



# City of Colleyville City Council Agenda

City Hall  
100 Main Street  
Colleyville, Texas 76034  
817.503.1000  
[www.colleyville.com](http://www.colleyville.com)

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Tuesday, July 19, 2016

City Council Chambers

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

**CALL TO ORDER**

**PC-1** Discussion of Community Garden Survey

**PC-2** Presentation and discussion of fees and charges

**PC-3** Discussion of any proposed TML resolutions

**PC-4** Discussion of the July 19, 2016, 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 City attorney regarding litigation - Lincoln et al 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

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

**INVOCATION: Jackie and Graeme Stratto, Colleyville Baha'i Community**

**PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle**

**2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-16-4012**

**3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**

**Announcements of civic and charitable events**

**Presentation of calendar events and updates**

**Announcements of awards and recognition**

In recognition of the Colleyville's featured business - Market Street, 5605 Colleyville Boulevard, Store Director Allen Strange and Assistant Store Director Mike Fuller - Mayor Richard Newton and SH26 Project Coordinator James Hubbard

**4. CONSENT: READING AND PUBLIC HEARING- Resolution R-16-4013**

- 4a** Approval of the minutes of the regular City Council meeting of July 12, 2016
- 4b** Approval of the sale or disposal of abandoned/found property, seized items, obsolete and non-serviceable equipment and vehicles
- 4c** Consideration of a Right-of-Way Encroachment and Joint Use Agreement on Somerset Boulevard at the entrance to the Lakes of Somerset subdivision. Case ENG 1605-001
- 4d** Approval of bid awards for medical and dental insurance to Blue Cross Blue Shield of Texas; vision insurance to Superior Vision of Texas; life insurance from Dearborn National Life Insurance Company; third-party administration of the flexible spending account to Discovery Benefits, Inc.; and pricing transparency services to Compass Professional Health Services, and authorize the city manager to execute the agreements

**5. ORDINANCE(S): SECOND READING AND PUBLIC HEARING****5a Ordinance O-16-1982**

Consideration of an amendment to the PUDC-Planned Unit Development Commercial District on Lots 1R, 2, and 3, Block 1 of the Village Park Addition, located at 1001, 1005, and 1009 Glade Road, Case ZC16-009

**5b Ordinance O-16-1983**

Authorizing the sale and issuance of \$6,140,000 of General Obligation Refunding Bonds, Series 2016 and providing for the redemption of the obligations being refunded

**6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING****6a Ordinance O-16-1984**

Consideration of amending Ordinance O-14-1936, adopting the 2015 edition of the *International Energy Conservation Code*; amending all conflicting portions of Section 18 of the Colleyville Code of Ordinances and amending Chapter 11 of the 2012 International Residential Code

**7. RESOLUTION(S): READING AND PUBLIC HEARING****7a Resolution R-16-4014**

Approval to award an economic development incentive grant to LOVERIA CAFFE', LLC

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

Zoning Board of Adjustment Minutes - May 10, 2016  
Planning and Zoning Commission Minutes - June 13, 2016  
Charter Review Committee Minutes - July 6, 2016  
Monthly Financial Report - June 2016

**10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR July 19, 2016 - READING AND PUBLIC HEARING - RESOLUTION R-16-4015**

**11. ADJOURNMENT**

*I hereby certify this agenda was posted on City Hall bulletin boards Friday, July 15, 2016, by 5:00 p.m.*

Amy Shelley, TRMC  
City Secretary

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

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

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





# City of Colleyville City Council Agenda Briefing

City Hall  
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**Agenda Number** PC-1

**Agenda Date** 07/19/2016

**Type** Pre Council

**Department** Parks and Recreation

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## **Title**

Discussion of Community Garden Survey

## **Strategy Map Connection**

B4- Cultivate a culture of transparency and consistent communication

## **Explanation**

The purpose of this presentation is to discuss the recent Community Garden Citizen Survey results with the City Council and seek direction on the viability of a garden in Colleyville.

## **Attachments**

1. Community Garden Overview Presentation

# Community Garden

Pre Council Meeting  
July 19, 2016

# Community Garden Background



## Survey History

- The first survey took place 8/15/15 – 9/20/15
- 52 people responded to the survey
- The survey company did not capture the data correctly
- The data accuracy was in question due to missing information

## A new survey was conducted

- The survey took place 3/4/16 – 4/8/16
- 78 people responded to the survey
- The data is accurate via Survey Monkey

# Survey Results



Would you be interested in participating in a community garden?

Answered: 78 Skipped: 0



| Answer Choices | Responses |
|----------------|-----------|
| Yes            | 66.67%    |
| No             | 33.33%    |
| Total          | 78        |

Do you have experience working with or managing a plot at a community garden?

Answered: 78 Skipped: 0



| Answer Choices | Responses |
|----------------|-----------|
| Yes            | 14.10%    |
| No             | 85.90%    |
| Total          | 78        |

# Survey Results



Do you currently maintain a private garden?

Answered: 78 Skipped: 0



| Answer Choices | Responses |
|----------------|-----------|
| Yes            | 61.54% 48 |
| No             | 38.46% 30 |
| Total          | 78        |

Would you be willing to donate a portion of your harvest to a local charity/food bank?

Answered: 78 Skipped: 0



| Answer Choices | Responses |
|----------------|-----------|
| Yes            | 66.67% 52 |
| No             | 33.33% 26 |
| Total          | 78        |

# Survey Results



Would you be able to participate in required monthly garden maintenance days?

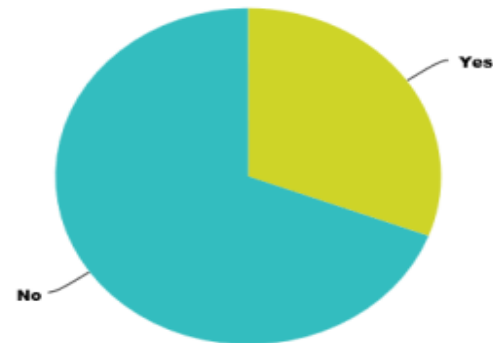
Answered: 78 Skipped: 0



| Answer Choices | Responses |
|----------------|-----------|
| Yes            | 64.10% 50 |
| No             | 35.90% 28 |
| Total          | 78        |

Would you be willing to work in an unpaid leadership role over the garden; which would include organizing garden projects, coordinating volunteers and social/educational events?

Answered: 78 Skipped: 0



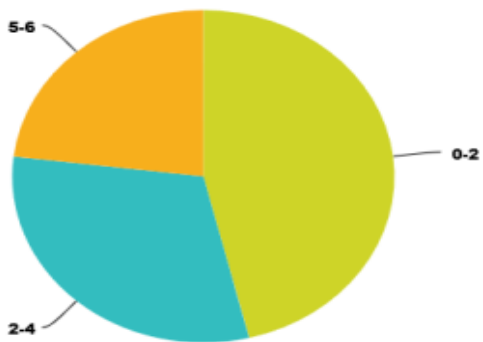
| Answer Choices | Responses |
|----------------|-----------|
| Yes            | 30.77% 24 |
| No             | 69.23% 54 |
| Total          | 78        |

# Survey Results



How many miles are you willing to drive to get to a community garden?

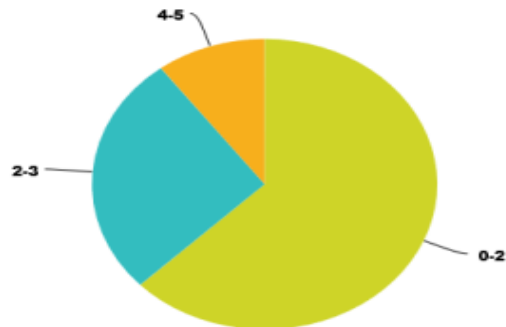
Answered: 78 Skipped: 0



| Answer Choices | Responses |    |
|----------------|-----------|----|
| 0-2            | 46.15%    | 36 |
| 2-4            | 30.77%    | 24 |
| 5-6            | 23.08%    | 18 |
| Total          |           | 78 |

How many hours per week would you be able to dedicate to caring for your plot at the garden?

Answered: 78 Skipped: 0



| Answer Choices | Responses |    |
|----------------|-----------|----|
| 0-2            | 62.82%    | 49 |
| 2-3            | 26.92%    | 21 |
| 4-5            | 10.26%    | 8  |
| Total          |           | 78 |

# Survey Results



Is there a particular place in Colleyville that you think would be best suited for a community garden?

- Answered: 44      Skipped: 34
  - 14 McPherson
  - 10 not Colleyville
  - 5 churches
  - 3 HOA





## Private Property Community Garden

- Land is owned by local business/resident
- Garden is adopted and run by citizen group
- No City of Colleyville staff or funding participation
- Self managed and maintained
- Garden members/land owner are responsible for all cost and maintenance

## City Property Community Garden

- Land is owned by the City and a lease agreement is made with group to maintain the land and manage the garden
- City staff has limited involvement with the garden other than general inspection to ensure proper maintenance on City property
- Garden is adopted and run by citizen group
- Garden members are solely responsible for maintaining the property and must keep it up to City standards
- No City of Colleyville staff or funding participation for regular maintenance
- Possibly a combination of City and other funding pays for the initial garden infrastructure
- Self managed and maintained

## City Run/City Property Community Garden

- Land is owned and managed by the City
- City manages the garden in conjunction with the selected garden council and members
- Members lease plots from the City at minimal cost
- A contractor is hired to manage the garden and plot lease agreements
- Garden members must still maintain their plots and common areas
- City funding pays for the installation of the garden infrastructure and other amenities necessary for the garden
- City funding pays for continual maintenance, water, and needs of the garden

# Successful Local Garden



**Mission:** The Coppell Community Garden, a 501 (c) 3 nonprofit organization, provides community gardens, a farmers market, and environmental education. Dedicated volunteers cultivate a healthy community by growing and donating organic produce to those in need, providing a market for locally grown food, and teaching sustainable practices.

## **Overview:**

- Two separate gardens established in 1998
- City hired (contracted) Amanda Vanhoozier to lead the community garden effort

## **Lessons Learned:**

- Mediating meetings to reach compromise was difficult
- Year three was the hardest for the gardens because the excitement of the gardens had passed
- It is helpful to have an accountant as Treasurer
- Water faucets near each plot are important (no mechanical timers)
- Gardeners should sign new plot agreement each year
- Limit new gardeners to one plot in the first year
- Regularly hold meetings to review expectations and commitments
- Continuous need for well organized volunteer efforts
- Select a designated garden leader and rotate leadership
- Create methods of effective communication
- Have a designated leader at the gardens on Saturdays
- Hold social gatherings to encourage the community

# Garden Benefits



## Community Benefit

- Outlet for the community to work together
- Great teaching outlet for kids and their elders
- Community interaction with the natural environment

## Property Benefit

- Provides gardening options for those without land
- Possible revitalization of empty lots

## Health Benefit

- Provides fresh locally grown food to members and those in need
- Promotes exercise and healthy living





# Common Challenges



## Management

- Organizing people and projects
- Require systems to enforce rules and resolve conflicts

## Maintenance

- Require habitual maintenance
- Maintenance not performed by group will default to the land owner; owner must remedy and incur expense

## Participation

- Gardeners and leaders come and go
- Difficult to maintain consistent leadership and focus



# Challenges (continued)



## Gardening Skills

- Lack of gardening skills/knowledge can lead to poor experiences and burnout

## Leadership Skills

- Processes can be managed; people must be led
- Strong leadership needed to resolve conflicts and "stay the course"

## High Maintenance

- Plots and common areas require constant weeding and care

## Services and Supplies

- Large scale projects and annual maintenance needs require delivery of supplies and equipment. Coordination can be difficult to arrange

## Water

- Finding a source can be difficult
- Installation of permanent systems may be expensive
- Managing repairs and overuse

## Site permanency

- Lease agreements may limit/restrict site improvements
- Lack of permanency can lead to instability

# Questions





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**Agenda Number** PC-2

**Agenda Date** 07/19/2016

**Type** Pre Council

**Department** City Manager

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## **Title**

Presentation and discussion of fees and charges

## **Strategy Map Connection**

F1- Protect and preserve the City's top financial ratings

## **Explanation**

The purpose of this item is to provide a presentation and discussion of fees and charges as a part of the annual budget process. As the budget contains both revenues and expenditures, it is prudent to review the City's fees and charges during this time.

As a part of the budget submittal process, departments identified needed fee changes and made recommendations for adjustment. The focus was on keeping fees current with the marketplace and ensuring that appropriate cost recovery occurs for staff time or other costs incurred.

Staff seeks direction from City Council to determine whether staff should proceed with preparing the necessary ordinance amendments for the fees and charges discussed in the attached presentation. Recommended adjustments could be brought back for formal City Council action at an upcoming City Council meeting.

## **Attachments**

1. Update on Fees and Charges Presentation

# **Update on Fees & Charges**

Pre Council Meeting  
July 19, 2016

# Overview



- Review fees and charges annually during the budget process  
→ Budget includes revenues & expenditures
- Departments identified needed changes and made recommendations for adjustment during the budget submission process
- Most fees are listed in Sec. 2-26 of the Code of Ordinances; some fees may be authorized in other sections of the Code that refer to Sec. 2-26 for the specific dollar amount

# Revenue Categories



| Revenue Categories        |
|---------------------------|
| Ad Valorem Taxes          |
| Sales Tax                 |
| User Fees                 |
| Franchise Fees            |
| Licenses & Permits        |
| Fines                     |
| Charges for Services      |
| Intergovernmental Revenue |
| Miscellaneous Revenue     |
| Transfers In              |

# Philosophy



| User-Based Fees and Charges                              | Current Philosophy                                                                             |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Colleyville Center                                       | Recover 70% of operating costs; Remain competitive                                             |
| Recreation                                               | Remain competitive with other cities                                                           |
| Zoning, platting, and variance fees                      | Partial recovery of staff time                                                                 |
| Field Use Fees                                           | Charge premium to non-residents; <20% cost recovery                                            |
| Engineering Plan Review, Inspection, & Materials Testing | Cost recovery                                                                                  |
| Ambulance Billing                                        | Reciprocal treatment of balance billing non-citizens; Do not balance bill Colleyville citizens |

# Objective



- To determine if the City Council would like for staff to prepare the necessary ordinance amendments for the fees and charges discussed
- Recommended adjustments could be brought back for formal City Council approval at a subsequent Council meeting

# Colleyville Center



# Colleyville Center Background



## Colleyville Center Advisory Committee (CCAC)

- 14 members serving 2 year terms
  - 6 organization representatives
  - 8 at-large representatives
- Quarterly meetings
  - provide input on operations and long-term plans
  - consider and recommend rate changes to the City Council



# Colleyville Center Background



- Regular review of different rental rates (rotates)
  - 2013: adjusted weekend rental rates; added Garden Plaza Balustrada rental
  - 2014: bundled a la carte fees typically incurred by businesses with standard weekday rental rates
- Discounts:
  - Colleyville residents/businesses receive a 20% discount on rental rates
  - Colleyville-based non-profits receive
    - Deeply discounted weekday rates (set fee schedule as opposed to a % discount)
    - 50% discount on Friday and Sunday rental rates
    - 20% discount on Saturday rental rates

# 2015-2016 Focus: Non-Profit Rental Rates



## August 2015

- CCAC request for staff to look at competitive venues

## December 2015

- Reviewed research on competitive venues
- CCAC recommendation to staff to focus on non-profit rate and present options at February meeting

## February 2016

- Discussion and direction from CCAC on options

## May 2016

- Formal recommendation and approval by CCAC

## October 2016

- Any change recommended by CCAC and approved by City Council would be effective (with contracts signed after) October 1, 2016

# Non-Profit Rental Rates



- Current non-profit rates have been in effect since 1998
- Research of other venues showed Center as one of very few venues that offers non-profit rates; Center rates were most discounted
- Acknowledgement that costs have increased since 1998 and an adjustment is needed to try to maintain a cost recovery goal of 70%
  - Recognition that the majority of Center utilization is by non-profits
  - Recognition that Center's purpose is to serve the community and civic organizations, and maintaining affordable rates for organizations is important
- Consumer Price Index (CPI) discussed as a reasonable benchmark for adjustment - would be a 45% increase
  - Recognition that a significant adjustment may be too much for one year
  - Considered several phase-in options to gradually increase over time

# CCAC Recommendation



| WEEKDAY<br>ROOM RENTAL       | CURRENT NON-<br>PROFIT RATE | Oct. 1, 2016-<br>25% | Oct. 1, 2017-<br>20% | COMPARISON<br>- 45%<br>(at one time) |
|------------------------------|-----------------------------|----------------------|----------------------|--------------------------------------|
| SMALL<br>CONFERENCE          | \$60                        | \$75                 | \$90                 | \$87                                 |
| NORTH HALL                   | \$80                        | \$100                | \$120                | \$116                                |
| SOUTH HALL                   | \$80                        | \$100                | \$120                | \$116                                |
| NORTH &<br>SOUTH<br>COMBINED | \$140                       | \$175                | \$210                | \$203                                |
| ENTIRE<br>BUILDING           | \$300                       | \$375                | \$450                | \$435                                |
| GARDEN<br>PLAZA              | \$300                       | \$375                | \$450                | \$435                                |

# **City Secretary**

- Clarification changes / Clean Up

**Current: Sec. 2-26. Fees and charges for city services.**

(b) City secretary services:

Agenda mailings .....12.00

Document certification (per transaction) .....8.00

Records request research, per hour .....\$15.00

The city will charge fees for public information in accordance with the Texas State Library and Archives Commission.

**Proposed: Sec. 2-26 Fees and charges for city services.**

(b) City secretary services:

Document certification (per transaction) .....8.00

Records request research, per hour .....\$15.00

The city will charge fees for public information per Texas Government Code, Chapter 552 in accordance with the Administrative Code, Title I, Part 3, Chapter 70.

# City Secretary



- 1) Standard paper copy --\$.10 per page
- 2) Nonstandard –size copy:
  - a) Diskette: \$1.00;
  - b) Magnetic tape: actual cost;
  - c) Data cartridge: actual cost;
  - d) Tape cartridge: actual cost;
  - e) Rewritable CD (CD-RW)--\$1.00;
  - f) Non-rewritable CD (CD-R)--\$1.00;
  - g) Digital video disc (DVD)--\$3.00;
  - h) JAZ drive—actual cost;



- i) Other electronic media—actual cost;
- j) VHS video cassette--\$2.50;
- k) Audio cassette--\$1.00;
- l) Oversize paper copy (e.g.: 11 inches by 17 inches, greenbar, bluebar, not including maps and photographs using specialty paper)--\$.50
- m) Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic)—actual cost
- 3) Labor charge:
  - a) For programming--\$28.50;
  - b) For locating, compiling, and reproducing--\$15 per hour

- 4) Overhead charge—20% of labor charge
- 5) Microfiche or microfilm charge:
  - a) Paper copy--\$.10 per page;
  - b) Fiche or film copy—actual cost
- 6) Remote document retrieval charge—actual cost
- 7) Computer resource charge:
  - a) Mainframe--\$10 per CPU minute;
  - b) Midsize--\$1.50 per CPU minute;
  - c) Client/server system--\$2.20 per clock hour;
  - d) PC or LAN--\$1.00 per clock hour

- 8) Miscellaneous supplies—actual cost
- 9) Postage and shipping charge—actual cost
- 10) Photographs—actual cost as calculated in accordance with §70.9(5) of this title
- 11) Maps—actual cost as calculated in accordance with §70.9(4) of this title
- 12) Other costs—actual cost
- 13) Outsourced/contracted services—actual cost for the copy. May not include development costs
- 14) No sales tax—no sales tax shall be applied to copies of public information

# **Questions and Discussion**



# City of Colleyville City Council Agenda Briefing

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**Agenda Number** PC-3

**Agenda Date** 07/19/2016

**Type** Pre Council

**Department** City Council

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## **Title**

Discussion of any proposed TML resolutions

## **Strategy Map Connection**

B4- Cultivate a culture of transparency and consistent communication

## **Explanation**

The purpose of this item is for City Council to discuss if they would like to propose any resolutions to be brought forward through the Texas Municipal League (TML).

Staff has included a memo received from TML dated June 22, 2016, which details the process in which to submit a resolution.

At this time, staff has no recommendations for proposed resolutions for consideration by TML.

## **Attachments**

1. TML Memo Dated June 22, 2016



June 22, 2016

**MEMORANDUM**

**TO:** TML Member Cities  
TML Regional Officers  
TML Affiliate Presidents

**FROM:** Scott Houston, Deputy Executive Director and General Counsel

**SUBJECT:** Resolutions for the 2016 TML Annual Conference

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The TML Constitution states that resolutions for consideration at the Annual Conference must be submitted to the TML headquarters 45 calendar days prior to the first day of the Annual Conference. For 2016, this provision means that resolutions from any member city, TML region, or TML affiliate must arrive at the TML headquarters no later than 5:00 p.m. on **August 22, 2016**.

The TML Board of Directors has adopted several procedures governing the resolutions process. Please review the following items carefully and thoroughly.

- 1) No resolution may be considered by the TML Resolutions Committee unless it has prior approval of: (a) the governing body of a TML member city; (b) the governing body or membership of a TML affiliate, or (c) the membership of a TML region at a regional meeting.
- 2) TML member cities, regions, and affiliates that wish to submit a resolution **must** complete a resolution cover sheet. The cover sheet is available [here](#). The [cover sheet](#) must be attached to the resolution throughout each step of the resolutions process.
- 3) It is recommended that any resolution state one of four categories to better direct League staff. Those categories are:
  - **Seek Introduction and Passage** means that the League will attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as "TML bills."

- **Support** means the League will attempt to obtain passage of the initiative if it is introduced by a city or some other entity.
- **Oppose.**
- **Take No Position.**

Please see the [2015-2016 TML Legislative Policy Development Process](#) for more information.

4) Resolutions submitted will be thoroughly discussed at the TML Annual Conference. The Resolutions Committee is appointed by the TML President and is made up of city officials from TML member cities across the state.

5) The city, region, or affiliate that submits a resolution is encouraged to send a representative to the Resolutions Committee meeting to explain the resolution. The Resolutions Committee will meet at **2:00 p.m. on Tuesday, October 4, 2016**, at the **Austin Convention Center**.

If the procedures described above are not followed for any given resolution, that resolution is likely to be referred to some other TML committee for further study. In that case, the resolution would not be adopted during the 2016 conference.

Under the TML Constitution, resolutions received after the deadline of August 22, 2016, must not only have the attached cover sheet, but also must "state the reason precluding timely submission." These late resolutions may be considered by the TML Resolutions Committee at the Annual Conference only if two-thirds of the Committee members present and voting agree to suspend the submission rule and consider the resolution.

Resolutions may be submitted by mail, fax, or by e-mail to Scott Houston, Deputy Executive Director and General Counsel, at:

1821 Rutherford Lane, Suite 400  
Austin, Texas 78754  
Fax: 512-231-7490  
Email: [shouston@tml.org](mailto:shouston@tml.org)

If you have any questions or would like any assistance, please call 512-231-7400 at any time.

Texas Municipal League, 1821 Rutherford Lane,  
Suite 400, Austin, TX 78754

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Sent by [tmladmin@tml.org](mailto:tmladmin@tml.org)





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**Agenda Number** PC-4

**Agenda Date** 07/19/2016

**Type** Pre Council

**Department** City Secretary

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## **Title**

Discussion of the July 19, 2016, City Council regular agenda items



# City of Colleyville City Council Agenda Briefing

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**Agenda Number 1**

**Agenda Date** 07/19/2016

**Type** Executive Session

**Department** City Secretary

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## **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 City attorney regarding litigation - Lincoln et al 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-16-4012**

**A RESOLUTION APPROVING COUNCIL ACTION REGARDING  
EXECUTIVE SESSION ITEMS AT THE  
REGULAR CITY COUNCIL MEETING OF JULY 19, 2016**

**WHEREAS**, following discussion in Executive Session, and in full accordance with the requirements of the Open Meetings Act, the City Council determines that the following action is in the best interests of the health, safety, and welfare of the public.

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

Sec. 1.        THAT

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF \_\_\_\_ AYES, \_\_\_\_ NAYS, AND \_\_\_\_ ABSTENTIONS  
ON THIS THE 19<sup>TH</sup> DAY OF JULY 2016.

|                          |       |                            |       |
|--------------------------|-------|----------------------------|-------|
| Mayor Richard Newton     | _____ | Mayor Pro Tem Chris Putnam | _____ |
| Place 1, Tammy Nakamura  | _____ | Place 5, Nancy Coplen      | _____ |
| Place 2, Bobby Lindamood | _____ | Place 6, Mike Taylor       | _____ |
| Place 4, Jody Short      | _____ |                            |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Amy Shelley, TRMC  
City Secretary

Richard Newton  
Mayor



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**Agenda Number** 3

**Agenda Date** 07/19/2016

**Type** Announcements, Proclamations, and Presentations

**Department** Economic Development

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## **Title**

In recognition of the Colleyville's featured business - Market Street, 5605 Colleyville Boulevard, Store Director Allen Strange and Assistant Store Director Mike Fuller - Mayor Richard Newton and SH26 Project Coordinator James Hubbard

## **Attachments**

## **RESOLUTION R-16-4013**

### **A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF JULY 19, 2016**

**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 July 12, 2016
  - b. Approval of the sale or disposal of abandoned/found property, seized items, obsolete and non-serviceable equipment and vehicles
  - c. Consideration of a Right-of-Way Encroachment and Joint Use Agreement on Somerset Boulevard at the entrance to the Lakes of Somerset subdivision - Case ENG 1605001
  - d. Approval of bid awards for medical and dental insurance to Blue Cross and Blue Shield of Texas; vision insurance to Superior Vision of Texas; life insurance from Dearborn National Life Insurance Company; third-party administration of the flexible spending account to Discovery Benefits, Inc.; and pricing transparency services from Compass Professional Health Services, and authorize the city manager to execute the agreements

### **AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF \_\_\_\_ AYES, \_\_\_\_ NAYS, AND \_\_\_\_ ABSTENTIONS  
ON THIS THE 19<sup>TH</sup> DAY OF JULY 2016.

Mayor Richard Newton \_\_\_\_\_  
Place 1, Tammy Nakamura \_\_\_\_\_  
Place 2, Bobby Lindamood \_\_\_\_\_  
Place 4, Jody Short \_\_\_\_\_

Mayor Pro Tem Chris Putnam \_\_\_\_\_  
Place 5, Nancy Coplen \_\_\_\_\_  
Place 6, Mike Taylor \_\_\_\_\_

**ATTEST:**

**CITY OF COLLEYVILLE**

Amy Shelley, TRMC  
City Secretary

Richard Newton  
Mayor



# City of Colleyville

## City Council

### Minutes - Draft

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

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Tuesday, July 12, 2016

City Council Chambers

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Mayor Richard Newton called the Pre Council meeting of the Colleyville City Council to order on July 12, 2016, at 5:30 p.m.

**ROLL CALL:** Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, and Mike Taylor

**Absent:** Councilmember Nancy Coplen

City Manager Jennifer Fadden, Deputy City Manager Chris Fuller, Assistant City Manager/Director of Public Safety Mike Holder, Fire Marshal Rob McKeown, Assistant Police Chief Robert Hinton, Communications and Marketing Director Mona Gandy, Chief Financial Officer Brian Hogan, Human Resources Director Rachel Huitt, City Engineer Cheryl Taylor, Principal Planner Shane Pace, Recreation and Library Director Mary Rodne, Parks Manager Heather Dowell, SH26 Coordinator James Hubbard, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley

#### **PC-1** Discussion of the City Council Rules of Procedure

Mayor Newton discussed the items in which he is proposing to change in the Rules of Procedure.

Mayor Newton stated the first item was located on page 3 of 13, Section III, 3.1, Regular Meetings. He stated having a concern for the labeling of Pre Council, which is used as a worksession, as a regular meeting. He added the time for the regular meeting would then be set at 6:30 p.m.

Mayor Pro Tem Putnam asked Mayor Newton why move the time to 6:30 p.m. versus 5:30 p.m. Mayor Newton replied an executive session would then open the regular meeting.

Councilmember Taylor asked Mayor Newton if the intent is to ultimately do away with the Pre Council meeting. Mayor Newton replied he views it as a worksession, but not as a regular meeting. He stated attendance is not counted against a member for not attending, like it does for a regular meeting. He added these worksessions may be needed for a long period of time, and he intends to terminate the worksession time at 6:30 p.m. to allow for executive session items.

Councilmember Taylor asked Mayor Newton if the item could be called a regular worksession so that members are not having to manage another night in their schedules. Mayor Newton replied changing this does not mean we cannot have the worksession.

Mayor Newton suggested inserting an item into the regular agenda item order as detailed on page 6 of 13, "Discussion of items not for action" after number nine.

Mayor Newton suggested adding "tabled or" to item D(h), page 6 of 13. The item would read, "In the alternative, the item may be *tabled or* continued to a future meeting of the City Council.

Councilmember Short asked Mayor Newton when an item is tabled, when does it come off. Mayor Newton replied an item remains tabled until City Council takes it off the table.

Councilmember Short asked Mayor Newton what does that do to notifications. Mayor Newton replied there are some limitations on zoning cases, and we would have to be smart about those, but it is a legitimate option.

Councilmember Short asked Mayor Newton if continuing to a date certain would clarify any concerns. Mayor Newton replied he has known for items to be tabled, but they were not left on the table for a long period of time.

Councilmember Taylor asked staff if there are some issues with public hearings with tabling versus continuing. City Attorney Matthew Boyle replied Chapter 211 for notice requirements for zoning cases, is that notice is provided in the paper and the 200 foot notification area of the specific date of the hearings. In the event you wish to table beyond that, you could continue it to a date certain and there is no requirement for additional publication for the associated public hearing. He added if you simply procedurally table it, and are not certain when you will pick it up, you could have a Chapter 211 notice issue which is why the standard practice has been to continue the public hearing to a date certain.

Mayor Newton asked staff if the public hearing would be re-advertised, if you did not know when it was going to be removed from the table. City Attorney Matthew Boyle replied yes.

Mayor Newton asked staff if the public hearing would have to be re-advertised if the two public hearings were held before tabling the item. City Attorney Matthew Boyle replied the Charter requires action items to have an associated public hearing.

Councilmember Taylor asked staff if City Council is able to take action on a tabled item that has not been posted. City Attorney Matthew Boyle replied relative to



zoning cases, the past practice has been to table them to a date certain, and there are no issues with the tabling of any other agenda item type.

Councilmember Taylor suggested having City Council deliberation on public hearing items first, then to have citizen's comments afterwards. He stated this may allow for unanswered questions from citizens to be heard during the City Council deliberation. Mayor Newton stated the presentation made by staff should answer any questions citizens may have.

Mayor Pro Tem Putnam asked Councilmember Taylor if there would then be something to limit the public debate to move on to the public hearing. Councilmember Taylor replied he believes it would give the public more insight to the item, and the Mayor could then ask for any other comments, if any, and then open the public hearing. Councilmember Lindamood agreed.

Mayor Pro Tem Putnam asked Councilmember Taylor what the parliamentary procedure to end that discussion is. Councilmember Taylor replied the Mayor would end the deliberation.

Councilmember Short asked Mayor Newton if the applicant's presentation would have to be heard during the public hearing. Mayor Newton replied no. Mayor Pro Tem Putnam and Councilmember Taylor concurred.

Mayor Newton suggested this order for section D, page 6 of 13:

- a. Staff presentation
- b. Applicant introductory presentation – five minutes
- c. City Council discussion
- d. Open public hearing
- e. Citizen comments
- f. Close public hearing
- g. City Council discussion and vote
- h. In the alternative, the item may be *tabled or* continued to a future meeting of the City Council.

Mayor Newton asked staff about section 5.3, page 7 of 13. City Attorney Matthew Boyle replied staff reports have become extremely problematic under the Open Meetings Act, and given the limitations of the Open Meetings Act, this section does not mean much at all.

Councilmember Taylor asked staff if the section should be struck. City Attorney Matthew Boyle replied it is internally limited as it is currently written because if the city manager wanted to brief the City Council on something, the item should be posted on the agenda. He added the does not believe it serves much purpose. Mayor Newton stated it could be removed.

Councilmember Lindamood suggested changing, *"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,"* from section 5.4(A), since often times persons will fill out a speaker card after the public hearing has been closed. Mayor Newton suggested changing the sentence to read, *"A person who has not completed the Speaker's Card prior to the close of the public hearing of the item on the agenda shall not be allowed to speak."* He added the public hearing could still be reopened.

Mayor Pro Tem Putnam suggested removing, *"but, they cannot offer additional unsolicited input or engage in question and answer sessions with Councilmembers,"* as noted in the last sentence of section 6.1(D) page 9 of 13. Mayor Newton and Councilmembers agreed.

Mayor Newton suggested changing the first sentence of section 6.1(H) to read, *"If a Councilmember is transgressing the rules of the City Council, through speech or otherwise, 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."*

Mayor Newton suggested increasing the amount of plants not to exceed \$150 rather than \$50, in section 8.1(A). Councilmembers agreed.

Mayor Newton asked staff if \$50 is sufficient for the donation of a book for someone's memorial. Library and Recreation Director Mary Rodne replied yes.

Mayor Newton explained that he had staff to update the Welcome brochure by removing two unnecessary paragraphs.

Councilmember Taylor suggested a date of revision and a tracking number be added to the brochure. Mayor Newton stated the City Secretary can add a date to the document. Councilmember Nakamura agreed.

Mayor Newton stated this brochure should be consistent with the Rules of Procedure.

Mayor Newton stated he would like to talk about board, commission, and committee appointments in the near future.

## **PC-2** Discussion of the Annual Market Study results

This item was not discussed at this meeting.

## **PC-3** Discussion of the FY17 insurance renewal recommendations

Human Resources Director Rachel Huitt presented this item and answered questions of the City Council. Amber Shaddox, Vice President of Client Services for Holmes Murphy, was also available to answer questions.

Mayor Newton asked staff if the employee will have to spend the entire \$5,000 out of pocket. Director Huitt replied yes, that is the deductible.

Mayor Pro Tem Putnam asked staff if the HRA account continues to build. Director Huitt replied currently it is budgeted every year, and we are using about \$45,000.

Councilmember Short asked staff about the circumstances in which you would use the reimbursement. Director Huitt replied you would have to accumulate up to \$750 in a calendar year, and at that time a reimbursement could be received from the HRA, if requested. City Manager Jennifer Fadden replied it has the effect of lowering the deductible for those employees who hit their deductible.

Councilmember Short asked staff if the renewal would have been higher if more employees had met their deductible. Director Huitt replied yes.

Mayor Newton asked staff about the effect to the employees. Director Huitt replied nothing on the medical side, but those that have used the HRA will be effected.

Councilmember Nakamura asked staff how much money is in the HRA account. Director Huitt replied currently \$85,000 is budgeted every year.

Councilmember Nakamura asked staff which year did we have the larger claims. Director Huitt replied it was last year.

Councilmember Nakamura asked staff if this will get any better next year. Ms. Shaddox replied it was felt last year with the 19 percent increase, and this year the claims were slightly improved but what we observed is that Colleyville had a large volume of claims with not necessarily large dollar amount claims.

Councilmember Nakamura asked Ms. Shaddox if Blue Cross Blue Shield has a telemedicine component. Ms. Shaddox replied yes; however, they do not track its usage.

Councilmember Nakamura asked staff if the employees are told that this is not getting any easier. Director Huitt replied yes, and the Benefits and Wellness Committee helps to educate the employees.

Councilmember Taylor suggested partnering with other cities relative to providing health benefits. Mayor Pro Tem Putnam added those other communities' profiles could help or hinder our profile.

Mayor Newton stated being good with option 3 – dissolve HRA and allocate funds to offset increase.

Councilmember Short asked staff if option 3 will allow Colleyville to remain competitive to attract employees. Director Huitt replied most look at the deductible, and most do not know of the HRA. Councilmember Nakamura added the other cities are not doing an HRA.

Mayor Newton asked staff if a larger pool of people in our network will help. Director Huitt replied she would look into that.

**PC-4** Discussion of the July 12, 2016, City Council regular agenda items

There was no discussion of this item.

Mayor Newton adjourned the Pre Council meeting at 6:42 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Newton at 7:31 p.m.

**ROLL CALL:** Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, and Mike Taylor

**Absent:** Councilmember Nancy Coplen

City Manager Jennifer Fadden, Deputy City Manager Chris Fuller, Assistant City Manager/Director of Public Safety Mike Holder, Fire Marshal Rob McKeown, Assistant Police Chief Robert Hinton, Communications and Marketing Director Mona Gandy, Chief Financial Officer Brian Hogan, Human Resources Director Rachel Huitt, City Engineer Cheryl Taylor, Parks Manager Heather Dowell, SH26 Coordinator James Hubbard, Strategic Services Manager Adrienne Lothery, Information Systems Manager Chris Pena, City Attorney Matthew Boyle, and City Secretary Amy Shelley

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

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

Section 551.071 - Legal - Consultation with attorney regarding litigation - Lincoln et al v. City of Colleyville

Section 551.071 - Legal - Consultation with attorney regarding litigation - Jane Doe 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

Mayor Newton explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. The meeting was convened and recessed at 6:43 p.m.

**INVOCATION: Associate Pastor Kyle Bauman, Bear Valley Church**

**PLEDGE OF ALLEGIANCE: City Attorney Matthew Boyle**

**2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-16-4009**

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**

**Recognition of employees' years of service**  
**Recognition of employee achievements**

Mayor Newton recognized Caleb Eiland, Parks and Recreation Department, and Rachel Huitt, Human Resources Director, for one year of service to the City of Colleyville. Mayor Newton also recognized Director Huitt for recently graduating from Leadership Colleyville, which is a 10-month program through the Colleyville Chamber of Commerce.

Mayor Newton also recognized Jack Pawlowski, Sherry Day, both Library staff for their one year of service; and, Sharon Walker, Library for five years of service, even though they were not in attendance.

**4. CONSENT: READING AND PUBLIC HEARING - RESOLUTION R-16-4010**

**4a** Approval of the City Council worksession minutes of June 14, 2016

- 4b** Approval of the City Council worksession minutes of June 16, 2016
- 4c** Approval of the City Council worksession minutes of June 20, 2016
- 4d** Approval of the minutes of the regular City Council meeting of June 21, 2016

Mayor Newton read Resolution R-16-4010 in its entirety.

Mayor Newton opened the public hearing at 7:39 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:39 p.m.

**Councilmember Taylor made a motion to approve Resolution R-16-4010. Mayor Pro Tem Putnam seconded the motion.**

**The motion carried with the following vote:**

**Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, and Mike Taylor**

**Absent: 1 – Nancy Coplen**

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

### **5a Ordinance O-16-1980**

Approval of the Fiscal Year 2017 (FY 2017) Colleyville Crime Control and Prevention District budget

Mayor Newton read the caption of Ordinance O-16-1980.

Assistant Police Chief Robert Hinton presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 7:44 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:44 p.m.

Councilmember Taylor expressed his appreciation to Mayor Newton for putting together the vigil ceremony held Friday, July 8, 2016, in honor of the police department. He encouraged citizens to participate in the Citizen's Police Academy so that there is a better understanding of the employees in public safety.

Mayor Newton expressed his appreciation to the police department and the protection they provide to the citizens of Colleyville in this difficult time in our society.

Mayor Pro Tem Putnam stated one thing that has never changed is the collective commitment to support the officers and first responders, and we do not appreciate them enough. He added this is a responsible budget that will continue to keep the community safe.

**Councilmember Taylor made a motion to approve Ordinance O-16-1980. Councilmember Nakamura seconded the motion.**

**The motion carried with the following vote:**

**Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, Bobby Lindamood, Jody Short, and Mike Taylor**

**Absent: 1 – Nancy Coplen**

**5b Ordinance O-16-1981**

An ordinance amending Section 3A of the Water and Sewer Policy and Procedure manual as contained in the Code of Ordinances of the City of Colleyville, Texas by eliminating tiered water rates and establishing a rate of \$4.36 per thousand gallons of water for all gallons not included in the base rate, and providing for an effective date

Mayor Newton read the caption of Ordinance O-16-1981.

Chief Financial Officer Brian Hogan presented this item and briefed the City Council.

Mayor Newton opened the public hearing at 7:57 p.m.

George Dodson, 7309 Balmoral Drive, spoke in support of the \$4.36 water rate.

There were no others present wishing to speak and Mayor Newton closed the public hearing at 7:58 p.m.

Councilmember Taylor spoke in opposition to this rate change with concerns that there might need to be a change in the rate again, given the outcome of the rate study; a reduction in revenues will impact programs; the conservation element is eliminated; the debt service obligation may increase; and long term infrastructure may be reduced.

Mayor Newton stated this will not change the Utility Fund financials, the impact is to the General Fund. He stated the impact to the General Fund is \$678,000 for 2016, but because money had already been moved, there will be no services impacted. He added the City has been financially blessed, but there will be an impact to the 2017 budget of \$1 million in the General Fund.

Councilmember Short spoke in opposition to this rate change with concerns about: moving a conservation measure; reduction of revenue; and dropping the rate for the highest users by raising the rates on the lower users.

Mayor Pro Tem Putnam stated this is not about the City losing money, it is about putting money back in the citizen's pockets. He stated the tiered policy was used as a way to recover revenue. He stated nobody anticipated the impact of the bills, once regular watering took place. He added this is a responsible way to give the residents some much needed relief.

Councilmember Nakamura stated maybe we need to support fewer programs so that we can help our citizens. She stated when she ran for City Council she stated she was looking at the citizens. She added she supports this in order to help the citizens.

Councilmember Lindamood stated we will have to make the necessary budget cuts to allow for this rate in order to help our citizens. He stated we need to be using the water rather than flushing it out of the tank because it is not being used. He added people are struggling, and they have let him know about it; therefore, he supports this rate change.

Mayor Newton added once the rate study is completed more data will be received to make the necessary adjustments. He stated we pay \$3.93 per thousand gallons, and we are charging \$4.36, with the difference between the two including costs to deliver the water. He added the debt service number is projected to go down. He added there are mechanisms for conservation which will always be available to us.

**Councilmember Lindamood made a motion to approve Ordinance O-16-1981. Councilmember Nakamura seconded the motion.**

**The motion carried with the following vote:**

**Aye: 4 – Mayor Richard Newton, Mayor Pro Tem Chris Putnam, and Councilmembers Tammy Nakamura, and Bobby Lindamood**

**Nay: 2 – Councilmembers Jody Short and Mike Taylor**

**Absent: 1 – Nancy Coplen**



**6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING****6a Ordinance O-16-1982**

Consideration of an amendment to the PUDC-Planned Unit Development Commercial District on Lots 1R, 2, and 3, Block 1 of the Village Park Addition, located at 1001, 1005, and 1009 Glade Road, Case ZC16-009

Mayor Newton read the caption of Ordinance O-16-1982.

Deputy City Manager Chris Fuller presented this item and briefed the City Council.

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

Susan Lyons, applicant and property owner, presented this item and briefed the City Council.

Kathy Hadley, 204 Timberline Drive North, stated she would like for City Council to make sure they understand exactly what is going on, especially if trees are going to be removed.

There was no one else wishing to speak and Mayor Newton closed the public hearing at 8:31 p.m.

Mayor Newton asked staff if additional parking may be associated with the additional uses, and if so, will the parking requirements be met. Deputy City Manager Chris Fuller replied staff has analyzed the additional uses with the zoning district, an eight additional potential uses, and there would be sufficient parking with those additional uses.

Mayor Pro Tem Putnam asked staff how the tenants became out of conformity with the zoning. Deputy City Manager Chris Fuller replied a mistake was made on staff's behalf through the certificate of occupancy process by not ensuring a use was allowed by the zoning district, which was done in 2006, 2009, 2010, and 2014, making four businesses not in conformance with zoning. He added we have added checks in place to ensure compliance is met during this process.

Councilmember Lindamood asked staff if the uses were in compliance in the beginning. Deputy City Manager Chris Fuller replied yes, but over the past 10 years, there have been several mistakes.

Councilmember Short asked staff if the parking analysis includes the current empty tenant space. Deputy City Manager Chris Fuller replied the Land Development Code assigns parking according to use so the vacant space does not affect that.

Councilmember Short asked staff if there will be sufficient parking spaces to accommodate a use in the empty space. Deputy City Manager Chris Fuller replied it will depend on the use, and it would be the responsibility of the property owner not to lease to a tenant that could not park.

Mayor Newton asked staff if the total number of parking spaces is based on the total square footage. Deputy City Manager Chris Fuller replied yes, and the parking requirements would not be the same for all land uses.

Mayor Newton asked staff how an assessment is made for multiple uses and different parking requirements. Deputy City Manager Chris Fuller replied when a permit is submitted staff will analyze the parking ratios based on single or multi-use buildings based on the Land Development Code requirements.

Councilmember Short asked staff if something can be done with the site distance problem at the intersection of Bedford Road and Glade Road with this zoning amendment. City Attorney Matthew Boyle replied this is a customizable zoning amendment, and visibility would be a valid land use concern.

This was a first reading, therefore, City Council did not take any action.

**6b Ordinance O-16-1983**

Authorizing the sale and issuance of \$6,140,000 of General Obligation Refunding Bonds, Series 2016 and providing for the redemption of the obligations being refunded

Mayor Newton read the caption of Ordinance O-16-1983.

Chief Financial Officer Brian Hogan presented this item and briefed the City Council.

Mayor Newton asked staff if this is being done to save the City money. Chief Financial Officer Brian Hogan replied yes.

Mayor Newton asked staff about the net savings. Chief Financial Officer Brian Hogan replied \$626,575, which is spread out evenly over the remaining life of the bond, which is 11 years.

Mayor Newton opened the public hearing at 8:50 p.m.

There was no one present wishing to speak and Mayor Newton closed the public hearing at 8:50 p.m.

This was a first reading, therefore, City Council did not take any action.

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

Kathy Hadley, 204 Timberline Drive North, stated being concerned about the trees being removed at Roberts Road, and before any final decisions are made please save the neighborhoods and the wildlife that are left in Colleyville.

Judy Chappelle, 1716 Glade Road, spoke about the new Councilmembers following through on their campaign promises; the restriping of Glade Road has made a big difference; additional street signs on Glade Road may help, such as "road narrows", "watch for cars turning", "don't text and drive"; expressed her appreciation about the vigil ceremony; and for everyone to stay above the fray and focus on the needs that need attention.

Heidi Hughes, 7305 Vanguard Court, spoke about her concerns about the tree trimming, and the treatment of the homeowners by Oncor in June of this year. She stated she would like for the City to check into these issues before Oncor plans to continue this tree trimming along Cheek-Sparger, and let Oncor know that we are serious and watching what they are doing.

Toni Seris, 5000 Montclair Drive, spoke about an email sent to the owners of some of the Colleyville restaurants, and stated having a concern about those who cannot move forward because of the results of the newly elected Councilmembers. He encouraged those to not support this discouragement.

Kathleen Hennessy, 5013 Stonebridge Drive, spoke about the drainage choke point at Glade Road and Riverwalk Drive; the vacant lot adjacent to Riverwalk Drive and proposed roundabout should be turned into a pocket park; she had her water tested and it came back as positive with ecoli and lead; the Preservation development and the removal of a burm; and how the storm water drainage comes to her yard from that development.

Betsy Deck, 3601 Cliffwood Drive, expressed her appreciation to the police and fire departments for their participation in her neighborhood parade, and she shared photos of the event.

## **8. REPORTS**

Parks and Recreation Advisory Board Minutes - January 11, 2016

There was no discussion regarding this item.

## **9. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR JULY 12, 2016 - READING AND PUBLIC HEARING - RESOLUTION R-16-4011**

This resolution was not needed.

## **10. ADJOURNMENT**

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 9:23 p.m.

APPROVED BY A VOTE OF \_ AYES, \_ NAYS, AND \_ ABSTENTIONS ON THIS THE 19<sup>TH</sup> DAY OF JULY 2016.

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

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**Agenda Number** 4b

**Agenda Date** 07/19/2016

**Number** Resolution R-16-4013

**Type** Resolution

**Department** Public Works

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## **Title**

Approval of the sale or disposal of abandoned/found property, seized items, obsolete and non-serviceable equipment and vehicles

## **Strategy Map Connection**

F4-Adhere to the City's financial and budgetary policies.

## **Explanation**

### ***Reading and Public Hearing***

The City's purchasing manual requires the City Council to authorize the disposal of salvage items and obsolete, non-serviceable vehicles and equipment before property can be removed from inventory and disposed of by public auction or other approved means.

The attached itemized list includes equipment and vehicles that should not be reassigned or re-purposed, and have been replaced due to age, and/or mileage, and are no longer serviceable. Some of the items in the attached list are abandoned/found property, for which owners were not located, or property seized by the Colleyville Police Department. All abandoned/found or seized items listed were reviewed and approved for auction by the presiding municipal judge for the City of Colleyville. The attached itemized list also includes items that have been previously authorized for disposal and will be included in the upcoming auction. These items are indicated in the listing with an asterisk and were authorized by attached City Council Resolution R-15-3915 and Resolution R-15-3878.

In May 2010, City Council approved a professional services agreement with Rene Bates Auctioneers of McKinney, Texas, to conduct City auctions in an online format. This was approved by Resolution R-10-3230, resolution and briefing are attached for reference. Rene Bates has performed multiple auctions in the past five years for the City of Colleyville, with little to no issues. Rene Bates charges a fee of 7.5 percent of the gross auction sales for their services.

## **Financial Impact**

The financial impact of the auction will be determined by the gross proceeds of the auction less a 7.5 percent fee charged by the auctioneer.

The three year history of proceeds from the auctions is as follows:

| <b>Year</b> | <b>Proceeds</b> |
|-------------|-----------------|
| 2013        | \$112,290.83    |
| 2014        | \$ 18,512.51    |
| 2015        | \$ 39,228.52    |

Form 1295 - Acknowledged by City

**Recommendation**

Approve

**Attachments**

1. 2016 Auction List
2. Property Disposition Papers Signed
3. Resolution R-10-3230
4. Resolution R-15-3915
5. Resolution R-15-3878

City of Colleyville  
2016 Auction List

| Finance Office    |      |                                                                                                                                                                                                                |                    |                   |
|-------------------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------|
| Item #            | Qty. | Item Description                                                                                                                                                                                               | Model              | Serial/VIN        |
| FO-1              | 1    | Barcode Scanner                                                                                                                                                                                                | PSC Powerscan      |                   |
| FO-2              | 1    | Dot Matrix 9-pin Printer & 3 ribbon cartridges                                                                                                                                                                 | Epson DFX50000     |                   |
| FO-3              | 1    | Receipt Printer                                                                                                                                                                                                | Ithaca             |                   |
| FO-4              | 1    | Document Imprinter                                                                                                                                                                                             | Hedman DI-100      |                   |
| Fire Department   |      |                                                                                                                                                                                                                |                    |                   |
| Item #            | Qty. | Item Description                                                                                                                                                                                               | Model              | Serial/VIN        |
| FD-405            | 1    | F350 Regular Cab 4X4 Brush Truck                                                                                                                                                                               | 1997               | 1FDKF38F7VED11484 |
| FD-1              | 1    | Dining table and 4 chairs                                                                                                                                                                                      |                    |                   |
| FD-2              |      | Misc. workout equipment                                                                                                                                                                                        |                    |                   |
| FD-3              |      | Washer,dryer and ice maker                                                                                                                                                                                     |                    |                   |
| FD-4              |      | Misc. TV's                                                                                                                                                                                                     |                    |                   |
| FD-5              |      | Bed frames                                                                                                                                                                                                     |                    |                   |
| FD-6              |      | Grill,chairs and bicycles                                                                                                                                                                                      |                    |                   |
| FD-7              |      | Truck vault                                                                                                                                                                                                    |                    |                   |
| FD-8              |      | Diesel No Smoke and misc. exhaust components                                                                                                                                                                   | Ward               |                   |
| FD-9              |      | Flashlights, power tools and gas cans                                                                                                                                                                          |                    |                   |
| FD-10             |      | Tool boxes, fencing, conduit wiring, wire baskets, garden sprayers                                                                                                                                             |                    |                   |
| FD-11             |      | Assorted radios and accessories                                                                                                                                                                                | Motorola           |                   |
| FD-12             |      | Toughbooks, computer mounts, docking stations and chargers                                                                                                                                                     | Panasonic          |                   |
| FD-13             |      | Printer, typewriter and audio equipment                                                                                                                                                                        |                    |                   |
| Police Department |      |                                                                                                                                                                                                                |                    |                   |
| Item #            | Qty. | Item Description                                                                                                                                                                                               | Model              | Serial/VIN        |
| PD-1105           | 1    | Dodge Charger (Admin Car)                                                                                                                                                                                      | 2007               | 2B3KA43G87H714343 |
| *PD-1107          | 1    | Honda ST 1300 (Patrol Motorcycle)                                                                                                                                                                              | 2008               | JH2SC51787M500149 |
| PD-1109           | 1    | Dodge Charger (Patrol Car)                                                                                                                                                                                     | 2008               | 2B3KA43G38H216388 |
| *PD-1113          | 1    | Dodge Avenger (Admin Car)                                                                                                                                                                                      | 2009               | 1B3LC46B29N503891 |
| PD-01             | 10   | 7 Stalker Radar counting units, 3K band antennas, 8 Ki band antennas, Cables, 2 remotes<br>Lot also includes 1 Genesis-VP Hand Held (not working)                                                              | Stalker<br>Genesis |                   |
| PD-02             | 2    | Whelen Beta Siren with Damaged Whelen Siren speaker                                                                                                                                                            | Whelen Beta        |                   |
| PD-03             | 3    | Lot of 3 Ram Tough Docks (unknown condition)                                                                                                                                                                   | Ram                |                   |
| PD-04             | 13   | Lot of Misc Police Lights Incl 911 EP red/blue bar, 4 Whelen Red/Blue with ped, 2 par 36<br>whelen, 2 whelen strobe controllers, galls st110 Siren amp, 3x Whelen 500 Series<br>Red/Blue light, 2x Whelen lin3 | Whelen             |                   |
| PD-05             | 2    | Lot of 2 Siren Speakers (1 Federal , 1 tomar)                                                                                                                                                                  | Federal & Tomar    |                   |

|       |   |                                                                                                                                                   |                                      |  |
|-------|---|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--|
| PD-06 | 1 | Laser Tech Ultralyte 200LR - Works, scope alignment will not keep                                                                                 | Ultralyte 200LR                      |  |
| PD-07 | 7 | Lot of 7 scissor jacks                                                                                                                            |                                      |  |
| PD-08 | 1 | Pro-Gard push buper for Tahoe (came off 2013 Model) Light NOT included                                                                            | Pro-Gard                             |  |
| PD-09 | 4 | 3 Saris Trunk mounted bike racks & 1 small receiver hitch bike rack                                                                               | Saris                                |  |
| PD-10 | 1 | Tomar LED light bar split Red/Blue with take downs and alley lights                                                                               | Tomar                                |  |
| PD-11 | 1 | Pro-Gard Plastic Seat, prisoner partition, cargo partition for 2013 Tahoe                                                                         | Pro-Gard                             |  |
| PD-12 | 1 | Pro-Gard Plastic Seat, prisoner partition, cargo partition for 2013 Tahoe                                                                         | Pro-Gard                             |  |
| PD-13 | 2 | Lot of 2 ULTRAK Color video monitors Model #KM1400CN                                                                                              | Ultrak                               |  |
| PD-14 | 7 | Lot of Electronics 3 Magnavox DVD Player/Burner Model #MVR660, 1 Sony Cassette Deck Model #TC-WE305, 2 panasonic VCR's & 1 Sylvania DVD/VCR Combo | Magnavox, Sony, Panasonic & Sylvania |  |

**Police Department (Abandoned/Found or Siezed items)**

|        |   |                                                                  |                  |  |
|--------|---|------------------------------------------------------------------|------------------|--|
| PD- 15 | 4 | Black & Yellow Oakley Glasses w/black & yellow case and 2 lenses | Oakley           |  |
| PD-16  | 3 | Black Oakley Case w/2 lenses                                     | Oakley           |  |
| PD-17  | 4 | Black & Orange Oakley glasses w/black case and 2 lenses          | Oakley           |  |
| PD-18  | 1 | Black Piranha Sunglasses                                         | Piranha          |  |
| PD-19  | 1 | White Oakley Sunglasses                                          | Oakley           |  |
| PD-20  | 1 | Brown/Gold Coach Sunglasses                                      | Coach            |  |
| PD-21  | 2 | Brown Chanel Sunglasses                                          | Chanel           |  |
| PD-22  | 1 | Beats Executive Headphones                                       | Beats            |  |
| PD-23  | 2 | Red Beats Earbud headphones with black case                      | Beats            |  |
| PD-24  | 2 | Multi-Task Tool and Case                                         |                  |  |
| PD-25  | 2 | Maui Jim Sunglasses in gold Gucci Case                           | Gucci & Maui Jim |  |
| PD-26  | 1 | Spool of copper wire                                             |                  |  |
| PD-27  | 1 | Pneumatic Nail Gun                                               |                  |  |
| PD-28  | 1 | Rolling Suitcase                                                 |                  |  |
| PD-29  | 1 | Motion Sensor Light                                              |                  |  |
| PD-30  | 1 | Coleman Cooler                                                   |                  |  |
| PD-31  | 1 | Surveyor Tripod-Leica                                            | Leica            |  |
| PD-32  | 1 | Brookstone Suitcase                                              | Brookstone       |  |
| PD-33  | 1 | Electra Bicycle                                                  | Electra          |  |
| PD-34  | 1 | LG7000 Tens Unit                                                 |                  |  |
| PD-35  | 1 | Dewalt Power Saw                                                 | Dewalt           |  |
| PD-36  | 1 | Set of 3 Bocce Balls                                             |                  |  |

**Public Works**

| Item #   | Qty. | Item Description              | Model | Serial/VIN        |
|----------|------|-------------------------------|-------|-------------------|
| **PW-678 | 1    | Ford F250 Regular cab truck   | 2007  | 1FTSF20P17EA58227 |
| **PW-687 | 1    | Ford F250 Crew cab truck      | 2004  | 1FTNW20P74EA38220 |
| **PW-727 | 1    | Ford F250 Super cab 4X4 truck | 2002  | 1FTRX18W12NB75753 |
| **PW-802 | 1    | Ford F150 Regular cab truck   | 1995  | 1FTEF15Y8SLB92715 |



|          |   |                                    |              |                   |
|----------|---|------------------------------------|--------------|-------------------|
| **PW-806 | 1 | Ford F250 Super cab truck          | 2003         | 1FTNX20P13EC74664 |
| **PW-814 | 1 | Ford F250 Crew cab truck           | 2008         | 1FTSW20R68EA24111 |
| **PW-886 | 1 | Vermeer PMD 550 DT Hydro excavator | 2008         | 5HZBF16298LL81106 |
| PW-887   | 1 | Ford F550 Crew cab/chassis DRW     | 2001         | 1FDAW56S71EC60615 |
| **PW-888 | 1 | Ford F350 Crew cab DRW             | 2000         | 1FTWW32S9YEE08732 |
| PW-01    | 1 | Aries and Cues CCTV equipment.     | Aries & Cues |                   |
| PW-02    | 1 | 2 Backhoe buckets. Ford backhoes.  | Ford         |                   |
| PW-03    | 3 | 3 Gas detectors. Q-Rae             | Q-Rae        |                   |
| PW-04    | 1 | Desk Pull Out Tray                 |              |                   |
| PW-05    | 1 | 3 Hole Punch                       |              |                   |
| PW-06    | 1 | 3 Hole Punch                       |              |                   |
| PW-07    | 1 | 3 Hole Punch                       |              |                   |

#### Building Inspections

| Item #  | Qty. | Item Description                        | Model | Serial/VIN        |
|---------|------|-----------------------------------------|-------|-------------------|
| *BI-937 | 1    | Ford F150 Super cab 4X4 truck           | 2001  | 1FTRX18L01NA99088 |
| BI-01   | 1    | Heavy-Duty Carousel File Cabinet System |       |                   |
| BI-02   | 1    | Horizontal Sliding File Storage System, |       |                   |

#### Colleyville Center

| Item # | Qty. | Item Description                                                           | Model                 | Serial/VIN        |
|--------|------|----------------------------------------------------------------------------|-----------------------|-------------------|
| CC-01  | 4    | 2 HP printers, 1 Lexmark printer, 1 Brother Fax Machine                    | HP, Lexmark & Brother | 1FTRX18L01NA99088 |
| CC-02  | 1    | TV wall mount upto 50"                                                     |                       |                   |
| CC-03  | 1    | A/V Rack with misc. componets                                              |                       |                   |
| CC-04  | 22   | 22 Atlas sound ceiling speakers mod-FAP42T                                 | Atlas                 |                   |
| CC-05  | 4    | 4 JBL Speakers mod-JRX115i                                                 | JBL                   |                   |
| CC-06  | 1    | 1 Hearing impaired lisening deviceby Listen Mod LT-800                     | Listen                |                   |
| CC-07  | 3    | 3 Sure wirerless mic systems mod ULXP4 w/3 mics                            | Sure                  |                   |
| CC-08  | 1    | Hitachi Projector                                                          | Hitachi               |                   |
| CC-09  | 1    | NEC Projector                                                              | NEC                   |                   |
| CC-10  | 4    | Projector Screens 2-6x6 portable, 1 20'x16' motorized, 1 12'x12' motorized |                       |                   |
| CC-11  | 1    | 32" Coby LCD TV                                                            | Coby                  |                   |

#### Library

| Item # | Qty. | Item Description                                                                                                    | Model                          | Serial/VIN |
|--------|------|---------------------------------------------------------------------------------------------------------------------|--------------------------------|------------|
| LB-01  | 1    | Black Plastic Computer Monitor Stand                                                                                |                                |            |
| LB-02  | 1    | GBC Bates Numbering Machine                                                                                         | GBC Bates                      |            |
| LB-03  | 1    | Epson Stylus Printer C88+                                                                                           | Epson                          |            |
| LB-04  | 8    | Elite Image In Cartridges                                                                                           | Elite                          |            |
| LB-05  | 25   | Rocket Reading & Activity Log, Have Book Will Travel Book Logs, Certificate of Accomplishment-Have Book Will Travel | Rocket & Have book will travel |            |
| LB-06  | 2    | Die-Cut Metal Trays                                                                                                 |                                |            |

|       |        |                                                  |         |  |
|-------|--------|--------------------------------------------------|---------|--|
| LB-07 | 7      | Die-Cut Rollers, Assorted Sizes                  |         |  |
| LB-08 | 6      | Plastic Die-Cut Boards, Assorted Sizes           |         |  |
| LB-09 | 5      | Small Toys                                       |         |  |
| LB-10 | 2      | Tan Metal Triangle Shelving End Stands, Assorted |         |  |
| LB-11 | 1      | Child Puzzle Tabletop                            |         |  |
| LB-12 | 2      | Citizen Library Receipt Printers                 | Citizen |  |
| LB-13 | 1      | Cannon Copier Cartridge E20 Black                | Cannon  |  |
| LB-14 | 1      | Coffee Maker - 12 Cup                            |         |  |
| LB-15 | 12     | Assorted files, file folders, hanging files      |         |  |
| LB-16 | 2      | Tape Dispensers                                  |         |  |
| LB-17 | 1      | Library Book Scanner                             |         |  |
| LB-18 | 5 pkg. | Pin Fed Labels                                   |         |  |
| LB-19 | 1      | Three-Hole Punch                                 |         |  |
| LB-20 | 1 Pkg. | White Labels                                     |         |  |
| LB-21 | 1 Box  | 3M Dual-Purpose Transparency (approx. 15 sheets) | 3M      |  |
| LB-22 | 1 Box  | IBM Overhead Transparency Film                   | IBM     |  |
| LB-23 | 1      | Child's Wood Toy Barn                            |         |  |
| LB-24 | 4      | Gold Easels                                      |         |  |
| LB-25 | 1 Box  | Safeco 2-Stack Paper Trays                       |         |  |
| LB-26 | 1      | Dry Erase 4-Month Planner                        |         |  |
| LB-27 | 2      | Punchless Binders                                |         |  |
| LB-28 | 1      | Purple Plastic File Folder                       |         |  |

| Parks  |      |                                                                                     |              |            |
|--------|------|-------------------------------------------------------------------------------------|--------------|------------|
| Item # | Qty. | Item Description                                                                    | Model        | Serial/VIN |
| PR-509 | 1    | John Deere 310E Backhoe                                                             | 1997         | 827599     |
| PR-01  | 3    | 2- Echo back pack blowers and 1- Stihl back pack blower, running when stored        | Stihl & Echo |            |
| PR-02  | 72   | Metal folding chairs approximately 72                                               |              |            |
| PR-03  | 1    | McLane walk behind edger, running when stored                                       |              |            |
| PR-04  | 1    | Echo tiller, unknown condition                                                      |              |            |
| PR-05  | 3    | 1- Stihl line trimmer, 1- Echo line trimmer, 1- Echo stick edger, unknown condition | Stihl & Echo |            |
| PR-06  | 1    | John Deere pressure washer pump bad                                                 |              |            |
| PR-07  | 3    | 1-Honda WB20X water pump, 2-Unknown brand water pump, Unknown condition             | Honda        |            |
| PR-08  | 1    | 225 Gallon water storage tank, good condition                                       |              |            |
| PR-09  | 1    | Big Gun water cannon, good condition                                                | Big Gun      |            |
| PR-10  | 1    | Kettler Ping Pong table excellent condition                                         | Kettler      |            |
| PR-11  | 3    | 1,000 watt field lights, unknown condition                                          |              |            |
| PR-12  | 6    | 4-concrete benches, 2-wooden park benches, good condition                           |              |            |
| PR-13  | 8    | 3' folding tables, fair condition                                                   |              |            |
| PR-14  | 1    | 18.2 cu.ft White GE Refrigerator good condition                                     |              |            |

|               |      |                                                                        |        |            |
|---------------|------|------------------------------------------------------------------------|--------|------------|
| PR-15         | 1    | Toro TV 5002 2 cycle walk behind mower, working when stored            |        |            |
| PR-16         | 1    | 60 gallon Fimco sprayer, working when stored                           | Fimco  |            |
| PR-17         | 2    | Wabash Valley 8' handicap picnic tables plastic coated, good condition | Wabash |            |
| PR-18         | 1    | Sharp 55" DLP TV working when stored                                   |        |            |
| PR-19         | 1    | Metal Storage Cabinet, good condition                                  |        |            |
| Senior Center |      |                                                                        |        |            |
| Item #        | Qty. | Item Description                                                       | Model  | Serial/VIN |
| SC-01         | 1    | Lester Piano - Dimensions: Approx. L142" x W25"                        | Lester |            |

*Items have been approved for sale at an earlier council meeting.*

*\* Resolution R-15-3915*

*\*\* Resolution R-15-3878*

### **Items for Auction from Colleyville Police Department:**

**Items 1 through 11** were abandoned/found property at a construction site.

**Item 12** was abandoned/found property in a parking lot.

**Item 13** was abandoned/found in roadway.

**Item 14-15** abandoned/found behind property.

**Item 16** abandoned/found in roadway.

**Item 17** abandoned/found in median of roadway.

**Item 18** abandoned/found on property.

**Item 19** abandoned/found on sidewalk.

**Items 20, 21, 22** were items found in possession of a person that was arrested for outstanding warrants. There were actually 27 items recovered. Detectives were able to locate owners of some of the items, but not all.

All of the above items were reviewed and approved by Judge del Carmen to be auctioned in accordance with Art. 18.17 TX CCP (Texas Code of Criminal Procedure).

THE STATE OF TEXAS  
COUNTY OF TARRANT

IN THE MUNICIPAL COURT  
CITY OF COLLEYVILLE

MOTION FOR DISPOSITION OF ABANDONED PROPERTY

THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS, by and through the Property Custodian of Colleyville, Tarrant County, Texas, and presents to the court, a motion for the Court to enter an order in conformity with the relief requested below, disposing of the property listed in possession of the Colleyville Police Department:

ABANDONED PROPERTY

The following described property on the attached sheet(s) is in the custody of the Colleyville Police Department, movant requests the following action:

- ( ) DESTROY LISTED PROPERTY
- ( ) DONATE TO / FOR CHARITY
- ( ) FORFEIT SAID PROPERTY TO THE COLLEYVILLE POLICE DEPARTMENT.
- (X ) AUCTION IN ACCORDANCE WITH ART. 18.17 TX CCP.**

Movant would show that the attached listed property (Exhibit 'A') was abandoned and that the City has no information as to the owner and has held said property for at least 30 days, or the owner was notified by certified mail and failed to claim property within 90 days.

WHEREFORE, premises considered, the State prays that the Court enter and order in conformity with this motion.

DATE: 6/15/2016

Respectfully submitted,  
By: [Signature]  
Property Custodian  
Colleyville Police Department  
City of Colleyville

ORDER

THE COURT FINDS THE FOREGOING MOTION, FOR DISPOSITION OF PROPERTY IN GOOD ORDER. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, THAT THE COLLEYVILLE POLICE DEPARTMENT, OF THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, SHALL IMMEDIATELY DISPOSE OF THE PROPERTY DESCRIBED HEREINABOVE, IN THE MANNER REQUESTED BY THE STATE.

SIGNED AND ENTERED THIS 15 DAY OF June, 2016.

[Signature]  
Municipal Judge  
City of Colleyville  
Tarrant County, Texas

**COLLEYVILLE POLICE DEPT.**

Submitted: 4/15/2014  
Abandoned/Found

## Attachment A

[illegible]



THE STATE OF TEXAS  
COUNTY OF TARRANT

IN THE MUNICIPAL COURT  
CITY OF COLLEYVILLE

MOTION FOR DISPOSITION OF ABANDONED PROPERTY

THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS, by and through the Property Custodian of Colleyville, Tarrant County, Texas, and presents to the court, a motion for the Court to enter an order in conformity with the relief requested below, disposing of the property listed in possession of the Colleyville Police Department:

**FOUND/ABANDONED PROPERTY**

The following described property on the attached sheet(s) is in the custody of the Colleyville Police Department, movant requests the following action:

- ( ) DESTROY LISTED PROPERTY
- ( ) DONATE TO / FOR CHARITY
- ( ) FORFEIT SAID PROPERTY TO THE COLLEYVILLE POLICE DEPARTMENT. (GENERAL FUND )
- ( X ) **AUCTION IN ACCORDANCE WITH ART. 18.17 TX CCP.**

Movant would show that the attached listed property (Exhibit 'A') was abandoned and that the City has no information as to the owner and has held said property for at least 30 days, or the owner was notified by certified mail and failed to claim property within 90 days.

WHEREFORE, premises considered, the State prays that the Court enter and order in conformity with this motion.

DATE: 5/11/16

Respectfully submitted,

By: [Signature]

Property Custodian  
Colleyville Police Department  
City of Colleyville

ORDER

THE COURT FINDS THE FOREGOING MOTION, FOR DISPOSITION OF PROPERTY IN GOOD ORDER. IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, THAT THE COLLEYVILLE POLICE DEPARTMENT, OF THE CITY OF COLLEYVILLE, TARRANT COUNTY, TEXAS, SHALL IMMEDIATELY DISPOSE OF THE PROPERTY DESCRIBED HEREINABOVE, IN THE MANNER REQUESTED BY THE STATE.

