceed \$50.00. A letter from the Library Director will notify the family of the book donation.
- B. At the family's request and with City Manager approval, members of the Colleyville Police and Fire Department Honor Guard may attend the funeral of a current or former City elected official as representatives of the City.
- C. Recognition of the death of a sitting board, commission or committee member. When the City is notified of the death of a sitting board, commission or committee member, the City Manager's Office will forward a sympathy card to the family.
- D. Recognition of the death of community volunteers. Due to the significant number of community volunteers assisting a multitude of organizations across the City of Colleyville, it will not be the practice of the City to recognize these individuals in a formal capacity. During a City Council meeting, elected officials may, at their discretion, verbally recognize the efforts of these individuals and their service to Colleyville during the agenda item for Announcements, Proclamations and Presentations.

8.2 Recognition by lowering of the United States Flag. The City is not at liberty to proclaim the Flag of the United States be flown at half-staff in recognition of a City official. Per the United States Code, only the President of the United States or the State Governor can order the flag lowered to half-staff.

8.3 Use of City equipment and personnel. At no time will City equipment be used to carry the casket or participate in the funeral procession of a deceased, current or former City elected official, board, commission, committee member or community volunteer. Exceptions to this rule may include City equipment earmarked for use by community groups, such as the Citizen Fire Academy Alumni Association Rehab Team and the Citizen Police Academy Alumni Association Citizens on Patrol, where equipment use for a group member's funeral may be authorized by the Department Director.



City of Colleyville City Council Agenda Briefing

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

Agenda Number PC-5

Agenda Date 07/01/2014

Type Pre Council

Department City Secretary

Title

Discussion of the July 1, 2014, 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 07/01/2014

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 - Keith Pardew v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Gregory Ahren v. City of Colleyville

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

RESOLUTION R-14-3762

**A RESOLUTION APPROVING CITY COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF JULY 1, 2014**

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 1ST DAY OF JULY 2014.

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 3

Agenda Date 07/01/2014

Type Announcements, Proclamations and Presentations

Department Parks and Recreation

Title

Presentation of a Utility Terrain Vehicle (UTV) from the Citizens Fire Academy Alumni Association (CFAAA) to the Colleyville Fire Department - CFAAA President Bo Bottger and Fire Chief Brian Riley

Proclamation in recognition of Parks and Recreation Month - Mary Rodne, Library and Recreation Director and James Hubbard, Parks Maintenance Manager

Attachments

1. Proclamation in recognition of Parks and Recreation Month

Proclamation

CITY OF

Colleyville, Texas

WHEREAS: parks and recreation programs are an integral part of all communities, including the City of Colleyville; and

WHEREAS, our parks and recreation programs are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community and parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve air quality, provide vegetative buffers, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

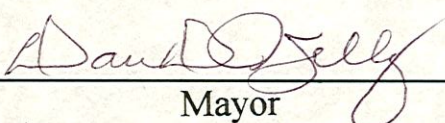
WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month.

NOW, THEREFORE, I, DAVID KELLY, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council, do hereby proclaim the entire month of July as

PARKS AND RECREATION MONTH

and encourage all citizens to celebrate by participating in one of the many leisure pursuits available in our City and recognize the vital contributions of employees and volunteers in parks and recreation facilities.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville affixed this 1st day of July 2014.



Mayor



RESOLUTION R-14-3763

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
JULY 1, 2014**

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 June 17, 2014
 - b. Approval of the minutes of the City Council worksession of June 24, 2014

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS
ON THIS THE 1ST DAY OF JULY 2014.

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, June 17, 2014

City Council Chambers

Mayor David Kelly called the Pre Council meeting of the Colleyville City Council to order on June 17, 2014, at 7:44 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Fire Chief Brian Riley, Economic Development Director Marty Wieder, 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, Finance Manager Karen Hines, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, Assistant City Attorney Matt Butler, and City Secretary Amy Shelley.

PC-1 Update and discussion of the Glade Road Project

Public Works Director Bob Lowry presented this item and briefed the City Council. Chad Gartner with TranSystems also presented this item and briefed the City Council.

For the purpose of a reference in the minutes, Section 1 includes River Bend Drive to Bransford Road; Section 2 includes Bransford Road to Thompson Terrace; Section 3 includes Thompson Terrace to Pool Road; and Section 4 includes Pool Road to Heritage Avenue.

Mayor Kelly questioned Mr. Gartner regarding if six inch barrier curb is standard. Mr. Gartner replied yes.

Councilmember Putnam questioned Mr. Gartner regarding the scale of the renderings. Mr. Gartner explained the scale of the exhibits, and stated moving ahead in the presentation, the scale will contrast better.

Councilmember Mogged questioned Mr. Gartner regarding the yellow line as depicted on the slide for Behrens Court. Mr. Gartner replied the yellow line helps to contrast the depression of the ditch area.

Mayor Pro Tem Taylor stated the rendering does not appear to be ten foot. Mr. Gartner replied this section is actually a six foot trail because of the brick wall.

Mayor Kelly questioned Mr. Gartner regarding which option has the least right-of-way impact. Mr. Gartner replied the barrier curb option has the least impact.

Mayor Kelly questioned Mr. Gartner regarding if an eight foot trail is available with the barrier curb option. Mr. Gartner replied yes.

Councilmember Putnam questioned Mr. Gartner regarding if the roadway, sidewalks, trails, and drainage will be discussed with the reclamation option. Mr. Gartner replied yes.

Councilmember Putnam questioned Mr. Gartner regarding if the tree impacts are primarily on the north side, in the Chelsea Park area. Mr. Gartner replied yes.

Mayor Kelly questioned Mr. Gartner regarding if the option as indicated on the slide for Location 2 – Chelsea Park Area, Barrier Curb, would fit within the current right-of-way. Mr. Gartner replied yes.

Councilmember Putnam questioned Mr. Gartner if no additional right-of-way would be required to implement the plan. Mr. Gartner replied he could not state absolutely no right-of-way may need to be acquired, especially for the corner clips of the streets; however, parallel to Glade Road it would eliminate the right-of-way through this section.

Mayor Kelly questioned Mr. Gartner regarding if the design phase would work out those details. Mr. Gartner replied correct, those finer details will be worked out then.

Mayor Kelly questioned Mr. Gartner regarding if there is existing right-of-way for the engineered swale on the north side, near Overhill Drive. Mr. Gartner replied yes, with minimal impact.

Councilmember Putnam questioned Mr. Gartner regarding if the median is flush or landscaped. Mr. Gartner replied it is a mountable, non-landscaped median, with stamped concrete.

Councilmember Mogged questioned Mr. Gartner regarding if these mountable medians will be similar to the ones located near the roundabouts. Mr. Gartner replied yes, with a rounded profile.

Councilmember Putnam questioned Mr. Gartner regarding the roadway width, near the Overhill Drive area. Mr. Gartner explained the width being 26 feet, plus an additional 16 feet, with the consideration of the medians and the turn lanes.

Councilmember Putnam questioned Mr. Gartner regarding if there would be a right-of-way issue if the trail were to be eliminated. Mr. Gartner replied it would reduce it; however, he stated he could not say there would not be a problem at all. He stated this area has enough right-of-way that he would recommend the trail on the north side.

Councilmember Short stated it appears the trail location is the same with the curb options, given that there is sufficient right-of-way in the Overhill Drive area. Mr. Gartner concurred.

Mayor Kelly stated the design features will work out the sidewalks and trees, and hopefully provide a winding trail.

Councilmember Putnam questioned Mr. Gartner regarding if the design is to accommodate a perceived drainage problem, or is it just to accommodate the trail system. Mr. Gartner stated it is not to accommodate the trail system, and stated he was not aware of a particular drainage problem. He stated an engineered storm drain system could reduce a potential for any flooding, especially since a system does not currently exist.

Mayor Kelly stated it is a safety issue too, in terms of cars going into the ditches.

Councilmember Putnam stated driving into a ditch is better than driving into someone on a sidewalk. He added he was not aware of a flooding problem. He stated having concerns of the cost of having engineered drainage, if there is not a drainage problem.

Councilmember Short stated the engineered drainage also protects the structural integrity of the roadway. Mr. Gartner concurred.

Mayor Kelly stated this is a non-local, arterial roadway, which connects many cities, and has never had any accommodations for drainage.

Councilmember Hart stated this project is not just for today, but for the future.

Mayor Kelly questioned Mr. Gartner regarding his recommendation for the curb type, given the right-of-way concerns. Mr. Gartner replied the barrier curb requires minimal right-of-way, since it allows for the sidewalks to be brought in, next to the curb, if needed. He added the second recommendation to that would be the sloped curb.

Mayor Kelly stated some sections already have the barrier curb in place. Mr. Gartner stated along the south side of Glade Road in the Mill Valley area.

Mayor Kelly questioned Mr. Gartner regarding if additional right-of-way may be required for the ribbon curb option. Mr. Gartner replied either additional right-of-way may need to be acquired, or additional trees may need to be removed.

Councilmember Short questioned Mr. Gartner regarding what is driving the need for the curb in the eastern section. Mr. Gartner replied the right-of-way and trees.

Mayor Kelly stated being in favor of the ribbon curb; however, not if it becomes an issue by looking choppy. He added it may become necessary to look at the sloped curb.

Councilmember Mogged questioned Mr. Gartner regarding if the trees that may be removed are six inches or smaller in diameter. Mr. Gartner replied yes.

Mayor Pro Tem Taylor stated there are a ton of partial trees along Glade Road. He questioned Mr. Gartner regarding if the major trees along the road have been identified, or are they just partial trees? Mr. Gartner replied they have identified trees that are six inches or larger in trunk diameter, but they have not given consideration to those smaller trees.

Councilmember Hart stated zero trees have been affected by the turn lanes, within Section 1.

Councilmember Putnam questioned Mr. Gartner regarding if trees will be removed because of the trail. Mr. Gartner replied there are no trees being removed.

Councilmember Wollin stated being concerned whether it is a prudent use of the money to install a left turn lane when it affects less than 50 homes. She then questioned Mr. Gartner regarding the cost for the left turn lane. Mr. Gartner replied it will depend on the location of the turn lane, or the preparation work; however, it may be \$50,000 - \$150,000.

Mayor Pro Tem Taylor questioned staff regarding if conversations have been had with the City of Hurst regarding sharing the cost of the turn lanes. City Manager Jennifer Fadden stated those conversations have not happened. Mayor Pro Tem Taylor stated he would like those conversations to take place, especially since it serves Hurst as well.

Mayor Kelly stated traffic is only going to increase in this area; therefore, having turn lanes helps with traffic congestion and increases mobility.

Councilmember Wollin stated being in favor of this, if Hurst shares in the cost of the turn lanes.

Mayor Pro Tem Taylor stated the benefit is that traffic is not stopped.

Councilmember Short questioned Mr. Gartner regarding if most of the sidewalk and trail is existing. Mr. Gartner replied yes, a fair amount is existing; however, some is being replaced when the turn lane is installed.

Councilmember Short questioned Mr. Gartner regarding if the sidewalk and trail can be saved. Mr. Gartner replied they will save the existing sidewalk and trail where they can.

Councilmember Mogged questioned Mr. Gartner regarding if there are any impacts to the wall along Mill Creek. Mr. Gartner replied none of the brick walls along the entire corridor are affected by the design. He stated adjustments have been made throughout.

Mayor Kelly questioned Mr. Gartner regarding the impact of mailboxes. Mr. Gartner replied if any are impacted, they will be replaced.

Councilmember Mogged questioned Mr. Gartner regarding if the turn lane is within the current right-of-way, in Section 1. Mr. Gartner replied there would still be right-of-way required. Mr. Gartner explained there are several parcels that have not been platted within this section; therefore, right-of-way will be required.

Mayor Kelly questioned Mr. Gartner regarding if the barrier curb would reduce the right-of-way needed. Mr. Gartner replied yes. He added they tried to have a balance with having to put the sidewalk against the curb.

Mayor Kelly stated there would be four feet plus needed with the sloped curb option; therefore, the barrier curb option could reduce the right-of-way. Mr. Gartner replied correct.

Councilmember Short stated in Section 1, there are several homes for redevelopment, and when that happens, the right-of-way would be dedicated, correct? City Manager Jennifer Fadden replied yes.

Mayor Pro Tem Taylor questioned Mr. Gartner regarding the continuous turn lane located at Bluebonnet Drive through Stafford Drive. Mr. Gartner replied the turn lane width is maintained because we are unable to narrow the lanes down to two lanes, given the distance between Bluebonnet Drive and Stafford Drive.

Councilmember Short questioned Mr. Gartner regarding if raised median, through this section, would make sense. Mr. Gartner replied a raised median could be done.

Councilmember Putnam questioned Mr. Gartner regarding the options to acquire the right-of-way, given that the residents at Glade Road and Stafford Drive are opposed to the reroute of their driveway. Mr. Gartner replied they have met with the property owners, and they stated they are in favor of this.

Councilmember Putnam stated he has a signed letter from that property owner which states they are not in favor of this option.

Mayor Kelly stated unless the hill is eliminated to allow for the visibility at Bluebonnet Drive and Glade Road, the stop sign will not be able to be eliminated; therefore, not helping the mobility issue.

Councilmember Putnam stated the only options are to force the property owner to sell or use eminent domain. Mayor Kelly stated there have been no resolutions to this yet.

Mayor Kelly stated the most critical thing he hears is about the mobility issue in this area; therefore, leaving this stop sign does not help this issue.

Councilmember Putnam stated he understands the impact to the property owner, and what the remedy might be.

Councilmember Short questioned Mr. Gartner regarding if there is an actual right-of-way take on this. Mr. Gartner replied that in the original plan, with a five foot sidewalk on the south, and a 10 foot trail on the north, there is a small right-of-way take.

Councilmember Short stated the rerouting of the driveway does not require the City to acquire right-of-way. Mayor Kelly stated the City will put the new driveway in for the property owner. Mr. Gartner stated the property owner stated having concerns for the screening between the traffic and his property. Mayor Kelly stated the City will work with him on that too.

Mayor Pro Tem Taylor stated he has not seen this letter from the property owner. City Manager Jennifer Fadden provided copies of this letter.

Councilmember Wollin questioned Mr. Gartner regarding the need for the left turn lane along East and West Jim Mitchell Trail, especially since this is a U-shaped road. Mr. Gartner replied the turn lane could not be reduced, given the distance between the two roads.

Mayor Kelly stated people are going to turn to the quickest route to their home, regardless of a turn lane.

Councilmember Wollin stated there may not be a need for an additional turn lane.

Mayor Pro Tem Taylor stated anything between the dashed, white lines, is the City right-of-way. Mr. Gartner replied yes.

Mayor Kelly questioned Mr. Gartner regarding the curb option for the five foot sidewalk on both the north and south sides. Mr. Gartner replied it could be done with either the sloped or the barrier curb options.

Councilmember Putnam stated being in favor of the eight foot sidewalk, on the south side only, as it is far less of an impact to the residents with right-of-way acquisition and the loss of trees.

Mayor Kelly stated having concerns with only one side of Glade Road having access.

Councilmember Short questioned Mr. Gartner regarding how people would get across the street to the trail. Mr. Gartner replied they would have to walk across the street.

Councilmember Short questioned Mr. Gartner regarding if there would be designated crossing. Mayor Kelly added people would be crossing in people's yards. Mr. Gartner replied there would have to be crossings at each street.

Councilmember Short questioned Mr. Gartner regarding if the cost of the crosswalks have been included in the design. Mr. Gartner replied yes, but not at every street.

Mayor Kelly stated this is an arterial, non-local street, with speeds at about 38 miles per hour. He added less impassable streets are constructed with pedestrian access on both sides. He stated the future needs must be considered when constructing this street.

Councilmember Putnam stated there are concerns for people crossing the street, but there is also a concern for constructing the trail so close to the street. He stated in this case, government is asking people to abandon personal property to construct the trail.

Mayor Kelly stated there is enough right-of-way, within the narrow portion, to put these elements in, with the barrier curb. Mr. Gartner stated there is right-of-way required with the trail. He added there are options in the Chelsea Park area.

Councilmember Putnam stated there are only 16 parcels affected with the eight foot sidewalk option on the south side only. Mr. Gartner replied yes.

Councilmember Short questioned Mr. Gartner regarding if the 16 parcels are the older parcels that have not been platted. Mr. Gartner replied he did not know. Mayor Kelly stated there may only be six inches or one foot of right-of-way needed. He added it also does not mean those property owners do not have a right to their property.

Mayor Pro Tem Taylor questioned Mr. Gartner regarding the difference between construction easements and the actual need for right-of-way. Mr. Gartner replied this design includes the worst possible scenario. He stated once the work begins, these may become construction easements, or the reduction in the right-of-way may be minimized.

Councilmember Putnam questioned City Council regarding the actual need for the trail, where is the demand for this? Mayor Kelly stated the Pathways Plan indicates the trail system and pedestrian access, which was developed by the citizens. He stated Glade Road is not a road in which bikers can safely travel; therefore, the trail is to accommodate those who wish to bike.

Councilmember Putnam stated he does not see citizens clamoring for this trail.

Councilmember Short stated the citizen's survey indicated the citizens do want trails.

Councilmember Putnam stated when the trails were prioritized with the other needs of the City, the trails ranked in the low 20 percent.

Mayor Kelly stated the road type and who it services needs to be considered. He stated the roadway needs to be designed to accommodate the traffic. He stated it is heavily used, and there needs to be connectivity from those residents on the west end to the east end of Glade Road. He stated currently there is not a way to connect both sides of the roadway.

Councilmember Mogged stated it is important to look at the cost, and according to the survey data, which is not related to the cost, the majority of the citizens did want trail access, if cost was not an issue.

Councilmember Putnam stated if the right-of-way is there, then the City has the right to accommodate the trail system; however, if not, he added the property owners do not wish to have the trail.

Mayor Kelly stated he agreed 100 percent, but the design will need to accommodate the road design within the current right-of-way, except for the needed curb cuts and such, with minimal impact.

Mayor Pro Tem Taylor stated there is more activity along the sidewalks, and in some instances, there are sidewalks to nowhere. He stated Glade Road will literally connect the trail system in order for persons to ride, walk, or jog to the economic development centers, which does not currently exist.

Mayor Pro Tem Taylor stated the City will not take property, and give it to a private user. He stated the only time the City has used eminent domain was when there was a need to improve, and the owner did not wish to dedicate the property. He stated the City then paid for those properties.

Councilmember Putnam questioned Mayor Pro Tem Taylor regarding if the City would use eminent domain for sidewalks and trails. Mayor Pro Tem Taylor stated it would be considered, depending on the size needed and the property owner.

Mayor Kelly then provided an explanation of eminent domain. Mayor Pro Tem Taylor stated the City has rarely ever had to use eminent domain.

Mayor Pro Tem Taylor stated if a construction easement is all that is needed, then we only want to utilize what is necessary.

Mayor Pro Tem Taylor questioned Mr. Gartner regarding why this is being presented this way, especially if no property is needed to be acquired. Mr. Gartner replied the estimates are conservative regarding the right-of-way.

Mayor Kelly stated the consultant needs to be directed on how to design the road, with the amenities, and under what conditions they should work. He added there are unknowns until the actual roadway is designed.

Mayor Kelly explained this Pre Council item would be continued after the regular meeting.

Mayor Kelly recessed the Pre Council meeting at 7:15 p.m.

For the purposes of the minutes, the discussion of this Pre Council item has been included in one section.

Mayor Kelly reconvened the Pre Council meeting at 8:52 p.m.

Councilmember Wollin questioned Mr. Gartner regarding if the roadway has been shifted to the south. Mr. Gartner replied it has been shifted to the north, to allow the extra width of the eight foot enhanced sidewalk.

Mayor Kelly stated there is resident concern that the City will "take" their property. Mr. Gartner replied there is existing right-of-way for this purpose, where it can be done. He added there are areas when right-of-way may need to be acquired.

Councilmember Mogged stated for the purposes of the design, there will not be the use of eminent domain; it will be worked around the existing right-of-way. Mr. Gartner concurred.

Councilmember Putnam questioned Mr. Gartner regarding if there is a scenario for the 10 foot trail, on the north side, without acquiring right-of-way. Mr. Gartner replied there are instances when additional right-of-way will be required.

Mayor Kelly questioned Mr. Gartner regarding if additional right-of-way will be required for an eight foot trail. Mr. Gartner replied yes.

Councilmember Hart questioned Mr. Gartner regarding if additional right-of-way is necessary to be taken with a five foot sidewalk. Mr. Gartner replied yes.

Councilmember Short questioned Mr. Gartner regarding if some right-of-way is required regardless of the design. Mr. Gartner replied yes.

Councilmember Putnam questioned staff regarding if the land is dedicated to alleviate them of the tax burden. Assistant City Attorney Matt Butler replied it is considered an easement.

Mayor Pro Tem Taylor questioned Mr. Gartner regarding if the existing sections of the trail will be left in place, or will they have to be torn out. Mr. Gartner replied there are some areas in which it will be torn out to accommodate the turn lanes; however, the trail will be left alone, as much as it can be.

Mayor Pro Tem Taylor questioned Mr. Gartner regarding the area neighborhoods' drainage; will this system then take that water to the necessary drainage outlets? Mr. Gartner replied yes.

Councilmember Putnam stated not knowing there is a drainage issue.

Councilmember Putnam questioned Mr. Gartner regarding if the 15 years is a conservative or moderate estimate on the reclamation. Mr. Gartner replied it is a

moderate estimate. He added with the reclamation, it is unknown what the materials are that are being torn out.

Councilmember Putnam questioned Mr. Gartner regarding the timeframe. Mr. Gartner stated he did not have a timeframe. City Manager Jennifer Fadden stated she thought it was eight to ten months per section with the reconstruction option.

Mayor Kelly questioned Mr. Gartner regarding if the same pavement width will be used with the reclamation option, with no turn lanes, or to adjust the road for right-of-way issues. Mr. Gartner replied yes.

Councilmember Short questioned Mr. Gartner regarding if an engineered section would define the curves for adequate site distance, and fix issues that are currently not correct. Mr. Gartner concurred and stated it limits geometric modifications, such as fixing the Bluebonnet Drive and Glade Road intersection.

Councilmember Putnam questioned Mr. Gartner regarding the Bluebonnet Drive intersection. Mr. Gartner replied with the reclamation option, the Bluebonnet Drive intersection could not be fixed, it would have to be an engineered section.

Councilmember Putnam stated the roadway could be sectioned out, so that Sections 1 and 2 could be an engineered design. Mr. Gartner concurred, and stated with Section 1, the Mill View area has the worst site distance areas that reclamation would not correct. He stated the reclamation is for the asphalt sections, not the concrete sections, such as the one at Mill View.

Councilmember Mogged questioned Mr. Gartner regarding the sidewalk options in Section 1 with the reclamation option. Mr. Gartner replied the right-of-way is not there for a wider sidewalk on the south side. He added right-of-way would be required for the north side as well.

Mayor Kelly questioned Mr. Gartner regarding if the roundabout at Bransford Road is included in the reclamation option. Mr. Gartner replied they have included the roundabout since they thought the roadway would be reconstructed from Bransford Road to Manning Drive.

City Manager Jennifer Fadden stated, for clarification, Sections 2 and 3A are not included in the \$5 million dollar cost, which does include the roundabouts at Bransford Road and Riverwalk Drive, and any modifications between Bransford Road and Manning Drive. Mr. Gartner concurred.

Councilmember Mogged questioned Mr. Gartner regarding what the \$11.8 million dollar savings includes. Mr. Gartner replied it includes the reduction in the right-

of-way costs, no storm drain, no left turn lanes, and some modification to the inflation values.

Mayor Pro Tem Taylor questioned Mr. Gartner regarding the inflation costs. Mr. Gartner replied they have factored five percent annually.

Councilmember Putnam questioned Mr. Gartner regarding the cost for the roundabouts at Bransford Road and Riverwalk Drive and the intersection improvements at Bluebonnet Drive, with the reclamation option. Mr. Gartner replied he did not have that information. City Manager Jennifer Fadden stated those options are included in the \$5 million noted previously.

Mayor Kelly questioned Councilmember Putnam regarding what is the concern with doing the road right. Councilmember Putnam stated there are other infrastructure problems that need to be addressed, and the residents do not support this.

Mayor Kelly stated the TIF funds will be used for this project, and those funds have a limited use in where they can be applied. Councilmember Putnam stated the TIF could be amended.

Councilmember Short questioned Mr. Gartner regarding the design life on the reclamation, 15 years? Mr. Gartner replied yes.

Mayor Kelly stated the consultant can be directed to design the roadway to include the amenities within the current right-of-way. Mr. Gartner stated there is a balance to minimize those right-of-way impacts.

Councilmember Mogged questioned Mr. Gartner regarding if there could be a hybrid design, maybe only including a few turn lanes. Mr. Gartner replied the turn lanes are not there based solely upon the homes it services, it is for the safety aspect and for mobility.

Councilmember Mogged stated the turn lanes will actually calm the traffic. Mr. Gartner stated they are trying to provide alternatives.

Councilmember Putnam questioned Mr. Gartner regarding the amount of the original \$20 million that is actually right-of-way acquisition. Mr. Gartner replied close to \$2 million.

Councilmember Putnam questioned Mr. Gartner regarding how close to that \$2 million is the result of the trail versus the road. Mr. Gartner replied the trail is close to \$1 million in right-of-way.

Mayor Kelly stated if the homeowner is not willing to sell the right-of-way, those homeowners may have to cross the street to get on the trail.

Councilmember Wollin stated it makes sense to have the sidewalk or trail if they fit within the right-of-way, especially the children going to school. She stated having a concern about the location of the trail on the north side of Glade Road between Chelsea and Camelot.

Mayor Kelly questioned Councilmember Wollin regarding what if the trail fits within the right-of-way along the north side. Councilmember Wollin stated she likes the way it looks right now, since harsh concrete will take away from the ambiance it currently has.

Mayor Kelly questioned Councilmember Wollin regarding if she would be good with the sidewalk along the south side, and then again on the north side, past this area. Councilmember Wollin stated being good with that. She stated she could not support a sidewalk or trail along the entire north side.

Mayor Kelly stated that will create a safety issue, especially with someone on a bike. He added this area could look better with the proposed improvements.

Councilmember Hart questioned Councilmember Wollin regarding the bar ditches on the north side. Councilmember Wollin stated she does like the appearance of them. She added she likes driving down Glade Road versus Hall-Johnson Road because of the appearance. Mayor Kelly concurred, and stated there are others that feel the same way.

Mayor Kelly stated the current bar ditches are not engineered for anything, and they are a safety issue.

Councilmember Wollin stated the bar ditches help with the water flow, whereas before those were there, those homes flooded. She added small trees cannot replace the existing canopy.

Mayor Pro Tem Taylor explained the drainage that used to exist in this area.

Mayor Kelly stated he believes an engineered drainage system is better than the bar ditches.

Mayor Kelly stated additional trees could be added where currently none exist. Mr. Gartner concurred.

Mayor Pro Tem Taylor stated this street can be a beautiful corridor 20 years from now.

Councilmember Putnam replied while all of the other streets are deteriorating.

Mayor Kelly stated the needs of the roadway are not the beautification part.

Councilmember Wollin questioned Mr. Gartner regarding if the tree mitigation is part of the budget being proposed. Mr. Gartner replied funds are included in the budget, not as an additional cost.

Mayor Kelly questioned Mr. Gartner regarding if telephone or cable lines can be buried, with the utility coordination. Mr. Gartner replied it would be an additional project cost.

Councilmember Putnam questioned City Councilmembers regarding why not approve the first phases, and then see if this will improve those mobility issues, before a full blown road reconstruction is required versus reclamation.

Mayor Pro Tem Taylor stated being in favor of that option, especially since the plan would then be ready if we want to move forward.

Mayor Kelly stated the section can either be designed now; it can be designed later; or the entire roadway can be designed to be shovel ready.

Councilmember Mogged stated having challenges with the other two approaches on the segments outside of Section 1. He stated it does not solve certain problems, and this low cost approach creates the difference in the vision. He stated there are some uncertainties. He stated it may be better to start off with what the community has reached a consensus on regarding this project. He stated it is difficult to give direction to the consultant.

Mayor Kelly stated this is not a local street; therefore, something needs to be done to address the safety and drainage. He stated there will be issues using the emergency vehicles with the reclamation option.

Councilmember Putnam stated there are other parts of the City that have two lanes and bar ditches which create the same issue. Mayor Kelly stated it is not the bar ditches, it is the traffic at 5:00 p.m., which creates the issue. He added the emergency vehicles will take a different route to reach their destination to avoid the traffic.

Mr. Gartner stated if part of the roadway is done, then there is a chance that overlay or intermittent maintenance would have to be done.

Councilmember Mogged questioned Mr. Gartner regarding the time it will take to get the design completed for Section 1. Mr. Gartner replied the important part of the design is from Bransford to Manning, with an estimated time of a year for the entire project.

Councilmember Mogged stated we would like to move parallel to reach a consensus on the remainder of the project. Mr. Gartner concurred, and stated once City Council reaches a decision, we will want to know, so that we can move forward with the design.

Councilmember Mogged questioned Mr. Gartner regarding the needed timeframe in which he would need a decision. Mr. Gartner replied at least two or three months.

Councilmember Hart questioned Mr. Gartner regarding if he would want to know the rest of the story by August. Mr. Gartner replied yes.

City Manager Jennifer Fadden stated the consultant would, at the very least, want to know the direction about how to transition from Section 1.

Councilmember Short stated, according to the schedule, Section 3A is done in 2016 and Section 3B does not start until late 2017; therefore, we have some transition that has to happen, between the new and the existing.

Councilmember Short questioned Mr. Gartner regarding what direction is needed beyond that. Mr. Gartner replied they would like to know how to set the next grades, or where to end the sidewalks, which is all dependent upon the direction given on the next Section. He stated there will also need to be some direction given on the next section after the roadway has been lowered at Bluebonnet Drive.

Councilmember Short stated he believed what is currently in place would seem to be sufficient until a decision is made. Mayor Kelly added the consultant would need to know whether the next section would be reconstruction or reclamation, since it will then affect where the roadway is going to be. Mr. Gartner stated if full width construction is done, what is the configuration for the sidewalk?

Mayor Pro Tem Taylor stated he thinks the roadway needs to be designed from one end to the other. He added, however, the main concern is Section 1. He stated it is only fair to the homeowners for them to see the entire design of the roadway.

Mayor Kelly stated the mobility is handled by more lanes, or by having turn lanes. He stated the design will preserve the Glade Road look with a two lane configuration and some turn lanes to help that mobility.

Councilmember Putnam questioned City Council regarding if there could be consideration given to do the full design project by eliminating the 10 foot trail and maintaining the turn lane. Mayor Kelly stated being open to, within the existing right-of-way, working out a structure that provides the reconstructed road, engineered drainage, and some sort of pedestrian access, possibly on both sides to accomplish this.

Mayor Kelly questioned Mr. Gartner regarding if it is clear about the Bransford Road to Bluebonnet Drive portion. Mr. Gartner replied yes.

Councilmember Putnam stated it is clear that more time needs to be spent with the property owners at Glade Road and Bluebonnet Drive, the Winsworths, to better address their problem. Mayor Kelly concurred.

Mayor Pro Tem Taylor questioned Mr. Gartner regarding if the sloped and ribbon curbs require more right-of-way than a barrier curb. Mr. Gartner replied correct.

Mayor Pro Tem Taylor stated for the most part, within Section 1, there is a barrier curb. He added this should be the only option in this area. Councilmember Hart concurred.

Councilmember Short stated the consultant has identified where a ribbon curb is viable. Mr. Gartner concurred.

Councilmember Mogged stated there are two alternatives here that are fundamentally different; however, the line of site is improved, sidewalks and engineered drainage are installed. He added Section 1 is the one to look at to see what is being received for the extra money.

Mayor Kelly stated most of the bar ditches are dirt, not turf encased; therefore, they are going to erode. He stated there will be continual loss of property, and possibly the loss of trees.

Mr. Gartner stated the intersection at Mill View has the worst line of sight issues when trying to get onto Glade Road.

Mayor Kelly stated he promotes engineered drainage.

Councilmember Mogged stated there are benefits to doing either the reclamation or the reconstruction option, as it relates to the cost of each.

Councilmember Putnam stated those issues cannot be addressed without addressing the broader context of addressing the other construction problems within the City. He added this discussion is only about what is perfect for Glade Road, but what about the larger problem across the City.

Mayor Kelly stated you cannot limit the quality of one roadway construction to apply it to the other. He added we are trying to address Glade Road so that it is no longer a concern.

Councilmember Putnam stated there will not be a budget left to focus on the other concerns. Mayor Kelly stated there has never been a budget to do this, until the TIF amendment.

Councilmember Putnam stated those funds could be used on SH26 to address both problems, without having to take on debt. Mayor Kelly stated it may be an option.

Councilmember Putnam stated eventually we will be discussing how we are going to finish SH26, and then explain to the citizens that we chose to spend that money on Glade Road.

Mayor Kelly stated the City is eligible for a program that allows TxDOT to pay the City back over a period of years. Councilmember Putnam stated they will not reimburse the interest. Mayor Kelly concurred.

Councilmember Putnam stated it could all be paid at once. Mayor Kelly replied not necessarily, the money has to be paid up front for the construction costs, and the City would not be looking at doing a short term debt obligation.

Councilmember Putnam stated the cash flow impacts need to be considered.

Mayor Kelly stated Glade Road is a different scenario than SH26, in that it is all on the City to address the concern, at one time.

Councilmember Putnam stated the project is being done within 10 years. Mayor Kelly stated it is a focus project with limited resources.

Mayor Pro Tem Taylor questioned staff regarding if the TIF District goes west on Glade Road. City Manager Jennifer Fadden replied yes, but that she will verify that for sure.

Councilmember Mogged stated there are several projects on the TIF plan, and the City is trying to balance some of those projects.

Mayor Pro Tem Taylor questioned staff regarding if reclamation is qualified as a TIF expenditure, or does it require full reconstruction. Assistant City Attorney Matt Butler replied it is using the funds for reinvestment in infrastructure.

Mayor Pro Tem Taylor stated he would like to be absolutely sure these funds can be used for reclamation. Assistant City Attorney Matt Butler concurred.

Mayor Kelly questioned Mr. Gartner regarding if there are existing pathways in Section 2. Mr. Gartner replied yes.

Councilmember Mogged questioned Mr. Gartner regarding if there is existing right-of-way on the south side for the trail. Mr. Gartner replied the roadway was moved to the north to make room for the eight foot sidewalk on the south.

Councilmember Putnam questioned Mr. Gartner regarding if there is still right-of-way required. Mr. Gartner replied yes.

Mayor Kelly stated there are some areas in which sidewalks do and do not exist, and this will help to close those gaps. Mr. Gartner concurred.

Mayor Kelly suggested the consultant begin the design for the sections between Bransford Road and Manning Drive, since there will need to be a determination on whether the reclamation or the reconstruction option will be used.

Mayor Kelly asked staff to look at the TIF funding regarding this section, and what excess dollars are needed, to see if this is even a viable alternative, before next Tuesday evening's meeting regarding SH26. City Manager Jennifer Fadden stated the funding will not all be there.

Councilmember Putnam stated it will be interesting to understand how that does cash flow out.

Councilmember Putnam questioned City Council regarding how this will move forward if consensus is not achieved. Mayor Kelly stated a consensus will be achieved, given a period of time. He stated there are several things to balance.

City Manager Jennifer Fadden questioned City Council, for clarification, if staff and the consultant are to proceed with the design of Glade Road from Bransford Road to Manning Drive. City Council concurred.

City Manager Jennifer Fadden explained staff will bring the City Council a design contract to engage TranSystems to do this. City Council concurred.

Councilmember Putnam stated he believes there is still an open question about the trail. Mayor Kelly stated there is already a lot of trail connectivity within this area. He added if we decide to not have the trail, then compensation will have to be given to those who did put in the trail, within this section.

City Manager Jennifer Fadden suggested a solution, if City Council wants to make the policy position that you are not comfortable with using eminent domain for the construction of the sidewalk that is a good starting point for the consultant to go and work on where there might be conflicts with adequate right-of-way, and then it can be further evaluated to see what it will look like.

Mayor Kelly stated the trail system will connect SH26 to this commercial section of Glade Road.

Councilmember Putnam stated he wants it to be understood that concurrence for the trail system for this section, does not mean concurrence for the balance of the system. Mayor Kelly concurred.

Councilmember Putnam questioned Mr. Gartner regarding if finding out if more right-of-way is necessary, is completed during the design process. Mr. Gartner replied yes.

Mayor Pro Tem Taylor stated this section needs the trail. Mayor Kelly concurred.

Councilmember Putnam stated he likes them too, unless they are in his front yard.

City Manager Jennifer Fadden questioned City Council, for clarification, if they would like to continue this discussion for the remaining sections of the roadway. Mayor Pro Tem Taylor stated he would like clarification on the available use of the TIF funding.

City Manager Jennifer Fadden stated staff will identify another date for another worksession.

Councilmember Short stated he would like to see the parcels identified in which additional right-of-way is needed. Mr. Gartner concurred. Mayor Pro Tem Taylor stated he would like to see all of the details.

PC-2 Discussion of the June 17, 2014, City Council regular agenda items

There was no discussion of this item.

Mayor Kelly adjourned the Pre Council meeting at 7:21 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Kelly at 7:44 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Fire Chief Brian Riley, Economic Development Director Marty Wieder, 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, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, Assistant City Attorney Matt Butler, 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 - Keith Pardew v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding pending litigation - Gregory Ahren v. City of Colleyville

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

Section 551.076 - Deliberate security personnel, devices, and audits

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, Section 551.076, Security, 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 7:21 p.m. and reconvened at 7:22 p.m.

INVOCATION: Pastor Jeff Strickland, Colleyville Assembly of God

PLEDGE OF ALLEGIANCE: Assistant City Attorney Matt Butler

2. EXECUTIVE SESSION: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - Resolution R-14-3755

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**

Councilmember Wollin announced and briefly explained the Red, White, and Sousa event to be held on Friday, June 27, at 6:00 p.m. at the Colleyville Center located at 5301 Riverwalk Drive.

In recognition of Colleyville's featured business - Nutrishop Colleyville, Owners Martha and Andrew Serrano, Marketing Director, Chandler Forrest, 5615 Colleyville Boulevard, Suite 440 - Mayor David Kelly and Economic Development Director Marty Wieder

Owner Martha Serrano and Marketing Director Chandler Forrest explained the featured business and thanked the Mayor and City Council for the recognition of their business.

Recognition of employees' years of service

Mayor Kelly recognized the following employees and their years of service:

Robert Creamier Firefighter/Paramedic (one year); John Young Park Maintenance Worker (one year); Cindy Appleby Circulation and Information Services Librarian (five years); Dixie Smith Public Works Administrative Secretary (10 years); and Tim Mathis Public Works Fleet Manager (25 years).

Recognition of employee achievements

Mayor Kelly recognized the following employees for their achievements:

Lieutenant Scotty Graves graduated from the 50th School of Executive Leadership on April 25, 2014, at the Center for American and International Law. The School of Executive Leadership is an intensive eight week course designed to prepare senior-level law enforcement managers for executive leadership in the complex world of public safety administration.

Lt. Graves was awarded the Dr. Tory J. Caeti Award for Academic Excellence from the Institute for Law Enforcement Administration for his final score of 97.7.

Greg Balandran's determination to complete a college degree while working full time in the Public Works Department as a Maintenance and Operations Technician has paid off. He recently graduated from Tarrant County College with an Associate of Arts Degree.

4. CONSENT: READING AND PUBLIC HEARING - Resolution R-14-3756

- 4a** Approval of the minutes of the City Council worksession of May 28, 2014
- 4b** Approval of the minutes of the regular City Council meeting of June 3, 2014
- 4c** Approval of an update to the City's Strategic Plan

Mayor Kelly read Resolution R-14-3756 in its entirety.

City Manager Jennifer Fadden requested City Council to remove item 4c from the consent agenda to allow staff additional time to visit with newly appointed City Councilmember Chris Putnam regarding the City's Strategic Plan. She stated this item will be on a future consent agenda item.

Mayor Kelly opened the public hearing at 7:57 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 7:57 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-14-3756 with the removal of item 4c. 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, Chris Putnam, Jody Short, and Tom Hart

5. ELECTION OF MAYOR PRO TEM

Election of Mayor Pro Tem

Mayor Kelly stated, in accordance with the City Charter, a Mayor Pro Tem is elected each year. Mayor Kelly opened the floor for nominations.

Councilmember Mogged moved to elect Mayor Pro Tem Taylor. Mayor Kelly seconded the motion.

The motion carried with the following vote:

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

**6. ORDINANCE(S):
FIRST READING AND PUBLIC HEARING****6a Ordinance O-14-1918**

Approval of the Fiscal Year 2015 (FY 2015) Colleyville Crime Control and Prevention District budget

Mayor Kelly read the caption of Ordinance O-14-1918.

Police Chief Mike Holder presented this item and briefed the City Council.

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.

This was a first reading, therefore, City Council did not take any action on this item.

6b Ordinance O-14-1919

Approval to amend Part II, Chapter 2 - Administration, Article II-Finance, Division 1, Sec. 2-26 (j) of the Colleyville, Texas, Code of Ordinances, which sets fees and charges for City Services, specifically Colleyville Center rental rates

Mayor Kelly read the caption of Ordinance O-14-1919.

Colleyville Center Manager Leslie Hill presented this item and briefed the City Council.

Mayor Kelly opened the public hearing at 8:04 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:04 p.m.

Mayor Pro Tem Taylor questioned staff regarding if the advisory board members represent the non-profit groups, and if they are good with the recommended changes. Manager Hill replied yes.

Mayor Kelly stated he likes the bundling of the services, therefore making it a lot easier knowing those costs up front for services. Manager Hill concurred and stated it makes it easier for staff to provide better customer service.

This was a first reading, therefore, City Council did not take any action on this item.

7. RESOLUTION(S): READING AND PUBLIC HEARING

7a Resolution R-14-3757

A resolution appointing a member to the Colleyville Economic Development Corporation (CEDC) Board of Directors

Mayor Kelly read Resolution R-14-3757 in its entirety.

Mayor Kelly opened the public hearing at 8:06 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:06 p.m.

Mayor Kelly moved to approve Resolution R-14-3757 appointing Mayor Pro Tem Taylor to the CEDC Board. 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, Chris Putnam, Jody Short, and Tom Hart

7b Resolution R-14-3758

A resolution appointing a member to the Tax Increment Finance (TIF) District Board to fill an unexpired term

Mayor Kelly read Resolution R-14-3758 in its entirety.

Mayor Kelly opened the public hearing at 8:07 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:07 p.m.

Mayor Kelly moved to approve Resolution R-14-3758 appointing Councilmember Short to the TIF Board. 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, Chris Putnam, Jody Short, and Tom Hart

7c Resolution R-14-3759

A resolution appointing a member to the Audit Committee

Mayor Kelly read Resolution R-14-3759 in its entirety.

Mayor Kelly opened the public hearing at 8:08 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:08 p.m.

Councilmember Wollin moved to approve Resolution R-14-3759 appointing Councilmember Putnam to the Audit Committee. 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, Chris Putnam, Jody Short, and Tom Hart

7d Resolution R-14-3760

Appointing the Mayor and two Colleyville City Councilmembers to the Municipal Judge Review and Selection Committee

Mayor Kelly read Resolution R-14-3760 in its entirety.

Mayor Kelly opened the public hearing at 8:10 p.m.

There was no one present wishing to speak and Mayor Kelly closed the public hearing at 8:10 p.m.

Mayor Pro Tem Taylor moved to approve Resolution R-14-3760 appointing Councilmembers Wollin and Mogged to the Municipal Judge Review and Selection Committee. Mayor Kelly 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, Chris Putnam, Jody Short, and Tom Hart

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

Jonathan Grummer, 3305 Langley Hill Lane, stated being concerned that there is not a consensus for the bike trails, and that the people have posted signs along Glade Road.

Judy Chappell, 1716 Glade Road, stated the road and traffic concerns on Glade Road need to be addressed; however, she stated the trails and sidewalks will not improve those issues. She stated being opposed to using eminent domain for the purpose of sidewalks and bike trails.

Elizabeth Zeitlin, 1800 Glade Road, stated being in support of fixing the road and traffic issues on Glade Road; however, she stated being in opposition to the ten foot hike and bike trail.

Vincent Connor, 3901 Allendale Street, stated he supports a “no thru trucking” to be posted along the roadway to cut down the traffic.

Annella Didier, 1712 Glade Road, spoke in opposition to the following: the ten foot trail; the cutting down of trees; making the street look like all of the other suburbs; and the proposed cement drainage.

Gary Lecocq, 5113 Roberts Road, stated it is clear that the citizens do not want this project along Glade Road. He stated having concerns about the crosswalk at Glade Road and Roberts Road because no one stops in this area for people to cross the street.

Lloyd and Ida Winsworth, 4900 Stafford Road, spoke in opposition to the Glade Road project. He stated “if it ain’t broke, don’t fix it.”

Carl Prindle, spoke on behalf of the Winsworths, and stated being in opposition to this project. He stated the Winsworths want to keep things as is. They are not in favor of the moving of their driveway. He stated they have concerns for the traffic and the lowering of the intersection at Glade Road and Bluebonnet Drive, which will force them to find a controlled intersection, therefore creating a greater travel distance.

Thomas Markwiese, 5005 Old Oak, spoke on behalf of the Ashmore HOA, and stated being opposed to the ten foot trail. He stated not being in favor of the removal of the trees to encourage bike riding along a trail.

Terry Whaley, 1713 Avalon Drive, stated she loves Glade Road the way it currently exists; therefore, some things do not need to change.

9. REPORTS

Colleyville Events Steering Committee Meeting Minutes-March 26, 2014
May 2014 Monthly Financial Report

There was no discussion of this item.

Mayor Kelly recessed the meeting at 8:44 p.m.

Mayor Kelly reconvened the meeting at 8:52 p.m. to finish the discussion of Pre Council item number one.

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR JUNE 17, 2014 - Resolution R-14-3761

This item was not needed.

11. ADJOURNMENT

There being no further business before the City Council, Councilmember Putnam moved to adjourn, and 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, Chris Putnam, Jody Short, and Tom Hart

Mayor Kelly adjourned the City Council meeting at 10:42 p.m.

APPROVED BY A VOTE OF _____ AYES, _____ NAYS, AND _____ ABSTENTIONS
ON THIS THE 1ST DAY OF JULY 2014.

Minutes taken and prepared by:

*Amy Shelley, TRMC
City Secretary*



City of Colleyville

City Council Worksession

Minutes - Draft

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

Tuesday, June 24, 2014
6:00 p.m.

Executive Conference Room
Third Floor, City Hall

Mayor David Kelly called the Colleyville City Council Worksession to order on June 24, 2014, at 6:07 p.m.

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

City Manager Jennifer Fadden, Assistant City Manager and Chief Financial Officer Terry Leake, Police Chief Mike Holder, Fire Chief Brian Riley, Economic Development Director Marty Wieder, Parks Manager James Hubbard, Public Works Director Bob Lowry, City Engineer Jeremy Hutt, Community Development Director Ron Ruthven, Communications and Marketing Director Mona Gandy, Information Systems Manager Chris Pena, and City Secretary Amy Shelley.

2. PRESENTATION AND DISCUSSION

2a Update and discussion on the SH26 reconstruction project

City Engineer Jeremy Hutt presented this item and briefed the City Council.

For the purpose of reference in the minutes, Phase II includes Hall-Johnson Road to Brown Trail; Phase III includes John McCain Road to Hall-Johnson Road; and Phase IV includes Brown Trail to the southern City limits.

Mayor Kelly stated the following lights seem to have some issues with timing: Glade Road at SH26; Tinker Road at SH26; Brown Trail at SH26; and Hall-Johnson at SH26. Public Works Director Bob Lowry stated he would get with TxDOT regarding these issues.

Mayor Pro Tem Taylor questioned staff regarding if these new type of turning signal standards can be covered in a monthly newsletter. City Manager Jennifer Fadden stated they have been covered in a newsletter.

Mayor Kelly suggested the timing of these yellow flashing signals should be checked too. Councilmember Mogged concurred, and stated he noticed an issue as well.

Mayor Kelly questioned staff regarding if the Cotton Belt Trail Phase III will be constructed at the roadway or ground level. Engineer Hutt replied the design

indicates it will be at the level of the curb. He stated there is a possibility that it will be moved to the old John McCain right-of-way.

Councilmember Putnam questioned staff regarding what the "advanced funding agreement" means. Engineer Hutt replied it establishes the funding criteria for the project.

Councilmember Short stated it is the agreement of who is paying for what and when.

Councilmember Putnam questioned staff regarding if the City contributes funds on the crosswalks because of the enhancements. Engineer Hutt replied yes.

Councilmember Hart questioned staff regarding if this is the final configuration, throughout the corridor, except for the Tinker Road intersection. Engineer Hutt replied yes.

Councilmember Putnam questioned staff regarding if this scope is locked, or is it part of this discussion, in terms of lane configuration? Engineer Hutt replied the request has been made, and it is moving forward, and is scheduled to be bid in December.

Councilmember Wollin questioned staff regarding if there is a possibility of the construction of Phases II and III at the same time. Engineer Hutt replied staff is currently working with TxDOT to have these done as one phase, if the funding has been identified for Phase III. He added the timeline would then be expanded if the phasing is combined.

Mayor Kelly questioned staff regarding how the City receives an honest answer on finishing Phase I. Engineer Hutt replied he received a date of June 2015 from the contractor today. Director Lowry stated the contractor is in control, and they are currently being assessed a daily fee for liquidated damages in the amount of \$1,400.

Mayor Kelly stated being concerned with that date, especially since the contractor has taken a year to complete 40 percent of the project, and now they are stating another year to complete the balance of the project being 60 percent.

Mayor Kelly stated being concerned that when the central business corridor section starts, and the contractor moves at the current rate, that corridor will be in trouble. Engineer Hutt replied the district engineer has committed to monthly meetings with the current phase. He stated moving forward, staff will hope to have a commitment from the area engineer to have a better line of communication.

Mayor Kelly stated there were three businesses that almost went under with the current phase; however, there will be more businesses with subsequent phases.

Mayor Pro Tem Taylor questioned who is in control of this, and how can we find out an honest answer, especially since the taxpayers are paying for this. Director Lowry stated this is governed by the procurement laws of the State of Texas. He further explained the process for qualification for the bid award.

Councilmember Short questioned staff regarding who sets the liquidated damages amount. Director Lowry replied TxDOT.

Councilmember Putnam questioned staff regarding if there is a cap on liquidated damages.

Councilmember Short stated the \$1,400 dollars a day is a drop in the bucket for these contractors.

Mayor Pro Tem Taylor questioned staff regarding if the City can have some control over setting that fee in the next phase. Director Lowry replied no. He added it is normally only \$500 dollars a day, so this is almost three times the normal.

Mayor Kelly stated we are only looking for the real date, since no planning can be done.

Councilmember Putnam stated it would be good to know the level of effort between the next phases, as it relates to the scope, in other words, if Phase II is a much higher level of effort than Phase I, what is the risk zone? He added it seems it could be much worse than that. Director Lowry stated until the design is complete, the performance period will not be established. He stated TxDOT bases their working days, not calendar days, as what the contractor is able to spend the majority of their day on in critical path.

Councilmember Putnam questioned staff regarding if Phase II is a greater effort than Phase I, is it longer? Director Lowry replied it will be more of a challenge since more businesses, access points, and intersections will be affected.

Councilmember Short stated the drainage on Phase I took a long time.

Director Lowry stated the most difficult construction part in Phase II will actually be the bridge over Little Bear Creek.

Councilmember Putnam stated it is difficult to identify the risk factors at this time. He then questioned City Council regarding at what point is it decided that it is too

risky. Mayor Kelly replied the City is working on plans to mitigate as much as possible. Mayor Pro Tem Taylor stated we have to be more involved, but it is difficult when our hands are tied.

Councilmember Putnam stated we cannot be in that situation when we get into the business district. Mayor Pro Tem Taylor stated there will be pain with this, but there will be gains for the future.

Councilmember Putnam stated the City needs a better control point over the project. Mayor Kelly stated cannot not since this is a state highway project.

Councilmember Putnam stated there needs to be an assessment on what the economic impacts of this will be. Mayor Pro Tem Taylor stated there will be businesses lost; however, there will be businesses gained.

Councilmember Hart stated our product will look better than the Grapevine section.

Mayor Kelly stated some of the issues with Phase I have been because of the contractor.

Councilmember Short questioned staff regarding where the liquidated damages go. Director Lowry replied back to the state, or are withheld from the payment.

Mayor Pro Tem Taylor questioned staff regarding if those fees are applied to the possible change orders. Engineer Hutt replied that is part of the negotiations.

Councilmember Putnam questioned staff regarding if the utility poles are set back to accommodate a possible six lane roadway. Engineer Hutt replied yes. Director Lowry added all of the utilities are behind the outside curb.

Mayor Pro Tem Taylor explained that the agreement was to build to the six lane roadway, or footprint, so that if in the future, additional funding is available, the businesses would not have to be disrupted again.

Councilmember Mogged questioned staff regarding the width of the sidewalk along SH26. Engineer Hutt replied eight feet.

Mayor Kelly questioned staff regarding if TxDOT is on board with the recommendation of a dedicated project manager from staff. Engineer Hutt replied yes.

Councilmember Hart questioned staff regarding how long the pass-through financing remains available. Engineer Hutt replied a response to TxDOT is

required within 30 days, later this summer, for Phases II and III to keep this available.

Councilmember Putnam questioned staff regarding if the City of Hurst is in the que for any future state funding. Engineer Hutt replied he is not aware of any.

Councilmember Mogged questioned staff regarding grant funding. Engineer Hutt replied staff will continue to pursue grant funding, as they become available.

Councilmember Mogged questioned staff regarding if the \$400,000 is added to the \$150,000 in Phase II, for example. Engineer Hutt replied it is not, and the \$400,000 is a very dense landscaping element which probably will not want to be carried throughout the corridor.

Councilmember Putnam questioned staff regarding what happens to the medians if the lane expansion happens later. Engineer Hutt replied they will be reduced in size.

Councilmember Hart stated all of the utilities will then be in place.

Councilmember Putnam questioned staff regarding the incremental cost for lane expansion, for Phase II. Engineer Hutt replied staff is estimating about a 15 percent reduction in cost for not doing the two lanes.

Councilmember Putnam questioned staff regarding how much is that in cost. Director Lowry replied roughly \$1 million dollars. City Manager Jennifer Fadden explained when the proposal was made to City Council, to reduce the first phase of construction to a four lane, it was not to save money, it was to extend the limits of the project, so that the phase of the roadway, once moved from Hall-Johnson, could be constructed all the way south to Brown Trail and incorporate the Little Bear Creek bridge.

Councilmember Putnam stated he believed the philosophical discussion was to tie the "Destination Colleyville" aspect, with the four versus six lanes, to slow traffic down to move them into the business sector. City Manager Jennifer Fadden concurred.

Mayor Kelly added the Grapevine section, north of Brumlow, is the TxDOT design. He stated SH26 is the core through Colleyville. He added that rather than making this a highway through our town, we want to make it a destination place.

Councilmember Putnam stated he understands the logic, but he does not necessarily agree with it. He added there is a balance of the differential between the number of lanes versus the enhancement costs. He stated if the two lanes

cost \$2 million dollars, but the median enhancements cost that as well, you might as well do it right the first time.

Councilmember Mogged stated the traffic counts have declined over the last four or five years. Councilmember Putnam stated he does not agree with that. He stated there is going to be a bottleneck with going from six lanes to four lanes.

Mayor Kelly stated some of that is created by the intersection capacity. He stated this will help to define the community. He stated the Grapevine portion has no appeal or sense of purpose. He added the six lanes on FM 1709 is the same way. Councilmember Putnam stated it has helped the economic development purpose.

Mayor Pro Tem Taylor stated originally he liked the six lane option; however, he stated by taking those two lanes out of the design, other options became available to do more along the corridor, especially improving the intersections. He added we are doing the best we can with the funding available.

Councilmember Hart questioned staff regarding if additional landscaping could be added at a later date. Engineer Hutt replied it would need to be coordinated with TxDOT, through a permitting process.

Councilmember Mogged questioned staff regarding if the enhanced landscaped medians is beyond the \$400,000. Engineer Hutt replied the \$400,000 comes from the limit of the grant application, and this presentation is not the design component. He stated the medians change based on the design, and the amount of square footage is still unknown. He added he does believe some of the median landscaping is included in the \$400,000, along with the irrigation system.

Mayor Kelly suggested community groups could take charge of some of the medians; therefore, creating their own landscaping options by planting what they want to plant. Councilmember Wollin added it would be like a memorial.

Mayor Pro Tem Taylor stated some of these projects become overgrown, and the canopy becomes low; therefore, obstructing the signage. Engineer Hutt stated the same has been discussed with TxDOT as well.

Mayor Pro Tem Taylor questioned staff regarding if this landscaping has been approved. Engineer Hutt replied this has been approved with the branding standards, and it will be consistent throughout the corridor.