SIGNED AND ENTERED THIS 11 DAY OF May, 20 16

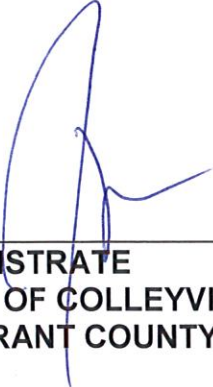
[Signature]  
Municipal Judge  
City of Colleyville  
Tarrant County, Texas

DISPOSITION OF PROPERTY/EVIDENCE

1000013563

ATTACHMENT "A"

| <u>Item #</u> | <u>Description</u>   | <u>Location</u> |
|---------------|----------------------|-----------------|
| 4             | LG 7000 Tens Unit    | Shelf 26        |
| 14            | Dewalt Power Saw     | Shelf 26        |
| 23            | Set of 3 Bocce Balls | Shelf 26        |



---

MAGISTRATE  
CITY OF COLLEYVILLE  
TARRANT COUNTY, TEXAS



**RESOLUTION R-10-3230**

**A RESOLUTION APPROVING COUNCIL ACTION  
UNDER CONSENT ITEMS AT THE REGULAR CITY  
COUNCIL MEETING OF MAY 18, 2010**

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

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

Sec. 1. THAT the agenda decisions approved by Council action under Consent Items as follows are hereby adopted:

- a. Approval of the minutes of the regular City Council meeting of May 4, 2010
- b. Approval of a professional services agreement with Rene Bates Auctioneers for auction services, and authorize the City Manager to sign the agreement
- c. Acceptance of a grant award, in the amount of \$53,550, from the Department of Homeland Security Assistance to Firefighters Grant Program, for the purchase of exhaust removal equipment for all fire apparatus
- d. Approval of a donation of \$14,000 from the Colleyville Soccer Association for Pleasant Run Park signage

**AND IT IS SO RESOLVED.**

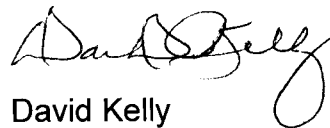
APPROVED BY A VOTE OF 7 AYES, 0 NAYS AND 0 ABSTENTIONS  
ON THIS THE 18th DAY OF May 2010.

**ATTEST:**



Cynthia Singleton, TRMC, CMC  
City Secretary

**CITY OF COLLEYVILLE**



David Kelly  
Mayor



# City of Colleyville

## Agenda Briefing

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

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**File Number:**                      **File Type:** Resolution                      **Status:** Consent Agenda  
**Version:** 1                      **Agenda Date:** 05/18/2010                      **Controlling Body:** City Council  
**Requester:** Fire Department                      **Agenda No.:** 8b                      **Final Action:**  
**File Name:** Approval of a professional services agreement with Rene Bates Auctioneers, for auction services, and authorize the City Manager to sign the agreement  
**Attachments:** Professional Services Agreement - Contract For Online Auctioneering Services.pdf

### History of Legislative File

---

| Version: | Date:      | Acting Body: | Action Text: |
|----------|------------|--------------|--------------|
| 1        | 05/18/2010 | City Council |              |

---

### Title

Approval of a professional services agreement with Rene Bates Auctioneers, for auction services, and authorize the City Manager to sign the agreement

### Explanation

#### *Reading and Public Hearing*

Periodically, outdated or retired City equipment is accumulated and by law must be disposed of through a public auction process. In the past, staff has utilized an auction clearing house in Keller, which required all equipment be moved to a designated location for the auction and then picked up if it did not sell. Staff is recommending an agreement with Rene Bates Auctioneers to move City auctions to an online format that will provide a greater sales base for used equipment and a minimal commitment of staff time to conduct City auctions. Under this agreement, staff will provide information and photographs of all equipment to Rene Bates who will conduct a two week online auction, collect all payments, issue receipts, arrange for equipment pick up, and provide payment via wire transfer directly to the City's depository. This process will improve the efficiency of City auctions and provide greater exposure of available items for sale. In addition, the online auctioneer charges 7.5% of the net proceeds as compared to 10% charged by the previous auctioneer.

### Financial Impact

The service fee charged for each auction is 7.5% of the net proceeds from the auction. Proceeds from the last three auctions, net of auctioneer fees, are as follows:

February 12, 2004 - \$11,599.74  
December 15, 2005 - \$24,503.00  
January 15, 2009 - \$30,064.52

### Recommendation

Approval

## **PROFESSIONAL SERVICES AGREEMENT/CONTRACT FOR ONLINE AUCTIONEERING SERVICES**

Rene' Bates Auctioneers, Inc. (hereinafter referred to as RBAI) proposes to conduct Online Auctions for the City of Colleyville, Texas on an as needed basis under the following terms and conditions:

### **Rene' Bates Auctioneers, Inc.'s Responsibilities:**

1. Conduct online auctions for the City of Colleyville, Texas at their request.
2. Set starting prices for each online auction item or coordinate with your designee to set starting prices for each online auction item, if so desired.
3. Post all online auction information on [www.renebates.com](http://www.renebates.com).
4. Conduct and monitor auction items for approximately two weeks prior to the closing date of each online auction conducted.
5. Advertise your online auction, as necessary, through our normal channels such as, but not limited to, newspapers, trade journals and print brochures.
6. Generate and send a minimum of two email blast notices to our entire database when your auction has been posted.
7. Invoice all successful bidders once your auction has closed.
8. Collect all auction proceeds including any applicable sales tax from successful bidder.
9. Generate paid receipts to buyer with a copy to your approved distribution list.
10. Balance all auction payments received with actual sales results.
11. Remit all monies, less commission and sales tax, to the City of Colleyville, Texas via wire transfer to the City's designated account no later than end of business on the 10th business day following the close of the auction.
12. Remit all sales tax collected to the State of Texas.
13. Maintain all documentation for exemptions, resale certificates and export certifications for sales tax for the State of Texas.
14. Maintain records of all your auctions.

### **The City of Colleyville, Texas' Responsibilities:**

1. Provide list of all items to be sold and gather information on all auction items and take digital photographs of each auction item and send to RBAI.
2. Have contact person (Fleet Manager or designee) complete Vehicle Information Sheet on all vehicles and heavy equipment and forward to RBAI.
3. Conduct onsite viewing of all auction items before the closing of each online auction for bidders to come and physically inspect auction items.
4. Contact local news media for Public Service Announcement informing bidders of upcoming online auction and handle all legal advertising as required by the City of Colleyville, Texas. Provide link from your website to [www.renebates.com](http://www.renebates.com) to direct potential buyers to your auction.

5. Transfer all titles to successful buyers after the City of Colleyville, Texas has received an electronic "PAID" receipt from Rene' Bates Auctioneers, Inc.
6. Oversee removal and checkout of all paid auction items.

Rene' Bates Auctioneers, Inc. proposes to conduct Online Auctions for the City of Colleyville, Texas for 7.5% of all fleet vehicles and heavy equipment and 7.5% of all miscellaneous items. These auctions will be conducted on an as needed basis for the City of Colleyville, Texas.

---

Sheryl Bates, President  
Rene' Bates Auctioneers, Inc.

Date:

---

By:  
City of Colleyville, Texas

Date:



**RENÉ BATES  
AUCTIONEERS, INC.**

4660 CR 1006 • McKinney, Texas 75071-6614 • 972/548-9636 • Fax: (972) 542-5495  
[www.renebates.com](http://www.renebates.com)

**RESOLUTION R-15-3915**

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER  
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF  
OCTOBER 5, 2015**

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

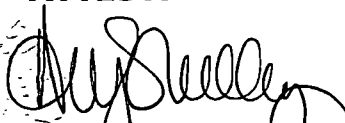
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF COLLEYVILLE, TEXAS:**

- 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 September 15, 2015
  - b. Approval to purchase four Chevrolet Tahoe patrol vehicles, from Caldwell Country Chevrolet, in an amount not to exceed \$135,960, bid through the State of Texas Cooperative Purchasing Program; approval to purchase one administrative vehicle, from Silsbee Ford, in an amount not to exceed \$20,931, bid through the State of Texas Cooperative Purchasing Program; and approval to purchase two Harley Davidson motorcycles, from American Eagle Harley Davidson, in an amount not to exceed \$37,025.30, bid through the competitive bid process, and authorize the city manager to execute all purchasing documents
  - c. Approval of the disposal and sale of obsolete vehicles
  - d. Approval of a Chapter 380 Agreement with Toll Brothers for local sales/use taxes through a Texas Direct Payment Permit, and authorize the city manager to execute the agreement

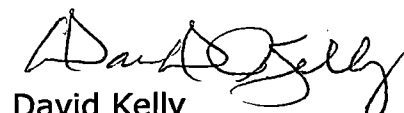
**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF 6 AYES, 0 NAYS, AND 0 ABSTENTIONS  
ON THIS THE 5<sup>TH</sup> DAY OF OCTOBER 2015.

**ATTEST:**

  
Amy Shelley, TRMC  
City Secretary

**CITY OF COLLEYVILLE**

  
David Kelly  
Mayor

**RESOLUTION R-15-3878**

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER  
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF  
JUNE 2, 2015**

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

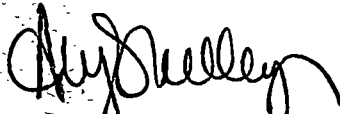
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF COLLEYVILLE, TEXAS:**

- 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 May 12, 2015
  - b. Approval of the minutes of the Special City Council meeting of May 19, 2015
  - c. Approval of the disposal of obsolete and nonserviceable vehicles and equipment

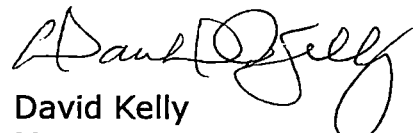
**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0  
ABSTENTIONS ON THIS THE 2<sup>ND</sup> DAY OF JUNE 2015.

**ATTEST:**

  
Amy Shelley, TRMC  
City Secretary

**CITY OF COLLEYVILLE**

  
David Kelly  
Mayor



# City of Colleyville City Council Agenda Briefing

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

**Agenda Number** 4c

**Agenda Date** 07/19/2016

**Number** Resolution R-16-4013

**Type** Resolution

**Department** Public Works

## **Title**

Consideration of a Right-of-Way Encroachment and Joint Use Agreement on Somerset Boulevard at the entrance to the Lakes of Somerset subdivision. Case ENG 1605-001

## **Strategy Map Connection**

C1- Provide attractive and unique spaces for enjoyment of personal interests and community interaction

## **Explanation**

### ***Reading and Public Hearing***

Lakes of Somerset HOA, the applicant, is requesting approval of a Right-of-Way Encroachment and Joint Use Agreement for a proposed guard house to be located within the existing median along Somerset Boulevard at the entrance to the Lakes of Somerset subdivision as shown on the attached location map. The encroachment is required for the guard house to be constructed in the median located within the existing right-of-way.

Section 8.170(5), Easement and Right-of-Way Encroachments of the Colleyville Land Development Code, requires City Council approval for a right-of-way encroachment.

**Existing Conditions.** The existing median is landscaped throughout the entire length from Bedford Road to the intersection of Westbury Drive, as shown in the attached photos.

**Encroachment Description.** A guard house is being proposed within the existing 14'-6" landscaped median at the entrance to the Lakes of Somerset subdivision as shown in the attached Exhibit A. The dimensions of the guard house will be 8'-6" by 8'-6" and centered within the width of the existing median. The guard house will be situated completely in the existing median which is within the Somerset Boulevard right-of-way, east of Bedford Road. The guard house is not intended to be staffed, as the HOA has indicated that they plan to mount a video monitoring system on the structure and store video equipment inside.

**Somerset Boulevard.** The right-of-way for Somerset Boulevard is 84-feet with a pavement width of 25 feet on either side of the entry median and curb and gutter. Somerset Boulevard is currently constructed in its ultimate configuration.

**Summary.** All of the franchise utility companies have approved the Right-of-Way Encroachment and Joint Use Agreement, and there are no traffic issues or concerns regarding this request.

**Financial Impact**

There is no financial impact to the City.

**Recommendation**

Approve

**Attachments**

1. Location Map
2. Exhibit A - Proposed Guard House
3. Exhibit B - Photos
4. Encroachment and Joint Use Agreement

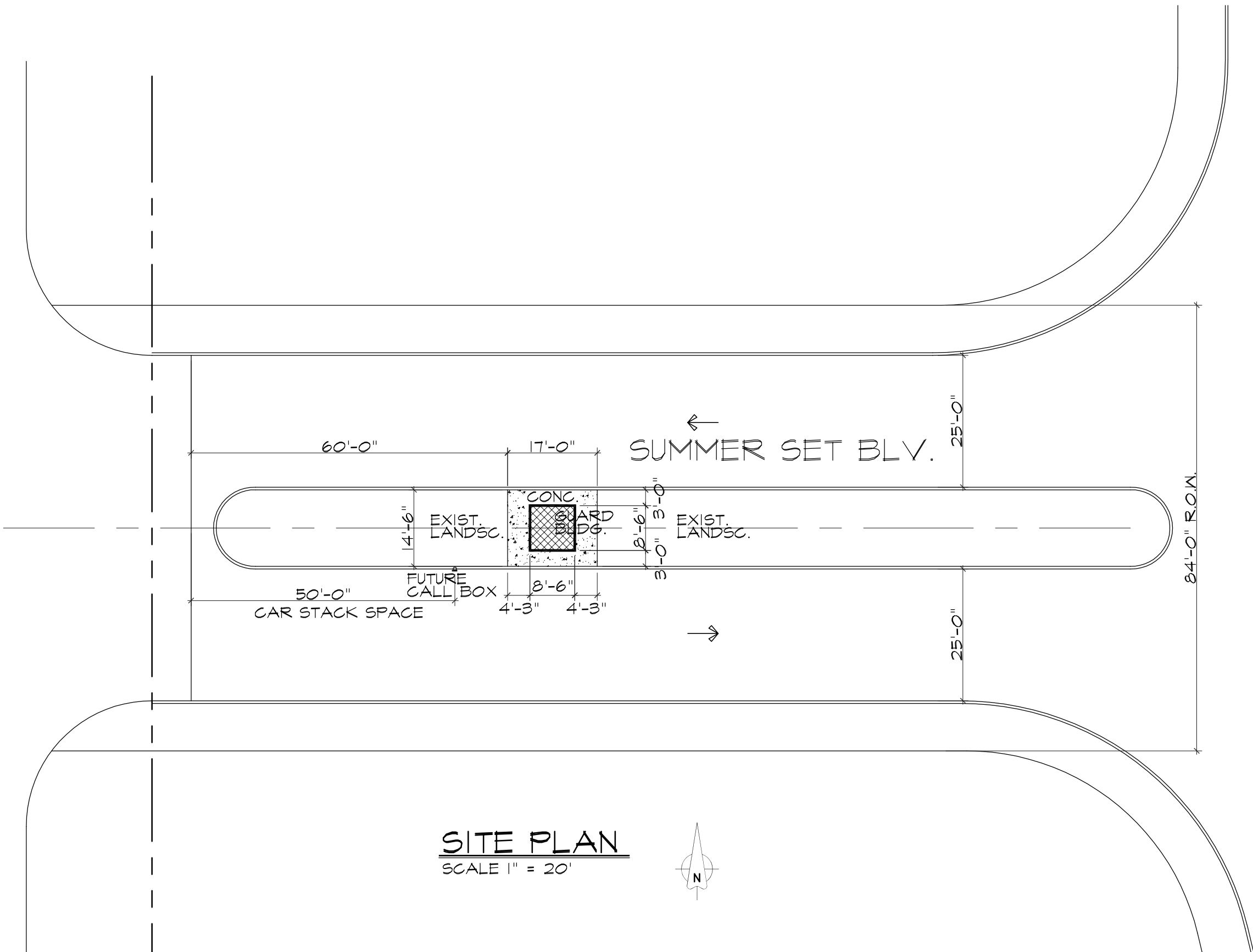




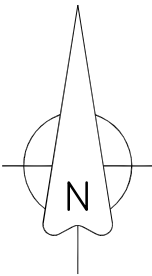
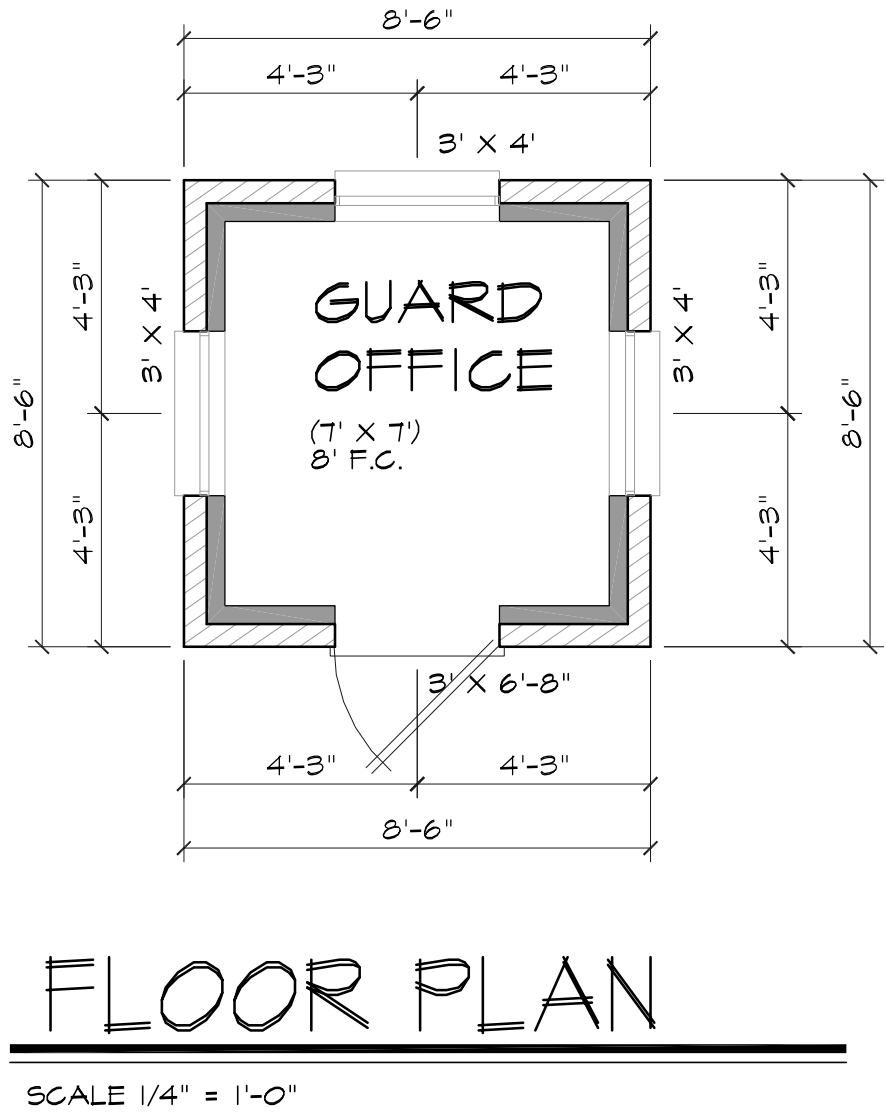
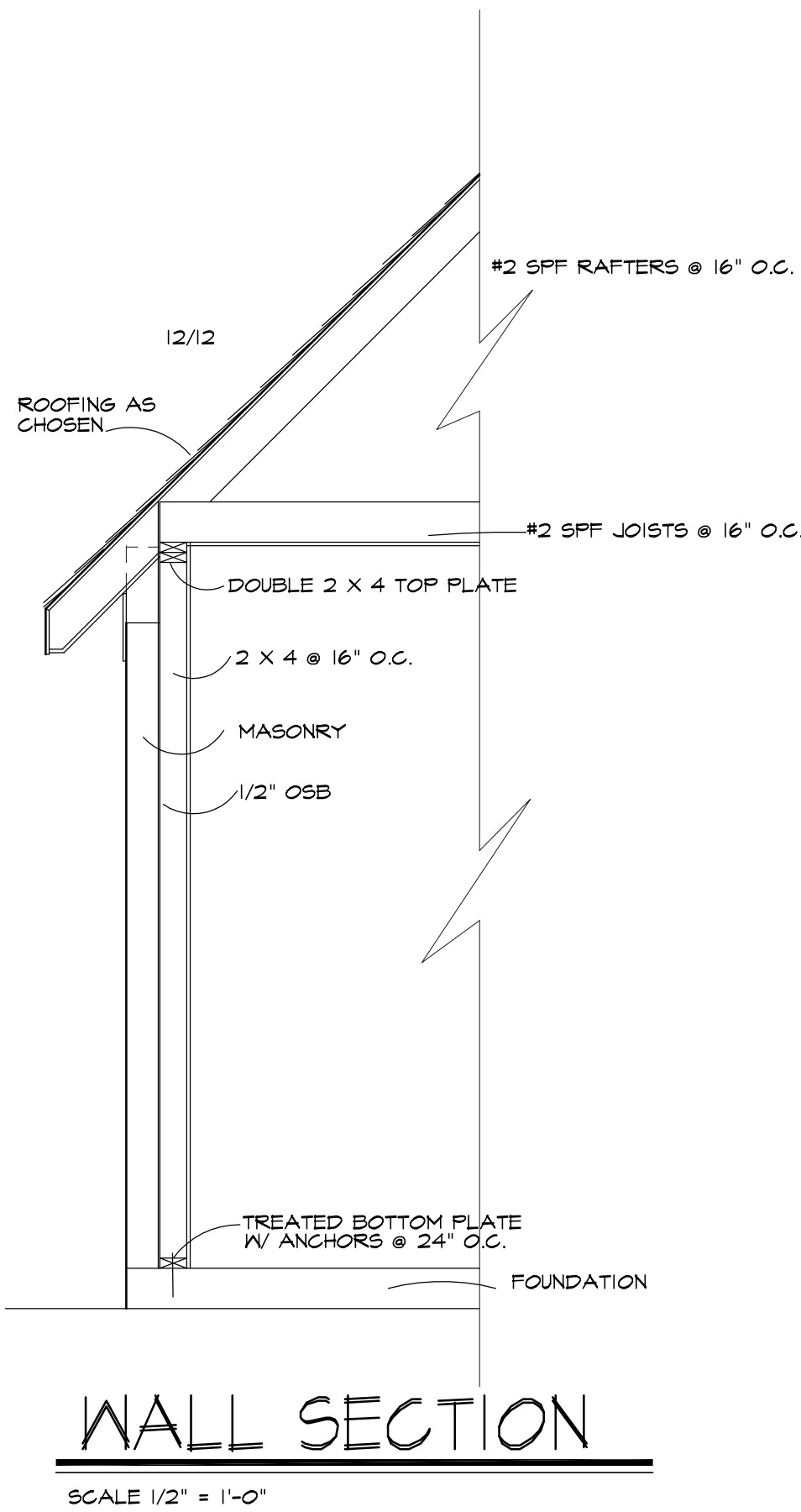
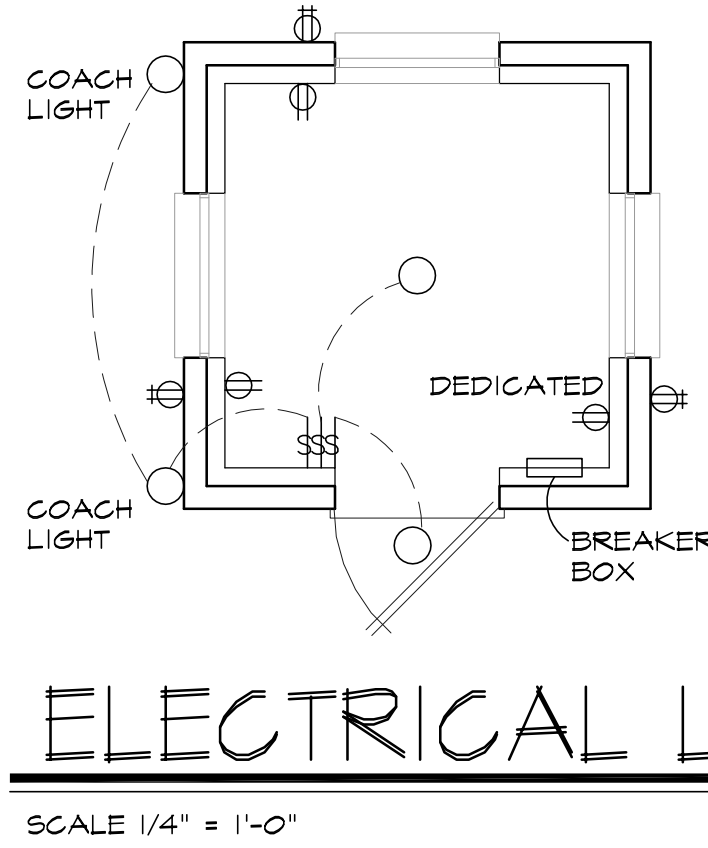
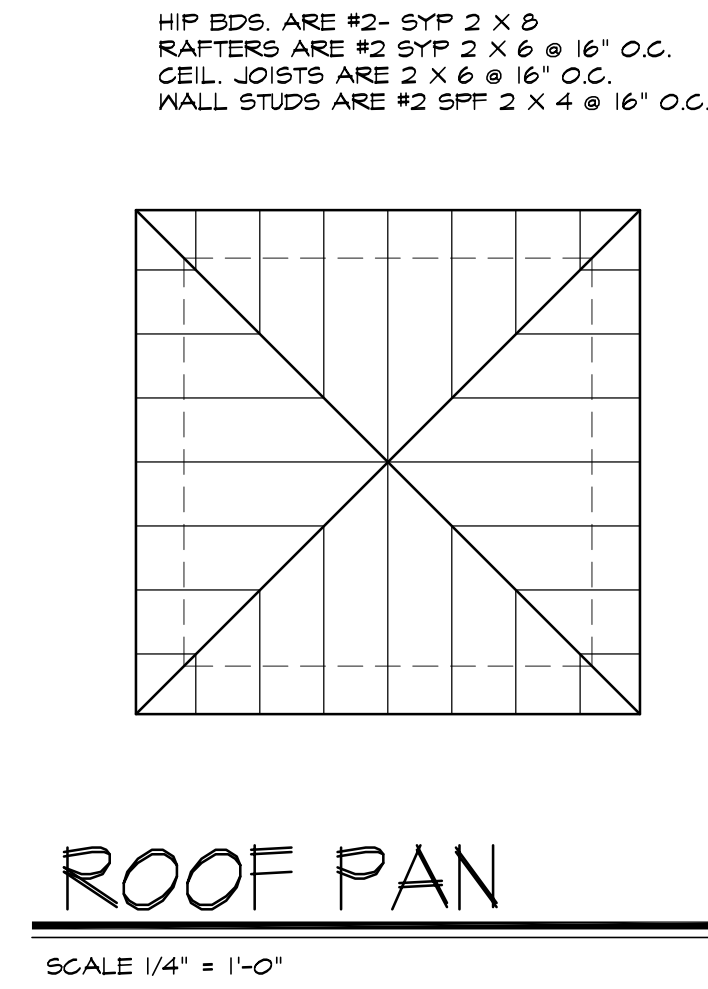
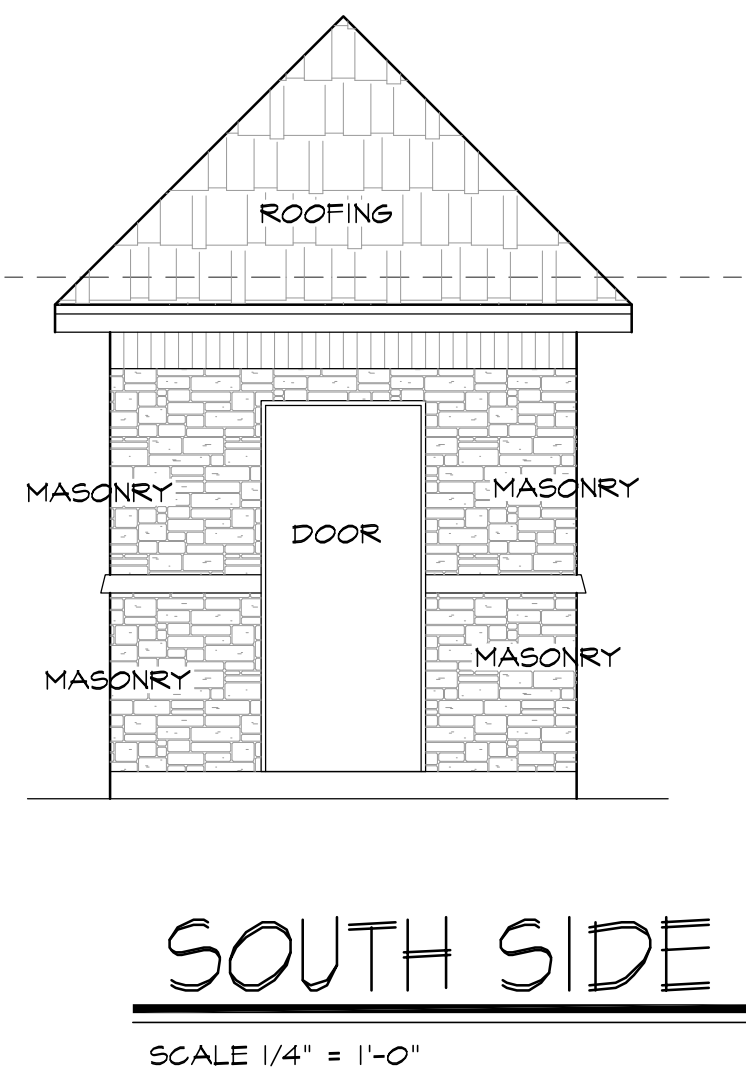
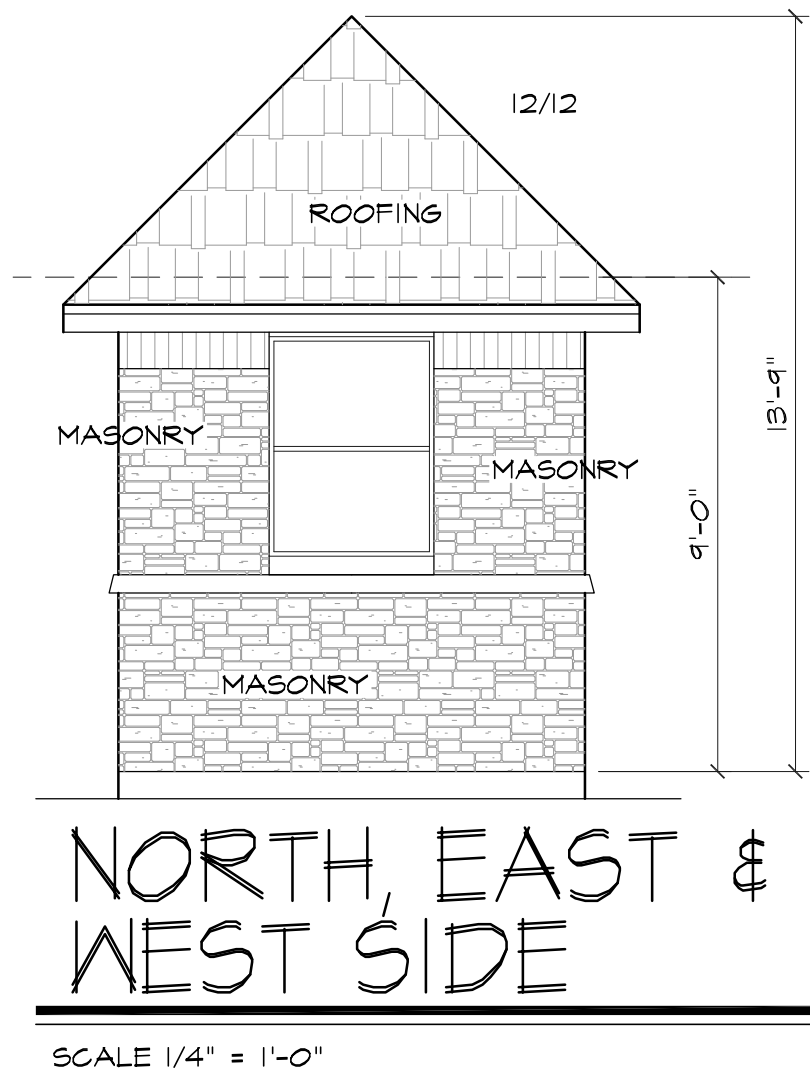
**EXHIBIT A**  
**Location Map**



BEDFORD RD.



**Exhibit "A"**  
**Proposed Guard House**



THE USE OF THESE PLANS IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REPRODUCTION OR DISTRIBUTION IS EXPRESSLY LIMITED TO SUCH USE. ANY OTHER REPRODUCTION, REUSE, OR DISCLOSURE BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. THE INFORMATION AND TITLE REMAINS IN THE SOLE POSSESSION OF MASTERPLANS, DENNIS C. HILBORN ©COPYRIGHT 2016

**CONSTRUCTION DRAWINGS**

**GUARD OFFICE**  
LAKES OF SOMERSET  
COLLEYVILLE, TEXAS

**MasterPlans**  
817-379-7326  
©COPYRIGHT 2016 DENNIS C. HILBORN

GUARD OFFICE  
LAKES OF SOMERSET





Existing Median along Somerset Blvd. facing east from Bedford Road





Existing Median along Somerset Blvd. facing west towards Bedford Road





Proposed Location of Guard House - between planting areas



ENG 1605-001

\$55<sup>00</sup>

**INSTRUCTIONS FOR COMPLETING AN  
ENCROACHMENT AND JOINT USE  
AGREEMENT OF A PUBLIC DRAINAGE  
AND / OR UTILITY EASEMENT OR  
RIGHT-OF-WAY**

City of Colleyville  
100 Main Street  
Colleyville, TX 76034  
817.503.1090

All forms shall be signed in ink only by a property owner, legal partner or corporate officer. An authorized agent of the landowner must submit a Power of Attorney.

**PLEASE SUBMIT ALL OF THE FOLLOWING REQUIRED DOCUMENTS:**

1. One copy of the Application with an original signature, signed in black ink.
2. One copy of the Easement / Right-of-Way Joint Use Agreement with an original signature, signed and notarized in black ink. Do not submit copies of signatures and notary acknowledgments.
3. One copy of EXHIBIT NO. 1 that contains the precise metes and bounds description of the part of the easement or right-of-way to be used. This information is best provided by a registered land surveyor. Note that the City staff is not authorized to prepare this information. Do not place drawings or plats on this exhibit.
4. One copy of EXHIBIT NO. 2 which shows in graphic form the nature of the encroachment with dimensions. Please limit the area of usage of the easement / right-of-way to only that needed to accommodate your needs. Plans or drawings may be reduced, provided the final document is legible. City staff will make final decision on legibility.
5. The Engineering Division may require an additional EXHIBIT NO. 2A which may include a detailed drawing or cross sectional drawings of decks, signs, retaining walls, fences, driveways, piers, footings, etc. to fully evaluate the extent of the encroachment
6. One copy of EXHIBIT NO. 3 with original signatures, signed by all agencies listed regardless of whether they have utility equipment in the easement. This will need to be done before submitting to the City of Colleyville.
7. After this agreement is filled out, you will need to return it to Community Development Department and pay the \$55.00 application fee.
8. This agreement will be circulated through the Community Development, Building Inspection, and the Engineering Division within the City of Colleyville. Please allow approximately seven to ten working days to complete the circulation process. Easement encroachments may be approved administratively. Right-of-way encroachments require approval by the City Council.
9. After approval by the necessary City departments, a copy of the agreement is forwarded to the Building Permit Department for retention in any pending permit files. The Community Development Department is responsible for filing the agreement in the deed records of Tarrant County. After filing with Tarrant County, a copy is retained in the Engineering Division and a copy is sent to the applicant for their records.

Submit these documents to:

City of Colleyville  
Community Development Department  
100 Main Street  
Colleyville, TX 76034  
817.503.1050 office  
817.503.1059 fax





**APPLICATION FOR ENCROACHMENT  
AND JOINT USE AGREEMENT OF A  
PUBLIC DRAINAGE AND/OR UTILITY  
EASEMENT OR RIGHT-OF-WAY**

City of Colleyville  
100 Main Street  
Colleyville, TX 76034  
817.503.1090

5-2-16

Date of Submittal

To the City of Colleyville:

The undersigned hereby makes application to allow an encroachment and joint use of a portion of the public drainage and/or utility easement or right-of-way situated on or abutting property located at

The east side of Bedford RD on Somerset Blvd.  
and described by metes and bounds in Exhibit No. 1 of the attached agreement.

The reason for the encroachment and use of the easement/right-of-way is as follows:

Construction of an ON-MANEID gaura House in the  
landscape median to the entryway of the Lakes of Somerset

Lakes of Somerset HOA  
Printed Name of Property Owner

214-957-8284  
Telephone

[Signature]  
Signature of ~~Property Owner~~ HOA officer

jmc@madkows.com  
Email

1312 Somerset  
Address

Fax Number

Colleyville TX 76034  
City State Zip



### Easement / Right-of-Way Joint Use Agreement

THE STATE OF TEXAS       §  
COUNTY OF TARRANT     §

Be it known, that the City of Colleyville, herein after referred to as "City," and its franchised Utility Companies, herein referred to as "Utilities," do consent and agree to permit the following Lakes of Somerset Home Owners Assoc., herein after referred to as "Applicant," to use an easement / right-of-way, situated on or abutting LOT \_\_\_\_\_, BLOCK \_\_\_\_\_, OF \_\_\_\_\_ IN THE CITY OF COLLEYVILLE, TEXAS, as described on the attached Exhibit No. 1, depicted graphically on the attached EXHIBIT No. 2 and consented to by the public utility companies as listed on the attached EXHIBIT No. 3, to be used for the purposes of

A guard house (UN-MAVED)

\_\_\_\_\_ and being subject to the following conditions:

#### I.

That the Applicant, his successors or assigns shall maintain in good condition all of the easement area and the improvements situated thereon; and, that City and Utilities shall not become responsible for such maintenance at any time in the future.

#### II.

That the Applicant shall and does hereby agree to indemnify and hold harmless the City and the Utilities from any and all damages, loss or liability of any kind whatsoever by reason of injury to property or third person occasioned by its use of the easement / right of way or act of omission, neglect or wrong doing of Applicant, his officers, agents, employees, invitees or other persons, with regard to the improvements and maintenance of such improvements; and the Applicant shall, at his own cost and expense, defend and protect City and Utilities against any and all such claims and demands.

#### III.

That the Applicant shall arrange for all activities and improvements in the easements to be discontinued and / or removed within thirty (30) days of written notification, at the discretion of City, for:

- 1) Lack of maintenance to the easement / right-of-way;
- 2) Failure to provide access to the City or its designees; or
- 3) Compliance with a City Council directive that use of the easement by the Applicant be discontinued and the cost associated with the discontinuing of such activities, and the removal of such improvements, as well as property adjacent to the easement / right-of-way necessitated by such discontinuation of the easement / right-of-way use, shall be borne by the Applicant.

#### IV.

That the Applicant, his successors or assigns shall not seek compensation from City or Utilities for loss of the value of the improvements made hereunder when such improvements are required to be removed by Applicant.



V.

This agreement shall be filed of record in the Deed Records of Tarrant County, Texas, and shall bind all future owners of this lot and shall for all purposes be considered a covenant running with the land.

IN TESTIMONY WHEREOF, Applicant executes this Easement / Right-of-Way Use Agreement on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Applicant Lakes of Somerset HOA

City of Colleyville

JIM MAKENS  
Printed Name

\_\_\_\_\_  
Director of Public Works

  
Signature of Applicant  
HOA BOARD MEMBER

NOTE: Complete the attached acknowledgements.

Note: Only complete the appropriate acknowledgements

THE STATE OF TEXAS §  
COUNTY OF TARRANT §

**Corporate Acknowledgment**

BEFORE ME, the undersigned authority, A Notary Public in and for the State of Texas, on this day personally appeared Jim Makers, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of said Lakes of Somerset HOA, a corporation, and that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 2<sup>nd</sup> day of May, 2016.

TERRI K. ROBERTS  
Notary Public in and for the State of Texas

My Commission Expires: 7-9-2017

THE STATE OF TEXAS §  
COUNTY OF TARRANT §

**Individual Acknowledgment**

BEFORE ME, the undersigned authority, A Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF TARRANT §

**City of Colleville Acknowledgment**

BEFORE ME, the undersigned authority, A Notary Public in and for the State of Texas, on this day personally appeared \_\_\_\_\_, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that same was the act of said \_\_\_\_\_, a municipal corporation, and that he executed same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_

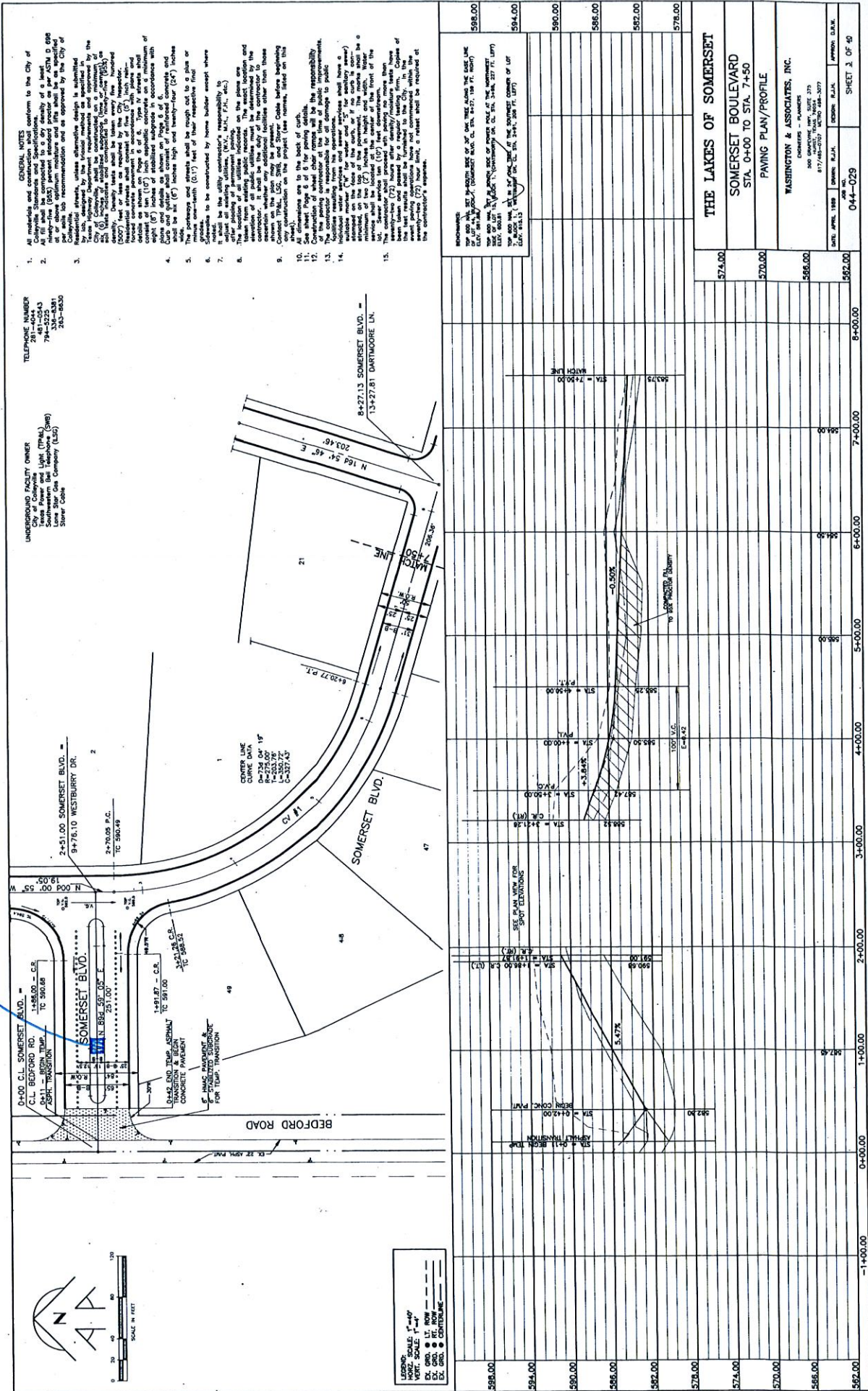
**EXHIBIT NO. 1**

Being that portion of that certain public utility easement/drainage easement/right of way situated in

The Lakes of Somerset Addition/Survey to the City of Colleyville, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:



GAURA HOUSE

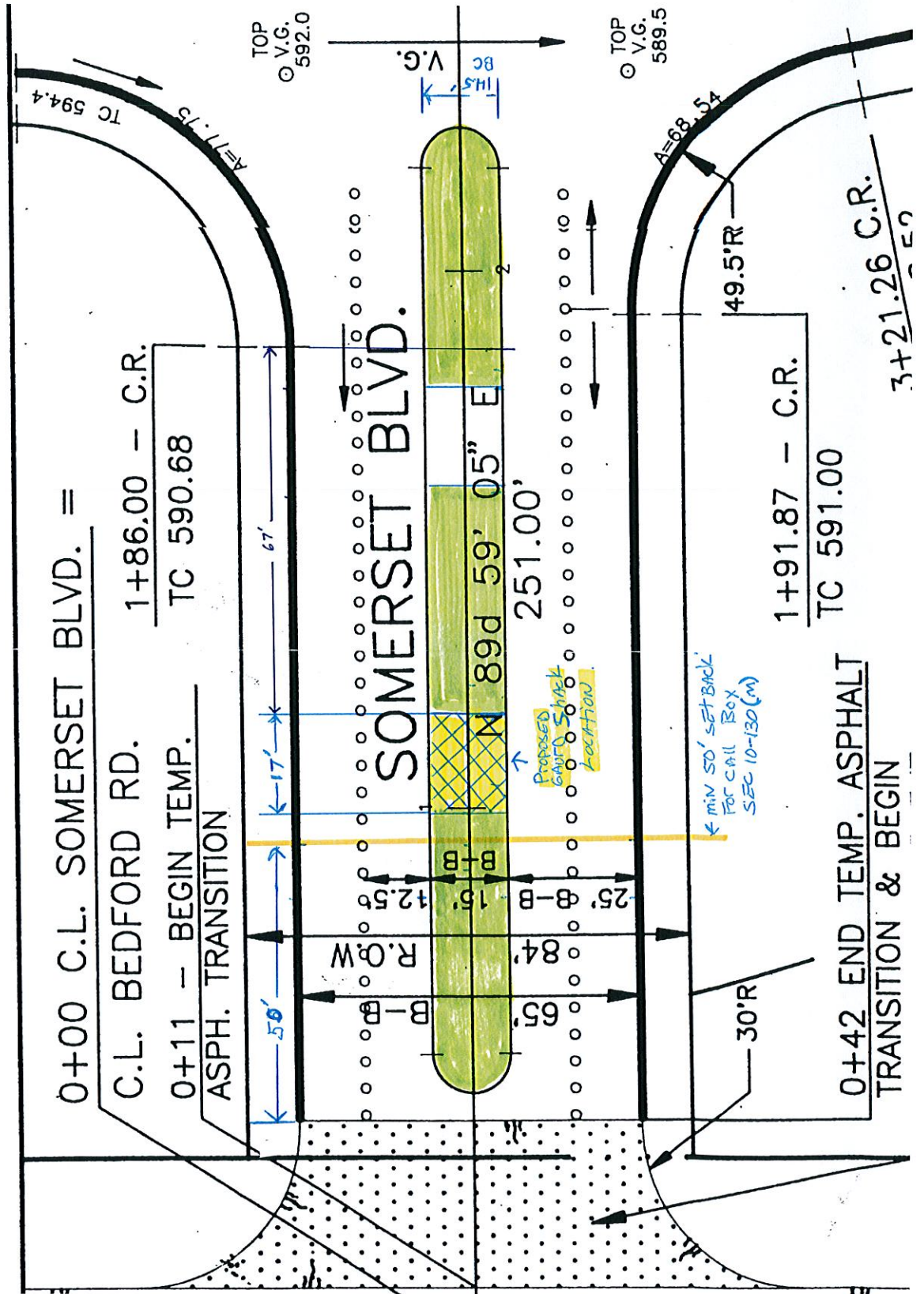


## **EXHIBIT NO. 2**

The following is a drawing depicting the area or portion of the easement/right-of way and property described in Exhibit No. 1 that is subject to the encroachment and joint use agreement in this application showing the nature of the encroachment and use with dimensions.

This drawing shall include a north arrow, legal description of the subject property and adjoining properties. Indicate on the drawing whether the encroachment is for a **utility, drainage, private access, easement or right-of-way**.





## **EXHIBIT NO. 2A**

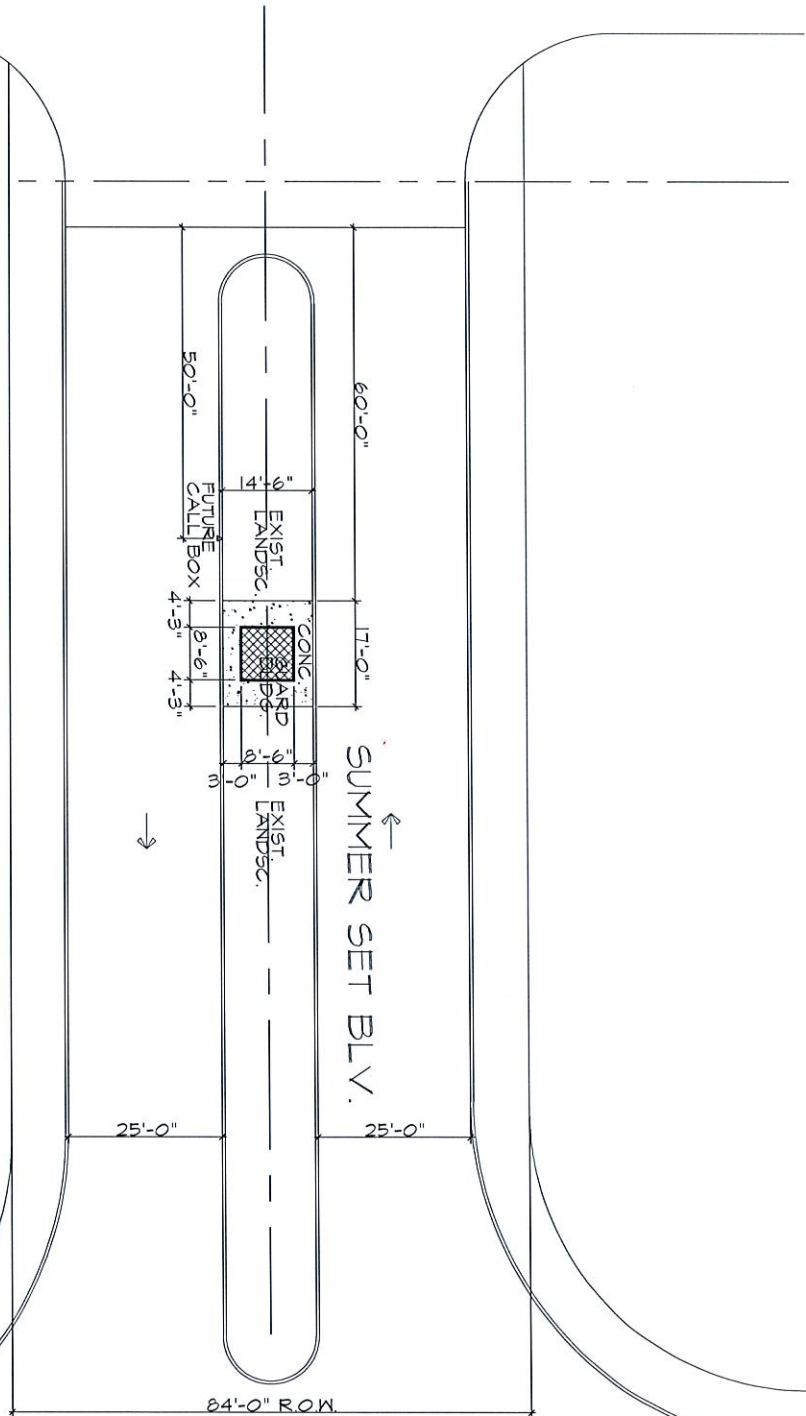
The following is a detail and/or cross section drawing of the improvement(s) in the utility easement/drainage easement/right-of-way to be subject to the encroachment and joint use agreement in this application.



Exh. J.1 No. 2A

BEDFORD RD.

SITE PLAN  
SCALE 1" = 10'



THESE DRAWINGS, FOR THIS DESIGN, HAVE BEEN DEVELOPED AND ISSUED WITHOUT SPECIFIC KNOWLEDGE OF GEOGRAPHIC LOCATION. THEREFORE, SUPPLEMENTAL TO THESE DOCUMENTS, IT IS THE RESPONSIBILITY OF THE OWNER OR THE OWNER'S GENERAL CONTRACTOR TO PROVIDE ENGINEERING AND SPECIFIC SHOP DRAWINGS FOR THE FOUNDATION, PAVEMENT, STRUCTURAL AND OTHER DETAILS REQUIRED BY THE LOCAL GOVERNING BODY. COMPLIANCE WITH THESE DRAWINGS WILL BE THE RESPONSIBILITY OF THE OWNER. IT IS THE OWNER'S, GENERAL CONTRACTOR'S, SUB CONTRACTOR'S RESPONSIBILITY TO VERIFY THE ACCURACY, COMPLIANCE WITH APPLICABLE REGULATIONS AND FITNESS OF PURPOSE OF THESE PLANS. MASTERPLANS LIABILITY SHALL NOT EXCEED THE PRICE PAID TO MASTERPLANS FOR THESE PLANS.

CONSTRUCTION DRAWINGS

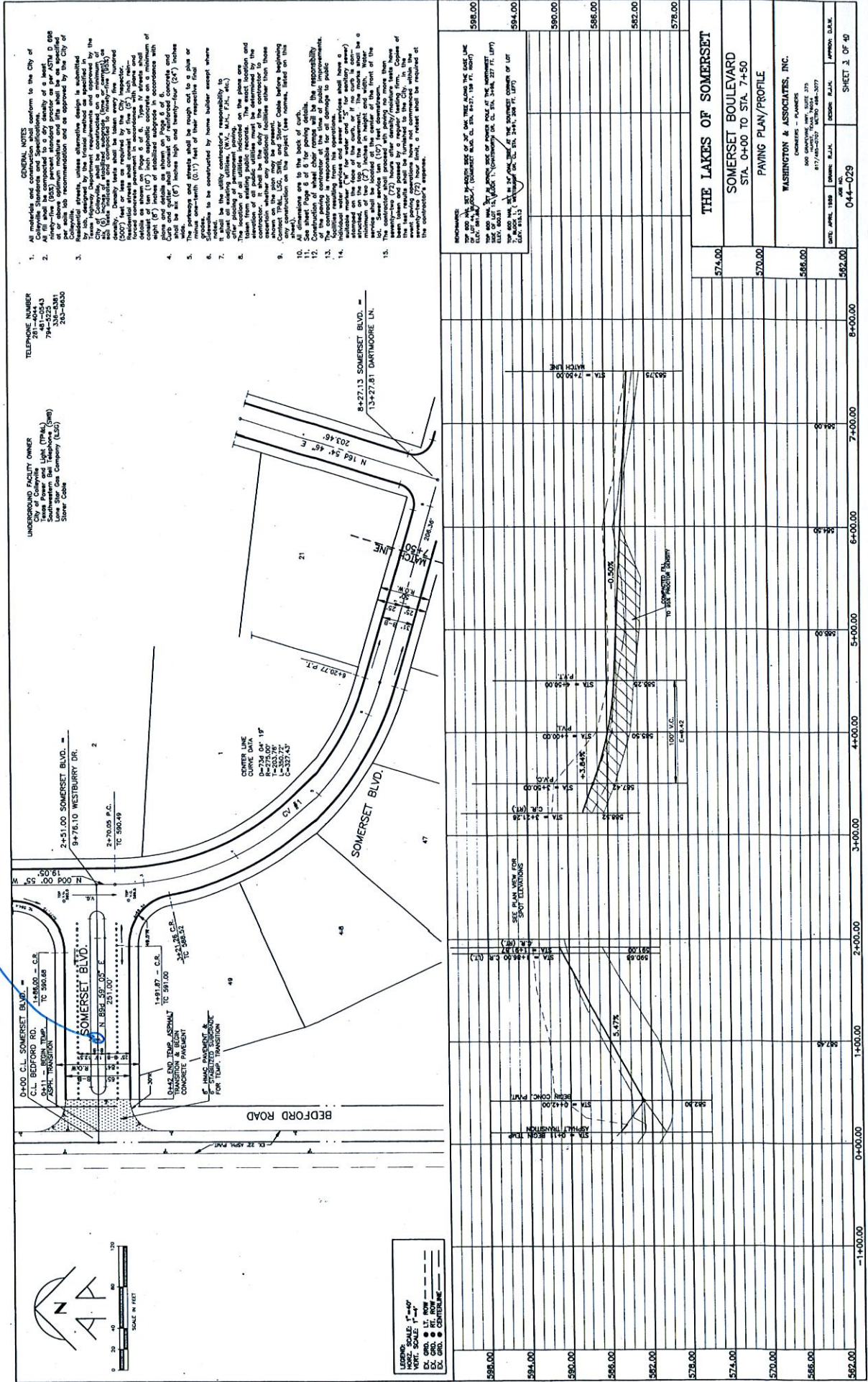
THE USE OF THESE PLANS IS LIMITED TO ONLY THE ORIGINAL SITE PLANS WERE ISSUED. ANY REPRODUCTION OR DISTRIBUTION IS EXPRESSLY LIMITED TO SUCH USE. ANY OTHER REPRODUCTION, REUSE, OR DISCLOSURE BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. THESE DRAWINGS CONTAIN PROPRIETARY INFORMATION AND TITLE REMAINS IN MASTERPLANS, DENNIS C. HILBORN © COPYRIGHT 2016

1 of 4  
16-033

MasterPlans  
817-379-7326  
© COPYRIGHT 2016 DENNIS C. HILBORN

GUARD OFFICE  
LAKES OF SOMERSET  
COLLEYVILLE, TEXAS

gaura house





### EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchise with the City of Colleyville, do hereby consent to the encroachment and joint use of the described portion of such drainage and/or utility easement or right-of-way requested in this Application for encroachment and joint use of a public drainage and utility easement or right-of-way Lot(s) n/a Block(s) n/a of the

Entrance to Lakes of Somerset Subdivision, The East Side of Bedford Road at the Intersection of Bedford Rd and Somerset Blvd.  
Addition to the City of Colleyville, Tarrant County, Texas.

Street Name: Somerset Blvd on the East Side of Bedford Rd.

#### Oncor/TXU Electric Delivery

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Tri-County Electric Company

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Southwestern Bell Telephone (AT&T)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Verizon Telephone

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Comcast Cable (Time Warner)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Atmos Energy

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### City of Colleyville

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchise with the City of Colleyville, do hereby consent to the encroachment and joint use of the described portion of such drainage and/or utility easement or right-of-way requested in this Application for encroachment and joint use of a public drainage and utility easement or right-of-way Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ of the  
LAKE OF SOMERSET - GUARD HOUSE  
Addition to the City of Colleyville, Tarrant County, Texas.

Street Name: SOMERSET BLVD.

Onco: ~~FE~~ Electric Delivery 4/21/16

By: RANDY CRELIA  
(Please Print)

Title: UTILITY DESIGN SPECIALIST  
(Please Print)

Signature: [Signature]

Southwestern Bell Telephone (AT&T)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Comcast Cable (Time Warner)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

City of Colleyville

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Tri-County Electric Company

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Verizon Telephone

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Atmos Energy

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**EXHIBIT NO. 3**

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchise with the City of Colleyville, do hereby consent to the encroachment and joint use of the described portion of such drainage and/or utility easement or right-of-way requested in this Application for encroachment and joint use of a public drainage and utility easement or right-of-way Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ of the

Addition to the City of Colleyville, Tarrant County, Texas.

Street Name: \_\_\_\_\_

**Oncor/TXU Electric Delivery**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Tri-County Electric Company**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Southwestern Bell Telephone (AT&T)**

By: Frank Huneycutt  
(Please Print)

Title: Manager - Engineering (ROW)  
(Please Print)

Signature: Frank Huneycutt

**Verizon Telephone**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Comcast Cable (Time Warner)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Atmos Energy**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**City of Colleyville**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

### EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchise with the City of Colleyville, do hereby consent to the encroachment and joint use of the described portion of such drainage and/or utility easement or right-of-way requested in this Application for encroachment and joint use of a public drainage and utility easement or right-of-way Lot(s) **49** Block(s) \_\_\_\_\_ of the

Addition to the City of Colleyville, Tarrant County, Texas.

Street Name: **SOMERSET BLVD**

#### Oncor/TXU Electric Delivery

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Tri-County Electric Company

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Southwestern Bell Telephone (AT&T)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Verizon Telephone

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### Comcast Cable (Time Warner)

By: Lisa N Law  
(Please Print)

Title: Sr. Design Mgr.  
(Please Print)

Signature: Lisa N Law

#### Atmos Energy

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

#### City of Colleyville

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_



EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchise with the City of Colleyville, do hereby consent to the encroachment and joint use of the described portion of such drainage and/or utility easement or right-of-way requested in this Application for encroachment and joint use of a public drainage and utility easement or right-of-way Lot(s) N/A Block(s) N/A of the

Entrance to Lakes of Somerset Subdivision, The East Side of Bedford Road at the  
Addition to the City of Colleyville, Tarrant County, Texas. Intersection of Bedford RD and Somerset Blvd.

Street Name: Somerset Blvd on the east side of Bedford RD.

• Oncor/TXU Electric Delivery

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

• Tri-County Electric Company

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Southwestern Bell Telephone (AT&T)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

• Verizon Telephone

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Comcast Cable (Time Warner)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

• Atmos Energy

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

City of Colleyville

By: Cheryl Taylor  
(Please Print)

Title: City Engineer  
(Please Print)

Signature: [Signature]

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchise with the City of Colleyville, do hereby consent to the encroachment and joint use of the described portion of such drainage and/or utility easement or right-of-way requested in this Application for encroachment and joint use of a public drainage and utility easement or right-of-way Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_ of the

**Lakes of Somerset Guard House**

Addition to the City of Colleyville, Tarrant County, Texas.

Street Name: \_\_\_\_\_

**Oncor/TXU Electric Delivery**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Southwestern Bell Telephone (AT&T)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Comcast Cable (Time Warner)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**City of Colleyville**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Tri-County Electric Cooperative, Inc.**

~~Tri-County Electric Company~~

By: **Scott D. BaumBach**  
(Please Print)

Title: **Manager**  
(Please Print)

Signature: SHD. BaumBach

**April 21, 2016**

**Verizon Telephone**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Atmos Energy**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

EXHIBIT NO. 3

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Addition to the City of Colleyville, Tarrant County, Texas.

Street Name: \_\_\_\_\_

**Oncor/TXU Electric Delivery**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Tri-County Electric Company**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Southwestern Bell Telephone (AT&T)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

~~Verizon Telephone~~ **FRONTIER Southwest INC**

By: SAM WINKLES  
(Please Print)

Title: SUPERVISOR NET ENG & OPS  
(Please Print)

Signature: [Signature]

**Comcast Cable (Time Warner)**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**Atmos Energy**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

**City of Colleyville**

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchise with the City of Colleyville, do hereby consent to the encroachment and joint use of the described portion of such drainage and/or utility easement or right-of-way requested in this Application for encroachment and joint use of a public drainage and utility easement or right-of-way Lot(s) n/a Block(s) n/a of the

Entrance to Lakes of Somerset Subdivision, The East Side of Bedford Road at the  
Addition to the City of Colleyville, Tarrant County, Texas. Intersection of Bedford RD and Somerset RD.

Street Name: Somerset Blvd on the East Side of Bedford RD.

Oncor/TXU Electric Delivery

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Tri-County Electric Company

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Southwestern Bell Telephone (AT&T)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Verizon Telephone

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Comcast Cable (Time Warner)

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_

Atmos Energy

By: Robert Stubbins  
(Please Print)

Title: Project Manager  
(Please Print)

Signature: [Signature]

City of Colleyville

By: \_\_\_\_\_  
(Please Print)

Title: \_\_\_\_\_  
(Please Print)

Signature: \_\_\_\_\_





# City of Colleyville City Council Agenda Briefing

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

**Agenda Number** 4d

**Agenda Date** 07/19/2016

**Number** Resolution R-16-4013

**Type** Resolution

**Department** Human Resources

## **Title**

Approval of bid awards for medical and dental insurance to Blue Cross Blue Shield of Texas; vision insurance to Superior Vision of Texas; life insurance from Dearborn National Life Insurance Company; third-party administration of the flexible spending account to Discovery Benefits, Inc.; and pricing transparency services to Compass Professional Health Services, and authorize the city manager to execute the agreements

## **Strategy Map Connection**

F4- Adhere to the City's financial and budgetary policies

L1- Attract, develop, and retain skilled employees who embrace our values

## **Explanation**

### ***Reading and Public Hearing***

At the July 12, 2016 Pre Council meeting, staff presented information and discussed with City Council the employee health insurance bid results and recommendations for Fiscal Year 2017 (FY17). City Council directed staff to move forward with a resolution approving bid awards for medical and dental insurance to Blue Cross and Blue Shield of Texas; vision insurance to Superior Vision of Texas; life insurance from Dearborn National Life Insurance Company; third-party administration of the flexible spending account to Discovery Benefits, Inc.; and pricing transparency services to Compass Professional Health Services.

## **Insurance Bid Process Overview**

In May and June 2016, staff received initial FY17 insurance renewals for the following lines of coverage:

Medical Insurance

Dental Insurance

Vision Insurance

Basic and Voluntary Life and Accidental Death and Dismemberment (AD&D)

Flexible Spending Account (FSA) Administration

Health Reimbursement Arrangement (HRA) Administration

The City advertised and instructed the City's benefits broker/consultant, Holmes Murphy and Associates, Inc. (Holmes Murphy), to evaluate the bids for the current lines of coverage using the existing plan design of each coverage. In addition, based

upon input from the Employee Benefits/Wellness Committee (the "Committee" - Attachment A) and other staff, the City requested bids for a new healthcare service - Pricing Transparency. Pricing transparency services provide a toll free number for employees to call to ask questions about prices for healthcare services with various providers, compare and shop prices among providers and prescriptions, and enable them to better manage their out-of-pocket costs. This type of service assists employees in becoming smarter consumers of healthcare, therefore saving the medical plan money. By providing personalized information, a pricing transparency vendor can make it easy for employees to make the right healthcare decisions. Attachment B shows the list of vendors who participated in the bid proposal process and those who declined to bid. The bid opening took place on June 14, 2016.

The Committee met with Human Resources staff and Holmes Murphy to review the insurance proposals received. The Committee's responsibility is to evaluate benefits from an employee's perspective based upon financial feasibility, customer satisfaction, the least disruption in service, benefit plan design, and administrative efficiencies and make a recommendation to City management. City management then reviews the Committee's recommendations and makes a final recommendation to City Council based on budgetary and policy parameters.

### **Medical Insurance**

The City bid the existing two medical plans. The following chart summarizes the current medical plan designs:

| <b>Plan Design</b>                                       | <b>Base Plan PPO</b> | <b>Buy Up Plan PPO</b> |
|----------------------------------------------------------|----------------------|------------------------|
| Deductible<br>(Individual / Family)                      | \$4,000 / \$8,000    | \$2,000 / \$4,000      |
| Out of Pocket Maximum<br>(Individual / Family)           | \$5,000 / \$10,000   | \$3,000 / \$6,000      |
| Coinsurance<br>(In-Network / Out of Network)             | 80% / 50%            | 90% / 70%              |
| Primary Care/Specialist Copay                            | \$30 / \$50          | \$25 / \$30            |
| Emergency Room Copay                                     | \$250                | \$200                  |
| Prescription/RX<br>(Generic / Preferred / Non-Preferred) | \$20 / \$40 / \$70   | \$20 / \$40 / \$70     |

The City received bids from four medical carriers: Aetna, Blue Cross Blue Shield (BCBS), Texas Municipal League (TML), and United Healthcare (UHC) (Attachment C). CIGNA declined to bid. During the bid process, carriers quote similar plan designs or plan design options the City may want to consider. The medical bids with comparable base plans to the existing base plan (Aetna, TML and UHC) came in at double-digit increases. The City's current carrier, BCBS, bid a 5.1% increase to the current base plan and a 3.6% increase to the current buy up plan.



Based on the bid results, there were three options staff and the Committee evaluated in detail. The following were key discussion points among staff, the Committee and Holmes Murphy:

1. BCBS Current Two Preferred Provider Organization (PPO) Medical Plans: BCBS, the City's current medical carrier, bid an increase of 5.1% to the base plan and 3.6% to the buy up plan. Based upon a current medical spend of \$2,031,976 annually, this results in an increase of \$103,630, of which approximately \$81,744 would be in the General Fund. As the Council may recall from the June 20 budget worksession, staff estimated a health insurance increase of \$100,000 to the General Fund in FY17, so this number is within the estimated budget.

BCBS' bid also included a \$10,000 per year wellness reimbursement to the City for wellness programs. The City currently spends about \$20,000 per year on the employee wellness program.

2. UHC Two Exclusive Provider Organization (EPO) Medical Plans: UHC did not bid a comparable PPO medical plan. The UHC bid is for a 5% increase to the base plan with EPO and -1.4% to the buy up plan with EPO. The EPO is similar to the City's current PPO plans, but without the out-of-network benefits. As the Council may recall from the May 17, 2016 Pre-Council discussion, an EPO plan limits employees to using only the doctors and hospitals within the EPO network. The EPO provides no out-of-network benefits. There was some concern that an employee may be out of state, for example, and not have access to in-network providers if they incur an injury or illness. Both existing PPO plans that the City currently offers provide out-of-network benefits at a higher cost to the employee. In addition, the overall bid amount for the two UHC plans was an increase of \$42,535. Because of the out-of-network concerns, and the increase in premiums for a lesser benefit, the recommendation was to remain with the PPO plan as opposed to switching to an EPO plan.

3. BCBS Health Savings Account (HSA) Medical Plan: The final significant discussion involved consideration of the BCBS bid for a Health Savings Account (HSA) plan which would provide a savings of \$24,693 in premiums. As was discussed during the May 17, 2016 Pre-Council meeting, premiums are usually lower on this type of plan because the "first dollar" out of pocket for all expenses is paid by the participant and not the insurance company. Staff, the Committee and Holmes Murphy discussed the bids for this type of plan, which came in just 2.1% lower than the current base medical plan. The biggest issue with this bid is that the deductible on the plan is \$5,000. This means that any employee signing up for this insurance would be responsible for all costs out of pocket until the \$5,000 deductible was met. If the City were to implement this plan, and because the deductible is so high, the City should strongly consider providing "seed money" into the employee's accounts to help offset some of those first dollar expenses, otherwise employees will have no incentive to choose the HSA over the PPO. For example, if the City provided \$500 to each employee on the plan (average 170 employees), the total seed money would be \$85,000, which would negate the savings of \$24,693 in the bid. If the City reduced the seed money to \$250

per employee for 170 employees, the cost would be \$42,500. Staff, Holmes Murphy and the Committee all agreed to recommend not implementing the HSA this year, as the limited, if any, savings do not warrant such a dramatic change this year. The Committee and staff will continue to evaluate with Holmes Murphy the HSA option each year and anticipate this may be a lever that needs to be pulled when renewals come in at double-digit increases in future years, such as in the case of last year's 28.1% increase.

Upon reviewing all of the plan options, staff, the Committee and Holmes Murphy agreed the most prudent recommendation is to remain with the City's current medical carrier, BCBS, with the current two medical plans for an increase of 5.1% to the base plan and 3.6% to the buy up plan at a cost of \$103,630. To implement this recommendation, staff proposed the following funding options:

Option #1 - City Absorbs the Full Increase: If the City elected to absorb the increase, based upon a current medical spend of \$2,031,976 annually, this would result in an increase of \$103,630, of which approximately \$81,744 would be in the General Fund. As the Council may recall from the June 20 budget worksession, staff estimated a health insurance increase of \$100,000 to the General Fund in FY17, so this amount is within the estimated budget. However, the General Fund is looking to reduce costs in FY17, so this option would be adding \$81,744 to the General Fund budget.

Option #2 - City and Employees Share the Increase 50/50: If the City chose to split the increase with employees, this would result in an increase to the City of \$51,815, of which approximately \$40,872 would be in the General Fund. This option will also be adding to the FY17 budget, but is \$40,872 less impactful to the General Fund than option #1.

The impact to employees to absorb the other \$51,815 would be an average 18% increase in their medical premiums. The significant concern during Committee discussions was regarding increasing the employees' premiums again this year. Because the medical premium increase last year was 28.1% (approximately \$471,406), the City was required to make significant medical plan design changes to offset some of the increased cost. One medical plan was split into two different medical plans with higher deductibles and employee premiums were increased to remain within budget. Even with plan design changes and increasing deductibles and out-of-pocket limits, there was still a 19.86% increase once all of the plan changes were made. The City absorbed about 11% of this increase and employees absorbed the remainder. Some employees saw their premiums increase significantly, not only because the premiums increased, but also because the City lowered its contribution to some of the tiers. This resulted in employees paying a higher percentage of the premium than in the past. For example, the employee and spouse premiums for Tier 1 went up 40%, from \$131.01 to \$183.06 per month. For employee and spouse premiums on Tier 3, the monthly premium went up 95%, from \$263.63 to \$513.98 per month. The average premium increase for employees last year was 64%.

Option #3 - Dissolve Health Reimbursement Arrangement (HRA) and Allocate such Funds to Offset Medical Increase: The health reimbursement arrangement is an employer-funded health benefit plan that reimburses employees for certain medical expenses. The maximum reimbursement for an employee is \$1,250 annually and the family maximum reimbursement is \$2,500 annually. For example, should the employee need to meet the individual deductible of \$4,000, such as for hospitalization, the employee would pay the \$4,000 and be reimbursed by the City for \$1,250. The City is responsible for the full cost of its portion of the shared deductible or co-insurance, should employees incur eligible deductible or co-insurance expenses. In budgeting for the HRA each year, staff multiplies the 170 employees on the medical plan by \$1,250 (the maximum reimbursement per employee) and estimates that 35% of that total will be used during the year. For FY17, staff was estimating approximately \$85,000. The HRA runs on a calendar year. The City can opt to allocate HRA funds to offset the increase in the medical premiums for FY17. The HRA benefit would be terminated effective January 1, 2017 and employees would no longer have this benefit to help offset their deductibles. Staff would recommend leaving \$10,000 in the HRA to complete the months of October, November and December 2016, then use the remaining \$75,000 to offset the \$103,630 increase in premiums. The remaining \$28,630 could be absorbed by the City, with \$22,410 of that total being in the General Fund. This option is \$59,334 less impact to the General Fund than option #1 and \$18,462 less than option #2.

The following chart summarizes the options and amounts:

|           | Total Cost | General Fund Cost |
|-----------|------------|-------------------|
| Option #1 | \$103,630  | \$81,744          |
| Option #2 | \$51,815   | \$40,872          |
| Option #3 | \$28,630   | \$22,410          |

Staff recommends Option #3 for funding increases in the medical plan. Please note that these numbers reflect medical changes only (changes to the other insurance lines of coverage are included later in this briefing.) The other recommendations listed below actually result in savings to the City. When those savings are combined with the medical numbers above, it reduces the Total Cost and the General Fund Cost. The final numbers, including the savings, will be provided in the summary of this briefing.

### **Dental Insurance**

For dental insurance, bids were received from BCBS, Delta Dental, MetLife, TML, Unum, and UHC (Attachment D). All bids with comparable dental plans came in with an increase in premiums except BCBS and MetLife, who both quoted decreases. MetLife was priced better than the BCBS plan, however, with BCBS we were able to bundle the dental with medical which helped to leverage a lower rate for medical. The City had BCBS dental in FY15 and had no substantial issues with their service. The BCBS quote of a 5% decrease is a savings of \$6,009 per year on premiums.

With the adoption of the Affordable Care Act and associated fees a few years ago, the City made the decision to reduce its contribution to employee only dental from 100% to 91%. With the decrease in dental premiums this year, the Committee asked Human Resources staff to research the cost of the City once again contributing 100% to employee only dental premiums. The result was \$5,340 annually for the City to make that change. Of the surrounding seven comparator cities, five of those cities pay for 100% of the premium for employee only dental:

- Eules 75% Employee only dental
- North Richland Hills 86% Employee only dental
- Bedford 100% Employee only dental
- Grapevine 100% Employee only dental
- Hurst 100% Employee only dental
- Keller 100% Employee only dental
- Southlake 100% Employee only dental

Staff and the Committee recommend increasing the City's contribution to employee only dental premiums from 91% to 100%. If the City Council elected to make this change, the result would still realize a savings of \$669 in FY17.

### **Vision Insurance**

Bids were received for vision insurance from Davis Vision, Humana, MetLife, Superior Vision, TML and United Healthcare (Attachment E). All bids came in with a double-digit increase except Davis Vision, Superior Vision, and UHC. The City's current carrier is Superior Vision, who bid the current plan with a 4% increase and a 4-year rate guarantee. Both Davis Vision and UHC also bid competitively; however, the plan designs were not comparable to the current vision plan design and the provider networks were not as extensive as Superior Vision's provider network.

The City does not contribute to vision insurance - employees pay 100% of the premiums. The 4% increase will result in less than \$1.00 per month more than employees are currently paying for vision insurance. Therefore, staff and the Committee recommend staying with Superior Vision and locking in the 4-year rate guarantee.

### **Life and Accidental Death and Dismemberment (AD&D) Insurance**

The City pays for \$15,000 in life insurance and AD&D insurance for employees. For this line of coverage, bids were received from Dearborn National Life, MetLife, Minnesota Life, Mutual of Omaha, One America, TML and Unum (Attachment F). Bids ranged from a decrease of 34% (Minnesota Life) to an increase of 101% (TML) (Attachment F). The City's current plan is with Dearborn National Life and their bid for basic life came in with a decrease of 32%, an annual savings of \$1,497. The other competitive bid was a decrease of 34% from Minnesota Life, with an annual savings of \$1,592. Rather than switching carriers and requiring new paperwork from all employees for an annual difference of \$96 in FY17, staff and the Committee recommend staying with Dearborn National Life.

Voluntary life rates with Dearborn National remained the same (Attachment G). For simplicity, staff and the Committee recommend keeping both basic and voluntary life plans with Dearborn National Life.

### **Flexible Spending Account (FSA) Administration**

As part of the City's benefit package, the City offers a flexible spending account (FSA) option 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. The City currently uses Total Administrative Services Corporation, or TASC, to administer this benefit. The current administration fee is \$3,353 annually.

Bids for FSA administration were received from Aetna, BCBS, Discovery, Navia, TASC, TML and Wageworks (Attachment H). The Committee recommended making a change from TASC this year because they have been administratively difficult to work with and their systems and processes are somewhat antiquated and cumbersome. The Committee narrowed the selection to Discovery and Wageworks based upon their level of FSA expertise and service. The primary difference between the two vendors was that, for \$621 more per year, Discovery provides a dedicated point of contact for the City and Wageworks does not. For the current FSA plan with TASC, we do not have a dedicated point of contact. Not having a dedicated point of contact for the current plan has resulted in problems with getting issues resolved in a timely manner. The bid for Discovery FSA administration is \$166 more annually than the current contract with TASC.

Staff and the Committee also recommend changing the plan year for the FSA to match the plan year with the HRA. The HRA runs on a calendar year and the FSA currently runs on a fiscal year which causes confusion for employees.

For ease of administration and to make it easier for employees to understand, the group agreed that streamlining these two lines of coverage to the same calendar year schedule would be beneficial. This will involve a short-year renewal with TASC (for October, November and December) and a full calendar year contract with Discovery. If recommendation is approved, staff will communicate the change to employees during open enrollment in August. During this transition period, those employees who want to enroll in October, November and December 2016 will complete a TASC form. They will complete a Discovery form if they want to participate in 2017. If they want to do both, they will need to complete both forms. This will only be a one-time occurrence because we are changing carriers and changing the FSA plan year at the same time.

NOTE: If the City chooses to dissolve the HRA to help offset the increase in medical premiums, we would not recommend changing the FSA to calendar year, as the confusion is caused by the two plans having different years.

### **Health Reimbursement Arrangement (HRA) Administration**

Bids for HRA administration were received from Aetna, BCBS, Discovery, Navia, TASC,



TML, Wageworks and UHC (Attachment I). The City uses TASC to administer this benefit with a current administration fee of \$10,320 annually. Due to the issues with TASC discussed above, staff and the Committee recommend changing vendors. As both Discovery and Wageworks bid the same amount, staff and the Committee recommended Discovery. As noted in the FSA section above, Discovery has a dedicated point of contact that will help facilitate issues being resolved in a timely manner. The bid for Discovery HRA administration is \$8,772, a \$1,548 annual savings.

NOTE: If the City dissolves the HRA, the HRA administration fees would need to be budgeted for October, November and December of this year only. The City currently pays TASC \$5.00 per month per employee on the plan (currently 170 employees). To finish 2016, we would need to budget \$850 per month for three months, for a total of \$2,550.

### **Pricing Transparency and Concierge Services:**

As noted earlier, this year the City requested bids for pricing transparency services. The growth of high-deductible health plans and increasing out-of-pocket costs has put the onus on consumers to control their own healthcare costs. Pricing transparency tools can help consumers, or employees, better manage their healthcare costs by pricing procedures, prescriptions, and providers in advance and allowing them to make decisions that are best for them individually or as a family. They are also better able to plan ahead for the costs they will incur. By teaching City employees to become smarter consumers of healthcare, we can help control the City's costs as well. As an example, in 2011, the U.S. Government Accountability Office asked dozens of health care providers about their price for a knee replacement. The estimates ranged from \$33,000 to \$101,000 (GAO-11-791: Published: Sep 23, 2011. Publicly Released: Oct 24, 2011). An employee can save themselves money by pricing a knee surgery in advance, and the City's medical plan will save money if the employee chooses one of the less expensive options. The Committee also noted that, in the event we move to an HSA plan in the next few years, it will be good for employees to already be familiar with this service since the first dollar out of pocket in an HSA plan is paid for by the employee and not the medical plan. In summary, this type of service can reduce overall medical plan costs as employees become smarter consumers of healthcare.

Compass was the only vendor to bid on this service (Attachment J). The other two large vendors in this market, Castlight and Health Advocate, did not bid because they target larger clients. Aetna, BCBS, TML and UHC provide websites in conjunction with their medical plan that provide information on doctors and hospitals, such as patient satisfaction measures, complications index and demographic information. Even though this information is helpful, this is not the same service as having a more "concierge type" service. Compass' bid is for \$5 per person per month – approximately \$10,320 per year. Staff and the Committee recommend to move forward with Compass. The increase of \$10,320 for this service can be offset by the \$10,000 in wellness reimbursements from the BCBS medical plan. In addition, Compass provides a monthly report showing utilization and estimated savings to the medical plan that will be very helpful in measuring the return on investment.



**Summary**

Following review and negotiations with responding carriers, the recommendations are summarized below.

**Cost increases and savings for all lines of coverage,  
excluding medical insurance:**

| <b>Line of Coverage</b>                    | <b>Carrier</b>    | <b>Current Cost</b> | <b>New Cost</b> | <b>Difference</b> |
|--------------------------------------------|-------------------|---------------------|-----------------|-------------------|
| Wellness Credit                            | BCBS              | \$0                 | \$10,000        | <b>\$(10,000)</b> |
| Dental                                     | BCBS              | \$120,653           | \$114,644       | <b>\$(6,009)</b>  |
| - To change from 91% to 100% employee only |                   | \$0                 | \$5,340         | <b>\$5,340</b>    |
| Basic Life                                 | Dearborn National | \$4,681             | \$3,184         | <b>\$(1,497)</b>  |
| FSA Admin                                  | Discovery         | \$3,353             | \$3,519         | <b>\$166</b>      |
| HRA Admin                                  | Discovery         | \$10,320            | \$8,772         | <b>\$(1,548)</b>  |
| Pricing Transparency                       | Compass           | \$0                 | \$10,320        | <b>\$10,320</b>   |
| <b>TOTAL SAVINGS TO CITY</b>               |                   |                     |                 | <b>\$(3,228)</b>  |

The total savings to the City above (\$3,228) for all lines of coverage except medical can be subtracted from the three medical funding options below to get a final cost to the City.

**Final Costs to the City:**

| <b>Options</b>                                    | <b>Option Cost</b> | <b>Savings from Above</b>                                                            | <b>Total City Impact / Cost</b> | <b>Total General Fund Impact / Cost</b> |
|---------------------------------------------------|--------------------|--------------------------------------------------------------------------------------|---------------------------------|-----------------------------------------|
| Option #1: City absorb increase.                  | \$103,630          | \$(3,228)                                                                            | \$100,402                       | <b>\$79,198</b>                         |
| Option #2: City and employees split the increase. | \$51,815           | \$(3,228)                                                                            | \$48,587                        | <b>\$38,326</b>                         |
| Option #3: Allocate HRA funds to offset increase. | \$28,630           | \$(8,673)<br>*Subtract current admin fees leaving some to pay fees for Oct-Dec 2016. | \$19,957                        | <b>\$18,046</b>                         |

\*The HRA administration fee decreases because we are only paying for three months.

City management recommends Option #3 – Allocating the HRA funds to offset the increase in the medical premiums for FY17. The HRA benefit would be terminated effective January 1, 2017. The current budgeted amount is \$85,000. Staff recommends leaving \$10,000 in the HRA to complete reimbursements for the months of October, November and December 2016.

There are two lines of coverage that affect employees only, and therefore, does not affect the City's budget:

- Vision – There is a 4% increase for employees in FY17; less than \$1.00 per employee per month
- Voluntary life – The rates did not change for employees in FY17.

Implementation of the new insurance plans would begin with open enrollment meetings in late August 2016 and a coverage effective date of October 1, 2016.

### **Financial Impact**

The total impact to the FY17 budget is \$19,957.

Form 1295 - Acknowledged by City

### **Recommendation**

Approve

### **Attachments**

1. July 12, 2016 FY17 Health Insurance Presentation
2. Attachment A - Benefits/Wellness Committee
3. Attachment B - Bid List
4. Attachment C - Medical Bids
5. Attachment D - Dental Bids
6. Attachment E - Vision Bids
7. Attachment F - Basic Life and AD&D Bids
8. Attachment G - Voluntary Life Bids
9. Attachment H - Flexible Spending Account Bids
10. Attachment I - Health Reimbursement Arrangement Bids
11. Attachment J - Pricing Transparency Bids

# **Health Insurance Bid Results and Recommendations**

**Pre Council Meeting  
July 12, 2016**

# Benefits/Wellness Committee



Mike Almy, Parks

Stephanie Engel, Human Resources

Lisa Escobedo, Recreation and City Events

Matt Foss, Police

Theresa Fox, Utility Billing

Marilyn Gilbert, Colleyville Center

Adrienne Lothery, Strategic Services

Letecia McClendon, Public Works

Kelly Minor, Community Development

Eddie Moran, Fire

Jack Pawlowski, Library

Jesse Perez, Human Resources

Dixie Smith, Public Works

Robert Stewart, Fire

Chuck Tinsman, Police

# Current Lines of Coverage



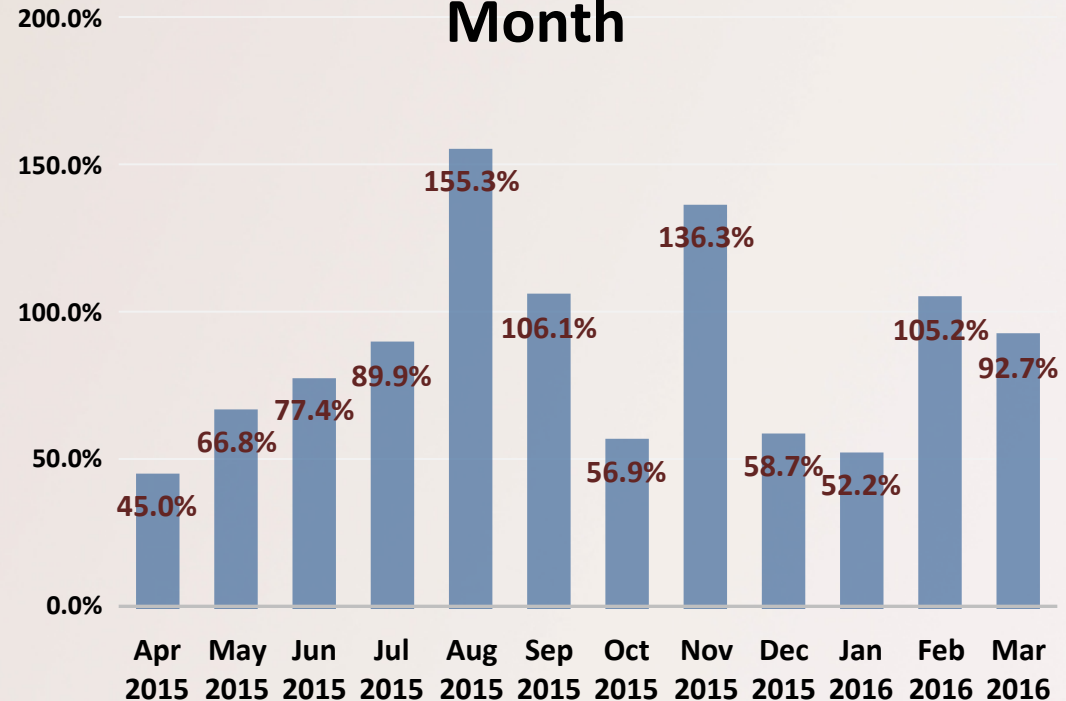
| Type of Insurance                                                                                                                                                | Insurance Carrier                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <ul style="list-style-type: none"><li>• Medical</li></ul>                                                                                                        | BlueCross BlueShield (BCBS)                      |
| <ul style="list-style-type: none"><li>• Dental</li></ul>                                                                                                         | UNUM                                             |
| <ul style="list-style-type: none"><li>• Vision</li></ul>                                                                                                         | Superior Vision                                  |
| <ul style="list-style-type: none"><li>• Basic and Voluntary Life and Accidental Death and Dismemberment (AD&amp;D)</li></ul>                                     | Dearborn National Life                           |
| <ul style="list-style-type: none"><li>• Flexible Spending Account (FSA) Administration</li><li>• Health Reimbursement Arrangement (HRA) Administration</li></ul> | Total Administrative Services Corporation (TASC) |

# Factor: Loss Ratio

Loss Ratio =  $\frac{\text{Claims Paid}}{\text{Premiums Collected}}$

|                |          |
|----------------|----------|
| Average claims | = 86.1%  |
| Admin fee      | = 15.0%  |
| Total          | = 101.1% |

## Loss Ratio by Month





# Factor: Trend



| Year    | BCBS<br>Medical Trends | BCBS<br>Pharmaceutical<br>Trends | Colleyville<br>Medical<br>Premiums |
|---------|------------------------|----------------------------------|------------------------------------|
| FY2011  | 12.6%*                 | 9.0%*                            | -1.00%                             |
| FY2012  | 9.4%*                  | 6.0%*                            | -3.00%                             |
| FY2013  | 8.30%                  | 6.00%                            | -7.85%                             |
| FY2014  | 7.00%                  | 7.30%                            | 4.50%                              |
| FY2015  | 7.60%                  | 7.90%                            | -3.00%                             |
| FY2016  | 7.30%                  | 14.60%                           | 19.86%                             |
| Average | 8.70%                  | 8.47%                            | 1.59%                              |

\* AETNA plan years; using BCBS trend since we do not have AETNA's numbers

# Current Medical Plans



| Plan Design                                                            | Base Plan PPO      | Buy Up Plan PPO    |
|------------------------------------------------------------------------|--------------------|--------------------|
| <b>Individual/Family Deductible</b>                                    | \$4,000 / \$8,000  | \$2,000 / \$4,000  |
| <b>Out of Pocket Maximum</b><br><i>(employee / family)</i>             | \$5,000 / \$10,000 | \$3,000 / \$6,000  |
| <b>Coinsurance</b><br><i>(in-network / out of network)</i>             | 80% / 50%          | 90% / 70%          |
| <b>Primary Care/Specialist Copay</b>                                   | \$30 / \$50        | \$25 / \$30        |
| <b>Emergency Room Copay</b>                                            | \$250              | \$200              |
| <b>Prescription/RX</b><br><i>(Generic / Preferred / Non-Preferred)</i> | \$20 / \$40 / \$70 | \$20 / \$40 / \$70 |

# Medical Insurance Bids



- BCBS (BlueCross BlueShield)
- AETNA
- TML (Texas Municipal League)
- United Healthcare (UHC)
- CIGNA declined

# Proposed Fully Insured Medical Rates

|                            |        |                      | Aetna                                      | BCBS                 | BCBS                                  | TML                                             | UHC                                                      | UHC                                                        |
|----------------------------|--------|----------------------|--------------------------------------------|----------------------|---------------------------------------|-------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------|
|                            |        | BCBS (Base PPO Plan) | Base Plan (Open Access Managed Choice POS) | Base Plan (PPO Plan) | *Alternate HSA \$5,000 Ded - Option 2 | Base Plan (Option 1, Plan P85-400-15-A \$30 OV) | Base Plan (AG-Z4 (Premier/Emb/PVY/201 6) Rx Plan: 2V PPO | Base Plan (AG-2M (Premier/Emb/PVY/201 6) Rx Plan: 2V ) EPO |
|                            | Counts | Current Rates        | Proposed Rates                             | Proposed Rates       | Proposed Rates                        | Proposed Rates                                  | Proposed Rates                                           | Proposed Rates                                             |
| Employee Only              | 52     | \$492.83             | \$564.29                                   | \$517.96             | \$482.58                              | \$532.22                                        | \$578.03                                                 | \$517.27                                                   |
| Employee + Spouse          | 7      | \$1,103.04           | \$1,262.99                                 | \$1,159.30           | \$1,080.10                            | \$1,314.31                                      | \$1,293.73                                               | \$1,157.74                                                 |
| Employee + Child(ren)      | 10     | \$886.66             | \$1,015.23                                 | \$931.88             | \$868.22                              | \$988.91                                        | \$1,039.94                                               | \$930.63                                                   |
| Employee + Family          | 38     | \$1,492.52           | \$1,708.95                                 | \$1,568.64           | \$1,461.48                            | \$1,690.04                                      | \$1,750.55                                               | \$1,566.54                                                 |
| Estimated Monthly Premiums |        | \$98,931             | \$113,276                                  | \$103,976            | \$96,873                              | \$110,986                                       | \$116,034                                                | \$103,837                                                  |
| Estimated Annual Premiums  |        | \$1,187,170          | \$1,359,317                                | \$1,247,714          | \$1,162,476                           | \$1,331,835                                     | \$1,392,408                                              | \$1,246,044                                                |
| +/- Current Premium        |        | \$0                  | \$172,147                                  | \$60,544             | -\$24,693                             | \$144,665                                       | \$205,238                                                | \$58,875                                                   |
| +/- Percentage             |        | 0.0%                 | 14.5%                                      | 5.1%                 | -2.1%                                 | 12.2%                                           | 17.3%                                                    | 5.0%                                                       |

|                            |        |                        | Aetna                                        | BCBS            | BCBS            | TML                                     | UHC                                                         | UHC             |
|----------------------------|--------|------------------------|----------------------------------------------|-----------------|-----------------|-----------------------------------------|-------------------------------------------------------------|-----------------|
|                            |        | BCBS (Buy Up PPO Plan) | Buy Up Plan (Open Access Managed Choise POS) | Buy Up Plan PPO | Buy Up Plan PPO | Buy Up Plan (Plan P96-200-30-A \$25 OV) | Buy Up Plan (AG-Z2 (Premier/Emb/PVY/201 6) Rx Plan: 2V) PPO | Buy Up Plan EPO |
|                            | Counts | Current Rates          | Proposed Rates                               | Proposed Rates  | Proposed Rates  | Proposed Rates                          | Proposed Rates                                              | Proposed Rates  |
| Employee Only              | 20     | \$542.17               | \$620.78                                     | \$569.82        | \$578.08        | \$635.17                                | \$593.78                                                    | \$531.68        |
| Employee + Spouse          | 7      | \$1,213.46             | \$1,389.40                                   | \$1,275.35      | \$1,293.84      | \$1,570.78                              | \$1,328.98                                                  | \$1,189.99      |
| Employee + Child(ren)      | 17     | \$975.42               | \$1,116.85                                   | \$1,025.17      | \$1,040.03      | \$1,181.50                              | \$1,068.28                                                  | \$956.56        |
| Employee + Family          | 21     | \$1,641.94             | \$1,880.01                                   | \$1,725.68      | \$1,750.70      | \$2,020.31                              | \$1,798.24                                                  | \$1,610.18      |
| Estimated Monthly Premiums |        | \$70,401               | \$80,608                                     | \$73,991        | \$75,064        | \$86,211                                | \$77,102                                                    | \$69,039        |
| Estimated Annual Premiums  |        | \$844,806              | \$967,297                                    | \$887,892       | \$900,764       | \$1,034,530                             | \$925,227                                                   | \$828,466       |
| +/- Current Premium        |        | \$0                    | \$122,491                                    | \$43,086        | \$55,958        | \$189,724                               | \$80,421                                                    | -\$16,340       |
| +/- Percentage             |        | 0.0%                   | 10.3%                                        | 3.6%            | 4.7%            | 16.0%                                   | 6.8%                                                        | -1.4%           |

\*HSA enrollment assumptions based on current enrollment.

|                           |  |             |             |             |             |             |             |             |
|---------------------------|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Totals                    |  |             |             |             |             |             |             |             |
| Estimated Annual Premiums |  | \$2,031,976 | \$2,326,614 | \$2,135,606 | \$2,063,241 | \$2,366,365 | \$2,317,635 | \$2,074,510 |
| +/- Current Premium       |  | \$0         | \$294,638   | \$103,630   | \$31,265    | \$334,390   | \$285,659   | \$42,535    |
| +/- Percentage            |  | 0.0%        | 14.5%       | 5.1%        | 1.5%        | 16.5%       | 14.1%       | 2.1%        |

# Medical Insurance Funding Options



| Options for Funding the Medical Increase                           | Total Cost | General Fund Cost |
|--------------------------------------------------------------------|------------|-------------------|
| Option #1 – Increase absorbed by City                              | \$103,630  | \$81,744          |
| Option #2 – Increase split between City and Employees              | \$51,815   | \$40,872          |
| Option #3 – Dissolve HRA and allocate HRA funds to offset increase | \$28,630   | \$22,410          |

# Medical Insurance Recommendation



- Remain with BCBS – no changes to plans
- 5.1% increase to the Base Plan; 3.6% increase to the Buy Up Plan
- Total Estimated Increase = \$103,360
- Recommend Option #3 to Fund Increase
  - \$28,630 Total
  - \$22,410 General Fund impact



# Dental Insurance Bids



- BCBS
- Delta Dental
- MetLife
- TML
- UNUM
- United Healthcare

# Dental Insurance Bids



## Proposed Fully Insured Dental Rates

|                                |    | Unum<br>(DPPO) | BCBS                                                          | Delta Dental                   | MetLife                         | TML                                            | TML                                            | Unum                                   | UHC                      |
|--------------------------------|----|----------------|---------------------------------------------------------------|--------------------------------|---------------------------------|------------------------------------------------|------------------------------------------------|----------------------------------------|--------------------------|
| EE Counts                      |    | Current Rates  | Proposed Dental<br>Rates (BlueCare<br>Freedom Dental-<br>PPO) | Proposed Dental<br>Rates (DPO) | Proposed Dental<br>Rates (DPPO) | Proposed Dental<br>Rates - IEBP's Dental<br>3* | Proposed Dental<br>Rates - IEBP's Dental<br>4* | Proposed Dental<br>Rates (Passive PPO) | Proposed Dental<br>Rates |
| Employee Only                  | 75 | \$31.16        | \$29.61                                                       | \$34.44                        | \$26.85                         | \$41.40                                        | \$31.28                                        | \$31.29                                | \$34.71                  |
| Employee + Spouse              | 19 | \$63.83        | \$60.65                                                       | \$70.55                        | \$54.24                         | \$84.98                                        | \$73.50                                        | \$64.11                                | \$71.10                  |
| Employee + Child(ren)          | 19 | \$61.63        | \$58.56                                                       | \$68.34                        | \$52.37                         | \$89.34                                        | \$67.21                                        | \$61.90                                | \$68.65                  |
| Employee + Family              | 52 | \$102.57       | \$97.46                                                       | \$113.37                       | \$87.16                         | \$127.09                                       | \$93.76                                        | \$103.01                               | \$114.26                 |
| Estimated Monthly Premiums     |    | \$10,054       | \$9,554                                                       | \$11,117                       | \$8,572                         | \$13,026                                       | \$9,895                                        | \$10,097                               | \$11,200                 |
| Estimated Annual Premiums      |    | \$120,653      | \$114,644                                                     | \$133,406                      | \$102,860                       | \$156,309                                      | \$118,740                                      | \$121,170                              | \$134,400                |
| estimated +/- current premiums |    | \$0            | -\$6,009                                                      | \$12,753                       | -\$17,793                       | \$35,657                                       | -\$1,912                                       | \$517                                  | \$13,748                 |
| Estimated +/- current %        |    | 0.0%           | -5.0%                                                         | 10.6%                          | -14.7%                          | 29.6%                                          | -1.6%                                          | 0.4%                                   | 11.4%                    |

# Dental Insurance Recommendation



|             |      |                      |
|-------------|------|----------------------|
| Eules       | 75%  | Employee only dental |
| NRH         | 86%  | Employee only dental |
| Colleyville | 91%  | Employee only dental |
| Bedford     | 100% | Employee only dental |
| Grapevine   | 100% | Employee only dental |
| Hurst       | 100% | Employee only dental |
| Keller      | 100% | Employee only dental |
| Southlake   | 100% | Employee only dental |

- Annual amount to move to 100% = \$5,340
- Annual savings (with 5% decrease) = \$669

# Vision Insurance Bids & Recommendation



## Proposed Vision Rates

| EE<br>Counts                   | Superior      | Davis Vision,<br>Inc.       | Humana                      | MetLife                     | Superior<br>Vision          | TML                         | UHC         | UHC         | UHC         | UHC         |             |
|--------------------------------|---------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-------------|-------------|-------------|-------------|-------------|
|                                | Inforce Rates | Proposed FI Vision<br>Rates | Proposed FI Vision<br>Rates | Proposed FI Vision<br>Rates | Proposed FI Vision<br>Rates | Proposed FI Vision<br>Rates | Option 1    | Option 2    | Option 3    | Option 4    |             |
| Employee Only                  | 48            | \$4.74                      | \$5.00                      | \$5.46                      | \$5.84                      | \$4.93                      | \$12.50     | \$6.31      | \$5.88      | \$4.83      | \$5.18      |
| Employee + Spouse              | 16            | \$8.60                      | \$8.99                      | \$10.91                     | \$10.60                     | \$8.94                      | \$25.00     | \$11.46     | \$10.69     | \$8.76      | \$9.40      |
| Employee + Child(ren)          | 8             | \$9.06                      | \$9.49                      | \$10.36                     | \$11.16                     | \$9.42                      | \$25.00     | \$12.07     | \$11.25     | \$9.22      | \$9.90      |
| Employee + Family              | 35            | \$13.80                     | \$14.99                     | \$16.29                     | \$17.00                     | \$14.35                     | \$25.00     | \$18.38     | \$17.13     | \$14.05     | \$15.08     |
| Estimated Monthly Premiums     |               | \$921                       | \$984                       | \$1,090                     | \$1,134                     | \$957                       | \$2,075     | \$1,226     | \$1,143     | \$938       | \$1,006     |
| Estimated Annual Premiums      |               | \$11,047.20                 | \$11,812.92                 | \$13,076.04                 | \$13,610.40                 | \$11,487.48                 | \$24,900.00 | \$14,713.20 | \$13,713.96 | \$11,250.12 | \$12,072.48 |
| estimated +/- current premiums |               | \$0                         | \$766                       | \$2,029                     | \$2,563                     | \$440                       | \$13,853    | \$3,666     | \$2,667     | \$203       | \$1,025     |
| Estimated +/- current %        |               | 0%                          | 7%                          | 18%                         | 23%                         | 4%                          | 125%        | 33%         | 24%         | 2%          | 9%          |

Superior Vision = Increase of \$440 per year (less than \$1.00 per month per employee). 4-year rate guarantee.

# Life and AD&D Insurance Bids



- Dearborn National
- MetLife
- Minnesota Life
- Mutual of Omaha
- One America
- TML
- UNUM

# Life and AD&D Insurance Bids and Recommendation



## Proposed Fully Insured Life Rates

|                                  | Dearborn National | Dearborn National                                  | MetLife                                            | Minnesota Life                                     | Mutual of Omaha                                    | One America                                        | TML                                                | Unum                                               |
|----------------------------------|-------------------|----------------------------------------------------|----------------------------------------------------|----------------------------------------------------|----------------------------------------------------|----------------------------------------------------|----------------------------------------------------|----------------------------------------------------|
|                                  | Current Rates     | Proposed Life / AD&D Rates per \$1,000 of coverage | Proposed Life / AD&D Rates per \$1,000 of coverage | Proposed Life / AD&D Rates per \$1,000 of coverage | Proposed Life / AD&D Rates per \$1,000 of coverage | Proposed Life / AD&D Rates per \$1,000 of coverage | Proposed Life / AD&D Rates per \$1,000 of coverage | Proposed Life / AD&D Rates per \$1,000 of coverage |
| <b>Life Monthly Rate</b>         | \$0.12            | \$0.08                                             | \$0.12                                             | \$0.07                                             | \$0.09                                             | \$0.12                                             | \$0.26                                             | \$0.13                                             |
| <b>AD&amp;D Monthly Rate</b>     | \$0.03            | \$0.02                                             | \$0.03                                             | \$0.03                                             | \$0.03                                             | \$0.02                                             | \$0.04                                             | \$0.02                                             |
| <b>Estimated Life Volume</b>     | \$2,653,500       | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        |
| <b>Estimated AD&amp;D Volume</b> | \$2,653,500       | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        | \$2,653,500                                        |
| <b>Monthly Premiums</b>          | \$390             | \$265                                              | \$379                                              | \$257                                              | \$310                                              | \$371                                              | \$783                                              | \$398                                              |
| <b>Annual Premiums</b>           | \$4,681           | \$3,184                                            | \$4,553                                            | \$3,089                                            | \$3,726                                            | \$4,458                                            | \$9,393                                            | \$4,776                                            |
| <b>+/- Current Premium</b>       | \$0               | -\$1,497                                           | -\$127                                             | -\$1,592                                           | -\$955                                             | -\$223                                             | \$4,713                                            | \$96                                               |
| <b>+/- Percentage</b>            | 0%                | -32%                                               | -3%                                                | -34%                                               | -20%                                               | -5%                                                | 101%                                               | 2%                                                 |



# Flexible Spending Account Bids



- AETNA
- BCBS
- Discovery
- Navia
- TASC
- TML
- Wageworks

# Flexible Spending Account Recommendation



## Proposed FSA Fees

Current Enrollment 69

|                               | TASC - Current Fees | Aetna/PayFlex | BCBS     | Discovery | Navia   | TASC     | TML     | Wageworks |
|-------------------------------|---------------------|---------------|----------|-----------|---------|----------|---------|-----------|
| FSA Administration Fee (PPPM) | \$4.05              | \$5.10        | \$2.22   | \$4.25    | \$3.75  | \$4.05   | \$3.70  | \$3.50    |
| Debit Card Fee (PPPM)         | \$0.00              | \$0.00        | \$0.00   | \$0.00    | \$0.00  | \$0.00   | \$3.70  | \$0.00    |
| Implementation/Set Up Fee     |                     | \$750.00      | \$125.00 | \$0.00    | \$0.00  | \$0.00   | \$50.00 | \$0.00    |
| Annual Renewal Fee            |                     | \$750.00      | \$0.00   | \$0.00    | \$0.00  | \$300.00 | \$0.00  | \$0.00    |
| Monthly Premiums              | \$279               | \$352         | \$153    | \$293     | \$259   | \$279    | \$255   | \$242     |
| Annual Premiums               | \$3,353             | \$5,723       | \$1,963  | \$3,519   | \$3,105 | \$3,653  | \$3,114 | \$2,898   |
| +/- Current Premium           | \$0                 | \$2,369       | -\$1,390 | \$166     | -\$248  | \$300    | -\$240  | -\$455    |
| +/- Percentage                | 0%                  | 71%           | -41%     | 5%        | -7%     | 9%       | -7%     | -14%      |

# Health Reimbursement Arrangement Bids



- AETNA
- BCBS
- Discovery
- Navia
- TASC
- TML
- Wageworks
- UHC

# Health Reimbursement Arrangement



## Proposed HRA Fees

| Enrollment Assumption                         |              | 172                           |                               |           |          |                               |         |           |                                                       |
|-----------------------------------------------|--------------|-------------------------------|-------------------------------|-----------|----------|-------------------------------|---------|-----------|-------------------------------------------------------|
|                                               | TASC Inforce | Aetna                         | BCBS                          | Discovery | Navia    | TASC                          | TML     | Wageworks | UHC                                                   |
| HRA Administration Fee (PEPM)                 | \$5.00       | Included in Medical HRA Plans | Included in Medical HRA Plans | \$4.25    | \$3.50   | \$5.00                        | \$3.70  | \$4.25    | Included in Medical HRA Plans - 2% administration fee |
| Debit Card Fee (PEPM)                         |              | N/A                           |                               | \$0.00    | \$0.00   | \$0.00                        |         | \$0.00    |                                                       |
| Implementation/Set Up Fee                     |              | Included in Medical HRA Plans |                               | \$0.00    | \$0.00   | \$0.00                        | \$50.00 | \$0.00    |                                                       |
| Annual Renewal Fee                            |              | 12% future rate cap           |                               | 0         | 0        | 150                           | 0       | 0         |                                                       |
| Additional Fees (please outline/explain)      |              | Please refer to proposal      |                               | N/A       | \$0.00   | Minimum monthly fee: \$300.00 |         | \$0.00    |                                                       |
| Employee Communication Material (Please List) |              |                               |                               |           | Included |                               |         |           |                                                       |
| Monthly Premiums                              | \$860        | \$0                           | \$0                           | \$731     | \$602    | \$860                         | \$636   | \$731     | \$0                                                   |
| Annual Premiums                               | \$10,320     | \$0                           | \$0                           | \$8,772   | \$7,224  | \$10,320                      | \$7,637 | \$8,772   | \$0                                                   |

# Pricing Transparency

- Increase in high deductible health plans
  - \$4,000 Individual / \$8,000 Family
  - \$2,000 Individual / \$4,000 Family
- Increasing out-of-pocket costs
  - \$5,000 Individual / \$10,000 Family
  - \$3,000 Individual / \$6,000 Family
- Example: \*Knee surgery ranges from \$33,000 - \$101,000
- Valuable service for both PPO and HSA plans

(\*GAO-11-791: Published: Sep 23, 2011. Publicly Released: Oct 24, 2011)



# Pricing Transparency Recommendations

A close-up photograph of a hand dropping a coin into a white piggy bank. The piggy bank is a simple, stylized pig shape with a smiling face. The background is a clear blue sky.

**THIS YEAR,  
COMPASS HAS SAVED YOU  
\$20,619.**

**THAT'S \$1,289 SAVED  
FOR EVERY HOUSEHOLD  
THAT HAS USED  
COMPASS.**



# Summary of Recommendations

| Line of Coverage                           | Carrier           | Current Cost | New Cost  | Difference       |
|--------------------------------------------|-------------------|--------------|-----------|------------------|
| Wellness Credit                            | BCBS              | \$0          | \$10,000  | \$(10,000)       |
| Dental                                     | BCBS              | \$120,653    | \$114,644 | \$(6,009)        |
| - To change from 91% to 100% employee only |                   | \$0          | \$5,340   | \$5,340          |
| Basic Life                                 | Dearborn National | \$4,681      | \$3,184   | \$(1,497)        |
| FSA Admin                                  | Discovery         | \$3,353      | \$3,519   | \$166            |
| HRA Admin                                  | Discovery         | \$10,320     | \$8,772   | \$(1,548)        |
| Pricing Transparency                       | Compass           | \$0          | \$10,320  | \$10,320         |
| <b>TOTAL SAVINGS TO CITY</b>               |                   |              |           | <b>\$(3,228)</b> |

# Financial Summary

| Options                                                                                                                | Option Cost | Savings   | Total City Impact/ Cost | Total General Fund Impact/ Cost |
|------------------------------------------------------------------------------------------------------------------------|-------------|-----------|-------------------------|---------------------------------|
| <b>Option #1: City absorb increase.</b>                                                                                | \$103,630   | \$(3,228) | \$100,402               | \$79,198                        |
| <b>Option #2: City and employees split the increase.</b>                                                               | \$51,815    | \$(3,228) | \$48,587                | \$38,326                        |
| <b>*Option #3: Allocate HRA funds to offset increase. Subtract current admin fees leaving enough for Oct-Dec 2016.</b> | \$28,630    | \$(8,673) | \$19,957                | \$18,046                        |

# **Discussion and Questions**

**ATTACHMENT A**  
**2016 Benefits/Wellness Committee**

Mike Almy, Parks and Recreation Crew Leader

Stephanie Engel, Human Resources Analyst

Lisa Escobedo, Recreation and City Events Manager

Matt Foss, Police Officer

Theresa Fox, Utility Billing Supervisor

Marilyn Gilbert, Colleyville Center Office Assistant

Adrienne Lothery, Strategic Services Manager

Letecia McClendon, GIS Technician Public Works

Kelly Minor, Permit Clerk

Eddie Moran, Fire Captain

Jack Pawlowski, Circulation/Information Services Librarian

Jesse Perez, Human Resources Manager

Dixie Smith, Public Works Administrative Support Specialist

Robert Stewart, Fire Captain

Chuck Tinsman, Police Sergeant

## ATTACHMENT B

### Vendor Response

| Lines Quoted |                   |         |        |        |     |     |      |          |                       |            |                                                 |
|--------------|-------------------|---------|--------|--------|-----|-----|------|----------|-----------------------|------------|-------------------------------------------------|
|              | Carrier           | Medical | Dental | Vision | HRA | FSA | Life | Vol Life | Price<br>Transparency | AM<br>Best | Comments                                        |
| 1            | Aetna             | x       |        |        | x   | x   |      |          | x                     | A          |                                                 |
| 2            | BCBS              | x       | x      |        | x   | x   |      |          |                       | A+         |                                                 |
| 3            | Compass           |         |        |        |     |     |      |          | x                     |            |                                                 |
| 4            | Davis Vision      |         |        | x      |     |     |      |          |                       | A-         |                                                 |
| 5            | Dearborn National |         |        |        |     |     | x    | x        |                       | A+         |                                                 |
| 6            | Delta Dental      |         | x      |        |     |     |      |          |                       | A-         |                                                 |
| 7            | Discovery         |         |        |        | x   | x   |      |          |                       | N/A        |                                                 |
| 8            | Humana            |         | x      | x      |     |     |      | x        |                       |            | Did not quote base life                         |
| 9            | MetLife           |         | x      | x      |     |     | x    | x        |                       | A+         |                                                 |
| 10           | Minnesota Life    |         |        |        |     |     | x    | x        |                       | A+         |                                                 |
| 11           | Mutual of Omaha   |         |        |        |     |     | x    | x        |                       | A+         |                                                 |
| 12           | Navia             |         |        |        | x   | x   |      |          |                       | N/A        |                                                 |
| 13           | One American      |         |        |        |     |     | x    | x        |                       | A+         |                                                 |
| 14           | Superior Vision   |         |        | x      |     |     |      |          |                       | A-         |                                                 |
| 15           | TASC              |         |        |        | x   | x   |      |          |                       | N/A        |                                                 |
| 16           | TML               | x       | x      | x      | x   | x   | x    | x        | x                     | N/A        | Must purchase medical to get any other benefits |
| 17           | UHC               | x       | x      | x      |     |     |      |          |                       | A          |                                                 |
| 18           | Unum              |         | x      |        |     |     | x    | x        |                       | A          |                                                 |
| 19           | Wage Works        |         |        |        | x   | x   |      |          |                       | N/A        |                                                 |

|    | Carrier         | Declined to Quote |
|----|-----------------|-------------------|
| 1  | AIG             | Declined          |
| 2  | Ameritas        | Declined          |
| 3  | Cigna           | Declined          |
| 4  | Eyemed          | Declined          |
| 5  | Hartford        | Declined          |
| 6  | Lincoln         | Declined          |
| 7  | Principal       | Declined          |
| 8  | Prudential      | Declined          |
| 9  | Standard        | Declined          |
| 10 | Health Advocate | Declined          |
| 11 | Castlight       | Declined          |

## ATTACHMENT C

### Proposed Fully Insured Medical Rates

|                            |        |                      | Aetna                                      | BCBS                 | BCBS                                   | TML                                             | UHC                                                     | UHC                                                       |
|----------------------------|--------|----------------------|--------------------------------------------|----------------------|----------------------------------------|-------------------------------------------------|---------------------------------------------------------|-----------------------------------------------------------|
|                            |        | BCBS (Base PPO Plan) | Base Plan (Open Access Managed Choice POS) | Base Plan (PPO Plan) | * Alternate HSA \$5,000 Ded - Option 2 | Base Plan (Option 1, Plan P85-400-15-A \$30 OV) | Base Plan (AG-Z4 (Premier/Emb/PVY/2016) Rx Plan: 2V PPO | Base Plan (AG-2M (Premier/Emb/PVY/2016) Rx Plan: 2V ) EPO |
|                            | Counts | Current Rates        | Proposed Rates                             | Proposed Rates       | Proposed Rates                         | Proposed Rates                                  | Proposed Rates                                          | Proposed Rates                                            |
| Employee Only              | 52     | \$492.83             | \$564.29                                   | \$517.96             | \$482.58                               | \$532.22                                        | \$578.03                                                | \$517.27                                                  |
| Employee + Spouse          | 7      | \$1,103.04           | \$1,262.99                                 | \$1,159.30           | \$1,080.10                             | \$1,314.31                                      | \$1,293.73                                              | \$1,157.74                                                |
| Employee + Child(ren)      | 10     | \$886.66             | \$1,015.23                                 | \$931.88             | \$868.22                               | \$988.91                                        | \$1,039.94                                              | \$930.63                                                  |
| Employee + Family          | 38     | \$1,492.52           | \$1,708.95                                 | \$1,568.64           | \$1,461.48                             | \$1,690.04                                      | \$1,750.55                                              | \$1,566.54                                                |
| Estimated Monthly Premiums |        | \$98,931             | \$113,276                                  | \$103,976            | \$96,873                               | \$110,986                                       | \$116,034                                               | \$103,837                                                 |
| Estimated Annual Premiums  |        | \$1,187,170          | \$1,359,317                                | \$1,247,714          | \$1,162,476                            | \$1,331,835                                     | \$1,392,408                                             | \$1,246,044                                               |
| +/- Current Premium        |        | \$0                  | \$172,147                                  | \$60,544             | -\$24,693                              | \$144,665                                       | \$205,238                                               | \$58,875                                                  |
| +/- Percentage             |        | 0.0%                 | 14.5%                                      | 5.1%                 | -2.1%                                  | 12.2%                                           | 17.3%                                                   | 5.0%                                                      |

|                            |        |                        | Aetna                                        | BCBS            | BCBS            | TML                                     | UHC                                                        | UHC             |
|----------------------------|--------|------------------------|----------------------------------------------|-----------------|-----------------|-----------------------------------------|------------------------------------------------------------|-----------------|
|                            |        | BCBS (Buy Up PPO Plan) | Buy Up Plan (Open Access Managed Choice POS) | Buy Up Plan PPO | Buy Up Plan PPO | Buy Up Plan (Plan P96-200-30-A \$25 OV) | Buy Up Plan (AG-Z2 (Premier/Emb/PVY/2016) Rx Plan: 2V) PPO | Buy Up Plan EPO |
|                            | Counts | Current Rates          | Proposed Rates                               | Proposed Rates  | Proposed Rates  | Proposed Rates                          | Proposed Rates                                             | Proposed Rates  |
| Employee Only              | 20     | \$542.17               | \$620.78                                     | \$569.82        | \$578.08        | \$635.17                                | \$593.78                                                   | \$531.68        |
| Employee + Spouse          | 7      | \$1,213.46             | \$1,389.40                                   | \$1,275.35      | \$1,293.84      | \$1,570.78                              | \$1,328.98                                                 | \$1,189.99      |
| Employee + Child(ren)      | 17     | \$975.42               | \$1,116.85                                   | \$1,025.17      | \$1,040.03      | \$1,181.50                              | \$1,068.28                                                 | \$956.56        |
| Employee + Family          | 21     | \$1,641.94             | \$1,880.01                                   | \$1,725.68      | \$1,750.70      | \$2,020.31                              | \$1,798.24                                                 | \$1,610.18      |
| Estimated Monthly Premiums |        | \$70,401               | \$80,608                                     | \$73,991        | \$75,064        | \$86,211                                | \$77,102                                                   | \$69,039        |
| Estimated Annual Premiums  |        | \$844,806              | \$967,297                                    | \$887,892       | \$900,764       | \$1,034,530                             | \$925,227                                                  | \$828,466       |
| +/- Current Premium        |        | \$0                    | \$122,491                                    | \$43,086        | \$55,958        | \$189,724                               | \$80,421                                                   | -\$16,340       |
| +/- Percentage             |        | 0.0%                   | 10.3%                                        | 3.6%            | 4.7%            | 16.0%                                   | 6.8%                                                       | -1.4%           |

\*HSA enrollment assumptions based on current enrollment.

### Totals

|                           |             |             |             |             |             |             |             |
|---------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Estimated Annual Premiums | \$2,031,976 | \$2,326,614 | \$2,135,606 | \$2,063,241 | \$2,366,365 | \$2,317,635 | \$2,074,510 |
| +/- Current Premium       | \$0         | \$294,638   | \$103,630   | \$31,265    | \$334,390   | \$285,659   | \$42,535    |
| +/- Percentage            | 0.0%        | 14.5%       | 5.1%        | 1.5%        | 16.5%       | 14.1%       | 2.1%        |



## ATTACHMENT D

### Proposed Fully Insured Dental Rates

| EE Counts                      |    | Unum<br>(DPPO) | BCBS                                                          | Delta Dental                   | MetLife                         | TML                                            | TML                                            | Unum                                   | UHC                      |
|--------------------------------|----|----------------|---------------------------------------------------------------|--------------------------------|---------------------------------|------------------------------------------------|------------------------------------------------|----------------------------------------|--------------------------|
|                                |    | Current Rates  | Proposed Dental<br>Rates (BlueCare<br>Freedom Dental-<br>PPO) | Proposed Dental<br>Rates (DPO) | Proposed Dental<br>Rates (DPPO) | Proposed Dental<br>Rates - IEBP's<br>Dental 3* | Proposed Dental<br>Rates - IEBP's<br>Dental 4* | Proposed Dental<br>Rates (Passive PPO) | Proposed Dental<br>Rates |
| Employee Only                  | 75 | \$31.16        | \$29.61                                                       | \$34.44                        | \$26.85                         | \$41.40                                        | \$31.28                                        | \$31.29                                | \$34.71                  |
| Employee + Spouse              | 19 | \$63.83        | \$60.65                                                       | \$70.55                        | \$54.24                         | \$84.98                                        | \$73.50                                        | \$64.11                                | \$71.10                  |
| Employee + Child(ren)          | 19 | \$61.63        | \$58.56                                                       | \$68.34                        | \$52.37                         | \$89.34                                        | \$67.21                                        | \$61.90                                | \$68.65                  |
| Employee + Family              | 52 | \$102.57       | \$97.46                                                       | \$113.37                       | \$87.16                         | \$127.09                                       | \$93.76                                        | \$103.01                               | \$114.26                 |
| Estimated Monthly Premiums     |    | \$10,054       | \$9,554                                                       | \$11,117                       | \$8,572                         | \$13,026                                       | \$9,895                                        | \$10,097                               | \$11,200                 |
| Estimated Annual Premiums      |    | \$120,653      | \$114,644                                                     | \$133,406                      | \$102,860                       | \$156,309                                      | \$118,740                                      | \$121,170                              | \$134,400                |
| estimated +/- current premiums |    | \$0            | -\$6,009                                                      | \$12,753                       | -\$17,793                       | \$35,657                                       | -\$1,912                                       | \$517                                  | \$13,748                 |
| Estimated +/- current %        |    | 0.0%           | -5.0%                                                         | 10.6%                          | -14.7%                          | 29.6%                                          | -1.6%                                          | 0.4%                                   | 11.4%                    |

## ATTACHMENT E

### Proposed Vision Rates

|                                | EE<br>Counts | Superior      | Davis Vision,<br>Inc.       | Humana                      | MetLife                     | Superior<br>Vision          | TML                         | UHC         | UHC         | UHC         | UHC         |
|--------------------------------|--------------|---------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-------------|-------------|-------------|-------------|
|                                |              | Inforce Rates | Proposed FI<br>Vision Rates | Proposed FI<br>Vision Rates | Proposed FI<br>Vision Rates | Proposed FI<br>Vision Rates | Proposed FI<br>Vision Rates | Option 1    | Option 2    | Option 3    | Option 4    |
| Employee Only                  | 48           | \$4.74        | \$5.00                      | \$5.46                      | \$5.84                      | \$4.93                      | \$12.50                     | \$6.31      | \$5.88      | \$4.83      | \$5.18      |
| Employee + Spouse              | 16           | \$8.60        | \$8.99                      | \$10.91                     | \$10.60                     | \$8.94                      | \$25.00                     | \$11.46     | \$10.69     | \$8.76      | \$9.40      |
| Employee + Child(ren)          | 8            | \$9.06        | \$9.49                      | \$10.36                     | \$11.16                     | \$9.42                      | \$25.00                     | \$12.07     | \$11.25     | \$9.22      | \$9.90      |
| Employee + Family              | 35           | \$13.80       | \$14.99                     | \$16.29                     | \$17.00                     | \$14.35                     | \$25.00                     | \$18.38     | \$17.13     | \$14.05     | \$15.08     |
| Estimated Monthly Premiums     |              | \$921         | \$984                       | \$1,090                     | \$1,134                     | \$957                       | \$2,075                     | \$1,226     | \$1,143     | \$938       | \$1,006     |
| Estimated Annual Premiums      |              | \$11,047.20   | \$11,812.92                 | \$13,076.04                 | \$13,610.40                 | \$11,487.48                 | \$24,900.00                 | \$14,713.20 | \$13,713.96 | \$11,250.12 | \$12,072.48 |
| estimated +/- current premiums |              | \$0           | \$766                       | \$2,029                     | \$2,563                     | \$440                       | \$13,853                    | \$3,666     | \$2,667     | \$203       | \$1,025     |
| Estimated +/- current %        |              | 0%            | 7%                          | 18%                         | 23%                         | 4%                          | 125%                        | 33%         | 24%         | 2%          | 9%          |

## ATTACHMENT F

### Proposed Fully Insured Life Rates

|                       | Dearborn<br>National | Dearborn<br>National                                     | MetLife                                                  | Minnesota Life                                           | Mutual of Omaha                                          | One America                                              | TML                                                      | Unum                                                     |
|-----------------------|----------------------|----------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------|
|                       | Current Rates        | Proposed Life /<br>AD&D Rates per<br>\$1,000 of coverage | Proposed Life /<br>AD&D Rates per<br>\$1,000 of coverage | Proposed Life /<br>AD&D Rates per<br>\$1,000 of coverage | Proposed Life /<br>AD&D Rates per<br>\$1,000 of coverage | Proposed Life /<br>AD&D Rates per<br>\$1,000 of coverage | Proposed Life /<br>AD&D Rates per<br>\$1,000 of coverage | Proposed Life /<br>AD&D Rates per<br>\$1,000 of coverage |
| Life Monthly Rate     | \$0.12               | \$0.08                                                   | \$0.12                                                   | \$0.07                                                   | \$0.09                                                   | \$0.12                                                   | \$0.26                                                   | \$0.13                                                   |
| AD&D Monthly Rate     | \$0.03               | \$0.02                                                   | \$0.03                                                   | \$0.03                                                   | \$0.03                                                   | \$0.02                                                   | \$0.04                                                   | \$0.02                                                   |
| Estimated Life Volume | \$2,653,500          | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              |
| Estimated AD&D Volume | \$2,653,500          | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              | \$2,653,500                                              |
| Monthly Premiums      | \$390                | \$265                                                    | \$379                                                    | \$257                                                    | \$310                                                    | \$371                                                    | \$783                                                    | \$398                                                    |
| Annual Premiums       | \$4,681              | \$3,184                                                  | \$4,553                                                  | \$3,089                                                  | \$3,726                                                  | \$4,458                                                  | \$9,393                                                  | \$4,776                                                  |
| +/- Current Premium   | \$0                  | -\$1,497                                                 | -\$127                                                   | -\$1,592                                                 | -\$955                                                   | -\$223                                                   | \$4,713                                                  | \$96                                                     |
| +/- Percentage        | 0%                   | -32%                                                     | -3%                                                      | -34%                                                     | -20%                                                     | -5%                                                      | 101%                                                     | 2%                                                       |

## ATTACHMENT G

### Proposed Voluntary and Dependent Blended Life/AD&D Rates

|                  | Dearborn National | Dearborn National                             | Minnesota Life                                | Mutual of Omaha                               | One America                                   | TML                                           | Unum                                          |
|------------------|-------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| Age Band         | Current Rates     | Employee Blended Rates Per \$1,000 of Benefit | Employee Blended Rates Per \$1,000 of Benefit | Employee Blended Rates Per \$1,000 of Benefit | Employee Blended Rates Per \$1,000 of Benefit | Employee Blended Rates Per \$1,000 of Benefit | Employee Blended Rates Per \$1,000 of Benefit |
| Less than age 25 | \$0.080           | \$0.080                                       | \$0.060                                       | \$0.080                                       | \$0.080                                       | \$0.061                                       | \$0.080                                       |
| 25 - 29          | \$0.080           | \$0.080                                       | \$0.060                                       | \$0.080                                       | \$0.080                                       | \$0.069                                       | \$0.080                                       |
| 30 - 34          | \$0.110           | \$0.110                                       | \$0.090                                       | \$0.110                                       | \$0.110                                       | \$0.100                                       | \$0.110                                       |
| 35 - 39          | \$0.150           | \$0.150                                       | \$0.120                                       | \$0.150                                       | \$0.150                                       | \$0.130                                       | \$0.150                                       |
| 40 - 44          | \$0.190           | \$0.190                                       | \$0.150                                       | \$0.190                                       | \$0.190                                       | \$0.198                                       | \$0.190                                       |
| 45 - 49          | \$0.290           | \$0.290                                       | \$0.230                                       | \$0.290                                       | \$0.290                                       | \$0.332                                       | \$0.290                                       |
| 50 - 54          | \$0.520           | \$0.520                                       | \$0.420                                       | \$0.520                                       | \$0.520                                       | \$0.596                                       | \$0.520                                       |
| 55 - 59          | \$1.000           | \$1.000                                       | \$0.800                                       | \$1.000                                       | \$1.000                                       | \$0.913                                       | \$1.000                                       |
| 60 - 64          | \$1.310           | \$1.310                                       | \$1.050                                       | \$1.310                                       | \$1.310                                       | \$1.513                                       | \$1.310                                       |
| 65 - 69          | \$2.450           | \$2.450                                       | \$1.960                                       | \$2.450                                       | \$2.450                                       | \$2.431                                       | \$2.450                                       |
| 70-74            | \$3.970           | \$3.970                                       | \$3.180                                       | \$3.970                                       | \$3.970                                       | \$2.431                                       | \$3.970                                       |
| 75-79            | \$3.970           | \$3.970                                       | \$3.970                                       | \$5.470                                       | \$3.970                                       | \$2.431                                       | \$3.970                                       |
| 80-84            | \$9.272           | \$3.970                                       | \$3.970                                       | \$11.080                                      | \$3.970                                       | \$2.431                                       | \$3.970                                       |
| 85-89            | \$15.938          | \$3.970                                       | \$3.970                                       | \$11.080                                      | \$3.970                                       | \$2.431                                       | \$3.970                                       |
| 90-94            | \$19.335          | \$3.970                                       | \$3.970                                       | \$11.080                                      | \$3.970                                       | \$2.431                                       | \$3.970                                       |
| 95-99            | \$86.020          | \$3.970                                       | \$3.970                                       | \$11.080                                      | \$3.970                                       | \$2.431                                       | \$3.970                                       |
| 100+             | \$152.698         | \$3.970                                       | \$3.970                                       | \$11.080                                      | \$3.970                                       | \$2.431                                       | \$3.970                                       |

| Age Band         | Spouse Rates Per \$1,000 of Benefit | Spouse Rates Per \$1,000 of Benefit | Spouse Rates Per \$1,000 of Benefit | Spouse Rates Per \$1,000 of Benefit | Spouse Rates Per \$1,000 of Benefit | Spouse Rates Per \$1,000 of Benefit | Spouse Rates Per \$1,000 of Benefit |
|------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Less than age 25 | \$0.080                             | \$0.080                             | \$0.060                             | \$0.080                             | \$0.080                             | See RFP for Rates                   | \$0.080                             |
| 25 - 29          | \$0.080                             | \$0.080                             | \$0.060                             | \$0.080                             | \$0.080                             |                                     | \$0.080                             |
| 30 - 34          | \$0.110                             | \$0.110                             | \$0.090                             | \$0.110                             | \$0.110                             |                                     | \$0.110                             |
| 35 - 39          | \$0.150                             | \$0.150                             | \$0.120                             | \$0.150                             | \$0.150                             |                                     | \$0.150                             |
| 40 - 44          | \$0.190                             | \$0.190                             | \$0.150                             | \$0.190                             | \$0.190                             |                                     | \$0.190                             |

|         |           |           |         |          |         |  |         |
|---------|-----------|-----------|---------|----------|---------|--|---------|
| 45 - 49 | \$0.290   | \$0.290   | \$0.230 | \$0.290  | \$0.290 |  | \$0.290 |
| 50 - 54 | \$0.520   | \$0.520   | \$0.420 | \$0.520  | \$0.520 |  | \$0.520 |
| 55 - 59 | \$1.000   | \$1.000   | \$0.800 | \$1.000  | \$1.000 |  | \$1.000 |
| 60 - 64 | \$1.310   | \$1.310   | \$1.050 | \$1.310  | \$1.310 |  | \$1.310 |
| 65 - 69 | \$2.450   | \$2.450   | \$1.960 | \$2.450  | \$2.450 |  | \$2.450 |
| 70-74   | \$3.970   | \$3.970   | \$3.180 | \$3.970  | \$3.970 |  | \$3.970 |
| 75-79   | \$3.970   | \$3.970   | \$3.970 | \$5.470  | \$3.970 |  | \$3.970 |
| 80-84   | \$9.272   | \$9.272   | \$3.970 | \$11.080 | \$3.970 |  | \$3.970 |
| 85-89   | \$15.938  | \$15.938  | \$3.970 | \$11.080 | \$3.970 |  | \$3.970 |
| 90-94   | \$19.335  | \$19.335  | \$3.970 | \$11.080 | \$3.970 |  | \$3.970 |
| 95-99   | \$86.020  | \$86.020  | \$3.970 | \$11.080 | \$3.970 |  | \$3.970 |
| 100+    | \$152.698 | \$152.698 | \$3.970 | \$11.080 | \$3.970 |  | \$3.970 |

| Child Life     |         | Per \$1,000 | Per \$1,000 | Per \$1,000 | Per \$1,000 | Per \$1,000 | Per \$1,000 |
|----------------|---------|-------------|-------------|-------------|-------------|-------------|-------------|
| Per Child      | -       | -           | 0.15        |             |             |             | 0.15        |
| Per Child Unit | \$0.014 | \$0.140     | \$1.770     | \$0.014     | \$0.140     |             |             |

| Voluntary AD&D |         | Per \$1,000 | Per \$1,000 | Per \$1,000 | Per \$1,000 | Per \$1,000 | Per \$1,000 |
|----------------|---------|-------------|-------------|-------------|-------------|-------------|-------------|
| Employee       | \$0.027 | \$0.027     | \$0.027     | \$0.027     | \$0.027     | \$0.035     | \$0.027     |
| Spouse         | \$0.027 | \$0.027     | \$0.027     | \$0.027     | \$0.027     | \$0.058     | \$0.027     |
| Child          | \$0.027 | \$0.027     | \$0.020     | \$0.027     | \$0.027     |             | \$0.027     |

## ATTACHMENT H

### Proposed FSA Fees

Current Enrollment 69

|                               | TASC - Current<br>Fees | Aetna/PayFlex | BCBS     | Discovery | Navia   | TASC     | TML     | Wageworks |
|-------------------------------|------------------------|---------------|----------|-----------|---------|----------|---------|-----------|
| FSA Administration Fee (PPPM) | \$4.05                 | \$5.10        | \$2.22   | \$4.25    | \$3.75  | \$4.05   | \$3.70  | \$3.50    |
| Debit Card Fee (PPPM)         | \$0.00                 | \$0.00        | \$0.00   | \$0.00    | \$0.00  | \$0.00   | \$3.70  | \$0.00    |
| Implementation/Set Up Fee     |                        | \$750.00      | \$125.00 | \$0.00    | \$0.00  | \$0.00   | \$50.00 | \$0.00    |
| Annual Renewal Fee            |                        | \$750.00      | \$0.00   | \$0.00    | \$0.00  | \$300.00 | \$0.00  | \$0.00    |
| Monthly Premiums              | \$279                  | \$352         | \$153    | \$293     | \$259   | \$279    | \$255   | \$242     |
| Annual Premiums               | \$3,353                | \$5,723       | \$1,963  | \$3,519   | \$3,105 | \$3,653  | \$3,114 | \$2,898   |
| +/- Current Premium           | \$0                    | \$2,369       | -\$1,390 | \$166     | -\$248  | \$300    | -\$240  | -\$455    |
| +/- Percentage                | 0%                     | 71%           | -41%     | 5%        | -7%     | 9%       | -7%     | -14%      |



# ATTACHMENT I

## Proposed HRA Fees

Enrollment Assumption

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|                                               | TASC<br>Inforce | Aetna                         | BCBS                          | Discovery | Navia    | TASC                          | TML     | Wageworks | UHC                                                   |
|-----------------------------------------------|-----------------|-------------------------------|-------------------------------|-----------|----------|-------------------------------|---------|-----------|-------------------------------------------------------|
| HRA Administration Fee (PEPM)                 | \$5.00          | Included in Medical HRA Plans | Included in Medical HRA Plans | \$4.25    | \$3.50   | \$5.00                        | \$3.70  | \$4.25    | Included in Medical HRA Plans - 2% administration fee |
| Debit Card Fee (PEPM)                         |                 | N/A                           |                               | \$0.00    | \$0.00   | \$0.00                        |         | \$0.00    |                                                       |
| Implementation/Set Up Fee                     |                 | Included in Medical HRA Plans |                               | \$0.00    | \$0.00   | \$0.00                        | \$50.00 | \$0.00    |                                                       |
| Annual Renewal Fee                            |                 | 12% future rate cap           |                               | 0         | 0        | 150                           | 0       | 0         |                                                       |
| Additional Fees (please outline/explain)      |                 | Please refer to proposal      |                               | N/A       | \$0.00   | Minimum monthly fee: \$300.00 |         | \$0.00    |                                                       |
| Employee Communication Material (Please List) |                 |                               |                               |           | Included |                               |         |           |                                                       |
| Monthly Premiums                              | \$860           | \$0                           | \$0                           | \$731     | \$602    | \$860                         | \$636   | \$731     | \$0                                                   |
| Annual Premiums                               | \$10,320        | \$0                           | \$0                           | \$8,772   | \$7,224  | \$10,320                      | \$7,637 | \$8,772   | \$0                                                   |

## ATTACHMENT J

### Pricing Transparency

|                                           |     | Aetna  | BCBS   | Compass  | TML    | UHC    |
|-------------------------------------------|-----|--------|--------|----------|--------|--------|
| EE Counts                                 | 172 | PEPM   | PEPM   | PEPM     | PEPM   | PEPM   |
| Standard Rate                             |     | \$0.00 | \$0.00 | \$5.00   | \$0.00 | \$0.00 |
| Additional Optional Services - List Below |     |        |        |          |        |        |
| Option 1                                  |     |        |        |          |        |        |
| Option 2                                  |     |        |        |          |        |        |
| Option 3                                  |     |        |        |          |        |        |
| Option 4                                  |     |        |        |          |        |        |
| <b>Health Prompt</b>                      |     |        |        |          |        |        |
| Estimated Monthly Premiums                |     | \$0.00 | \$0.00 | \$860.00 | \$0.00 | \$0.00 |
| Estimated Annual Premiums                 |     | \$0    | \$0    | \$10,320 | \$0    | \$0    |



# City of Colleyville City Council Agenda Briefing

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

**Agenda Number** 5a

**Agenda Date** 07/19/2016

**Number** Ordinance O-16-1982

**Type** Ordinance

**Department** Community Development

## **Title**

Consideration of an amendment to the PUDC-Planned Unit Development Commercial District on Lots 1R, 2, and 3, Block 1 of the Village Park Addition, located at 1001, 1005, and 1009 Glade Road, Case ZC16-009

## **Strategy Map Connection**

There is no strategy map connection for this item.

## **Explanation**

### ***Second Reading and Public Hearing***

At the July 12, 2016 City Council meeting one citizen spoke in opposition to the rezoning request. A map identifying the PUD-C uses along Glade Road has been added as an attachment.

### ***First Reading and Public Hearing***

Terry Lyons, the applicant, has submitted a request to amend the PUD-C – Planned Unit Development Commercial zoning on approximately 1.68 acres, located at 1001, 1005, and 1009 Glade Road. As requested, the amendment would expand the permitted principal land uses on the subject property. The intent of the amendment is to achieve zoning compliance by permitting all existing land uses on the subject property not currently permitted by the governing PUD-C ordinance.

**Existing Conditions:** The subject property is currently platted as Lots 1R, 2, and 3, Block 1 of the Village Park Addition and generally located at the southwest corner of Glade Road and Bedford Road. The subject property consists of three commercial buildings with a variety of tenants.

**Zoning:** The subject property is currently zoned PUD-C – Planned Unit Development Commercial. The subject property was rezoned from the CC-1 Village Retail District and R-20 Single Family Residential District to PUD-C in May of 1996 by Ordinance O-96-1024.

**Statement of Planning Objectives:** The applicant submitted a Statement of Planning Objectives which is attached for review. Included in the Statement of Planning Objectives, the applicant provided a detailed list of the current tenants, and their respective tenure on the subject property. As noted, a number of the existing

businesses which are not in compliance with the PUD-C zoning have been operating on the subject property for many years.

**Proposed Zoning Change:** The governing PUD-C (Ordinance O-96-1024) stipulates that all uses must comply with the CPO–Professional Office District. The applicant is requesting to amend the existing zoning on the property to allow for the addition of the permitted principal land uses of the CN–Neighborhood Commercial District as well as one additional permitted principal land use of the CC-1 Village Retail District:

1. Apparel and Accessory Stores

The CPO zoning district does not permit three of the existing land uses on the subject property (apparel and accessory stores; beauty shops or day spas; restaurants, cafes and cafeterias). This limitation in the zoning appears to have been overlooked when Certificate of Occupancy applications were approved in the past.

The applicant is requesting to allow the existing restaurant (Mr. Jim’s Pizza) to continue operations at this location, without permitting future restaurants on the subject property. Should the request be approved, the ordinance will include the following special ordinance provision: “upon termination or abandonment of the existing restaurant use, future uses shall thereafter conform to the regulations applicable to the governing zoning ordinance.”