Councilmember Wollin questioned staff regarding if CEDC money could be used for the wayfinding signage. City Manager Jennifer Fadden replied no.

Mayor Pro Tem Taylor questioned staff regarding the funding that will pay for the stamped, colored concrete sections at the intersections. City Manager Jennifer Fadden stated staff will need direction from City Council regarding what they will want to explore related to these enhancements. She stated some of these would be paid for by the TIF and other funding sources, such as grants, but that most would need to be included in the project cost.

Councilmember Wollin questioned staff regarding the street lighting. Engineer Hutt replied the lighting at the intersections is currently included in the scope.

Councilmember Hart questioned staff regarding who would be responsible for those lights. Engineer Hutt replied those conversations are currently being made with the state. He added Oncor may take ownership of them, once the City purchases the poles.

Councilmember Mogged questioned staff regarding if \$2.5 million would be needed for Phases II and III. Engineer Hutt replied correct.

Councilmember Putnam questioned staff regarding the ongoing maintenance and irrigation costs to support the enhanced version. City Manager Jennifer Fadden replied the estimates on maintenance are based on what is currently being done on different types of basic landscaping maintenance, such as the following: the Hall-Johnson medians are \$16,000 annually to mow, trees trimmed, etc.; Glade Road medians are \$5,400 annually.

Councilmember Putnam stated the square footage for the medians would not be known until the design is completed. City Manager Jennifer Fadden concurred.

Mayor Pro Tem Taylor questioned staff regarding if the medians on Glade Road are the ones located before Heritage Avenue. City Manager Jennifer Fadden replied yes.

Mayor Kelly recessed the worksession at 7:36 p.m.

Mayor Kelly reconvened the worksession at 7:46 p.m.

Mayor Kelly questioned staff regarding the colored concrete at the intersections. Engineer Hutt replied staff does not suggest this at every intersection, but the colored concrete could outline the edges of the intersection to set them apart from others

Mayor Kelly questioned City Council regarding this option. Mayor Pro Tem Taylor stated he liked the colored border, but not necessarily the center color. Councilmember Wollin concurred.

Mayor Kelly stated some of these enhancements were implemented with Phase I, such as the black powder coated poles and stamped concrete, and do we want these to carry on for Phases II and III.

Councilmember Putnam stated he does not fundamentally agree with the way the project is structured, and does not agree that he should be forced to sign off on all of these enhancements for a project he does not support. Mayor Kelly stated no one is forcing this on him.

Councilmember Putnam stated he feels the four lanes versus six lane discussion is over, and has concerns about funding the enhancements. He stated he fundamentally understands the use of four lanes through the business corridor, but feels this may impact the other areas relative to lane configuration.

Councilmember Putnam stated he would not fund any enhancements for Phase III, unless it is a six lane project, and then again there will still be a financing issue. He stated he is opposed to issuing debt, even if it is an interest only debt.

Mayor Kelly questioned staff regarding the current cost for Phase III construction. City Manager Jennifer Fadden stated \$13 million, today.

Mayor Kelly questioned staff regarding the identifiable funds for it. City Manager Jennifer Fadden replied there is \$3 million in the TIF from the old project plan that can be allocated to this project. She stated Tarrant County has committed \$1 million to this project. She added the balance would need to be a debt issuance, unless other decisions are made relative to the other projects within the TIF.

Mayor Pro Tem Taylor questioned staff regarding what other projects are in the TIF. City Manager Jennifer Fadden replied the Glade Road project.

Mayor Kelly questioned staff regarding when the \$13 million would need to be available. City Manager Jennifer Fadden replied the end of the calendar year would be safe.

Councilmember Putnam stated regardless of the savings from Glade Road, there will not be enough funding available. City Manager Jennifer Fadden stated it will depend on the scenario and the choices in which City Council deem a priority.

Councilmember Mogged stated there are issues with the timing of the funding.

Councilmember Short questioned City Council regarding the difference between buying in the project at today's three percent cost rather than waiting and doing it

later at the 15 percent cost. Mayor Kelly stated the pass-through funding is an option currently available.

Councilmember Putnam stated we do not know what that agreement looks like yet. Mayor Kelly stated all indications are that this option is still available. City Manager Jennifer Fadden stated the terms cannot be defined today.

Mayor Kelly stated if Phase II is not done, the \$1 million dollars from Tarrant County and the pass-through options will no longer be available; therefore, Phase III will be the sole responsibility of the City.

Councilmember Putnam questioned City Council regarding if there is a scenario that the reclamation option for Glade Road can be done, to save money, and then use the savings for SH26. He added the road then gets built with no debt.

Mayor Kelly questioned Councilmember Putnam regarding the issue with debt. Councilmember Putnam replied the \$3.2 million dollars in debt service is still being added. He stated there is still \$4 million in other issues to be resolved. He added he is trying to do more with less.

Councilmember Putnam stated he did not want to spend \$13 million to construct a median without lane expansion in Phase III.

Mayor Pro Tem Taylor stated a drainage system, curbs, completion of the frontage on the properties, construction to proper capacity, and the reduction of the bottleneck at the intersections, will be gained with this project.

Councilmember Putnam stated a bottleneck will be created when it goes from six lanes down to four lanes. He added it will look better by putting a median in for \$13 million dollars.

Mayor Pro Tem Taylor questioned Councilmember Putnam regarding the lane configuration on Glade Road. Councilmember Putnam replied that is a different issue, given that individual property rights are not impacted here.

Councilmember Short stated the right-of-way has already been acquired for this project.

Mayor Pro Tem Taylor stated people do want SH26 improved, and that it will improve economic development. He stated the median is preserved so that, if needed, the lanes can then be added, without impacting the business owners.

Councilmember Putnam stated it is a really expensive project to add a median with no lane expansions. He stated he understands and respects the argument, but has a different point of view.

Councilmember Putnam stated if the six lanes could be done, until Hall-Johnson, then a reasonable argument could be made that improvements are there to handle the capacity problem to justify raising the debt. He stated he could not agree with funding the debt with no lane expansion.

Councilmember Mogged questioned staff regarding if the cost to the City is roughly around \$7 million. City Manager Jennifer Fadden replied yes.

Mayor Kelly stated the total cost of all three phases is \$57 million dollars, including right-of-way acquisition and utility, roadway construction, and design. Councilmember Mogged stated the City's portion is roughly 15 percent.

Councilmember Putnam stated it would a lot easier if the funds were available, without debt.

Councilmember Short questioned staff regarding what other projects in the Dallas/Fort Worth area have been done with local funding. Director Lowry replied the I-30 project design and right-of-way was paid for by the City of Arlington, in excess of \$20 million.

Councilmember Mogged questioned staff regarding if bonds could be paid off early to reduce the cost. Assistant City Manager/Chief Financial Officer Terry Leake replied generally with a call feature, it would add to the cost of the interest, and they could not be called within five years of initial issuance.

Mayor Pro Tem Taylor questioned staff regarding why these would be different, given they are bank qualified. Assistant City Manager/Chief Financial Officer Terry Leake replied there would be difficulty with the call feature being that short.

Mayor Pro Tem Taylor questioned staff regarding why the 13 year call time. City Manager Jennifer Fadden replied the cash flow to pay it off.

Councilmember Mogged questioned staff regarding if the term would change if the Glade Road project is less. City Manager Jennifer Fadden explained several scenarios relative to the funding of the Glade Road and SH26 projects.

Councilmember Mogged questioned staff regarding the reduction in the total interest cost. City Manager Jennifer Fadden replied \$1.274 million.

Councilmember Mogged questioned staff regarding what this will include relative to the road construction. City Manager Jennifer Fadden replied we could not fund a two inch mill and overlay, or major maintenance, out of the TIF, since those are not considered a road improvement. City Manager Jennifer Fadden added staff would have to use the General Fund to do major maintenance for the other sections of Glade Road.

Councilmember Mogged questioned staff regarding if the full depth reclamation is considered a roadway improvement. City Manager Jennifer Fadden replied yes.

Councilmember Putnam stated the last option is really not an option. Mayor Kelly stated it is a matter of choices.

Councilmember Short stated this will allow those properties to redevelop, therefore raising those property values, adding to the tax base. He stated it will allow us to provide better services to our citizens at a lower cost by doing this today, at today's prices.

Councilmember Putnam stated the \$3 million in debt could fund other projects within the City.

Councilmember Mogged stated this would have to be within the TIF. Councilmember Putnam stated unless the TIF were amended.

Mayor Pro Tem Taylor stated it could be amended, however it is not likely.

Councilmember Putnam stated it is already a stretch to do road reconstruction with those funds, rather than commercial development.

Mayor Kelly stated those taxing partners want those TIF dollars to be spent on the commercial corridor.

Mayor Pro Tem Taylor questioned staff regarding what is being cannibalized now that these funds are being used toward a state highway, especially since some organized groups do not want to use those funds for this purpose. City Manager Jennifer Fadden explained the TIF project plan carries forward through fiscal years 2013-2030, and estimates that \$44 million will be generated in new revenue. She stated this revenue was then categorized into roadway improvements, trails and amenities, economic development grants, and some administrative expenditures. She stated the \$44 million is over a 17 year period, and therefore all is based on the cash flow. She further explained how the TIF project plan can be viewed, and broken down by funding sources.

Councilmember Mogged questioned staff regarding the coordination of the construction on Glade Road and Phase II of SH26. City Manager Jennifer Fadden replied SH26, as of today, is scheduled to be bid in December of this year. She stated a 90 day turnaround from that date can be anticipated. She stated to project that out 24 months that would be March of 2017, at the earliest for SH26 to be complete. She added with Glade Road, the Bransford Road roundabout would be complete in the summer of 2015.

Councilmember Mogged questioned staff regarding if the entire corridor is done at once for SH26. Director Lowry explained the phasing of the construction is not known, specifically, until a contractor is hired.

Councilmember Mogged questioned staff regarding how all will be coordinated, given the Bransford Road roundabout; the Riverwalk Drive roundabout; and the SH26 construction. Director Lowry replied the choke point will be Glade Road; therefore, it would seem that we could influence the phasing such that those intersections would not be interrupted by the SH26 construction. He added it will all depend on the contractor. He stated staff can request certain phasing within the construction documents.

Councilmember Mogged questioned staff regarding if the original plan, with the roundabout at Bransford Road, is to do it in the summer of 2015. Director Lowry replied knocking the roundabout out makes the most sense. He stated the roundabout at Riverwalk Drive would be reduced if the road is closed.

Mayor Pro Tem Taylor questioned staff regarding if this has been discussed with Sabonis. City Manager Jennifer Fadden and Assistant City Manager/Chief Financial Officer Terry Leake replied yes, at great length.

Mayor Pro Tem Taylor questioned staff regarding if a 10 year note can be done rather than a bond. City Manager Jennifer Fadden replied the seven year debt issuance is delaying the Glade Road project by one year. Assistant City Manager/Chief Financial Officer Terry Leake concurred.

Mayor Pro Tem Taylor stated it should not be delayed, given that everyone is on board. Councilmember Putnam stated not everyone is on board.

Councilmember Hart questioned Councilmember Putnam regarding how we move forward. Councilmember Putnam replied City Council will have to decide how to form a resolution to accomplish what needs to be accomplished. He stated he does not see a consensus opportunity.

Councilmember Hart stated he does not know how they will make everyone happy. Councilmember Mogged stated with the exception of the Bransford Road and

Manning Drive section, he believes we are in consensus on this section. Councilmember Putnam concurred.

Mayor Kelly stated for Sections 2 and 3A, for the Glade Road project, there is not a consensus on the trail. Councilmember Putnam stated there is not a consensus for the section of trail along the north side.

Mayor Kelly stated people are going to be talking if we do not complete Phase II and Phase III.

Councilmember Putnam stated where he wants to be on both projects is going to prohibit consensus being achieved. He added he does not support spending a dollar on debt for a project that he does not support the lane configuration.

Councilmembers Hart and Putnam stated not knowing how this will move forward. Councilmember Short stated the vote would then be 6-1. Mayor Kelly stated there is a no debt option. Councilmember Short stated the vote would then be 1-6.

Mayor Pro Tem Taylor questioned staff regarding the no debt option. This means Bransford Road to Manning Drive is done with the one year delay, then we will fully fund Phase II and III, with enhancements, without issuing any debt. City Manager Jennifer Fadden stated there is \$2 million for enhancements. Assistant City Manager/Chief Financial Officer Terry Leake concurred.

Mayor Pro Tem Taylor questioned staff regarding if in three years, the pass-through will be coming back to the City, and at what rate. Mayor Kelly answered and stated it will depend on when the road is constructed.

Mayor Pro Tem Taylor stated that is an issue. City Manager Jennifer Fadden added by paying for this with cash, we are not having to meet TxDOT's requirement on the pass-through; and according to the district's engineer, he believes it is more like 12 years.

Councilmember Putnam stated he likes option one for the funding; however, on Phase III, he would like to see six lanes, with four lanes through the primary commercial corridor.

Mayor Pro Tem Taylor stated the cost would then go up. Councilmember Putnam stated the costs are going to go up regardless, but there would be savings from Glade Road.

Councilmember Putnam stated he really likes six lanes for the entire length.

Councilmember Hart questioned Councilmember Putnam regarding if he wants to spend more money on SH26. Councilmember Putnam replied he would take option one for funding, and then redirect funds towards Phase III to do the additional lane capacity, and then borrow some money to do that, beyond any enhancements.

Mayor Kelly stated NCTCOG is stating there is not an additional need for six lanes.

Councilmember Putnam questioned Mayor Kelly regarding the need for six lanes in the northern section of SH26. Mayor Kelly replied it was already plugged in like that.

Councilmembers Short and Wollin stated the traffic counts drop by 10,000 past John McCain Road.

Mayor Pro Tem Taylor stated that should have already been done.

Councilmember Putnam stated traffic backs up south of John McCain every day. Mayor Pro Tem Taylor stated once the signalization and the turn lanes are finished this back-up may no longer exist.

Councilmember Putnam suggested waiting to see if the intersection improvements correct the traffic flow. Mayor Pro Tem Taylor stated we do not have full control of the road.

Mayor Kelly stated there will be back-up on the roads, twice a day, whether there are six lanes or not. Councilmember Putnam stated he did not feel it would back-up with six lanes. Mayor Kelly stated FM1709 at 6:00 p.m. backs-up and it is six lanes.

Mayor Pro Tem Taylor questioned staff regarding the contingency amount. City Manager Jennifer Fadden replied the last real estimate from TxDOT on the construction cost for Phase III was \$10.9 million; therefore, staff has been using 13, but not based on a scientific measure.

City Manager Jennifer Fadden stated there needs to be a transition point of going from six lanes to four lanes, regardless of the configuration. Engineer Hutt explained a possible configuration and location of such. He added there are discussions still being made about the details.

Mayor Kelly stated the other component is how we want the community to look.

Councilmember Mogged stated he does not like the Grapevine section. Councilmember Putnam stated he does like that section.

Mayor Pro Tem Taylor stated if the state choses to do the other two lanes, the state will move Colleyville to the top of the list, because the cost of doing the inside lanes is less than the outside lanes.

Councilmember Putnam stated the same argument is being discussed against the Glade Road project. He stated the idea is to fix the traffic capacity on Glade Road, yet the traffic capacity on SH26 is being condensed by having four lanes. He stated the residents want the aesthetics to be saved rather than handle the traffic, yet for SH26 the aesthetics are being saved instead of handling traffic capacity.

Councilmember Short stated the intersections are going to constrain the capacity. Councilmember Putnam stated he agreed with that for Glade Road.

Mayor Kelly stated TxDOT suggests traffic capacity is being handled by this option. Councilmember Wollin stated she had thought, originally, it was going to be six lanes; however, when TxDOT suggested that four lanes would handle the traffic capacity, given the traffic numbers had decreased, she stated being on board with the four lanes.

Councilmember Putnam stated it is a philosophy question, and what is wanted in Colleyville. He stated there is going to be a lot of money spent to sustain the existing four lane infrastructure with improved intersections; however, at the end of the day, we are paying for medians and sidewalks.

Mayor Pro Tem Taylor stated the drainage and storm water system is being installed along with upgraded sewer and water lines, and upgraded roadway.

Councilmember Putnam stated it has already been established that the roadway does not have a problem.

Mayor Kelly stated it has recently been repaved because there were issues.

Mayor Kelly questioned City Council regarding if they want to look at doing Phase III, and with what options. Councilmember Hart replied yes.

Councilmembers Mogged and Wollin stated they would like the answer to Glade Road before moving forward with SH26, since the timing of the two construction projects may become an issue.

Councilmember Mogged stated having concerns about the unknown percentage for the pass-through funding.

Mayor Kelly questioned staff regarding the timing for the debt placement for funding. City Manager Jennifer Fadden replied making the commitment for including Phase III, within Phase II, is the option that is time sensitive.

Councilmember Mogged questioned staff regarding the timeframe for this. City Manager Jennifer Fadden replied August.

Councilmember Hart questioned staff regarding if it was 30 days. City Manager Jennifer Fadden replied the final bid documents go to Austin in August, therefore TxDOT needs an answer as to whether or not Phase III will be included with Phase II.

Councilmember Short stated the only way this can be done is with local funding. Director Lowry explained if the bid amount comes in above the budgeted amount, then there may be some outside help given there; however, there is no outside funding for Phase III.

Mayor Pro Tem Taylor stated there are efficiencies when considering the two phases together.

Councilmember Short stated it is the wise thing to do by putting it all together. He added it is unfortunate the state has not provided their obligation of funding. He also stated being curious as to what other projects are being funded like this. Director Lowry stated he has requested that information from TxDOT.

Mayor Kelly stated this is an investment within our community. Councilmember Short concurred, but stated it is frustrating that this is how it has to be done.

Mayor Pro Tem Taylor stated if debt is going to be issued, we should not wait for interest rates to rise. Mayor Kelly concurred.

City Manager Jennifer Fadden stated it is reasonable to expect TxDOT to provide the terms of the pass-through before committing to anything.

Mayor Kelly questioned City Council regarding if there is a consensus on moving forward with combining Phases II and III. Mayor Pro Tem Taylor concurred, but stated he would like to see what the state offers for the pass-through reimbursement percentage, and the decision for Glade Road, and if there are savings from it for SH26.

Councilmember Hart stated there would then only be a Phase II since Phase III would be combined. Mayor Kelly concurred, one single phase.

Councilmember Putnam stated he does not agree with Phase III based on the discussion.

Mayor Pro Tem Taylor stated we have to move the City forward, and be as prudent as possible.

Mayor Kelly questioned staff regarding the enhancements. City Manager Jennifer Fadden explained if the enhancements are to be included, this information would need to be in the bid specifications to get the best competitive bid during that process, otherwise, there may be several change orders. Mayor Pro Tem Taylor stated not being in favor of change orders.

Councilmember Short questioned staff regarding if these enhancements can be added to the plans, given the timing. Engineer Hutt replied staff has confirmed all enhancements can be added to the plans. He added the landscaping plans would be done separately.

Councilmember Short questioned staff regarding retaining walls. Director Lowry replied there may be some, specifically where the grade is steep, such as south of Church Street, on the east side. He stated staff is going to suggest something other than the gray color for the walls, maybe even stained stone.

Councilmember Short questioned staff regarding the crosswalks and pavers. Director Lowry stated TxDOT will take out the pavers, however, they would not substitute the expense of the pavers to pay for the enhancements.

Mayor Pro Tem Taylor questioned staff regarding the funding for the wayfinding signs. Engineer Hutt replied the wayfinding signs will probably not be a part of this project.

Mayor Kelly suggested having the location of the wayfinding signs identified on the plans. Engineer Hutt stated this may be a possibility. Director Lowry stated these could be done at a later date.

City Manager Jennifer Fadden questioned City Council, for clarification, if they would like for staff to post the SH26 discussion on the worksession for next Monday evening, in the event that they would like to discuss this project. City Councilmembers concurred.

Councilmember Mogged questioned staff regarding if it would make sense for City Council to, where there is a consensus on the projects, put that out in a written form so that everyone knows where the projects stand. Mayor Kelly stated this has been done in E-news and the website.

Councilmember Putnam questioned staff regarding what happens to the process if the citizens complete the petition. City Manager Jennifer Fadden explained the process outlined in the City's Charter.

Councilmember Short questioned City Council regarding if the design of the Glade Road project would move forward. Mayor Kelly replied the design could not move forward since the petition may not allow for certain aspects of the project.

2b Discussion of a date to conduct a worksession for the Glade Road project

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

Mayor Kelly suggested June 30 at 6:00 p.m. in the Executive Conference Room. Councilmember Wollin concurred.

City Manager Jennifer Fadden stated staff will not have sufficient time to have received data from the consultant before Monday's meeting.

Councilmember Putnam stated he sent questions to City Manager Jennifer Fadden regarding what he would like to discuss on the project.

City Manager Jennifer Fadden read those questions to City Council. Various City Councilmembers expressed their questions for the purpose of the discussion to be held at the upcoming worksession.

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

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

This item was not needed.

4. ADJOURNMENT

There being no further business before the City Council, Mayor Kelly adjourned the worksession at 9:29 p.m.

APPROVED BY A VOTE OF ___ AYES, ___ NAYS, AND ___ ABSTENTIONS ON THIS THE 1ST DAY OF JULY 2014.

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 5a

Agenda Date 07/01/2014

Number Ordinance O-14-1918

Type Ordinance

Department Police

Title

Approval of the Fiscal Year 2015 (FY 2015) Colleyville Crime Control and Prevention District budget

Explanation

Second Reading and Public Hearing

There were no speakers regarding this item at the June 17, 2014 City Council meeting.

Reading and Public Hearing

In accordance with the Local Government Code, the Colleyville Crime Control and Prevention District (CCCPD) annual budget must be approved at least 100 days before the start of the fiscal year. In order to comply with this requirement, the City Council will consider and approve the proposed FY 2015 CCCPD budget on June 17, 2014. Staff has proposed the following FY 2015 budget for consideration and approval by the CCCPD Board at their June 17, 2014 meeting, and is now seeking City Council approval of the proposed expenditures.

The FY 2015 CCCPD budget was discussed at the May 28, 2014 CCCPD Board budget worksession. At that time, staff presented a complete budget proposal that meets the needs of the Colleyville Police Department and the community. The proposed budget includes administrative and technology expenditures as well as full funding for seven (7) police personnel, four (4) marked police vehicles, one (1) unmarked police vehicle, four (4) handheld replacement traffic radar units, Self-Aid Buddy-Aid (SABA) trauma kits, and continuation of the weapons replacement schedule.

Financial Impact

The following information and attachments provide estimated fund balances and revenues, as well as a detailed list of proposed expenditures.

Estimated Beginning Fund Balance for FY 2015	\$1,256,369
Revenues:	
½ Cent Sales Tax	\$1,413,500
Interest Income	\$ 1,500
Use of Available Cash	\$ 224,300

TOTAL REVENUES	\$1,639,300
Expenditures:	
Administrative Board/Audit Expenses	\$ 1,850
Police Records Management System Annual Maintenance Contract	\$ 49,500
Regional Recruiting and Hiring Process (PACT Test)	\$ 2,000
Crime Reports Crime Mapping Software	\$ 1,200
Crime Reports Analytical Crime Mapping Software	\$ 3,588
NetMotion Wireless Maintenance Agreement	\$ 3,219
L-3 In-Car Video System Server Maintenance	\$ 3,949
Personnel:	
Six (6) Police Officer Positions	\$ 516,632
Add one (1) Additional Police Officer Position in FY 2015	\$ 72,933
Metroport Teen Court	\$ 33,750
Capital:	
Vehicles: Replacement – Four (4) Patrol vehicles including In-car Video System	\$ 200,000
Replacement – CID Vehicle	\$ 26,000
Equipment:	
Weapons Replacement	\$ 8,500
Four (4) Handheld Radar Units	\$ 2,800
Self-Aid Buddy-Aid Trauma Kits	\$ 2,000
Debt Service:	
2006 Series Refunding Debt	\$ 500,985
Transfers:	
Capital Equipment Replacement Fund - In-Car Mobile Digital Computer System	\$ 10,000
TOTAL EXPENDITURES	\$1,438,906
*EXCESS REVENUES OVER EXPENDITURES	\$ 200,394

ENDING FUND BALANCE	\$1,232,463
*Must have a 1.4 times coverage ratio (\$200,394) for debt service payment in FY 2015.	

Recommendation

Approve

Attachments

1. Proposed FY 2015 CCCPD Budget
2. Ordinance O-14-1918

COLLEYVILLE CRIME CONTROL DISTRICT FY 2015 PROPOSED BUDGET

FISCAL YEAR	ADOPTED FY 2014	PROJECTED FY 2014	PROPOSED FY 2015
BEGINNING FUND BALANCE	\$1,072,545	\$1,216,583	\$1,256,369
REVENUES:			
1/2 CENT SALES TAX REVENUE	\$1,275,000	\$1,350,000	\$1,413,500
INTEREST INCOME	\$1,500	\$1,500	\$1,500
USE OF AVAILABLE CASH	\$235,687	\$185,212	\$224,300
TOTAL REVENUES	\$1,512,187	\$1,536,712	\$1,639,300
EXPENDITURES:			
ADMINISTRATIVE BOARD/AUDIT EXPENSES:	\$1,850	\$1,850	\$1,850
POLICE SOFTWARE ANNUAL MAINTENANCE CONTRACT	\$45,000	\$45,000	\$49,500
REGIONAL RECRUITING AND HIRING PROCESS (PACT TEST)	\$2,000	\$2,000	\$2,000
CRIME REPORTS CRIME MAPPING SOFTWARE	\$1,200	\$1,200	\$1,200
CRIME REPORTS ANALYTICAL CRIME MAPPING SOFTWARE	\$3,588	\$3,588	\$3,588
NETMOTION WIRELESS MAINTENANCE AGREEMENT	\$3,219	\$3,219	\$3,219
L-3 IN-CAR VIDEO SYSTEM SERVER MAINTENANCE	\$3,768	\$3,768	\$3,949
PERSONNEL:			
POLICE OFFICERS:			
6 OFFICERS (ONE MID-YEAR START IN FY 2014)	\$457,057	\$457,057	\$516,632
ADDITIONAL OFFICER IN FY 2015	\$0	\$0	\$72,933
TEEN COURT	\$33,750	\$33,750	\$33,750
VEHICLES:			
REPLACEMENT - PATROL VEHICLE AND EQUIPMENT	\$206,600	\$206,600	\$200,000
REPLACEMENT - CID VEHICLE	\$24,000	\$24,000	\$26,000
EQUIPMENT:			
SELF AID TRAUMA KITS	\$0	\$0	\$2,000
ANNUAL WEAPONS REPLACEMENT	\$8,500	\$8,500	\$8,500
RADAR TRAILER	\$10,000	\$10,000	\$0
FOUR HANDHELD RADAR UNITS	\$0	\$0	\$2,800
DEBT SERVICE:			
2006 SERIES REFUNDING DEBT	\$501,182	\$501,182	\$500,985
TRANSFERS:			
CAPITAL EQUIPMENT REPLACEMENT FUND - IN-CAR MOBILE DIGITAL COMPUTER SYSTEM	\$10,000	\$10,000	\$10,000
TOTAL EXPENDITURES	<u>\$1,311,714</u>	<u>\$1,311,714</u>	<u>\$1,438,906</u>
EXCESS REVENUES OVER EXPENDITURES ^^	\$200,473	\$224,998	\$200,394
ENDING FUND BALANCE	<u>\$1,037,331</u>	<u>\$1,256,369</u>	<u>\$1,232,463</u>

^^ MUST HAVE A 1.4 TIMES COVERAGE RATIO (\$200,473) FOR DEBT SERVICE PAYMENT IN FY 2014

^^ MUST HAVE A 1.4 TIMES COVERAGE RATIO (\$200,394) FOR DEBT SERVICE PAYMENT IN FY 2015

ORDINANCE O-14-1918

ADOPTING AN ANNUAL BUDGET FOR FISCAL YEAR 2015 FOR THE COLLEYVILLE CRIME CONTROL AND PREVENTION DISTRICT, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015, A COPY OF SAME BEING ON FILE IN THE OFFICE OF THE CITY SECRETARY, TO BECOME EFFECTIVE UPON PASSAGE BY THE CITY COUNCIL

WHEREAS, the laws of the State of Texas require the Board of Directors of the Colleyville Crime Control and Prevention District to adopt a budget of projected revenues and proposed expenditures, cash on hand at the start of the year, the amount of money received during the prior year, the tax rate, and the projected ending fund balance; and

WHEREAS, on June 17, 2014, the Board of Directors of the Colleyville Crime Control and Prevention District approved the following budget; 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 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 the budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 for the Colleyville Crime Control and Prevention District, a copy of which is on file in the office of the City Secretary, is hereby made a part of this Ordinance by reference and is hereby approved and adopted by the City Council of the City of Colleyville, Texas, as the official budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015 and that the City Manager is authorized to execute all contracts and agreements approved as a part of the budget.