Table 3.24 B, Schedule of Permitted Principal Uses, details the permitted land uses for each zoning district located within the City. The following excerpt identifies the permitted principal land uses for the CPO and CN Districts:

*\*P-Permitted; S-Special Use Permit; Gray-Not Permitted*

|                                                  | <b>CPO</b> | <b>CN</b> |
|--------------------------------------------------|------------|-----------|
| <b>F. Office Uses</b>                            |            |           |
| Accountant’s Offices                             | P          | P         |
| Advertising Agencies                             | P          | P         |
| Attorney Offices                                 | P          | P         |
| Chiropractic Clinics                             | P          |           |
| Engineering, Architect’s, and Surveyor’s Offices | P          | P         |
| General Business Offices not elsewhere listed    | P          | P         |
| Insurance Agencies                               | P          | P         |
| Management and Public Relations Services Offices | P          | P         |
| Optometrist Office                               | P          |           |
| Psychologist Offices                             | P          | P         |
| Physician’s or Dentist’s Offices                 | P          |           |
| Real Estate Agency Offices                       | P          | P         |
| Security Broker Offices                          | P          | P         |
| Title Abstract Offices                           | P          | P         |
| Travel Agency/ Airline Ticket Offices            | P          | P         |
|                                                  |            |           |

|                                                       | <b>CPO</b> | <b>CN</b> |
|-------------------------------------------------------|------------|-----------|
| <b>G. Retail and Services Uses</b>                    |            |           |
| Alcohol or Drug Treatment Center                      | S          | S         |
| Banks, Credit Unions and Financial institutions       |            | P         |
| Barber Shops, Beauty Shops, and Day Spas              |            | P         |
| Cemeteries or Mausoleums                              | S          | S         |
| Civic, Social or Fraternal Organizations              | S          | S         |
| Copy Centers/Print Shops                              | S          | S         |
| Dance Studios and Martial Arts Studios                | S          | S         |
| Day Care Centers                                      | S          | S         |
| Dry Cleaner Pick-up Stations                          |            | S         |
| <i>Florist Shops</i>                                  |            | P         |
| Hardware, electrical & plumbing w/o outside display   |            | P         |
| Interior Decoration Stores                            | P          | P         |
| Locksmiths                                            |            | S         |
| Jewelry Stores                                        |            | P         |
| Mailing and Shipping Stores                           |            | P         |
| Pharmacy                                              |            | S         |
| Photography Studios                                   | P          | P         |
| Self-service Laundries                                |            | S         |
| Shoe Repair Shops                                     |            | P         |
| Tailor and Alteration Shops                           |            | P         |
|                                                       |            |           |
|                                                       | <b>CPO</b> | <b>CN</b> |
| <b>H. Recreational and Entertainment Uses</b>         |            |           |
| Golf Courses- Privately Owned                         | P          | P         |
| Commercial Recreation (outdoor)                       |            | S         |
|                                                       |            |           |
| <b>I. Automotive and Transportation Uses</b>          |            |           |
| Airports and Heliports                                | S          | S         |
| Auto Parking Lots and Garages (free standing)         | S          | S         |
|                                                       |            |           |
| <b>Additional Land Uses Requested to be Permitted</b> |            |           |
| Apparel and Accessory Stores                          |            |           |
| Restaurants, Cafes and Cafeterias                     |            |           |

**Analysis:** The governing PUD-C does not permit the principal land uses for four of the seven existing tenants currently operating on the subject property, thus resulting in a zoning violation. When a property is occupied by a land use not permitted in the governing zoning district, or the governing zoning ordinance, a zoning violation occurs. The zoning violation on the subject property was discovered by staff after receiving an inquiry from a prospective tenant (DFW MedSpa). Upon discovering the violation, the property owner (Terry Lyons) made application to amend the PUD-C in an effort to

address all outstanding zoning violations, and bring all existing land uses into compliance. Although the nonconforming land uses were approved by previous City staff through the issuance of a Certificate of Occupancy, the subject property remains in violation of the governing zoning. Section 1.8 of the Land Development Code clearly determines that the issuance of a Certificate of Occupancy, in no way constitutes approval of a violation to the zoning regulations.

The request to amend the PUD-C by including all CN-Neighborhood Commercial land uses along with one additional land use from the CC-1 Village Retail District (Apparel and Accessory Stores), and the conditioned approval of the existing restaurant (Mr. Jim's Pizza) will resolve all zoning violations on the subject property. Further, it will allow for the property owner to fully lease the remaining space to tenants of similar land uses to those existing today. The existing land uses along with the requested amendment, are generally consistent with the surrounding commercial land uses. Therefore, the proposed amendment should not have adverse impacts on adjacent properties.

The proposed amendment will allow an additional eight land uses by right (permitted) and five land uses with the approval of a Special Use Permit. The eight additional permitted land uses from the CN zoning district are listed below.

1. Banks, Credit Unions and Financial institutions
2. Barber Shops, Beauty Shops, and Day Spas
3. Florist
4. Shops
5. Hardware, electrical & plumbing without outside display
6. Jewelry Stores
7. Mailing and Shipping Stores
8. Shoe Repair Shops
9. Tailor and Alteration Shops

Finally, staff conducted a parking analysis which is attached for review to ensure current and future zoning compliance. The analysis evaluated parking for all existing tenants, as well as any proposed future tenants (e.g. DFW MedSpa). The results of the parking analysis identify 68 parking spaces on the subject property, with a total of 64 spaces required, per the existing land uses. Based on this information the property is currently in compliance with the parking regulations of Chapter 3 (Land Use) of the Land Development Code. Additionally, there are no anticipated parking compliance issues should the subject property be fully leased.

**Surrounding Development:** The table below reflects the surrounding zoning and existing land uses for the subject property as further illustrated on the attached zoning and aerial maps:

|                                                           |                                                                                                                    |                                                                             |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| CC-1 Village Retail<br>(Undeveloped)                      | R-20 Single Family<br>Residential (Single Family<br>Home)                                                          | PUD-C Planned Unit<br>Development –<br>Commercial O-07-1643<br>(Office Use) |
| CC-1 Village Retail<br>(Shandorza Spa & Salon)            | <b><i>Subject Property</i></b><br>PUD-C Planned Unit<br>Development –<br>Commercial O-96-1024<br>(Commercial Uses) | R-20 Single Family<br>Residential (Single<br>Family Home)                   |
| R-20 Single Family<br>Residential (Single Family<br>Home) | R-20 Single Family<br>Residential (Single Family<br>Home)                                                          | R-20 Single Family<br>Residential (Single<br>Family Home)                   |

**Comprehensive Plan:** The City's comprehensive plan, *Destination Colleyville*, identifies the subject property as located within the commercial land use. This land use category is comprised of commercial development (e.g., retail, professional services, office). The current character of these areas is dominated by streets, access driveways, and surface parking areas that are frequently located in the front of the building. Moving forward, the desired character of these commercial areas is more visually attractive development with architectural styles that are less residential in character, have less parking along the front, and improved landscaping. These land uses are generally found along the major roadways of Precinct Line Road, SH 121, and Cheek-Sparger Road in order to take advantage of larger volumes of traffic.

**Public Notification:** Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, no correspondence has been received.

**Planning and Zoning Commission Recommendation:** The Planning and Zoning Commission recommended approval of this request at the June 13, 2016 meeting by a vote of 6-1.

**Staff Recommendation:** The requested PUD-C amendment will address all zoning violations on the subject property and bring the site into compliance. Additionally, the proposed addition of CN-Neighborhood Commercial District permitted principal land uses, along with "Apparel and Accessory Stores" should not adversely impact the surrounding properties. Staff recommends approval.



**Financial Impact**

There is no financial impact to the City.

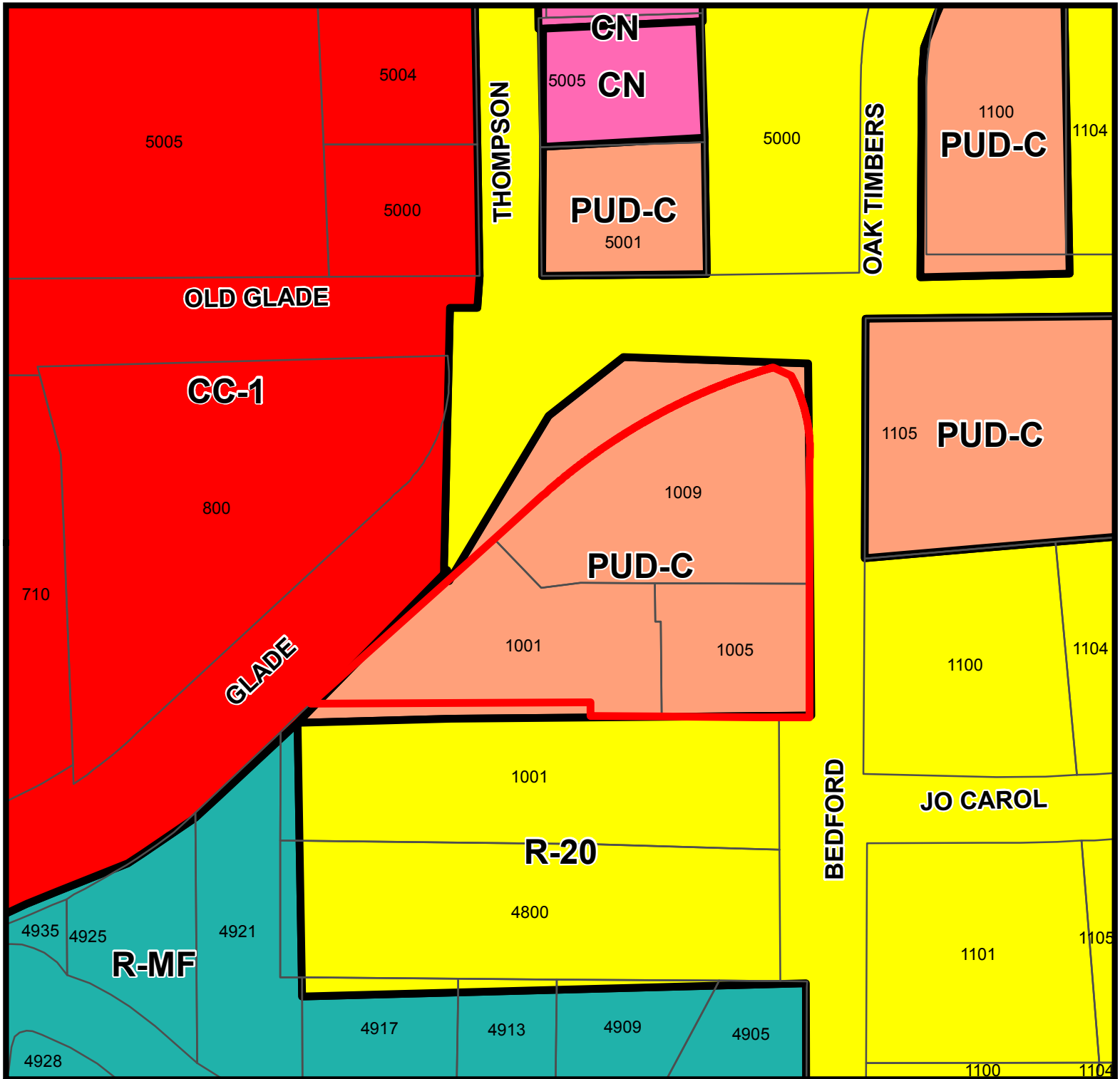
**Recommendation**

Approve

**Attachments**

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Glade Road PUD-C Zoning Uses Map
5. Statement of Planning Objectives
6. Zoning Exhibit
7. Parking Analysis
8. Notification Map
9. July 12, 2016 Speaker Card
10. Notification List
11. Existing Ordinance (O-96-1024)
12. Ordinance O-16-1982

# ZONING MAP



**ZC16-009**

1001, 1005, 1009 GLADE ROAD



1 inch = 104 feet



Subject Property

Vicinity Map



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

# AERIAL MAP



**ZC16-009**

1001, 1005, 1009 GLADE ROAD

## Legend

 Subject Property



1 inch = 104 feet

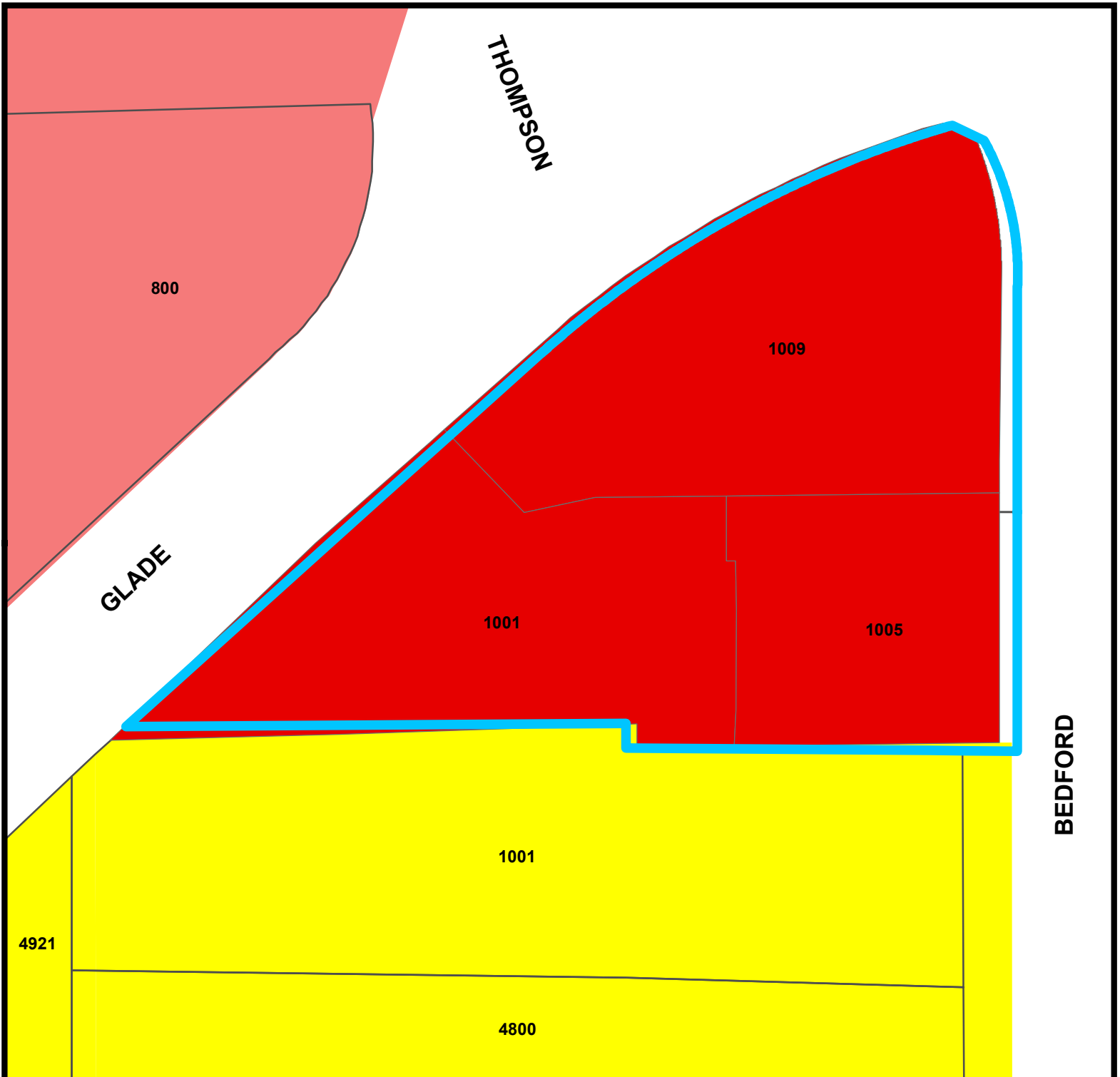
Vicinity Map



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# FUTURE LAND USE MAP



**ZC16-009**

1001, 1005, 1009 GLADE ROAD

- |                                                                                                      |                                                                                                               |
|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|  Subject Property |  INSTITUTIONAL             |
|  RESIDENTIAL      |  PARKS/ OPEN SPACE         |
|  COMMERCIAL       |  COLLEYVILLE BLVD CORRIDOR |



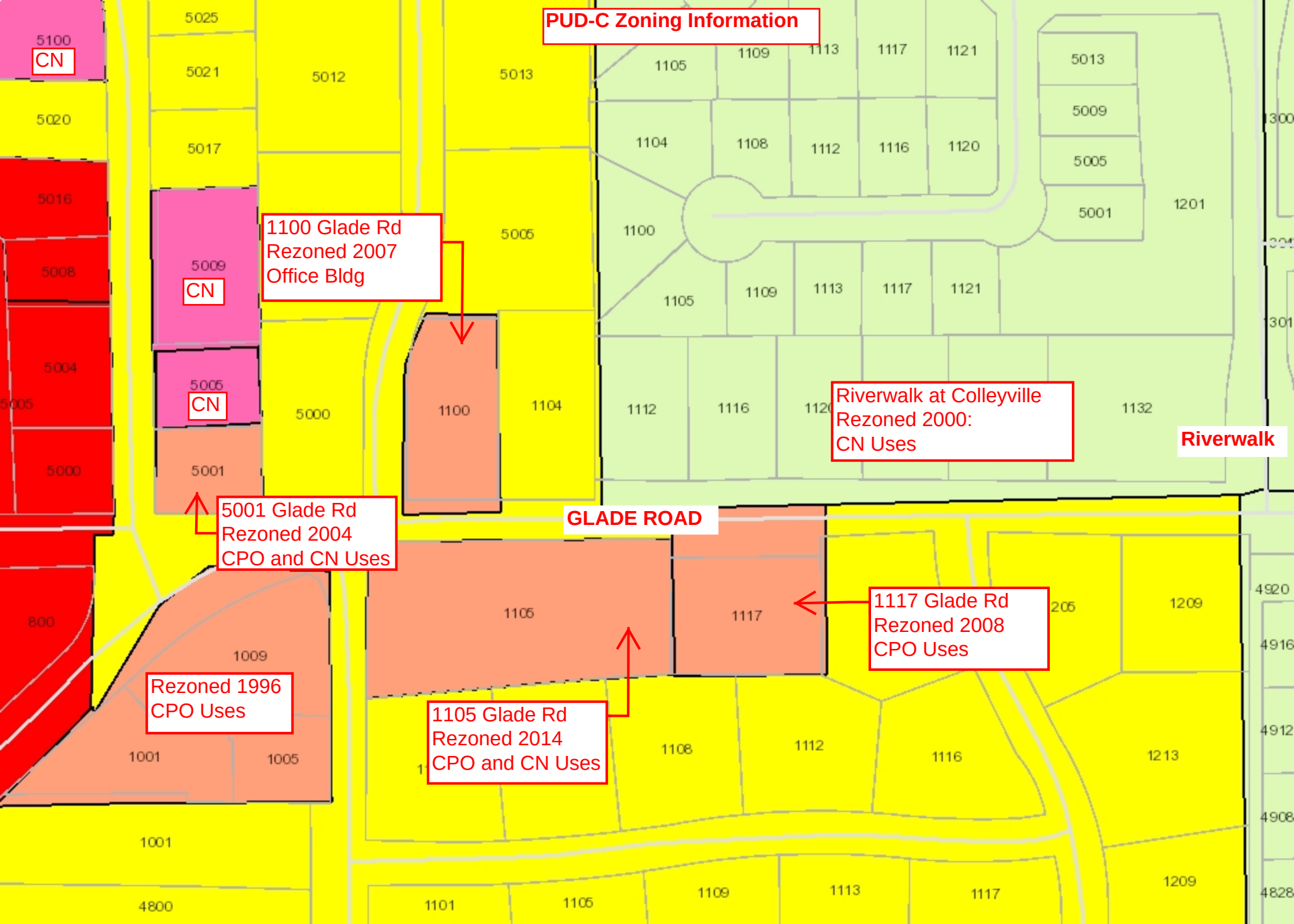
1 inch = 58 feet

Vicinity Map



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## PUD-C Zoning Information



# Statement of Planning Objectives

## Glade Road Capital, LLC

P O Box 1821  
Colleyville, Texas 76034  
(817) 992-0505

May 27, 2016

Mr. Shane Pace  
Principal Planner Community Development  
City of Colleyville

Re: Statement of Planning Objectives and Request for Zoning Amendment  
1001, 1005, and 1009 Glade Road, Colleyville, Texas  
1.688 acres out of the T.J. Polson Survey, Abstract 1248, Tracts 1B, 1B2, 1B1, and 1B1B

Dear Shane:

We are requesting that the Planning and Zoning Commission amend the current PUD for the above referenced property by adding the Permitted Principal uses of CN and the following individual uses.

Apparel and Accessory Stores

These three properties were purchased individually by Glade Road Capital, LLC on the below dates:

1009 Glade Road Building – purchased in January, 2003  
1001 Glade Road Building – purchased in November, 2004  
1005 Glade Road Building – purchased in April, 2005

For property tax purposes, the Tarrant Appraisal District considers the three buildings as one retail center.

The below tenants have occupied the three buildings for several years:

### 1001 Glade Road Building

|           |                                                                     |                      |
|-----------|---------------------------------------------------------------------|----------------------|
| Suite 100 | Mr. Jim's Pizza                                                     | since April, 2007    |
| Suite 110 | GirliGirl Boutique                                                  | since December, 2006 |
| Suite 120 | Colleyville Chiropractic                                            | since July 2014      |
|           | (Prior to July 2014 occupied 1009 building since prior to Jan 2003) |                      |
| Suite 130 | Vacant (possible Yoga studio)                                       |                      |

### 1005 Glade Road Building

|                                   |                 |
|-----------------------------------|-----------------|
| GRC Professional Executive Suites | since May, 2014 |
|-----------------------------------|-----------------|

# Statement of Planning Objectives

## 1009 Glade Road Building

|         |                                |                      |
|---------|--------------------------------|----------------------|
| Suite A | B. Haute Salon                 | since October, 2014  |
| Suite B | Vacant (possible Beauty Salon) |                      |
| Suite C | Classis Image Salon            | since August, 2009   |
| Suite D | Excellent Living Ministries    | since November, 2014 |
| Suite E | Vacant (possible Day Spa)      |                      |

The buildings were originally zoned CC-1 but changed to PUD-C in April 1996. The area surrounding the buildings has changed significantly over the 20 years. There are several beauty salons and day spas located in the area.

We are requesting that the Planning and Zoning Commission and City Council approve the amended uses in order to bring the buildings into compliance with the City of Colleyville zoning for the tenants that have occupied the three buildings for almost a decade and future possible tenants.

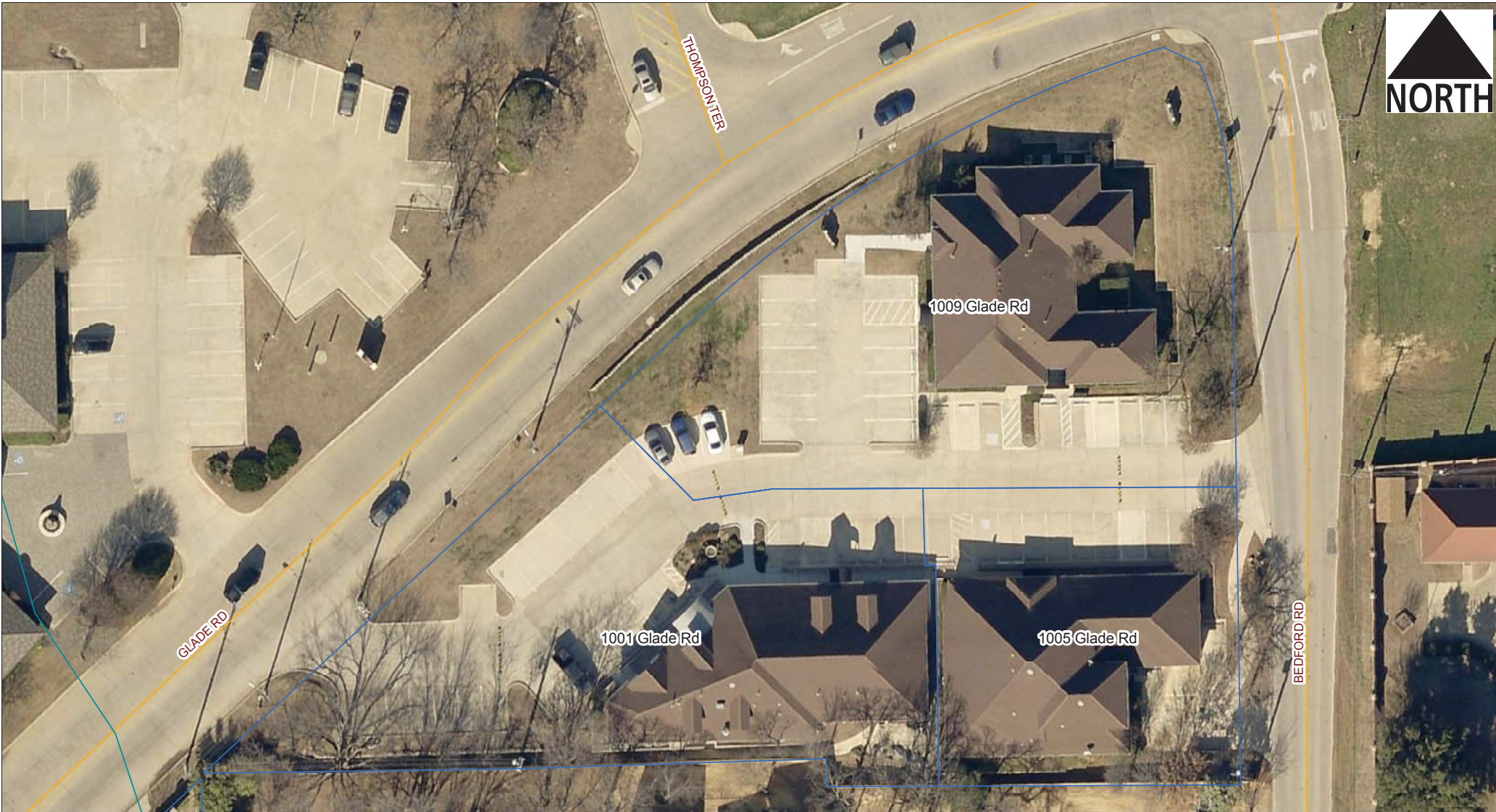
If you have any questions, please give me a call at (817) 992-0505

Best regards,

Terry Lyons  
Owner



# Zoning Exhibit



 Lot Boundaries  
 City Streets

1 inch equals 16 feet  
0 50 100 200 Feet

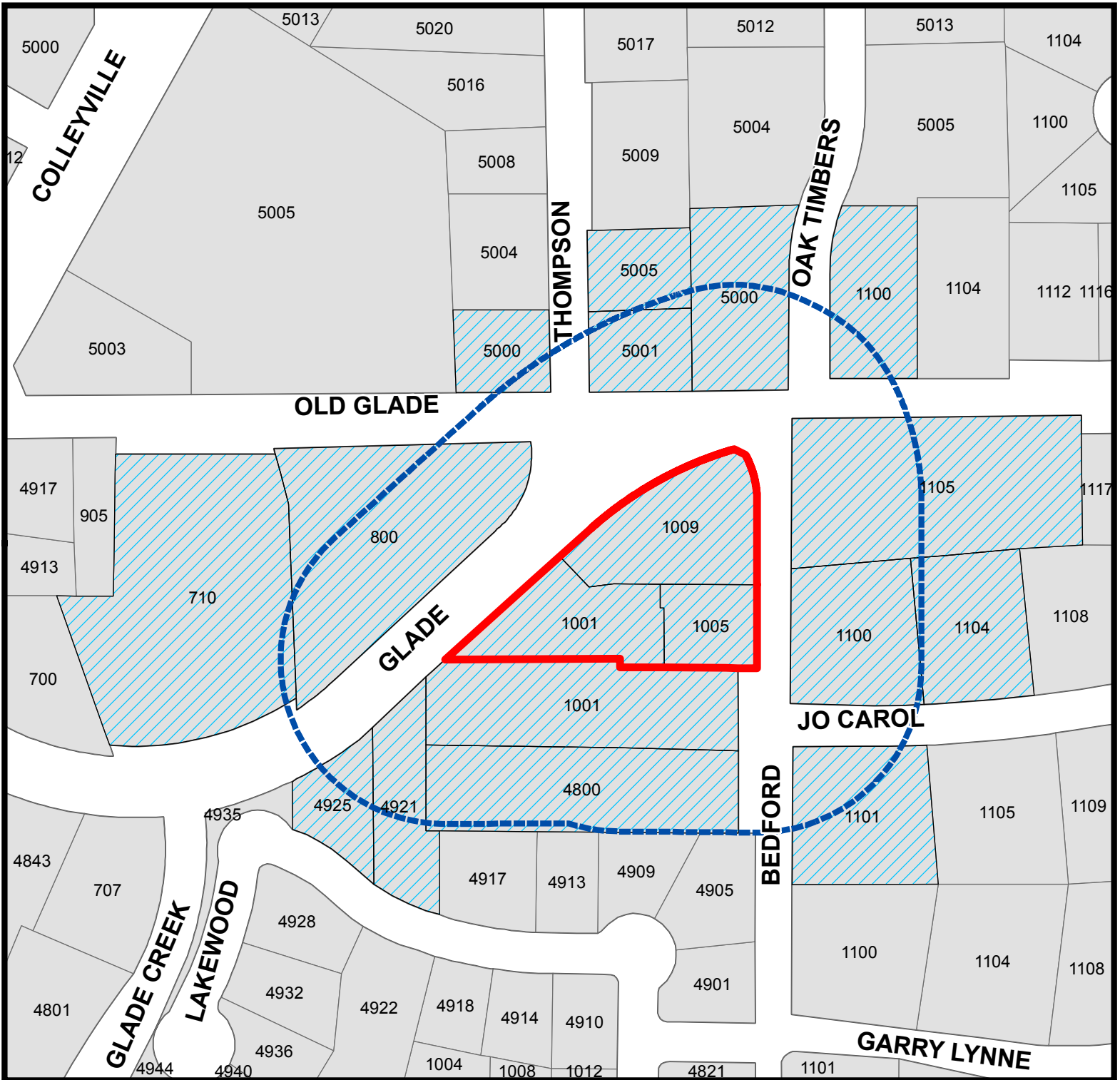
Scaled Page Size: 24 x 36

**Zoning Exhibit**  
**ZC16-009 - PUDC Amendment**  
**1001, 1005, 1009 Glade Road**

## Parking Analysis

| <b>Glade Road Capital, LLC</b>         |                                                |                 |                |                 |
|----------------------------------------|------------------------------------------------|-----------------|----------------|-----------------|
| <b>As of June 1, 2016</b>              |                                                |                 |                |                 |
|                                        |                                                | <b>Rentable</b> | <b>Parking</b> | <b>Parking</b>  |
|                                        |                                                | <b>Leased</b>   | <b>Ratio</b>   | <b>Required</b> |
| <b>Suite #</b>                         | <b>Tenant</b>                                  | <b>Sq. Ft.</b>  |                |                 |
| <b><u>1001 Glade Road Building</u></b> |                                                |                 |                |                 |
| 100                                    | Goalmet Enterprises, LLC                       | 1,326           | 1/200          | 6.63            |
|                                        | dba/ Mr. Jim's Pizza                           |                 |                |                 |
|                                        |                                                |                 |                |                 |
| 110                                    | ETC Special Marketing, Inc.                    | 1,552           | 1/200          | 7.76            |
|                                        | dba/ GirliGirl Gifts                           |                 |                |                 |
|                                        |                                                |                 |                |                 |
| 120                                    | Dr. Alicia Castello - Colleyville Chiropractic | 1,174           | 1/300          | 3.91            |
|                                        |                                                |                 |                |                 |
| 130                                    | Vacant                                         | 988             |                |                 |
|                                        |                                                |                 |                |                 |
|                                        |                                                | <b>5,506</b>    |                |                 |
| <b>Total Parking Required</b>          |                                                |                 |                | <b>18.30</b>    |
| <b>Total Parking Provided</b>          |                                                |                 |                | <b>30</b>       |
|                                        |                                                |                 |                |                 |
| <b><u>1005 Glade Road Building</u></b> |                                                |                 |                |                 |
| 1005                                   | GRC Executive Suites                           | 5,891           | 1/300          | 19.64           |
|                                        |                                                |                 |                |                 |
|                                        |                                                | <b>5,891</b>    |                |                 |
| <b>Total Parking Required</b>          |                                                |                 |                | <b>19.64</b>    |
| <b>Total Parking Provided</b>          |                                                |                 |                | <b>13</b>       |
|                                        |                                                |                 |                |                 |
| <b><u>1009 Glade Road Building</u></b> |                                                |                 |                |                 |
| A                                      | B. Haute Salon                                 | 858             | 1/200          | 4.29            |
|                                        |                                                |                 |                |                 |
| B                                      | Vacant (Potential Salon Expansion)             | 650             | 1/200          | 3.25            |
|                                        |                                                |                 |                |                 |
| C                                      | M K Wallace Enterprises, Inc.                  | 1,070           | 1/200          | 5.35            |
|                                        | and Kristy Wallace                             |                 |                |                 |
|                                        | dba/ Classic Image Salon                       |                 |                |                 |
|                                        |                                                |                 |                |                 |
| D                                      | Excelent Living Ministries                     | 1,178           | 1/200          | 5.89            |
|                                        |                                                |                 |                |                 |
| E                                      | Vacant (Potential MedSpa)                      | 1,339           | 1/200          | 6.70            |
| <b>Total Parking Required</b>          |                                                |                 |                | <b>25.48</b>    |
| <b>Total Parking Provided</b>          |                                                |                 |                | <b>25</b>       |
|                                        |                                                |                 |                |                 |
| <b><u>Summary</u></b>                  |                                                |                 |                |                 |
| <b>Total Parking Required</b>          |                                                |                 |                | <b>63.42</b>    |
| <b>Total Parking Provided</b>          |                                                |                 |                | <b>68</b>       |

## NOTIFICATION MAP



**ZC16-009**

1001, 1005, 1009 GLADE ROAD



1 inch = 167 feet

-  Subject\_Property  
 200 ft Buffer  
 Properties within 200 ft

### Vicinity Map



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

## SPEAKER CARD

Date:

7-12-16

Agenda Item Number:

6a

Item must be completed!

For example: **5a (this can be found on the far left side of the agenda copy)**

\_\_\_\_\_ I will speak **In Support** of this item. \_\_\_\_\_ I will speak **In Opposition** to this item.

\_\_\_\_\_ I do not wish to speak, but please record my: \_\_\_\_\_ **support** \_\_\_\_\_ **opposition**

Name:

Kathy Hadley

Address:

204 N. Timberline

City:

Colleyville

***I understand I am limited to speaking for five minutes. For agenda items not listed on the agenda as a Public Hearing, City Council cannot respond to speakers in accordance with the Texas Open Meetings Law, Chapter 551 of the Texas Local Government Code. This includes persons speaking under the Citizen's Comments section of the agenda.***

Signed:

Kathy Hadley

***This information is a Public Record***

## Notification List

| Owner Name                        | Owner Address                | Owner City       | Owner Zip | Situs Address        |
|-----------------------------------|------------------------------|------------------|-----------|----------------------|
| ACROPOLIS INC                     | 15233 VENTURA BLVD SUITE 116 | SHERMAN OAKS, CA | 91403     | 5001 THOMPSON TERR   |
| ACROPOLIS INC                     | 15233 VENTURA BLVD SUITE 116 | SHERMAN OAKS, CA | 91403     | 5005 THOMPSON TERR   |
| BONEY, TRAVIS                     | 4925 LAKEWOOD DR             | COLLEYVILLE, TX  | 76034     | 4925 LAKEWOOD DR     |
| DELGADO, MARK ETAL                | 5000 THOMPSON TERR           | COLLEYVILLE, TX  | 76034     | 5000 THOMPSON TERR   |
| ESCOBAR, ROSA                     | 4804 BEDFORD RD              | COLLEYVILLE, TX  | 76034     |                      |
| GLADE ROAD CAPITAL LLC            | PO BOX 1821                  | COLLEYVILLE, TX  | 76034     | 1005 VILLAGE PARK DR |
| GLADE ROAD CAPITAL LLC            | PO BOX 1821                  | COLLEYVILLE, TX  | 76034     | 1009 GLADE RD        |
| GLADE ROAD CAPITAL LLC            | PO BOX 1821                  | COLLEYVILLE, TX  | 76034     | 1001 VILLAGE PARK DR |
| HOA - LAKEWOOD ESTATES            | 6707 BRENTWOOD STR RD        | FORT WORTH, TX   | 76112     | 4921 LAKEWOOD DR     |
| HOLLAND, AXEL                     | 1100 JO CAROL ST             | COLLEYVILLE, TX  | 76034     | 1100 JO CAROL LN     |
| KING, DALE L                      | PO BOX 371                   | COLLEYVILLE, TX  | 76034     | 5000 OAK TIMBERS CT  |
| MOORE, VICKI LYNN EST             | PO BOX 134                   | COLLEYVILLE, TX  | 76034     | 1101 JO CAROL LN     |
| NOBEL SOURCE COMPANY LLC          | 640 S HILL ST STE 341        | LOS ANGELES, CA  | 90014     | 800 GLADE RD         |
| PETERSON, BARBARA LISA            | 1104 JO CAROL ST             | COLLEYVILLE, TX  | 76034     | 1104 JO CAROL LN     |
| PREMIER OFFICE EQUITIES           | 1117 GLADE RD STE 140        | COLLEYVILLE, TX  | 76034     | 1117 GLADE RD        |
| SEHAT, MAJID                      | 4800 BEDFORD RD              | COLLEYVILLE, TX  | 76034     | 4800 BEDFORD RD      |
| THOMPSON BENJAMIN ETUX<br>YEE-PIN | 1100 GLADE RD                | COLLEYVILLE, TX  | 76034     | 1100 GLADE RD        |
| Y2KITCHEN PROPERTIES LLC          | 5003 COLLEYVILLE BLVD        | COLLEYVILLE, TX  | 76034     | 710 GLADE RD         |

|                                                       |                      |                 |       |                    |
|-------------------------------------------------------|----------------------|-----------------|-------|--------------------|
| LAKEWOOD ESTATES c/o<br>Lakeridge Property Management | P.O. BOX 1018        | COLLEYVILLE, TX | 76034 | COURTESY NOTICE    |
| GLADE ROAD CAPITAL LLC                                | PO BOX 1821          | COLLEYVILLE, TX | 76034 | APPLICANT          |
| GRAPEVINE COLLEYVILLE ISD                             | 3051 IRA WOODS AVE E | GRAPEVINE, TX   | 76051 | STATE LAW REQUIRED |

Public hearing notices were  
mailed Friday, May 27, 2016 by  
Araceli Botello

# **Existing Ordinance**

## **ORDINANCE 0-96-1024**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF 1.688 ACRES OUT OF THE T.J. POLSON SURVEY, ABSTRACT 1248, TRACTS 1B, 1B2, 1B1, 1B1B, IN THE CITY OF COLLEYVILLE, TEXAS FROM THE CC-1 (VILLAGE RETAIL) AND R20 (SINGLE FAMILY RESIDENTIAL, MINIMUM LOT SIZE 20,000 S.F.) DISTRICT TO THE PUD-C (PLANNED UNIT DEVELOPMENT-COMMERCIAL) DISTRICT; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.**

**WHEREAS,** an application for zoning change was filed by William Mitchell, President, Cavallino Properties, LTD, on March 05, 1996 under Case No. Z-96-052; and,

**WHEREAS,** notice of a hearing before the Planning and Zoning Commission was sent to real property owners within 200 feet of the property herein described at least 10 days before such hearing; and,

**WHEREAS,** notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing; and,

**WHEREAS,** notices were posted on the subject land as provided by the zoning ordinance; and,

**WHEREAS,** public hearings to change the zoning and the Master Plan on the property herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation; and,

**WHEREAS,** the City Council is of the opinion that the zoning change herein effectuated furthers the purpose of zoning as set forth in the Zoning Ordinance and is in the best interest of the citizens of the City of Colleyville;

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

**Sec. 1. THAT** the Master Plan, the Zoning Ordinance of the City of Colleyville, Texas, and the accompanying Zoning Map (as indicated in Exhibit A) are hereby amended insofar as they relate to certain land located in Colleyville, Texas, described by metes and bounds (Exhibit B) by changing the zoning of said property from the CC-1 and R20 districts to the PUD-C district



## Existing Ordinance

Ordinance O-96-1024

Page 2 of 7

together with all site plans, supporting documents, and other conditions and restrictions imposed and approved by the Council which are incorporated herein by reference including, but not limited to: the Statement of Planning Objectives which is Attachment 1 to this ordinance; the Conceptual Site Plan, which is Attachment 2 to this ordinance; and subject to the following conditions:

- A. Final location of buildings subject to horizontal site distance limitation to be approved by the Development Review Committee and noted on the final plat.
- B. The following tree preservation plan:
  - 1. Total preservation on site shall be required for all trees with a diameter of 20 inches or greater.
  - 2. After preservation of all trees 20 inches or greater, 100% exemption of Mulberry and Cottonwood trees under the building foot print shall be permitted and a 90% exemption of all other caliper inches under the foot print shall be permitted.
  - 3. After a calculation of the total caliper inches outside the footprint including those trees which must be preserved, 20% of the caliper inches outside the foot print shall be exempt.
- C. With the exception of setback requirements established by this concept drawing and the final plat, all other land use, area, parking, landscaping, screening, design and administrative provisions of the CPO district shall apply.

Sec. 2. Any person, firm or corporation violating any of the provisions of this ordinance as read together with the Zoning Ordinance of the City of Colleyville and accompanying official Zoning Map thereto shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Sec. 3. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.



## Existing Ordinance

Ordinance O-96-1024  
Page 3 of 7

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 16<sup>th</sup> day of April, 1996.

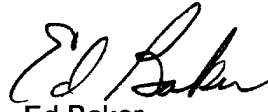
The second reading and public hearing being conducted on the 7<sup>th</sup> day of May, 1996.

ATTEST:

CITY OF COLLEYVILLE



Jean Harris, CMC  
City Secretary



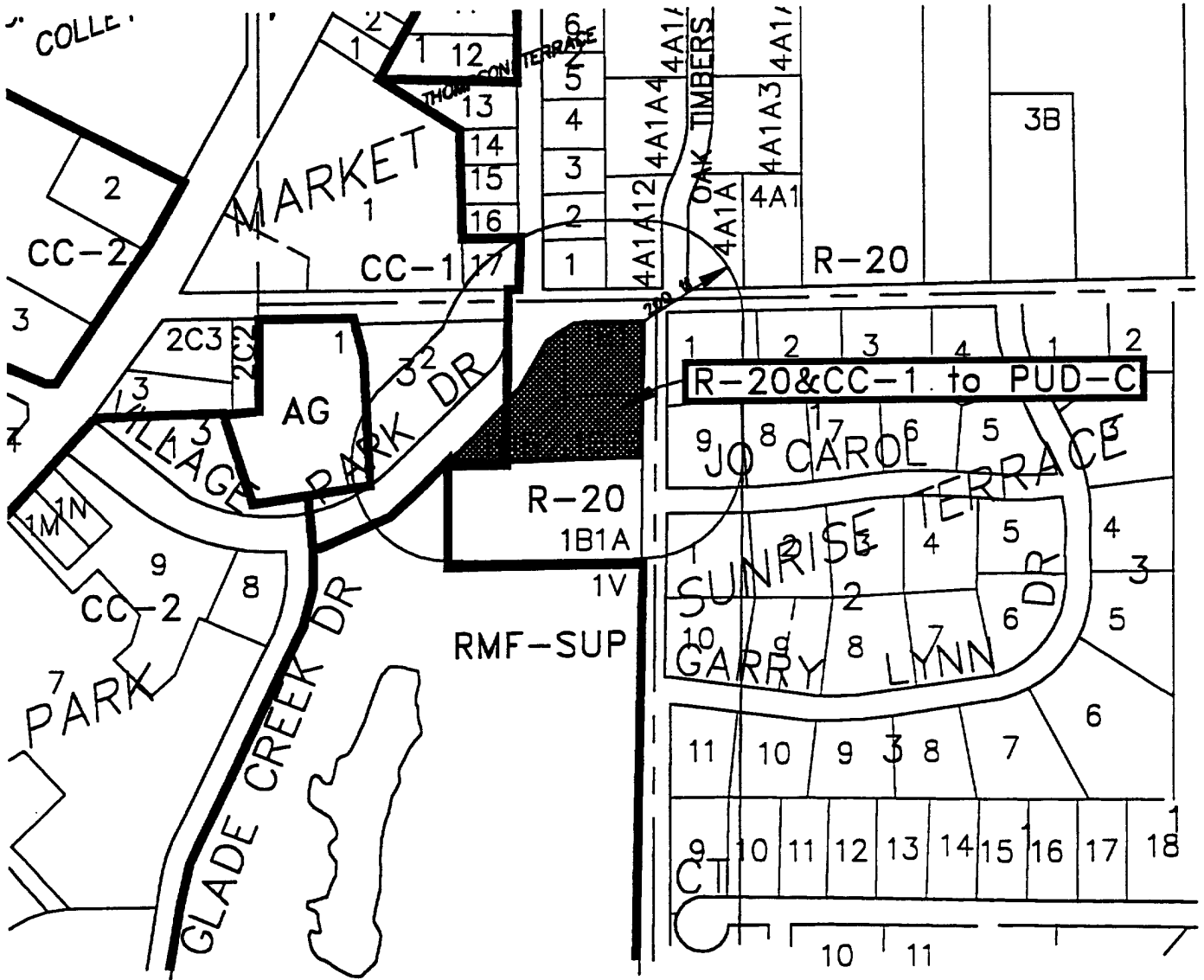
Ed Baker  
Mayor

APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster  
City Attorney

# Existing Ordinance



ORDINANCE O-96-1024  
EXHIBIT "A"

# Existing Ordinance

## EXHIBIT A

### ZONING CHANGE REQUEST from CPO & R-20 to PUD-C

#### PROPERTY DESCRIPTION

BEING all that certain tract, parcel, or lot of land located in the T. J. POLSON SURVEY, Abstract No. 1248, Tarrant County, Texas, and more particularly described as follows

BEGINNING at a point at the intersection of the south right-of-way line of Glade Road (a 65 foot right-of-way) and the west right-of-way line of Bedford Road (a variable width right-of-way);

THENCE S 00°01'31" E, 282.71 feet along the west right-of-way line of said Bedford Road;

THENCE departing said west right-of-way line N 89°24'43" W, 161.08 feet to a point;

THENCE North, 10.49 feet to a point;

THENCE S 88°57'24" W, 116.57 feet to a point;

THENCE N 89°58'24" W, 117.93 feet to a point in the southerly right-of-way line of Village Park Drive (a 70 foot right-of-way dedicated to the City of Colleyville by plat recorded in Volume 388-195, Page 23, Plat Records, Tarrant County, Texas;

THENCE N 48°02'33" E, 163.02 feet along said right-of-way line to the beginning of a tangent curve to the left, with a central angle of 26°58'23", a radius of 260.00 feet, a tangent length of 62.36 feet, and a long chord which bears N 34°33'21" E, 121.27 feet;

THENCE an arc length of 122.40 feet along said tangent curve and along said right-of-way line to the beginning of a tangent curve to the right, with a central angle of 69°04'33", a radius of 100.00 feet, a tangent length of 68.83 feet, and a long chord which bears N 55°36'26" E, 113.39 feet;

THENCE an arc length of 120.56 feet along said tangent curve to a point in the south right-of-way line of the aforementioned Glade Road;

THENCE S 89°51'19" E, 111.61 feet to the POINT OF BEGINNING, containing 1.6688 Acres (72,692 square feet) of land, more or less.

#### ORDINANCE O-96-1024 EXHIBIT "B"

## Existing Ordinance

### Cavallino Properties, LTD.

March 8, 1996

City of Colleyville  
City Council and  
Planning & Zoning Commission  
P. O. Box 185  
Colleyville, Texas 76034

RE: Property along the south side of Glade Rd. between Village Park Drive  
and Bedford Road

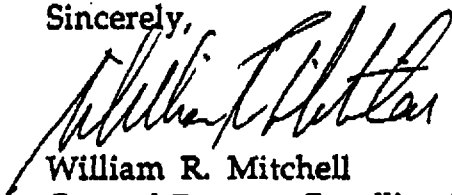
Dear Ladies & Gentlemen:

At the request of the planning staff we are writing this letter to describe our intentions for development on the referenced property. We are requesting PUD-C zoning to allow the construction of commercial buildings on this property. We anticipate build-to-suit opportunities of Office or Professional use, primarily in smaller buildings that can be nestled among the trees on this site.

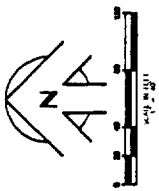
We anticipate that construction will begin on the first building in the next 12-18 months.

We thank you for your consideration on this zoning request and look forward to working with the city on this project.

Sincerely,



William R. Mitchell  
General Partner, Cavallino Properties, Ltd.



**PROPERTY DESCRIPTION**

RECORD and Survey Map, Section 10, 11, 12 of land located in the County of Tarrant, State of Texas, and more particularly described as follows:

Beginning at a point of the intersection of the south right-of-way line of Glade Road (1.65, but right-of-way) and the west right-of-way line of Ballard Road (1.50, but right-of-way);

THENCE S 89°13' E, 200.71 feet along the west right-of-way line of Ballard Road;

THENCE S 89°13' E, 200.71 feet to a point;

THENCE North 10.40 feet to a point;

THENCE S 89°13' E, 116.37 feet to a point;

THENCE N 89°13' E, 117.93 feet to a point in the southerly right-of-way line of the City of Carrollton, Texas, as shown on the Survey Map, Section 10, 11, 12 of land located in the County of Tarrant, State of Texas;

THENCE N 49°23' E, 113.30 feet along and right-of-way line to the beginning of a tangent curve to the left, with a tangent length of 113.30 feet, a radius of 100.00 feet, a central angle of 113.30 degrees, and a long chord which bears N 25°28' E, 113.30 feet;

THENCE on arc length of 122.40 feet along said tangent curve to a point in the south right-of-way line of the intersection of Ballard Road;

THENCE S 89°13' E, 117.93 feet to the POINT OF BEGINNING, containing 1.6688 acre (720.82 square feet) of land, more or less.

# Existing Ordinance

## ZONING EXHIBIT

for

## ZONING CHANGE REQUEST

from CC-1 & R-20 to PUD-1

for a

1.6688 ACRE TRACT

out of the

T.J. POILSON SURVEY, ABST. 12

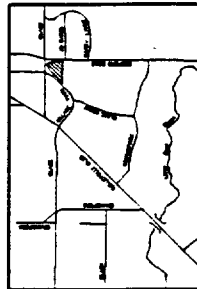
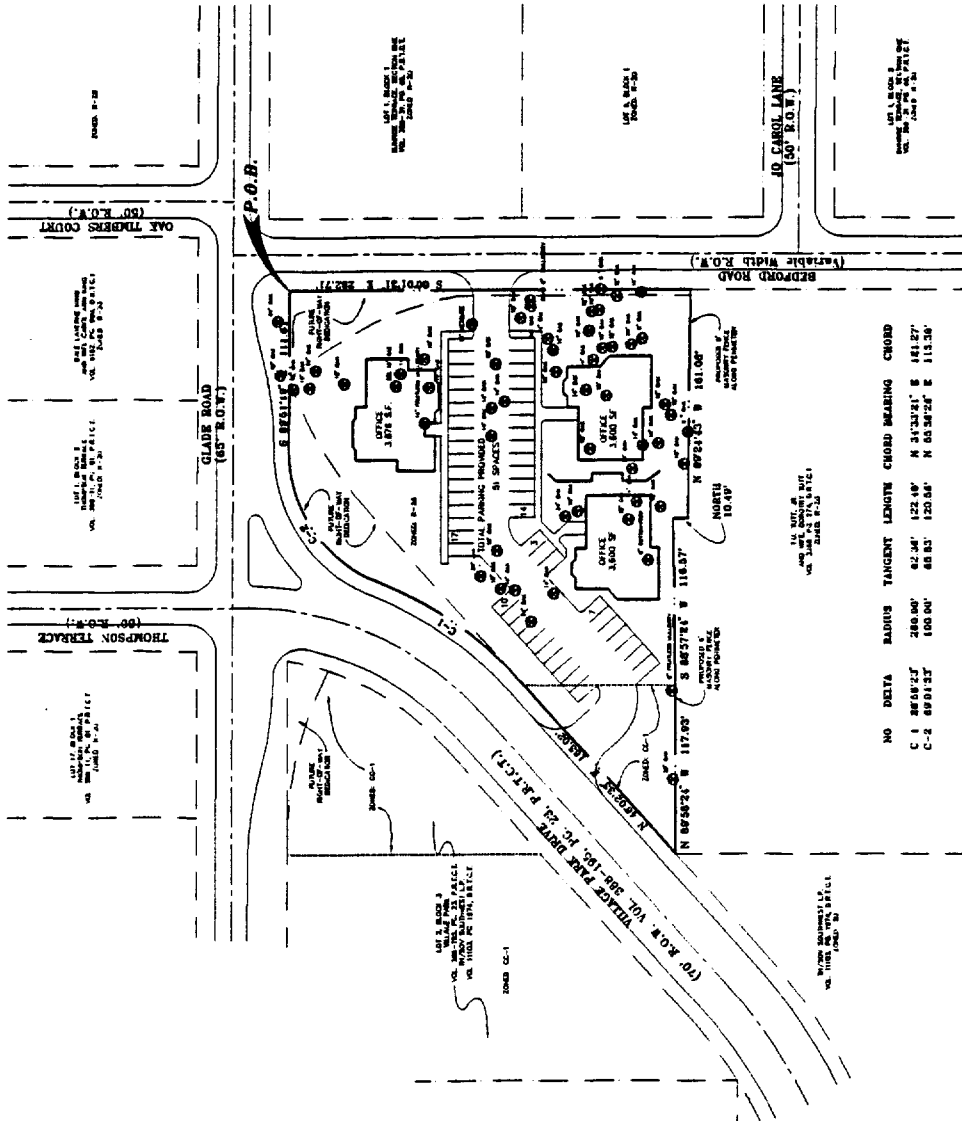
in the

City of Colleyville, Tarrant County, Texas

OFFICE / INTERPRETER:  
CIVIL ENGINEER, L.P.  
RELAYING SURVEYING, L.P.  
COLLEYVILLE, TEXAS 76044  
(817) 440-1200  
FAX (817) 440-1200

ENGINEER & ARCHITECTS  
RELAYING SURVEYING, L.P.  
RELAYING SURVEYING, L.P.  
(817) 440-1200  
FAX (817) 440-1200

187-001 / 187-001 / 187-001



| NO  | DATA     | RADIUS | TANGENT | LENGTH | CHORD  | BEARING    | CHORD  |
|-----|----------|--------|---------|--------|--------|------------|--------|
| C-1 | 89°13' E | 200.71 | 117.93  | 113.30 | 113.30 | N 25°28' E | 113.30 |
| C-2 | 89°13' E | 200.71 | 117.93  | 113.30 | 113.30 | N 25°28' E | 113.30 |

GROSS AREA OF TRACT = 1.6688 ACRES  
ACRES IN R-20 ZONING = 1.6688 ACRES  
GROSS AREA OF TRACT = 1.6688 ACRES  
ACRES IN R-20 ZONING = 1.6688 ACRES  
GROSS AREA OF TRACT = 1.6688 ACRES  
ACRES IN R-20 ZONING = 1.6688 ACRES  
GROSS AREA OF TRACT = 1.6688 ACRES  
ACRES IN R-20 ZONING = 1.6688 ACRES  
GROSS AREA OF TRACT = 1.6688 ACRES  
ACRES IN R-20 ZONING = 1.6688 ACRES

This is a concept plan only. Any building locations and setbacks within 80 feet of the apex of the property lines at Glade Road will be conditioned on a site distance study to be performed separately by the applicant. The ultimate location and setbacks will be determined by the staff.

## ORDINANCE O-96-1024 CONCEPTUAL SITE PLAN ATTACHMENT 2

## **ORDINANCE O-16-1982**

**AMENDING THE ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF COLLEYVILLE, TEXAS, BY CHANGING THE ZONING ON 1.68 ACRES, LOTS 1R, 2, AND 3, BLOCK 1, OF THE VILLAGE PARK ADDITION, LOCATED AT 1001, 1005, AND 1009 GLADE ROAD, FROM THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL DISTRICT TO THE PUD-C-PLANNED UNIT DEVELOPMENT COMMERCIAL DISTRICT; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City of Colleyville has received an application for rezoning under Case ZC16-009; 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; 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; and 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 1.68 acres, Lots 1R, 2, and 3, Block 1 of the Village Park Addition, located at 1001, 1005, and 1009 Glade Road, from the PUD-C-Planned Unit Development Commercial District to the PUD-C-Planned Unit Development Commercial District, as depicted in the attached Exhibit "A" and Exhibit "B".
- Sec. 3. THAT the above described tract of land shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Colleyville as heretofore amended, and as amended herein.
- Sec. 4. THAT the above described tract of land shall be subject to the following conditions:

**1. GENERAL**

- a. The permitted principal land uses of the CPO-Professional Office District, and CN-Neighborhood Commercial District shall be the only permitted land uses on the subject property except as amended by this ordinance.
- b. The following additional land use shall be permitted on the subject property:
  - a. Apparel and Accessory Stores



- c. Upon termination or abandonment of the existing restaurant use, future uses shall thereafter conform to the regulations applicable to the governing zoning ordinance.

- 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 12<sup>th</sup> day of July, 2016.

The second reading and public hearing being conducted on the 19<sup>th</sup> day of July, 2016.

PASSED AND APPROVED BY A VOTE \_\_\_\_ AYES, \_\_\_\_ NAYS, AND \_\_\_\_ ABSTENTIONS ON THIS THE 19TH DAY OF JULY 2016.

|                          |       |                            |       |
|--------------------------|-------|----------------------------|-------|
| Mayor Richard Newton     | _____ | Mayor Pro Tem Chris Putnam | _____ |
| Place 1, Tammy Nakamura  | _____ | Place 5, Nancy Coplen      | _____ |
| Place 2, Bobby Lindamood | _____ | Place 6, Mike Taylor       | _____ |
| Place 4, Jody Short      | _____ |                            |       |

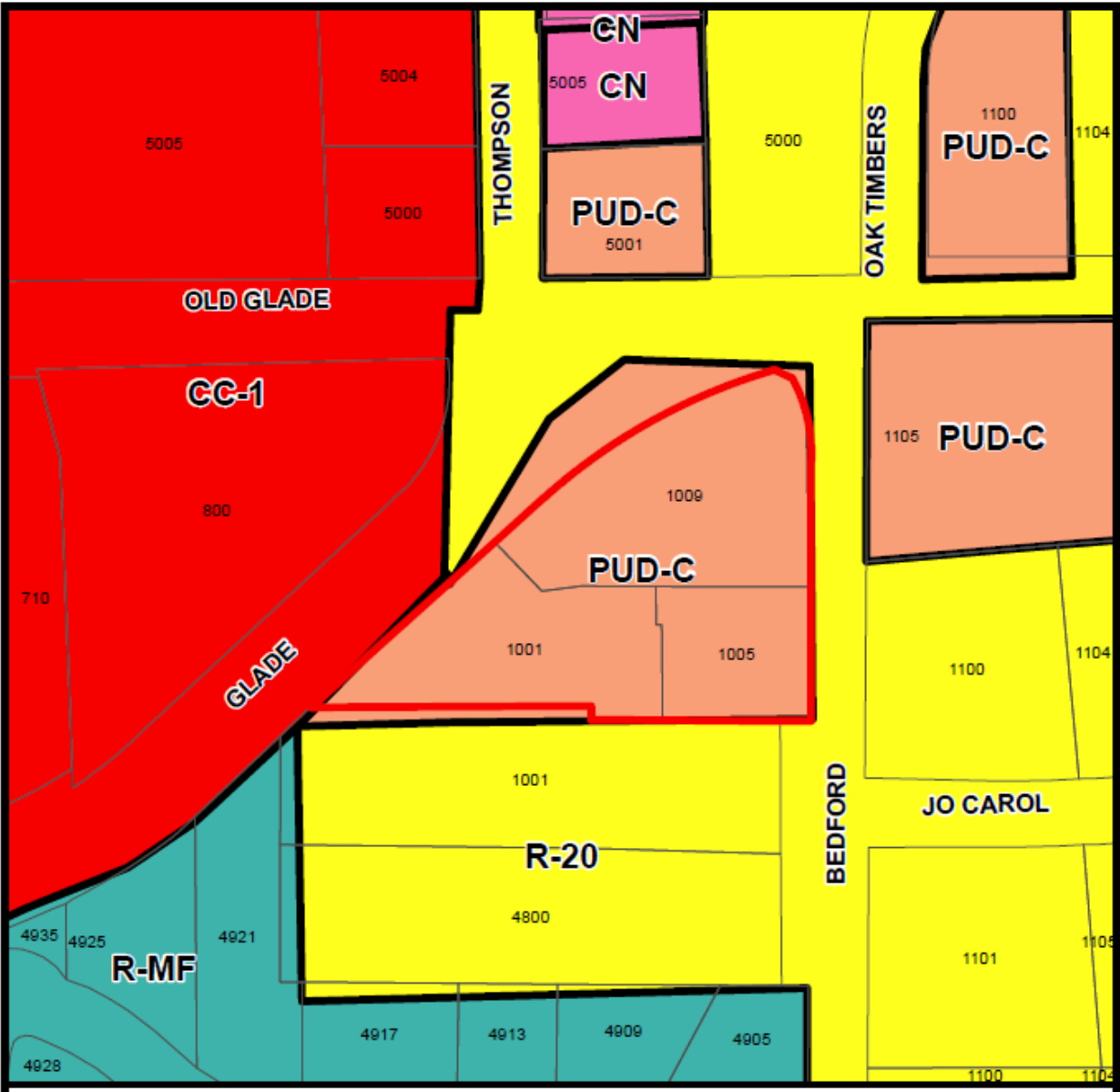
|                |                            |
|----------------|----------------------------|
| <b>ATTEST:</b> | <b>CITY OF COLLEYVILLE</b> |
|----------------|----------------------------|

|                                     |                         |
|-------------------------------------|-------------------------|
| Amy Shelley, TRMC<br>City Secretary | Richard Newton<br>Mayor |
|-------------------------------------|-------------------------|

**APPROVED AS TO FORM AND LEGALITY:**

Matthew C. G. Boyle  
City Attorney

Exhibit “A”- Zoning Map



## Exhibit "B"- Metes & Bounds Description

BEING all that certain tract, parcel, or lot of land located in the T. J. POLSON SURVEY, Abstract No. 1248, Tarrant County, Texas, and more particularly described as follows

BEGINNING at a point at the intersection of the south right-of-way line of Glade Road (a 65 foot right-of-way) and the west right-of-way line of Bedford Road (a variable width right-of-way);

THENCE S 00°01'31" E, 282.71 feet along the west right-of-way line of said Bedford Road;

THENCE departing said west right-of-way line N 89°24'43" W, 161.08 feet to a point;

THENCE North, 10.49 feet to a point;

THENCE S 88°57'24" W, 116.57 feet to a point;

THENCE N 89°58'24" W, 117.93 feet to a point in the southerly right-of-way line of Village Park Drive  
(a 70 foot right-of-way dedicated to the City of Colleyville by plat recorded in Volume 388-195, Page 23, Plat Records, Tarrant County, Texas;

THENCE N 48°02'33" E, 163.02 feet along said right-of-way line to the beginning of a tangent curve to the left, with a central angle of 26°58'23", a radius of 260.00 feet, a tangent length of 62.36 feet, and a long chord which bears N 34°33'21" E, 121.27 feet;

THENCE an arc length of 122.40 feet along said tangent curve and along said right-of-way line to the beginning of a tangent curve to the right, with a central angle of 69°04'33", a radius of 100.00 feet, a tangent length of 68.83 feet, and a long chord which bears N 55°36'26" E, 113.39 feet;

THENCE an arc length of 120.56 feet along said tangent curve to a point in the south right-of-way line of the aforementioned Glade Road;

THENCE S 89°51'19" E, 111.61 feet to the POINT OF BEGINNING, containing 1.6688 Acres (72,692 square feet) of land, more or less.



# City of Colleyville City Council Agenda Briefing

City Hall  
100 Main Street  
Colleyville, Texas 76034  
[www.colleyville.com](http://www.colleyville.com)

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**Agenda Number** 5b

**Agenda Date** 07/19/2016

**Number** Ordinance O-16-1983

**Type** Ordinance

**Department** Finance

---

## **Title**

Authorizing the sale and issuance of \$6,140,000 of General Obligation Refunding Bonds, Series 2016 and providing for the redemption of the obligations being refunded

## **Strategy Map Connection**

F1- Protect and preserve the City's top financial ratings  
F4- Adhere to the City's financial and budgetary policies

## **Explanation**

### ***Second Reading and Public Hearing***

There were no speakers regarding this request at the July 12, 2016, City Council meeting. Mr. Jim Sabonis will be present to discuss the results of the sale.

### ***First Reading and Public Hearing***

Based upon an analysis performed by the City's Financial Advisor, First Southwest, which was presented to City Council at a worksession on June 7, 2016, there is an opportunity for an economic refunding of a portion of the City's general obligation debt supported by ad valorem taxes and TIRZ revenue.

There is \$6,345,000 of the City's debt which is refundable for significant economic savings. Municipal interest rates are at the lowest level in 20 years. Implementation of the projected plan of financing would result in savings reducing future debt service that, starting next year, can be built into the fiscal year 2017 budget. The City has \$3,825,000 of callable 2007 General Obligation Bonds and \$2,520,000 Combination Tax and TIRZ Revenue Bonds outstanding at a net interest cost of 3.96 percent, which can be replaced by debt at an estimated all in cost of 1.85 percent. Under current market conditions, it is estimated to reduce future debt service costs by \$626,575 (\$546,877 Debt Service Fund and \$79,698 in the TIRZ).

At the worksession, City Council directed staff and the financial advisor to proceed with the preparation of the refunding of the bonds. The bonds will be priced for sale at 10:30 a.m. on July 19, 2016. As the sale date is July 19, 2016, and market conditions could improve or deteriorate in the interim, actual transaction savings could vary from the projection. In the event that the market conditions deteriorate to the point the transaction is not economically feasible, the City is not obligated to complete the transaction.

The refunding bonds will not extend the maturity date and will have the same payment dates. Cash flow savings will be structured upfront to capture savings when needed to lower the aggregate debt service requirements (most savings are allocated in fiscal years 2021 - 2027). The "Bond Buyer General Obligation Bond Index" for the second week of May, 2016 was 3.26 percent which is the 20-Year Low.

After review and approval by the Texas Attorney General, the refunding bonds will close on August 18, enabling the City to build the refunding cash flow savings into the fiscal year 2017 budget.

**Financial Impact**

The City has \$3,825,000 of callable 2007 General Obligation Bonds and \$2,520,000 Combination Tax and TIRZ Revenue Bonds outstanding at a net interest cost of 3.96 percent, which can be replaced by debt at an estimated all in cost of 1.85 percent.

Under current market conditions, it is estimated to reduce future debt service costs by \$626,575 (\$546,877 Debt Service Fund and \$79,698 in the TIRZ).

**Recommendation**

Approve

**Attachments**

1. City of Colleyville Refunding Opportunity Presentation
2. General Obligation Refunding Memo (June 2nd)
3. Preliminary financial analysis of bond refunding
4. Municipal Market Journal (July 5th)
5. General Obligation Refunding Memo - UPDATE (July 6th)
6. Ordinance O-16-1983



## Contact

**Jim Sabonis**  
Managing Director  
1201 Elm Street, Suite 3500  
Dallas, Texas 75270  
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Fax: 214.953.4050  
[jim.sabonis@hilltopsecurities.com](mailto:jim.sabonis@hilltopsecurities.com)

**Andre Ayala**  
Vice President  
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**Jorge Delgado**  
Associate  
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Dallas, Texas 75270  
Direct: 214.859.1714  
Fax: 214.953.4050  
[jorge.delgado@hilltopsecurities.com](mailto:jorge.delgado@hilltopsecurities.com)



## General Obligation Refunding Bonds, Series 2016

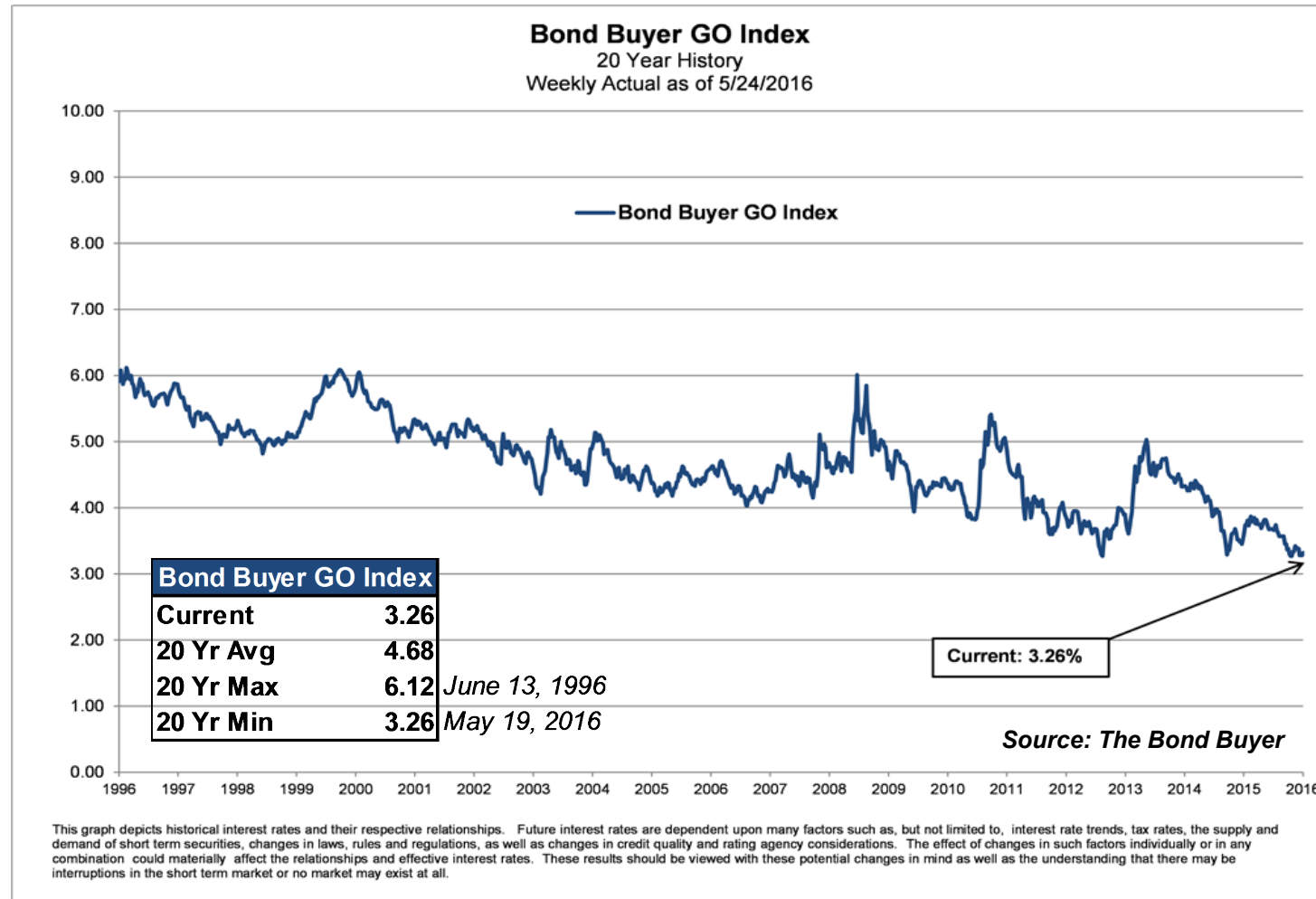
## City of Colleyville, Texas

June 1, 2016

*Preliminary; For Purposes of Discussion Only*



# Market Update (Bond Buyer GO Index)



- Tax-exempt municipal interest rates remain under the 20-year historical averages.
- Fed policy, lack of bonds supply and economic conditions have contributed to recent downward movements in interest rates.
- The GO Bond Buyer Index hit the 20-Year Low of 3.26% on May 19, 2016

## Existing Debt – General Obligation Debt

| Series | Name                                                    | Amount Issued       | Amount Outstanding         | Interest Rates | Call Date                      | Final Maturity |
|--------|---------------------------------------------------------|---------------------|----------------------------|----------------|--------------------------------|----------------|
| 2006   | General Obligation Refunding Bonds                      | \$4,895,000         | \$1,545,000                | 3.64%          | Make Whole Call <sup>(1)</sup> | 2/15/2019      |
| 2007*  | General Obligation Bonds                                | \$4,575,000         | \$3,975,000 <sup>(2)</sup> | 4.00% - 5.00%  | 2/15/2017                      | 2/15/2027      |
| 2011*  | Combination Tax & Tax Increment Revenue Refunding Bonds | \$5,255,000         | \$2,520,000 <sup>(3)</sup> | 2.00% - 4.00%  | Currently Callable             | 2/15/2020      |
| 2011   | General Obligation Refunding Bonds                      | \$2,945,000         | \$630,000                  | 2.00% - 4.00%  | Non Callable                   | 2/15/2020      |
|        |                                                         | <b>\$17,670,000</b> | <b>\$8,670,000</b>         |                |                                |                |

\*Refunding Candidates

### NOTES:

(1) Callable in whole or in part on any date @ par plus a Redemption Premium. The Redemption Premium shall be equal to the greater of (i) zero or (ii) the Mark-to-Market Adjustment as specified in the Ordinance.

(2) \$3,825,000 of the currently outstanding amount are callable bonds.

(3) \$2,520,000 of the currently outstanding amount are callable bonds.

## **Refinancing of Outstanding Debt**



- The City currently has the opportunity to refund \$3,825,000 of the outstanding General Obligation Bonds, Series 2007 and \$2,520,000 of the outstanding Combination Tax & Tax Increment Revenue Refunding Bonds, Series 2011 for debt service savings.
- The City can issue tax-exempt General Obligation Refunding Bonds
- The refunding of the Series 2007 bonds would be an “advance” refunding for IRS purposes if the refunding escrow is funded more than 90 days prior to the 2/15/2017 call date. The Series 2007 bonds are eligible for advance refunding.
- The Series 2011 bonds are currently callable and are eligible to be refunded on a current basis.
- The refunding bonds can be issued as Bank Qualified for lower interest rates (fixed interest rates)

# Refunding of Series 2007 & 2011



| <u>A</u>                  | <u>B</u>                                 | <u>C</u>                                   | <u>D</u>                                | <u>E</u>                                                                                                   | <u>F</u>   | <u>G</u>     | <u>H</u>                      | <u>I</u>                                            |
|---------------------------|------------------------------------------|--------------------------------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------------|------------|--------------|-------------------------------|-----------------------------------------------------|
| Fiscal Year Ending 30-Sep | Existing General Obligation Debt Service | Less: Refunded Debt Service <sup>(1)</sup> | NET NEW General Obligation Debt Service | \$6,140,000 General Obligation Refunding Bonds, Series 2016 <sup>(2)</sup><br>Estimated All-in TIC = 1.85% |            |              | Estimated NEW GO Debt Service | Estimated Gross Debt Service Savings <sup>(3)</sup> |
|                           |                                          |                                            |                                         | Principal                                                                                                  | Interest   | Total D/S    |                               |                                                     |
| 2016                      | \$ 1,703,683                             | \$ -                                       | \$ 1,703,683                            | \$ -                                                                                                       | \$ -       | \$ -         | \$ 1,703,683                  | \$ -                                                |
| 2017                      | 1,697,829                                | 832,650                                    | 865,179                                 | 630,000                                                                                                    | 154,251    | 784,251      | 1,649,430                     | 48,399                                              |
| 2018                      | 1,680,813                                | 976,425                                    | 704,388                                 | 795,000                                                                                                    | 141,350    | 936,350      | 1,640,738                     | 40,075                                              |
| 2019                      | 1,693,228                                | 973,400                                    | 719,828                                 | 805,000                                                                                                    | 125,350    | 930,350      | 1,650,178                     | 43,050                                              |
| 2020                      | 1,139,700                                | 966,300                                    | 173,400                                 | 865,000                                                                                                    | 104,325    | 969,325      | 1,142,725                     | (3,025)                                             |
| 2021                      | 541,700                                  | 541,700                                    | -                                       | 395,000                                                                                                    | 85,425     | 480,425      | 480,425                       | 61,275                                              |
| 2022                      | 544,700                                  | 544,700                                    | -                                       | 410,000                                                                                                    | 73,350     | 483,350      | 483,350                       | 61,350                                              |
| 2023                      | 546,900                                  | 546,900                                    | -                                       | 420,000                                                                                                    | 60,900     | 480,900      | 480,900                       | 66,000                                              |
| 2024                      | 553,200                                  | 553,200                                    | -                                       | 435,000                                                                                                    | 48,075     | 483,075      | 483,075                       | 70,125                                              |
| 2025                      | 558,500                                  | 558,500                                    | -                                       | 450,000                                                                                                    | 34,800     | 484,800      | 484,800                       | 73,700                                              |
| 2026                      | 562,800                                  | 562,800                                    | -                                       | 460,000                                                                                                    | 21,150     | 481,150      | 481,150                       | 81,650                                              |
| 2027                      | 566,100                                  | 566,100                                    | -                                       | 475,000                                                                                                    | 7,125      | 482,125      | 482,125                       | 83,975                                              |
| 2028                      | -                                        | -                                          | -                                       | -                                                                                                          | -          | -            | -                             | -                                                   |
| 2029                      | -                                        | -                                          | -                                       | -                                                                                                          | -          | -            | -                             | -                                                   |
| 2030                      | -                                        | -                                          | -                                       | -                                                                                                          | -          | -            | -                             | -                                                   |
|                           | \$ 11,789,153                            | \$ 7,622,675                               | \$ 4,166,478                            | \$ 6,140,000                                                                                               | \$ 856,101 | \$ 6,996,101 | \$ 11,162,579                 | \$ 626,574                                          |

- 1) Includes General Obligation Bonds, Series 2007 and Combination Tax & Tax Increment Revenue Refunding Bonds, Series 2011.
- 2) Assumes bond issuance in July 2016 and closing on August 18, 2016 for discussion purposes only. Interest cost includes all financing costs and is subject to change at anytime. Bond Pricing Assumes "AAA/AAA" Bank Qualified interest rates.
- 3) Gross Savings are discounted at the All-in true Interest Cost shown above to obtain the Present Value savings which are estimated at \$555,669 or 8.76% of the refunded par amount.

**Preliminary; For Purposes of Discussion Only**

CITY OF COLLEYVILLE, TEXAS

# Refunding of Series 2007 & 2011



| Summary Statistics – General Obligation Refunding Bonds, Series 2016 <sup>(1)</sup> |                                                                  |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------|
| Assumed Delivery Date                                                               | August 18, 2016                                                  |
| Series Refunded                                                                     | Series 2011 & Series 2007                                        |
| Par Amount of Refunded Bonds                                                        | \$6,345,000                                                      |
| Refunded Bonds' Call Date                                                           | Series 2011 Callable 2/15/2017<br>Series 2007 Callable 2/15/2016 |
| Average Coupon of Prior Debt                                                        | 3.96%                                                            |
| All-in True Interest Cost                                                           | 1.85%                                                            |
| Total Gross Savings                                                                 | \$626,574                                                        |
| Average Annual Savings                                                              | \$56,961 (FY 2017-2027)                                          |
| Present Value (PV) Savings                                                          | \$555,669                                                        |
| PV Savings as a % of Refunded Bonds                                                 | 8.76%                                                            |
| Negative Arbitrage (Opportunity Cost)                                               | \$17,278                                                         |
| Refunding Efficiency                                                                | 96.98%                                                           |

(1) "AAA/AAA" Bank Qualified Interest Rates. Subject to change at anytime

# Preliminary Schedule of Events<sup>(1)</sup>



| General Obligation Refunding Bonds, Series 2016 |                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| June 7, 2016                                    | <ul style="list-style-type: none"><li>▪ Presentation of Series 2016 Plan of Finance to City Council</li><li>▪ City Council considers Plan of Finance and instructs staff and consultants to proceed with the General Obligation Refunding Bonds, Series 2016 (the "Bonds")</li></ul> |
| June 22, 2016                                   | <ul style="list-style-type: none"><li>▪ Bond Rating conference calls</li></ul>                                                                                                                                                                                                       |
| July 12, 2016                                   | <ul style="list-style-type: none"><li>▪ City Council has first reading of Ordinance authorizing the issuance of the Bonds</li></ul>                                                                                                                                                  |
| July 19, 2016                                   | <ul style="list-style-type: none"><li>▪ Pricing of the Bonds</li><li>▪ City Council approves an Ordinance authorizing the issuance of the Bonds</li></ul>                                                                                                                            |
| August 18, 2016                                 | <ul style="list-style-type: none"><li>▪ Closing of debt issue and delivery of funds to escrow agent</li></ul>                                                                                                                                                                        |
| February 15, 2017 <sup>(2)</sup>                | <ul style="list-style-type: none"><li>▪ Redemption of General Obligation Bonds, Series 2007</li></ul>                                                                                                                                                                                |

(1) Subject to change at anytime.

(2) Combination Tax & Tax Increment Revenue Refunding Bonds, Series 2011 are currently callable and will be redeemed shortly after closing.

# Discussion, Direction and Next Steps

*Questions?*



## Memorandum

**Jim Sabonis**

Managing Director

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**Andre Ayala**

Vice President

[andre.ayala@hilltopsecurities.com](mailto:andre.ayala@hilltopsecurities.com)

**Date:** June 2, 2016

**To:** Brian Hogan, CPA, CGFO  
CFO/Director of Finance

**Re:** Refunding of Colleyville General Obligation Bonds Series 2007 and Combination Tax & Tax Increment Revenue Refunding Bonds, Series 2011

The City of Colleyville, Texas (the “City”) has the opportunity to refund \$3,825,000 of the outstanding General Obligation Bonds, Series 2007 (the “2007 Bonds”) and \$2,520,000 of the outstanding Combination Tax & Tax Increment Revenue Refunding Bonds, Series 2011 (the “2011 Bonds”) for debt service savings. The 2007 Bonds have a coupon rate of 4.00% and are callable on February 15, 2017 at par. The 2011 Bonds have coupon rates ranging from 3.00% - 4.00% and are currently callable at par. Based on current market conditions, refunding bonds can be issued on a tax-exempt basis at an all in cost of 1.85% which would results in gross debt service savings of approximately \$626 thousand or present value savings of approximately \$555 thousand or 8.76% of the refunded debt. The following tables summarize the projected refunding transaction and financial impact to the City as well as the proposed implementation timeframe and action items:

| Refunding Statistics*                    | General Obligation Refunding Bonds, Series 2016 |
|------------------------------------------|-------------------------------------------------|
| <b>Refunded Par Amount</b>               | \$6,345,000                                     |
| <b>Refunded Maturities</b>               | 2017-2027                                       |
| <b>Gross Savings</b>                     | \$626,574                                       |
| <b>Net Present Value Savings</b>         | \$555,669                                       |
| <b>PV Savings as % of Refunded Bonds</b> | 8.76%                                           |
| <b>Average Annual Savings</b>            | \$56,961 (FY 2017-2027)                         |
| <b>Savings Discount Rate</b>             | 1.85%                                           |
| <b>Average Coupon Rate of New Debt</b>   | 2.88%                                           |

\*Assumes a competitive sale on July 19, 2016. Preliminary; Subject to change at any time.

| Date                                 | Event/Action Item                                                                                                                   |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>Tuesday, June 7, 2016</b>         | <b>City Council Considers Plan of Finance and Directs Staff to proceed with Refunding</b>                                           |
| <b>Tuesday, July 12, 2016</b>        | <b>City Council has first reading of Ordinance authorizing the issuance of the Refunding Bonds</b>                                  |
| <b>Tuesday, July 19, 2016</b>        | Competitive Pricing of Refunding Bonds<br><b>City Council Approves an Ordinance authorizing the issuance of the Refunding Bonds</b> |
| <b>Thursday, August 18, 2016</b>     | Closing and Delivery of funds to Escrow Agent                                                                                       |
| <b>Wednesday, February 15, 2017*</b> | Redemption of Series 2007 Issue                                                                                                     |

\*Series 2011 are currently callable and will be redeemed shortly after closing.

\*\*Bold type indicates Council Action Items.

**City of Colleyville, Texas**

*TIRZ Portion - Level Savings Scenario*

**DRAFT for discussion purposes only**

| <u>A</u>                  | <u>B</u>                             | <u>C</u>                                   | <u>D</u>                            | <u>E</u>                                                                                                             | <u>F</u>   | <u>G</u>     | <u>H</u>                        | <u>I</u>                                    |
|---------------------------|--------------------------------------|--------------------------------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------|--------------|---------------------------------|---------------------------------------------|
| Fiscal Year Ending 30-Sep | Existing TIRZ Supported Debt Service | Less: Refunded Debt Service <sup>(1)</sup> | NET NEW TIRZ Supported Debt Service | \$2,510,000<br>General Obligation Refunding Bonds, Series 2016 <sup>(2)</sup><br><i>Estimated All-in TIC = 1.80%</i> |            |              | Estimated NEW TIRZ Debt Service | <i>Estimated Gross Debt Service Savings</i> |
|                           |                                      |                                            |                                     | Principal                                                                                                            | Interest   | Total D/S    |                                 |                                             |
| 2016                      | \$ 682,425                           | \$ -                                       | \$ 682,425                          | \$ -                                                                                                                 | \$ -       | \$ -         | \$ 682,425                      | \$ -                                        |
| 2017                      | 679,650                              | 679,650                                    | -                                   | 610,000                                                                                                              | 50,128     | 660,128      | 660,128                         | 19,523                                      |
| 2018                      | 676,425                              | 676,425                                    | -                                   | 615,000                                                                                                              | 38,350     | 653,350      | 653,350                         | 23,075                                      |
| 2019                      | 679,400                              | 679,400                                    | -                                   | 635,000                                                                                                              | 25,850     | 660,850      | 660,850                         | 18,550                                      |
| 2020                      | 678,300                              | 678,300                                    | -                                   | 650,000                                                                                                              | 9,750      | 659,750      | 659,750                         | 18,550                                      |
| 2021                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2022                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2023                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2024                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2025                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2026                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2027                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2028                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2029                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
| 2030                      | -                                    | -                                          | -                                   | -                                                                                                                    | -          | -            | -                               | -                                           |
|                           | \$ 3,396,200                         | \$ 2,713,775                               | \$ 682,425                          | \$ 2,510,000                                                                                                         | \$ 124,078 | \$ 2,634,078 | \$ 3,316,503                    | \$ 79,698                                   |

*Assumptions:*

(1) Includes TIRZ Supported Portion of Combination Tax & Tax Increment Revenue Refunding Bonds, Series 2011.

(2) Assumes bond issuance in July 2016 and closing on August 18, 2016 for discussion purposes only. Interest cost includes all financing costs.

Bond Pricing Assumes "AAA/AAA" Bank Qualified interest rates.

**Preliminary; Subject to change at anytime**

**City of Colleyville, Texas**
*I&S Tax Supported Portion - Structured Savings Scenario*
**DRAFT for discussion purposes only**

| <u>A</u>                  | <u>B</u>                                | <u>C</u>                                   | <u>D</u>                                | <u>E</u>                                                                                                             | <u>F</u>   | <u>G</u>     | <u>H</u>                                 | <u>I</u>                             |
|---------------------------|-----------------------------------------|--------------------------------------------|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------|--------------|------------------------------------------|--------------------------------------|
| Fiscal Year Ending 30-Sep | Existing I&S Tax Supported Debt Service | Less: Refunded Debt Service <sup>(1)</sup> | NET NEW General Obligation Debt Service | \$3,630,000<br>General Obligation Refunding Bonds, Series 2016 <sup>(2)</sup><br><i>Estimated All-in TIC = 1.80%</i> |            |              | Estimated I&S Tax Supported Debt Service | Estimated Gross Debt Service Savings |
|                           |                                         |                                            |                                         | Principal                                                                                                            | Interest   | Total D/S    |                                          |                                      |
| 2016                      | \$ 521,016                              | \$ -                                       | \$ 521,016                              | \$ -                                                                                                                 | \$ -       | \$ -         | \$ 521,016                               | \$ -                                 |
| 2017                      | 514,317                                 | 153,000                                    | 361,317                                 | 20,000                                                                                                               | 104,123    | 124,123      | 485,440                                  | 28,877                               |
| 2018                      | 502,543                                 | 300,000                                    | 202,543                                 | 180,000                                                                                                              | 103,000    | 283,000      | 485,543                                  | 17,000                               |
| 2019                      | 504,728                                 | 294,000                                    | 210,728                                 | 170,000                                                                                                              | 99,500     | 269,500      | 480,228                                  | 24,500                               |
| 2020                      | 461,400                                 | 288,000                                    | 173,400                                 | 215,000                                                                                                              | 94,575     | 309,575      | 482,975                                  | (21,575)                             |
| 2021                      | 541,700                                 | 541,700                                    | -                                       | 395,000                                                                                                              | 85,425     | 480,425      | 480,425                                  | 61,275                               |
| 2022                      | 544,700                                 | 544,700                                    | -                                       | 410,000                                                                                                              | 73,350     | 483,350      | 483,350                                  | 61,350                               |
| 2023                      | 546,900                                 | 546,900                                    | -                                       | 420,000                                                                                                              | 60,900     | 480,900      | 480,900                                  | 66,000                               |
| 2024                      | 553,200                                 | 553,200                                    | -                                       | 435,000                                                                                                              | 48,075     | 483,075      | 483,075                                  | 70,125                               |
| 2025                      | 558,500                                 | 558,500                                    | -                                       | 450,000                                                                                                              | 34,800     | 484,800      | 484,800                                  | 73,700                               |
| 2026                      | 562,800                                 | 562,800                                    | -                                       | 460,000                                                                                                              | 21,150     | 481,150      | 481,150                                  | 81,650                               |
| 2027                      | 566,100                                 | 566,100                                    | -                                       | 475,000                                                                                                              | 7,125      | 482,125      | 482,125                                  | 83,975                               |
| 2028                      | -                                       | -                                          | -                                       | -                                                                                                                    | -          | -            | -                                        | -                                    |
| 2029                      | -                                       | -                                          | -                                       | -                                                                                                                    | -          | -            | -                                        | -                                    |
| 2030                      | -                                       | -                                          | -                                       | -                                                                                                                    | -          | -            | -                                        | -                                    |
|                           | \$ 6,377,904                            | \$ 4,908,900                               | \$ 1,469,004                            | \$ 3,630,000                                                                                                         | \$ 732,023 | \$ 4,362,023 | \$ 5,831,027                             | \$ 546,877                           |

**Assumptions:**

(1) Includes I&amp;S Tax Supported GO Bonds, Series 2007.

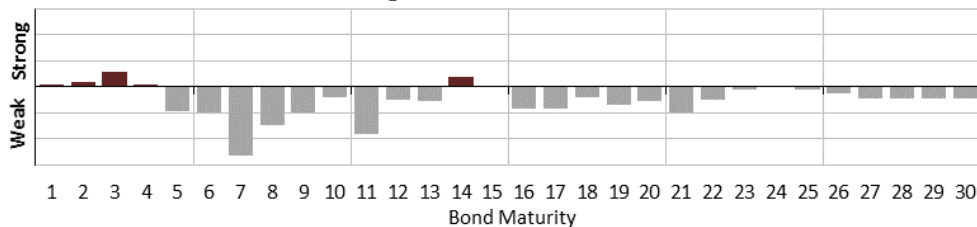
(2) Assumes bond issuance in July 2016 and closing on August 18, 2016 for discussion purposes only. Interest cost includes all financing costs.

Bond Pricing Assumes "AAA/AAA" Bank Qualified interest rates.

**Preliminary; Subject to change at anytime**

# MUNICIPAL MARKET JOURNAL

Strong or Weak Market for Bond Sellers



MMA 5% AAA Benchmark

|       | 7/1/2016 | 6/24/2016 | Change |
|-------|----------|-----------|--------|
| 2-yr  | 0.53%    | 0.54%     | -1     |
| 5-yr  | 0.89%    | 0.91%     | -2     |
| 10-yr | 1.38%    | 1.43%     | -5     |
| 30-yr | 2.16%    | 2.24%     | -8     |

The last week of 2Q and ahead of the July 4 holiday, municipal activity waned and pricing power waned. Low absolute yields were still attractive to issuers but certainly not to the degree of a week earlier. In fact, had the municipal market not experienced an explosive 2-day price improvement after the Brexit result, yields would have been higher in the 2nd half of the month—a historical anomaly. Brexit created a global investor demand for duration and long maturing bonds.

## MARKET UPDATE

The start of 3Q16 has brought another wave of generic risk-off trading that benefits bonds and signaled good potential for record low yields.

## HIGHLIGHTS

- US bond prices rose again last week as the financial markets' response to Brexit continues to unfold.
- Tax-exempt yields started strong on Monday, falling up to 9bps along a steeper curve. Trading was generally light thereafter, allowing municipals to generally ignore mid-week volatility in UST while shepherding earlier gains into quarter end.
- Still, the combined US Treasury/Brexit/Puerto Rico uncertainty (not to mention new record low nominal yields) were sufficient to briefly trouble the primary market. Massachusetts' \$676M bond sale needed several rounds of price cuts (i.e. higher yields) to fully clear.
- By the end of the week, recent new issues were once again trading up to higher prices but the broader market remained flat. With US Treasuries again rallying, in particular on Friday, municipal-to-Treasury yield ratios rose sharply, finishing the week at their highest point since mid-June. This ratio rise assisted in enticing alternative and taxable accounts to the municipal market.
- "Cheap" ratios have bolstered municipal demand today as US Treasuries begin the week with another risk-off rally. New stimulus measures in Britain, along with weak economic indicators out of the EU continued to produce a strong environment for bonds.
- In addition, there is global investor demand for longer duration in order to participate in the bond rally and to maintain portfolio alignment with performance indices. This has intensified the demand for long maturing US Treasury and municipal bonds.
- Also, strong recent (record) municipal mutual fund inflows appeared biased to continue, even though nominal yields resumed their downward momentum. Fund recorded their 39th week of inflows.
- Friday's defaults by Puerto Rico passed almost unnoticed by the broader market. Puerto Rico bond prices actually rose on the week, taking cues from the passage of PROMESA and its promise of a credible counterparty in restructuring negotiations to come later this year.

MMA Municipal Price Performance: July

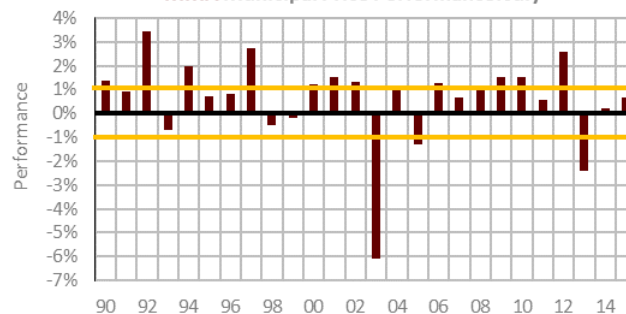


Figure 1: Historically July has been positive for municipal price gains since 1990. A good time for municipal issuers.

Primary Issuance Change vs. Annual Total Issuance (By Era of Demand)

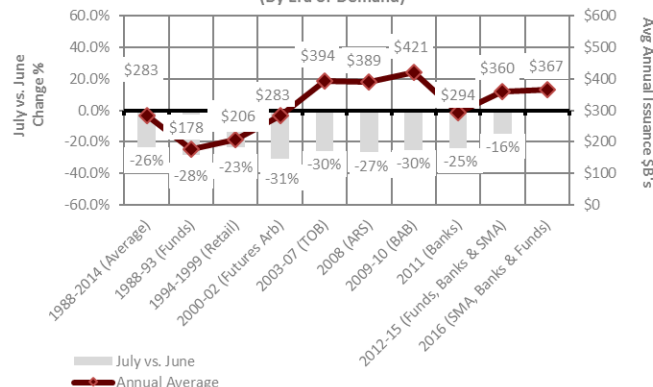


Figure 2: Some of the favorable price performance and lower yields has been the historical tendency for July issuance to be -26.0% less than June.

Fixed-Income Curves: 2s/30s Term Spread (bps)



Figure 3: Curve flattening has assisted issuance of longer maturities.

## PUERTO RICO DEFAULTS—IMPLICATIONS FOR THE BROADER MARKET

While details are still a bit thin, the new July 1st payment defaults on Puerto Rico's GO and other debts have doubled the par amount of US municipal bonds currently in payment default (to \$40.3B). The current US municipal default rate (or, par associated with an uncured payment default divided by all par outstanding) is now 1.08%, up from 0.54% on 6/30/16. Excluding Puerto Rico, the current municipal default rate is just 0.36%. This was also the largest payment default in the municipal market's history.

Immediate implications for the market at large are likely temporary if they arise at all. Longer term implications are less benign but still diffuse. The massive increase in the default rate makes our sector's risk profile appear closer that of corporate bonds and is likely to restrain some element of investor demand in the future. It is also likely to drive several years' worth of reporting on "The Next Puerto Rico" as did Detroit's bankruptcy in 2013. **MMA** expects that state and local issuers' generally deteriorating credit conditions will provide no shortage of candidates, amplifying headline-driven volatility. This spectacular miss on the GO securities will do little to stop the reorientation of institutional investors away from GOs and toward secured revenue bonds and structures. State and local issuers, already being lobbied to add secured liens and special revenue status to their tax-backed offerings, will feel incremental pressure to hurry that process along. Finally, **MMA** expects that a likely wave of retail investor lawsuits against the broker/dealer community could advance more restrictive suitability policies for municipal bonds, narrowing the universe of investors.

More importantly, the political frictions created in the process to craft and adopt the new PROMESA law have sharply increased the risk of Congressional intervention in the municipal market in our opinion. Participants should anticipate congressional hearings over the next year to deliberate new restraints on market function and/or new transparency requirements for issuers and their counterparties. Puerto Rico is a disaster for the municipal market's legal status quo, graphically illustrating: 1) the ineffectiveness of the market's existing disclosure regime; 2) the susceptibility of the primary market to reckless (and perhaps fraudulent) issuer behavior; and 3) the current system's structural mitigation of investor discipline. Noting an uptick in election-year calls for tax reform, the persistent lobby of P3 proponents against the tax-exempt market, and the recent, more adversarial positioning of Congressional Democrats vis-à-vis Puerto Rico bondholders, it is increasingly difficult to assume that changes to municipal market structure are unlikely in the long term.

## IMPACTFUL BOND DEALS AND ASSOCIATED TRADING

*Below are **four** new primary deals that have impacted the market recently with associated secondary trading dynamics:*

### Washington

6/28: **Washington** sold \$531M various purpose general obligation refunding bonds to **Bank of America Merrill Lynch**; Aa1/AA+/AA+; callable at par in 8/1/2026:

**Pricing Notes:** The state sold 4 GO deals totaling nearly \$1.3B; BAML won the largest series with a true interest cost of 2.24%.

| Maturity | Coupon | Yield | +/- AAA 5% |
|----------|--------|-------|------------|
| 2021     | 5.00   | 1.04  | +16        |
| 2026     | 5.00   | 1.61  | +25        |
| 2034     | 5.00   | 2.07  | +19        |

**Secondary Trading:** On Thursday, several maturities broke into the secondary at higher yields; 5s of 2020 broke 12 bps weaker than orig.

### Massachusetts

6/29: **Bank of America Merrill Lynch** priced \$728M general obligation refunding bonds for **Massachusetts**; Aa1/AA+/AA+; callable at par in 7/1/2026, except 2027 & 2028 which are non-callable:

**Pricing Notes:** The deal was upsized following a retail order period and then upsized an additional \$50M during institutional re-pricing.

| Maturity | Coupon | Yield | +/- AAA 5% |
|----------|--------|-------|------------|
| 2022     | 5.00   | 1.19  | +21        |
| 2026     | 5.00   | 1.59  | +22        |
| 2038     | 5.00   | 2.18  | +14        |

**Secondary Trading:** On Friday, several maturities traded 4 basis points firmer than originals; 5s of 2031 at 1.86% vs. 1.90% orig.

### South Carolina PSA

6/29: **Barclays Capital Inc.** priced \$823M Santee Cooper revenue obligations for the **SC Public Service Authority**; A1/AA-/A+; Series B consists of \$501M tax-exempt bonds; callable at par in 12/1/2026:

**Pricing Notes:** The bonds were generally offered with 5% coupons and re-priced without yield changes on most maturities.

| Maturity | Coupon | Yield | +/- AAA 5% |
|----------|--------|-------|------------|
| 2031     | 5.00   | 2.20  | +48        |
| 2046     | 5.00   | 2.57  | +41        |
| 2056     | 5.00   | 2.87  | NA         |

**Secondary Trading:** On Friday, the 30-year bond broke into the secondary 3 basis points firmer than originals.

### San Antonio, TX

6/28: **Bank of America Merrill Lynch** priced \$544M electric and gas systems revenue refunding bonds for **San Antonio, TX**; Aa1/AA+/AA+; callable at par in 8/1/2026:

**Pricing Notes:** Bonds were re-priced with minor bumps in spots including a 1 basis point bump on the 10-yr bond with a 5% coupon.

| Maturity | Coupon | Yield | +/- AAA 5% |
|----------|--------|-------|------------|
| 2021     | 5.00   | 0.96  | +8         |
| 2026     | 5.00   | 1.53  | +17        |
| 2034     | 4.00   | 2.32  | +44        |

**Secondary Trading:** On Thursday, 5s of 2032 broke 1 bp weaker than originals but on Monday the bond traded 7 bps firmer than orig.

## Memorandum

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Associate

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**Date:** July 6, 2016

**To:** Brian Hogan, CPA, CGFO  
CFO/Director of Finance

**Re:** Refunding of Colleyville General Obligation Bonds Series 2007 and Combination Tax & Tax Increment Revenue Refunding Bonds, Series 2011

The City of Colleyville, Texas (the “City”) is in the process of economically refunding \$3,825,000 of General Obligation Bonds, Series 2007 and \$2,520,000 of Combination Tax & Tax Increment Revenue Refunding Bonds, Series 2011 for debt service savings. The 2007 Bonds have a coupon rate of 4.00% and are callable on February 15, 2017 at par. The 2011 Bonds have coupon rates ranging from 3.00% to 4.00% and are currently callable at par.

The presentation made to the City Council on June 7, 2016 estimated to have an all in cost of 1.85% which would result in gross debt service savings of approximately \$626 thousand or present value savings of approximately \$555 thousand or 8.76% of the refunded debt.

The City’s bond rating is “AAA”, current interest rates are at or near historical lows, and the bond market has significant liquidity along with a demand for highly rated Texas bank qualified tax-exempt debt. Therefore, it is expected that the proposed refunding bond issuance will be a very competitive, successful bond sale with the results exceeding the projected debt service savings.

The following table summarizes the proposed implementation timeframe and action items:

| Date                                | Event/Action Item                                                                                                                   |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <b>Tuesday, July 12, 2016</b>       | <b>City Council has first reading of Ordinance authorizing the issuance of the Refunding Bonds</b>                                  |
| <b>Tuesday, July 19, 2016</b>       | Competitive Pricing of Refunding Bonds<br><b>City Council Approves an Ordinance authorizing the issuance of the Refunding Bonds</b> |
| <b>Thursday, August 18, 2016</b>    | Closing and Delivery of funds to Escrow Agent                                                                                       |
| <b>Thursday, August 25, 2016</b>    | Redemption of Series 2011 Issue                                                                                                     |
| <b>Wednesday, February 15, 2017</b> | Redemption of Series 2007 Issue<br>1 <sup>st</sup> Payment on Refunding Bonds                                                       |
| <b>February 15, 2027</b>            | Final Payment of Refunding Bonds – Matches Refunded Bond Maturity                                                                   |

*\*Bold type indicates Council Action Items.*

ORDINANCE NO. O-16-1983

AN ORDINANCE authorizing the issuance of "CITY OF COLLEYVILLE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016," specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Special Escrow Agreement, and the approval and distribution of an Official Statement pertaining thereto; and providing an effective date.

WHEREAS, the City Council (the "Council") of the City of Colleyville, Texas (the "City"), has heretofore issued, sold and delivered, and there are currently outstanding obligations totaling in principal amount of \$6,345,000, of the following issues (hereinafter collectively called the "Refunded Obligations"), to wit:

(1) "City of Colleyville, Texas, General Obligation Bonds, Series 2007," dated March 1, 2007, maturing February 15 in each of the years 2019 through 2027, and aggregating in the principal amount of \$3,825,000 (the "Series 2005 Refunded Bonds"); and

(2) "City of Colleyville, Texas, Combination Tax and Tax Increment Revenue Refunding Bonds, Series 2011", dated February 15, 2011, maturing February 15 in each of the years 2017 through 2020, and aggregating in the principal amount of \$2,520,000 (the "Series 2011 Refunded Bonds");

WHEREAS, pursuant to the provisions of Texas Government Code, Chapter 1207, as amended, the Council is authorized to issue refunding bonds and deposit the proceeds of the sale thereof directly with the place of payment for the Refunded Obligations, and such deposit, when made in accordance with said statute, shall constitute the making of firm banking and financial arrangements for the discharge and final payment of the Refunded Obligations; and

WHEREAS, the Council hereby finds and determines that the Refunded Obligations should be refunded at this time in order to achieve a savings of \$\_\_\_\_\_ in debt service payments on such indebtedness, and the refunding will further provide a net present value benefit to the City of \$\_\_\_\_\_; and

WHEREAS, the Council hereby finds and determines that the Refunded Obligations are scheduled to mature, or are subject to being redeemed, not more than twenty (20) years from the date of the refunding bonds herein authorized; now, therefore,

**BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE:**

**SECTION 1. Authorization - Designation - Principal Amount - Purpose.** General obligation bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$\_\_\_\_\_ to be designated and bear the title "CITY OF COLLEYVILLE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016" (the "Bonds"), for the purpose of providing funds for (1) the discharge and final payment of certain outstanding obligations of the City (identified in the preamble hereof and referred to as the "Refunded



Obligations”) and (2) the costs of issuance, all in accordance with the authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1207, as amended.

**SECTION 2. Fully Registered Obligations - Bond Date - Authorized Denominations - Stated Maturities - Interest Rates.** The Bonds shall be issued as fully registered obligations only, shall be dated July 15, 2016 (the “Bond Date”), shall be in denominations of \$5,000 or any integral multiple (within a Stated Maturity) thereof, shall become due and payable on February 15 each of the years and in principal amounts (the “Stated Maturities”), and shall bear interest at the rate(s) per annum in accordance with the following schedule:

| <u>Year of<br/>Stated Maturity</u> | <u>Principal<br/>Amount</u> | <u>Interest<br/>Rate</u> |
|------------------------------------|-----------------------------|--------------------------|
| 2017                               | \$ _____,000                | _____ %                  |
| 2018                               |                             |                          |
| 2019                               |                             |                          |
| 2020                               |                             |                          |
| 2021                               |                             |                          |
| 2022                               |                             |                          |
| 2023                               |                             |                          |
| 2024                               |                             |                          |
| 2025                               |                             |                          |
| 2026                               |                             |                          |
| 2027                               |                             |                          |

The Bonds shall bear interest on the unpaid principal amounts from the date of initial delivery of the Bonds at the rate(s) per annum shown above in this Section (calculated on the basis of a 360-day year consisting of twelve 30-day months). Interest on the Bonds shall be payable on February 15 and August 15 in each year until maturity or prior redemption, commencing February 15, 2017.

**SECTION 3. Terms of Payment - Paying Agent/Registrar.** The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity, redemption or otherwise, shall be payable only to the registered owners or holders of the Bonds (the “Holders”) appearing on the registration and transfer books maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of The Bank of New York Mellon Trust Company, N.A., Dallas, Texas to serve as Paying Agent/Registrar for the Bonds is hereby approved and confirmed. Books and records relating to the registration, payment, exchange, and transfer of the Bonds (the “Security Register”) shall at all times be kept and maintained on behalf of the City by the Paying Agent/Registrar, as provided herein and in accordance with the terms and provisions of a “Paying Agent/Registrar Agreement”, substantially in the form attached hereto as **Exhibit A**, and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Mayor and City Secretary are authorized to execute and deliver such Paying Agent/Registrar Agreement in connection with the delivery of the Bonds. The City

covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice of the change to be sent to each Holder by United States Mail, first class postage prepaid, and such notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Bonds, shall be payable at the Stated Maturities or on a date of earlier redemption thereof only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its designated offices, initially in East Syracuse, New York, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). The Paying Agent/Registrar shall pay interest on the Bonds only to the Holder whose name appears in the Security Register at the close of business on the Record Date (the last business day of the month next preceding each interest payment date) and shall pay either by: (1) check sent by United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or (2) by such other method, acceptable to the Paying Agent/Registrar, requested by the Holder at the Holder's risk and expense. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed; then, the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to be closed and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

#### **SECTION 4. Redemption.**

**(a) Optional Redemption.** The Bonds having Stated Maturities on and after February 15, 2027 shall be subject to redemption prior to maturity, at the option of the City on February 15, 2026, or any date thereafter, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar) at the redemption price of par, together with interest accrued to the redemption date.

**(b) Exercise of Redemption Option.** Not less than forty-five (45) days prior to an optional redemption date for the Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of: (1) the decision to redeem Bonds, (2) the principal amount of each Stated Maturity to be redeemed, and (3) the date of redemption. The decision of the City to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the City.

(c) **Selection of Bonds for Redemption.** If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall treat such Bonds as representing the number of Bonds Outstanding, which is obtained by dividing the principal amount of such Bonds by \$5,000, and shall select by lot the Bonds to be redeemed within such Stated Maturity.

(d) **Notice of Redemption.** Not less than thirty (30) days prior to a redemption date for the Bonds, a notice of redemption shall be sent by United States Mail, first class postage prepaid, in the name of the City and at the City's expense, to each Holder of a Bond to be redeemed in whole or in part at the address of the Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Holder.

All notices of redemption shall: (1) specify the date of redemption for the Bonds, (2) identify the Bonds to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (3) state the redemption price, (4) state that the Bonds, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (5) specify that payment of the redemption price for the Bonds, or the principal amount thereof to be redeemed, shall be made at the Designated Payment/Transfer Office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Holder. If a Bond is subject by its terms to prior redemption, and has been called for redemption, and notice of redemption thereof has been duly given as hereinabove provided, such Bond (or the principal amount thereof to be redeemed) shall become due and payable and interest thereon shall cease to accrue from and after the specified redemption date; provided moneys sufficient for the payment of such Bond (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(e) **Conditional Notice of Redemption.** With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

**SECTION 5. Registration - Transfer - Exchange of Bonds - Predecessor Bonds.**  
A Security Register relating to the registration, payment, and transfer or exchange of the Bonds shall at all times be kept and maintained by the City at the Designated Payment/Transfer Office of the Paying Agent/Registrar and at a place within the State of Texas, as provided herein and in accordance with the provisions of an agreement with the Paying Agent/Registrar and such rules and regulations as the Paying Agent/Registrar and the City may prescribe. The Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each registered owner of the Bonds issued under and pursuant to the provisions of this Ordinance. Any Bond may, in accordance with its terms and the terms hereof, be

transferred or exchanged for Bonds of like kind, of other authorized denominations upon the Security Register by the Holder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Holder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.

Upon surrender for transfer of any Bond (other than the Initial Bond authorized in Section 8 hereof) at the Designated Payment/Transfer Office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds, executed on behalf of, and furnished by, the City of authorized denominations and of like Stated Maturity and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Holder, Bonds (other than the Initial Bond authorized in Section 8 hereof) may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the Designated Payment/Transfer Office of the Paying Agent/Registrar. Whenever any Bonds are surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds, executed on behalf of, and furnished by, the City, to the Holder requesting the exchange.

All Bonds issued in any transfer or exchange of Bonds shall be delivered to the Holders at the Designated Payment/Transfer Office of the Paying Agent/Registrar or sent by United States Mail, first class postage prepaid, to the Holders, and, upon the registration and delivery thereof, the same shall be the valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Holder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Holder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds cancelled by reason of an exchange or transfer pursuant to the provisions of this Section are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer. Additionally, the term "Predecessor Bonds" shall include any mutilated, lost, destroyed, or stolen Bond for which a replacement Bond has been issued, registered, and delivered in lieu thereof pursuant to the provisions of Section 11 hereof and such new replacement Bond shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

Neither the City nor the Paying Agent/Registrar shall be required to issue or transfer to an assignee of a Holder any Bond called for redemption, in whole or in part, within 45 days of the date fixed for the redemption of such Bond; provided, however, such limitation on transferability shall not be applicable to an exchange by the Holder of the unredeemed balance of a Bond called for redemption in part.

**SECTION 6. Book-Entry-Only Transfers and Transactions.** Notwithstanding the provisions contained in Sections 3, 4 and 5 hereof relating to the payment, and

transfer/exchange of the Bonds, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company ("DTC"), a limited purpose trust company organized under the laws of the State of New York, in accordance with the operational arrangements referenced in the Blanket Issuer Letter of Representation, by and between the City and DTC (the "Depository Agreement").

Pursuant to the Depository Agreement and the rules of DTC, the Bonds shall be deposited with DTC who shall hold said Bonds for its participants (the "DTC Participants"). While the Bonds are held by DTC under the Depository Agreement, the Holder of the Bonds on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Bond (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Bonds or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Bonds, the City covenants and agrees with the Holders of the Bonds to cause Bonds to be printed in definitive form and provide for the Bond certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Bonds in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Bonds shall be made in accordance with the provisions of Sections 3, 4 and 5 hereof.

**SECTION 7. Execution - Registration.** The Bonds shall be executed on behalf of the City by the Mayor under its seal reproduced or impressed thereon and countersigned by the City Secretary. The signature of said officers and the seal of the City on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Bond Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in V.T.C.A., Government Code, Chapter 1201, as amended.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 9C, manually executed by the Comptroller of Public Accounts of the State of Texas or his duly authorized agent, or a certificate of registration substantially in the form provided in Section 9D, manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate upon any Bond duly signed shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered and delivered.

**SECTION 8. Initial Bond.** The Bonds herein authorized shall be initially issued as a single fully registered bond in the aggregate principal amount shown in Section 1 hereof with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1. The initial bond (the "Initial Bond") shall be registered in the name of the initial purchaser(s), or the designee thereof. The Initial Bond shall be the Bond submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas, and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond, the Paying Agent/Registrar, pursuant to written instructions from the initial purchaser(s), or the designee thereof, shall

cancel the Initial Bond and exchange it for definitive Bonds of authorized denominations, Stated Maturities, principal amounts and bearing applicable interest rates for transfer and delivery to the named Holders at the addresses identified for such purpose; all pursuant to and in accordance with such written instructions from the initial purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

## **SECTION 9. Forms.**

**A. Forms Generally.** The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Registration Certificate of Paying Agent/Registrar, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Bonds, or any maturities thereof, are purchased with insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the officers executing such Bonds as evidenced by their execution. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds and the Initial Bond shall be printed, lithographed, engraved, typewritten, photocopied or otherwise reproduced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof.

The City may provide (i) for the issuance of one fully registered Bond for each Stated Maturity in the aggregate principal amount of each Stated Maturity and (ii) for the registration of such Bonds in the name of a securities depository, or the nominee thereof. While any Bond is registered in the name of a securities depository or its nominee, references herein and in the Bonds to the Holder or registered owner of such Bonds shall mean the securities depository or its nominee and shall not mean any other person.

## **B. Form of Definitive Bonds.**

REGISTERED  
NO. R-\_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF COLLEYVILLE, TEXAS  
GENERAL OBLIGATION REFUNDING BOND  
SERIES 2016

Bond Date:  
July 15, 2016

Interest Rate:  
\_\_\_\_\_ %

Stated Maturity:  
February 15, 20\_\_

CUSIP No.:  
\_\_\_\_\_

Registered Owner:

Principal Amount:

The City of Colleyville (the "City"), a body corporate and municipal corporation in the County of Tarrant, State of Texas, for value received, acknowledges itself indebted to and hereby promises to pay to the registered owner named above, or the registered assigns thereof, on the Stated Maturity date specified above the Principal Amount hereinabove stated (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid principal amount hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the initial date of delivery of the Bonds) at the per annum rate of interest specified above computed on the basis of a 360-day year consisting of twelve 30-day months; such interest being payable on February 15 and August 15 in each year, commencing February 15, 2017, until maturity or prior redemption. Principal of this Bond shall be payable at its Stated Maturity or on a redemption date to the Registered Owner hereof upon presentation and surrender at the designated offices of the Paying Agent/Registrar executing the registration certificate appearing hereon, initially in East Syracuse, New York, or, with respect to a successor Paying Agent/Registrar, at the designated offices of such successor (the "Designated Payment/Transfer Office"). Interest is payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each interest payment date, and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to be closed, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to be closed; and payment on such date shall have the same force and effect as if made on the original date payment was due. All payments of principal of, premium, if any, and interest on this Bond shall be without exchange or collection charges to the owner hereof and in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$\_\_\_\_\_ to be designated and bear the title "CITY OF COLLEYVILLE, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016" (the "Bonds"), for the purpose of providing funds for (1) the discharge and final payment of certain obligations of the City (identified in the preamble hereof and referred to as the "Refunded Obligations") and (2) the costs of issuance, all in accordance with the authority conferred by and in conformity with the Constitution and laws of the State of Texas, including Texas Government Code, Chapter 1207, as amended, and pursuant to an Ordinance adopted by the City Council of the City (herein referred to as the "Ordinance").

The Bonds maturing on and after February 15, 2027, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), on February 15, 2026, or on any date thereafter, at the redemption price of par, together with accrued interest to the date of redemption.



At least thirty (30) days prior to the date fixed for any redemption of Bonds, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Bond to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If a Bond (or any portion of its principal sum) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date such Bond (or the portion of its principal sum to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date; provided moneys for the payment of the redemption price and the interest on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar.

In the event a portion of the principal amount of a Bond is to be redeemed and the registered owner is someone other than Cede & Co., payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of such Bond to the Designated Payment/Transfer Office of the Paying Agent/Registrar, and a new Bond or Bonds of like maturity and interest rate in any authorized denominations provided by the Ordinance for the then unredeemed balance of the principal sum thereof will be issued to the registered owner, without charge. If a Bond is selected for redemption, in whole or in part, the City and the Paying Agent/Registrar shall not be required to transfer such Bond to an assignee of the registered owner within forty-five (45) days of the redemption date; provided, however, such limitation on transferability shall not be applicable to an exchange by the registered owner of the unredeemed balance of a Bond redeemed in part.

With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

The Bonds are payable from the proceeds of an ad valorem tax levied, within the limitations prescribed by law, upon all taxable property in the City. Reference is hereby made to the Ordinance, a copy of which is on file in the Designated Payment/Transfer Office of the Paying Agent/Registrar, and to all of the provisions of which the registered owner of this Bond by the acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the tax levied for the payment of the Bonds; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the registered owners; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which this Bond may be discharged at or prior to its maturity or redemption, and deemed to be no longer Outstanding; and for other terms and provisions contained therein. Capitalized terms used herein have the meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the Designated Payment/Transfer Office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized

agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, shall treat the registered owner whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as the owner entitled to payment of principal hereof at its Stated Maturity or upon its prior redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of nonpayment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be fifteen (15) days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States Mail, first class postage prepaid, to the address of each registered owner appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited, represented and declared that the City is a body corporate and political subdivision duly organized and legally existing under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any Constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Bonds by the levy of a tax as stated above. In case any provision in this Bond shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City as of the Bond Date.

CITY OF COLLEYVILLE, TEXAS

\_\_\_\_\_  
Mayor

COUNTERSIGNED:

\_\_\_\_\_  
City Secretary

(City Seal)

**C. Form of Registration Certificate of Comptroller of Public Accounts to appear on Initial Bond only.**

REGISTRATION CERTIFICATE OF  
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER (   
 (   
 OF PUBLIC ACCOUNTS ( REGISTER NO. \_\_\_\_\_   
 (   
 THE STATE OF TEXAS (

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

(SEAL)

**D. Form of Certificate of Paying Agent/Registrar to appear on Definitive Bonds only.**

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued and registered under the provisions of the within mentioned Ordinance; the bond or bonds of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

The designated offices of the Paying Agent/Registrar in East Syracuse, New York is the Designated Payment/Transfer Office for this Bond.

THE BANK OF NEW YORK MELLON TRUST  
COMPANY, N.A. , Dallas, Texas  
as Paying Agent/Registrar

Registered this date:

\_\_\_\_\_

By: \_\_\_\_\_  
Authorized Signature

**E. Form of Assignment.**

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto  
(Print or typewrite name, address, and zip code of transferee:) \_\_\_\_\_

(Social Security or other identifying number: \_\_\_\_\_)  
the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

attorney to transfer the within Bond on the books kept for registration thereof, with full power of  
substitution in the premises.

DATED: \_\_\_\_\_

Signature guaranteed: \_\_\_\_\_

NOTICE: The signature on this assignment  
must correspond with the name of the  
registered owner as it appears on the face of  
the within Bond in every particular.

**F. Form of Initial Bond.**

The Initial Bond shall be in the form set forth in subsection B of this Section except as  
that the heading and paragraph one shall be amended to read as follows:

NO. T-1 \$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF COLLEYVILLE, TEXAS  
GENERAL OBLIGATION REFUNDING BOND  
SERIES 2016

Bond Date: July 15, 2016

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_ MILLION \_\_\_\_\_ HUNDRED THOUSAND DOLLARS

The City of Colleyville, Texas (the "City"), a body corporate and municipal corporation in  
the County of Tarrant, State of Texas, for value received, acknowledges itself indebted to and  
hereby promises to pay to the registered owner, or the registered assigns thereof, the Principal  
Amount hereinabove stated on February 15 in each of the years and in principal installments in  
accordance with the following schedule:

| <u>YEAR OF</u><br><u>STATED MATURITY</u> | <u>PRINCIPAL</u><br><u>INSTALLMENTS</u> | <u>INTEREST</u><br><u>RATES</u> |
|------------------------------------------|-----------------------------------------|---------------------------------|
|------------------------------------------|-----------------------------------------|---------------------------------|

(Information to be inserted from schedule in Section 2 hereof)

(or so much principal thereof as shall not have been redeemed prior to maturity) and to pay  
interest on the unpaid Principal Amount hereof from the date of the initial delivery of the Bonds

at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 of each year, commencing February 15, 2017, until maturity or prior redemption. Principal installments of this Bond are payable on the Stated Maturity dates or on a redemption date to the registered owner hereof by The Bank of New York Mellon Trust Company, N.A., Dallas, Texas (the "Paying Agent/Registrar"), upon its presentation and surrender at its designated offices, initially in East Syracuse, New York, or, with respect to a successor paying agent/registrar, at the designated office of such successor (the "Designated Payment/Transfer Office"). Interest shall be payable to the registered owner of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date", which is the last business day of the month next preceding the interest payment date hereof and interest shall be paid by the Paying Agent/Registrar by check sent by United States mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register or by such other method, acceptable to the Paying Agent/Registrar, requested by and at the risk and expense of the registered owner. All payments of principal of, premium, if any, and interest on this Bond shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Designated Payment/Transfer Office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the original date payment was due.

**SECTION 10. Levy of Taxes.** To provide for the payment of the "Debt Service Requirements" of the Bonds, being (i) the interest on the Bonds and (ii) a sinking fund for their payment at maturity or a sinking fund of 2% (whichever amount is the greater), there is hereby levied, and there shall be annually assessed and collected in due time, form, and manner, a tax on all taxable property in the City, within the limitations prescribed by law, and such tax hereby levied on each one hundred dollars' valuation of taxable property in the City for the Debt Service Requirements of the Bonds shall be at a rate from year to year as will be ample and sufficient to provide funds each year to pay the principal of and interest on said Bonds while Outstanding; full allowance being made for delinquencies and costs of collection; separate books and records relating to the receipt and disbursement of taxes levied, assessed and collected for and on account of the Bonds shall be kept and maintained by the City at all times while the Bonds are Outstanding, and the taxes collected for the payment of the Debt Service Requirements on the Bonds shall be deposited to the credit of a "Special 2016 Bond Account" (the "Interest and Sinking Fund") maintained on the records of the City and deposited in a special fund maintained at an official depository of the City's funds; and such tax hereby levied, and to be assessed and collected annually, is hereby pledged to the payment of the Bonds.

The Mayor, Mayor Pro Tem, City Manager, Director of Finance/CFO and City Secretary, any one or more of said officials of the City, are hereby authorized and directed to cause to be transferred to the Paying Agent/Registrar for the Bonds, from funds on deposit in the Interest and Sinking Fund, amounts sufficient to fully pay and discharge promptly each installment of interest and principal of the Bonds as the same accrues or matures or comes due by reason of redemption prior to maturity; such transfers of funds to be made in such manner as will cause collected funds to be deposited with the Paying Agent/Registrar on or before each principal and interest payment date for the Bonds.

**SECTION 11. Mutilated - Destroyed - Lost and Stolen Bonds.** In case any Bond shall be mutilated, or destroyed, lost or stolen, the Paying Agent/Registrar may execute and deliver a replacement Bond of like form and tenor, and in the same denomination and bearing a number not contemporaneously outstanding, in exchange and substitution for such mutilated Bond, or in lieu of and in substitution for such destroyed, lost or stolen Bond, only upon the approval of the City and after (a) the filing by the Holder thereof with the Paying Agent/Registrar of evidence satisfactory to the Paying Agent/Registrar of the destruction, loss or theft of such Bond, and of the authenticity of the ownership thereof and (b) the furnishing to the Paying Agent/Registrar of indemnification in an amount satisfactory to hold the City and the Paying Agent/Registrar harmless. All expenses and charges associated with such indemnity and with the preparation, execution and delivery of a replacement Bond shall be borne by the Holder of the Bond mutilated, or destroyed, lost or stolen.

Every replacement Bond issued pursuant to this Section shall be a valid and binding obligation of the City, and shall be entitled to all the benefits of this Ordinance equally and ratably with all other Outstanding Bonds; notwithstanding the enforceability of payment by anyone of the destroyed, lost, or stolen Bonds.

The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement and payment of mutilated, destroyed, lost or stolen Bonds.

**SECTION 12. Satisfaction of Obligation of City.** If the City shall pay or cause to be paid, or there shall otherwise be paid to the Holders, the principal of, premium, if any, and interest on the Bonds, at the times and in the manner stipulated in this Ordinance, then the pledge of taxes levied under this Ordinance and all covenants, agreements, and other obligations of the City to the Holders shall thereupon cease, terminate, and be discharged and satisfied.

Bonds or any principal amount(s) thereof shall be deemed to have been paid within the meaning and with the effect expressed above in this Section when (i) money sufficient to pay in full such Bonds or the principal amount(s) thereof at maturity or to the redemption date therefor, together with all interest due thereon, shall have been irrevocably deposited with and held in trust by the Paying Agent/Registrar, or an authorized escrow agent, or (ii) Government Securities shall have been irrevocably deposited in trust with the Paying Agent/Registrar, or an authorized escrow agent, which Government Securities have been certified by an independent accounting firm to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money, together with any moneys deposited therewith, if any, to pay when due the principal of and interest on such Bonds, or the principal amount(s) thereof, on and prior to the Stated Maturity thereof or (if notice of redemption has been duly given or waived or if irrevocable arrangements therefor acceptable to the Paying Agent/Registrar have been made) the redemption date thereof. The City covenants that no deposit of moneys or Government Securities will be made under this Section and no use made of any such deposit which would cause the Bonds to be treated as "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or regulations adopted pursuant thereto.

Any moneys so deposited with the Paying Agent/Registrar, or an authorized escrow agent, and all income from Government Securities held in trust by the Paying Agent/Registrar, or an authorized escrow agent, pursuant to this Section which is not required for the payment of the Bonds, or any principal amount(s) thereof, or interest thereon with respect to which such

moneys have been so deposited shall be remitted to the City or deposited as directed by the City. Furthermore, any money held by the Paying Agent/Registrar for the payment of the principal of and interest on the Bonds and remaining unclaimed for a period of three (3) years after the Stated Maturity, or applicable redemption date, of the Bonds such moneys were deposited and are held in trust to pay shall upon the request of the City be remitted to the City against a written receipt therefor. The provisions of this paragraph are subject to the applicable unclaimed property law of the State of Texas.

The term "Government Securities," as used herein, means (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

**SECTION 13. Ordinance a Contract - Amendments - Outstanding Bonds.** This Ordinance shall constitute a contract with the Holders from time to time, be binding on the City, and shall not be amended or repealed by the City so long as any Bond remains Outstanding except as permitted in this Section and in Section 23 hereof. The City may, without the consent of or notice to any Holders, from time to time and at any time, amend this Ordinance in any manner not detrimental to the interests of the Holders, including the curing of any ambiguity, inconsistency, or formal defect or omission in this Ordinance. Additionally, with the consent of Holders holding a majority in aggregate principal amount of the Bonds then Outstanding, the City may amend, add to, or rescind any of the provisions of this Ordinance; provided that, without the consent of all the Holders of Outstanding Bonds no amendment, addition, or rescission shall: (1) extend the time or times of payment of the principal of, premium, if any, and interest on the Bonds, reduce the principal amount thereof, the redemption price therefor, or the rate of interest thereon, or in any other way modify the terms of payment of the principal of, premium, if any, or interest on the Bonds, (2) give any preference to any Bond over any other Bond, or (3) reduce the aggregate principal amount of Bonds required to be held by Holders for consent to any such amendment, addition, or rescission

The term "Outstanding" when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

- (1) those Bonds canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;
- (2) those Bonds deemed to be duly paid by the City in accordance with the provisions of Section 12 hereof; and
- (3) those mutilated, destroyed, lost, or stolen Bonds which have been replaced with Bonds registered and delivered in lieu thereof as provided in Section 11 hereof.



#### **SECTION 14. Covenants to Maintain Tax-Exempt Status.**

**(a) Definitions.** When used in this Section, the following terms shall have the following meanings:

“*Closing Date*” means the date on which the Bonds are first authenticated and delivered to the initial purchasers against payment therefor.

“*Code*” means the Internal Revenue Code of 1986, as amended by all legislation, if any, effective on or before the Closing Date.

“*Computation Date*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Gross Proceeds*” means any proceeds as defined in Section 1.148-1(b) of the Regulations, and any replacement proceeds as defined in Section 1.148-1(c) of the Regulations, of the Bonds.

“*Investment*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Nonpurpose Investment*” means any investment property, as defined in Section 148(b) of the Code, in which Gross Proceeds of the Bonds are invested and which is not acquired to carry out the governmental purposes of the Bonds.

“*Rebate Amount*” has the meaning set forth in Section 1.148-1(b) of the Regulations.

“*Regulations*” means any proposed, temporary, or final Income Tax Regulations issued pursuant to Sections 103 and 141 through 150 of the Code, and 103 of the Internal Revenue Code of 1954, which are applicable to the Bonds. Any reference to any specific Regulation shall also mean, as appropriate, any proposed, temporary or final Income Tax Regulation designed to supplement, amend or replace the specific Regulation referenced.

“*Yield*” of (1) any Investment has the meaning set forth in Section 1.148-5 of the Regulations; and (2) the Bonds has the meaning set forth in Section 1.148-4 of the Regulations.

**(b) Not to Cause Interest to Become Taxable.** The City shall not use, permit the use of, or omit to use Gross Proceeds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which if made or omitted would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the City receives a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the City shall comply with each of the specific covenants in this Section.

**(c) No Private Use or Private Payments.** Except as permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall at all times prior to the last Stated Maturity of Bonds:

(1) exclusively own, operate and possess all property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with Gross Proceeds of the Bonds (including property financed with Gross Proceeds of the Refunded Obligations), and not use or permit the use of such Gross Proceeds (including all contractual arrangements with terms different than those applicable to the general public) or any property acquired, constructed or improved with such Gross Proceeds in any activity carried on by any person or entity (including the United States or any agency, department and instrumentality thereof) other than a state or local government, unless such use is solely as a member of the general public; and

(2) not directly or indirectly impose or accept any charge or other payment by any person or entity who is treated as using Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed or refinanced directly or indirectly with such Gross Proceeds (including property financed with Gross Proceeds of the Refunded Obligations), other than taxes of general application within the City or interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

**(d) No Private Loan.** Except to the extent permitted by Section 141 of the Code and the Regulations and rulings thereunder, the City shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, such Gross Proceeds are considered to be "loaned" to a person or entity if: (1) property acquired, constructed or improved with such Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes; (2) capacity in or service from such property is committed to such person or entity under a take or pay, output or similar contract or arrangement; or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or any property acquired, constructed or improved with such Gross Proceeds are otherwise transferred in a transaction which is the economic equivalent of a loan.

**(e) Not to Invest at Higher Yield.** Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not at any time prior to the final Stated Maturity of the Bonds directly or indirectly invest Gross Proceeds in any Investment (or use Gross Proceeds to replace money so invested), if as a result of such investment the Yield from the Closing Date of all Investments acquired with Gross Proceeds (or with money replaced thereby), whether then held or previously disposed of, exceeds the Yield of the Bonds.

**(f) Not Federally Guaranteed.** Except to the extent permitted by Section 149(b) of the Code and the Regulations and rulings thereunder, the City shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the Regulations and rulings thereunder.

**(g) Information Report.** The City shall timely file the information required by Section 149(e) of the Code with the Secretary of the Treasury on Form 8038-G or such other form and in such place as the Secretary may prescribe.

**(h) Rebate of Arbitrage Profits.** Except to the extent otherwise provided in Section 148(f) of the Code and the Regulations and rulings thereunder:

(1) The City shall account for all Gross Proceeds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of accounting for at least six years after the day on which the last outstanding Bond is discharged. However, to the extent permitted by law, the City may commingle Gross Proceeds of the Bonds with other money of the City, provided that the City separately accounts for each receipt and expenditure of Gross Proceeds and the obligations acquired therewith.

(2) Not less frequently than each Computation Date, the City shall calculate the Rebate Amount in accordance with rules set forth in Section 148(f) of the Code and the Regulations and rulings thereunder. The City shall maintain such calculations with its official transcript of proceedings relating to the issuance of the Bonds until six years after the final Computation Date.

(3) As additional consideration for the purchase of the Bonds by the Purchasers and the loan of the money represented thereby and in order to induce such purchase by measures designed to insure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, the City shall pay to the United States out of the Interest and Sinking Fund or its general fund, as permitted by applicable Texas statute, regulation or opinion of the Attorney General of the State of Texas, the amount that when added to the future value of previous rebate payments made for the Bonds equals (i) in the case of a Final Computation Date as defined in Section 1.148-3(e)(2) of the Regulations, one hundred percent (100%) of the Rebate Amount on such date; and (ii) in the case of any other Computation Date, ninety percent (90%) of the Rebate Amount on such date. In all cases, the rebate payments shall be made at the times, in the installments, to the place, and in the manner as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder, and shall be accompanied by Form 8038-T or such other forms and information as is or may be required by Section 148(f) of the Code and the Regulations and rulings thereunder.

(4) The City shall exercise reasonable diligence to assure that no errors are made in the calculations and payments required by paragraphs (2) and (3), and if an error is made, to discover and promptly correct such error within a reasonable amount of time thereafter (and in all events within one hundred eighty (180) days after discovery of the error), including payment to the United States of any additional Rebate Amount owed to it, interest thereon, and any penalty imposed under Section 1.148-3(h) of the Regulations.

**(i) Not to Divert Arbitrage Profits.** Except to the extent permitted by Section 148 of the Code and the Regulations and rulings thereunder, the City shall not, at any time

prior to the earlier of the Stated Maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

**(j) Bonds Not Hedge Bonds.**

(1) At the time the original bonds refunded by the Bonds were issued, the City reasonably expected to spend at least 85% of the spendable proceeds of such obligations within three (3) years after such obligations were issued.

(2) Not more than 50% of the proceeds of the original obligations refunded by the Bonds were invested in Nonpurpose Investments having a substantially guaranteed Yield for a period of 4 years or more.

**(k) Current Refunding.** The Bonds are being issued in part to refund the Series 2011 Refunded Bonds and the Bonds are a current refunding of the Series 2011 Refunded Bonds in that the Series 2011 Refunded Bonds are to be paid and redeemed in full within 90 days of the delivery date of the Bonds.

**(l) Qualified Advance Refunding.** The Bonds are issued in part to refund the Series 2007 Refunded Bonds, and the Bonds will be issued more than 90 days before the redemption of the Series 2007 Refunded Bonds. The City represents as follows:

(1) The Bonds are the first advance refunding of the Series 2007 Refunded Bonds within the meaning of Section 149(d)(3) of the Code.

(2) The Series 2007 Refunded Bonds are being called for redemption, and will be redeemed not later than the earliest date on which such bonds may be redeemed and on which the City will realize present value debt service savings (determined without regard to administrative expenses) on the issue.

(3) The initial temporary period under Section 148(c) of the Code will end: (i) with respect to the proceeds of the Bonds not later than 30 days after the date of issue of such Bonds; and (ii) with respect to proceeds of the Series 2007 Refunded Bonds on the Closing Date if not ended prior thereto.

(4) On and after the date of issue of the Bonds, no proceeds of the Series 2007 Refunded Bonds will be invested in Nonpurpose Investments having a Yield in excess of the Yield on the Series 2007 Refunded Bonds.

(5) The Bonds are being issued for the purposes stated in the preamble of this Ordinance. There is a present value savings associated with the refunding. In the issuance of the Bonds the City has neither: (i) overburdened the tax-exempt bond market by issuing more bonds, issuing bonds earlier or allowing bonds to remain outstanding longer than reasonably necessary to accomplish the governmental purposes for which the Bonds were issued; (ii) employed on "abusive arbitrage device" within the meaning of Section 1.148-10(a) of the Regulations; nor (iii) employed a "device" to obtain a material financial advantage based on arbitrage, within the meaning of Section 149(d)(4)

of the Code, apart from savings attributable to lower interest rates and reduced debt service payments in early years.

(m) **Elections.** The City hereby directs and authorizes the Mayor, Mayor Pro Tem, City Manager and Director of Finance/CFO, either or any combination of them, to make elections permitted or required pursuant to the provisions of the Code or the Regulations, as they deem necessary or appropriate in connection with the Bonds, in the Certificate as to Tax Exemption or similar or other appropriate certificate, form or document.

(n) **Qualified Tax-Exempt Obligations.** In accordance with the provisions of paragraph (3) of subsection (b) of Section 265 of the Code, the City hereby designates the Bonds to be "qualified tax-exempt obligations" in that the Bonds are not "private activity bonds" as defined in the Code and the reasonably anticipated amount of "qualified tax-exempt obligations" to be issued by the City (including all subordinate entities of the City) for the calendar year 2016 will not exceed \$10,000,000.

**SECTION 15. Sale of Bonds – Official Statement Approval.** Pursuant to a public sale for the Bonds, the bid submitted by \_\_\_\_\_ (herein referred to as the "Purchaser") is declared to be the best bid received producing the lowest true interest cost rate to the City, and the sale of the Bonds to said Purchaser at the price of par plus a cash premium of \$ \_\_\_\_\_ is hereby determined to be in the best interests of the City and is approved and confirmed. Delivery of the Bonds to the Purchaser shall occur as soon as possible upon payment being made therefor in accordance with the terms of sale.

Furthermore, the use of the Preliminary Official Statement in connection with the public offering and sale of the Bonds is hereby ratified, confirmed and approved in all respects. The final Official Statement reflecting the terms of sale (together with such changes approved by the Mayor, Mayor Pro Tem, City Manager, Director of Finance/CFO and City Secretary, any one or more of said officials), shall be and is hereby in all respects approved and the Purchasers are hereby authorized to use and distribute said final Official Statement, dated July 19, 2016, in the offering, sale and delivery of the Bonds to the public. The Mayor and City Secretary are further authorized and directed to manually execute and deliver for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers, and such Official Statement in the final form and content manually executed by said officials shall be deemed to be approved by the Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

**SECTION 16. Control and Custody of Bonds.** The Mayor of the City shall be and is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Bonds, and shall take and have charge and control of the Initial Bond pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

**SECTION 17. Proceeds of Sale.** Immediately following the delivery of the Bonds, the proceeds of sale (less those proceeds of sale designated to pay costs of issuance and any additional proceeds being deposited to the Interest and Sinking Fund) shall be deposited with the Escrow Agent for application and disbursement in accordance with the provisions of the Escrow Agreement (as defined in Section 18 hereof). The proceeds of sale of the Bonds not so deposited with the Escrow Agent for the refunding of the Refunded Obligations shall be disbursed for payment of costs of issuance, or deposited in the Interest and Sinking Fund for the

Bonds. Any proceeds of sale remaining after payment of the costs of issuance for the Bonds shall deposited in the Interest and Sinking Fund for the Bonds. Pending expenditure for authorized projects and purposes, such proceeds of sale may be invested in authorized investments in accordance with the provisions of Texas Government Code, Chapter 2256, as amended, and the City's investment policies and guidelines, and any investment earnings realized may be expended for such authorized projects and purposes or deposited into the Interest and Sinking Fund as shall be determined by the appropriate authorized officials of the City. All surplus proceeds of sale of the Bonds, including investment earnings, remaining after completion of all authorized projects or purposes shall be deposited to the credit of the Interest and Sinking Fund.

Additionally, on or immediately prior to the date of the delivery of the Bonds to the Purchaser, the Director of Finance/CFO shall cause to be transferred in immediately available funds to the Escrow Fund from moneys on deposit in the interest and sinking funds maintained for the payment of the Refunded Obligations the sum of \$\_\_\_\_\_ to accomplish the refunding.

**SECTION 18. Escrow Agreement Approval - Redemption of Refunded Obligations.**

(a) The "Special Escrow Agreement" (the "Escrow Agreement") by and between the City and The Bank of New York Mellon Trust Company, N.A. (the "Escrow Agent"), attached hereto as **Exhibit C** and incorporated herein by reference as a part of this Ordinance for all purposes, is hereby approved as to form and content, and such Escrow Agreement in substantially the form and substance attached hereto, together with such changes or revisions as may be necessary to accomplish the refunding or benefit the City, is hereby authorized to be executed by the Mayor or Mayor Pro Tem and City Secretary for and on behalf of the City and as the act and deed of this City Council; and such Escrow Agreement as executed by said officials shall be deemed approved by the City Council and constitute the Escrow Agreement herein approved.

(b) Furthermore, appropriate officials of the City in cooperation with the Escrow Agent are hereby authorized and directed to make the necessary arrangements on the day of delivery of the Bonds to the Purchasers for the purchase of the escrowed securities referenced in the Escrow Agreement and the delivery thereof to the Escrow Agent to the credit of the "SPECIAL 2016 CITY OF COLLEYVILLE, TEXAS, GENERAL OBLIGATION REFUNDING BOND ESCROW FUND" (the "Escrow Fund"); all as contemplated and provided in Texas Government Code, Chapter 1207, as amended, this Ordinance and the Escrow Agreement.

(c) The Series 2007 Refunded Bonds shall be redeemed and the same are hereby called for redemption on February 15, 2017, at the price of par and accrued interest to the date of redemption. The City Secretary is hereby authorized and directed to file a copy of this Ordinance, together with suggested form of notice of redemption to be sent to bondholders, with The Bank of New York Mellon Trust Company, N.A. (successor paying agent/registrar to The Bank of New York Trust Company, N.A.), in accordance with the redemption provisions applicable to such obligations; such suggested form of notice of redemption being attached hereto as **Exhibit C** and incorporated herein by reference as a part of this Ordinance for all purposes.

(d) The Series 2011 Refunded Bonds shall be redeemed and the same are hereby called for redemption on August 23, 2016, at the price of par and accrued interest to the date of redemption. The City Secretary is hereby authorized and directed to file a copy of

this Ordinance, together with suggested form of notice of redemption to be sent to bondholders, with The Bank of New York Mellon Trust Company, N.A., in accordance with the redemption provisions applicable to such obligations; such suggested form of notice of redemption being attached hereto as **Exhibit D** and incorporated herein by reference as a part of this Ordinance for all purposes.