Sec. 3. THAT the budget of the fiscal year beginning October 1, 2014, and ending September 30, 2015, for the Colleyville Crime Control and Prevention District with a sales and use tax rate of .5%, is hereby fixed as follows:

Projected Revenue Received in Fiscal Year 2014	\$ 1,536,712
Projected Cash on Hand as of October 1, 2014	\$ 1,256,369
Revenues	\$ 1,639,300
Expenditures	\$ 1,438,906
Ending Fund Balance at September 30, 2015	\$ 1,232,463

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of June 2014.

The second reading and public hearing being conducted on the 1st day of July 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C.G. Boyle
City Attorney



City of Colleyville City Council Agenda Briefing

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

Agenda Number 5b

Agenda Date 07/01/2014

Number Ordinance O-14-1919

Type Ordinance

Department Colleyville Center

Title

Approval to amend Part II, Chapter 2 - Administration, Article II- Finance, Division 1, Sec. 2-26 (j) of the Colleyville, Texas, Code of Ordinances, which sets fees and charges for City Services, specifically Colleyville Center rental rates

Explanation

Second Reading and Public Hearing

There were no speakers regarding this item at the June 17, 2014 City Council meeting.

Reading and Public Hearing

The purpose of this item is to present to the City Council proposed changes to the standard weekday rental rates that have been recommended by the Colleyville Center Advisory Committee. Over fifty percent of weekday client surveys indicate a perception that charging additional incremental fees for equipment usage and linens is frustrating and makes it more difficult to budget for events. Weekday clients have expressed a desire for bundled rates that are inclusive of both the rental and equipment fees. Ninety-nine percent of weekday rentals utilize a current add on service like microphones, rear screen projection system, or linens. The remaining one percent of weekday clients elect to only rent the small meeting room space with tables and chairs, providing their own linens.

The Colleyville Center Advisory Committee established a subcommittee for review of the weekday rental rates. The subcommittee met on March 3, 2014 and April 7, 2014, to review and discuss the current weekday rental rate structure, ultimately recommending a simplified structure that eliminates à la carte equipment and administrative fees, and increases the standard weekday rental rates to achieve a revenue neutral outcome that also improves customer service. The Colleyville Center Advisory Committee proposed 50 percent rate increase in standard weekday rental rates that will provide a revenue neutral collapse of existing add on fees. A typical four-hour, full hall rental will increase by \$230, one-half of the hall by \$125, and the small meeting conference room by \$75. Entire eight-hour building rentals will increase by \$600. No changes are proposed to the rental rates for Colleyville based non-profit and civic organizations.

As a part of this collapse and simplification of equipment rental and administrative fees, the format and layout of all rate schedules has been updated. The current

weekend and non-profit rental add-on administrative fees will remain the same. Several fees that are no longer charged due to outdated technology that is no longer used, such as overhead projector and slide projector rentals, have been eliminated. A few add-ons currently offered, such as ipod connections and water/soda service has been added to the Administrative Fee Schedule. These minor updates ensure that the fee schedule in the Code of Ordinances mirrors the exact fees and services currently offered at the Colleyville Center. The exact additions and deletions to the Administrative Fee Schedule are highlighted in the attachment "Administrative Fee Schedule Changes". Several existing policies have also been added to the Miscellaneous Fees/Policies section to provide clarity and consistency, namely the practice of providing free up-lighting when a client uses three or more Colleyville businesses during their rental and the practice of charging \$500 per hour when a client fails to vacate the Center after its official closing time. All updates are reflected in the attached proposed ordinance, which would replace the current Section 2-26 (j) Colleyville Center Rental Rates in the Code of Ordinances.

The proposed weekday rental rate changes were brought forward to the full Colleyville Center Advisory Committee on May 19, 2014 and were unanimously approved. Staff presented the recommended changes to the City Council for consideration and discussion at the June 3, 2014 Pre Council meeting, where the City Council did concur with bringing forward the proposed changes for approval. The recommended changes, if approved by the City Council, would take effect for all weekday rentals booked on or after October 1, 2014.

Financial Impact

The proposed changes to Colleyville Center rental rates includes a simplified structure that eliminates à la carte equipment and administrative fees, and increases the standard weekday rental rates to achieve a revenue neutral outcome that also improves customer service. The Colleyville Center Advisory Committee proposed 50% rate increase in standard weekday rental rates will provide a revenue neutral collapse of existing add on fees. A typical four-hour, full hall rental will increase by \$230, one-half of the hall by \$125, and the small meeting conference room by \$75. Entire eight-hour building rentals will increase by \$600. In total, no additional revenue is anticipated.

Recommendation

Approve

Attachments

1. Administrative Fee Schedule Changes
2. Proposed Ordinance O-14-1919

Current Administrative Fee Schedule
(showing recommended changes)

ADMINISTRATIVE FEES		
	Non-Profit	Standard
VIDEO		
LCD Projector per hour (portable & ceiling mount)	\$65 with weekday max \$150	\$65 with weekday max \$150
LCD Projector per day (portable & ceiling mount)	\$150	\$150
LCD 220" Rear Screen HD Projector per hour	\$75 with weekday max \$200	\$75 with weekday max \$200
Slide Projector with Cart	\$25	\$25
Overhead Projector with Cart	\$25	\$25
Rolling Video cart with electrical and extension	\$2	\$10
Gallery Flat Screen or TV Monitor (per event)	\$65	\$65
Stage Front Drop Screen	\$10	\$40
Portable screen (9')	\$40	\$40
Conference Room pull down	\$20	\$20
White Board / Flip Chart with easel	\$20	\$20
Easel	\$15	\$15
AUDIO		
Baby Grand Piano	\$100	\$100
Stage Lighting (one time setting – per hour)	\$50	\$50
Stage Lighting and sound board (must use AV Tech)	\$200 + AV Tech	\$200 + AV Tech
Monitor Speakers	\$20	\$20
CD Player	\$50	\$50
Podium with Microphone	\$20	\$35
iPod Connection	\$20	\$20
Corded Microphone on stand – one free with N/S Hall	\$15	\$15
Wireless Microphone (hand held or lapel)	\$25	\$50
Telephone Conferencing Equipment	\$30	\$30
Colored Up Lights	\$200	\$200
ROOM SET		
Table Setup (per table)	Included in room rental	Included in room rental
Chair Setup (per chair)	Included in room rental	Included in room rental
Linens (per linen) Weekdays only	\$5	\$5
Draped and Skirted Registration Table	\$15	\$15
Room Change after final set (per table and chair set)	\$20	\$20
Repositioning room during event	\$400 + \$10 ea. Table set	\$400 + \$10 ea. Table Set
CATERING		
Catering fee 15% of F&B with \$1.50 pp min.	15% F&B	15% F&B
Catering (client self-catering – KU) Flat Fee based upon set up or attendance whichever is greater	\$1 per person weekday and Non Profit (\$300 Max) \$2 per person weekends	\$1 per person weekday \$2 per person weekends
Deluxe Coffee Service with condiments	15 cup carafe - \$15	15 cup carafe - \$15
Continental Breakfast (pp w/20)	\$10 pp including fruit	\$10 pp including fruit
Gourmet Box Lunch (pp w/20 min)	\$15 pp including beverage	\$15 pp including beverage
Break Service (beverage & cookies – pp w/20 min)	\$5 per person	\$5 per person
Water/Soda Service	\$1 per bottle	\$1 per bottle
MISCELLANEOUS		
Copies - \$.25 first copy, \$.10 thereafter	\$.25/\$.10	\$.25/\$.10
Copies (over 51) – \$.85 first copy, \$.15 thereafter	\$.85/\$.15	\$.85/\$.15
Fax Machine (incoming and outgoing)	\$2 per page + Long distance charge	\$2 per page + Long distance charge
Gaffers Tape per roll- Cost plus 25%	Cost plus 25%	Cost plus 25%
DEPOSITS		
Entire Building	\$500	\$500
Grand Hall	\$300	\$300
Half Hall (North or South)	\$200	\$200
Conference Room	\$50	\$50

ORDINANCE O-14-1919

AMENDING PART II, CHAPTER 2-ADMINISTRATION, ARTICLE II-FINANCE, DIVISION 1, SEC. 2-26 (J) OF THE COLLEYVILLE, TEXAS, CODE OF ORDINANCES, WHICH SETS FEES AND CHARGES FOR CITY SERVICES, SPECIFICALLY COLLEYVILLE CENTER RENTAL RATES, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Colleyville charges fees for miscellaneous services and materials as authorized by Ordinance O-92-880 and it is desirous to update those fees; 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 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 2 Section 2-26 (j), Colleyville Center rental rates shall be deleted and replaced in its entirety with the revisions as shown on Exhibit "A".
- Sec. 3. THAT the effective date of this ordinance shall be October 1, 2014.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of June 2014.

The second reading and public hearing being conducted on the 1st day of July 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas,
on this the _____ day of _____ 2014.

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"

NON-RESIDENT & BUSINESS STANDARD RATES

ROOM	MAX OCC. THEATER = T BANQUET = B CLASSROOM = C	* WEEKDAY RATE <i>FOUR HOUR BLOCK OF TIME, EXCEPT FOR ENTIRE BUILDING RENTAL WHICH IS EIGHT HOURS</i>	PRIME WEEKEND FRI / SAT / SUN <i>EIGHT HOUR RENTAL</i>
SMALL CONFERENCE ROOM <i>792 SQ. FT.</i>	T-60 B-50 C-35	\$200	ENTIRE BUILDING RENTAL ONLY
NORTH HALL <i>3,155 SQ.FT. 1,664 PLUS 1491 STAGE</i>	T-200 B-100 C- 70	\$375	ENTIRE BUILDING RENTAL ONLY
SOUTH HALL <i>2,872 SQ. FT. 1,872 PLUS 1,000 KITCHEN</i>	T-200 B-100 C- 70	\$375	ENTIRE BUILDING RENTAL ONLY
NORTH- SOUTH HALL <i>TOTAL 6,027 FLOOR -3,536</i>	T-500 B-300 C-150	\$700	ENTIRE BUILDING RENTAL ONLY
ENTIRE BUILDING <i>8,475 SQ. FT.</i>	BUILDING OCCUPANCY T-500	\$1,800 WEEKDAY	FRIDAY & SUNDAY \$1,800 PRIME SATURDAY \$2,200
GARDEN PLAZA (Including chairs)	T-150	\$300	\$300

*Includes tables, chairs, and all add-ons listed in the Video, Audio, and Room Set sections of the Administrative Fee Schedule.



EXHIBIT "A"

COLLEYVILLE RESIDENT/BUSINESS WITH 20 % DISCOUNT

ROOM	MAX OCC. THEATER = T BANQUET = B CLASSROOM = C	* WEEKDAY RATE <i>FOUR HOUR BLOCK OF TIME, EXCEPT FOR ENTIRE BUILDING RENTAL WHICH IS EIGHT HOURS</i>	PRIME WEEKEND FRI / SAT / SUN <i>EIGHT HOUR RENTAL</i>
SMALL CONFERENCE ROOM <i>792 SQ. FT.</i>	T-60 B-50 C-35	\$160	ENTIRE BUILDING RENTAL ONLY
NORTH HALL <i>3,155 SQ.FT. 1,664 PLUS 1491 STAGE</i>	T-200 B-100 C- 70	\$300	ENTIRE BUILDING RENTAL ONLY
SOUTH HALL <i>2,872 SQ. FT. 1,872 PLUS 1,000 KITCHEN</i>	T-200 B-100 C- 70	\$300	ENTIRE BUILDING RENTAL ONLY
NORTH- SOUTH HALL <i>TOTAL 6,027 FLOOR -3,536</i>	T-500 B-300 C-150	\$560	ENTIRE BUILDING RENTAL ONLY
ENTIRE BUILDING <i>8,475 SQ. FT.</i>	BUILDING OCCUPANCY T-500	\$1,440 WEEKDAY	\$1,440 FRIDAY & SUNDAY \$1,760 PRIME SATURDAY
GARDEN PLAZA (Including chairs)	T-150	\$300	\$300

*Includes tables, chairs, and all add-ons listed in the Video, Audio, and Room Set sections of the Administrative Fee Schedule.



EXHIBIT "A"

COLLEYVILLE BASED NON-PROFIT & CIVIC ORGANIZATIONS

ROOM	MAX OCC. THEATER = T BANQUET = B CLASSROOM = C	WEEKDAY RATE <i>FOUR HOUR BLOCK OF TIME, EXCEPT FOR ENTIRE BUILDING RENTAL WHICH IS EIGHT HOURS</i>	PRIME WEEKEND FRI / SAT / SUN <i>EIGHT HOUR RENTAL</i>
SMALL CONFERENCE ROOM <i>792 SQ. FT.</i>	T-60 B-50 C-35	\$60	ENTIRE BUILDING RENTAL ONLY
NORTH HALL <i>3,155 SQ.FT. 1,664 PLUS 1491 STAGE</i>	T-200 B-100 C- 70	\$80	ENTIRE BUILDING RENTAL ONLY
SOUTH HALL <i>2,872 SQ. FT. 1,872 PLUS 1,000 KITCHEN</i>	T-200 B-100 C- 70	\$80	ENTIRE BUILDING RENTAL ONLY
NORTH- SOUTH HALL <i>TOTAL 6,027 FLOOR -3,536</i>	T-500 B-300 C-150	\$140	ENTIRE BUILDING RENTAL ONLY
ENTIRE BUILDING <i>8,475 SQ. FT.</i>	BUILDING OCCUPANCY T-500	\$300 WEEKDAY	50 % DISCOUNT FRIDAY & SUNDAY \$900 20 % DISCOUNT PRIME SATURDAY \$1,760
GARDEN PLAZA (Including chairs)	T-150	\$300	\$300

COLLEYVILLE Center

EXHIBIT "A"

ADMINISTRATIVE FEES		
	Non-Profit	Standard
VIDEO		
LCD Projector per hour (portable and ceiling mount)	\$65 with weekday max \$150	\$65
LCD 220" Rear Screen HD Projector per hour	\$75 with weekday max \$200	\$75
Rolling Video cart with electrical and extension	\$2	\$10
Gallery Flat Screen or TV Monitor (per event)	\$65	\$65
Stage Front Drop Screen	\$10	\$40
Portable screen (9')	\$40	\$40
Conference Room pull down	\$20	\$20
White Board / Flip Chart with easel	\$20	\$20
Easel	\$15	\$15
AUDIO		
Baby Grand Piano	\$100	\$100
Stage Lighting (one time setting – per hour)	\$50	\$50
Stage Lighting and sound board (must use AV Tech)	\$200 + AV Tech	\$200 + AV Tech
Podium with Microphone	\$20	\$35
iPod Connection	\$20	\$20
Corded Microphone on stand – one free with N/S Hall	\$15	\$15
Wireless Microphone (hand held or lapel)	\$25	\$50
Colored Up Lights	\$200	\$200
ROOM SET		
Linens (per linen) Weekdays only	\$5	\$5
Draped and Skirted Registration Table	\$15	\$15
Room Change after final set (per table and chair set)	\$20	\$20
Repositioning room during event	\$400 + \$10 ea. Table set	\$400 + \$10 ea. Table Set
CATERING		
Catering fee 15% of F&B with \$1.50 pp min.	15% F&B	15% F&B
Catering (client self-catering – KU) Flat Fee based upon set up or attendance whichever is greater	\$1 per person weekday or weekend (\$300 Max)	\$1 per person weekday \$2 per person weekends
Deluxe Coffee Service with condiments	15 cup carafe - \$15	15 cup carafe - \$15
Continental Breakfast (w/20 person minimum)	\$10 pp including fruit	\$10 pp including fruit
Gourmet Box Lunch (w/20 person minimum)	\$15 pp including beverage	\$15 pp including beverage
Break Service (beverage & cookies – w/20 person minimum)	\$5 per person	\$5 per person
Water/Soda Service	\$1 per bottle	\$1 per bottle
MISCELLANEOUS		
Copies 1-50 - \$.25 first copy, \$.10 thereafter	\$.25/\$.10	\$.25/\$.10
Fax Machine (incoming and outgoing)	\$2 per page	\$2 per page
DEPOSITS		
Entire Building	\$500	\$500
Grand Hall	\$300	\$300
Half Hall (North or South)	\$200	\$200
Conference Room	\$50	\$50



EXHIBIT "A"

MISCELLANEOUS FEES / POLICIES

Cancellation Policy- Any cancellation of a Friday, Saturday, or Sunday entire building rental or combined North/South Hall booking shall result in lessee forfeiting one-half of the deposit. If the cancellation is received 180 to 120 calendar days prior to the event, the lessee will forfeit all of the deposit. If the cancellation is received less than 120 calendar days prior to the event, the lessee will forfeit all monies paid to the Colleyville Center.

Colleyville Center Service Fees- A service fee of up to \$500.00 will be charged to lessee for failure to leave the premises (building and grounds) in as good or better condition than it was prior to being leased.

AV Surcharge- All rented audio visual equipment brought into the building by another vendor incurs a 15 percent charge of the Colleyville Center fee for same equipment.

Non-profit Donations- Any not for profit organization that donates over \$50,000.00 to the Colleyville Center does not incur equipment fees. Supply and service fees are not included in this waiver. If a not for profit organization donates a single piece of equipment, it becomes Colleyville Center property and use of that equipment by that organization does not incur equipment fees.

Discount for Using Local Businesses- If a client uses three or more Colleyville businesses during their event, the Center will provide complimentary colored up-lighting (\$200 value).

Additional Rental Hours- If a client requests to extend a rental of the entire building beyond their eight hour rental, additional hours will be available for an additional \$250 per hour, within the business hours of the Center. The additional hours must be requested in advance. Fees will not be pro-rated for increments of time less than one hour.

Late Fees- The Colleyville Center closes at 12 a.m. (midnight) on Friday and Saturday and 11 p.m. Sunday through Thursday. Should a client remain on the premises after the building is closed, a fee will be assessed at the rate of \$500 per hour until such time the building is vacated. Fees will not be pro-rated for increments of time less than one hour.

Colleyville Center Rental Hours- The Colleyville Center is available for rental from 8 a.m. to 11 p.m. Monday through Thursday, 8 a.m. to midnight on Friday, 11 a.m. to midnight on Saturday, and 11 a.m. to 11 p.m. on Sunday.



EXHIBIT "A"

Weekday rental rates apply Monday through 4 p.m. on Friday. Prime
Weekend Rates apply 4 p.m. Friday through 11 p.m. Sunday.



City of Colleyville City Council Agenda Briefing

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

Agenda Number 6a

Agenda Date 07/01/2014

Number Ordinance O-14-1920

Type Ordinance

Department Community Development

Title

Consideration of a request for an amendment to the Special Use Permit provisions authorizing alcoholic beverage sales for off-premises consumption on Lot 7A, Block 2, Village Park Addition, located at 4801 Colleyville Boulevard and authorizing alcoholic beverage sales for on-premises consumption on Lots 1R1, 4, 5A, 6A, 7A, and 9R, Block 2, Village Park Addition, located at 4701, 4709, 4717, 4725, 4801, and 4843 Colleyville Boulevard, Case ZC14-014

Explanation

First Reading and Public Hearing

Bevin Prater, on behalf of AC Village Park Partners, LLC, has submitted a request to amend the provisions of the Special Use Permit that allows the sale of alcoholic beverages for on and off premise consumption in the Colleyville Downs shopping center located in the 4700 and 4800 block of Colleyville Boulevard. Specifically, the applicant is requesting a waiver to the landscaping requirements for the shopping center parking lot.

Existing Zoning and Development Conditions. The subject properties are zoned CC2-Shopping Center zoning district. A Special Use Permit was approved by the City Council on October 2, 2013 by Ordinance O-13-1881 (attached) authorizing the sale of alcoholic beverages for on-premise consumption for the entire shopping center and authorizing off- premise alcohol sales for 4801 Colleyville Boulevard, which contains the new Whole Foods Market.

As part of the conditions listed in Ordinance O-13-1881, the buildings were required to meet a minimum design score of 30, two landmark signs were approved for the shopping center parking lot, and the entire shopping center site was required to meet the landscaping requirements of Chapter 4-Landscaping and Buffering in the Land Development Code. Included as part of meeting the requirements of Chapter 4 is the requirement that the parking lot for the shopping center must contain landscaped islands where none currently exist.

The improvements to the shopping center required by Ordinance O-13-1881 are nearing completion. As part of a routine inspection, staff discovered that the new parking lot islands did not contain the correct landscape mixture.

Applicant's Request. Given the requirement contained in Ordinance O-13-1881

that all site landscaping meet the requirements of Chapter 4-Landscaping and Buffering in the Land Development Code, the applicant is requesting a variance to the parking lot landscaping requirements contained in Chapter 4-Landscaping and Buffering (attached). The applicant proposes to place Texas river rock in place of the required sod, grass, or mulch as bedding material in the parking lot islands. All other requirements would remain in compliance.

Section 4.6(3)i4 of the Land Development Code states that "landscape material in parking lots shall include shrubs and trees or a combination thereof, which in turn may be planted with a combination of grass, ground cover, and/or flowering plants". Ground cover may only include plant material and/or grass.

In the attached request from the applicant, they state that "turf in medians can pose many issues: the heat of the surrounding pavement causes the turf to dry out during the summer, cars frequently run over turf in medians causing ruts, and operating landscape equipment (mowers, edgers, and weed eaters) in medians right next to parked cars poses damage liability". The applicant states that the overall design of the landscaping at Colleyville Downs "was intended to include drought-tolerant, native and low maintenance plants, drip irrigation for water conservation, and the stone was selected as a permanent mulch solution, thereby reducing the client's recurring maintenance expense". They further state that "wood mulch would have required replenishing at least once annually, which can be substantial labor and materials expenses". Finally, the applicant states that the stone was specifically selected to aesthetically enhance the stone that was applied to the building façade.

Attached are pictures of a parking lot and a completed landscape island showing the proposed landscape mixture.

Public Notification. Staff notified 110 property owners within 500 feet of the subject properties regarding this request, as well as all homeowner's associations within 500 feet. 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.

Staff Recommendation. Staff recommends denial of this item for the following reasons:

- Chapter 4-Landscaping and Buffering in the Land Development Code does not provide any options for the type of parking lot landscaping (rock) proposed by the applicant;
- There is no precedent established for this type of landscaping within a parking lot elsewhere in the City;
- The parking lot islands installed in a portion of the shopping center that were required by Ordinance O-10-1780 (attached) authorizing the Special Use Permit for

Goody Goody Liquor at 4701 Colleyville Boulevard included grass, not stone, as a primary ground cover material;

- The presentation from the applicant to the City Council (attached) when Ordinance O-13-1881 was under consideration in 2013 showed green landscaping in the parking lot islands.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission recommended approval of this request at the June 23, 2014 meeting by a vote of 4-3, subject to the following conditions:

- The rock material used for the landscape beds in the parking lot islands shall be "Texas Brazos Native River Rock"; and
- The landscaping for the parking lot islands in the development shall be consistent with the approved landscape plan on file with the City and shall be maintained in good condition with said plantings.

Although staff is recommending denial as described above, these conditions are reflected in the proposed ordinance.

Summary. The applicant is requesting a variance to the parking lot landscaping requirements contained in Chapter 4-Landscaping and Buffering in the Land Development Code.

Financial Impact

There is no financial impact to the City.

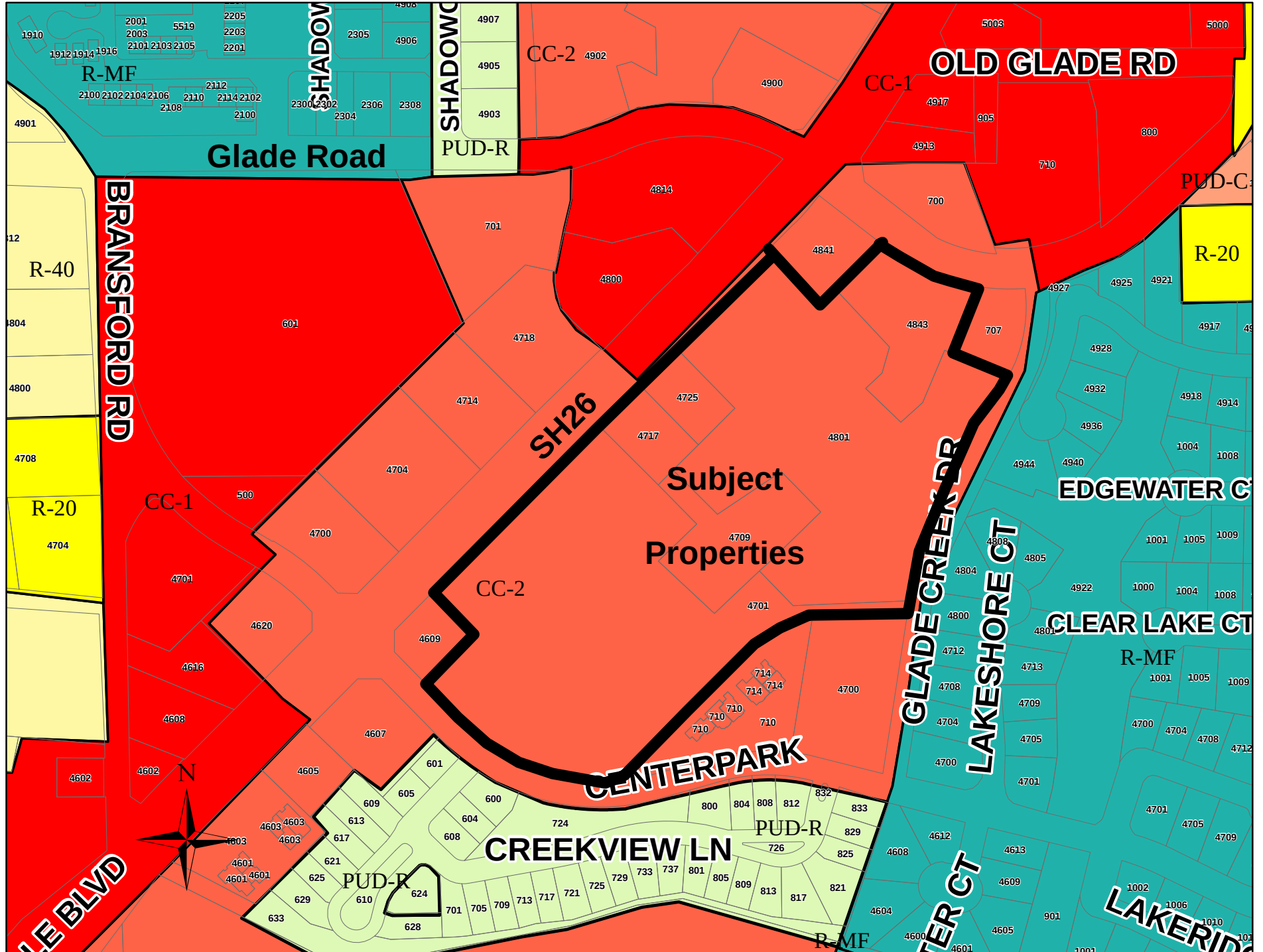
Recommendation

Denial

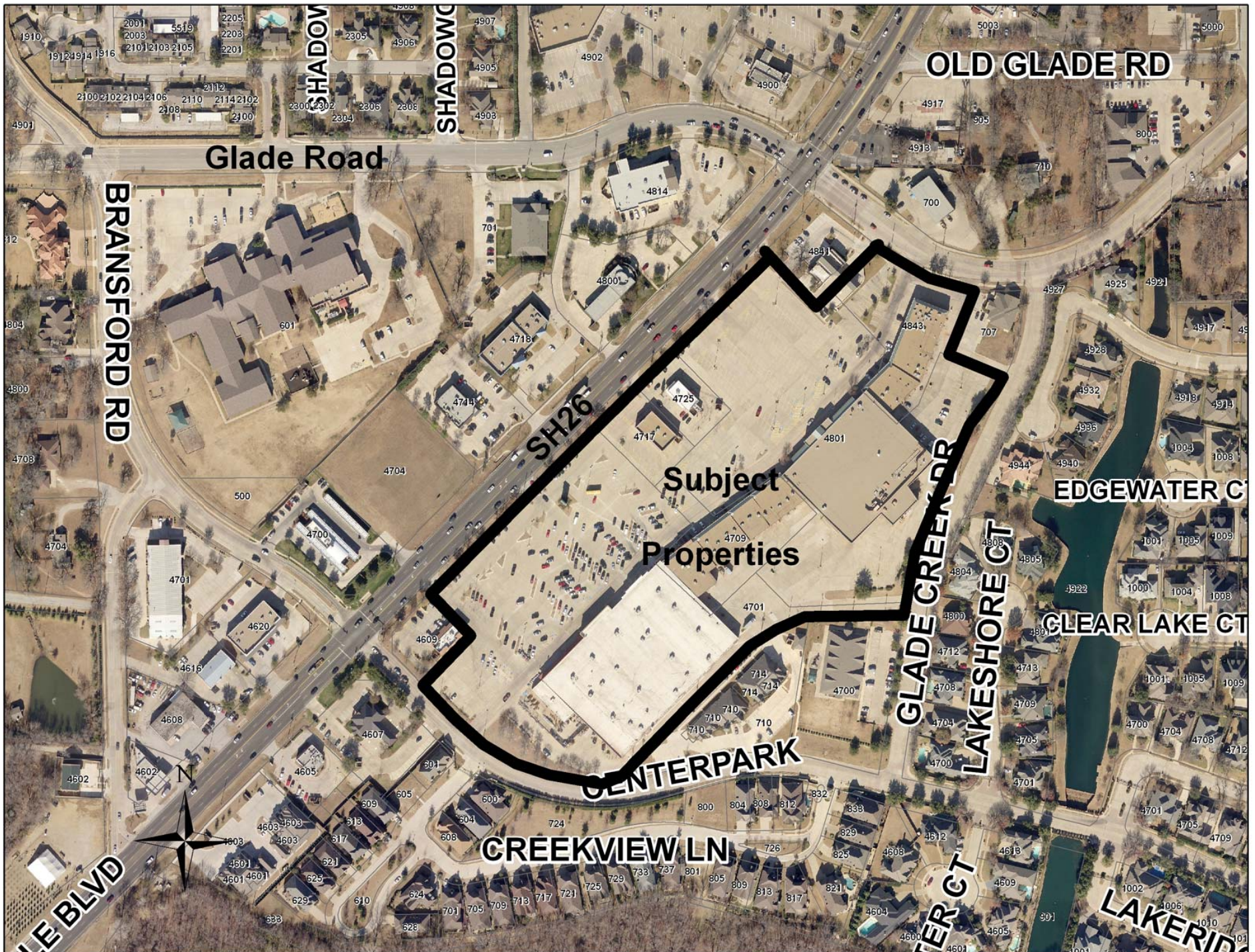
Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Applicant's Request
6. Applicant's Presentation to the City Council from September 3, 2013
7. Original Landscape Plan
8. Proposed Landscape Islands
9. Photo of River Rock in Landscape Island
10. Ordinance O-10-1780
11. Ordinance O-13-1881
12. Ordinance O-14-1920