(e) The redemption of the Refunded Obligations described above being associated with the refunding of such Refunded Obligations, the approval, authorization and arrangements herein given and provided for the redemption of such Refunded Obligations on the redemption dates designated therefor and in the manner provided shall be irrevocable upon the issuance and delivery of the Bonds; and the City Secretary is hereby authorized and directed to make all arrangements necessary to notify the holders of such Refunded Obligations of the City's decision to redeem such Refunded Obligations on the dates and in the manner herein provided and in accordance with the ordinances authorizing the issuance of such Refunded Obligations and this Ordinance.

**SECTION 19. Notices to Holders - Waiver.** Wherever this Ordinance provides for notice to Holders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States Mail, first class postage prepaid, to the address of each Holder appearing in the Security Register at the close of business on the business day next preceding the mailing of such notice.

In any case where notice to Holders is given by mail, neither the failure to mail such notice to any particular Holders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Holder entitled to receive such notice, either before or after the event with respect to which such notice is given; and, such waiver shall be the equivalent of such notice. Waivers of notice by Holders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

**SECTION 20. Cancellation.** All Bonds surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it; and, if surrendered to the City, such Bonds shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Bonds held by the Paying Agent/Registrar shall be returned to the City.

**SECTION 21. Legal Opinion.** The Purchaser's obligation to accept delivery of the Bonds is subject to being furnished a final opinion of Norton Rose Fulbright US LLP, Dallas, Texas, Bond Counsel to the City, approving the Bonds as to their validity, with said opinion to be dated and delivered as of the date of delivery and payment for the Bonds. A true and correct reproduction of said opinion is hereby authorized to be printed on the definitive Bonds or an executed counterpart thereof shall accompany the global Bonds deposited with DTC.

**SECTION 22. CUSIP Numbers.** CUSIP numbers may be printed or typed on the definitive Bonds. However, it is expressly provided that the presence or absence of CUSIP numbers on the definitive Bonds shall be of no significance and shall have no effect the legality



of such bonds. Furthermore, neither the City nor attorneys approving the Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed or typed on the definitive Bonds.

### **SECTION 23. Continuing Disclosure Undertaking.**

**(a) Definitions.** As used in this Section, the following terms have the meanings ascribed to such terms below:

“MSRB” means the Municipal Securities Rulemaking Board.

“Rule” means SEC Rule 15c2 12, as amended from time to time.

“SEC” means the United States Securities and Exchange Commission.

### **(b) Annual Reports.**

The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year, beginning in or after 2016, financial information and operating data with respect to the City of the general type included under the Tables 1 through 6 and 8 through 14 of the Official Statement, and (2) within twelve months after the end of each fiscal year ending in or after 2016, and if not provided as part of such financial information and operating data, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in Appendix B of the Official Statement, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation. If audited financial statements are not available within 12 months after the end of any fiscal year, the City will provide unaudited financial statements by the required time, and audited financial statements when and if such audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB’s Internet Web site or filed with the SEC.

### **(c) Notice of Certain Events.**

The City shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than 10 business days after occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-

- TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
  8. Bond calls, if material, and tender offers;
  9. Defeasances;
  10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
  11. Rating changes;
  12. Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
  13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
  14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For these purposes, any event described in the immediately preceding subsection (c)12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (b) of this Section by the time required by such Section.

**(d) Filings with the MSRB.**

All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

**(e) Limitations, Disclaimers, and Amendments.**

The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an “obligated person” with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by subsection (c) of this Section of any Bond calls and defeasance that cause the City to be no longer such an “obligated person.”

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds; and, nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City

undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section. Except as expressly provided within this Section, the City does not undertake to provide any other information, whether or not it may be relevant or material to a complete presentation of the City's financial results, condition, or prospects; nor does the City undertake to update any information provided in accordance with this Section or otherwise. Furthermore, the City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

**UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.**

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a Person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

**SECTION 24. Further Procedures.** Any one or more of the Mayor, Mayor Pro Tem, City Manager, Director of Finance/CFO and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as

may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Bonds. In addition, prior to the initial delivery of the Bonds, the City Manager, Mayor, Director of Finance/CFO or Bond Counsel to the City are each hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

**SECTION 25. Benefits of Ordinance.** Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar and the Holders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance. This Ordinance in its entirety is intended to be and is for the sole and exclusive benefit of the City, the Paying Agent/Registrar and the Holders.

**SECTION 26. Inconsistent Provisions.** All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict; and, the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

**SECTION 27. Governing Law.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 28. Effect of Headings.** The Section headings herein are for convenience of reference only and shall not affect the construction hereof.

**SECTION 29. Construction of Terms.** If appropriate in the context of this Ordinance, words of the singular number shall be considered to include the plural, words of the plural number shall be considered to include the singular, and words of the masculine, feminine or neuter gender shall be considered to include the other genders.

**SECTION 30. Severability.** If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid; and, the Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 31. Incorporation of Findings and Determinations.** The findings and determinations of the Council contained in the preamble hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section.

**SECTION 32. Public Meeting.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Texas Government Code, Chapter 551, as amended.

**SECTION 33. Effective Date.** This Ordinance shall take effect and be in force from and after its passage and approval in accordance with the provisions of Texas Government Code, Section 1201.028, as amended.

*[remainder of page intentionally left blank]*

FIRST READING, July 12, 2016.

SECOND AND FINAL READING, PASSED AND ADOPTED, July 19, 2016.

CITY OF COLLEYVILLE, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

(City Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**EXHIBIT A**

**PAYING AGENT/REGISTRAR AGREEMENT**



**EXHIBIT B**  
**SPECIAL ESCROW AGREEMENT**

## EXHIBIT C

### NOTICE OF REDEMPTION

CITY OF COLLEYVILLE, TEXAS  
GENERAL OBLIGATION BONDS  
SERIES 2007  
Dated March 1, 2007

NOTICE IS HEREBY GIVEN that the obligations of the above series maturing on February 15 in each of the years listed below, and aggregating in the principal amount of \$3,825,000, have been called for redemption on February 15, 2017 at the redemption price of par and accrued interest to the date of redemption, such obligations being identified as follows:

| <u>Year of<br/>Maturity</u> | <u>Principal Amount (\$)</u> | <u>CUSIP<br/>Number</u> |
|-----------------------------|------------------------------|-------------------------|
| 2019*                       | 300,000                      |                         |
| *****                       | *****                        |                         |
| 2021*                       | 565,000                      |                         |
| *****                       | *****                        |                         |
| 2023*                       | 890,000                      |                         |
| *****                       | *****                        |                         |
| 2025*                       | 985,000                      |                         |
| *****                       | *****                        |                         |
| 2027*                       | 1,085,000                    |                         |

\* term bond

ALL SUCH OBLIGATIONS shall become due and payable on February 15, 2017, and interest thereon shall cease to accrue from and after said redemption date and payment of the redemption price of said obligations shall be paid to the registered owners of the obligations only upon presentation and surrender thereof to The Bank of New York Mellon Trust Company, N.A. (successor paying agent/registrar to The Bank of New York Trust Company, N.A.) at its designated offices at the following addresses:

First Class/Registered/Certified

The Bank of New York Mellon  
Trust Company, N.A.  
Global Corporate Trust  
P.O. Box 396  
East Syracuse, NY 13057

Express Delivery/Courier

The Bank of New York Mellon  
Trust Company, N.A.  
Global Corporate Trust  
111 Sanders Creek Pkwy.  
East Syracuse, NY 13057

By Hand Only

The Bank of New York Mellon  
Trust Company, N.A.  
Global Corporate Trust  
Corporate Trust Window  
101 Barclay Street, 1st Floor East  
New York, NY 10286

THIS NOTICE is issued and given pursuant to the terms and conditions prescribed for the redemption of said obligations and pursuant to an ordinance by the City Council of the City of Colleyville, Texas.

THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A.  
2001 Bryan Street, 10<sup>th</sup> Floor  
Dallas, Texas 75201

## EXHIBIT D

### NOTICE OF REDEMPTION

CITY OF COLLEYVILLE, TEXAS  
COMBINATION TAX AND TAX INCREMENT REVENUE REFUNDING BONDS  
SERIES 2011  
Dated February 15, 2011

NOTICE IS HEREBY GIVEN that the obligations of the above series maturing on February 15 in each of the years listed below, and aggregating in the principal amount of \$2,520,000, have been called for redemption on August 23, 2016 at the redemption price of par and accrued interest to the date of redemption, such obligations being identified as follows:

| <u>Year of<br/>Maturity</u> | <u>Principal Amount (\$)</u> | <u>CUSIP<br/>Number</u> |
|-----------------------------|------------------------------|-------------------------|
| 2017                        | 600,000                      |                         |
| 2018                        | 615,000                      |                         |
| 2019                        | 640,000                      |                         |
| 2020                        | 665,000                      |                         |

ALL SUCH OBLIGATIONS shall become due and payable on August 23, 2016, and interest thereon shall cease to accrue from and after said redemption date and payment of the redemption price of said obligations shall be paid to the registered owners of the obligations only upon presentation and surrender thereof to The Bank of New York Mellon Trust Company, N.A. at its designated offices at the following addresses:

First Class/Registered/Certified

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Trust Company, N.A.  
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Trust Company, N.A.  
Global Corporate Trust  
Corporate Trust Window  
101 Barclay Street, 1st Floor East  
New York, NY 10286

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THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A.  
2001 Bryan Street, 10<sup>th</sup> Floor  
Dallas, Texas 75201



# City of Colleyville City Council Agenda Briefing

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

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**Agenda Number** 6a

**Agenda Date** 07/19/2016

**Number** Ordinance O-16-1984

**Type** Ordinance

**Department** Community Development

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## **Title**

Consideration of amending Ordinance O-14-1936, adopting the 2015 edition of the *International Energy Conservation Code*; amending all conflicting portions of Section 18 of the Colleyville Code of Ordinances and amending Chapter 11 of the 2012 International Residential Code

## **Strategy Map Connection**

C5- Achieve the highest standards of safety & security

## **Explanation**

### ***First Reading and Public Hearing***

On November 5, 2014, City Council approved the adoption of the 2012 editions of the *International Building Code*, *International Residential Code*, and *International Energy Conservation Code*, and the 2014 edition of the *National Electrical Code*, by attached Ordinance O-14-1936. The City of Colleyville is currently operating under the 2012 editions of the *International Building Code*, the *International Residential Code*, and the 2014 edition of the *National Electrical Code*.

As part of the code updates in 2014, attached Ordinance O-05-1509 and Ordinance O-05-1511 were repealed. Also at that time, staff had been participating in the North Central Texas Council of Governments (NCTCOG) Regional Codes Coordinating Committee (RCCC). The RCCC reviews all the building codes and develops a list of local amendments that can be adopted by the area cities in the North Central Texas region. Cities and contractors benefit from adopting a standardized set of local building amendments, and the local amendments to the code updates were adopted by reference. The NCTCOG serves as the repository for information and provides the venue for regular meetings. However, they do not participate in the code development process, as this function is performed entirely by code officials from North Texas, with participation from the Home Builders Association and third-party energy inspection firms.

This item seeks to amend Ordinance O-14-1936, by adopting the 2015 edition of the *International Energy Conservation Code* by reference and amending all conflicting portions of Section 18 of the Colleyville Code of Ordinances; Chapter 11 of the 2012 *International Residential Code* and the 2012 *International Energy Conservation Code* as referenced in Ordinance O-14-1936.

The recommended amendments to the *2015 International Energy Conservation Code*, for the North Central Texas Council of Governments Region, Climate Zone 3 of the IECC, are attached to this briefing. Below is a summary of the codes which the City of Colleyville operates under and a bullet list of changes which will go into effect once the proposed ordinance is adopted:

Colleyville is currently under the 2012 International Code Editions for:

1. Commercial Building Code - *International Building Code* (IBC)
2. Residential Building Code - *International Residential Code* (IRC)
3. Energy Conservation Code - *International Energy Conservation Code* (IECC)
  - The IECC contains references to both Residential and Commercial
  - The IBC references that energy compliance shall be per the IECC
  - The IRC contains energy compliance in Chapter 11 which is the same as the residential provisions of the IECC
  - The State of Texas has mandated the energy compliance code statewide shall be in accordance with the 2015 IRC provisions
  - The 2015 IRC does not list the residential energy provisions in Chapter 11 and references the 2015 IECC energy provisions
  - The 2012 IRC will remain in effect for Colleyville except that Chapter 11 is amended in order to enforce the 2015 IECC provisions
  - The 2012 IECC is amended to be replaced by the 2015 IECC

The City of Colleyville has chosen not to adopt the entire 2015 I-Codes as the 2012's have been in effect less than two years. Staff plans to evaluate and recommend adoption of the 2018 I-Codes during the first or second quarter of 2019.

### **Financial Impact**

There is no financial impact to the City.

### **Recommendation**

Approve

### **Attachments**

1. Ordinance O-05-1509
2. Ordinance O-05-1511
3. Ordinance O-14-1936
4. Recommended amendments to the 2015 International Energy Conservation Code, for the North Central Texas Council of Governments Region
5. Ordinance O-16-1984

**ORDINANCE O-05-1509**

**AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 18, ARTICLE II AND CHAPTER 22, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF COLLEYVILLE, TEXAS TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE, THE 2003 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE AND THE 2003 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AND TO ESTABLISH A CONTRACTOR'S BOARD OF APPEALS; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS RECOMMENDED BY THE REGIONAL CODES COMMITTEE OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.**

**WHEREAS,** the City Council of the City of Colleyville has determined that it is in the best interest of the citizens of Colleyville, Texas to adopt the 2003 Edition of the International Building Code, the 2003 Edition of the International Residential Code and the 2003 Edition of the International Energy Conservation Code; and

**WHEREAS,** the City Council of the City of Colleyville has determined that it is in the best interest of the citizens of Colleyville, Texas to additionally adopt the local amendments to the 2003 Edition of the International Building Code, the 2003 Edition of the International Residential Code and the 2003 Edition of the International Energy Conservation Code as recommended by the Regional Codes Committee of the North Central Texas Council of Governments; and

**WHEREAS,** notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

Sec. 1. THAT Chapter 18, Section 18-14, paragraph (a), of the Code of Ordinances of the City of Colleyville, Texas, is hereby amended in its entirety to read as follows:

(a) *Adopted.* The International Building Code, 2003 edition, as recommended by the International Code Council, one copy of which is on file in the Office of the City Secretary, is hereby adopted and incorporated by reference and made a part of this article as the building code of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.

Sec. 2. THAT Chapter 18, Section 18-14, paragraph (c), of the Code of Ordinances of the City of Colleyville, Texas, is hereby amended in its entirety to read as follows:

(c) *Amendments.* The International Building Code, 2003 edition, as recommended by the International Code Council is hereby amended to include the recommendations of the Regional Codes Committee of the North Central Texas Council of Governments for buildings and structures in the City of Colleyville, Texas, which are as follows:

Sec. 3. THAT Chapter 18, Section 18-14, paragraph (c), (1) through paragraph (c), (51), of the Code of Ordinances of the City of Colleyville, Texas, are hereby deleted and replaced with the following paragraphs to read as follows:

1. Section 101.2; exception 2, change to read as follows:

2. Existing buildings undergoing repair, alterations or additions, and change of occupancy shall be permitted to comply with the *International Existing Building Code* with prior approval of the Building Official. Otherwise see Chapter 34.

2. Section 101.4; change to read as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code, when specifically adopted, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

3. Section 109.3.5; delete.

4. Section 112 – Board of Appeals, delete.

5. Section 202; add a new definition to read as follows:

HIGH-RISE BUILDING. A building having any floor used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

6. Section 302.1.1, change to read as follows:

302.1.1 Incidental use areas. Spaces which are incidental to the main



occupancy shall be separated or protected, or both, in accordance with Table 302.1.1. Areas that are incidental to the main occupancy shall be classified in accordance with the main occupancy of the portion of the building in which the incidental use area is located.

Exception: Incidental use areas within and serving a dwelling unit are not required to comply with this section.

7. Section 302.2.1; change to read as follows:

302.2.1 Assembly areas. Accessory assembly areas are not considered separate occupancies if the floor area is equal to or less than 750 square feet (69.7 m<sup>2</sup>). Assembly areas that are accessory to Group E occupancies are exempt from the separation requirements of Table 302.3.2 and are considered Group E occupancies only for the application of Table 503. *{Last sentence to remain unchanged}*

8. Table 302.2; change the footnote reference in row R-3, R-4, column U, from "d" to "f" and add foot note "f" to read as follows:

f. See Section 406.1.4.

9. Section 303.1; change to read as follows:

303.1 Assembly Group A. *{1<sup>st</sup> four sentences to remain unchanged}*. Assembly areas which are accessory to Group E occupancies are exempt from the separation requirements of Table 302.3.2 and are considered Group E occupancies only for the application of Table 503. *{Last sentence to remain unchanged}*

10. Section 304.1; add the following to the list of occupancies:

Fire stations  
Police stations with detention facilities for 5 or less

11. Section 403.1, change to read as follows:

403.1 Applicability. The provisions of this section shall apply to buildings having any occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

12. Section 403.1, exception 3; change to read as follows:

3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 when used for open air seating; however, this exception does not

apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

13. Section 403.2, exception 3; delete.

14. Section 404.1.1; change definition of "Atrium" as follows:

ATRIUM. An opening connecting three or more stories . . . *{Balance remains unchanged}*

15. Section 406.1.4; add item 4 to read as follows:

4. A separation is not required between a Group R-2 and U carport provided that the carport is entirely open on all sides and that the distance between the two is at least 10 feet (3048 mm).

16. Section 406.6.1; add a second paragraph to read as follows:

This occupancy shall include garages involved in servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such non-major repair. When the repair garage is only involved in such minor repair, it need not comply with Section 406.6.2.

17. Section 506.2.2; add a sentence to read as follows:

In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway from the street or approved fire lane must be provided. (See *International Fire Code* Section 503.1.1 for hose lay measurement pathway requirements.)

18. Table 602; amend footnote b by the addition of the following sentence:

- b. Group R-3 and Group U when used as accessory to Group R-3, as applicable in 101.2 shall be required to have a fire-resistance rating where fire separation distance is 3 feet or more. Group R-2 and Group U carport, as applicable in 406.1.4, exception 4 shall be required to have a fire-resistance rating where fire separation distance is 10 feet or less.

19. Section 705.11; change the exception to read as follows:

Exception: For other than hazardous exhaust ducts, penetrations by ducts and air transfer openings of . . . *{remainder of exception unchanged}*.

20. Section 707.2, change exception 7 as follows:

*{7, 7.1, 7.2 and 7.3 are unchanged}*

7.4 Is separated from floor openings... *{remainder of exception unchanged}*

21. Section 716.5.2; add exception 4 to read as follows:

4. In the duct penetration of the separation between the private garage and its residence when constructed in accordance with Section 406.1.4, exception 2.

22. Section 902.1; under "Standpipe, Types of" definition amend "Manual dry" by adding a sentence to read as follows:

The system must be supervised as specified in Section 905.9.

23. Section 903.2; delete exception.

24. Section 903.2.8.3 to read as follows:

903.2.8.3 Self-service storage facility. An automatic sprinkler system shall be installed throughout all self-service storage facilities.

Exception:

One-story self-service storage facilities that have no interior corridors, with a one-hour fire barrier separation wall installed between every storage compartment.

25. Section 903.2.10; amend 903.2.10.3 and add 903.2.10.4, 903.2.10.5, and 903.2.10.6 as follows:

903.2.10.3 Buildings more than 35 feet in height. An automatic sprinkler system shall be installed throughout buildings with a floor level, other than penthouses in compliance with Section 1509 of the *International Building Code*, that is located 35 feet (10 668mm) or more above the lowest level of fire department vehicle access.

Exception: Open parking structures in compliance with Section 406.3 of the *International Building Code*.

903.2.10.4 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4572 mm), see Chapter 23 to determine if those provisions apply.

903.2.10.5 Spray Booths and Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-

extinguishing system.

903.2.10.6 Buildings Over 6,000 sq. ft. An automatic sprinkler system shall be installed throughout all buildings with a building area over 6,000 sq.ft. For the purpose of this provision, fire walls shall not define separate buildings.

Exceptions:

1. Open parking garages in compliance with Section 406.3 of the *International Building Code*.
2. Type A-5.

26. Section 903.3.1.1.1; change to read as follows:

903.3.1.1.1 Exempt locations. When approved by the code official, automatic sprinklers shall not be required in the following rooms or areas where such . . . {bulk of section unchanged} . . . because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.

27. Section 903.3.5; add a second paragraph to read as follows:

Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every fire protection system shall be designed with a 10 psi safety factor.

28. Section 903.4; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

29. Add Section 903.6.2 to read as follows:

903.6.2 Spray booths and rooms. New and existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with IFC Section 1504.

30. Section 905.2; change to read as follows:

905.2 Installation standards. Standpipe systems shall be installed in accordance with this section and NFPA 14. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

31. Section 905.3.2; delete exceptions 1 and 2.

32. Section 905.4, item 5; change to read as follows:

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way hose connection located either . . . {*remainder of paragraph unchanged*} . . .

33. Section 905.9; add a second paragraph after the exceptions to read as follows:

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

34. Add Section 907.1.3 to read as follows:

907.1.3 Design Standards. All alarm systems new or replacement serving 50 or more alarm actuating devices shall be addressable fire detection systems. Alarm systems serving more than 75 smoke detectors or more than 200 total alarm activating devices shall be analog intelligent addressable fire detection systems.

Exception: Existing systems need not comply unless the total building remodel or expansion initiated after the effective date of this code, as adopted, exceeds 30% of the building. When cumulative building remodel or expansion exceeds 50% of the building must comply within 18 months of permit application.

35. Section 907.2.3; change to read as follows:

907.2.3 Group E. A manual fire alarm system shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

36. Section 907.2.3; change exception 1 and add exception 1 to read as follows:

1. Group E educational and day care occupancies with an occupant load of less than 50 when provided with an approved automatic sprinkler system.  
1.1 Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)

37. Section 906.2.12 change to read as follows:

907.2.12 High-rise buildings. Buildings having any floor used for human occupancy located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access shall be provided with an automatic fire alarm system and an emergency voice/alarm communications system in accordance with Section 907.2.12.2.

38. Section 907.2.12, exception 3; change to read as follows:

3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1, when used for open air seating; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants and similarly enclosed areas.

39. Section 907.3; add a second paragraph to read as follows:

Manual alarm actuating devices shall be an approved double action type.

40. Add Section 907.5.1 to read as follows:

907.5.1 Installation. All fire alarm systems shall be installed in such a manner that the failure of any single alarm-actuating or alarm-indicating device will not interfere with the normal operation of any other such devices. All systems shall be Class "A" wired with a minimum of six feet separation between supply and return loops. IDC – Class "A" style – D – SLC Class "A" Style 6 – notification Class "B" Style Y.

41. Section 907.8.2; change to read as follows:

907.8.2 High-rise buildings. In buildings that have any floor located more than 55 feet (16 764 mm) above the . . . *{remainder of section unchanged}*.

42. Section 1008.1.3.4; add criteria 7 as follows:

7. If a full building smoke detection system is not provided, approved smoke detectors shall be provided on both the access and egress sides of doors and in a location approved by the authority having jurisdiction of NFPA 72. Actuation of a smoke detector shall automatically unlock the door.

43. Section 1016.1; add an exception 5 to read as follows:

5. In Group B office buildings, corridor walls and ceilings need not be of fire resistive construction within office spaces of a single tenant when the space is equipped with an approved automatic smoke-detection system within the corridor. The actuation of any detector shall activate alarms audible in all areas served by the corridor. The smoke-detection system shall be connected to the building's fire alarm system where such a system is provided.

44. Section 1019.1.8; change to read as follows:

1019.1.8 Smokeproof enclosures. In buildings required to comply with Section 403 or 405, each of the exits of a building that serves stories where any floor surface is located more than 55 feet (16 764 mm) above the lowest level of fire . . . *{remainder of section unchanged}*.

45. Section 1101.2; add an exception to read as follows:

Exception: Buildings regulated under State Law and built in accordance with State certified plans, including any variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of this Chapter.

46. Section 1109.2.1; change to read as follows:

1109.2.1 Unisex toilet and bathing rooms. In assembly and mercantile occupancies, an accessible unisex toilet room shall be provided where an aggregate of six or more male or female water closets is provided. In buildings of mixed occupancy, only those water closets . . . *{remainder of section unchanged}*.

47. Section 1210.2; exception 2; change to read as follows:

2. Toilet rooms that are not accessible to the public and which have not more than one water closet; provided that walls around urinals comply with the minimum surrounding material specified by Section 419.3 of the *International Plumbing Code*.

48. Section 1403.3; change to read as follows:

1403.3 Vapor retarder. In all framed walls, floors and roof/ceilings comprising elements of the building thermal envelope, a vapor retarder, when installed, shall be installed in a manner so as to not trap moisture. Vapor retarders shall be tested in accordance with ASTM E 96.

*(delete all exceptions)*

49. Table 1505.1; replace footnotes b and c with the following:

- b. All individual replacement shingles or shakes shall be in compliance with the rating required by this table.
- c. Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq.ft. of projected roof area. When exceeding 120 sq.ft of projected roof area, buildings of U occupancies may use non-rated non-combustible roof coverings.

50. Section 1505.7; delete.

51. Add Section 2308.2.3 to read as follows:

2308.2.3 Application to engineered design. When accepted by the Building Official, any portion of this section is permitted to apply to buildings that are otherwise outside the limitations of this section provided that:

1. The resulting design will comply with the requirements specified in Chapter 16;
2. The load limitations of various elements of this section are not exceeded; and
3. The portions of this section which will apply are identified by an engineer in the construction documents.

52. Section 2901.1; add a sentence to read as follows:

The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the *International Plumbing Code*. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.



53. Section 2902.1, 2902.1.1 and 2902.1.2; change to read as follows and add sub sections:

2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number as follows:

1. Assembly Occupancies: At least one drinking fountain shall be provided at each floor level in an approved location.

Exception: A drinking fountain need not be provided in a drinking or dining establishment.

2. Groups A, B, F, H, I, M and S Occupancies: Buildings or portions thereof where persons are employed shall be provided with at least one water closet for each sex except as provided for in Section 2902.2.
3. Group E Occupancies: Shall be provided with fixtures as shown in Table 2902.1.
4. Group R Occupancies: Shall be provided with fixtures as shown in Table 2902.1.

It is recommended, but not required, that the minimum number of fixtures provided also comply with the number shown in Table 2902.1. Types of occupancies not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3.

2902.2 Finish material. Finish materials shall comply with Section 1210.

- Sec. 4. THAT Chapter 18, Section 18-16, paragraph (a), of the Code of Ordinances of Ordinances of the City of Colleyville, Texas, is hereby amended in its entirety to read as follows:

- (a) *Adopted.* The International Residential Code, 2003 edition, as recommended by the International Code Council, one copy of which is on file in the Office of the City Secretary, is hereby adopted and incorporated by reference and made a part of this article as the building code of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.

- Sec. 5. THAT Chapter 18, Section 18-16, paragraph (c), of the Code of Ordinances of Ordinances of the City of Colleyville, Texas, is hereby amended in its entirety to read as follows:

- (c) *Amendments.* The International Residential Code, 2003 edition, as

recommended by the International Code Council is hereby amended to include the recommendations of the Regional Codes Committee of the North Central Texas Council of Governments for buildings and structures in the City of Colleyville, Texas, which are as follows:

Sec. 6. THAT Chapter 18, Section 18-16, paragraph (c), (1) through paragraph (c), (79), of the Code of Ordinances of the City of Colleyville, Texas, are hereby deleted and replaced with the following paragraphs to read as follows:

1. Section R102.4; change to read as follows:

R102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the ICC *Electrical Code* shall mean the Electrical Code as adopted.

Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**Exception:** Where enforcement . . . *{remainder of exception unchanged}*. . . .

2. Section R105.2, item 1; change as follows:

1. One-story detached accessory structures, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).

3. Section R109.1.3; change to read as follows:

R109.1.3 Floodplain inspections. For construction permitted in areas prone to flooding as established by Table R301.2(1), upon . . . *{bulk of section unchanged}* . . . construction, the building official may require submission . . . *{remainder of section unchanged}*.

4. Section R110 (R110.1 through R110.4); delete.

5. Sections R112.1, R112.2, R112.2.1, R112.2.2, R112.3 & R112.4 delete.

6. Section R202, change definition of "Townhouse" to read as follows:

TOWNHOUSE. A single-family dwelling unit constructed in a group of

attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides.

7. Section R202, add definition of "Naturally durable wood" as follows:

**NATURALLY DURABLE WOOD.** The heartwood of the following species with the exception that an occasional piece with corner sapwood is permitted if 90 percent or more of the width of each side on which it occurs is heartwood.

Decay resistant. Redwood, cedars, black locust and black walnut.

Termite resistant. Redwood and Eastern red cedar.

8. Table R301.2(1); fill in as follows:

|                                  |                                                 |                                       |                                  |                                |
|----------------------------------|-------------------------------------------------|---------------------------------------|----------------------------------|--------------------------------|
| GROUND SNOW LOAD                 | WIND SPEED <sup>ed</sup> (mph)                  | SEISMIC DESIGN CATEGORY <sup>gn</sup> |                                  |                                |
| 5 lb/ft <sup>2</sup>             | 90 (3-sec-gust)/75 fastest mile                 | A                                     |                                  |                                |
| SUBJECT TO DAMAGE FROM           |                                                 |                                       |                                  |                                |
| Weathering <sup>a</sup>          | Frost line depth <sup>b</sup>                   | Termite <sup>c</sup>                  | Decay <sup>d</sup>               |                                |
| moderate                         | 6"                                              | very heavy                            |                                  |                                |
| WINTER DESIGN TEMP <sup>fe</sup> | ICE SHIELD UNDER-LAYMENT REQUIRED <sup>ih</sup> | FLOOD HAZARDS <sup>hg</sup>           | AIR FREEZING INDEX <sup>il</sup> | MEAN ANNUAL TEMP <sup>ki</sup> |
| 22°F                             | No                                              | local code                            | 69°F                             | 64.9°F                         |

For SI: 1 pound per square foot = 0.0479 kN/m.<sup>02</sup>, 1 mile per hour = 1.609 km/h.

- a. No revisions.
- b. No revisions.
- c. No revisions.
- d. No further revisions.
- e. No further revisions.
- f. No further revisions.
- g. No further revisions.
- h. No further revisions.
- i. No further revisions.
- j. No further revisions.

9. Figure R 301.2(7); delete and renumber figures as needed.

10. Section R302.1; add a second exception as follows:

Exceptions:

- 1. Tool and storage sheds, playhouses and similar structures exempted

from permits by Section R105.2 are not required to provide wall protection based on location on the lot. Projections beyond the exterior wall shall not extend over the lot line.

2. Open metal carport structures may be constructed within zero (0) feet of the property line without fire-resistive or opening protection when the location of such is approved as required by other adopted ordinances.

11. Section R303.3, exception; change to read as follows:

Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system, complying with one of the following, are provided.

1. The minimum ventilation rates shall be 50 cfm (23.6 L/s) for intermittent ventilation or 20 cfm (9.4 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.
2. Bathrooms that contain only a water closet, lavatory or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

12. Section R303.8; change to read as follows:

R303.8 Required heating. Every dwelling unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. *{Remainder of section unchanged}*

13. Section R311.2.2; change to read as follows:

R311.2.2 Under stair protection. Enclosed accessible space under stairs shall have walls, under stair surface and any soffits protected on the enclosed side with 5/8-inch (15.8 mm) fire-rated gypsum board or one-hour fire-resistive construction.

14. Section R317.1; add a second exception to read as follows:

Exceptions:

1. *{existing exception unchanged}*
2. Two-family dwelling units that are also divided by a property line through the structure shall be separated as required for townhouses.

15. Section R318; delete.

16. Sections R319 and R320; change to read as follows:

*Revise Section R319.1 to read as follows:*

R319.1 Location required. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is pressure preservatively treated in accordance with AWPA C1, C2, C3, C4, C9, C15, C18, C22, C23, C24, C28, C31, C33, P1, P2, and P3.

1. *No revision.*
2. *No revision.*
3. *No revision.*
4. *No revision.*
5. *No revision.*
6. *No revision.*
7. *No revision.*

R319.1.1 Field treatment. Field cut ends, notches and drilled holes of pressure preservatively treated wood shall be retreated in the field in accordance with AWPA M4.

*Renumber existing sections R319.1.1 (Ground contact) through R319.1.4 (Wood columns).*

*Delete Section R320.1 and substitute the following:*

R320.1 Subterranean termite control. In areas favorable to termite damage as established by Table R 301.2 (1), methods of protection shall be by one of the following: or any combination of these methods.

R 320.1.1 Pressure preservatively treated or naturally durable wood shall be provided as per HUD standards. Pressure perservatively treated wood shall be treated in accordance with the standards cited in R 319.1.

R 320.1.1.1 Quality Mark. Lumber and plywood required to be pressure preservatively treated in accordance with R324.1 shall bear the quality mark of an approved inspection agency which maintains continuing supervision, testing, and inspection over the quality of the product and which has been approved by an accreditation body which complies with the requirements of the American Lumber Standards Committee treated wood program.

R320.1.1.2 Field treatment. Field cut ends, notches and drilled holes of pressure preservatively treated wood shall be retreated in the field in accordance with AWPA M4.

*Revise sections R320.2 through R320.4 as follows:*

R320.1.2 Pesticide treatment. The concentrations, rate of application and treatment methods of the termiticide shall be consistent with the termiticide label. Pesticide treatment shall be provided using methods approved by the Environmental Protection Agency and the Texas Structural Pest Control Board.

R320.1.3 Physical Barriers. Physical barriers shall be installed as recognized by Texas Structural Pest Control Board.

R320.2 Foam plastic protection. *{Remainder of section unchanged.}*

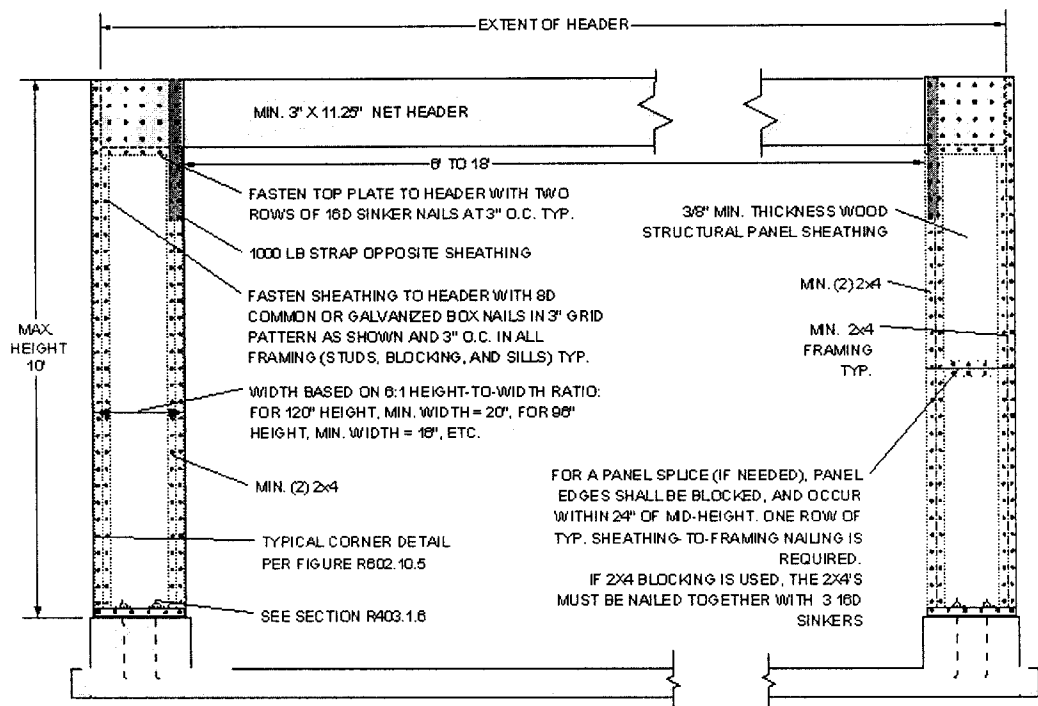
17. Section R323.1; change to read as follows:

R323.1 General. Buildings and structures, when permitted to be constructed in flood hazard areas . . . *{bulk of section unchanged}* . . . shall be designed and constructed as required in accordance with the provisions contained in this section or by other local provisions as applicable.

18. Section R602.10.5; add the following exception and figure:

Exception: Vertical wall segments in the first of one- or first of two-story buildings next to garage openings shall be permitted to have a 6:1 height-to-width ratio (with height being measured from top of header to sill plate) when constructed in accordance with the following provisions. Each panel shall have a length of not less than 16 inches (406 mm) and a height of not more than 10 feet (3048 mm). Each panel shall be sheathed on one face with a single layer of 3/8-inch-minimum-thickness (9.5 mm) wood structural panel sheathing nailed with 8d common or galvanized box nails in accordance with Figure R602.10.5(2). The wood structural panel sheathing shall extend up over the solid sawn or glued-laminated header and shall be nailed in accordance with Figure R602.10.5(2). The header shall extend between the inside faces of the first full-length outer studs of each panel. The clear span of the header between the inner studs of each panel shall be not less than six feet (1829 mm) and not more than 18 feet (5486 mm) in length. A strap with an uplift capacity of not less than 1000 pounds (454 kg) shall fasten the header to the side of the inner studs opposite the sheathing. Two anchor bolts shall be installed in accordance with Section R403.1.6, and plate washers shall be a minimum of 2 inches by 2 inches by 3/16 inch (51 mm by 51 mm by 4.88 mm) thick and shall be used on each bolt. This exception is only permitted in Seismic Design Categories A-C.

Figure R602.10.5(2)  
GARAGE DOOR BRACED WALL PANEL  
FOR USE WITH CONTINUOUSLY SHEATHED WALLS



19. Section R703.7.4.1; add a second paragraph to read as follows:

For  $3\frac{1}{4}$  square feet (0.302 m<sup>2</sup>) of wall area, the following dimensions shall be adhered to:

1. When ties are placed on studs 16 in (407 mm) o.c., they shall be spaced no further apart than 29 in (737 mm) vertically starting approximately 15 in (381 mm) from the foundation.
2. When ties are placed on studs 24 in (610 mm) o.c., they shall be spaced no further apart than 19 in (483 mm) vertically starting approximately 10 in (254 mm) from the foundation.

20. Add Section R902.3 to read as follows:

**R902.3 Minimum Roof Class.** All roof coverings shall be a minimum Class C. All individual replacement shingles or shakes shall be a minimum Class C.

Exception: Non-classified roof coverings shall be permitted on buildings of U occupancies having not more than 120 sq.ft. of projected roof area. When exceeding 120 sq.ft. of projected roof area, buildings of U occupancies may use non-rated non-combustible coverings.

21. Section R907.1; add a sentence to read as follows:

All individual replacement shingles or shakes shall comply with Section R902.3.

22. Section N1101.2; amend as follows:

N1101.2.1 Compliance. Compliance with this chapter shall be demonstrated by meeting either one of the following:

1. Meeting the requirements of this chapter for buildings with a glazing area that does not exceed 15 percent of the gross area of exterior walls; or
  2. Meeting the requirements of this chapter for buildings with a glazing area that is greater than 15 percent but not exceeding 20 percent of the gross area of exterior walls and air conditioning equipment rated 12 SEER or higher;
  3. Meeting the requirements of this chapter for buildings with a glazing area that is greater than 20 percent but not exceeding 25 percent of the gross area of exterior walls and air conditioning equipment rated 14 SEER or higher; or
  4. Meeting the requirements of the *International Energy Conservation Code* for residential buildings, detached one- and two-family dwellings.
- {Remainder of section unchanged}*

23. Add Section N1101.3.4 to read as follows:

N1101.3.4 Exterior basement or slab insulation. When susceptibility to termite damage is classified as "very heavy" according to Table R301.2(1), designs employing basement or slab exterior insulation capable of harboring termites shall not be utilized.

24. Section N1102.1; amend as follows:

N1102.1 Thermal performance criteria. The minimum required insulation R-value or the area-weighted average maximum required fenestration U-factor (other than opaque doors which are governed by Section N1102.1.3) for each element in the building thermal envelope (fenestration, roof/ceiling, opaque wall, floor, slab edge, crawl space wall and basement wall) shall be in accordance with the criteria in Table N1102.1.

Detached one-and-two family dwellings with greater than 25-percent glazing



area; townhouses with greater than 25-percent glazing area; shall determine compliance using the building envelope requirements of Chapters 4 or 5 of the *International Energy Conservation Code*.

25. Replace Table N1102.1 with:

| TABLE N1102.1<br>SIMPLIFIED PRESCRIPTIVE BUILDING ENVELOPE THERMAL COMPONENT CRITERIA<br>MINIMUM REQUIRED THERMAL PERFORMANCE (U-FACTOR AND R-VALUE) |                                                           |                                             |          |        |                   |                   |                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------|----------|--------|-------------------|-------------------|-------------------------|
| MAXIMUM<br>GLAZING<br>U-FACTOR<br>[Btu/(hr·ft <sup>2</sup> ·°F)]                                                                                     | MINIMUM INSULATION R-VALUE [(hr·ft <sup>2</sup> ·°F)/Btu] |                                             |          |        |                   |                   |                         |
|                                                                                                                                                      | Ceilings<br>open to<br>Attic Space                        | Ceiling<br>Joist/Roof<br>Rafter<br>Assembly | Walls    | Floors | Basement<br>Walls | Slab<br>perimeter | Crawl<br>space<br>walls |
| 0.65                                                                                                                                                 | R-38                                                      | R-22                                        | R-<br>13 | R-19   | R-0               | R-0               | R-7 <sup>a</sup>        |

a. Crawl space insulation is only required for structures with uninsulated floors.

Use of this table is limited to projects where the cathedral ceiling area is limited to one third or less of the total ceiling area.

26. Section N1102.1.6; delete last sentence of exception.

27. Section N1102.2; amend as follows:

N1102.2 Maximum solar heat gain coefficient for fenestration products. The area-weighted-average solar heat gain coefficient (SHGC) for glazed fenestration installed in locations with 3,500 or fewer heating degree days shall not exceed 0.40.

Exceptions:

1. Any glazing facing within 45 degrees of true north;
2. Any glazing facing within 45 degrees of true south which is shaded along its full width by a permanent overhang with a projection factor of 0.3 or greater.
3. Any fenestration with permanently attached screens where the screens have a rated shading coefficient of .6 or less.

28. Table N1103.5; amend as follows:

| Cooling Systems                     | FLUID TEMP RANGE (°F) | INSULATION THICKNESS<br>inches <sup>b</sup> |
|-------------------------------------|-----------------------|---------------------------------------------|
| Chilled water, refrigerant or brine | 40-55                 | 0.5                                         |
|                                     | Below 40              | 1.25                                        |

*{Remainder of table unchanged.}*

*Amend footnote "b" to read as follows:*

- b. For piping lengths in excess of five (5) feet (1,524 mm) exposed to outdoor air, increase thickness by 0.5 inch (13 mm).

29. Section M1305.1.3; change to read as follows:

M1305.1.3 Appliances in attics. Attics containing appliances requiring access shall be provided . . . *{bulk of paragraph unchanged}* . . . from the opening to the appliance. The passageway shall have continuous unobstructed solid flooring in accordance with Chapter 5 not less than 30 inches (762 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present along all sides of the appliance where access is required. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), or larger where such dimensions are not large enough to allow removal of the largest appliance. As a minimum, access to the attic space shall be provided by one of the following:

1. A permanent stair.
2. A pull down stair.
3. An access door from an upper floor level.

Exception: The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.

30. Section M1305.1.3.1; add a sentence to read as follows:

Low voltage wiring of 50 Volts or less shall be installed in a manner to prevent physical damage.

31. Section M1305.1.4.1; change to read as follows:

M1305.1.4.1 Ground clearance. Appliances supported from the ground shall be level and firmly supported on a concrete slab or other approved material extending above the adjoining ground a minimum of 3 inches (76 mm). Appliances suspended from the floor shall have a clearance of not less than 6 inches (152 mm) above the ground.

32. Section M1305.1.4.3; add a sentence to read as follows:

Low voltage wiring of 50 Volts or less shall be installed in a manner to

prevent physical damage.

33. Section M1307.3.1; delete.

34. Section M1501.2; delete and replace with the following:

M1501.2 Exhaust duct size. The minimum diameter of the exhaust duct shall be as recommended by the manufacturer, shall be at least the diameter of the appliance outlet and shall be a minimum nominal size of 4 inches (102 mm) in diameter. The size of duct shall not be reduced along its developed length nor at the point of termination.

35. Section M1501.3; change to read as follows:

M1501.3 Length limitation. The maximum length of a clothes dryer exhaust duct shall not exceed 25 feet (7620 mm) from the dryer location to the wall or roof termination with not more than two bends. When extra bends are installed, the maximum length of the duct shall be reduced 2.5 feet (762 mm) for each 45-degree (0.79 rad) bend and 5 feet (1524 mm) for each 90-degree (1.6 rad) bend that occur after the first two bends, measuring in the direction of airflow. The maximum length of the exhaust duct does not include the transition duct.

*{Exception is unchanged}*

36. Section M2005.2: change to read as follows:

M2005.2 Prohibited locations. Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that combustion air will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the *International Energy Conservation Code* and equipped with an approved self-closing device. Direct-vent water heaters are not required to be installed within an enclosure.

37. Section G2408.3; delete.

38. Section G2412.5; add a second paragraph to read as follows:

Both ends of each section of medium pressure gas piping shall identify its operating gas pressure with an approved tag. The tags are to be composed of aluminum or stainless steel and the following wording shall be stamped into the tag:

"WARNING  
1/2 to 5 psi gas pressure  
Do Not Remove"

39. Section G2413.3; add an exception to read as follows:

Exception: Corrugated stainless steel tubing (CSST) shall be a minimum of 1/2".

40. Section G2415.6; change to read as follows:

G2415.6 (404.6) Piping in solid floors. Piping in solid floors shall be laid in channels in the floor and covered in a manner what will allow access to the piping with a minimum amount of damage to the building. Where such piping is subject to exposure to excessive moisture or corrosive substances, the piping shall be protected in an approved manner. As an alternative to installation in channels, the piping shall be installed in accordance with Section G2415.11 (404.11)

41. Section G2415.9; change to read as follows:

G2415.9 (404.9) Minimum burial depth. Underground piping systems shall be installed a minimum depth of 18 inches (458 mm) below grade.

42. Section G2415.9.1; delete.

43. Section G2417.1; change to read as follows:

G2417.1 (406.1) General. Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections 2417.1.1 through 2417.7.4 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

44. Section G2417.4; change to read as follows:

G2417.4 (406.4) Test pressure measurement. Test pressure shall be measured with a monometer or with a pressure-measuring device designed

and calibrated to read, record, or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. For tests requiring a pressure of 3 psig, mechanical gauges shall utilize a dial with a minimum diameter of three and one half inches (3 ½"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, mechanical gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 ½"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi.

45. Section G2417.4.1; change to read as follows:

G2417.4.1 (406.4.1) Test pressure. The test pressure to be used shall be not less than 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure.

46. Section G2417.4.2; change to read as follows:

G2417.4.2 (406.4.2) Test duration. The test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than fifteen (15) minutes. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Code Official, but in no case for less than thirty (30) minutes.

47. Add Section G2420.1.4 to read as follows:

G2420.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the

supporting piping.

48. Section G2421.1; add a second paragraph and exception to read as follows:

Access to regulators shall comply with the requirements for access to appliances as specified in Section M1305.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

49. Section G2439.5; add a sentence to read as follows:

The size of duct shall not be reduced along its developed length nor at the point of termination.

50. Section G2439.5.1; change to read as follows:

G2439.5.1 (614.6.1) Maximum length. The maximum length of a clothes dryer exhaust duct shall not exceed 25 feet (7620 mm) from the dryer location to the outlet terminal with not more than two bends. When extra bends are installed, the maximum length of the duct shall be reduced 2 1/2 feet (762 mm) for each 45-degree (0.79 rad) bend and 5 feet (1524 mm) for each 90-degree (1.6 rad) bend that occur after the first two bends, measuring in the direction of airflow.

*{Exception is unchanged}*

51. Section G2445.2; change to read as follows:

G2445.2 (621.2) Prohibited use. One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

Exception: Existing approved unvented heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Code Official unless an unsafe condition is determined to exist as described in *International Fuel Gas Code* Section 108.7.

52. Section G2448.1.1; change to read as follows:

G2448.1.1 (624.1.1) Installation requirements. The requirements for water heaters relative to access, sizing, relief valves, drain pans and scald protection shall be in accordance with this code.

53. Section P2503.5.1, item 1; add a second paragraph to read as follows:

Shower receptors shall be tested for water tightness by filling with water to the level of the rough threshold. The drain shall be plugged in a manner so that both sides of pans shall be subjected to the test at the point where it is clamped to the drain.

54. Section P2503.7.2; change to read as follows:

P2503.7.2 Testing. Reduced pressure principle . . . *{bulk of section unchanged}* . . . at the time of installation, immediately after repairs or relocation and at regular intervals as required by applicable state or local provisions.

55. Section P2603.2.1; change to read as follows:

P2603.2.1 Protection against physical damage. In concealed locations...*{bulk of section unchanged}*...Protective shield plates shall be a minimum of .062-inch-thick (1.6 mm) steel and shall cover the area of the pipe where the member is notched or bored.

56. Section P2603.6.1; delete and replace with the following:

P2603.6.1 Sewer depth. Building sewers shall be a minimum of 12 inches (304 mm) below grade.

57. Section P2709.1; add an exception to read as follows:

Exception: Showers designed to comply with ICC/ANSI A117.1.

58. Section P2801.6; add an exception as follows:

Exception: Elevation of the ignition source is not required for water heaters that are listed as flammable vapor resistant and for installation without elevation.

59. Section P2902.4.3; changed to read as follows:

P2902.4.3 Lawn Irrigation Systems. The potable water supply system to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer . *{remainder of section unchanged}*.

60. Table P2904.4.1 & P2904.5; delete "Polybutylene (PB) plastic pipe and

tubing".

61. Sections P2904.5.1 and P2904.14; delete reference to "PB" plastic pipe.

62. Section P3005.2.6; changed to read as follows:

P3005.2.6 Upper terminal. Each horizontal drain shall be provided with a cleanout at its upper terminal.

Exception: Cleanouts may be omitted on a horizontal drain less than five (5) feet (1524 mm) in length unless such line is serving sinks or urinals.

63. Section P3103.1; change to read as follows:

P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least six (6) inches (152 mm) above the roof, except that . . . *{remainder of section unchanged}*.

64. Sections P3105.2; change to read as follows:

P3105.2 Fixture drains. The total fall in a fixture drain due to pipe slope shall not exceed one pipe diameter, nor shall the vent pipe connection to a fixture drain, except for water closets, be below the weir of the trap.

65. Section 3105.3 and Figure P3105.3; delete.

66. Section P3111; delete.

67. Section P3112.2; delete and replace with the following:

P3112.2 Installation. Traps for island sinks and similar equipment shall be roughed in above the floor and may be vented by extending the vent as high as possible, but not less than the drainboard height and then returning it downward and connecting it to the horizontal sink drain immediately downstream from the vertical fixture drain. The return vent shall be connected to the horizontal drain through a wye-branch fitting and shall, in addition, be provided with a foot vent taken off the vertical fixture vent by means of a wye-branch immediately below the floor and extending to the nearest partition and then through the roof to the open air or may be connected to other vents at a point not less than six (6) inches (152 mm) above the flood level rim of the fixtures served. Drainage fittings shall be used on all parts of the vent below the floor level and a minimum slope of one-quarter (1/4) inch per foot (20.9 mm/m) back to the drain shall be maintained. The return bend used under the drainboard shall be a one (1) piece fitting or an assembly of a forty-five (45) degree (0.79 radius), a ninety



(90) degree (1.6 radius) and a forty-five (45) degree (0.79 radius) elbow in the order named. Pipe sizing shall be as elsewhere required in this Code. The island sink drain, upstream of the return vent, shall serve no other fixtures. An accessible cleanout shall be installed in the vertical portion of the foot vent.

68. Chapters 33 through 42; delete. Replace with the electrical code as adopted.

Sec. 7. THAT Chapter 18, Section 18-18, paragraph (a), of the Code of Ordinances of Ordinances of the City of Colleyville, Texas, is hereby amended in its entirety to read as follows:

(a) *Adopted.* The International Energy Conservation Code, 2003 edition, as recommended by the International Code Council, one copy of which is on file in the Office of the City Secretary, is hereby adopted and incorporated by reference and made a part of this article as the building code of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.

Sec. 8. THAT Chapter 18, Section 18-18, paragraph (c), of the Code of Ordinances of Ordinances of the City of Colleyville, Texas, is hereby amended in its entirety to read as follows:

(c) *Amendments.* The International Energy Conservation Code, 2003 edition, as recommended by the International Code Council is hereby amended to include the recommendations of the Regional Codes Committee of the North Central Texas Council of Governments for buildings and structures in the City of Colleyville, Texas, which are as follows:

Sec. 9. THAT Chapter 18, Section 18-18, paragraph (c), (1) through paragraph (c), (20), of the Code of Ordinances of the City of Colleyville, Texas, are hereby deleted and replaced with the following paragraphs to read as follows:

1. Add the following section:

101.4.1.3 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

2. Section 302.1; Replace blank Table 302.1 Exterior Design Conditions with

the following:

| CONDITION                                          | VALUE |
|----------------------------------------------------|-------|
| Winter <sup>a</sup> , design dry-bulb (°F) (99.6%) | 17    |
| Summer <sup>a</sup> , design dry-bulb (°F) (0.4%)  | 100   |
| Summer <sup>a</sup> , design wet-bulb (°F) (0.4%)  | 78    |
| Degree days heating <sup>b</sup>                   | 2407  |
| Degree days cooling <sup>b</sup>                   | 2603  |
| Climate zone <sup>c</sup>                          | 5B    |

3. Delete note "a" and replace with the following:

- a. These values are from ASHRAE Handbook of Fundamentals for Dallas/Ft. Worth International Airport 99.6% Winter DB, 0.4% Summer DB, and 0.4% Summer WB; and from Local Climatological Data for Dallas-Ft. Worth published by the National Climatic Data Center, National Oceanic and Atmospheric Administration. These values are for the purpose of providing a uniform basis of requirements for North Central Texas. This will not preclude licensed professionals from submitting design analyses based on site measurements or published data more specific to the building site. Adjustments shall be permitted to reflect local climates which differ from the tabulated values, or local weather experience determined by the code official.

4. Section 502.1.1; delete exception 2 and substitute the following:

2. Buildings located in Climate Zones 5b.

5. Section 502.1.5; add the following exceptions:

Exceptions:

1. Any glazing facing within 45 degrees of true north;
2. Any glazing facing within 45 degrees of true south which is shaded along its full width by a permanent overhang with a projection factor of 0.3 or greater.
3. Any fenestration with permanently attached screens where the screens have a rated shading coefficient of .6 or less.

6. Section 502.2; Replace blank Table 502.2 Heating & Cooling Criteria with the following:

Table 502.2<sup>a,g</sup>  
HEATING AND COOLING CRITERIA

| Element                     | Mode               | Detached One-Family Dwellings<br>$U_o$ | Detached Two-Family Dwellings<br>$U_o$ |
|-----------------------------|--------------------|----------------------------------------|----------------------------------------|
| Walls                       | Heating or cooling | 0.15                                   | 0.22                                   |
| Roof/ceiling                | Heating or cooling | 0.03                                   | 0.03                                   |
| Floors over unheated spaces | Heating or cooling | 0.05                                   | 0.05                                   |
| Heated slab on grade        | Heating            | R-value = 6                            | R-value = 6                            |
| Unheated slab on grade      | Heating            | R-value = 0                            | R-value = 0                            |
| Basement wall               | Heating or cooling | U-factor = 0.15                        | U-factor = 0.15                        |
| Crawl space wall            | Heating or cooling | U-factor = 0.15                        | U-factor = 0.15                        |

7. Delete Note "a" and replace with the following:
  - a. The above values have been determined for all counties in the North Central Texas Council of Governments region.
8. Add Note "g":
  - g. These requirements apply only to the boundaries of conditioned space. Air conditioning equipment and ductwork is recommended, but not required, to be located within the conditioned space in North Central Texas zones.
9. Delete Figures 502.2(1-6)
10. Section 502.2; Add note to Fig 502.2(7):
 

All counties within the North Central Texas Council of Governments region are designated as within the area of very heavy termite infestation probability for purpose of uniform interpretation of this requirement.
11. Section 502.2.2; add a second paragraph as follows:
 

A building demonstrating envelope compliance at least 10% better than code may utilize R6 duct insulation in both supply and return air ducts in lieu of the insulation required by Table 503.3.3.3.
12. Section 502.2.4; Delete prescriptive Tables 502.2.4(1-9) and substitute the following:
 

Replace Tables 502.2.4 (1-6) with:

| Table 502.2.4(1)<br>Prescriptive Building Envelope Requirements, Detached One-Family Dwellings, Based on Window Area<br>as a Percent of Gross Exterior Wall Area |                     |                    |                             |                  |                             |                                           |                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------|-----------------------------|------------------|-----------------------------|-------------------------------------------|--------------------------------|
| % Glazing                                                                                                                                                        | Maximum             | Minimum            |                             |                  |                             |                                           |                                |
|                                                                                                                                                                  | Glazing<br>U-factor | Ceiling<br>R-value | Exterior<br>wall<br>R-value | Floor<br>R-value | Basement<br>wall<br>R-value | Slab<br>perimeter<br>R-value<br>and depth | Crawl<br>space wall<br>R-value |
| <8%                                                                                                                                                              | 0.70                | R-26               | R-11                        | R-11             | R-5                         | R-0                                       | R-6                            |
| <12%                                                                                                                                                             | 0.65                | R-26               | R-13                        | R-11             | R-5                         | R-0                                       | R-5                            |
| <15%                                                                                                                                                             | 0.60                | R-30               | R-13                        | R-19             | R-6                         | R-0                                       | R-7                            |
| <18%                                                                                                                                                             | 0.52                | R-30               | R-13                        | R-19             | R-6                         | R-0                                       | R-7                            |
| <20%                                                                                                                                                             | 0.50                | R-38               | R-13                        | R-19             | R-6                         | R-0                                       | R-7                            |
| <25%                                                                                                                                                             | 0.46                | R-38               | R-16                        | R-19             | R-6                         | R-0                                       | R-7                            |

Replace Tables 502.2.4 (7-9) with:

| Table 502.2.4(2)<br>Prescriptive Building Envelope Requirements, Detached Two-Family Dwellings, Based on Window Area<br>as a Percent of Gross Exterior Wall Area |                     |                    |                             |                  |                             |                                           |                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------|-----------------------------|------------------|-----------------------------|-------------------------------------------|--------------------------------|
| % Glazing                                                                                                                                                        | Maximum             | Minimum            |                             |                  |                             |                                           |                                |
|                                                                                                                                                                  | Glazing<br>U-factor | Ceiling<br>R-value | Exterior<br>wall<br>R-value | Floor<br>R-value | Basement<br>wall<br>R-value | Slab<br>perimeter<br>R-value<br>and depth | Crawl<br>space wall<br>R-value |
| <20%                                                                                                                                                             | 0.55                | R-30               | R-13                        | R-11             | R-5                         | R-0                                       | R-5                            |
| <25%                                                                                                                                                             | 0.55                | R-30               | R-13                        | R-11             | R-5                         | R-0                                       | R-5                            |
| <30%                                                                                                                                                             | 0.47                | R-38               | R-13                        | R-19             | R-7                         | R-0                                       | R-8                            |

13. Table 503.3.3.1 MINIMUM PIPE INSULATION. Amend footnote "a" to read as follows:

- a. For piping lengths in excess of five (5) feet exposed to outdoor air, increase the insulation thickness by 0.5 inch.

14. Table 503.3.3.3; add footnote "e" as follows:

- e. See Section 502.2.2

15. Section 503.3.3.4.3; change first sentence to read as follows:

503.3.3.4.3 Sealing required. All joints, longitudinal and transverse seams, and connections in ductwork, shall be made substantially airtight by means of welds, gaskets, mastics (adhesives), mastic-plus-embedded-fabric systems or tapes or other approved closure systems. *{Remainder to remain unchanged}*

16. Section 602.1.6; delete last sentence of exception.

17. Section 602.2 Maximum solar heat gain coefficient for fenestration products.

*Add the following exceptions:*

Exceptions:

1. Any glazing facing within 45 degrees of true north.
2. Any glazing facing within 45 degrees of true south which is shaded along its full width by a permanent overhang with a projection factor of 0.30 or greater.
3. Any fenestration with attached screens where the screens have a rated shading coefficient of 0.6 or less.

18. Section 802.2; Replace blank tables 802.2 (1-4) with the completed tables provided on the following four pages. Delete tables 802.2 (5-37).

| TABLE 802.2(1)<br>BUILDING ENVELOPE REQUIREMENTS<br>WINDOW AND GLAZED DOOR AREA 10 PERCENT OR LESS<br>OF ABOVE-GRADE WALL AREA |                            |                       |              |
|--------------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------|--------------|
| ELEMENT                                                                                                                        | CONDITION/VALUE            |                       |              |
| Skylights ( <i>U</i> -factor)                                                                                                  | 1                          |                       |              |
| Slab or below-grade wall ( <i>R</i> -value)                                                                                    | R-0                        |                       |              |
| Windows and glass doors                                                                                                        | SHGC                       | <i>U</i> -factor      |              |
| PF < 0.25                                                                                                                      | Any                        | Any                   |              |
| 0.25 ≤ PF < 0.50                                                                                                               | Any                        | Any                   |              |
| PF ≥ 0.50                                                                                                                      | Any                        | Any                   |              |
| Roof assemblies ( <i>R</i> -value)                                                                                             | Insulation between framing | Continuous insulation |              |
| All-wood joist/truss                                                                                                           | R-19                       | R-16                  |              |
| Metal joist/truss                                                                                                              | R-25                       | R-17                  |              |
| Concrete slab or deck                                                                                                          | NA                         | R-16                  |              |
| Metal purlin with thermal block                                                                                                | R-25                       | R-17                  |              |
| Metal purlin without thermal block                                                                                             | X                          | R-17                  |              |
| Floors over outdoor air or Unconditioned space ( <i>R</i> -value)                                                              | Insulation between framing | Continuous insulation |              |
| All-wood joist/truss                                                                                                           | R-11                       | R-6                   |              |
| Metal joist/truss                                                                                                              | R-11                       | R-6                   |              |
| Concrete slab or deck                                                                                                          | NA                         | R-6                   |              |
| Above-grade walls ( <i>R</i> -value)                                                                                           | No framing                 | Metal Framing         | Wood framing |
| Framed                                                                                                                         |                            |                       |              |
| R-value cavity                                                                                                                 | NA                         | R-11                  | R-11         |
| R-value continuous                                                                                                             | NA                         | R-0                   | R-0          |
| CMU, ≥ 8 in., with integral insulation                                                                                         |                            |                       |              |
| R-value cavity                                                                                                                 | NA                         | R-0                   | R-0          |
| R-value continuous                                                                                                             | R-0                        | R-0                   | R-0          |
| Other masonry walls                                                                                                            |                            |                       |              |
| R-value cavity                                                                                                                 | NA                         | R-0                   | R-0          |
| R-value continuous                                                                                                             | R-0                        | R-0                   | R-0          |

| TABLE 802.2(2)                                                                                     |                            |                       |              |
|----------------------------------------------------------------------------------------------------|----------------------------|-----------------------|--------------|
| BUILDING ENVELOPE REQUIREMENTS                                                                     |                            |                       |              |
| WINDOW AND GLAZED DOOR AREA 10 PERCENT BUT<br>NOT GREATER THAN 25 PERCENT OF ABOVE-GRADE WALL AREA |                            |                       |              |
| ELEMENT                                                                                            | CONDITION/VALUE            |                       |              |
| Skylights ( <i>U</i> -factor)                                                                      | 1                          |                       |              |
| Slab or below-grade wall ( <i>R</i> -value)                                                        | R-0                        |                       |              |
| Windows and glass doors                                                                            | SHGC                       | <i>U</i> -factor      |              |
| PF ≤ 0.25                                                                                          | 0.6                        | Any                   |              |
| 0.25 < PF < 0.50                                                                                   | 0.7                        | Any                   |              |
| PF ≥ 0.50                                                                                          | Any                        | Any                   |              |
| Roof assemblies ( <i>R</i> -value)                                                                 | Insulation between framing | Continuous insulation |              |
| All-wood joist/truss                                                                               | R-25                       | R-19                  |              |
| Metal joist/truss                                                                                  | R-25                       | R-20                  |              |
| Concrete slab or deck                                                                              | NA                         | R-19                  |              |
| Metal purlin with thermal block                                                                    | R-30                       | R-20                  |              |
| Metal purlin without thermal block                                                                 | X                          | R-20                  |              |
| Floors over outdoor air or Unconditioned space ( <i>R</i> -value)                                  | Insulation between framing | Continuous insulation |              |
| All-wood joist/truss                                                                               | R-11                       | R-6                   |              |
| Metal joist/truss                                                                                  | R-11                       | R-6                   |              |
| Concrete slab or deck                                                                              | NA                         | R-6                   |              |
| Above-grade walls ( <i>R</i> -value)                                                               | No framing                 | Metal Framing         | Wood framing |
| Framed                                                                                             |                            |                       |              |
| R-value cavity                                                                                     | NA                         | R-11                  | R-11         |
| R-value continuous                                                                                 | NA                         | R-0                   | R-0          |
| CMU, ≥ 8 in., with integral insulation                                                             |                            |                       |              |
| R-value cavity                                                                                     | NA                         | R-11                  | R-11         |
| R-value continuous                                                                                 | R-5                        | R-0                   | R-0          |
| Other masonry walls                                                                                |                            |                       |              |
| R-value cavity                                                                                     | NA                         | R-11                  | R-11         |
| R-value continuous                                                                                 | R-5                        | R-0                   | R-0          |

| TABLE 802.2(3)<br>BUILDING ENVELOPE REQUIREMENTS                                                        |                            |                       |              |
|---------------------------------------------------------------------------------------------------------|----------------------------|-----------------------|--------------|
| WINDOW AND GLAZED DOOR AREA OVER 25 PERCENT<br>BUT NOT GREATER THAN 40 PERCENT OF ABOVE-GRADE WALL AREA |                            |                       |              |
| ELEMENT                                                                                                 | CONDITION/VALUE            |                       |              |
| Skylights ( <i>U</i> -factor)                                                                           | 1                          |                       |              |
| Slab or below-grade wall ( <i>R</i> -value)                                                             | R-0                        |                       |              |
| Windows and glass doors<br>PF ≤ 0.25<br>0.25 < PF < 0.50<br>PF ≥ 0.50                                   | SHGC                       | <i>U</i> -factor      |              |
|                                                                                                         | 0.4                        | 0.7                   |              |
|                                                                                                         | 0.5                        | 0.7                   |              |
|                                                                                                         | 0.6                        | 0.7                   |              |
| Roof assemblies ( <i>R</i> -value)                                                                      | Insulation between framing | Continuous insulation |              |
| All-wood joist/truss                                                                                    | R-25                       | R-19                  |              |
| Metal joist/truss                                                                                       | R-25                       | R-20                  |              |
| Concrete slab or deck                                                                                   | NA                         | R-19                  |              |
| Metal purlin with thermal block                                                                         | R-30                       | R-20                  |              |
| Metal purlin without thermal block                                                                      | X                          | R-20                  |              |
| Floors over outdoor air or Unconditioned space ( <i>R</i> -value)                                       | Insulation between framing | Continuous insulation |              |
| All-wood joist/truss                                                                                    | R-11                       | R-6                   |              |
| Metal joist/truss                                                                                       | R-11                       | R-6                   |              |
| Concrete slab or deck                                                                                   | NA                         | R-6                   |              |
| Above-grade walls ( <i>R</i> -value)                                                                    | No framing                 | Metal Framing         | Wood framing |
| Framed                                                                                                  |                            |                       |              |
| R-value cavity                                                                                          | NA                         | R-11                  | R-11         |
| R-value continuous                                                                                      | NA                         | R-0                   | R-0          |
| CMU, ≥ 8 in., with integral insulation                                                                  |                            |                       |              |
| R-value cavity                                                                                          | NA                         | R-11                  | R-11         |
| R-value continuous                                                                                      | R-5                        | R-0                   | R-0          |
| Other masonry walls                                                                                     |                            |                       |              |
| R-value cavity                                                                                          | NA                         | R-11                  | R-11         |
| R-value continuous                                                                                      | R-5                        | R-0                   | R-0          |



| TABLE 802.2(4)<br>BUILDING ENVELOPE REQUIREMENTS<br>WINDOW AND GLAZED DOOR AREA<br>OVER 40 PERCENT OF ABOVE-GRADE WALL AREA |                            |                       |              |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------------|-----------------------|--------------|
| ELEMENT                                                                                                                     | CONDITION/VALUE            |                       |              |
| Skylights ( <i>U</i> -factor)                                                                                               | 1                          |                       |              |
| Slab or below-grade wall ( <i>R</i> -value)                                                                                 | R-0                        |                       |              |
| Windows and glass doors                                                                                                     | SHGC                       | <i>U</i> -factor      |              |
| PF ≤ 0.25                                                                                                                   | 0.4                        | 0.7                   |              |
| 0.25 < PF < 0.50                                                                                                            | 0.5                        | 0.7                   |              |
| PF ≥ 0.50                                                                                                                   | 0.6                        | 0.7                   |              |
| Roof assemblies ( <i>R</i> -value)                                                                                          | Insulation between framing | Continuous insulation |              |
| All-wood joist/truss                                                                                                        | R-25                       | R-19                  |              |
| Metal joist/truss                                                                                                           | R-25                       | R-20                  |              |
| Concrete slab or deck                                                                                                       | NA                         | R-19                  |              |
| Metal purlin with thermal block                                                                                             | R-30                       | R-20                  |              |
| Metal purlin without thermal block                                                                                          | R-38                       | R-20                  |              |
| Floors over outdoor air or Unconditioned space ( <i>R</i> -value)                                                           | Insulation between framing | Continuous insulation |              |
| All-wood joist/truss                                                                                                        | R-11                       | R-6                   |              |
| Metal joist/truss                                                                                                           | R-11                       | R-6                   |              |
| Concrete slab or deck                                                                                                       | NA                         | R-6                   |              |
| Above-grade walls ( <i>R</i> -value)                                                                                        | No framing                 | Metal Framing         | Wood framing |
| Framed                                                                                                                      |                            |                       |              |
| <i>R</i> -value cavity                                                                                                      | NA                         | R-11                  | R-11         |
| <i>R</i> -value continuous                                                                                                  | NA                         | R-0                   | R-0          |
| CMU, ≥ 8 in., with integral insulation                                                                                      |                            |                       |              |
| <i>R</i> -value cavity                                                                                                      | NA,NA                      | R-11                  | R-11         |
| <i>R</i> -value continuous                                                                                                  | R-5                        | R-0                   | R-0          |
| Other masonry walls                                                                                                         |                            |                       |              |
| <i>R</i> -value cavity                                                                                                      | NA                         | R-11                  | R-11         |
| <i>R</i> -value continuous                                                                                                  | R-5                        | R-0                   | R-0          |

19. Add footnote "f" to SHGC column heading in Tables 802.2 (2), 802.2 (3) and 802.2 (4) to read as follows:

- f. Minimum SHGC requirements do not apply to glazing as follows:
1. Any glazing facing within 45 degrees of true north.
  2. Any glazing facing within 45 degrees of true south which is shaded along its full width by a permanent overhang with a projection factor of 0.30 or greater.
  3. Any glazing with permanent attached screens where the screens have a rated shading coefficient of 0.60 or less.

20. Section 805.2.1 Interior Lighting Controls; add a third sentence to read:

Large spaces shall have a separate switch or control for each 2500 square feet of floor area.

21. Delete Figures 902.1 (1-43, 45-51)

22. Chapter 10; Replace referenced standard as follows:

ASHRAE/IES -- 99 Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings -- 1999 Edition

Sec. 10 THAT Chapter 18 of the Code of Ordinances of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.

Sec. 11. THAT Chapter 22, Article II, Section 22-26. Contractor's Board is hereby amended in its entirety to read as follows:

Sec. 22-26. Contractor's Board of Appeals.

A. Creation of Contractor's Board of Appeals – There is hereby created a Contractor's Board of Appeals consisting of five (5) members and two (2) alternate members, each to be appointed by the Council for a two year term, or until a successor is appointed. Three members of the Board and one (1) alternate member shall be selected in even numbered years and two members and one (1) alternate member in odd numbered years. In the event of a vacancy, the Council shall appoint a member to serve for the unexpired term. Alternate Board members shall serve in the absence of regular members. The Contractor's Board of Appeals shall consist of the same members and officers as the Zoning Board of Adjustment.

B. Authority – The Contractor's Board of Appeals shall have the authority to work with contractors and hear cases relating to building, mechanical, electrical and plumbing code requirements by hearing and deciding on reasonable interpretations of the provisions of all prevailing codes contained within Chapter 18 of the Code of Ordinances of the City of Colleyville and the fire code contained in Chapter 46 of the Code of Ordinances. The Contractor's Board of Appeals shall have the authority to make a correct determination of any appeal arising from actions of the administrative authority, determine the suitability of alternate materials and methods of construction, consider and decide on complaints or suggestions relating to any of the building trades regulated by the prevailing codes contained within Chapter 18 and Chapter 46 of the Code of Ordinances of the City of Colleyville. The Board may make recommendations to the City Council on changes in or additions to the current policies and procedures of the city that

relate to the building trades.

- C. Quorum and Organization – Four members of the Contractor's Board of Appeals shall constitute a quorum. In the event of the absence of the Chairman and Vice-Chairman, the four members constituting the quorum shall elect for that meeting a member to preside as Acting Chairman and to assume all duties of the Chairman.
- D. Meetings, Hearings and Rules of Procedures – The Board shall adopt rules of procedure for the conduct of its meetings. Meetings shall be held at the call of the Chairman or at such times as the Board may determine. All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and the rules of procedure adopted by the Contractor's Board of Appeals. Such rules of procedure may be amended by the Contractor's Board of Appeals membership. The minutes of the meetings shall be recorded, showing the vote of each member upon the question, and shall be made a matter of public record. The concurring vote of four members of the Board shall be necessary to render a decision on any matter before the Board.
- E. Appeal Procedure – A person may submit a request for an appeal to the Contractors' Board of Appeals by filing said request with the building official. Each request shall be accompanied by a non-refundable filing fee. The filing fee shall be established by separate ordinance by the City Council. In addition to considering an appeal request of an applicant, the Contractor's Board of Appeals shall be authorized to solicit testimony and advice from recognized professionals within the applicable building construction trades. No decision of the Contractor's Board of Appeals shall in any way have an affect as to amend the prevailing codes and ordinances of the City of Colleyville.
- F. Fees – No action shall be taken on any application submitted to the Contractor's Board of Appeals until all applicable fees have been paid in full. No refund of any application fee shall be made after the request has been advertised and scheduled for consideration by the Board.
- G. Public Hearing – No action to approve or deny any application shall be taken until the Board has held a public hearing and received comment.
- H. Appeal to City Council – The decision by the Contractor's Board of Appeals shall be final, unless the applicant submits a written notice of appeal within ten (10) days from the date of the action by the Board. The enforcement official shall place the applicant's appeal request on the next available agenda for consideration by the City Council. The City Council shall have the authority to overrule any decision of the Board which it feels is not in the

best interest of the city.

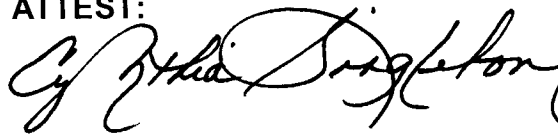
- Sec. 12 THAT Chapter 22 of the Code of Ordinances of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.
- Sec. 13. THAT any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.
- Sec. 14. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 15<sup>th</sup> day of February, 2005.

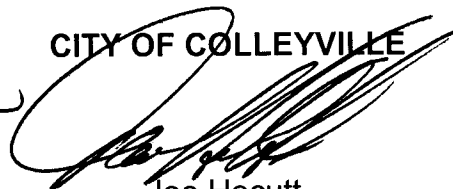
The second reading and public hearing being conducted on the 15<sup>th</sup> day of February, 2005.

ATTEST:



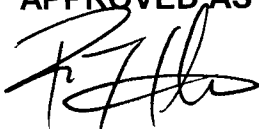
Cynthia Singleton, TRMC  
City Secretary

CITY OF COLLEYVILLE



Joe Hocutt  
Mayor

**APPROVED AS TO FORM AND LEGALITY:**



Ross T. Foster  
City Attorney

## **ORDINANCE O-05-1511**

**AN ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, AMENDING CHAPTER 18, ARTICLE III OF THE CODE OF ORDINANCES OF THE CITY OF COLLEYVILLE, TEXAS TO ADOPT THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE; PROVIDING FOR THE ADOPTION OF LOCAL AMENDMENTS RECOMMENDED BY THE REGIONAL CODES COMMITTEE OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING A PENALTY AND AUTHORIZING PUBLICATION.**

**WHEREAS**, the City Council of the City of Colleyville has determined that it is in the best interest of the citizens of Colleyville, Texas to adopt the 2002 Edition of the National Electrical Code; and

**WHEREAS**, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

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

Sec. 1. THAT Chapter 18, Section 18-59, paragraph (a) of the Code of Ordinances of the City of Colleyville, Texas, is hereby amended in its entirety to read as follows:

(a) Adopted. The National Electrical Code, 2002 edition, as recommended by the National Fire Protection Association, one copy of which is on file in the office of the City Secretary, is hereby adopted and incorporated by reference and made a part of this article as the electrical code of the City, subject to and including by reference such amendments, corrections, and additions as shall appear in this article.

Sec. 2. THAT Chapter 18, Section 18-59, paragraph (c) of the Code of Ordinances of the City of Colleyville, Texas, is hereby amended in its entirety to read as follows:

(c) Amendments. The National Electrical Code, 2002 edition, as recommended by the National Fire Protection Association is hereby amended to include the recommendations of the Regional Codes Committee of the North Central Texas Council of Governments for electrical installations in the City of Colleyville, Texas, which are as follows:

Sec. 3. THAT Chapter 18, Section 18-59, paragraph (c)(A) through paragraph (c)(F) of the Code of Ordinances of the City of Colleyville, Texas, are hereby deleted and replaced with the following paragraphs to read as follows:

1. Section 230.2(A) add a sixth special condition.

230.2 Number of Services. A building or other structure served shall be supplied by only one service unless permitted in 230.2(A) through (D). For the purpose...{text unchanged}...shall be considered to be supplying one service.

(A) Special Conditions. Additional services shall be permitted to supply the following:

(1) Fire Pumps

.

(6) In supplying electrical service to multifamily dwellings, two or more laterals or overhead service drops shall be permitted to a building when both of the following conditions are met:

- a. The building has six or more individual gang meters and all meters are grouped at the same location.
- b. Each lateral or overhead service drop originates from the same point of service.

2. Section 230.71(A) add an exception.

230.71 Maximum Number of Disconnects.

(A) General. The service disconnecting means for each service permitted by 230.2, or for each set of service-entrance conductors permitted by 230.40, Exception Numbers. 1, 3, 4, or 5, shall consist of not more than six switches or sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard. There shall be no more than six sets of disconnects per service grouped in any one location. For the purpose...{text unchanged}...shall not be considered a service disconnecting means.

Exception: Multi-occupant Buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

3. Section 250.52 add a paragraph.

250.52 Grounding Electrodes.

(A) Electrodes Permitted for Grounding.

Where a metal underground water pipe, as described in item (1), is not

present, a method of grounding as specified in (2) through (4) below shall be used.

4. Section 300.11(A)(1) change to read as follows:

300.11 Securing and Supporting.

(A) Secured in Place.

(1) Fire-Rated Assemblies. Wiring located within the cavity of a fire-rated floor-ceiling or roof-ceiling assembly shall not be secured to, or supported by, the ceiling assembly, including the ceiling support wires, unless tested as part of a fire-rated assembly. An independent means of secure support...{text unchanged}...are part of the fire-rated design.

*(delete exception)*

5. Section 300.11(A)(2) change to read as follows:

300.11 Securing and Supporting.

(A) Secured in Place.

(2) Non-Fire-Rated Assemblies. Wiring located within the cavity of a non-fire-rated floor-ceiling or roof-ceiling assembly shall not be secured to, or supported by, the ceiling assembly, including the ceiling support wires, unless authorized by, and installed in accordance with the ceiling system manufacturer's instructions. An independent means of secure support shall be provided.

*(delete existing exception)*

*Add exception:* From the last point of independent support or base for connections within an accessible ceiling to luminaire(s) (lighting fixture(s)) or equipment, branch circuit or fixture whip wiring shall be allowed to be supported by the ceiling support wires.

6. Section 310.15(B)(6) change to read as follows:

310.15 Ampacities for Conductors Rated 0-2000 Volts.

(B) Tables.

(6) 120/240-Volt, 3-Wire, Single-Phase Dwelling Services and Feeders. For dwelling units, conductors, as listed in Table 310.15(B)(6), shall

be...{text unchanged}...provided the requirements of 215.2, 220.22, and 230.42 are met. This Section shall not be used in conjunction with 220.30.

7. Section 334.10 change to read as follows:

334.10. Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

(1) One- and two-family dwellings.

(2) In any multifamily dwelling not exceeding three floors above grade.

Exception: An additional level shall be permitted in multifamily dwellings where the entire structure is protected throughout by an approved automatic sprinkler system.

(3) Other structures not exceeding 3 stories in height.

Note: In paragraphs. 2 & 3 above: For the purpose of this article, the first floor of a building shall be that floor that has 50 percent or more of the exterior wall surface area level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.

8. Section 334.12 add another use not permitted, (11):

334.12 Uses Not Permitted.

(A) Types NM, NMC, and NMS. Types NM, NMC, and NMS cables shall not be used as follows:

(1) As open runs...{text unchanged}

.  
.  
.

(11) In non-residential metal frame structures.

9. Section 500.8(A)(1) change to read as follows:

500.8 Equipment.

(A) Approval for Class and Properties.

(1) Equipment shall be identified...{text unchanged}...the maximum surface temperatures specified in 503.1.



FPN: Luminaries (lighting fixtures) and other heat-producing apparatus...{text unchanged}...see Exception No. 3 to 500.8(B).

10. Section 600.21 (E) change to read as follows:

600.21 Ballasts, Transformers, and Electronic Power Supplies.

(E) Attic and Soffit Locations.

Ballasts, transformers, and electronic power supplies shall be permitted to be located in attics and soffits, provided there is an access door at least 900 mm by 600 mm (3 ft by 2 ft) and a passageway of at least 900 mm (3 ft) high by 600 mm (2 ft) wide with a suitable permanent walkway at least 600 mm (2 ft) wide extending from the point of entry to each component.

11. Section 220.36. New Restaurants.

This specification shall apply to restaurants regarding new occupancy, new buildings, change of occupancy in existing building, or upgrading existing buildings to new electrical load requirements

Sec. 4. THAT Chapter 18, Section 18-67 of the Code of Ordinances of the City of Colleyville, Texas, regarding installations to conform to approved specifications, is hereby deleted in its entirety and re-titled to read as follows:

Sec. 18-67. Reserved.

Sec. 5. THAT Chapter 18, Section 18-68 of the Code of Ordinances of the City of Colleyville, Texas, regarding installations to commercial and industrial buildings, public meeting places, and multifamily dwellings, is hereby deleted in its entirety and re-titled to read as follows:

Sec. 18-68. Reserved.

Sec. 6. THAT Chapter 18, Section 18-70 of the Code of Ordinances of the City of Colleyville, Texas, regarding overcurrent devices and panels, is hereby deleted in its entirety and re-titled to read as follows:

Sec. 18-70. Reserved.

Sec. 7. THAT Chapter 18, Section 18-94 of the Code of Ordinances of the City of Colleyville, Texas, regarding change of ownership, use of occupancy, is hereby deleted in its entirety and re-titled to read as follows:

Sec. 18-94. Reserved.

- Sec. 8. THAT Chapter 18 of the Code of Ordinances of the City of Colleyville, Texas, shall remain in full force and effect, except where amended by this ordinance.
- Sec. 9. THAT any person, firm, or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.
- Sec. 10. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 1<sup>st</sup> day of February 2005.

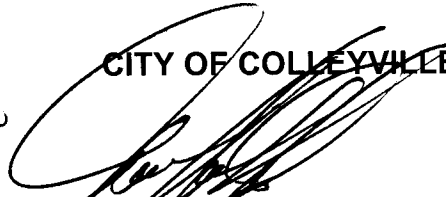
The second reading and public hearing being conducted on the 15<sup>th</sup> day of February 2005.

ATTEST:



Cynthia Singleton, TRMC  
City Secretary

CITY OF COLLEYVILLE



Joe Hocutt  
Mayor

**APPROVED AS TO FORM AND LEGALITY:**



Ross T. Foster  
City Attorney

## ORDINANCE O-14-1936

**ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL BUILDING CODE* BY REFERENCE; 2014 EDITION OF THE *NATIONAL ELECTRICAL CODE* BY REFERENCE; ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL RESIDENTIAL CODE* BY REFERENCE; ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE* BY REFERENCE; AMENDING ALL CONFLICTING PORTIONS OF SECTION 18 OF THE COLLEYVILLE CODE OF ORDINANCES; REPEALING ORDINANCE O-05-1509 AND O-05-1511, AND REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR RECORDING OF SUCH CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City of Colleyville is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS,** the City Council of the City of Colleyville deems it necessary to adopt this ordinance providing minimum standards to safeguard the health, property, and welfare of the citizens of Colleyville by regulating and controlling the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings and structures within the City; and

**WHEREAS,** the International Code Council *Electrical Code* is no longer published as a separate document, but the administrative provisions are included in Appendix K, the *2014 National Electrical Code* is being adopted as a part of this ordinance; and

**WHEREAS,** beginning in the spring of 2012, the North Central Texas Council of Governments (NCTCOG) Regional Codes Coordinating Committee (RCCC) and its four advisory boards conducted open review meetings over a one year period to review the 2012 editions of the International Codes and to develop regional amendments. Their review and recommendations were completed and endorsed by the NCTCOG Executive Board in March 2013. Now NCTCOG encourages jurisdictions in North Central Texas to adopt the

*2012 International Building Code* along with its respective regional amendments.

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

- Sec. 1. THAT the *International Building Code, 2012 Edition*, published by the International Code Council, including the standards referenced therein, including Appendix Chapters A, C, F, G, H, I, J and K are hereby adopted by reference as the Building Code and the Electric Code of the City of Colleyville regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures, except one- and two-family dwellings and multiple single family dwellings (townhouses), in the City of Colleyville.
- Sec. 2. THAT the *2012 International Building Code*, as adopted herein, is hereby amended by reference through the adoption of the 2012 NCTCOG local amendments and the 2014 National Electric Code, as adopted herein, is hereby amended by reference through the adoption of the 2012 NCTCOG local amendments. The City of Colleyville, Texas may from time to time determine that additional local modifications to the Building Code are necessary and appropriate to meet the unique needs of the City of Colleyville, Texas. To effectuate these local modifications, the City Council shall enact individual ordinances amending this Ordinance, fully setting forth the change to be made in the Building or Electrical Code as adopted by reference through the adoption of the 2012 NCTCOG local amendments.
- Sec. 3. THAT the *International Residential Code for One- and Two-Family Dwellings, 2012 Edition*, published by the International Code Council, including the standards referenced therein, including Appendices A, B, C, E, G and H are hereby adopted by reference as the Residential Building Code of the City of Colleyville regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of

all one and two-family dwellings, multiple single-family dwellings (townhouses) and their accessory structures in the City of Colleyville.

- Sec. 4. THAT the *2012 International Residential Code*, as adopted herein, is hereby amended by reference through the adoption of the 2012 NCTCOG local amendments. The City of Colleyville, Texas may from time to time determine that additional local modifications to the Building Code are necessary and appropriate to meet the unique needs of the City of Colleyville, Texas. To effectuate these local modifications, the City Council shall enact individual ordinances amending this Ordinance, fully setting forth the change to be made as adopted by reference through the adoption of the 2012 NCTCOG local amendments.
- Sec. 5. THAT the *International Energy Conservation Code*, 2012 Edition, published by the International Code Council, including the standards referenced therein, is hereby adopted by reference as the *Energy Conservation Code* of the City of Colleyville regulating the design of building envelopes for adequate thermal resistance and low air leakage; the design and selection of mechanical and electrical service; water-heating and illumination systems; and equipment in the City of Colleyville, except for facilities otherwise regulated under the *International Residential Code for One- and Two-Family Dwellings* as adopted.
- Sec. 6. THAT the *2012 International Energy Conservation Code*, as adopted herein, is hereby amended by reference through the adoption of the 2012 NCTCOG local amendments. The City of Colleyville, Texas may from time to time determine that additional local modifications to the Energy Conservation Code are necessary and appropriate to meet the unique needs of the City of Colleyville, Texas. To effectuate these local modifications, the City Council shall enact individual ordinances amending this Ordinance, fully setting forth the change to be made as adopted by reference through the adoption of the 2012 NCTCOG local amendments.
- Sec. 7. THAT a copy of all codes and amendments adopted by this ordinance shall be kept on file with the City Secretary.

- Sec. 8. THAT this ordinance shall be cumulative of all provisions of ordinances of the City of Colleyville, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. This ordinance is intended to replace Ordinance O-05-1509, as amended, the 2003 Edition of the *International Building Code*, *International Residential Code*, and the *International Energy Conservation Code*.
- Sec. 9. THAT it is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.
- Sec. 10. THAT any person, firm or corporation who violates, disobeys, omits. neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$ 2,000.00) for any violation involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than five hundred dollars (\$500) for any other violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.
- Sec. 11. THAT all rights and remedies of the City of Colleyville are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation and control of the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings and structures within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or

not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Sec. 12. 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 21<sup>st</sup> day of October 2014.

The second reading and public hearing being conducted on the 5<sup>th</sup> day of November 2014.

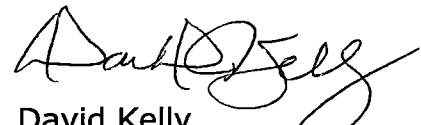
PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 5<sup>th</sup> day of November 2014.

**ATTEST:**



Amy Shelley, TRMC  
City Secretary

**CITY OF COLLEYVILLE**



David Kelly  
Mayor

**APPROVED AS TO FORM AND LEGALITY:**



Matthew C. G. Boyle  
City Attorney

**Recommended Amendments to the  
2015 International Energy Conservation Code**  
North Central Texas Council of Governments Region  
(Climate Zone 3 of the IECC)

The following sections, paragraphs, and sentences of the *2015 International Energy Conservation Code* (IECC) are hereby amended as follows: Standard type is text from the IECC. Underlined type is text inserted. ~~Lined through type is deleted text from IECC.~~ A double (\*\*) asterisk at the beginning of a section identifies an amendment carried over from the 2012 edition of the code and a triple (\*\*\*) asterisk identifies a new or revised amendment with the 2015 code.

**Note:** Historically NCTCOG has limited Chapter 1 amendments in order to allow each city to insert their local policies and procedures. We now have suggested certain items to be brought to the attention of cities considering adoption of the code that may be of concern to several jurisdictions. **It is still intended to be discretionary to each city to determine which Chapter 1 amendments to include.**

The 2015 IECC contains separate provisions for commercial buildings and for residential buildings 3 stories or less. The provisions of the commercial buildings are preceded by “C” for Commercial. The provisions for residential buildings 3 stories or less are preceded by “R” for residential buildings. Each set of provisions are separately applied to buildings within their respective scope. Each set of provisions also contains a Scope and Administration chapter, a Definitions chapter, a General Requirements chapter and a chapter containing energy efficiency requirements applicable to building within their respective scope.

Recommended amendments that match sections in each of the respective provisions (“C” and “R”) are written to represent both sections rather than duplicating the recommended amendment in this document.

Sections N1101.2 through N1105 of the 2015 *International Residential Code* (IRC) are noted to be extracted from the 2015 IECC. The Building and Residential Advisory Board (BRAB) recommends amending Chapter 11 [RE] ENERGY EFFICIENCY of the 2015 IRC to refer to the residential provisions of the 2015 IECC.

The Governor signed HB1736 into law on June 16, 2015. HB1736 adopts energy efficiency chapter of the International Residential Code as it existing on May 1, 2015, as the energy code for single-family construction (as defined in Section 388.002 of the Health and Safety Code) effective September 1, 2016. The recommended amendments to the 2015 IECC have been analyzed by the Energy Systems Laboratory of the Texas A&M University for stringency with the current Texas Building Energy Performance Standards (TBEPS) which is the 2009 Edition of the IECC and the energy provisions of the 2009 IRC. Some amendments below are noted that effective September 1, 2016, the proposed amendment would be deemed less stringent than the provisions of the 2015 IECC and therefore would no longer be considered a recommended amendment.

**\*\*Section C102/R102; add Section C102.1.2 and R102.1.2 to read as follows:**

**C102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

**R102.1.2 Alternative compliance.** A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to



compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3 respectively.

*(Reason: This amendment is added to allow alternative compliance in accordance with Texas HB 1365, 78<sup>th</sup> Legislature. Codified in Chapter 388 Texas Building Energy Performance Standards: §388.003(i). The last sentence to Section R102.1.2 was added to insure that every house is tested in accordance with the mandatory provisions of the code.)*

**Section C202 and R202; add the following definition:**

**\*\*\*PROJECTION FACTOR.** The ratio of the horizontal depth of the overhang, eave or permanently attached shading device, divided by the distance measured vertically from the bottom of the fenestration glazing to the underside of the overhang, eave or permanently attached shading device.

*(Reason: The amendment to **Section 402.3.2 Glazed fenestration SHGC** was proposed by the TAB and ESL determined the proposal to be not less restrictive than the 2009, 2012 and 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)*

**Section R202; add the following definition:**

**\*\*\*DYNAMIC GLAZING.** Any fenestration product that has the fully reversible ability to change its performance properties, including *U*-factor, solar heat gain coefficient (SHGC), or visible transmittance (VT).

*(Reason: This term is referenced in Section R402.3.2. This definition of DYNAMIC GLAZING is also found in the Commercial provisions of the code.)*

**\*\* Table R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT; Amend by changing the WOOD FRAME WALL R-VALUE for CLIMATE ZONE 3 to read as follows:**

~~20 or 13+5<sup>h</sup>~~ 13

*(Reason: Retain the values in the 2009 code.)*

**NOTE:** Effective September 1, 2016 this proposed amendment is deemed less stringent than the residential provisions of the 2015 IECC and therefore would not be considered a recommended amendment.

**\*\* Table R402.1.4 EQUIVALENT U-FACTORS; Amend by changing the WOOD FRAME WALL U-FACTOR for CLIMATE ZONE 3 to read as follows:**

~~0.060~~ 0.082

*(Reason: Retain the values in the 2009 code.)*

**NOTE:** Effective September 1, 2016 this proposed amendment is deemed less stringent than the residential provisions of the 2015 IECC and therefore would not be considered a recommended amendment.

**\*\*\*Section R402.3.2 Glazed fenestration SHGC; amend by adding a paragraph and table following the exception to read as follows:**

Where vertical fenestration is shaded by an overhang, eave, or permanently attached shading device, the SHGC required in Table R402.1.2 shall be reduced by using the multipliers in Table R402.3.2 SHGC Multipliers for Permanent Projections.

**Table R402.3.2 SHGC Multipliers for Permanent Projections <sup>a</sup>**

| Projection Factor | SHGC Multiplier<br>(all Other Orientation) | SHGC Multiplier<br>(North Oriented) |
|-------------------|--------------------------------------------|-------------------------------------|
| 0 - 0.10          | 1.00                                       | 1.00                                |
| >0.10 – 0.20      | 0.91                                       | 0.95                                |
| >0.20 – 0.30      | 0.82                                       | 0.91                                |
| >0.30 – 0.40      | 0.74                                       | 0.87                                |
| >0.40 – 0.50      | 0.67                                       | 0.84                                |
| >0.50 – 0.60      | 0.61                                       | 0.81                                |
| >0.60 – 0.70      | 0.56                                       | 0.78                                |
| >0.70 – 0.80      | 0.51                                       | 0.76                                |
| >0.80 – 0.90      | 0.47                                       | 0.75                                |
| >0.90 – 1.00      | 0.44                                       | 0.73                                |

<sup>a</sup> North oriented means within 45 degrees of true north.

*(Reason: The amendment to **Section 402.3.2 Glazed fenestration SHGC** was proposed by the TAB and ESL determined the proposal to be not less restrictive than the 2009 and 2015 IECC. This added definition is necessary as part of that amendment. The amendment will provide additional options for SHGC selection.)*

**\*\*Section R402.4.1.2 Testing; modify the first paragraph to read as follows:**

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 1 and 2, and 3 air changes per hour in Climate Zones 3 through 8. {Remainder of text unchanged}

*(Reason: The 2015 IECC requires mandatory door blower testing on each dwelling unit. The visual inspection is no longer an option to performance testing. This change will give some additional time for those builders not currently using a performance approach to adapt construction practices.)*

**NOTE:** Effective September 1, 2016 this proposed amendment is deemed less stringent than the residential provisions of the 2015 IECC and therefore would not be considered a recommended amendment.

**\*\*\*R402.4.1.2 Testing; Add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

*(Reason: The 2012/15 International Residential Code (IRC) and International Energy Conservation Code (IECC) includes enhanced emphasis on envelope infiltration and duct leakage. Significant changes in the*

*residential energy requirements include more frequent requirement of performance testing for leakage. Residential Duct systems must be tested unless all ducts and equipment are located within the conditioned space. Envelope testing is required to demonstrate compliance with maximum allowable leakage rate. This language puts the regulatory authority on notice that the testing requires specialized credentials and establishes a conflict of interest baseline).*

**\*\*\* R403.3.3 Duct Testing (Mandatory) Add a last paragraph to read as follows:**

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

*(Reason: The 2015 International Residential Code (IRC) and International Energy Conservation Code (IECC) includes enhanced emphasis on envelope infiltration and duct leakage. Significant changes in the residential energy requirements include more frequent requirement of performance testing for leakage. Residential Duct systems must be tested unless all ducts and equipment are located within the conditioned space. Envelope testing is required to demonstrate compliance with maximum allowable leakage rate. This language puts the regulatory authority on notice that the testing requires specialized credentials and establishes a conflict of interest baseline).*

**\*\*Section C402.2.7/R402.2; Add Section C402.2.9 and R402.2.14 to read as follows:**

**Section C402.2.7/R402.2.14 Insulation installed in walls.** To insure that insulation remains in place, insulation installed in walls shall be totally enclosed on all sides consisting of framing lumber, gypsum, sheathing, wood structural panel sheathing, netting or other equivalent material approved by the building official.

*(Reason: This will increase the performance of the insulation by ensuring that the insulation stays in place.)*

**\*\*\*Section R405.6.2; add the following sentence to the end of paragraph:**

Acceptable performance software simulation tools may include, but are not limited to, REM Rate™, Energy Gauge and IC3. Other performance software programs accredited by RESNET BESTEST and having the ability to provide a report as outlined in R405.4.2 may also be deemed acceptable performance simulation programs and may be considered by the building official.

*(Reason: These performance software tools are accredited by RESNET at the time of recommendation.)*

\*\*\***TABLE R406.4 MAXIMUM ENERGY RATING INDEX**; amend to read as follows:

**TABLE R406.4<sup>1</sup>**  
**MAXIMUM ENERGY RATING INDEX**

| <b>CLIMATE ZONE</b> | <b>ENERGY RATING INDEX</b> |
|---------------------|----------------------------|
| 3                   | 65                         |

<sup>1</sup> This table is effective until August 31, 2019.

**TABLE R406.4<sup>2</sup>**  
**MAXIMUM ENERGY RATING INDEX**

| <b>CLIMATE ZONE</b> | <b>ENERGY RATING INDEX</b> |
|---------------------|----------------------------|
| 3                   | 63                         |

<sup>2</sup> The table is effective from September 1, 2019 to August 31, 2022.

**TABLE R406.4<sup>3</sup>**  
**MAXIMUM ENERGY RATING INDEX**

| <b>CLIMATE ZONE</b> | <b>ENERGY RATING INDEX</b> |
|---------------------|----------------------------|
| 3                   | 59                         |

<sup>3</sup> This table is effective on or after September 1, 2022.

*(Reason: The tables reflect the values and time table set forth in HB1736.)*

\*\*\***Section R504. Add the following sentence for Item #1:**

- I. Window replacements in existing residential buildings shall not require the issuance of a permit.

**END**

## **APPENDIX**

In addition to the recommended amendments, the EAGB endorses the attached universal testing form and encourages municipalities to consider incorporating the use of the form locally to minimize the number of forms that the third party testers and energy providers are required to maintain.

YOUR CITY  
LOGO HERE

## 2015 IECC PERFORMANCE TESTING COMPLIANCE CERTIFICATE

Job Address: \_\_\_\_\_ Date: \_\_\_\_\_  
Permit Number: \_\_\_\_\_

### DUCT LEAKAGE TESTING VERIFICATION

**Choose option used for compliance:** per 2015 IECC Section R403.3.4, system tested @ 25 Pascals across, including the manufacturer's air handler enclosure.

- ☐ **Rough-In Test Option** (see code for test specifics): Results of test: \_\_\_\_\_ CFM.  
☐ **Post Construction Option** (see code for test specifics): Results of test: \_\_\_\_\_ CFM.

I certify that I have conducted a **duct blaster test and it has passed the requirements of the 2015 International Energy Conservation Code**. I further certify that I am certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. I certify I am an independent third-party entity, and have not installed the HVAC system; nor am I employed or have any financial interest in the company that constructs the structure.

Certification Number: Agency: \_\_\_\_\_

Signature of Inspector/Testing Technician: \_\_\_\_\_

Printed Name of Inspector/Testing Technician: \_\_\_\_\_

### BUILDING THERMAL ENVELOPE LEAKAGE TESTING VERIFICATION

**Compliance requirements:** per 2015 IECC Section R402.4.1.2, building thermal envelope tested @ 50 Pascals in accordance with ASTM E 779 or ASTM E1827 to verify air leakage.

**Building Thermal Envelope Leakage Testing:** Results of test: \_\_\_\_\_ air changes per hour.

I certify that I have conducted an **air leakage test and it has passed the requirements of the 2015 International Energy Conservation Code**. I further certify that I am certified to perform air infiltration testing certified by national or state organizations as approved by the building official. I certify I am an independent third-party entity, nor am I employed or have any financial interest in the company that constructs the structure.

Certification Number: Agency: \_\_\_\_\_

Signature of Inspector/Testing Technician: \_\_\_\_\_

Printed Name of Inspector/Testing Technician: \_\_\_\_\_

## **ORDINANCE O-16-1984**

**ADOPTING THE 2015 EDITION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE* BY REFERENCE; AMENDING ALL CONFLICTING PORTIONS OF SECTION 18 OF THE COLLEYVILLE CODE OF ORDINANCES; AMENDING CHAPTER 11 OF THE 2012 *INTERNATIONAL RESIDENTIAL CODE* AS REFERENCED IN ORDINANCE O-14-1936; AMENDING THE 2012 *INTERNATIONAL ENERGY CONSERVATION CODE* IN ITS ENTIRETY AS ADOPTED IN ORDINANCE O-14-1936; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR RECORDING OF SUCH CODE AS A PUBLIC RECORD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City of Colleyville is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS,** the City Council of the City of Colleyville deems it necessary to adopt this ordinance thus providing minimum standards to safeguard the health, property, and welfare of the citizens of Colleyville by regulating and controlling the use, occupancy, maintenance, repair, design, construction, and quality of materials for buildings and structures within the City; and

**WHEREAS,** the Texas Governor signed HB1736 into law on June 16, 2015, which adopts the energy efficiency chapter of the *International Residential Code* as existing on May 1, 2015, as the energy code for single-family construction (as defined in Section 388.002 of the Health and Safety Code) effective September 1, 2016. Sections N1101.2 through N1105 of the 2015 *International Residential Code* (IRC) are noted to be extracted from the 2015 *International Energy Conservation Code* (IECC). The Building and Residential Advisory Board (BRAB) recommends amending Chapter 11 [RE] ENERGY EFFICIENCY of the 2015 IRC to refer to the residential provisions of the 2015 IECC; and

**WHEREAS,** beginning in the spring of 2014, NCTCOG's Regional Codes Coordinating Committee (RCCC) and its Energy and Green Building Advisory Board conducted open review meetings over a one-year period to review the 2015 edition of the *International Energy Conservation Code* and to develop regional amendments. Their review and recommendations were completed and endorsed by NCTCOG's Executive Board in March 2015. Now NCTCOG encourages jurisdictions in North Central Texas to adopt the *2015 International Energy Conservation Code* along with its respective regional amendments; 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.

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

- Sec. 1        THAT all the foregoing premises and finding 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 *International Residential Code* for One and Two Family Dwellings, 2012 Edition, published by the International Code Council, is hereby amended and Chapter 11 is replaced with the 2015 *International Energy Conservation Code* as related to regulating the design of building envelopes for adequate thermal resistance and low air leakage, the design and selection of mechanical, electrical, service water-heating and illumination systems and equipment, in the City of Colleyville.
- Sec. 3.        THAT the *International Energy Conservation Code*, 2015 Edition, published by the International Code Council, including the standards referenced therein, is hereby adopted by reference as the Energy Conservation Code of the City of Colleyville; regulating the design of building envelopes for adequate thermal resistance and low air



leakage and the design and selection of mechanical, electrical, service water-heating and illumination systems and equipment in the City of Colleyville.

- Sec. 4. THAT the 2015 *International Energy Conservation Code*, as adopted herein, is hereby amended by reference through the adoption of the 2015 NCTCOG local amendments. The City of Colleyville, Texas may from time to time determine that additional local modifications to the Energy Conservation Code are necessary and appropriate to meet the unique needs of the City of Colleyville, Texas. To effectuate these local modifications, the City Council shall enact individual ordinances amending this Ordinance, fully setting forth the change to be made as adopted by reference through the adoption of the 2015 NCTCOG local amendments.
- Sec. 5. THAT the *Energy Conservation Code*, 2015 Edition, and the 2015 NCTCOG local amendments are incorporated herein by reference and a copy of all codes and amendments adopted by this ordinance shall be kept on file with the City Secretary.
- Sec. 6. THAT this ordinance shall be cumulative of all provisions of ordinances of the City of Colleyville, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. This ordinance is intended to amend Ordinance O-14-1936, as amended, the 2012 Editions of the *International Residential Code*, and the *International Energy Conservation Code*.
- Sec. 7. THAT it is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this

ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

- Sec. 8. THAT any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$ 2,000.00) for any violation involving zoning, fire safety or public health and sanitation, including dumping or refuse, and shall be fined not more than five hundred dollars (\$500) for any other violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.
- Sec. 9. THAT all rights and remedies of the City of Colleyville are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation and control of the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings and structures within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.
- Sec. 10. THAT this ordinance shall take effect immediately from and after its passage.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 19th day of July 2016.

The second reading and public hearing being conducted on the 16th day of August 2016.

PASSED AND APPROVED BY A VOTE OF \_\_\_ AYES, \_\_\_ NAYS, AND \_\_\_ ABSTENTIONS ON THIS THE 16<sup>TH</sup> DAY OF AUGUST 2016.

|                          |       |                            |       |
|--------------------------|-------|----------------------------|-------|
| Mayor Richard Newton     | _____ | Mayor Pro Tem Chris Putnam | _____ |
| Place 1, Tammy Nakamura  | _____ | Place 5, Nancy Coplen      | _____ |
| Place 2, Bobby Lindamood | _____ | Place 6, Mike Taylor       | _____ |
| Place 4, Jody Short      | _____ |                            |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Amy Shelley, TRMC  
City Secretary

Richard Newton  
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

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**Agenda Number** 7a

**Agenda Date** 07/19/2016

**Number** Resolution R-16-4014

**Type** Resolution

**Department** City Manager

---

## **Title**

Approval to award an economic development incentive grant to LOVERIA CAFFE', LLC

## **Strategy Map Connection**

C3- Attract and retain high quality businesses to provide a thriving, diversified tax base that attracts visitors

## **Explanation**

### ***Reading and Public Hearing***

The applicant, Michelle Rawls, with LOVERIA CAFFE', LLC, submitted an application for a \$10,000 economic development incentive grant for exterior improvements and on-site signage at 5617 Colleyville Boulevard, Suite 410 (Colleyville Town Center). The applicant intends to develop a destination restaurant called Loveria Caffe'.

The owner intends to create "a full Italian cultural experience, including cooking demonstrations, wine tastings from featured regions, mobile service to community events with a small 'Vespa-style' food truck, and the hosting of collective events with other local merchants." They intend for the Colleyville site to be their flagship and the first "of what will be a national brand of full-service and caffe' style restaurants and Italian goods retailers."

LOVERIA has submitted a detailed business plan, as required in the City's Incentive Guidelines & Criteria, and conservatively estimate first year annual revenue at \$1.4 million, accounting for both restaurant sales, alcohol sales (permitted through Colleyville Town Center's existing blanket SUP) and sales of Italian-made espresso machines with specialty capsules for home brewing.

The owners plan to provide four (4) full-time jobs and five (5) part-time positions for a total of 6.5 Full Time Equivalents (FTE's). Total anticipated annual payroll expense is \$144,000. Colleyville Town Center owners Velosis Colleyville, LP have submitted a letter of support for the new restaurant concept.

The proposed economic development incentive agreement states:

Developer must meet the conditions set forth in the following subparagraphs:

- The incentives shall be used for exterior building improvements and on-site signage.
- Open the Loveria Caffè' no later than December 31, 2016.
- Operate the Loveria Caffè' for a period of not less than three (3) years from opening in accordance with all requirements of this Agreement.
- Will not knowingly employ an undocumented worker as that term is defined by Section 2264.01(4) of the Texas Government Code. In accordance with Section 2264.052 of the Texas Government Code, if LOVERIA CAFFE', LLC, or its branch, division, or department is convicted of a violation under 8 U.S.C. Section 1324a(f), LOVERIA CAFFE', LLC shall repay the City the full amount of the payments made under this agreement, plus ten percent (10%) per annum from the date the payment was made. Repayment shall be paid within one hundred and twenty (120) days after the date LOVERIA CAFFE', LLC receives notice of violation from the City.
- All incentives provided for herein are wholly subject to Developer's compliance with the terms and conditions of this Agreement.

In consideration of the Developer's completion of the project, the City agrees to provide the following incentives:

- The City will provide a grant of \$10,000 within thirty (30) days of the issuance of a Certificate of Occupancy for the Loveria Caffè'. The City shall have the right to review and inspect any necessary confirming documentation.

A letter describing the Loveria Caffè' concept, and the economic development incentive agreement are attached.

### **Financial Impact**

Sufficient funding is available within the Strategic Initiative Fund.

### **Recommendation**

Approve

### **Attachments**

1. Loveria Incentive Application
2. Letter from Applicant
3. Illustrations of Exterior Improvements
4. Economic Development Incentive Agreement
5. Resolution R-16-4014

**LOVERIA Incentive Application**

Loveria Caffè – taste of Italy

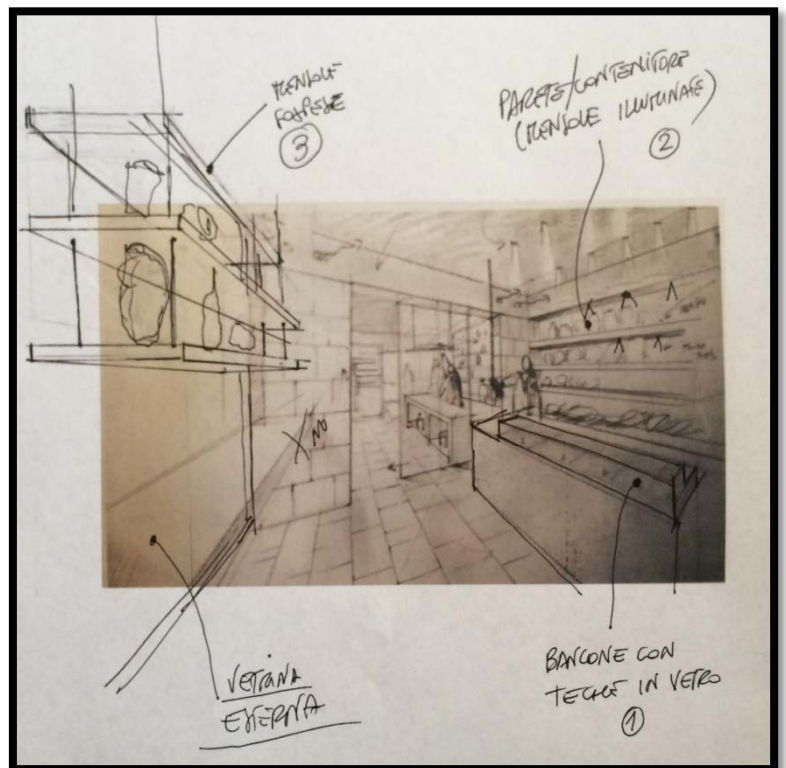
ECONOMIC DEVELOPMENT INCENTIVE  
APPLICATION



LAUNCH OF U.S. BRAND - 1<sup>ST</sup> IN COLLEYVILLE

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- I. MATCHING GRANT APPLICATION
- II. EXECUTIVE SUMMARY
- III. COLLEYVILLE DEMOGRAPHIC REPORT
- IV. BUSINESS PLAN
- V. LETTER OF SUPPORT FROM PROPOSED LANDLORD
- VI. CONCEPT DRAWINGS



*THE DREAM THAT STARTED IN ITALY  
... FIND'S ITS HOME IN COLLEYVILLE, TX*

## EXECUTIVE SUMMARY

LOVERIA™ is a registered trade mark in the U.S. and means “something which you cannot resist”. LOVERIA CAFFE’ COLLEYVILLE is the first to launch of what will be a national brand of full-service and caffe’ style restaurants and Italian goods retailers.

LOVERIA is applying to the City of Colleyville, as a “destination restaurant” for an economic incentive, in the form of a Matching Grant in the amount of \$30,000 to launch its flagship restaurant and retail shop in Town Center Colleyville. Upon approval, the restaurant and shop plans to open for business in July 2016.

LOVERIA conservatively estimates first year annual revenue at \$1.4 million creating approximately \$14 thousand in incremental sales tax revenue dollars to the City’s General Fund. The City will essentially recoup its investment by the end of year 2, and will conservatively collect estimated incremental sales tax earnings of \$81 thousand in five years.

|        |                     | EST. ANN. SALES TAX   |
|--------|---------------------|-----------------------|
|        | EST. ANNUAL REVENUE | (1% OF TAXABLE SALES) |
| YEAR 1 | \$ 1,400,000        | \$ 14,000             |
| YEAR 2 | \$ 1,505,000        | \$ 15,050             |
| YEAR 3 | \$ 1,617,875        | \$ 16,179             |
| YEAR 4 | \$ 1,739,216        | \$ 17,392             |
| YEAR 5 | \$ 1,869,657        | \$ 18,697             |
|        |                     | <u>\$ 81,317</u>      |

LOVERIA also plans to contribute to the vibrant social style of Colleyville by creating a full Italian cultural experience, including cooking demonstrations, wine tastings from featured regions, mobile service to community events with its small “Vespa-style” food truck, and the hosting of collaborative events with other local merchants.

In its capacity as local ambassadors, LOVERIA’s principals also represent Colleyville back home in Italy having influenced a string of other Italian merchants to investigate Texas and Colleyville as an expansion opportunity.



# MATCHING GRANT APPLICATION

## Applicant Information

LOVERIA CAFFE' LLC  
9500 Feather Grass Lane, Ste 120  
Fort Worth, TX 76177

## Owners

Michelle Rawls  
4524 Alexandra Drive  
Colleyville, TX 76034  
(817) 715-5222

Andrea Matteucci  
Via Mazzini, 84  
48121 Ravenna, Italy  
(817) 932-2771

Loveria is owned by Andrea Matteucci as Italian investor and Michelle Rawls as american partner. Andrea and his wife Stefania Bertozzi are also partners in the award winning Italian architecture firm, LBLA + Partners, see <http://www.lbla.it> They also manage several companies of their own and collaborate with restaurant managers and start ups in Italy. Dave and Michelle Rawls are lifetime residents of Dallas Fort Worth, and currently reside in Colleyville. Both have extensive backgrounds in executive leadership. Dave is currently Vice President of Technology with Radio Shack/General Wireless in Fort Worth with a background emphasizing retail applications having also worked with Bass Pro Shops, PetSmart, and Michael's Stores. Michelle is the CEO of GeoDwell Luxury Properties and works with Keller Williams as a residential and commercial agent. She was a practicing CPA for over 20 years, and held executive roles such as CFO for Quatris Health, Legal Administrator/Controller with American Airlines, Financial Reporting Analyst with Burlington Northern Railroad, and as an Auditor with Deloitte in Dallas.

## Date of Anticipated Occupancy and Beginning of Operations

LOVERIA™ hopes to begin space renovations for its intended use in May with the projected goal of opening for business in July 2016.

## Proposed Property Address

Town Center Shopping Center  
5615 Colleyville Blvd., Ste 410  
Colleyville, TX 76034  
Located within Grapevine/Colleyville ISD

# MATCHING GRANT APPLICATION

## Description of the Project

LOVERIA™ is a registered trade mark in the U.S. and means “something which you cannot resist”. This project will launch what is planned to be a national brand of full-service and caffe’ style restaurants and Italian goods retailers. If approved, the project will create a unique, modern high-end restaurant serving authentic Italian food prepared using carefully selected and imported Italian ingredients. The menu will focus on healthy, natural ingredients which are desired by Colleyville’s well-educated, health conscious demographic. In addition to top quality Italian food, customers can purchase espresso and other hot beverages such as barley coffee, chamomile, tea, Italian sodas and juices. Selected top Italian wines and craft beers with happy-hour tapas will be available along with non-alcoholic cocktails for the under 21 crowd. Take out and local delivery are also provided.

LOVERIA™ is also a retail destination featuring Italian made espresso machines and specialty espresso varieties in capsules for home brewing. The proposed location is ideally situated in the Town Center Colleyville shopping center creating a 3-point triangle facing both the Movie Studio Grill and Gloria’s restaurant. The restaurant will be open 7 days a week for breakfast, lunch, and dinner.

## Employment Impact

- LOVERIA™ plans to provide 4 FT jobs and 5 PT jobs for a total of 6.5 FTE’s
- Restaurant, marketing and sales management, cooks, wait staff and cashiers.
- Total anticipated annual payroll expense is \$144,000

## Fiscal Impact

- LOVERIA™ plans to invest approximately \$170,000 in tenant improvements. Two of the principals are award-winning Italian architects bringing their own contemporary design visions to the space. They will collaborate with Prescopool, a high end Italian interior design firm and custom furniture manufacturer specializing in hospitality and retail having also won accolades internationally, e.g. Spa of the Year in France, 2015.
- First year annual revenue is conservatively estimated at \$1.4 million creating approximately \$14 thousand in incremental sales tax revenue dollars to the City’s General Fund.  
Five year projections include an estimated \$8.1 million in revenue and \$81 thousand in estimated incremental sales tax revenue for the City.

# MATCHING GRANT APPLICATION

## Community Impact

- LOVERIA™ embraces the City's comprehensive plan to make Colleyville *the* destination of choice for those seeking a vibrant place to live, work, or play with a high quality of life. The vision for LOVERIA is to connect with each community in which it is located to promote global connectedness and enhance local social experiences. It is not merely a restaurant or retail store, it is a full "Italian Experience" where customers will step into today's Italy experiencing its best food, espressos, wines, and culture including:
  - Cooking demonstrations and lessons where customers can always buy fresh products imported from Italy to take home and prepare meals using what they have learned.
  - Wine tastings presented by vintners from regional Italian wineries
  - Al Fresco dining on a lively outdoor patio
  - Art lessons from Italian artisans and live music by featured guests
  - A cozy, welcoming environment with Italian travel books and magazines, and TV's channeling Italian scenery and events in a lounge type setting with wi-fi encouraging a social meeting space
  - A "Vespa-Style" food cart will travel throughout the community participating in community and private events.

## Competitive Impact

- LOVERIA™ is a unique concept with true, authentic Italian cuisine reflecting current trends and a growing demand for healthy, nutritious foods. Our imported grocery items are specially selected from Italy, bear our original branding, and do not exist in the Colleyville marketplace today. There are a couple of Italian-type restaurants in the city, but LOVERIA's imported foods, espressos, wine and retail items are positioned to compliment and enhance existing businesses presenting an authentic, trendsetting option.

## **Letter From Applicant**

Loveria Caffè – taste of Italy

### ECONOMIC DEVELOPMENT INCENTIVE APPLICATION



LAUNCH OF U.S. BRAND - 1<sup>ST</sup> IN COLLEYVILLE

# MATCHING GRANT APPLICATION

## External Improvements

### Outdoor Patio and Signs

Loveria Caffè is going to remodel the location in Colleyville located at 5516, Colleyville Boulevard, Ste 410 with significant internal and external improvements.

Our external improvements, as approved by Landlord and discussed with the City Planning Division will consist in;

- Two signs
- One new external door on the East side
- An external wood deck flooring
- An outdoor wood patio with canopy
- Four patio umbrellas
- Tables and chairs
- Perimetral wood outdoor planters

A plan and a rendering of what we are going to realize is attached to this document.

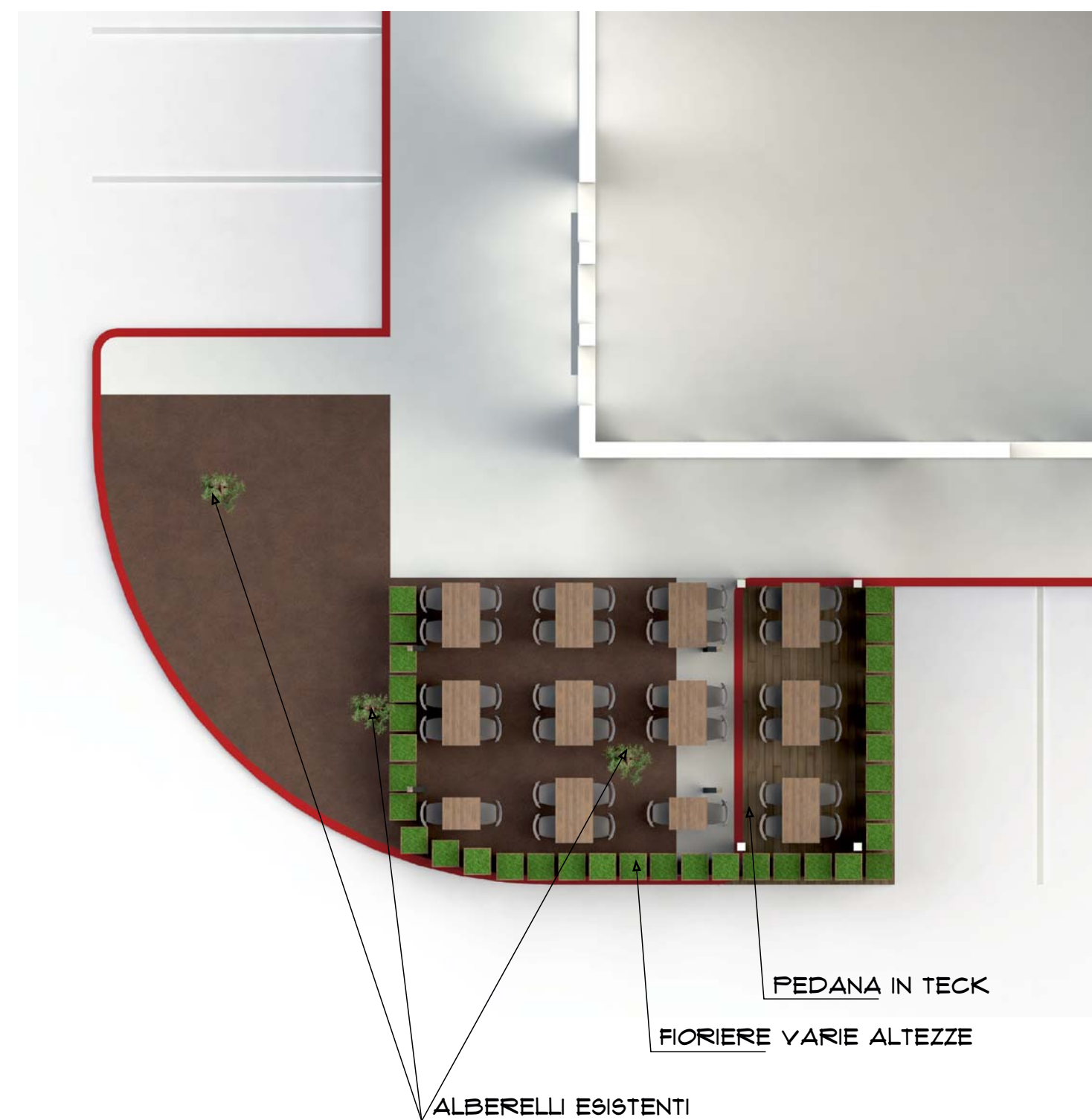
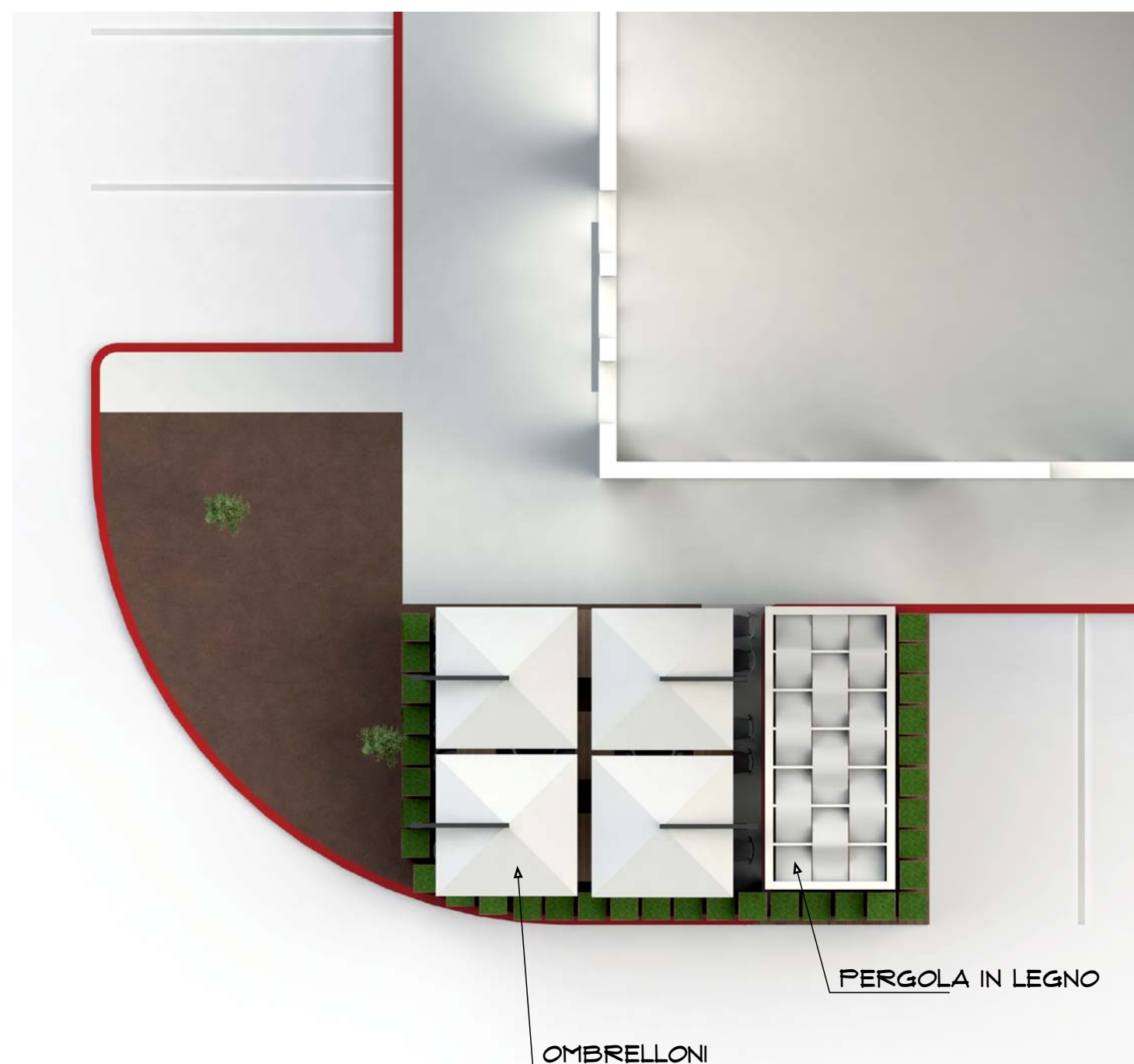
Illustrations of Exterior Improvements

LOVERIA  
TASTE OF ITALY  
CAFFE'  
COLLEYVILLE

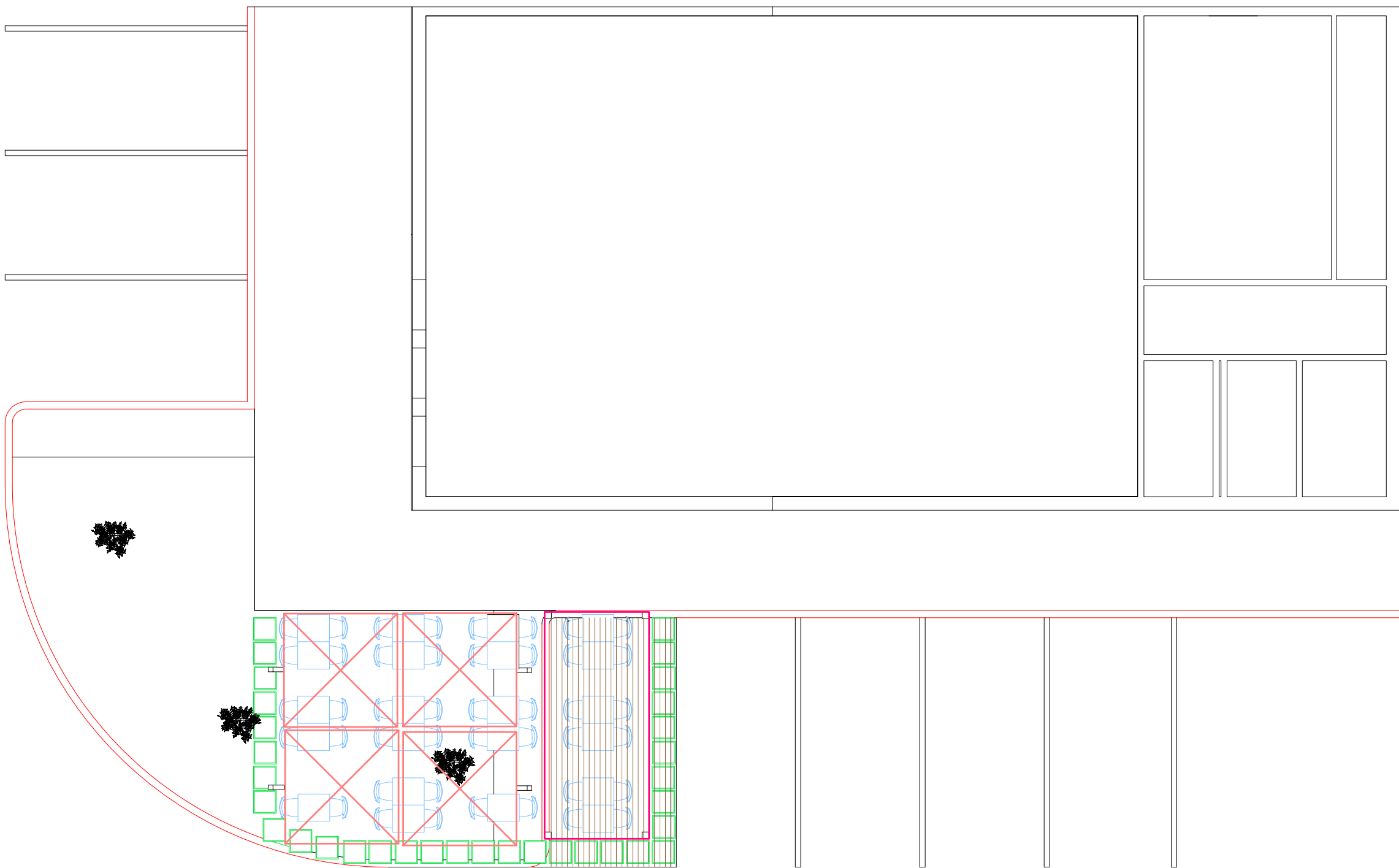












## **ECONOMIC DEVELOPMENT AND INCENTIVE AGREEMENT**

**THIS ECONOMIC DEVELOPMENT AND INCENTIVE AGREEMENT** (the “Agreement”), is made and entered into as of the 19<sup>th</sup> day of July, 2016, by and between the **CITY OF COLLEYVILLE, TEXAS**, a home rule municipality located in Tarrant County, Texas (the “City”), and **LOVERIA CAFFE’, LLC**, a corporation in good standing authorized to do business in the State of Texas (“Developer”). (The City and Developer are sometimes hereinafter referred to individually as a “Party” and collectively as the “Parties”).)

### **RECITALS:**

Developer, either directly or through one or more affiliates or permitted assigns, plans develop a destination restaurant located in the City of Colleyville, located at 5615 Colleyville Boulevard, Suite 410, Colleyville, TX, 76034, (referred to herein as the “Site”). Developer plans to develop a restaurant called Loveria Caffè; and

Developer has requested that the City authorize certain incentives as provided herein (collectively referred to as the “Incentives”) with respect to the Project; and

The City is authorized by Chapter 380 of the *Texas Local Government Code* to provide economic development incentives to support the expansion of local business activity, employment and development; and

For the public purpose of promoting economic development and diversity, increasing employment, reducing unemployment and underemployment, expanding commerce and stimulating business and commercial activity in the State of Texas, Tarrant County and the City, the City desires to offer the incentives to Developer as more particularly described in this Agreement; and

The Agreement and Incentives are authorized by, and are in accordance with Chapter 380 of the Texas Local Government Code and the City of Colleyville Economic Development Incentive Guidelines.

NOW, THEREFORE, for and in consideration of the promises, covenants and agreements set forth herein, the receipt and sufficiency of which are hereby acknowledged, the City and Developer (collectively the “Parties”) agree as follows:

**Section I.** The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section I.

#### **Section II. The Project.**

The Project shall include a destination restaurant Loveria Caffè’, which shall be located at the Site.

#### **Section III. The Incentives**

A. To qualify for the Incentives provided for herein, Developer must also meet the conditions set forth in the following subparagraphs:

- i. The incentives shall be used for exterior building improvements and on-site signage.
- ii. Open the Loveria Caffè' no later than December 31, 2016.
- iii. O Operate the Loveria Caffè' for a period of not less than three (3) years from opening in accordance with all requirements of this Agreement.
- iv. Will not knowingly employ an undocumented worker as that term is defined by Section 2264.01(4) of the Texas Government Code. In accordance with Section 2264.052 of the Texas Government Code, if LOVERIA CAFFE', LLC, or its branch, division, or department is convicted of a violation under 8 U.S.D. Section 1324a(f), LOVERIA CAFFE', LLC shall repay the City the full amount of the payments made under this agreement, plus ten percent (10%) per annum from the date the payment was made. Repayment shall be paid within one hundred and twenty (120) days after the date LOVERIA CAFFE', LLC receives notice of violation from the City.
- vi. All incentives provided for herein are wholly subject to Developer's compliance with the terms and conditions of this Agreement.

B. In consideration of the Developer's completion of the Project, the City agrees to provide the following incentives:

- i. The City will provide a grant, matching the Developer dollar for dollar, of up to \$10,000.00 in exterior construction improvements for exterior building improvements and on-site signage.
- ii. The City will provide the grant within thirty (30) days of the issuance of a Certificate of Occupancy for the Loveria Caffè'. The City shall have the right to review and inspect any necessary confirming documentation.

#### **Section IV. Miscellaneous**

A. All construction on the Project will be in accordance with applicable codes, regulations and ordinances of the City, and all applicable State and Federal laws, rules and regulations.

B. Successors and Assigns.

This Agreement may not be assigned, transferred, conveyed, or exchanged, in whole or in part, by either party without the written consent of the other party provided, however, that Developer may assign this Agreement to an entity controlled by the members of Developer and may be collaterally assigned to any Project construction or permanent lender. In the event of an approved assignment, the assigning party shall provide written notice of the assignee, including

assignee's address and contact information. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and (subject to approval of the other party) assigns.

C. The individuals executing this Agreement on behalf of the respective parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

- a. This Agreement is executed by the parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.
- b. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.
- c. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- d. Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had an opportunity to confer with its counsel.
- e. Time is of the essence in this Agreement.
- f. The parties agree this Agreement has been drafted jointly by the parties and their legal representatives.

D. Indemnification. **DEVELOPER, AT NO COST TO THE CITY, AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY, ITS OFFICERS, AGENTS SERVANTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, ACTIONS, COSTS AND EXPENSES OF ANY KIND, INCLUDING, BUT NOT LIMITED TO, THOSE FOR PROPERTY DAMAGE OR LOSS (INCLUDING ALLEGED DAMAGE OR LOSS TO LOVERIA CAFFE' BUSINESS AND ANY RESULTING LOST PROFITS) AND/OR PERSONAL INJURY, INCLUDING DEATH, THAT MAY RELATE TO, ARISE OUT OF OR BE OCCASIONED BY (i) DEVELOPER'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT; OR (ii) ANY ACT OR OMISSION OR INTENTIONAL MISCONDUCT OF DEVELOPER, ITS OFFICERS, AGENTS, ASSOCIATES, EMPLOYEES, CONTRACTORS (OTHER THAN THE CITY, OR ITS**

**EMPLOYEES, OFFICERS, AGENTS, ASSOCIATES, CONTRACTORS OR SUBCONTRACTS), OR SUBCONTRACTORS DUE OR RELATED TO OR ARISING FROM THE REQUIRED IMPROVEMENTS AND ANY OPERATIONS AND ACTIVITIES ON THE LAND OR OTHERWISE TO THE PERFORMANCE OF THIS AGREEMENT.**

E. Powers.

(i) The City hereby represents and warrants to Developer that the City has full constitutional and lawful right, power and authority, under currently applicable law, to execute and deliver and perform the terms and obligation of this Agreement, and all of the foregoing have been or will be duly and validly authorized and approved by all necessary City proceedings, findings and actions. Accordingly, this Agreement constitutes the legal, valid and binding obligation of the City, is enforceable in accordance with its terms and provisions and does not require the consent of any other governmental authority.

(ii) Developer hereby represents and warrants to the City that Developer has full lawful right, power and authority to execute and deliver and perform the terms and obligations of this Agreement and all of the foregoing have been or will be duly and validly authorized and approved by all necessary actions of Developer. This Agreement constitutes the legal, valid and binding obligation of Developer, and is enforceable in accordance with its terms and provisions.

F. Authorized Parties.

Whenever under the provisions of this Agreement and other related documents and instruments or any supplemental agreements, any request, demand, approval, notice or consent of the City or Developer is required, or the City or Developer is required to agree or to take some action at the request of the other, such request, demand, approval, notice or consent, or agreement shall be given for the City, unless otherwise provided herein, by the City Mayor or his designee and for Developer by any officer of Developer so authorized (and, in any event, the officers executing this Agreement are so authorized); and any Party shall be authorized to act on any such request, demand, approval, notice or consent, or agreement.

G. Default.

(i) A Party shall be deemed in default under this Agreement (which shall be deemed a breach hereunder) if such Party fails to materially perform, observe or comply with any of its covenants, agreements or obligations hereunder or breaches or violates any of its representations contained in this Agreement. Upon expiration of any repayment deadline, any and all repayment obligations of Developer shall be assessed against the Center and shall constitute a lien against the Center effective upon recording notice thereof in the Office of the County Clerk of Tarrant County, Texas.

(ii) Continuous Operation. In the event Developer fails to open the Loveria Caffè', Developer shall be obligated to reimburse the City the full amount of the incentives paid to date.

(iii) Failure to Pay City Taxes.

An event of default shall occur under this Agreement if any legally-imposed City taxes owed on the land by Developer or an Affiliate or arising on account of Developer or an affiliate's operations on the land become delinquent and Developer or the affiliate does not either pay such taxes or follow the legal procedures for protest and/or contest of any such taxes. In this event, the City shall notify Developer in writing and Developer shall have sixty (60) calendar days to cure such default. If the default has not been fully cured by such time, the City shall have the right to terminate this Agreement immediately by providing written notice to Developer and the Developer shall be obligated to reimburse the City the full amount of the incentives paid to date, with such repayment obligation reduced by 1/8 for each year the Loveria Caffè has been in operation. In addition, the City shall have all other rights and remedies that may be available to it under the law or in equity.

(iv) Before any failure of any Party to this Agreement to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the Party claiming such failure shall notify, in writing per Section V. L. herein, the Party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the reasonable satisfaction of the complaining Party within thirty (30) days of the receipt of such notice, provided, however, if such matter is such that it cannot be cured within thirty (30) days, no breach may be found to have occurred if the Party has commenced the cure thereof within thirty (30) days and diligently pursues the completion thereof provided that such cure shall in any event occur within ninety (90) days after written notice of the breach. Upon a breach of this Agreement, the non-defaulting Party, in any court of competent jurisdiction, by an action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained, may be awarded damages for failure of performance, or both, provided, however, that the City's sole remedy hereunder for Developer's failure to complete the Project shall be to withhold the Incentives. Except as otherwise set forth herein, no action taken by a Party pursuant to the provisions of this Section or pursuant to the provisions of any other Section of this Agreement shall be deemed to constitute an election of remedies and all remedies set forth in this Agreement shall be cumulative and non-exclusive of any other remedy either set forth herein or available to any Party at law or in equity. Each of the Parties shall have the affirmative obligation to mitigate its damages in the event of a default by the other Party.

(v) Notwithstanding anything in this Agreement which is or may appear to be to the contrary, if the performance of any covenant or obligation to be performed hereunder by any Party is delayed as a result of circumstances which are beyond the reasonable control of such Party (which circumstances may include, without limitation, pending or threatened litigation, act of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions (such as, by way of illustration and not limitation, severe rain storms or below freezing temperatures, or tornadoes, labor action, strikes or similar acts) the time for such performance shall be extended by the amount of time of such delay. The Party claiming delay of performance as a result of any of the foregoing "force majeure" events shall deliver written notice per

Section V. L. herein of the commencement of any such delay resulting from such force majeure event not later than ten (10) days after the claiming Party becomes aware of the same, and if the claiming Party fails to so notify the other Party of the occurrence of a “force majeure” event causing such delay, the claiming Party shall not be entitled to avail itself of the provisions for the extension of performance contained in this Section.

H. This Agreement, and any exhibits attached hereto, may be amended only by the mutual agreement of the Parties evidenced by a written amendment, by the adoption of an ordinance or resolution of the City approving such written amendment, as provided by law, and by the execution of such written amendment by the Parties or their successors in interest.

I. Entire Agreement. This Agreement sets forth all agreements, understandings and covenants between and among the Parties relative to the matters herein contained. This Agreement supersedes all prior agreements, negotiations and understandings, written and oral, and shall be deemed a full integration of the entire agreement of the Parties.