Location and Zoning Map



Aerial



Notification List

Owner Name	Owner Address	Owner City	State	Situs Address
Y2KITCHEN PROPERTIES LLC	5003 COLLEYVILLE BLVD	COLLEYVILLE	TX	000710 GLADE RD
THOMPSON, JOHN E	5017 MONTCLAIR DR	COLLEYVILLE	TX	000905 OLD GLADE RD
ZELL THREE INC	1190 EXPLORER ST	DUNCANVILLE	TX	000700 GLADE RD
NOBEL SOURCE COMPANY LLC	640 S HILL ST STE 341	LOS ANGELES	CA	000800 GLADE RD
NOBLIT, DON ETUX BARBARA	PO BOX 820895	FORT WORTH	TX	004913 COLLEYVILLE BLVD
R&L CAPITAL PROPERTIES LLC	6903 SHEPHERDS GLN	COLLEYVILLE	TX	004800 COLLEYVILLE BLVD
FONBERG, PETER D	5452 GLEN LAKES DR STE 2	DALLAS	TX	004718 COLLEYVILLE BLVD
4714 COLLEYVILLE BLVD PRTNRS	8235 DOUGLAS AVE STE 65	DALLAS	TX	004714 COLLEYVILLE BLVD
Y2KITCHEN PROPERTIES LLC	4500 DARTMOORE LN	COLLEYVILLE	TX	005003 COLLEYVILLE BLVD
AC VILLAGE PARK PARTNERS LLC	8235 DOUGLAS AVE STE 65	DALLAS	TX	004701 COLLEYVILLE BLVD
DAUNIS, WALTER F & LETAINE	106 BLUE STEM LN	HASLET	TX	004609 COLLEYVILLE BLVD
COMPASS BANCSHARES INC	PO BOX 10566	BIRMINGHAM	AL	004841 COLLEYVILLE BLVD
AC VILLAGE PARK PARTNERS LLC	8235 DOUGLAS AVE STE 65	DALLAS	TX	004801 COLLEYVILLE BLVD
AC VILLAGE PARK PARTNERS LLC	8235 DOUGLAS AVE STE 65	DALLAS	TX	004725 COLLEYVILLE BLVD
BLOCKBUSTER INVESTMENT LTD	2317 CLEARVIEW CT	LEWISVILLE	TX	004608 COLLEYVILLE BLVD
KWIK KAR OF COLLEYVILLE TX LLC	4616 COLLYVILLE BLVD	COLLEYVILLE	TX	004616 COLLEYVILLE BLVD
HAOCHUAN, LI ETUX MEI HAN	4313 PEMBROOKE PKWY N	COLLEYVILLE	TX	004603 COLLEYVILLE BLVD # 120
HOA OF CAMBRIDGE PLACE INC	3500 MAPLE AVE STE 1165	DALLAS	TX	000633 CREEKVIEW LN
CHANDLER, RAMAN	PO BOX 611	COLLEYVILLE	TX	004501 COLLEYVILLE BLVD
TROW, BRADLEY M	PO BOX 1201	HURST	TX	004605 COLLEYVILLE BLVD
PARDO, LISA D	904 SADDLEBROOK DR	COLLEYVILLE	TX	004607 COLLEYVILLE BLVD
LG COLLEYVILLE LLC	2311 CEDAR SPRINGS RD S	DALLAS	TX	004917 COLLEYVILLE BLVD
POSICK, MARTIN A ETUX EVELYN	4932 LAKEWOOD DR	COLLEYVILLE	TX	004932 LAKEWOOD DR
HENDRICKS, CHAS ETUX PATRICIA	4918 LAKEWOOD DR	COLLEYVILLE	TX	004918 LAKEWOOD DR
ENOCHSON, MICHAEL ETUX HEATHER	4914 LAKEWOOD DR	COLLEYVILLE	TX	004914 LAKEWOOD DR
BONEY, MICHAEL	4925 LAKEWOOD DR	COLLEYVILLE	TX	004925 LAKEWOOD DR
BOWDEN, WILLIAM ETUX SHARON	4928 LAKEWOOD DR	COLLEYVILLE	TX	004928 LAKEWOOD DR
TERRY, DOUG ETUX LEE MARTIN	PO BOX 622	COLLEYVILLE	TX	001001 EDGEWATER CT
HARRIS, JOHN	4808 LAKESHORE CT	COLLEYVILLE	TX	004808 LAKESHORE CT
MILLER, HARRY M ETUX BELINDA	4805 LAKESHORE CT	COLLEYVILLE	TX	004805 LAKESHORE CT
ERICKSON, ORLANDO ETUX ANNA	4804 LAKESHORE CT	COLLEYVILLE	TX	004804 LAKESHORE CT
NOORANI, ANIS ETUX REEMA	4940 LAKEWOOD DR	COLLEYVILLE	TX	004940 LAKEWOOD DR
KAREGEANNES, HARRY G ETUX	1004 EDGEWATER CT	COLLEYVILLE	TX	001004 EDGEWATER CT
SALEMIZADEH, A ETUX BELGHEYS G	1005 EDGEWATER CT	COLLEYVILLE	TX	001005 EDGEWATER CT
RHODES, DEE ANN ETVIR JOE	4712 LAKESHORE CT	COLLEYVILLE	TX	004712 LAKESHORE CT
WOLF, GERALD ETUX MARY	4936 LAKEWOOD DR	COLLEYVILLE	TX	004936 LAKEWOOD DR
MCMAHON, DANIEL J	1008 EDGEWATER CT	COLLEYVILLE	TX	001008 EDGEWATER CT
YOUNG, ALAN	1000 CLEAR LAKE CT	COLLEYVILLE	TX	001000 CLEAR LAKE CT
STITTS, ANDREA A	4713 LAKESHORE CT	COLLEYVILLE	TX	004713 LAKESHORE CT
ALAVI, KAMBIZ ETUX HOMA	5009 WESTGROVE LN	COLLEYVILLE	TX	004709 LAKESHORE CT
WREN, DONALD C ETUX BARBARA	4704 LAKESHORE CT	COLLEYVILLE	TX	004704 LAKESHORE CT
TALKINGTON, MARY ALICE	4708 LAKESHORE CT	COLLEYVILLE	TX	004708 LAKESHORE CT
CHARLOTTE WALTERS FAMILY TRUST	3500 HULEN ST # 200	FORT WORTH	TX	004800 LAKESHORE CT
JACKSON, SHARON R	4801 LAKESHORE CT	COLLEYVILLE	TX	004801 LAKESHORE CT
BENTON, RICHARD B ETUX SUSAN N	4705 LAKESHORE CT	COLLEYVILLE	TX	004705 LAKESHORE CT
SAWYER, MATTHEW ETUX CHRISTI	4700 LAKESHORE CT	COLLEYVILLE	TX	004700 LAKESHORE CT

Notification List

BEDFORD, JOHN B ETUX KAMI B	4701 LAKESHORE CT	COLLEYVILLE	TX	004701 LAKESHORE CT
SMALL, MARVIN B JR	4613 CLEARWATER CT	COLLEYVILLE	TX	004613 CLEARWATER CT
DONATO, MARIO JR ETUX MELISSA	4612 CLEARWATER CT	COLLEYVILLE	TX	004612 CLEARWATER CT
HOA - LAKEWOOD ESTATES	6707 BRENTWOOD STAIR F	FORT WORTH	TX	004922 LAKEWOOD DR
MIRZADEH, MARZIA	4608 CLEARWATER CT	COLLEYVILLE	TX	004608 CLEARWATER CT
HAWKINS, CHRISTOPHER & PATRICI	PO BOX 235	COLLEYVILLE	TX	004944 LAKEWOOD DR
HOA - LAKEWOOD ESTATES	12700 PARK CTRL DR STE 6	DALLAS	TX	004935 LAKEWOOD DR
HARDIN, JO DORA	600 CREEKVIEW LN	COLLEYVILLE	TX	000600 CREEKVIEW LN
MOYER, CECILIA C	604 CREEKVIEW LN	COLLEYVILLE	TX	000604 CREEKVIEW LN
JOHNSON, YVONNE F	608 CREEKVIEW LN	COLLEYVILLE	TX	000608 CREEKVIEW LN
LEE, MOON D ETUX YOUNG SUN LEE	628 CREEKVIEW LN	COLLEYVILLE	TX	000628 CREEKVIEW LN
TADLOCK, LARRY & KAREN	624 CREEKVIEW LN	COLLEYVILLE	TX	000624 CREEKVIEW LN
STALFORD, ELIZABETH R TR	701 CREEKVIEW LN	COLLEYVILLE	TX	000701 CREEKVIEW LN
DRENNAN, BILLY ETUX FRANCES	705 CREEKVIEW LN	COLLEYVILLE	TX	000705 CREEKVIEW LN
CAMBRIDGE HOMES LLC	5601 DEMOCRACY DR STE	PLANO	TX	000800 CREEKVIEW LN
NICHOLAS, RENE LOU	808 CREEKVIEW LN	COLLEYVILLE	TX	000808 CREEKVIEW LN
SVESKA, DOROTHY & ROBERT F	4700 LAKEWOOD DR	COLLEYVILLE	TX	000617 CREEKVIEW LN
PETTIT, LOIS JEANNEAN	625 CREEKVIEW LN	COLLEYVILLE	TX	000625 CREEKVIEW LN
FICK, GARY ETUX REBECCA CAST	804 CREEKVIEW LN	COLLEYVILLE	TX	000804 CREEKVIEW LN
SHARP, PERRY L ETUX LORI A	812 CREEKVIEW LN	COLLEYVILLE	TX	000812 CREEKVIEW LN
PILLAI, JAIME	621 CREEKVIEW LN	COLLEYVILLE	TX	000621 CREEKVIEW LN
CURTIS, ELEANOR K TR	629 CREEKVIEW LN	COLLEYVILLE	TX	000629 CREEKVIEW LN
HOA OF CAMBRIDGE PLACE INC	3500 MAPLE AVE STE 1165	DALLAS	TX	000724 CREEKVIEW LN
PATEL, GEETA TR	601 CREEKVIEW LN	COLLEYVILLE	TX	000601 CREEKVIEW LN
CAMBRIDGE HOMES INC	5601 DEMOCRACY DR STE	PLANO	TX	000605 CREEKVIEW LN
GIROIR, RON L ETUX LISINLA G	609 CREEKVIEW LN	COLLEYVILLE	TX	000609 CREEKVIEW LN
RENBURG, TIMOTHY S	613 CREEKVIEW LN	COLLEYVILLE	TX	000613 CREEKVIEW LN
YELLOCK, JOHNNIE ETUX REAGAN	709 CREEKVIEW LN	COLLEYVILLE	TX	000709 CREEKVIEW LN
WINSTEAD, DEBRA A	717 CREEKVIEW LN	COLLEYVILLE	TX	000717 CREEKVIEW LN
MATLOCK, JC JR	805 CREEKVIEW LN	COLLEYVILLE	TX	000805 CREEKVIEW LN
CULVER, DAVID K ETUX CANDIS	813 CREEKVIEW LN	COLLEYVILLE	TX	000813 CREEKVIEW LN
HOA OF CAMBRIDGE PLACE INC	3500 MAPLE AVE STE 1165	DALLAS	TX	000726 CREEKVIEW LN
HART, JOEL ETUX PAMELA	713 CREEKVIEW LN	COLLEYVILLE	TX	000713 CREEKVIEW LN
ROSS, MICKEY K	721 CREEKVIEW LN	COLLEYVILLE	TX	000721 CREEKVIEW LN
CAMBRIDGE HOMES INC	5601 DEMOCRACY DR STE	PLANO	TX	000801 CREEKVIEW LN
OWEN, GEOFFREY R ETUX HELEN M	809 CREEKVIEW LN	COLLEYVILLE	TX	000809 CREEKVIEW LN
WILSON, EDWIN E	817 CREEKVIEW LN	COLLEYVILLE	TX	000817 CREEKVIEW LN
HOA OF CAMBRIDGE PLACE INC	3500 MAPLE AVE STE 1165	DALLAS	TX	000610 CREEKVIEW LN
HOA OF CAMBRIDGE PLACE INC	3500 MAPLE AVE STE 1165	DALLAS	TX	000802 CREEKVIEW LN
MORSE, JULIUS ETUX BILLIE	821 CREEKVIEW LN	COLLEYVILLE	TX	000821 CREEKVIEW LN
SUITER, SCOTT M ETUX JULIE A	825 CREEKVIEW LN	COLLEYVILLE	TX	000825 CREEKVIEW LN
CHONODY, ANDREW ETUX SANDRA	829 CREEKVIEW LN	COLLEYVILLE	TX	000829 CREEKVIEW LN
ZINGER, CHARLES ETUX JOANNE	833 CREEKVIEW LN	COLLEYVILLE	TX	000833 CREEKVIEW LN
CRUMPLER, JOHN K ETUX KANDIS L	725 CREEKVIEW LN	COLLEYVILLE	TX	000725 CREEKVIEW LN
SORLIE, VICTOR A ETUX LINDA	729 CREEKVIEW LN	COLLEYVILLE	TX	000729 CREEKVIEW LN
TEAGUE, MARY P ETVIR DANIEL	733 CREEKVIEW LN	COLLEYVILLE	TX	000733 CREEKVIEW LN
DEHART, DORIS	737 CREEKVIEW LN	COLLEYVILLE	TX	000737 CREEKVIEW LN

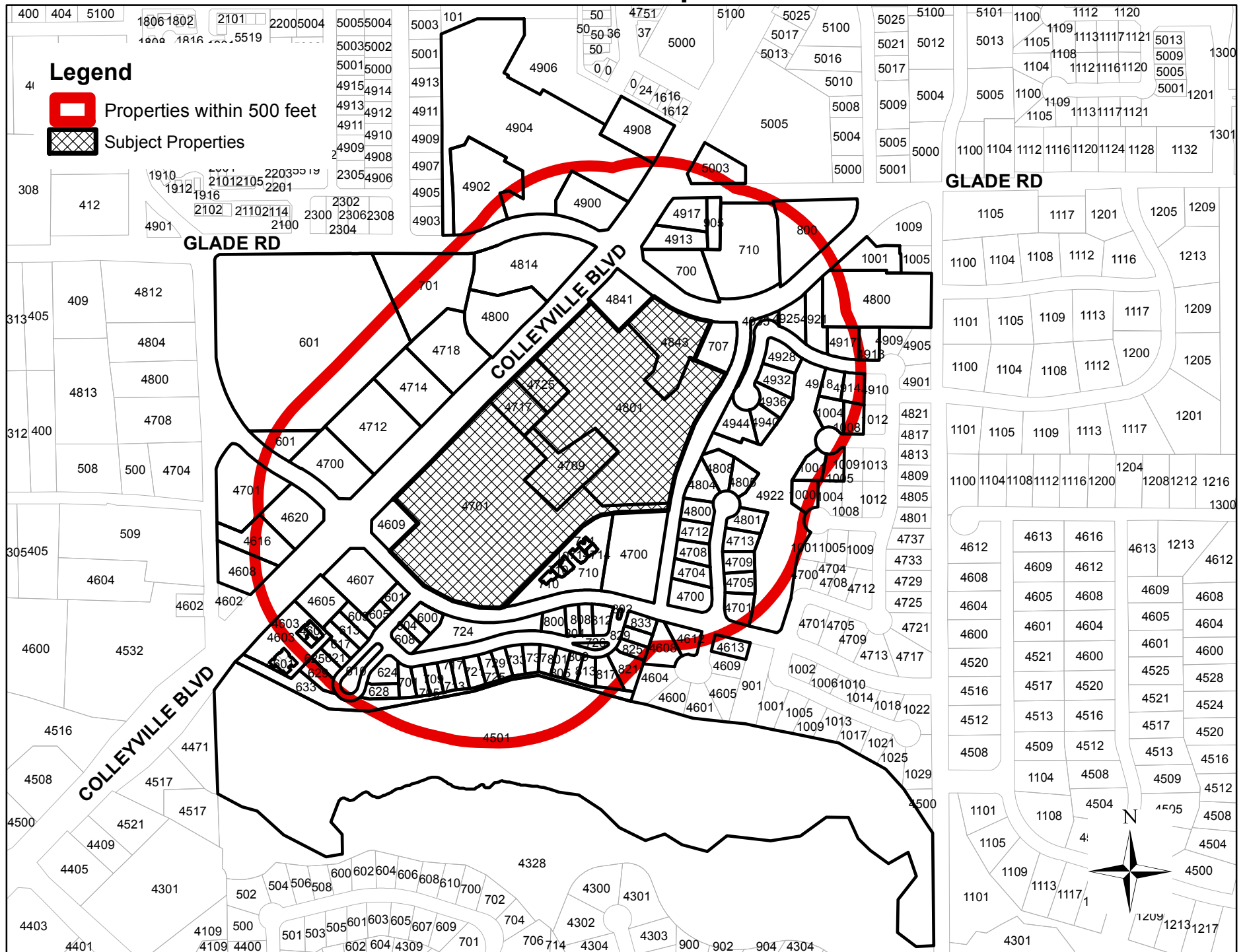
Notification List

WILSON, MARK D & JOHN B BLICK	701 GLADE RD	COLLEYVILLE	TX	000701 GLADE RD
WORTHINGTON NATIONAL BANK	500W MAIN ST	FORT WORTH	TX	004814 COLLEYVILLE BLVD
HERITAGE PERSONAL TRAINING INC	1208 CREST DR	COLLEYVILLE	TX	000707 GLADE RD
AC VILLAGE PARK PARTNERS LLC	8235 DOUGLAS AVE STE 65	DALLAS	TX	004843 COLLEYVILLE BLVD
REALTY INCOME TX PRO 1 LLC	PO BOX 460069	ESCONDIDO	CA	004700 GLADE CREEK DR
AC VILLAGE PARK PARTNERS LLC	8235 DOUGLAS AVE STE 65	DALLAS	TX	004709 COLLEYVILLE BLVD
AC VILLAGE PARK PARTNERS LLC	8235 DOUGLAS AVE STE 65	DALLAS	TX	004717 COLLEYVILLE BLVD
SCHWAB GROUP LLC	714 CENTERPARK DR STE 1	COLLEYVILLE	TX	000714 CENTERPARK
AVIA PROPERTIES LLC	714 CENTERPARK DR STE 1	COLLEYVILLE	TX	000714 CENTERPARK
BETTY B PANNELL REV LIV TR	PO BOX 815	COLLEYVILLE	TX	000710 CENTERPARK
1 CHRONICLES 29:10-20 LLC	6620 CEDAR GROVE DR	NORTH RICHLAND HILLS	TX	000714 CENTERPARK
COLLEYVILLE CENTERPARK ASSOC	PO BOX 47	COLLEYVILLE	TX	000710 CENTERPARK
RAPHAEL LEASING LLC	PO BOX 820895	NORTH RICHLAND HILLS	TX	000710 CENTERPARK
KETTLE, KEITH & TERESA S	714 CENTERPARK DR STE 1	COLLEYVILLE	TX	000710 CENTERPARK
FISCAL FITNESS CENTER LLC	4603 COLLYVILLE BLVD STE	COLLEYVILLE	TX	004603 COLLEYVILLE BLVD # 140
SISDR PROPERTIES LLC	4603 COLLEYVILLE BLVD ST	COLLEYVILLE	TX	004603 COLLEYVILLE BLVD # 100
COLLEYVILLE BLVD CONDO ASSOC	PO BOX 47	COLLEYVILLE	TX	004603 COLLEYVILLE BLVD
WAL-MART REAL ESTATE BUS TRUST	PO BOX 8050	BENTONVILLE	AR	004904 COLLEYVILLE BLVD
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING	TX	004902 COLLEYVILLE BLVD
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING	TX	004908 COLLEYVILLE BLVD
COLLEYVILLE PLAZA LP	580 DECKER DR STE 203	IRVING	TX	004900 COLLEYVILLE BLVD
CENTERPARK COLLEYVILLE PRTNRS	3008 E HEBRON PKWY BLD	CARROLLTON	TX	004712 COLLEYVILLE BLVD
ERVIN, RICHARD L ETUX TERRI	1155 W WALL ST STE 101	GRAPEVINE	TX	004700 COLLEYVILLE BLVD
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE	TX	000601 GLADE RD
GRAPEVINE COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE	TX	000601 GLADE RD
KRIVSKY-BARTUSIAK INC	3220 CLEAR FORK DR	HURST	TX	004701 BRANSFORD RD
LOVEITA & SCHON LLC	803 CAPROCK DR	BIG SPRING	TX	004620 COLLEYVILLE BLVD
HOA - LAKEWOOD ESTATES	6707 BRENTWOOD STR RD	FORT WORTH	TX	004921 LAKEWOOD DR
SANDLIN, SCOTT	5137 DAVIS BLVD	NORTH RICHLAND HILLS	TX	004800 BEDFORD RD
PITTMAN, BOBBY G	4913 LAKEWOOD DR	COLLEYVILLE	TX	004913 LAKEWOOD DR
BENNETT, JAMES ETUX JOANN	4917 LAKEWOOD DR	COLLEYVILLE	TX	004917 LAKEWOOD DR
GLADE ROAD CAPITAL LLC	PO BOX 1821	COLLEYVILLE	TX	001001 VILLAGE PARK DR
GCISD				

Buffer Map

Legend

-  Properties within 500 feet
-  Subject Properties



Applicant's Request

For the landscape installation project taking place at Colleyville Downs, we respectfully request approval of 4-6" native stone as an appropriate mulching product in medians and beds across the property.

The previous median design included turf. In our experience, turf in medians can pose many issues: the heat of the surrounding pavement causes the turf to dry out during the summer, cars frequently run over turf in medians causing ruts and operating landscape equipment (mowers, edgers, and weed eaters) in medians right next to parked cars poses damage liability.

The overall design of the landscaping at Colleyville Downs was intended to include drought-tolerant, native and low maintenance plants, drip irrigation for water conservation and the stone was selected as a permanent mulch solution, thereby reducing the client's recurring maintenance expense. Wood mulch would have required replenishing at least once annually, which can be substantial labor and materials expenses.

In addition, beds and medians are located on a sloped parking lot and there was concern about wood mulch washing into the parking lot, whereas stone will hold in place. The stone was specifically selected to aesthetically enhance the stone that was applied to the building façade.

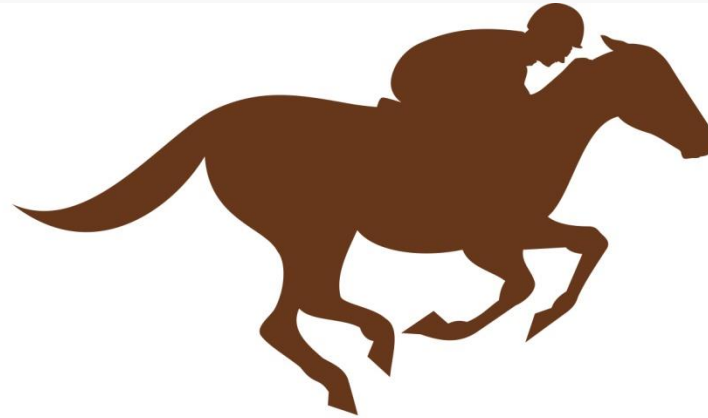
We appreciate your consideration.

Bevin Prater | Account Manager
1252 W Dove Rd | Southlake, TX 76092
Office 817-430-4848 | Mobile 972-670-0117 | Fax 972-241-3368

BRICKMAN

Our Purpose: Inspiring people. Nurturing landscapes.
Our Values: Trust • Honesty • Respect • Teamwork • Excellence

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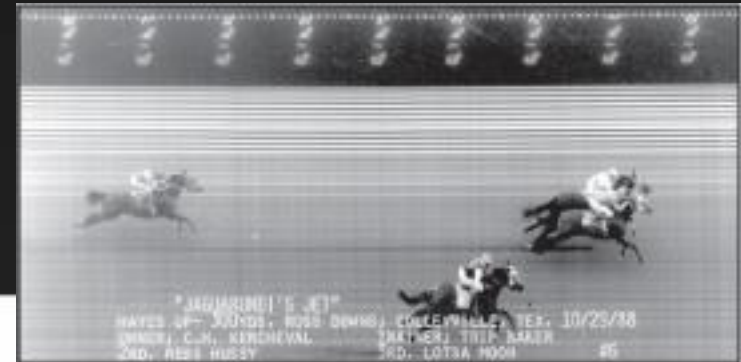
COLLEYVILLE
— D O W N S —

Applicant's Presentation to the City Council from September 3, 2013



Centennial
REAL ESTATE

ROSS DOWNS



COLLEYVILLE
— D O W N S —

Applicant's Presentation to the City Council from September 3, 2013



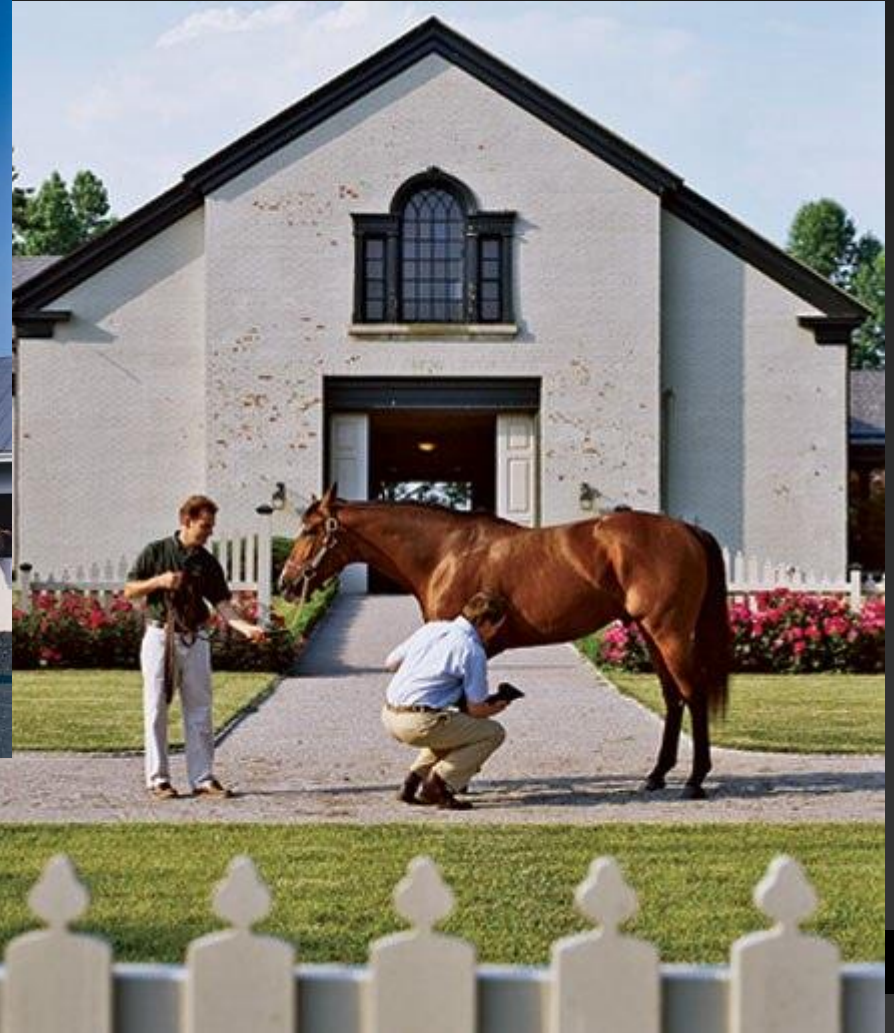
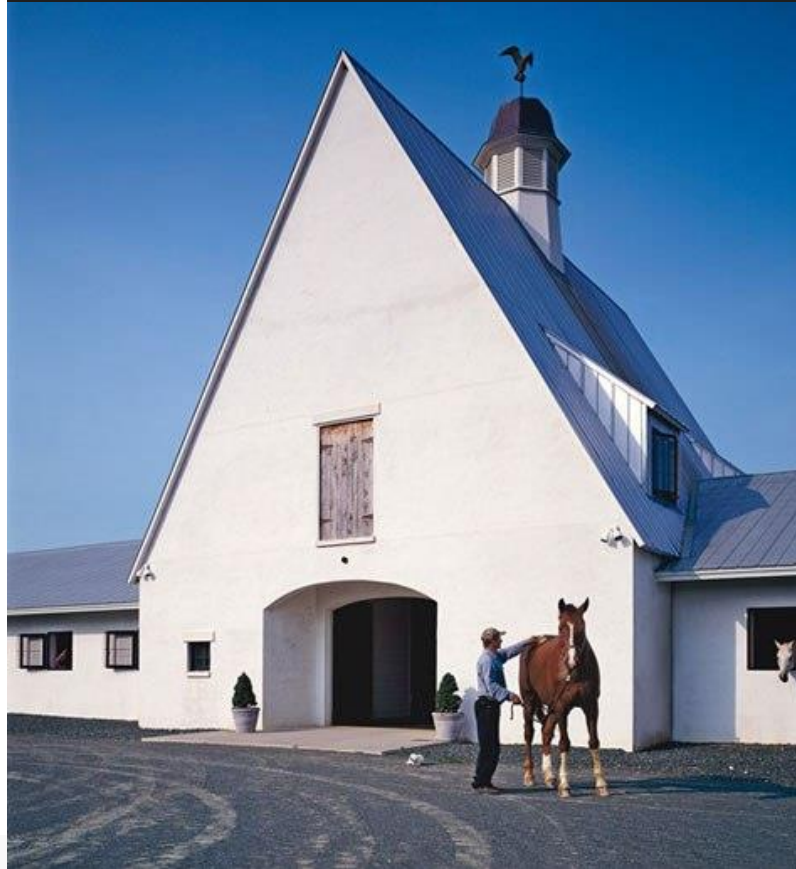
Racing Architecture



Applicant's Presentation to the City Council from September 3, 2013



Equestrian themes



Applicant's Presentation to the City Council from September 3, 2013



Design Elements

- Å **Grandstands**
- Å **Barn doors**
- Å **Pitched roofs**
- Å **Cupolas/weathervanes**
- Å **Dormers**



Applicant's Presentation to the City Council from September 3, 2013



Centennial
REAL ESTATE

Materials

Å **Brick—slurry-coat
existing**

Å **Stone**

Å **Wood**

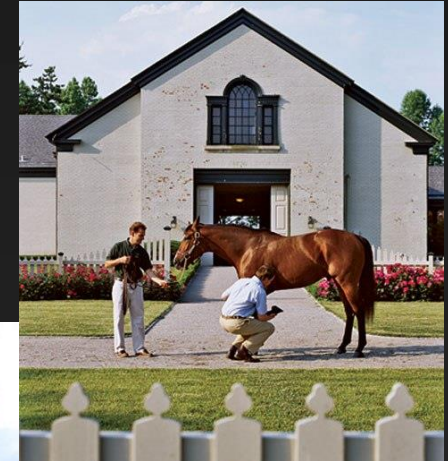
Å **Standing Seam Metal**

Colors:

Å **White**

Å **Green**

Å **Grey**



COLLEYVILLE
— D O W N S —

Applicant's Presentation to the City Council from September 3, 2013



Centennial
REAL ESTATE



COLLEYVILLE
— D O W N S —

Start !

Applicant's Presentation to the City Council from September 3, 2013



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COLLEYVILLE
— D O W N S —

Early Designs

Applicant's Presentation to the City Council from September 3, 2013



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COLLEYVILLE
— D O W N S —

Applicant's Presentation to the City Council from September 3, 2013



FINAL ELEVATIONS

Applicant's Presentation to the City Council from September 3, 2013



Applicant's Presentation to the City Council from September 3, 2013



COLLEYVILLE
— D O W N S —

Applicant's Presentation to the City Council from September 3, 2013

HWY 26/COLLEYVILLE BLVD.



COLLEYVILLE
— D O W N S —

Site Plan/Site improvements

Applicant's Presentation to the City Council from September 3, 2013

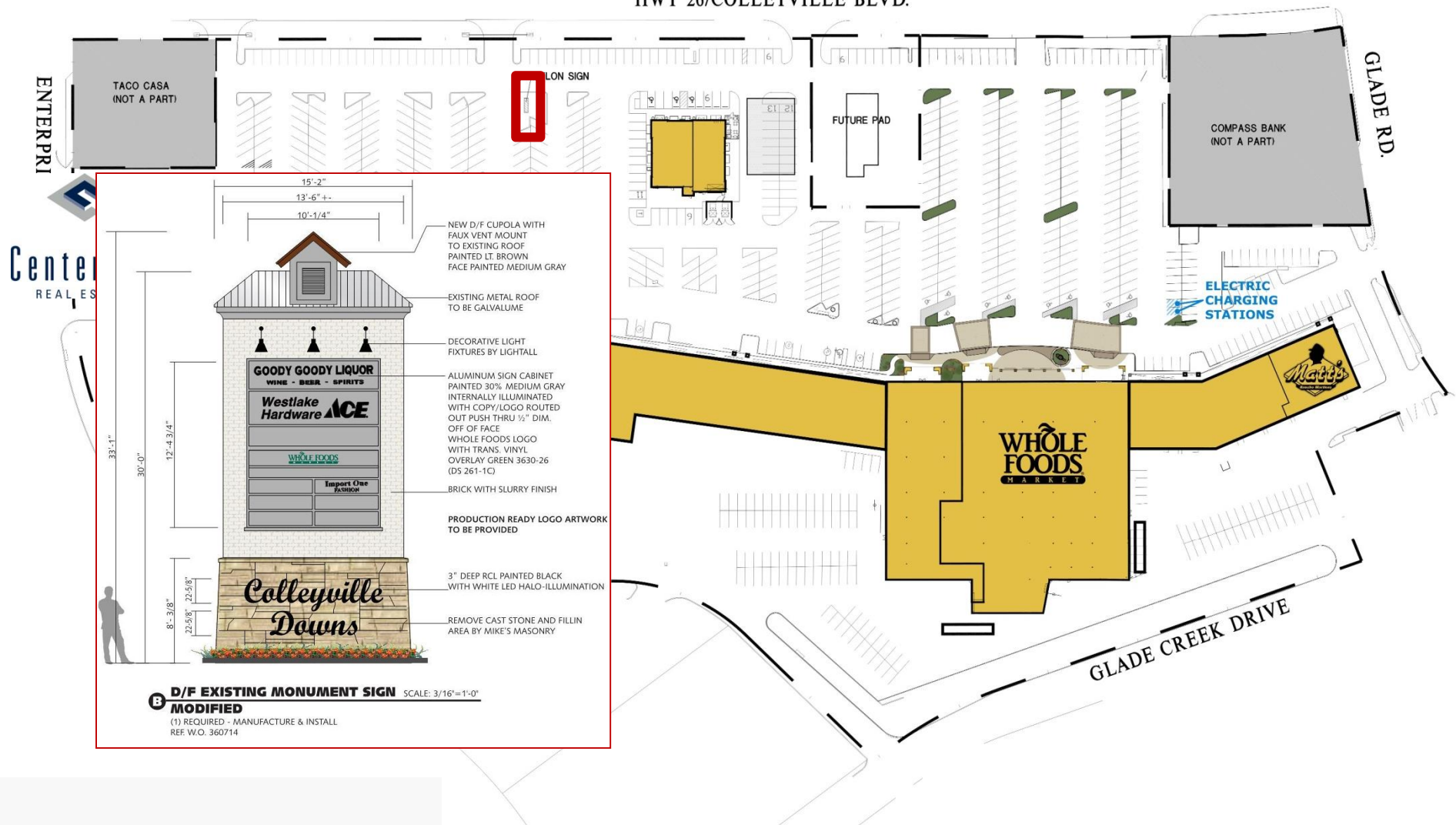
HWY 26/COLLEYVILLE BLVD.



Site Plan/Site improvements

Applicant's Presentation to the City Council from September 3, 2013

HWY 26/COLLEYVILLE BLVD.



COLLEYVILLE
— D O W N S —

Site Plan/Site improvements

Applicant's Presentation to the City Council from September 3, 2013

HWY 26/COLLEYVILLE BLVD.



COLLEYVILLE
— D O W N S —

Site Plan/Site improvements

Applicant's Presentation to the City Council from September 3, 2013

HWY 26/COLLEYVILLE BLVD.



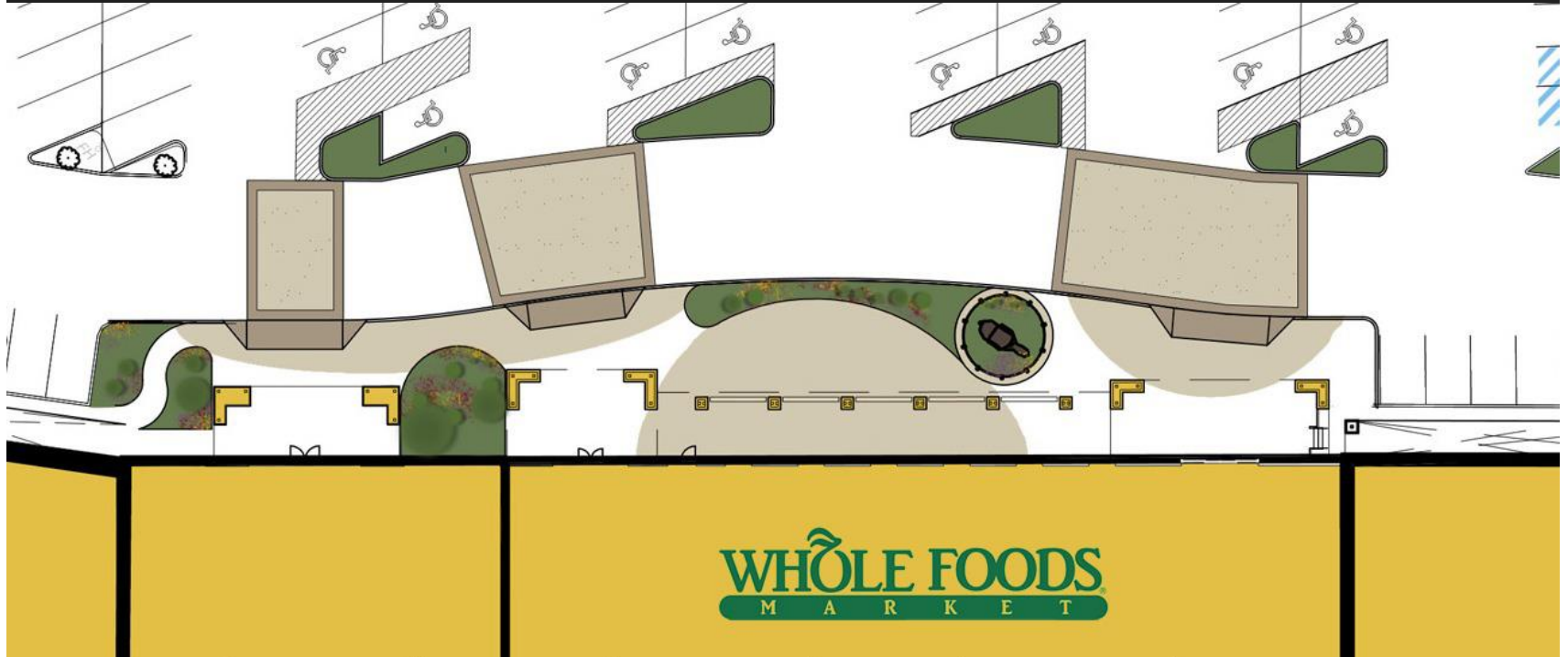
COLLEYVILLE
— D O W N S —

Site Plan/Site improvements

Applicant's Presentation to the City Council from September 3, 2013



Centennial
REAL ESTATE



COLLEYVILLE
— D O W N S —

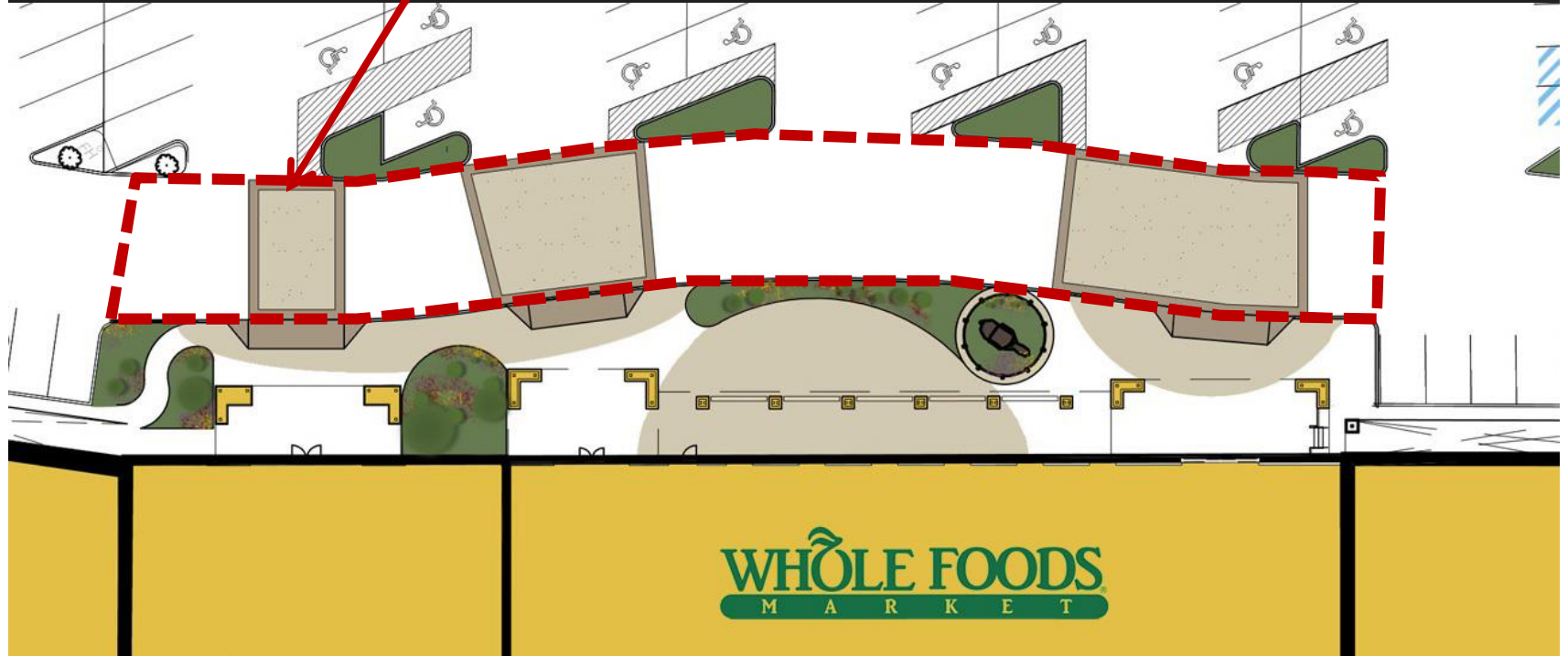
Whole Foods entry upgrades

Applicant's Presentation to the City Council from September 3, 2013



Centennial
REAL ESTATE

**Relocate existing fire lane
to increase sidewalk area**



COLLEYVILLE
— D O W N S —

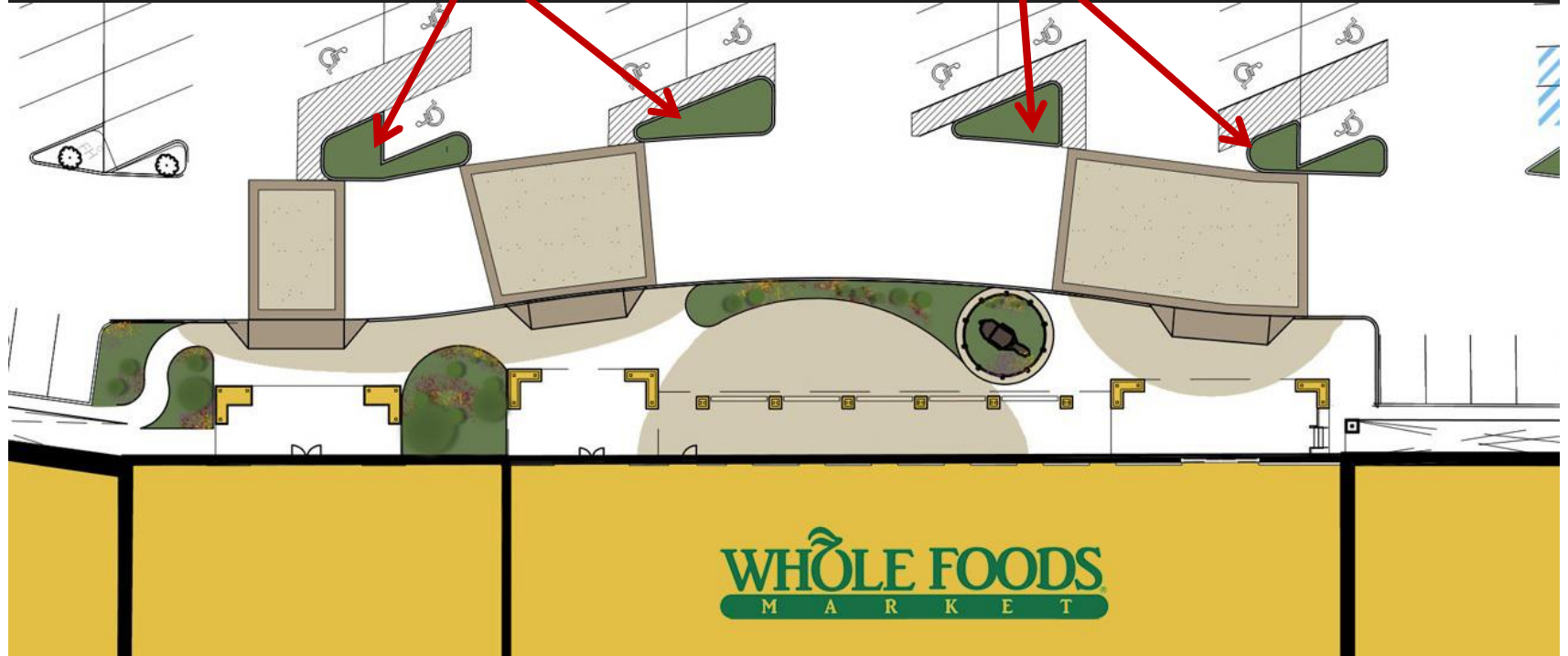
Whole Foods entry upgrades

Applicant's Presentation to the City Council from September 3, 2013



Centennial
REAL ESTATE

**New landscape
islands and lighting**



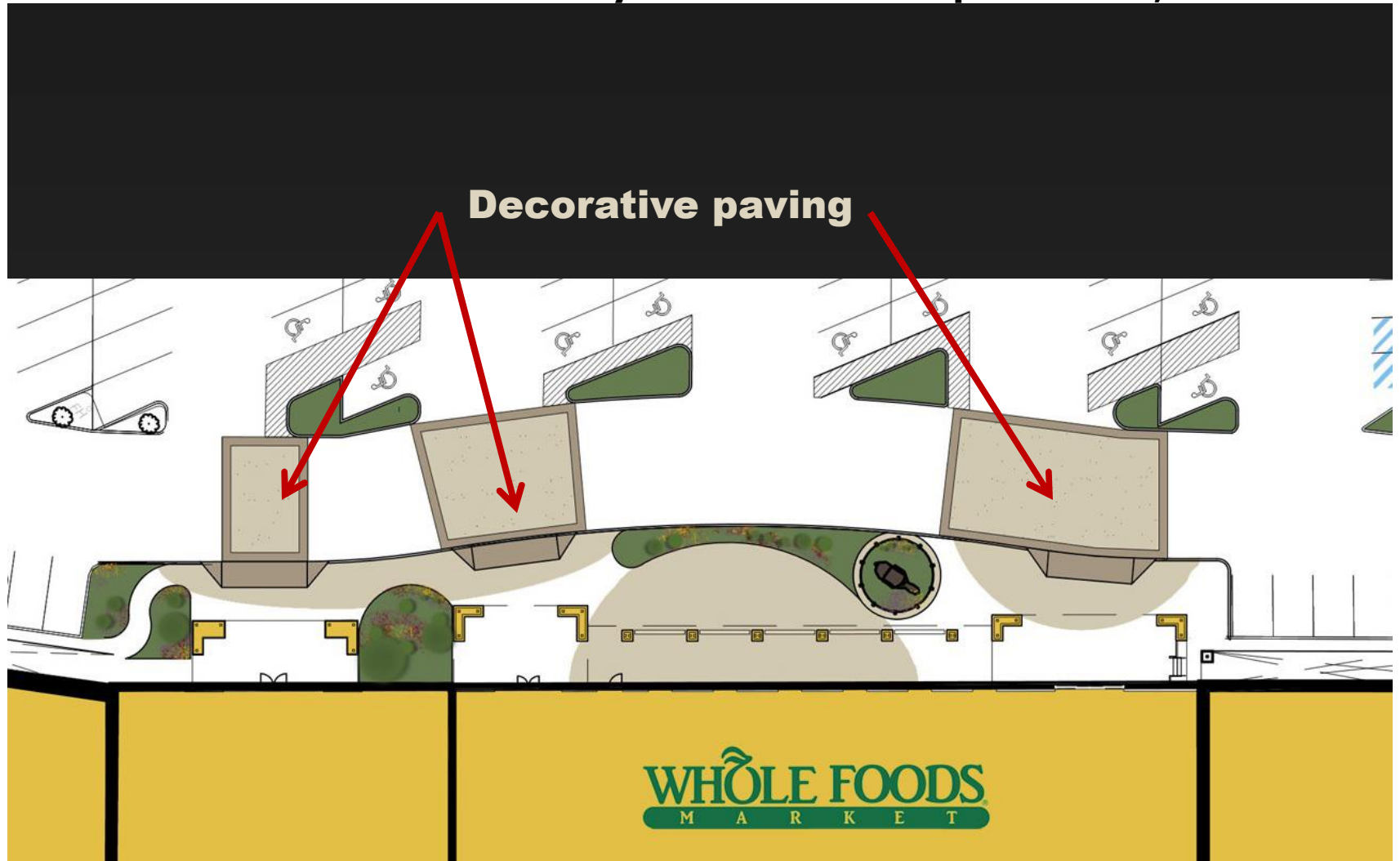
COLLEYVILLE
— D O W N S —

Whole Foods entry upgrades

Applicant's Presentation to the City Council from September 3, 2013



Centennial
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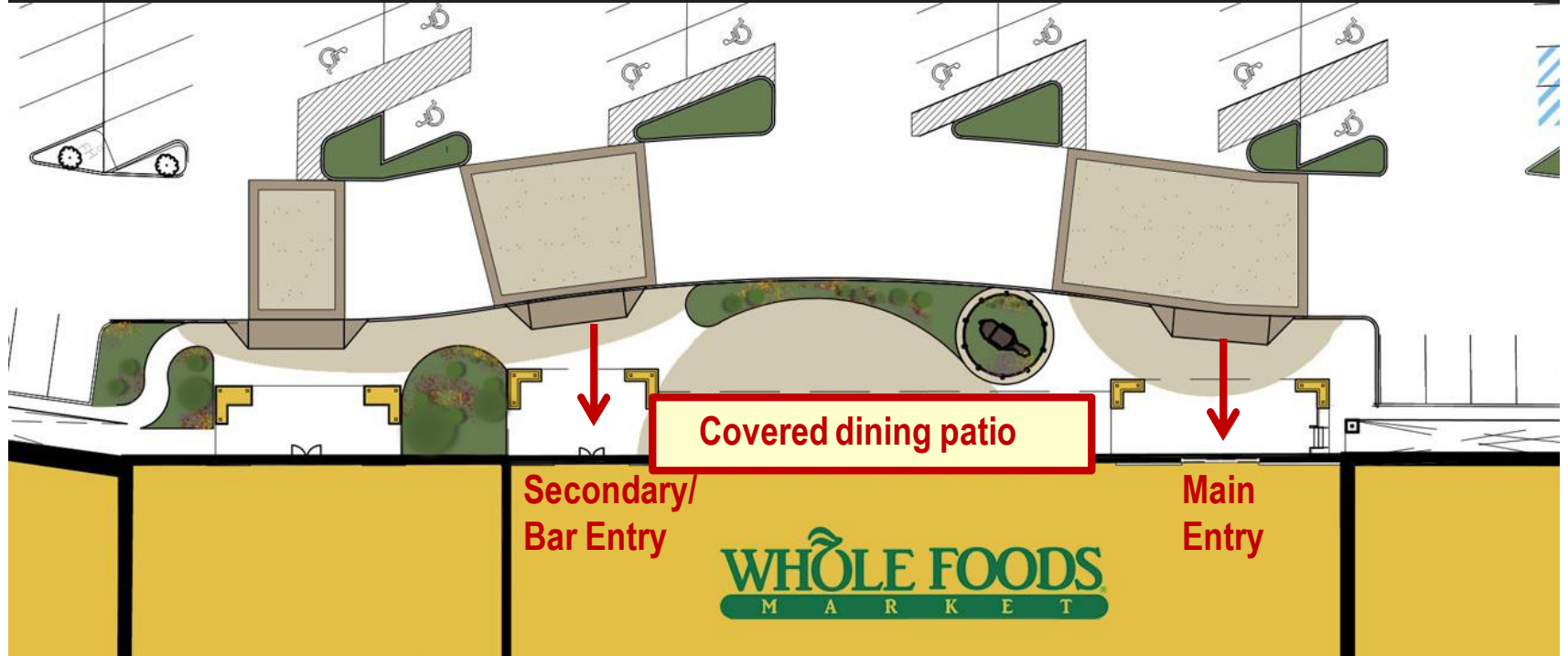
COLLEYVILLE
— D O W N S —