J. Severability. If any provision, covenant, agreement or portion of this Agreement, or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Agreement and, to that end, all provisions, covenants, agreements or portions of this Agreement are declared to be severable.

K. Dispute Resolution and Texas Law. The parties hereby agree to make a good faith effort to resolve disputes arising under this Agreement through informal discussions between the parties. In the event that a dispute cannot be resolved through informal discussions, prior to initiating an alternative remedy either party must submit a written complaint per Section IV.L. that sets forth with specificity the basis of the complaint and a proposed resolution to the dispute. The party receiving the complaint shall respond in writing to such written complaint within thirty (30) calendar days, by accepting the proposed resolution, rejecting the proposed resolution or by proposing an alternative resolution to the dispute. Within twenty (20) calendar days of receipt of the party's written response, if such response is a rejection or a counter-proposal, the other party must either accept the counter-proposal or request that the dispute be reconsidered and mediated by an independent third party that is mutually agreed upon by the parties. If the dispute is mediated, both parties shall participate in good faith and attempt to resolve the dispute to their mutual satisfaction. Each party shall be responsible for its own costs incurred in connection with such mediation, but shall also be responsible for one-half of all of the out-of-pocket costs of and incurred by such independent third party in connection with such mediation. In the event that the dispute is unable to be resolved through mediation, both parties shall have full legal remedies provided for in this Agreement and in the courts of the State of Texas.

Failure by either party to raise a dispute through this process shall not constitute waiver or acceptance of an alleged violation of this Agreement. The provisions of this section are strictly limited in scope to serving as a prerequisite to the enforcement of remedies under this Agreement.

This Agreement shall be construed in accordance with the laws of the State of Texas, and any actions concerning this Agreement shall be brought in either the Texas State District Courts of Tarrant County, Texas or the United States District Court for the Northern District of Texas. Neither party shall be entitled to the recovery of their attorney fees as a result of any dispute regarding this Agreement.

L. Notice. Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (i) delivered personally, with a receipt requested therefore, or (ii) sent by telecopy facsimile; or (iii) sent by a nationally recognized overnight courier service; or (iv) delivered by United States registered or certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the Parties at their respective addresses set forth below, and shall be effective (a) upon receipt or refusal if delivered personally or by telecopy facsimile; (b) one (1) business day after depositing with such an overnight courier service or (c) two (2) business days after deposit in the United States mails, if mailed. A Party may change its address for receipt of notices by service of a notice of such change in accordance with this Section. All notices by telecopy facsimile shall be subsequently confirmed by U.S. certified or registered mail, return receipt requested.

|                  |                                                                                                                            |
|------------------|----------------------------------------------------------------------------------------------------------------------------|
| If to the City:  | City of Colleyville<br>100 Main Street<br>Colleyville, Texas<br>Attn: City Manager<br>Fax: 817-503-1129                    |
| with a copy to:  | Matthew C. G. Boyle<br>Boyle & Lowry, L.L.P.<br>4201 Wingren, Suite 108<br>Irving, Texas 75062-2763<br>Fax: (972) 650-7105 |
| If to Developer: | LOVERIA CAFFE', LLC<br>Attn: Michelle Rawls<br>9500 Feathergrass Lane, Suite 120<br>Fort Worth, Texas 76177                |
| with a copy to:  | LOVERIA CAFFE', LLC<br>Attn: Michelle Rawls<br>4524 Alexandra Drive<br>Colleyville, Texas 75034                            |

M. Interpretation. This Agreement has been jointly negotiated by the Parties and shall not be construed against a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.



IN WITNESS WHEREOF, the City Council of the City of Colleyville, Texas, and LOVERIA CAFFE', LLC, have authorized and caused this Agreement to be executed and delivered on this the 19<sup>th</sup> day of July, 2016.

**THE CITY OF COLLEYVILLE, TEXAS,  
a Texas home rule municipality**

By: \_\_\_\_\_  
Richard Newton  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

LOVERIA CAFFE', LLC

By \_\_\_\_\_

**CORPORATE ACKNOWLEDGMENT:**

**The State of Texas**

**County of Tarrant**

Before me, the undersigned, on this day personally appeared \_\_\_\_\_ of \_\_\_\_\_, 2016, proved to me through the presentation of a valid Texas Drivers License to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed. \_\_\_\_\_ furthermore attested that he/she is signing this agreement in his/her capacity as \_\_\_\_\_, and that such capacity makes his signature valid to bind the company \_\_\_\_\_.

Seal:

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

My Commission Expires:

\_\_\_\_\_

Notary Public in and for the State of Texas

## **RESOLUTION R-16-4014**

### **A RESOLUTION AWARDED AN ECONOMIC DEVELOPMENT INCENTIVE GRANT TO LOVERIA CAFFE', LLC**

**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; and

**WHEREAS,** the City of Colleyville is authorized by Chapter 380 of the Texas Local Government Code to provide economic development incentives to support the expansion of local business activity, employment, and development; and

**WHEREAS,** this resolution is being passed in full accordance with all requirements of State law, including but not limited to, the Open Meetings Act; and

**WHEREAS,** LOVERIA CAFFE', LLC, located at 5617 Colleyville Boulevard, has made application for a grant of \$10,000 for exterior improvements and on-site signage as a destination restaurant.

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

Sec. 1. THAT the Colleyville City Council hereby authorizes and approves an Economic Development Grant Agreement in an amount not to exceed \$10,000, substantially in the form of the agreement attached hereto as "Economic Development And Incentive Agreement."

Sec. 2. THAT this resolution is effective from and after the date of its passage.

### **AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF \_\_\_\_ AYES, \_\_\_\_\_ NAYS, AND \_\_\_\_\_ ABSTENTIONS,  
THIS THE 19<sup>TH</sup> DAY OF JULY, 2016.

|                          |       |                            |       |
|--------------------------|-------|----------------------------|-------|
| Mayor Richard Newton     | _____ | Mayor Pro Tem Chris Putnam | _____ |
| Place 1, Tammy Nakamura  | _____ | Place 5, Nancy Coplen      | _____ |
| Place 2, Bobby Lindamood | _____ | Place 6, Mike Taylor       | _____ |
| Place 4, Jody Short      | _____ |                            |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Amy Shelley, TRMC  
City Secretary

Richard Newton  
Mayor

## **ECONOMIC DEVELOPMENT AND INCENTIVE AGREEMENT**

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B. In consideration of the Developer's completion of the Project, the City agrees to provide the following incentives:

- i. The City will provide a grant, matching the Developer dollar for dollar, of up to \$10,000.00 in exterior construction improvements for exterior building improvements and on-site signage.
- ii. The City will provide the grant within thirty (30) days of the issuance of a Certificate of Occupancy for the Loveria Caffè'. The City shall have the right to review and inspect any necessary confirming documentation.

#### **Section IV. Miscellaneous**

A. All construction on the Project will be in accordance with applicable codes, regulations and ordinances of the City, and all applicable State and Federal laws, rules and regulations.

B. Successors and Assigns.

This Agreement may not be assigned, transferred, conveyed, or exchanged, in whole or in part, by either party without the written consent of the other party provided, however, that Developer may assign this Agreement to an entity controlled by the members of Developer and may be collaterally assigned to any Project construction or permanent lender. In the event of an approved assignment, the assigning party shall provide written notice of the assignee, including

assignee's address and contact information. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and (subject to approval of the other party) assigns.

C. The individuals executing this Agreement on behalf of the respective parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

- a. This Agreement is executed by the parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.
- b. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.
- c. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.
- d. Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had an opportunity to confer with its counsel.
- e. Time is of the essence in this Agreement.
- f. The parties agree this Agreement has been drafted jointly by the parties and their legal representatives.

D. Indemnification. **DEVELOPER, AT NO COST TO THE CITY, AGREES TO DEFEND, INDEMNIFY AND HOLD THE CITY, ITS OFFICERS, AGENTS SERVANTS AND EMPLOYEES, HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, ACTIONS, COSTS AND EXPENSES OF ANY KIND, INCLUDING, BUT NOT LIMITED TO, THOSE FOR PROPERTY DAMAGE OR LOSS (INCLUDING ALLEGED DAMAGE OR LOSS TO LOVERIA CAFFE' BUSINESS AND ANY RESULTING LOST PROFITS) AND/OR PERSONAL INJURY, INCLUDING DEATH, THAT MAY RELATE TO, ARISE OUT OF OR BE OCCASIONED BY (i) DEVELOPER'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT; OR (ii) ANY ACT OR OMISSION OR INTENTIONAL MISCONDUCT OF DEVELOPER, ITS OFFICERS, AGENTS, ASSOCIATES, EMPLOYEES, CONTRACTORS (OTHER THAN THE CITY, OR ITS**

**EMPLOYEES, OFFICERS, AGENTS, ASSOCIATES, CONTRACTORS OR SUBCONTRACTS), OR SUBCONTRACTORS DUE OR RELATED TO OR ARISING FROM THE REQUIRED IMPROVEMENTS AND ANY OPERATIONS AND ACTIVITIES ON THE LAND OR OTHERWISE TO THE PERFORMANCE OF THIS AGREEMENT.**

E. Powers.

(i) The City hereby represents and warrants to Developer that the City has full constitutional and lawful right, power and authority, under currently applicable law, to execute and deliver and perform the terms and obligation of this Agreement, and all of the foregoing have been or will be duly and validly authorized and approved by all necessary City proceedings, findings and actions. Accordingly, this Agreement constitutes the legal, valid and binding obligation of the City, is enforceable in accordance with its terms and provisions and does not require the consent of any other governmental authority.

(ii) Developer hereby represents and warrants to the City that Developer has full lawful right, power and authority to execute and deliver and perform the terms and obligations of this Agreement and all of the foregoing have been or will be duly and validly authorized and approved by all necessary actions of Developer. This Agreement constitutes the legal, valid and binding obligation of Developer, and is enforceable in accordance with its terms and provisions.

F. Authorized Parties.

Whenever under the provisions of this Agreement and other related documents and instruments or any supplemental agreements, any request, demand, approval, notice or consent of the City or Developer is required, or the City or Developer is required to agree or to take some action at the request of the other, such request, demand, approval, notice or consent, or agreement shall be given for the City, unless otherwise provided herein, by the City Mayor or his designee and for Developer by any officer of Developer so authorized (and, in any event, the officers executing this Agreement are so authorized); and any Party shall be authorized to act on any such request, demand, approval, notice or consent, or agreement.

G. Default.

(i) A Party shall be deemed in default under this Agreement (which shall be deemed a breach hereunder) if such Party fails to materially perform, observe or comply with any of its covenants, agreements or obligations hereunder or breaches or violates any of its representations contained in this Agreement. Upon expiration of any repayment deadline, any and all repayment obligations of Developer shall be assessed against the Center and shall constitute a lien against the Center effective upon recording notice thereof in the Office of the County Clerk of Tarrant County, Texas.

(ii) Continuous Operation. In the event Developer fails to open the Loveria Caffè', Developer shall be obligated to reimburse the City the full amount of the incentives paid to date.

(iii) Failure to Pay City Taxes.



An event of default shall occur under this Agreement if any legally-imposed City taxes owed on the land by Developer or an Affiliate or arising on account of Developer or an affiliate's operations on the land become delinquent and Developer or the affiliate does not either pay such taxes or follow the legal procedures for protest and/or contest of any such taxes. In this event, the City shall notify Developer in writing and Developer shall have sixty (60) calendar days to cure such default. If the default has not been fully cured by such time, the City shall have the right to terminate this Agreement immediately by providing written notice to Developer and the Developer shall be obligated to reimburse the City the full amount of the incentives paid to date, with such repayment obligation reduced by 1/8 for each year the Loveria Caffè has been in operation. In addition, the City shall have all other rights and remedies that may be available to it under the law or in equity.

(iv) Before any failure of any Party to this Agreement to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the Party claiming such failure shall notify, in writing per Section V. L. herein, the Party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the reasonable satisfaction of the complaining Party within thirty (30) days of the receipt of such notice, provided, however, if such matter is such that it cannot be cured within thirty (30) days, no breach may be found to have occurred if the Party has commenced the cure thereof within thirty (30) days and diligently pursues the completion thereof provided that such cure shall in any event occur within ninety (90) days after written notice of the breach. Upon a breach of this Agreement, the non-defaulting Party, in any court of competent jurisdiction, by an action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained, may be awarded damages for failure of performance, or both, provided, however, that the City's sole remedy hereunder for Developer's failure to complete the Project shall be to withhold the Incentives. Except as otherwise set forth herein, no action taken by a Party pursuant to the provisions of this Section or pursuant to the provisions of any other Section of this Agreement shall be deemed to constitute an election of remedies and all remedies set forth in this Agreement shall be cumulative and non-exclusive of any other remedy either set forth herein or available to any Party at law or in equity. Each of the Parties shall have the affirmative obligation to mitigate its damages in the event of a default by the other Party.

(v) Notwithstanding anything in this Agreement which is or may appear to be to the contrary, if the performance of any covenant or obligation to be performed hereunder by any Party is delayed as a result of circumstances which are beyond the reasonable control of such Party (which circumstances may include, without limitation, pending or threatened litigation, act of God, war, acts of civil disobedience, fire or other casualty, shortage of materials, adverse weather conditions (such as, by way of illustration and not limitation, severe rain storms or below freezing temperatures, or tornadoes, labor action, strikes or similar acts) the time for such performance shall be extended by the amount of time of such delay. The Party claiming delay of performance as a result of any of the foregoing "force majeure" events shall deliver written notice per

Section V. L. herein of the commencement of any such delay resulting from such force majeure event not later than ten (10) days after the claiming Party becomes aware of the same, and if the claiming Party fails to so notify the other Party of the occurrence of a “force majeure” event causing such delay, the claiming Party shall not be entitled to avail itself of the provisions for the extension of performance contained in this Section.

H. This Agreement, and any exhibits attached hereto, may be amended only by the mutual agreement of the Parties evidenced by a written amendment, by the adoption of an ordinance or resolution of the City approving such written amendment, as provided by law, and by the execution of such written amendment by the Parties or their successors in interest.

I. Entire Agreement. This Agreement sets forth all agreements, understandings and covenants between and among the Parties relative to the matters herein contained. This Agreement supersedes all prior agreements, negotiations and understandings, written and oral, and shall be deemed a full integration of the entire agreement of the Parties.

J. Severability. If any provision, covenant, agreement or portion of this Agreement, or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Agreement and, to that end, all provisions, covenants, agreements or portions of this Agreement are declared to be severable.

K. Dispute Resolution and Texas Law. The parties hereby agree to make a good faith effort to resolve disputes arising under this Agreement through informal discussions between the parties. In the event that a dispute cannot be resolved through informal discussions, prior to initiating an alternative remedy either party must submit a written complaint per Section IV.L. that sets forth with specificity the basis of the complaint and a proposed resolution to the dispute. The party receiving the complaint shall respond in writing to such written complaint within thirty (30) calendar days, by accepting the proposed resolution, rejecting the proposed resolution or by proposing an alternative resolution to the dispute. Within twenty (20) calendar days of receipt of the party's written response, if such response is a rejection or a counter-proposal, the other party must either accept the counter-proposal or request that the dispute be reconsidered and mediated by an independent third party that is mutually agreed upon by the parties. If the dispute is mediated, both parties shall participate in good faith and attempt to resolve the dispute to their mutual satisfaction. Each party shall be responsible for its own costs incurred in connection with such mediation, but shall also be responsible for one-half of all of the out-of-pocket costs of and incurred by such independent third party in connection with such mediation. In the event that the dispute is unable to be resolved through mediation, both parties shall have full legal remedies provided for in this Agreement and in the courts of the State of Texas.

Failure by either party to raise a dispute through this process shall not constitute waiver or acceptance of an alleged violation of this Agreement. The provisions of this section are strictly limited in scope to serving as a prerequisite to the enforcement of remedies under this Agreement.

This Agreement shall be construed in accordance with the laws of the State of Texas, and any actions concerning this Agreement shall be brought in either the Texas State District Courts of Tarrant County, Texas or the United States District Court for the Northern District of Texas. Neither party shall be entitled to the recovery of their attorney fees as a result of any dispute regarding this Agreement.

L. Notice. Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (i) delivered personally, with a receipt requested therefore, or (ii) sent by telecopy facsimile; or (iii) sent by a nationally recognized overnight courier service; or (iv) delivered by United States registered or certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the Parties at their respective addresses set forth below, and shall be effective (a) upon receipt or refusal if delivered personally or by telecopy facsimile; (b) one (1) business day after depositing with such an overnight courier service or (c) two (2) business days after deposit in the United States mails, if mailed. A Party may change its address for receipt of notices by service of a notice of such change in accordance with this Section. All notices by telecopy facsimile shall be subsequently confirmed by U.S. certified or registered mail, return receipt requested.

If to the City:                      City of Colleyville  
                                                 100 Main Street  
                                                 Colleyville, Texas  
                                                 Attn: City Manager  
                                                 Fax: 817-503-1129

with a copy to:                      Matthew C. G. Boyle  
                                                 Boyle & Lowry, L.L.P.  
                                                 4201 Wingren, Suite 108  
                                                 Irving, Texas 75062-2763  
                                                 Fax: (972) 650-7105

If to Developer:                      LOVERIA CAFFE', LLC  
                                                 Attn: Michelle Rawls  
                                                 9500 Feathergrass Lane, Suite 120  
                                                 Fort Worth, Texas 76177

with a copy to:                      LOVERIA CAFFE', LLC  
                                                 Attn: Michelle Rawls  
                                                 4524 Alexandra Drive  
                                                 Colleyville, Texas 75034

M. Interpretation. This Agreement has been jointly negotiated by the Parties and shall not be construed against a Party because that Party may have primarily assumed responsibility for the drafting of this Agreement.

IN WITNESS WHEREOF, the City Council of the City of Colleyville, Texas, and LOVERIA CAFFE', LLC, have authorized and caused this Agreement to be executed and delivered on this the 19<sup>th</sup> day of July, 2016.

**THE CITY OF COLLEYVILLE, TEXAS,  
a Texas home rule municipality**

By: \_\_\_\_\_  
Richard Newton  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

LOVERIA CAFFE', LLC

By \_\_\_\_\_

**CORPORATE ACKNOWLEDGMENT:**

**The State of Texas**

**County of Tarrant**

Before me, the undersigned, on this day personally appeared \_\_\_\_\_ of \_\_\_\_\_, 2016, proved to me through the presentation of a valid Texas Drivers License to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed. \_\_\_\_\_ furthermore attested that he/she is signing this agreement in his/her capacity as \_\_\_\_\_, and that such capacity makes his signature valid to bind the company \_\_\_\_\_.

Seal:

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

My Commission Expires:

\_\_\_\_\_

Notary Public in and for the State of Texas



# City of Colleyville City Council Agenda Briefing

City Hall  
100 Main Street  
Colleyville, Texas 76034  
[www.colleyville.com](http://www.colleyville.com)

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**Agenda Number** 9

**Agenda Date** 07/19/2016

**Type** Report

**Department** City Secretary

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## **Title**

Zoning Board of Adjustment Minutes - May 10, 2016

Planning and Zoning Commission Minutes - June 13, 2016

Charter Review Committee Minutes - July 6, 2016

## **Explanation**

## **Attachments**

1. Zoning Board of Adjustment Minutes - May 10, 2016
2. Planning and Zoning Commission Minutes - June 13, 2016
3. Charter Review Committee Minutes - July 6, 2016



# City of Colleyville Zoning Board of Adjustment Minutes

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

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Tuesday, May 10, 2016

City Council Chambers

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## Call to Order

The Zoning Board of Adjustment meeting of the City of Colleyville was called to order by Board member McNosky on May 10, 2016 at 7:00 p.m.

## Roll Call

**Present:** Board members Jason Elms, Judson Orlando, Raymond Allee, Wayne Maynard, Dee McNosky, Dee Kamerman, and Richard Vallario

**Staff Present:** Shane Pace and Araceli Botello

### 1. SWEARING IN OF NEWLY APPOINTED MEMBER

Shane Pace swore in newly appointed member Richard Vallario, Alternate 2.

### 2. APPROVAL OF MINUTES

**Board member McNosky made a motion to approve the February 9, 2016 minutes with corrections. Board member Maynard seconded.**

**The motion to approve the February 9, 2016 minutes with corrections carried by the following vote:**

**Aye: 5** – Elms, Orlando, Allee, Maynard, and McNosky

### 3. PUBLIC HEARING AGENDA ITEMS

- 3a** Request for a variance to Section 3.27.A.3.c (Accessory Buildings and Residential Carport Regulations) of the Land Development Code on Lot 6, Block B, of the Emerald Park Addition, located at 6016 Sterling Drive, Case VC16-002

Shane Pace presented the case and briefed the Board.

The public hearing was opened at 7:05 p.m.

Scott Larsen, the applicant, came forward and briefed the Board.

There being no one else wishing to speak, the public hearing was closed at 7:08 p.m.

**Board member McNosky made a motion to approve Case VC16-002. Board member Maynard seconded.**

**The motion to approve Case VC16-002 carried by the following vote:**

**Aye: 5** – Elms, Allee, Orlando, Maynard, and McNosky

- 3b** Request for a variance to Section 3.26.D.2.a (Fences, Free Standing Walls, and Screening Materials) of the Land Development Code on Lot 18, Block 2, of the Fairway Addition, located at 8500 Precinct Line Road, Case VC16-003

Shane Pace presented the case and briefed the Board.

The public hearing was opened at 7:09 p.m.

Bob Comstock and Tim Miller, the applicants, came forward to brief the Board.

There being no one else wishing to speak, the public hearing was closed at 7:32 p.m.

**Board member McNosky made a motion to approve Case VC16-003 permitting an alternate screening device (eight foot wooden fence) along the southern property line. Board member Allee seconded.**

**The motion to approve Case VC16-003 permitting an alternate screening device (eight foot wooden fence) along the southern property line, carried by the following vote:**

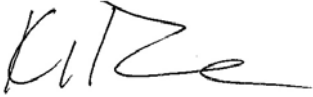
**Aye: 5** – Elms, Allee, Orlando, Maynard, and McNosky

## **5. ADJOURNMENT**

The meeting adjourned at 7:35 p.m.



Minutes were written and prepared by:

A handwritten signature in black ink, appearing to read 'Shane Pace', written in a cursive style.

Shane Pace  
Principal Planner

*The meeting minutes were approved on July 13, 2016, by a vote of 5-0.*



# City of Colleyville Planning and Zoning Commission Minutes

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

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Monday, June 13, 2016

City Council Chambers

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## CALL MEETING TO ORDER

The Planning and Zoning Commission meeting of the City of Colleyville was called to order by the Chairman Byerly on June 13, 2016, at 7:04p.m.

### Roll Call

**Present:** Commissioners, Carel Tornes, David Wheelwright, Jason Elms, Jeff Byerly, Jim Gotcher, Don Davis, and David Phelps

**Staff Present:** Shane Pace, Oscar Chavez, Cheryl Taylor, Rob McKeown, Chris Fuller, Chief Brian Riley, Araceli Botello, and Matthew Butler (City Attorney)

### 1. APPROVAL OF MINUTES

**Commissioner Tornes made a motion to approve the May 09, 2016 minutes as written. Commissioner Davis seconded.**

**The motion to approve the May 09, 2016 minutes as written carried by the following vote:**

**Aye: 7** – Elms, Tornes, Wheelwright, Gotcher, Davis, Phelps, and Byerly

### 2. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA AS A PUBLIC HEARING ITEM

There were no citizen comments/presentations regarding items not on the agenda as a public hearing item.

### 3. PUBLIC HEARING AGENDA ITEMS

**3a** Consideration of an amendment to the PUDC-Planned Unit Development Commercial District on Lots 1R, 2, and 3, Block 1 of the Village Park Addition, located at 1001, 1005, and 1009 Glade Road, Case ZC16-009

Shane Pace presented the case and briefed the Commission.

The public hearing was opened at 7:10 p.m.

Terry Lyons, the applicant, came forward and briefed the Commission.

There being no one else wishing to speak, the public hearing was closed at 7:22 p.m.

**Commissioner Phelps made a motion to approve case ZC16-009 as written. Commissioner Davis seconded.**

**The motion to approve carried by the following vote:**

**Aye: 6** – Elms, Tornes, Wheelwright, Davis, Phelps, and Byerly

**Nay: 1** - Gotcher

## **5. ADJOURNMENT**

The meeting adjourned at 7:27 p.m.

The minutes were written and prepared by:



Araceli Botello  
Planning Technician

*The meeting minutes were approved on July 11, 2016, by a vote of 6-0.*



# City of Colleyville

## Charter Review Committee

### MINUTES

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

Wednesday, July 6, 2016  
6:00 p.m.

Executive Conference Room  
Third Floor – City Hall

#### **1. CALL TO ORDER**

The Charter Review Committee was called to order on July 6, 2016, at 6:02 p.m. by Chairman Frank Carroll.

**2. ROLL CALL:** Chair Frank Carroll, Vice Chairman Michael Muhm, and Committee members Rich Hendler, David Medlin, Claudia Bevill, Tim Weymouth, Nelson Thibodeaux, Steve Waltens, and Vince Hawkins were present

**Absent:** Shirley Schollmeyer

Mayor Richard Newton, Councilmember Bobby Lindamood, City Manager Jennifer Fadden, Assistant City Manager/Director of Public Safety Mike Holder, SH26 Project Coordinator James Hubbard, and City Secretary Amy Shelley were also present

Mayor Newton welcomed everyone and expressed his appreciation for their service to this committee.

Councilmember Lindamood also welcomed everyone and expressed his appreciation for their service to this committee.

#### **3. DISCUSSION**

- 3a** Discussion of the Committee's resolution, charge, requests for information procedure, and timetable for completion
- 3b** Discussion of proposed meeting dates: July 14, July 21, and July 25, 2016
- 3c** Discussion of resolution items to be considered: Section 14.02 Personal Financial Interest; Section 3.09C Quorum and Voting; Section 7.02 City Secretary; Section 7.03A Chief of Police; Section 7.04A Fire Chief; Section 7.05 Department of Public Works; Section 7.06 Department of Finance; other City positions; and Section 3.01 Number, Selection, Term

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**Discussion of Section 7.02 City Secretary; Section 7.03A Chief of Police; Section 7.04A Fire Chief; Section 7.05 Department of Public Works; Section 7.06 Department of Finance; other City positions detailed as the following:**

Chairman Carroll asked the Committee members if there are any concerns regarding the proposed amendments to the employee positions outlined in the Charter. Member Waltens asked Chairman Carroll if there is simply a ratification of an appointee. Chairman Carroll stated if the City Council does not approve of the city manager's applicant, the applicant would not be appointed to the position. Member Waltens stated it is a distribution of power, per se.

Member Hawkins asked how the appointments currently occur. Chairman Carroll replied the City Council does not currently approve appointments to these positions.

Member Medlin asked how the city manager is approved and how often. Vice Chairman Muhm replied currently the City Council hires the municipal judge, the city attorney, and the city manager.

Member Medlin asked how often this occurs. Chairman Carroll replied it would occur if the city manager resigns or was fired. He added it does not happen every year, only when an issue arises. Member Hendler added there is an annual review for the city manager.

Member Thibodeaux asked if the Charter outlines a chart of responsibility to the city manager's direct reports. Chairman Carroll replied the proposed amendment does not define senior staff specifically.

Vice Chairman Muhm stated he does not understand why others are not listed, such as the deputy city manager. Mayor Newton replied these particular amendments are to the positions currently outlined in the Charter.

Member Hawkins asked after appointments are made, who is the manager of these people. Chairman Carroll replied the city manager is the manager of those people.

Member Hawkins asked if the city manager has complete autonomy. Chairman Carroll replied with the autonomy that the city manager gives them.

Member Hawkins asked if the city manager can terminate them without having to come back to City Council. Chairman Carroll replied no, these positions would not have to be approved for termination through City Council.

Mayor Newton added the phrase, "*with approval of City Council*" used to be in the Charter; however, it was removed in 2005.

Member Weymouth asked who the Mayor was in 2005. Mayor Newton replied Joe Hocutt. Member Hendler added Bill Lindley was the city manager at that time too.

Vice Chairman Muhm asked Member Hendler if City Council ever approved those positions. Member Hendler replied he did not remember.

Vice Chairman Muhm asked Mayor Newton if he remembered. Mayor Newton replied it was when he was there.

Member Hendler replied it seems to be more transparent and adds to the value of an elected City Council. Member Weymouth and Thibodeaux concurred.

Vice Chairman Muhm asked if there is nothing to require this be conducted in an executive session, or out in a public forum. Chairman Carroll replied just that it takes place.

Vice Chairman Muhm stated for an "*indefinite term*" is absent on the city secretary and the finance positions, unlike the other positions. Chairman Carroll replied it can be added to make those consistent with the other positions.

Member Medlin asked what an "*indefinite term*" means. Vice Chairman Muhm replied there is no term, you are at the pleasure of.

Member Hawkins asked about the timing of the hiring, and if any delays would hinder the process, especially with a competitive market place, and losing a candidate. Chairman Carroll replied it could be placed on a regular City Council meeting agenda, or City Council calls a special meeting. Member Hendler stated there would be a timeframe noted with the employee's departure.

Member Medlin asked staff if this situation has ever occurred. City Manager Jennifer Fadden replied she would adopt this process into the hiring schedule. Member Waltens added a special meeting could be called if a situation came up.

**Discussion of Section 3.09C Quorum and Voting detailed as the following:**

Vice Chairman Muhm replied it is important for voting at the same time, rather by a show of hands, or electronically.

Member Medlin asked about the committee member voting, and if the person would still be voted on. Chairman Carroll replied yes.

Vice Chairman Muhm asked if this is just clean-up language. Chairman Carroll replied yes, clean-up provisions.

**Discussion of Section 14.02 Personal Financial Interest detailed as the following:**

Chairman Carroll stated section 14.02(k)(i) should just read, "...Tarrant, Denton, and Dallas counties", with the removal of "north of Interstate 30 and east of Interstate 35 W, and that portion of Denton County south of State Highway 114 and east of Interstate 35W..."

Vice Chairman Muhm asked if this will effect currently seated City Councilmembers. Chairman Carroll replied yes.

Member Medlin stated he agrees with a timeframe for reporting, but more than five days may need to be given for flexibility. Vice Chairman Muhm replied there are currently five days to report. Chairman Carroll replied five days seems to be a reasonable timeframe, but maybe to clarify it as five "business" days.

Vice Chairman Muhm added he likes business days, but five does seem tight. Member Medlin stated he would hate for someone to get in trouble if they are on vacation. Vice Chairman Muhm added these are rare occurrences. Chairman Carroll added especially with email, five business days should allow ample time.

Vice Chairman Muhm asked if this would just include updating the financial disclosure form. Chairman Carroll replied he envisions there would be an additional form used to update the financial disclosures, and maybe note any change that occurs during that timeframe.

Member Hawkins asked if the updates would include any publicly traded stock. Chairman Carroll replied he believed so. Member Medlin replied two percent would have to be disclosed.

Member Hawkins stated it may be difficult to do within five business days, if someone is trading on their behalf, and he added he does not feel two percent is high enough, maybe five percent would be better. He stated someone could violate this and not even realize it. Chairman Carroll replied not having a problem with that, it is the investments in the limited partnerships that create the financial conflicts.

Vice Chairman Muhm stated he believed the disclosure would be if there is a contractual relationship with the City, which may be very few and far between to begin with. Chairman Carroll replied that could be correct, but he did not know.

Member Medlin asked what the punishment is if this is violated or not disclosed. Chairman Carroll replied consequences with employees with the City would be possible termination, and the consequences with appointed officials (P&Z) would be removal by the City Council, and the consequences with elected officials would

be removal for violation of the City Charter. Member Muhm added an ethics complaint can be filed with the Texas Ethics Commission.

Member Weymouth asked for an example of where you have a contract with the City where we could own stock in it. Vice Chairman Muhm replied a contracting company such as paving. Chairman Carroll added a landscaping firm, or real estate investing.

Member Hawkins asked about regional banking for the City, and if someone has stock in that bank. Chairman Carroll replied yes, they would have to disclose the information.

Member Waltens asked if the intent is to prevent people from being on committees and/or holding offices, while promoting legislation by which they would benefit personally or financially. Chairman Carroll replied yes.

Chairman Carroll added the adoption of these amendments to the Charter may require amendments to other ordinances.

Member Medlin added he does not believe a personal business footer should be marketed in a City email. Member Bevill stated she believed it is covered under Section 14.02A, especially if you are addressing them from the position you hold, the personal interest should be set aside.

Chairman Carroll replied he is not sure if it prohibits this, and it may be something members want to revise to provide further clarification.

Member Medlin asked where the \$100 disclosure limit came from. Chairman Carroll replied most are at a \$50 minimum disclosure.

Member Hawkins asked if this excludes sporting events. Vice Chairman Muhm replied most will exceed \$100. Chairman Carroll replied it would need to be disclosed.

Member Bevill asked about rounds of golf. Chairman Carroll replied if it exceeds \$100.

Member Medlin asked if the dollar amount needed to be increased. Member Waltens replied it goes back to the spirit, we want to know if they have a relationship with people who are benefiting from the City's taxpayers' dollars. He added it is not going to be a rampant thing, and in reality it is just healthy to have it all disclosed.

Member Hawkins asked about people trying to get approval through City Council or P&Z. Member Thibodeaux replied it states any proposed or existing. Member Waltens stated it is not in the financial disclosure language. Member Thibodeaux



added it exists in the Charter today. Chairman Carroll stated a provision could be added to Section 14.02k that would apply to any interested parties. Member Waltens and Medlin agreed.

Member Weymouth asked if it is realistic for a citizen to know within 15 days if something is wrong, as outlined in Section 14.02(F). Chairman Carroll added he would provide some clarification language for this, such as "knew or should have reasonably known."

**Discussion of Section 3.01 Number, Selection, Term detailed as the following:**

Vice Chairman Muhm asked if a councilmember, in his second term, would have to resign after filing for Mayor. Chairman Carroll replied if someone resigns their position, even if only one day is served, it would still count as a full term served.

Member Medlin asked if the councilmember would have to resign if they are in their third year of their second term while they are running for Mayor. Chairman Carroll replied that is not addressed here, but no, they would not have to resign the way it is currently drafted. Mayor Newton replied the Charter currently states that they would have to resign from their current office. City Manager Jennifer Fadden added it is in Section 3.08.

Chairman Carroll asked Mayor Newton how much of the term would have to remain before a special election to fill the vacancy would occur. Mayor Newton replied it is something like 90 days within an election, or hold a special election. Member Medlin stated Section 3.05 is relevant to vacancies.

Chairman Carroll requested committee members to send him an email with any revisions necessary to the proposed section.

Member Waltens asked about being consistent with the words "terms" and "years." Chairman Carroll replied there is no reason why we can't be consistent with either throughout the Charter. He added the 12 years is relevant to years in any combined office.

Member Medlin asked if there is any interest in limiting total terms. Member Bevill replied she likes that, especially since other cities are doing it.

Member Thibodeaux asked Chairman Carroll about four terms or 12 consecutive years. Chairman Carroll replied 12 years is the maximum of consecutive years served, two terms as City Council, two terms as Mayor.

Member Waltens asked if this will be retroactive. Chairman Carroll replied it is not retroactive, because any member, who has met this provision, would immediately

be kicked off. He added this provision allows for it to become effective at the next election.

Member Hawkins stated he does not agree with making this effective immediately because of the loss of institutional knowledge. Member Medlin stated the previous institutional knowledge did not listen to the citizens. Member Thibodeaux added this has to be straight forward, and if the citizens are going to vote for it now it must be effective immediately. Member Hawkins stated being in favor of term limitations, and it depends on how we enact them. Vice Chairman Muhm agreed.

Member Bevill replied she does not have a problem with the way it is written, but there is provisional language sometimes used for the transitional situations. Chairman Carroll stated there is always a way to write it, but it is proposed to let everyone serve out the term they currently have, and it applies to all City Councilmembers.

Councilmember Lindamood stated Colleyville is enriched with so much talent, and people that want to run for office are already doing their homework to run for office. Member Hawkins agreed, and stated those people can run now. Councilmember Lindamood added there was some discouragement to run against someone who has been in office for so long.

Vice Chairman Muhm added there is a lot of bench strength in the community, and new ideas enhance that experience. He stated there has to be a mechanism to force change or it never happens.

Member Hawkins stated he is not disagreeing with term limitations, just the implementation of it. He stated effective immediately targets some current members, and phasing this in does not reduce its power.

Chairman Carroll stated it then becomes an issue about when to do it, or how much time to delay it.

Member Waltens asked about the benefit of delaying it now then saying upon the expiration of your term, you serve two terms, then you are ineligible. Member Hawkins replied it helps with the institutional knowledge of the business of Colleyville.

Member Bevill stated she believes the new people will dig in and work hard. She stated there is a lot to be said for experience, but that is not the be-all-end-all. She stated not sure that institutional knowledge is a valid concern, especially with so many bright and willing people in the community, and they will find out.

Member Waltens stated if we agree that term limits are a good idea, then why not implement them now versus later?

Member Thibodeaux stated the institutional knowledge is with the city manager. He stated his concern is that if it is not effective now, then the voters question when it becomes effective.

Member Hawkins asked about the ratification of this process. Chairman Carroll replied the next time the amendments will be voted on, one at a time, with somebody making a motion to approve it, and somebody will second it. If there are amendments, then those will need to be voted on as well. He added he will then put together a report for the committee to review, and then it will be presented to City Council for their review. He stated at that time, it will be placed on a City Council agenda for their approval, and then a resolution will be placed on another City Council agenda to call the special election.

Member Hawkins asked if the vote will be made by the majority. Chairman Carroll replied yes.

Member Hawkins asked about the next committee meeting. Chairman Carroll replied on July 14<sup>th</sup>, in this room.

Vice Chairman Muhm asked Chairman Carroll if a member is not present, can they vote by proxy. Chairman Carroll replied he did not know, but asked the city manager to ask the city attorney to see if the members can attend by telephone.

Member Hawkins stated he would prefer to email his vote in. Member Weymouth stated he would not be here either. Member Hawkins stated he would like some flexibility in voting, especially given the short timeframe.

Member Bevill asked about the inconsistencies in the Charter, Section 3.09A, page 8 and 13.01(C)3, page 34 – the calling of special meetings with three or four members; and same sections with three or four affirmative votes. Chairman Carroll stated when the City Council member number changed from six to seven members, these numbers were left to reflect that change. He added he would make an effort to clean those up. Assistant City Manager/Director of Public Safety Mike Holder stated this was to provide for the transition between six and seven members. Chairman Carroll replied Article XIII may need to be removed from the Charter, with a separate vote.

Member Thibodeaux asked about the four members calling a special meeting and if that violates the open meetings. Chairman Carroll replied he did not believe it violates the open meetings act.

#### **4. ADJOURNMENT**

There being no further business before the Committee, Member Thibodeaux moved to adjourn the meeting. Member Weymouth seconded. Chair Frank Carroll adjourned the meeting at 7:53 p.m.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, AND 0 ABSTENTIONS ON THIS THE 14<sup>TH</sup> DAY OF JULY 2016.

Minutes taken and prepared by:

A handwritten signature in black ink, appearing to read "Amy Shelley". The signature is fluid and cursive, with the first name "Amy" and last name "Shelley" clearly distinguishable.

Amy Shelley, TRMC  
City Secretary



# City of Colleyville City Council Agenda Briefing

City Hall  
100 Main Street  
Colleyville, Texas 76034  
[www.colleyville.com](http://www.colleyville.com)

**Agenda Number**  
**Type** Report  
**Department** Finance

**Agenda Date** 07/19/2016

**Number** 9

## **Title**

Monthly Financial Report - June 2016

## **Strategy Map Connection**

F1- Protect and preserve the City's top financial ratings  
F4- Adhere to the City's financial and budgetary policies

## **Explanation**

General Fund

The percentage of the current year tax roll collected is above the percentage collected for June 2015. The budgeted projection of 99% has been exceeded.

For the month of June, sales tax is up 6.36% (\$16,608) from revenues reported for the same time period last year. Year to date General Fund sales tax is up 7.21% (\$140,212) when compared to the same time period last year. This is the eighth consecutive month of increased sales taxes and the highest June sales tax allocation ever received.

The annual franchise payment received from Atmos in March exceeded budgeted projections by 5.2%, however, due to warmer winter temperatures compared to last year, the annual amount received was 18.11% less than the amount received last fiscal year. The annual franchise payment received by Oncor in February exceeded budgeted projections by 3.31% and was slightly more than last year's annual payment. Tri-County Electric's annual franchise payment also exceeded the budgeted projection by 6.78%.

The quarterly mixed beverage tax allocation came in at \$29,118 compared to \$25,673 last fiscal year, an increase of 13.4%. Year to date revenues currently exceed budgeted projections by almost 32%.

Eleven new residential building permits were issued in June, compared to 16 that were issued in June 2015. Revenues received for licenses and permits exceed current year projections by 51%. Ambulance revenues exceed budget projections by over 21% and are ahead of last year's collections due to an increase in hospital transports. Colleyville Center revenues are ahead of budgeted projections by 18.12%. Cost recovery for the Center is currently 61%. Revenues related to engineering and construction inspection fees are down compared to budgeted projections and last year

due to a minimal number of new development projects so far this fiscal year.

The average amount expended by the General Fund departments at the end of June is 74.21% of the total appropriation versus 76.26%, which was projected to be spent.

#### Utility Fund

Year to date, water usage has increased as compared to the amount sold through June 2015. Rainfall totals for the past 3 months total 14.45 inches compared to 26.47 inches for the same time period last year. The average amount expended by the Utility Fund departments at the end of June was 52.56% of the total appropriation, versus 58.69%, which was projected to be spent.

#### **Attachments**

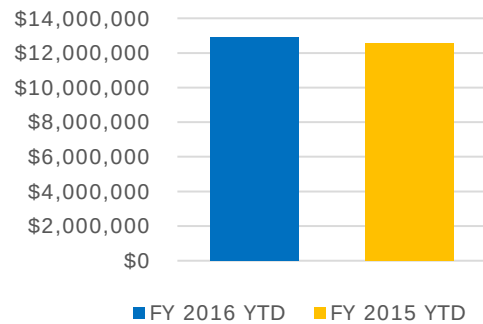
1. June 2016 Monthly Financial Report

# Monthly Financial Report: June 2016

## General Fund Revenues

### Ad Valorem Taxes

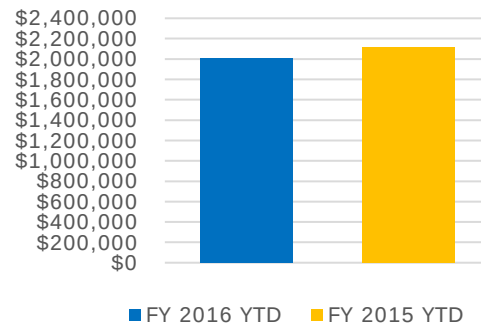
FY 2016 Budget: \$12,928,456



% Change FY/FY: 2.98%  
 - Based on 2015 property values  
 - Most collections in Dec., Jan., & Feb.

### Franchise Fees

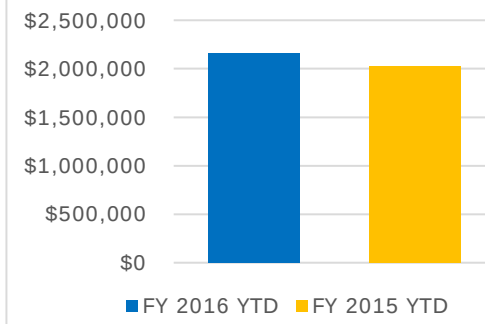
FY 2016 Budget: \$2,061,000



% Change FY/FY: -5.15%  
 - Use of City ROW by utilities  
 - Gas, Electricity, Telecom., Cable, Waste

### Sales Taxes

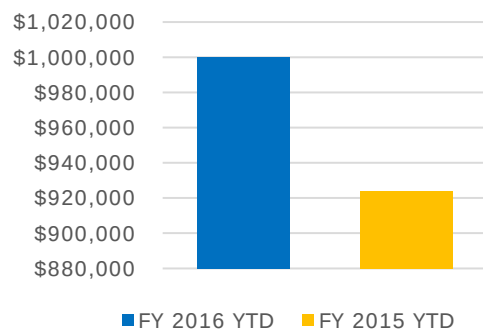
FY 2016 Budget: \$3,480,000



% Change FY/FY: 6.84%  
 - Receipts are from sales 2 months prior  
 - Sales tax revenues are Dec. - Nov.  
 - Also includes mixed beverage tax

### Licenses & Permits

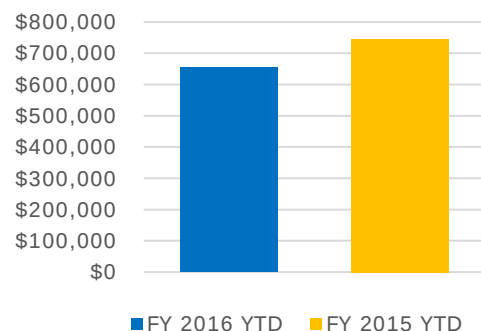
FY 2016 Budget: \$882,800



% Change FY/FY: 8.24%  
 - Building, plumbing, mechanical, fence, electrical, sign, etc. permit fees

### Fines

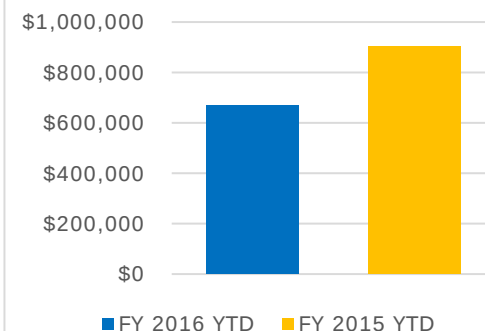
FY 2016 Budget: \$876,000



% Change FY/FY: -12.20%  
 - Includes fines from citations, alarm fees, and library fines

### Charges for Service

FY 2016 Budget: \$1,089,800



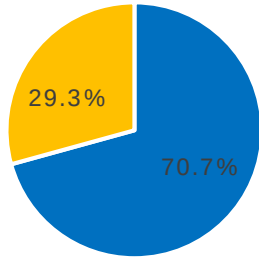
% Change FY/FY: -26.03%  
 - Includes zoning, ambulance, parks/rec., engineering, & Colleyville Center charges

# Monthly Financial Report: June 2016

## General Fund Expenditures

### Public Safety

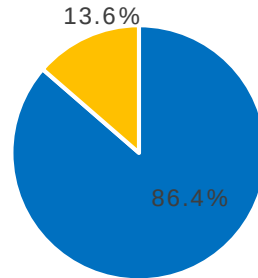
FY 2016 Budget: \$9,424,339  
 % Expended: 70.7%  
 % Remaining: 29.3%



■ % Expended: ■ % Remaining:

### Infrastructure

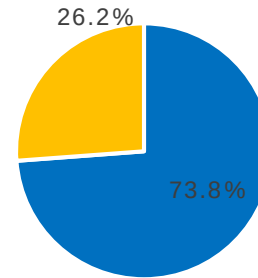
FY 2016 Budget: \$6,482,251  
 % Expended: 86.4%  
 % Remaining: 13.6%



■ % Expended: ■ % Remaining:

### Development

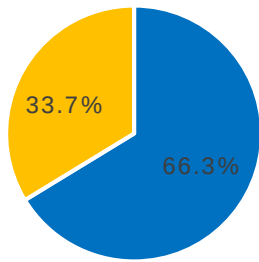
FY 2016 Budget: \$1,100,806  
 % Expended: 73.8%  
 % Remaining: 26.2%



■ % Expended: ■ % Remaining:

### Operational Support

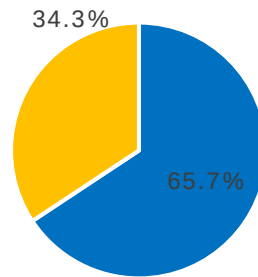
FY 2016 Budget: \$3,286,768  
 % Expended: 66.3%  
 % Remaining: 33.7%



■ % Expended: ■ % Remaining:

### Community Assets & Programs

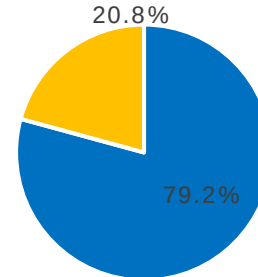
FY 2016 Budget: \$2,808,506  
 % Expended: 65.7%  
 % Remaining: 34.3%



■ % Expended: ■ % Remaining:

### Technology

FY 2016 Budget: \$874,700  
 % Expended: 79.2%  
 % Remaining: 20.8%



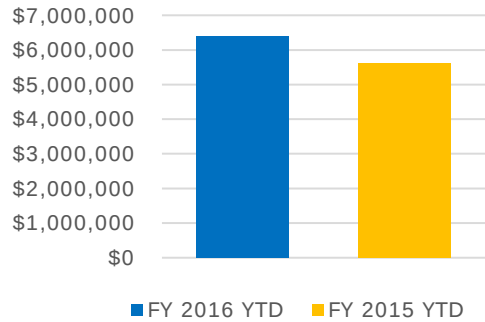
■ % Expended: ■ % Remaining:



# Monthly Financial Report: June 2016

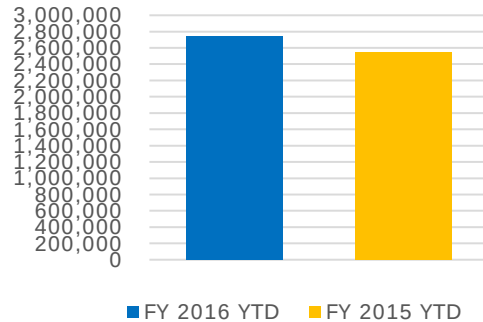
## Utility Fund

### Water Sales



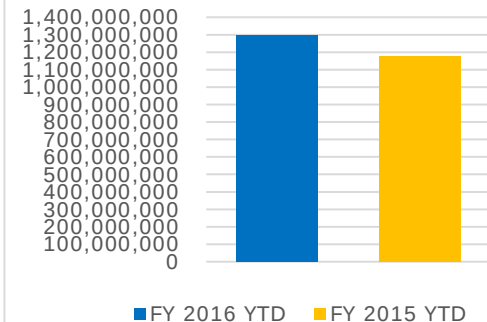
% Change FY/FY: 13.93%

### Wastewater Sales



% Change FY/FY: 7.84%

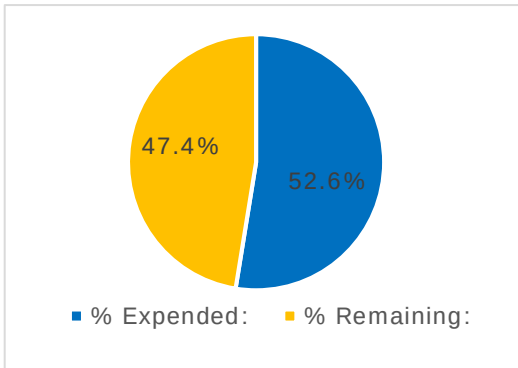
### Gallons of Water Sold



% Change FY/FY: 10.13%

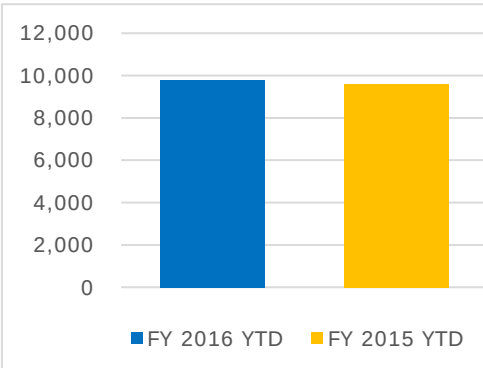
### Utility Fund Expenditures

FY 2016 Budget: \$15,886,362  
 % Expended: 52.6%  
 % Remaining: 47.4%



### Number of Water Customers

FY 2016 YTD: 9,782  
 FY 2015 YTD: 9,598



% Change FY/FY: 1.92%

### Notes

Rainfall totals (in inches):  
 Oct 15-Jun 16 43.87  
 Oct 14-Jun 15 40.93

## MONTHLY FINANCIAL REPORT - JUNE 2016

| GENERAL FUND                        |                     | RECEIVED            | PROJECTED           |               | RECEIVED            |                |
|-------------------------------------|---------------------|---------------------|---------------------|---------------|---------------------|----------------|
|                                     | FY 2016             | FY 2016 YTD         | FY 2016 YTD         | RECEIPT VS    | FY 2015 YTD         | PERCENT        |
| REVENUE SOURCE                      | BUDGET              | AS OF               | AS OF               | PROJECTED     | AS OF               | CHANGE OVER    |
|                                     |                     | 6/30/2016           | 6/30/2016           | INCR (DECR)   | 6/30/2015           | PRIOR YEAR     |
| Current Taxes                       | \$12,823,456        | \$12,854,325        | \$12,852,071        | 0.02%         | \$12,469,016        | 3.09%          |
| Delinquent Taxes                    | 50,000              | 19,888              | 18,438              | 7.87%         | 18,438              | 7.87%          |
| Penalty & Interest                  | 55,000              | 40,221              | 52,977              | -24.08%       | 52,977              | -24.08%        |
| <b>TOTAL AD VALOREM TAXES</b>       | <b>\$12,928,456</b> | <b>\$12,914,434</b> | <b>\$12,923,486</b> | <b>-0.07%</b> | <b>\$12,540,431</b> | <b>2.98%</b>   |
| Oncor Electric                      | \$875,000           | \$903,933           | \$875,000           | 3.31%         | \$903,390           | 0.06%          |
| Tri-County Electric                 | 105,000             | 112,116             | 105,000             | 6.78%         | 126,855             | -11.62%        |
| Atmos Gas                           | 350,000             | 368,202             | 350,000             | 5.20%         | 449,640             | -18.11%        |
| AT&T                                | 70,000              | 50,497              | 52,500              | -3.81%        | 54,012              | -6.51%         |
| Verizon/Others                      | 65,000              | 39,794              | 48,750              | -18.37%       | 62,702              | -36.53%        |
| Refuse/Recycling                    | 146,000             | 128,489             | 109,499             | 17.34%        | 124,943             | 2.84%          |
| Cable TV                            | 450,000             | 401,930             | 337,500             | 19.09%        | 392,173             | 2.49%          |
| <b>TOTAL FRANCHISE TAXES</b>        | <b>\$2,061,000</b>  | <b>\$2,004,961</b>  | <b>\$1,878,249</b>  | <b>6.75%</b>  | <b>\$2,113,715</b>  | <b>-5.15%</b>  |
| Sales Tax                           | \$3,400,000         | \$2,084,411         | \$2,065,712         | 0.91%         | \$1,944,199         | 7.21%          |
| Mixed Beverage Tax                  | 80,000              | 79,132              | 60,000              | 31.89%        | 80,820              | -2.09%         |
| <b>TOTAL SALES TAX</b>              | <b>\$3,480,000</b>  | <b>\$2,163,543</b>  | <b>\$2,125,712</b>  | <b>1.78%</b>  | <b>\$2,025,019</b>  | <b>6.84%</b>   |
| Building                            | \$580,000           | \$622,236           | \$435,000           | 43.04%        | \$602,729           | 3.24%          |
| Plumbing                            | 48,000              | 57,448              | 36,000              | 59.58%        | 55,389              | 3.72%          |
| Mechanical                          | 29,000              | 48,130              | 21,750              | 121.29%       | 29,604              | 62.58%         |
| Electrical                          | 40,000              | 57,055              | 30,000              | 90.18%        | 46,944              | 21.54%         |
| City License                        | 35,000              | 47,749              | 26,250              | 81.90%        | 34,185              | 39.68%         |
| Building Plan Review Fee            | 109,000             | 102,051             | 81,750              | 24.83%        | 110,921             | -8.00%         |
| New Business                        | 3,500               | 4,611               | 2,625               | 75.66%        | 3,290               | 40.15%         |
| Sign Permit                         | 6,800               | 8,265               | 5,100               | 62.06%        | 6,830               | 21.01%         |
| Fence Permit                        | 9,500               | 14,375              | 7,125               | 101.75%       | 8,325               | 72.67%         |
| Fire Permits                        | 7,000               | 17,305              | 5,250               | 229.62%       | 10,715              | 61.50%         |
| Irrigation Permit                   | 15,000              | 20,675              | 11,250              | 83.77%        | 12,450              | 66.06%         |
| Gas & Oil Well Permit Fee           | 0                   | 75                  | 0                   | 100.00%       | 2,500               | -97.00%        |
| <b>TOTAL LICENSES &amp; PERMITS</b> | <b>\$882,800</b>    | <b>\$999,975</b>    | <b>\$662,100</b>    | <b>51.03%</b> | <b>\$923,882</b>    | <b>8.24%</b>   |
| Fines                               | \$800,000           | \$595,806           | \$600,000           | -0.70%        | \$683,179           | -12.79%        |
| Alarm Fees                          | 53,000              | 40,695              | 39,750              | 2.38%         | 44,097              | -7.71%         |
| Library Fines                       | 23,000              | 17,972              | 17,250              | 4.19%         | 18,175              | -1.12%         |
| <b>TOTAL FINES</b>                  | <b>\$876,000</b>    | <b>\$654,473</b>    | <b>\$657,000</b>    | <b>-0.38%</b> | <b>\$745,451</b>    | <b>-12.20%</b> |

## MONTHLY FINANCIAL REPORT - JUNE 2016

| REVENUE SOURCE                     | FY 2016<br>BUDGET   | RECEIVED<br>AS OF<br>6/30/2016 | PROJECTED<br>AS OF<br>6/30/2016 | RECEIPT VS<br>PROJECTED<br>INCR (DECR) | RECEIVED<br>AS OF<br>6/30/2015 | PERCENT<br>CHANGE OVER<br>PRIOR YEAR |
|------------------------------------|---------------------|--------------------------------|---------------------------------|----------------------------------------|--------------------------------|--------------------------------------|
| Re-zoning                          | \$10,000            | \$4,720                        | \$7,500                         | -37.07%                                | \$9,119                        | -48.24%                              |
| Plat Fee/Site Plan                 | 8,200               | 6,118                          | 6,150                           | -0.53%                                 | 7,815                          | -21.72%                              |
| Board of Adjustment                | 1,250               | 2,000                          | 938                             | 113.33%                                | 1,400                          | 42.86%                               |
| Sale of Material                   | 100                 | 413                            | 75                              | 451.31%                                | 23                             | 1697.74%                             |
| Weed Mowing                        | 6,500               | 5,604                          | 4,875                           | 14.96%                                 | 4,051                          | 38.35%                               |
| Ambulance                          | 300,000             | 274,214                        | 225,000                         | 21.87%                                 | 241,179                        | 13.70%                               |
| Recreation Program                 | 160,000             | 133,438                        | 120,000                         | 11.20%                                 | 117,156                        | 13.90%                               |
| Non-Resident Fee Parks             | 37,000              | 43,800                         | 37,000                          | 18.38%                                 | 40,415                         | 8.38%                                |
| Field Use Charge                   | 21,500              | 21,510                         | 21,500                          | 0.05%                                  | 24,295                         | -11.46%                              |
| Engineering & Inspection           | 175,000             | 399                            | 131,250                         | -99.70%                                | 261,421                        | -99.85%                              |
| Material Testing                   | 100,000             | 6,408                          | 75,000                          | -91.46%                                | 0                              | 100.00%                              |
| Colleyville Center Rental          | 257,250             | 153,671                        | 130,095                         | 18.12%                                 | 181,124                        | -15.16%                              |
| Lot Drainage Insp Fee              | 13,000              | 16,750                         | 9,750                           | 71.79%                                 | 16,500                         | 1.52%                                |
| <b>TOTAL CHARGES FOR SERVICE</b>   | <b>\$1,089,800</b>  | <b>\$669,046</b>               | <b>\$769,132</b>                | <b>-13.01%</b>                         | <b>\$904,497</b>               | <b>-26.03%</b>                       |
| SRO Officer Reimb                  | \$94,282            | \$94,282                       | \$94,282                        | 0.00%                                  | \$94,282                       | 0.00%                                |
| Keller Court                       | 217,697             | 123,845                        | 108,849                         | 13.78%                                 | 173,557                        | -28.64%                              |
| <b>TOTAL INTERGOVERNMENTAL</b>     | <b>\$311,979</b>    | <b>\$218,127</b>               | <b>\$203,131</b>                | <b>0.00%</b>                           | <b>\$267,839</b>               | <b>0.00%</b>                         |
| Sale of Surplus Property           | \$5,000             | \$23,339                       | \$3,750                         | 522.37%                                | \$3,798                        | 514.58%                              |
| Interest Income                    | 25,000              | 27,522                         | 18,750                          | 46.78%                                 | 27,077                         | 1.64%                                |
| Miscellaneous                      | 55,000              | 68,163                         | 41,250                          | 65.24%                                 | 61,926                         | 10.07%                               |
| Use of Available Cash              | 1,000,000           | 0                              | 0                               | 0.00%                                  | 0                              | 0.00%                                |
| Antenna Lease                      | 70,040              | 80,849                         | 80,849                          | 0.00%                                  | 60,635                         | 33.34%                               |
| <b>TOTAL MISCELLANEOUS</b>         | <b>\$1,155,040</b>  | <b>\$199,873</b>               | <b>\$144,599</b>                | <b>38.23%</b>                          | <b>\$153,436</b>               | <b>30.26%</b>                        |
| Transfers-In                       | \$1,233,417         | \$0                            | \$0                             | 0.00%                                  | \$0                            | 0.00%                                |
| <b>TOTAL TRANSFERS</b>             | <b>\$1,233,417</b>  | <b>\$0</b>                     | <b>\$0</b>                      | <b>0.00%</b>                           | <b>\$0</b>                     | <b>0.00%</b>                         |
| <b>TOTAL GENERAL FUND REVENUES</b> | <b>\$24,018,492</b> | <b>\$19,824,432</b>            | <b>\$19,363,409</b>             | <b>2.38%</b>                           | <b>\$19,674,270</b>            | <b>0.76%</b>                         |

## MONTHLY FINANCIAL REPORT - JUNE 2016

|                                 | FY 2016<br>BUDGET | THROUGH<br>6/30/2016 | THROUGH<br>6/30/2015 | TOTAL<br>INCREASE<br>(DECREASE) | PERCENT<br>INCREASE<br>(DECREASE) |
|---------------------------------|-------------------|----------------------|----------------------|---------------------------------|-----------------------------------|
| % OF CURRENT TAX ROLL COLLECTED | 99.0%             | 99.06%               | 98.91%               | 0.15%                           | 0.15%                             |
| RESIDENTIAL BLDG PERMITS        | 125               | 125                  | 129                  | (4)                             | -3.10%                            |
| COMMERCIAL BLDG PERMITS         | 5                 | 6                    | 7                    | (1)                             | -14.29%                           |
| CITATIONS ISSUED                | 11,500            | 6,616                | 7,777                | (1,161)                         | -14.93%                           |

## GENERAL FUND EXPENSES

|                           | FY 2016<br>BUDGET   | EXPENDED<br>THROUGH<br>6/30/2016 | YEAR-TO-DATE<br>PROJECTED<br>EXPENDITURES | % OF BUDGET<br>EXPENDED | BUDGET<br>REMAINING |
|---------------------------|---------------------|----------------------------------|-------------------------------------------|-------------------------|---------------------|
| City Council              | \$189,746           | \$72,267                         | \$82,310                                  | 38.09%                  | \$117,479           |
| City Manager              | 603,241             | 457,436                          | 459,931                                   | 75.83%                  | 145,805             |
| City Secretary            | 215,281             | 156,942                          | 161,461                                   | 72.90%                  | 58,339              |
| Finance                   | 415,341             | 345,043                          | 346,506                                   | 83.07%                  | 70,298              |
| Legal                     | 200,000             | 151,455                          | 152,500                                   | 75.73%                  | 48,545              |
| Engineering               | 574,462             | 443,605                          | 455,847                                   | 77.22%                  | 130,857             |
| Economic Development      | 303,166             | 232,468                          | 233,175                                   | 76.68%                  | 70,698              |
| Building Inspection       | 464,400             | 327,312                          | 348,300                                   | 70.48%                  | 137,088             |
| Community Development     | 333,240             | 252,785                          | 256,930                                   | 75.86%                  | 80,455              |
| Fire                      | 4,440,164           | 3,398,048                        | 3,399,123                                 | 76.53%                  | 1,042,116           |
| Police                    | 4,592,988           | 3,010,068                        | 3,194,741                                 | 65.54%                  | 1,582,920           |
| Parks                     | 1,299,413           | 826,792                          | 854,560                                   | 63.63%                  | 472,621             |
| Recreation                | 380,668             | 222,903                          | 225,501                                   | 58.56%                  | 157,765             |
| Street Maintenance        | 4,694,578           | 4,196,518                        | 4,210,934                                 | 89.39%                  | 498,060             |
| Library                   | 737,263             | 543,120                          | 552,947                                   | 73.67%                  | 194,143             |
| Communications            | 212,244             | 130,322                          | 136,183                                   | 61.40%                  | 81,922              |
| Colleyville Center        | 391,162             | 252,319                          | 252,372                                   | 64.50%                  | 138,843             |
| Human Resources           | 304,339             | 224,397                          | 228,254                                   | 73.73%                  | 79,942              |
| Municipal Court           | 391,187             | 256,803                          | 293,390                                   | 65.65%                  | 134,384             |
| Fleet Services            | 229,302             | 169,785                          | 171,977                                   | 74.04%                  | 59,517              |
| Facility Services         | 531,909             | 337,053                          | 398,932                                   | 63.37%                  | 194,856             |
| Information Services      | 874,700             | 693,056                          | 701,025                                   | 79.23%                  | 181,644             |
| Non Departmental          | 953,559             | 640,823                          | 715,169                                   | 67.20%                  | 312,736             |
| Capital Equipment Reserve | 452,000             | 452,000                          | 452,000                                   | 100.00%                 | 0                   |
| Compensation Adjustment   | 193,017             | 0                                | 0                                         | 0.00%                   | 193,017             |
| <b>TOTAL EXPENSES</b>     | <b>\$23,977,370</b> | <b>\$17,793,320</b>              | <b>\$18,284,065</b>                       | <b>74.21%</b>           | <b>\$6,184,050</b>  |

## MONTHLY FINANCIAL REPORT - JUNE 2016

## UTILITY FUND

| REVENUE SOURCE                    | FY 2016<br>BUDGET   | RECEIVED<br>AS OF<br>6/30/2016 | PROJECTED<br>AS OF<br>6/30/2016 | RECEIPT VS<br>PROJECTED<br>INCR (DECR) | RECEIVED<br>AS OF<br>6/30/2015 | PERCENT<br>CHANGE OVER<br>PRIOR YEAR |
|-----------------------------------|---------------------|--------------------------------|---------------------------------|----------------------------------------|--------------------------------|--------------------------------------|
| Water Sales                       | \$11,467,441        | \$6,406,304                    | \$5,991,910                     | 6.92%                                  | \$5,622,952                    | 13.93%                               |
| Sewer Sales                       | 4,050,786           | 2,741,186                      | 3,038,090                       | -9.77%                                 | 2,541,814                      | 7.84%                                |
| Sewer Installation                | 7,000               | 13,000                         | 5,250                           | 147.62%                                | 12,900                         | 0.78%                                |
| Water Installation                | 21,000              | 41,830                         | 15,750                          | 165.59%                                | 30,111                         | 38.92%                               |
| Sewer Tie-on Charges              | 5,000               | 0                              | 0                               | 0.00%                                  | 0                              | 0.00%                                |
| Engineering Charges               | 50,000              | 37                             | 37                              | 0.00%                                  | 106,614                        | -99.96%                              |
| Penalties                         | 228,772             | 196,321                        | 171,579                         | 14.42%                                 | 132,482                        | 48.19%                               |
| Miscellaneous                     | 13,000              | 19,203                         | 9,750                           | 96.96%                                 | 16,142                         | 18.96%                               |
| <b>TOTAL OPERATING INCOME</b>     | <b>\$15,842,999</b> | <b>\$9,417,882</b>             | <b>\$9,232,365</b>              | <b>2.01%</b>                           | <b>\$8,463,015</b>             | <b>11.28%</b>                        |
| Interest Income                   | \$20,300            | \$34,910                       | 15,225                          | 129.29%                                | \$21,491                       | 62.44%                               |
| Use of Available Cash             | 450,000             | 0                              | 0                               | 0.00%                                  | 0                              | 0.00%                                |
| <b>TOTAL NON-OPERATING INCOME</b> | <b>\$470,300</b>    | <b>\$34,910</b>                | <b>\$15,225</b>                 | <b>100.00%</b>                         | <b>\$21,491</b>                | <b>62.44%</b>                        |
| <b>TOTAL INCOME</b>               | <b>\$16,313,299</b> | <b>\$9,452,792</b>             | <b>\$9,247,590</b>              | <b>2.22%</b>                           | <b>\$8,484,506</b>             | <b>11.41%</b>                        |

|                           | THROUGH<br>6/30/2016 | THROUGH<br>6/30/2015 | TOTAL<br>INCREASE<br>(DECREASE) | PERCENT<br>INCREASE<br>(DECREASE) |
|---------------------------|----------------------|----------------------|---------------------------------|-----------------------------------|
| GALLONS OF WATER SOLD     | 1,296,585,600        | 1,177,275,900        | 119,309,700                     | 10.13%                            |
| NUMBER OF WATER CUSTOMERS | 9,782                | 9,598                | 184                             | 1.92%                             |

## UTILITY FUND EXPENSES

|                          | FY 2016<br>BUDGET   | EXPENDED<br>THROUGH<br>6/30/2016 | YEAR-TO-DATE<br>PROJECTED<br>EXPENSES | % OF BUDGET<br>EXPENDED | BUDGET<br>REMAINING |
|--------------------------|---------------------|----------------------------------|---------------------------------------|-------------------------|---------------------|
| Billing                  | \$382,103           | \$286,322                        | \$295,577                             | 74.93%                  | \$95,781            |
| Operations               | 12,402,286          | 6,665,319                        | 7,501,715                             | 53.74%                  | 5,736,967           |
| Utility Support          | 1,176,062           | 796,687                          | 882,047                               | 67.74%                  | 379,375             |
| Non-Departmental         | 320,803             | 197,597                          | 240,602                               | 61.59%                  | 123,206             |
| Debt Service             | 365,325             | 359,700                          | 359,700                               | 98.46%                  | 5,625               |
| Compensation Adjustment  | 29,934              | 0                                | 0                                     | 0.00%                   | 29,934              |
| Transfer to General Fund | 1,209,849           | 44,286                           | 44,286                                | 3.66%                   | 1,165,563           |
| <b>TOTAL EXPENSES</b>    | <b>\$15,886,362</b> | <b>\$8,349,911</b>               | <b>\$9,323,926</b>                    | <b>52.56%</b>           | <b>\$7,536,451</b>  |

**RESOLUTION R-16-4015**

**A RESOLUTION APPROVING CITY COUNCIL ACTION  
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF  
JULY 19, 2016**

**WHEREAS,** City Council has taken action on certain items on the agenda under Business.

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

Sec. 1.        THAT

**AND IT IS SO RESOLVED.**

APPROVED BY A VOTE OF \_\_\_\_ AYES, \_\_\_\_ NAYS, AND \_\_\_\_ ABSTENTIONS ON  
THIS THE 19<sup>TH</sup> DAY OF JULY 2016.

|                          |       |                            |       |
|--------------------------|-------|----------------------------|-------|
| Mayor Richard Newton     | _____ | Mayor Pro Tem Chris Putnam | _____ |
| Place 1, Tammy Nakamura  | _____ | Place 5, Nancy Coplen      | _____ |
| Place 2, Bobby Lindamood | _____ | Place 6, Mike Taylor       | _____ |
| Place 4, Jody Short      | _____ |                            |       |

**ATTEST:**

**CITY OF COLLEYVILLE**

Amy Shelley, TRMC  
City Secretary

Richard Newton  
Mayor