Whole Foods entry upgrades

Applicant's Presentation to the City Council from September 3, 2013



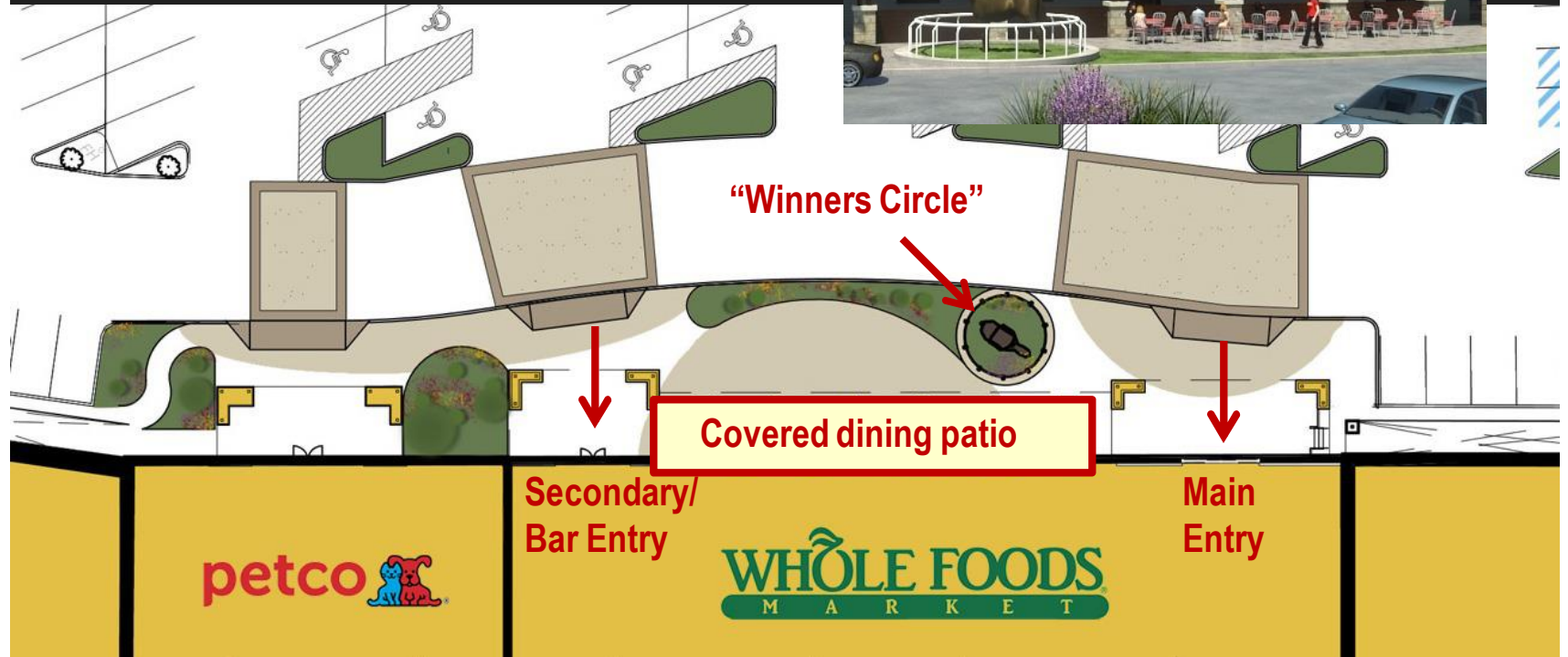
Centennial
REAL ESTATE



COLLEYVILLE
— D O W N S —

Whole Foods entry upgrades

Applicant's Presentation to the City Council from September 3, 2013



Whole Foods entry upgrades

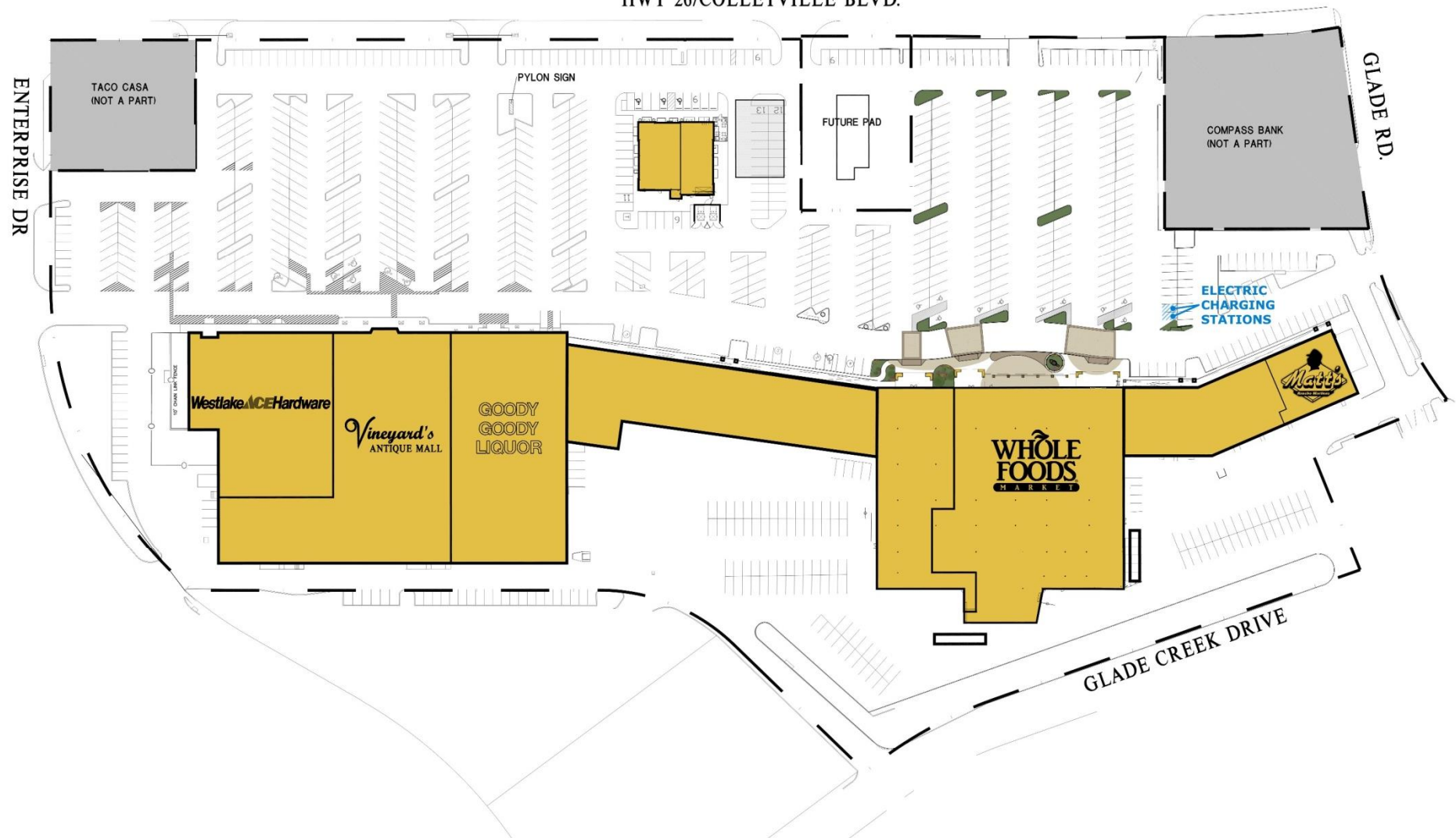
Applicant's Presentation to the City Council from September 3, 2013



COLLEYVILLE
— D O W N S —

Applicant's Presentation to the City Council from September 3, 2013

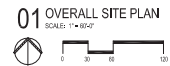
HWY 26/COLLEYVILLE BLVD.



COLLEYVILLE
— D O W N S —

Site Plan

SHEET NO.
L1.00

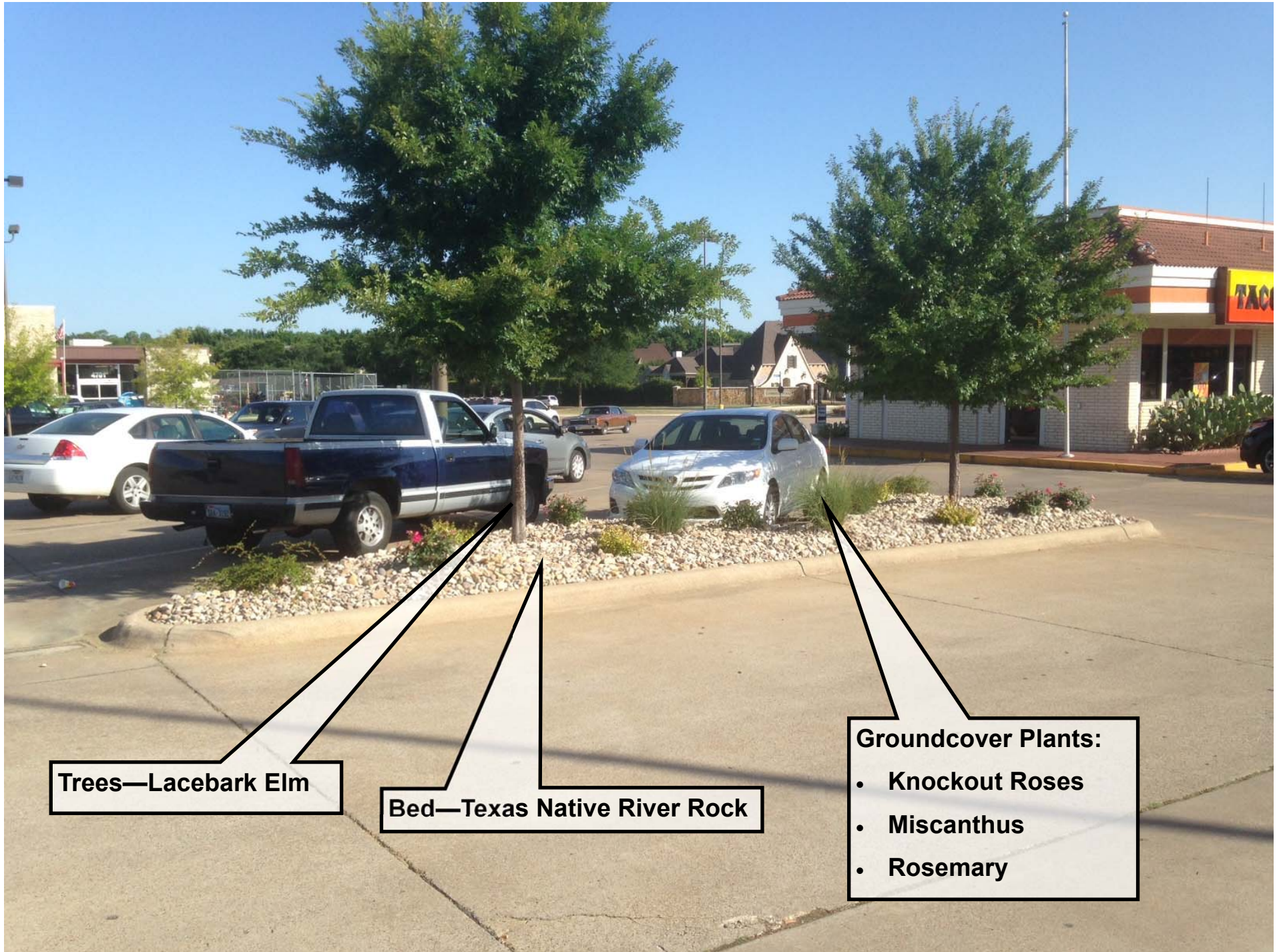
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NOTE: Plant list is an aid to bidders only. Contractor shall verify all quantities on plan. All heights and spreads are minimums. All plant material shall meet or exceed remarks as indicated. All trees to have straight trunks and be matching within varieties.

SHEET NO.
L1.01



Proposed Landscape Islands



Trees—Lacebark Elm

Bed—Texas Native River Rock

Groundcover Plants:

- Knockout Roses
- Miscanthus
- Rosemary

Photo of River Rock in Landscape Island



ORDINANCE O-10-1780

AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOT 1R1, BLOCK 2, OF THE VILLAGE PARK ADDITION LOCATED AT 4701 COLLEYVILLE BOULEVARD 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. ZC10-024; and

WHEREAS, the City of Colleyville deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to 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 1R, Block 2, of the Village Park Addition located at 4701 Colleyville Boulevard, 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 depicted on Exhibit "A" and described in Exhibit "B".
- b. The package store authorized by this Special Use Permit shall not exceed 28,560 square feet in size.
- c. The parking lot shall be landscaped per the requirements for parking lot landscaping in the Land Development Code except that no landscaping shall be required for the parking lot islands directly in front of the entrances for the proposed package store and Vineyard Antique Mall lease spaces. This exemption shall only apply to a maximum of three (3) parking lot islands on the subject property.
- d. All dumpsters shall, at a minimum, be screened per the requirements for dumpster screening in the Land Development Code.
- e. All buildings located on the subject property shall, at a minimum, meet a minimum design score of 25, per the requirements of Chapter 6-Building Design in the Land Development Code prior to the issuance of the certificate of occupancy for the package store. However, the front façade of the package store shall be generally consistent with Exhibit "E" and shall meet a minimum design score of 28.

- f. All signs advertising the package store shall meet the following conditions: (1) the existing multi-tenant pylon sign on the subject property shall be replaced with the landmark sign shown in Exhibit "D" prior to the issuance of the certificate of occupancy; (2) all signage, including existing signage, shall, at a minimum, meet the minimum requirements of Chapter 7-Sign Regulations in the Land Development Code; (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.
 - g. The package store authorized by this Special Use Permit shall be required to comply with all provisions of the attached Exhibit "F".
 - h. 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.
 - i. 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.

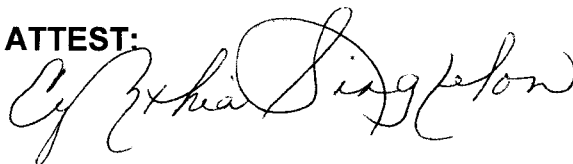
Sec. 8. THAT it has been found that there has been a change in conditions in the above described property, it is now necessary that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare, and requires 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 November 2010.

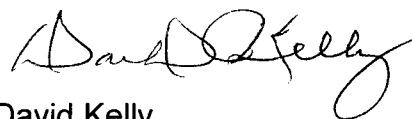
The second reading and public hearing being conducted on the 16th day of November 2010.

ATTEST:



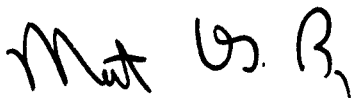
Cynthia Singleton, TRMC, CMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" - Location and Zoning Map

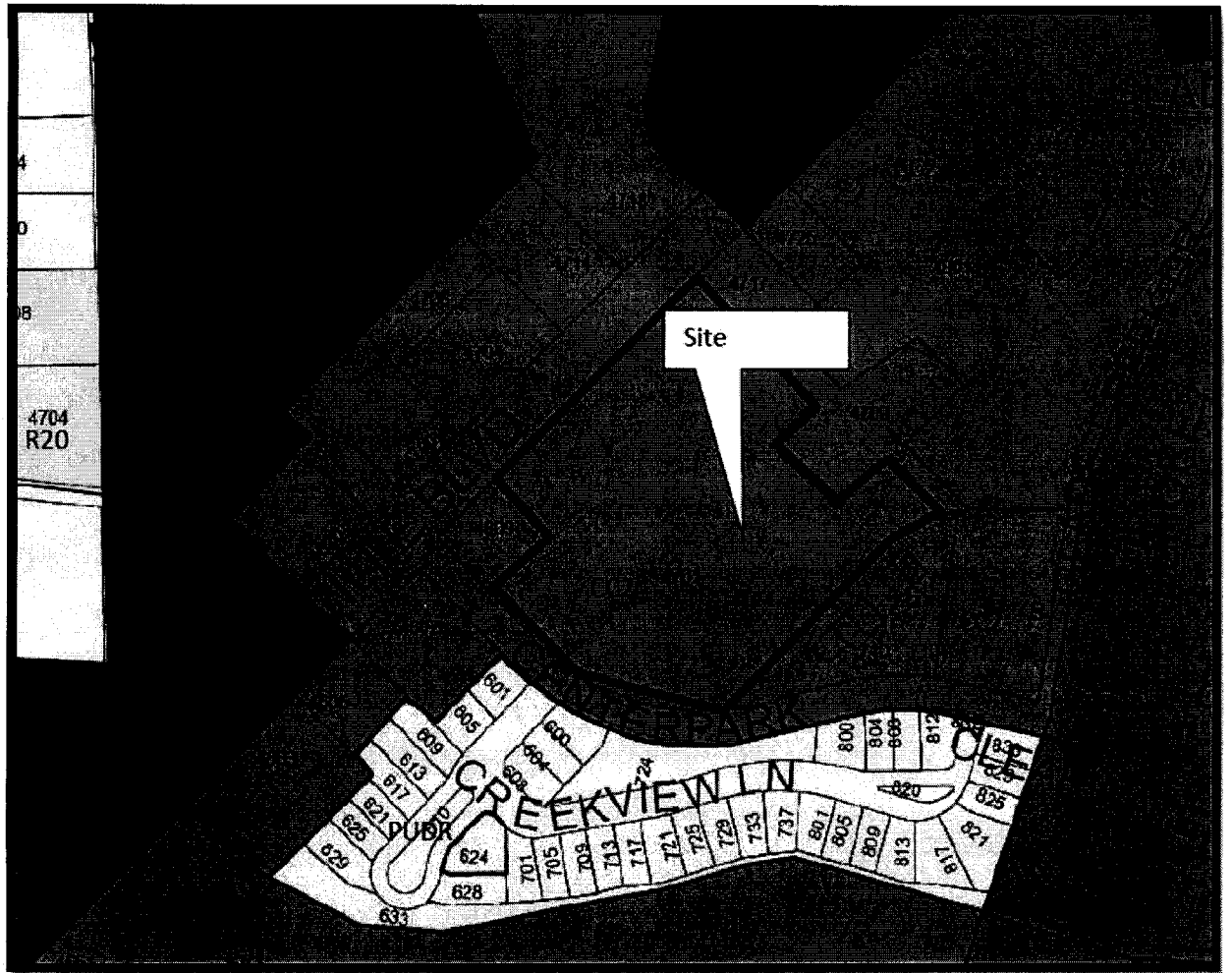


Exhibit "B" – Statement of Planning Objectives

Goody Goody Liquor, inc. (The Company) has been a family owned and operated business since 1964 and is now the second largest package store chain in the state of Texas. The business model is large, clean stores with huge selections and the best pricing in the market. A store this size will carry 7,000 different products from around the world.

The proposed location is at 4701 Colleyville Blvd, which is currently being occupied by the Vineyard Antique Mall. The space will be split so that The Company will occupy 28,560 square feet. The finish out will be similar to the Companies' location on Camp Bowie Blvd. In Fort Worth, TX. Photos of that location are attached.

Application for TABC licenses will be made at the earliest possible date and will take no more than 90 days. The construction phase will take between four and five months after building permits are issued. Given this timetable, the earliest time the store could be opened would be late January or early February 2011.

The store will operate from 10 AM in the morning until 9 PM at night, 6days per week. The store will be closed on all Sundays, Thanksgiving, Christmas day, and New Years day. A store this size will start out employing fifteen people and will grow to twenty employees over the next eight years.

CONVENTION

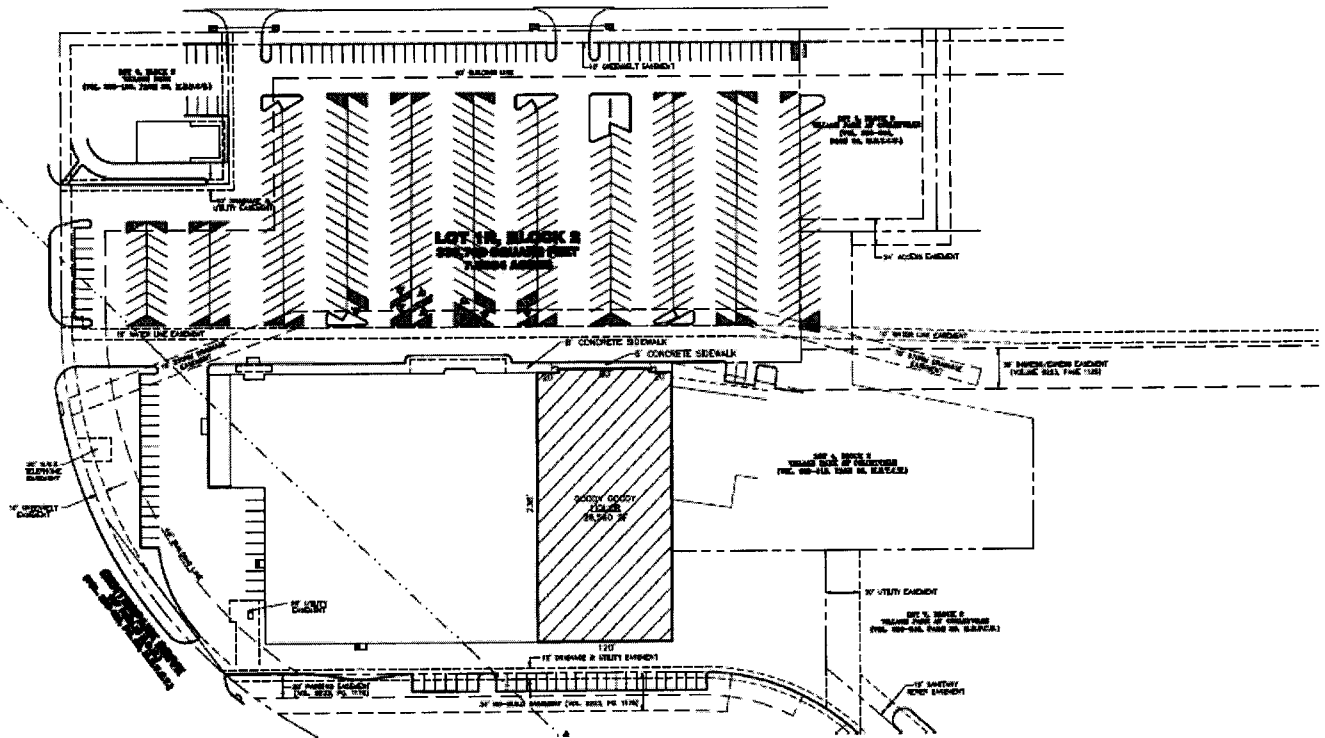
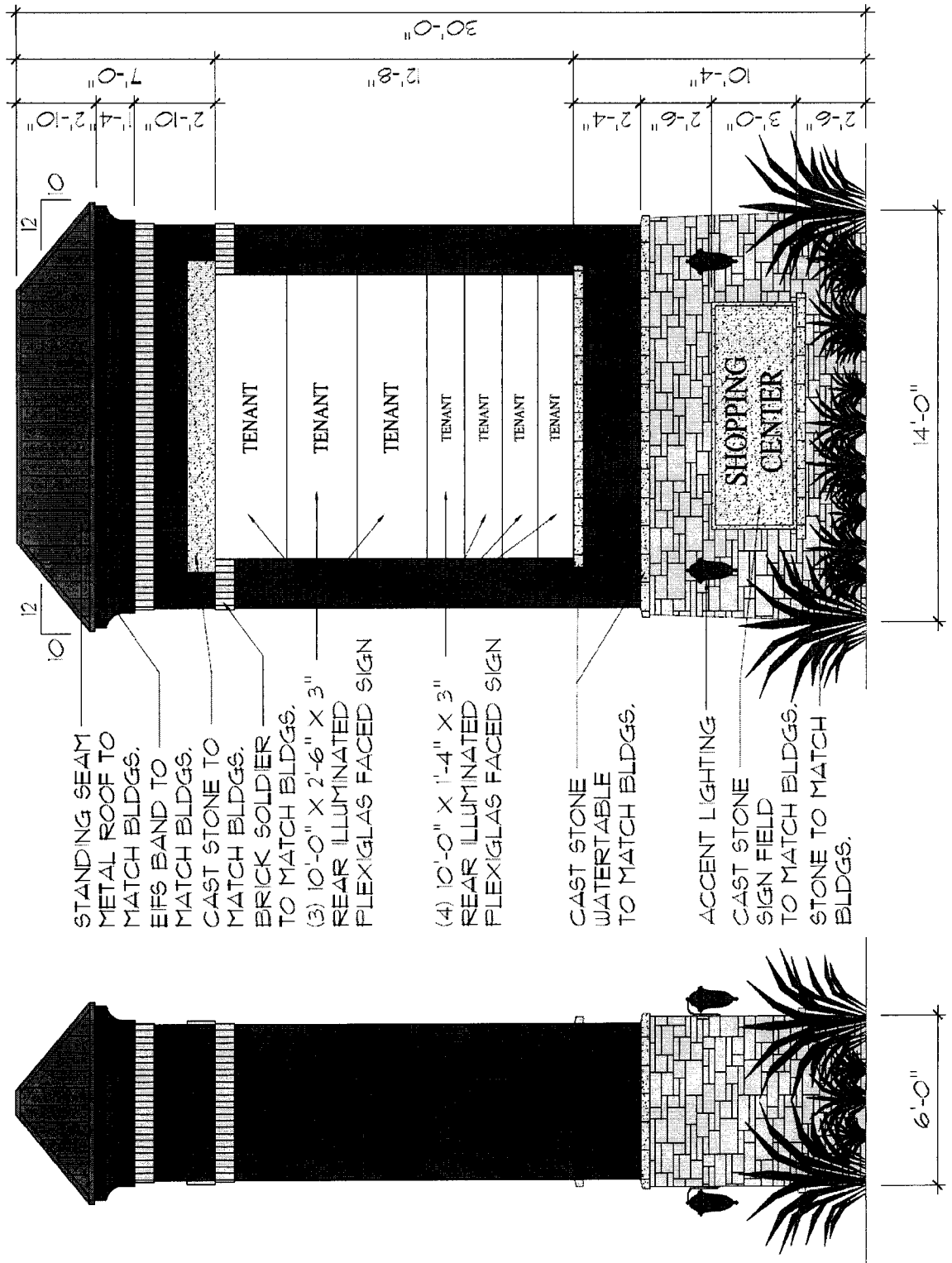


Exhibit "D" – Landmark Sign



NEW PARAMET GULL - FACE OF EXISTING BRICK FACADE
PARAMET CAP
BRICK CONTROL JOINT
BRICK VENEER
NATURAL STONE VENEER
QUARTZ STONE PLANTER
METAL AWNING
MATCH COLORS TO MATCH EXISTING METAL DEVELOPMENT

8'-0" 15'-0" 15'-0"

GOODY GOODY LIQUOR
WINE - BEER - SPIRITS

PARAMET CAP
BRICK FLARING
BRICK VENEER
BRICK VENEER
BRICK VENEER
BRICK VENEER

2 FRONT ELEVATION
2'6" - 1'6"

ORDINANCE O-13-1881

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF LOTS 1R1, 4, 5A, 6A, 7A, AND 9R, BLOCK 2 OF THE VILLAGE PARK ADDITION, LOCATED AT 4701, 4709, 4717, 4725, 4801, AND 4843 COLLEYVILLE BOULEVARD, BY AUTHORIZING A SPECIAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AND OFF-PREMISES CONSUMPTION; 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 special use permit for the sale of alcoholic beverages for on and off-premises consumption under Case No. ZC13-009; 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 in order to create a Special Use Permit for the sale of alcoholic beverages for on and off-premises consumption in accordance with the conditions of approval included in this 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 changing the zoning on Lots 1R1, 4, 5A, 6A, 7A, and 9R, Block 2, Village Park Addition, located at 4701, 4709, 4717, 4725, 4801, and 4843 Colleyville Boulevard, by authorizing a Special Use Permit for the sale of alcoholic beverages for on-premises consumption and off-premises consumption, as depicted on Exhibit "A" and described in Exhibit "B" ("Property").
- 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. The Special Use Permit shall allow the sale of alcoholic beverages for on-premises consumption and off-premises consumption in accordance with the below conditions.

- b. Any restaurant located on the Property may sell alcoholic beverages (including beer, wine, and liquor) for on-premises consumption in compliance with the City's alcoholic beverage regulations.
- c. All conditions contained herein that do not specifically address the issuance of certificates of occupancy for businesses engaging in the sale of alcoholic beverages for on and off-premises consumption shall remain valid and enforceable regardless of whether a grocery store doing business under the trade name "Whole Foods Market" (or such other trade name used by Whole Foods in a majority of its other stores in the Dallas/Fort Worth market, hereafter referred to as "Whole Foods") exists on the Property.
- d. Whole Foods may sell alcoholic beverages for on-premises consumption as part of a restaurant use that is accessory or incidental to the grocery store use.
- e. A certificate of occupancy for a restaurant including the sale of alcoholic beverages for on-premises consumption as allowed by section 1(b) above may only be approved if Whole Foods exists on the Property. Provided, however, any restaurant use involving the sale of alcoholic beverages for on-premises consumption that validly obtains a certificate of occupancy in accordance with this section may continue to sell alcoholic beverages for on-premises consumption after Whole Foods ceases to exist on the Property. However, said certificate of occupancy for a restaurant that sells alcohol for on-premises consumption that is allowed to continue per the provisions of this section, "e", shall automatically expire upon the abandonment of the business, change in the use, or upon the expiration or termination of the certificate of occupancy.
- f. A variance to the 300 foot distance requirement from churches, public or private schools, or public hospitals is hereby granted by this ordinance in accordance with Section 6-3(d) of the Code of Ordinances.

- g. All requirements of the Land Development Code and the Code of Ordinances shall be met, except where amended herein.

2. LANDSCAPING AND SCREENING

- a. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages on the Property, all landscaping on the Property shall meet the requirements of Chapter 4 of the Land Development Code.
- b. Prior to the issuance of any Certificate of Occupancy for any business authorized to sell alcoholic beverages on the Property, all dumpsters on the Property shall be enclosed and screened in accordance with Section 3.26 of the Land Development Code.

3. BUILDING DESIGN, SIGNAGE, AND PARKING

- a. The front façade of the main shopping center building shall meet the minimum requirements of Chapter 6 of the Land Development Code, except that the maximum allowance for non-masonry building accents for the front façade shall be 25 percent, as generally depicted on Exhibit "C".
- b. No more than two "landmark signs," as defined in Chapter 7 of the Land Development Code, shall be located on the Property. The landmark signs shall be generally consistent with the depictions in Exhibit "D".
- c. The minimum amount of parking required for all uses on the Property is 4.5 parking spaces per 1,000 feet of gross floor area.
- d. No more than two electrical charging stations shall be allowed on the Property in conjunction with this Special Use Permit.

- 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.

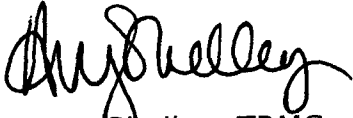
The first reading and public hearing being conducted on the 3rd day of September 2013.

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

The continued reading and public hearing being conducted on the 2nd day of October 2013.

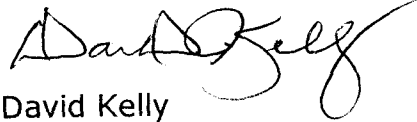
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 2nd day of October 2013.

ATTEST:



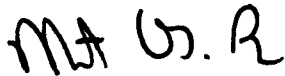
Amy Shelley, TRMC
City Secretary

CITY OF COLLEYVILLE



David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:



Matthew C. G. Boyle
City Attorney

Exhibit "A" – Location and Zoning Map

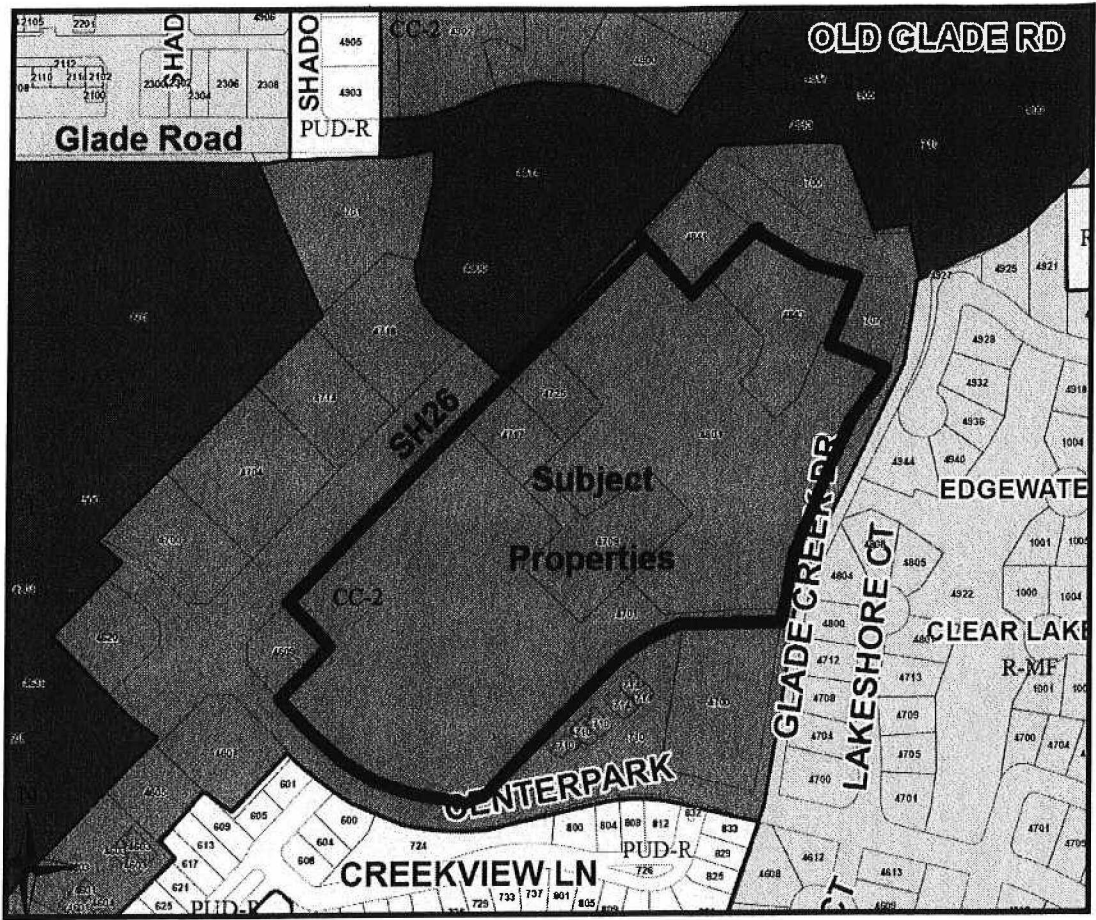


Exhibit "B" – Statement of Planning Objectives

AC VILLAGE PARK PARTNERS, LLC
8235 Douglas Avenue, Suite 655
Dallas, Texas 75225

We currently own the Village Park Shopping Center located at the Southeast corner of Hwy. 26/Colleyville Boulevard and Glade Road, containing approximately 192,865 square feet of retail space (the "Property"). The Property is within Tax Increment Reinvestment Zone Number One and is the subject of an Economic Development Grant Agreement executed on February 19, 2013 between us and the City of Colleyville, Texas.

As you know, we are in the process of redeveloping and rebranding the Property into Colleyville Downs, a Class A shopping center to be anchored by Whole Foods Market. The redevelopment will not only introduce a Whole Foods grocery store to Colleyville, but will also involve a renovation of the shopping center to achieve an elevated quality of appearance, which blends harmoniously with the character and history of the City of Colleyville. In addition, we are working to introduce other new retailers and multiple restaurants to the center. At this point, we have entered into a lease agreement with Whole Foods, are in various stages of pre-leasing other vacancies at the center and in the pre-development stage of our construction activity. While we have had and continue to have success in execution of the business plan, we are in need of assistance to overcome certain obstacles that we have identified and are interfering with our redevelopment plans.

In furtherance of the Colleyville Downs redevelopment plan, we are writing to request that the City adopt a Special Use Permit that would provide for the following:

- **Restaurant Overlay District.** We are working with a number of restaurant operators whose businesses involve the sale of alcoholic beverages for on-premises consumption. In addition, Whole Foods is planning to introduce a restaurant concept within its store, and expects to sell alcoholic beverages for on-premises consumption. We would like to request a Restaurant Overlay District for Lots 1R1, 4, 5A, 6A, 7A and 9R.
- **Sale of Alcohol by Whole Foods.** Whole Foods is in the business of selling beer and wine for off-premises consumption. We would like to request permission for that activity on Lot 7A, Block 2 Village Park Addition – Colleyville.
- **Construction of New Landmark Sign.** Retailers that are interested in Colleyville Downs have demanding criteria for site selection, which include requirements of visibility, access and signage. Considering depth and slope of the parking field together with certain other issues, visibility in portions of the shopping center is limited. As a result, we will need to have the ability to offer additional signage to attract more retailers to the center. We would like to request permission to build a multi-tenant landmark sign at 4801 Colleyville Boulevard. The new landmark sign is designed to be consistent with the materials and design of the shopping center and resemble the existing landmark sign located at 4701 Colleyville Boulevard.

Exhibit "B" – Statement of Planning Objectives Cont.

- **Improvement of Existing Landmark Sign.** As mentioned above, our success in leasing Colleyville Downs is determined in large part by available signage. In addition, considering our plan to improve the appearance of the shopping center, we think it would be appropriate to improve the appearance of existing signage so that it is consistent with the higher quality of the redeveloped shopping center. Thus, we would like to request permission to remodel the existing landmark sign that is identified on Exhibit "B". The remodeled sign would be constructed to be substantially similar to the drawing on Exhibit "C".
- **Establish 4.5 / 1000 Parking Ratio.** In order to accommodate the tenant interest in Colleyville Downs and optimize the occupancy, value, shopping traffic and sales volumes at the center, we would like to request a parking ratio of 4.5 /1000; which will suffice to comply with all permitted uses under the CC-2 Shopping Center district.
- **Allow for two electrical charging stations.** These stations will allow for the charging of electrically powered automobiles. We have not yet determined a final location for these devices and are simply asking for the allowance of the land use in conjunction with this Special Use Permit request.

Exhibit "C" – Front Façade Elevations

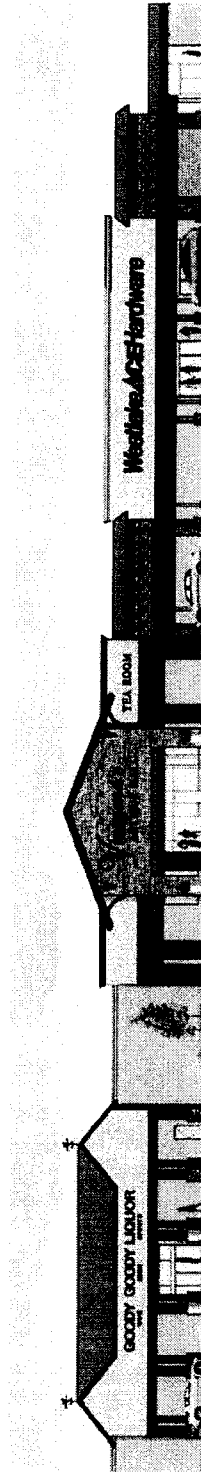
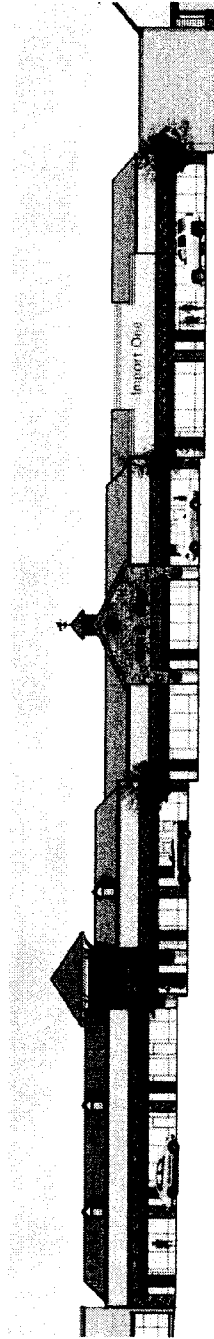
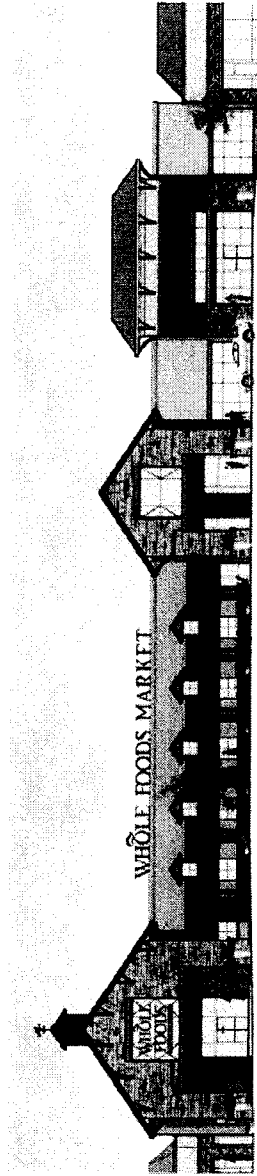
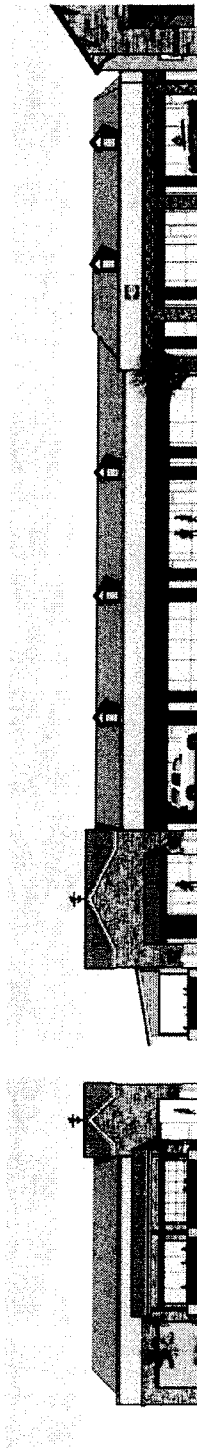
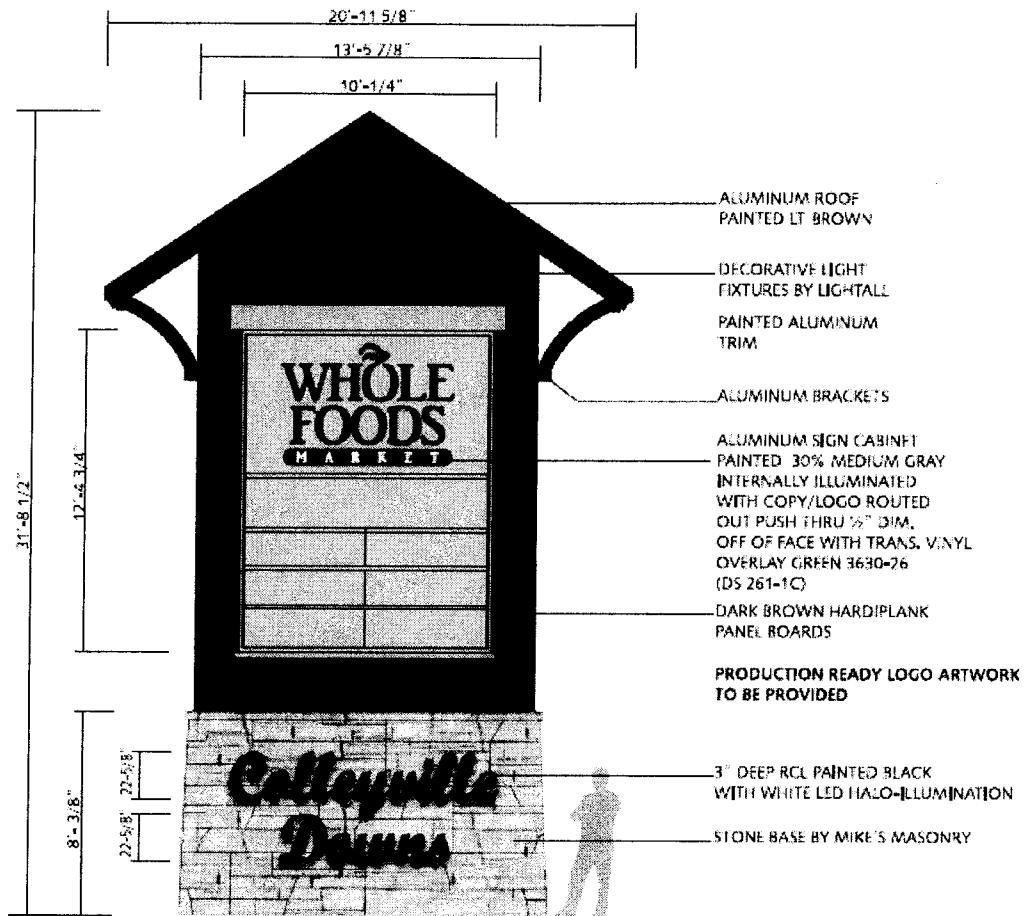


Exhibit "D" – Landmark Sign Exhibits

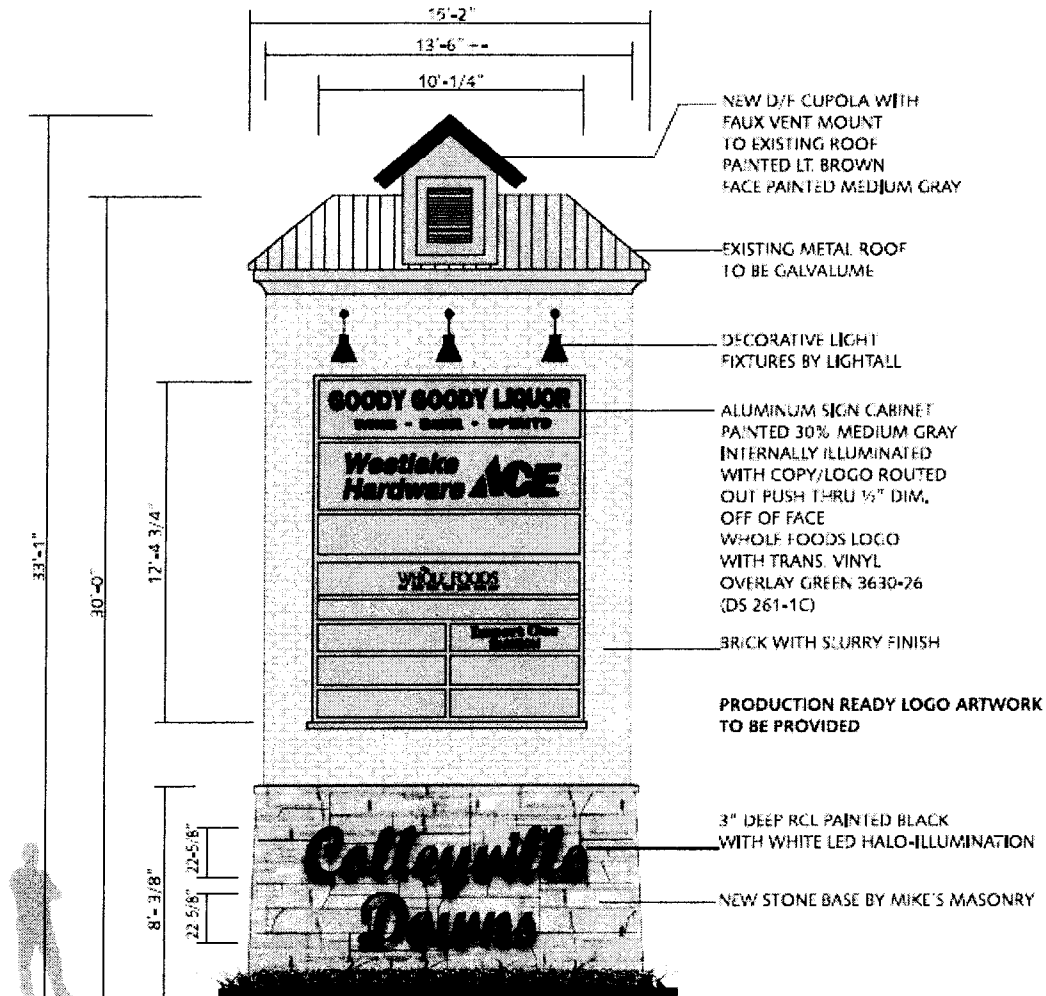


D/F MONUMENT SIGN

SCALE: 3/16"=1'-0"

(1) REQUIRED - MANUFACTURE & INSTALL

Exhibit "D" – Landmark Sign Exhibits Cont.



B D/F EXISTING MONUMENT SIGN MODIFIED SCALE: 3/16" = 1'-0"

(1) REQUIRED - MANUFACTURE & INSTALL
REF. W.O. 360714

ORDINANCE O-14-1920

AMENDING ORDINANCE O-13-1881 CONDITIONS; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE

- WHEREAS,** the City Council approved Ordinance O-13-1881 on October 2, 2013, authorizing alcohol sales for on-premise and off-premise consumption on Lots 1R1, 4, 5A, 6A, 7A, and 9R, Block 2, Village Park Addition, located at 4701, 4709, 4717, 4725, 4801, and 4843 Colleyville Boulevard under zoning case ZC13-009; and
- WHEREAS,** the applicant has requested an amendment to Ordinance O-13-1881 by requesting a waiver to the requirements of Chapter 4-Landscaping and Buffering in the Land Development Code; 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-13-1881.
- 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-13-1881 are hereby authorized:

- (1) As it pertains to the requirements of Section 4(1)g and 4(2)a contained in Ordinance O-13-1881, Texas Brazos Native River Rock is hereby approved as acceptable ground cover material in place of sod or grass within any required parking lot island.
- (2) All live plants and trees included in the parking lot islands in the development shall be consistent with the

approved landscape plan on file with the City and shall be planted and maintained in good condition with said plantings indicated on the approved landscape plan.

(3) All other requirements of the Land Development Code shall remain in full force and effect except where amended herein and approved by Ordinance O-13-1881.

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 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 1st day of July 2014.

The second reading and public hearing being conducted on the 15th day of July 2014.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the _____ day of _____ 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor

APPROVED AS TO FORM AND LEGALITY:

Matthew C. G. Boyle
City Attorney



City of Colleyville City Council Agenda Briefing

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

Agenda Number 8

Agenda Date 07/01/2014

Type Report

Department City Secretary

Title

Colleyville Library Board Meeting Minutes - April 14, 2014

Attachments

1. Colleyville Library Board Meeting Minutes - April 14, 2014



City of Colleyville

Colleyville Library Board Minutes

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

Monday, April 14, 2014
6:00 p.m.

Colleyville Public Library
110 Main Street

1. CALL TO ORDER

Chair Thad Bolline called the meeting of the Colleyville Public Library to order at 6:04 p.m.

Roll Call: Present Chairperson Thad Bolline, Board members Jerome Davis, Victoria Kennedy-Ziegler, Vernon Noronha, Charna Logan-Gray, and Nancy Andrews; Library and Recreation Director Mary Rodne, Assistant City Manager/Chief Financial Officer Terry Leake, Administrative Assistant Kathy Moore

Absent Board members Billie Tuttle, Kay Newton and Sue Anne Martinez; Ex-Officio member Cecilia Monacelli

2. APPROVAL OF MINUTES

February 11, 2014

A motion was made by Jerome Davis and seconded by Victoria Kennedy-Ziegler to approve the February 11, 2014 minutes as presented. **Motion approved unanimously.**

3. REGULAR AGENDA ITEMS

3a Update on the 2014 Summer Reading Program - Paws to Read

Library Director Mary Rodne informed Board members that the combined brochure for Library and Recreation summer programming was now available online. Rodne stated that this year's theme for the Summer Reading Program was *Paws to Read*, featuring Rocket, the Reading Dog, as the mascot. It was noted that Rocket would be going out to the schools with other staff to promote the seven week program and that registration would start on June 2. Rodne added that the kick-off party was scheduled for the evening of June 5, 2014, from 6-8 p.m., which is also the opening day for the prize room.

Rodne also noted that staff members were currently researching therapy dog reading programs in libraries. Rodne added that studies have shown that when children read to the trained therapy dogs it creates a non-judgmental, stress free environment, which helps children improve the fluency of their reading. Rodne stated that the Library would incorporate a trial of this program during the summer with "Rocket"

Readers scheduled for Saturday, June 14 and July 12, from 10:30 a.m. to noon. She added that dependent upon its success, the Library may continue this program throughout the school year.

Rodne continued with an overview of the summer programming and that noted some returning favorites such as Cody Fisher, Mad Science and Critterman had been scheduled; additionally, she stated that the Library had been able to partner with other Libraries in the area to bring in some new programs, which included Dinosaur George and Lasermania. Rodne concluded that there was an online event calendar available for programs that require registration.

3b Discussion of the Colleyville Public Library Long-Range Plan Revisions

Library Director Rodne gave a short history on the conception of the Colleyville Public Library to its opening on November 24, 2003. She stated that in January 2006, it was determined that a long-range plan was needed to identify the community's information needs and how the Library could best address those needs. It was noted that a planning committee was formed comprised of community representatives and staff and that a long-range was developed and approved for FY2007 – FY2011.

Rodne continued stating that with increased usage of the Library, a high priority was placed on developing a plan to expand the second floor. In May 2008, the Library launched a Spatial Reorganization Plan project to research the needs of the community with a holistic approach.

Rodne informed the Board members that it was now time to update the Library's Long-Range Plan to meet State Library Standards and that the Library is required to have a current plan that is updated at least every five years. Rodne stated that the Library would like to start the planning process later this summer. Rodne added that the Library would need to hire a consultant, who would evaluate all current and future services, to include hours of operation, collections, programs, technology and spacing. Additionally, it was noted that the Library would incorporate the results of the 2014 Citizen's Survey into the planning process. In conclusion, Rodne gave an overview of the results of the survey in regard to the Library.

Rodne informed the Board that one source of funding that is available for the update of the long-range plan is the Voluntary Library Fund, which has a current balance of \$354,440. Discussion ensued; Rodne answered questions pertaining to what services would be provided by the consultant and the process. Rodne noted that a recommendation by the Library Board to approve the expenditure will be necessary before the project can move forward to City Council for their approval. Thad Bolline made a motion that the Colleyville Library Board recommend approval to utilize funds from the Voluntary Library Fund to hire an outside consultant to facilitate in the update of the Colleyville Public Library's Long-Range Plan, in an amount not to

exceed \$25,000. Charna Logan-Gray seconded the motion. The motion carried with a unanimous vote.

4. REPORTS

4a Librarian's Report

Monthly Statistics

Library Director Mary Rodne gave an overview of the statistics for the months of February and March. Rodne noted that some statistics were down, which she attributed to the bad weather and closures that we experienced this past winter. Additionally, Rodne reported that the Library had 124 volunteer hours in February and 136 in March; bringing the year-to-date totals for volunteer hours to 682.

Donations

Rodne reported that the Library had received a total of \$10,109 in donations in the months of February and March. In February, donations included \$85 from Microsoft Corporation as a matching grant to a November donation by Pam and David Brandt. The Brandt's donated an additional \$100 to be used for the purchase of business books. Two "Rocket" books for the summer reading program were purchased with donations made by Fran Strelau; \$12 donation in February and \$12 in March. A \$10,000 donation from The Robert J. and Helen H. Glaser Family Foundation through the Colleyville Public Library Foundation was received in March for the Summer Reading Program.

Library Programs

Director Rodne reported that all the Spring programs had ended and that staff was preparing for the Summer programs. Additionally, Rodne informed the Board that the Library added another new downloadable service called One Click; it was noted that the collection currently has 1200 audio downloadable children books which can be used simultaneously. Rodne added that One Click offers a different selection than Over Drive and the Library would be able to purchase in bundles, which include two formats.

4b Friends of the Colleyville Public Library Report

Library Director Mary Rodne reported for the Friends of the Colleyville Public Library and stated that the Friends of the Library Book Sale would be held on Saturday, April 26, 2014. Rodne added that from 9:00 – 10:00 a.m. would be "For Friends Only," which allows members first choice of items for sale; noting that the sale would open to the general public from 10:00 a.m. – 2:00 p.m. Additionally, Rodne stated the Friends had received lots of items for the sale, and that any Board members who were interested in volunteering for the book sale would be welcomed.

4c Colleyville Public Library Foundation Report

Mary Rodne reported for the Library Foundation and stated that a project committee had held a short meeting that day to look at fabric samples for the chairs in the adult reading area. It was noted that when the fabric had been selected, the Board would meet to approve the expenditure. Rodne added that the Foundation welcomed new ideas for future fundraisers.

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

Staff agreed to provide the Board members with information from the 2014 Citizen's Survey that pertained to the Library. Additionally, it was noted that a few Board members still needed to complete the Texas Open Meetings Act (TOMA) training session. Additionally, it was explained that the City Secretary's office would forward the email link to Board member who still needed to complete the training.

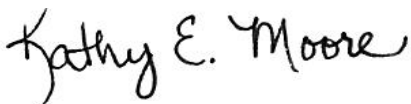
Rodne also noted that every year the City reviews all fees charged for materials and services, noting that the Board would review the Library fee schedule at the June meeting.

6. ADJOURNMENT

A motion was made by Jerome Davis and seconded by Charna Logan-Gray to adjourn the meeting of the Colleyville Library Board at 7:03 p.m. **Motion approved unanimously.**

*APPROVED BY A VOTE OF 6 AYES 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 16th DAY OF **June, 2014.***

Minutes taken and prepared by:



Kathy Moore
Administrative Secretary

RESOLUTION R-14-3764

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
JULY 1, 2014**

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:

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF ____ AYES, ____ NAYS, AND ____ ABSTENTIONS ON THIS THE 1ST DAY OF JULY 2014.

ATTEST:

CITY OF COLLEYVILLE

Amy Shelley, TRMC
City Secretary

David Kelly
Mayor